



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

Attachment A.1: One-Half Mile Walking Distance Standard for Transit-Oriented Development

One-Half Mile Walking Distance Standard for Transit-Oriented Development

Executive Summary

The SDA's proposed one-mile walking distance to transit assumes that residents located a full mile from the nearest transit stop will be as likely to use transit as those living a half-mile away. But professional and academic research overwhelmingly confirm that isn't true. The vast majority of people will not walk beyond one-half mile - or about ten minutes - to transit.

SANDAG conducted local research so we know how people here in San Diego get to transit. 70% of passengers walked 5 minutes or $\frac{1}{4}$ mile or less and 92% walked 10 minutes or $\frac{1}{2}$ mile or less. And most people do walk - 97% of transit users walk from home to transit and 89% walk home. Driving is a distant second (2% drive to and 10% drive or are driven home from transit), while only 1 or 2% of transit users bike or ride a scooter to or from transit.

This data makes clear that San Diegans are not going to suddenly start walking beyond $\frac{1}{2}$ mile to access public transit, nor are they going to begin rolling to transit when only 1-2% of them do so now.

SB743 established TPAs at $\frac{1}{2}$ mile walking distance from transit. California requires that all grants for transit-oriented grants projects apply within $\frac{1}{2}$ mile walking distance of actual transit – not transit planned for 20 or more years down the road.

The Federal Transit Authority states that “by considering pedestrian improvements located **within the one-half mile of a public transportation** stop or station to have a de facto physical and functional relationship to public transportation, individuals will benefit from improved traffic flow, shorter trip lengths, safer streets for pedestrians and independence for individuals who prefer not to or are unable to drive.”

The attached list of international, national, state, county (including SANDAG), city (including MTS) and professional and academic sources and organizations makes clear that the San Diego Planning Department stands alone in its quest to declare housing projects 1 mile from transit as “transit-oriented development.” SDAs one mile from transit is a construct unsupported by research either locally or at any level. It is instead a

transparent ploy to open ever larger areas of San Diego up to dense development without regard to environmental impacts of any kind, including VMTs.

The City of San Diego's own 2020 Transportation Study Manual (TSM) clearly establishes ½ mile walking distance to transit as the appropriate measure for transportation planning:³³ Its screening Criteria for "Affordable Housing" requires that the project have access to transit - **"Access to transit is defined as transit being located within a reasonable walking distance (1/2 mile) from the project driveway."**³³

Just because the San Diego Planning Department decides that SDAs should be 1 mile walking distance from transit, unsupported by research, and declares that housing built in these areas will be "transit-oriented development" (TOD) does not make it so.

¼ to ½ MILE WALKING DISTANCE TO TRANSIT IS THE APPROPRIATE MEASURE FOR TRANSIT-ORIENTED DEVELOPMENT

AGREEMENT BY RESEARCH AND CONSENSUS - FACTS & SOURCES

- High access to public transit (PuT) is one of the key factors to reduce dependence on private vehicles ^{1,3}
 - To improve access to PuT, improvements must be made in walking catchment areas to transit stops ^{1,2,3}
 - Short walks increase the probability of using PuT for commutes ^{2,13}
 - Walking behavior is influenced by availability of walking pathways ^{1,3,13}
- People are willing to walk further/longer for faster rail services (train or subway) than for bus or tram services ^{1,2,4,5,12,15}
 - Walks are longer on the workplace side than on the home side ²
- Most people are willing to walk 5-10 minutes or approximately ¼ to ½ mile to a transit stop ^{5,6,8,9,12,24}
 - If you chose a single walking distance standard for all situations or transit oriented development (TOD), 400 meters (¼ mile) walking distance of PuT is recommended ^{3,4,5,6,13}
 - However, if you vary distance from transit by service mode
 - 400 meters or ¼ mile is most commonly applied for bus and tram (trolley) service ^{3,5,6,12,13,15}
 - Less than 10% of transit users said they would walk 15 minutes (¾ mile) to take a bus ¹
 - 800 meters or ½ mile is most commonly applied for heavy rail or a train station, including by the U.S. Department of Transportation ^{2,7,12,13,18,21}

- The American Public Transportation Association defines the “primary catchment area” for transit as: “The area within which land use and urban design features and the ease and directness of access to the stop or station both have a substantial impact [on] transit ridership, and pedestrian access will generate a significant portion of transit trips to and from the stop or station.”³²
 - Walking distance from transit is ½ mile/10 minutes or less except for “Rapid Transit” (defined as “heavy rail”) which increases to only 2/3 mile³² (and impacts only .8% of San Diego transit users¹⁰)

APTA-SUDS-UD-RP-001-09 | Defining Transit Areas of Influence

In this context, a typical adult would be able to walk half a mile in roughly 10 minutes. These typical area radii can be expanded or contracted based on these and other factors as described in Sections 4.1 and 4.2.

TABLE 2
Typical Area Radius by Transport Mode

| | Local Street Transit | Rapid Street Transit | Semirapid Transit | Regional Transit | Rapid Transit |
|------------------------|----------------------|----------------------|-------------------|------------------|---------------|
| Core station area | not applicable | 1/8 mile | 1/4 mile | 1/4 mile | 1/3 mile |
| Primary catchment area | 1/8 mile | 1/4 mile | 1/2 mile | 1/2 mile | 2/3 mile |

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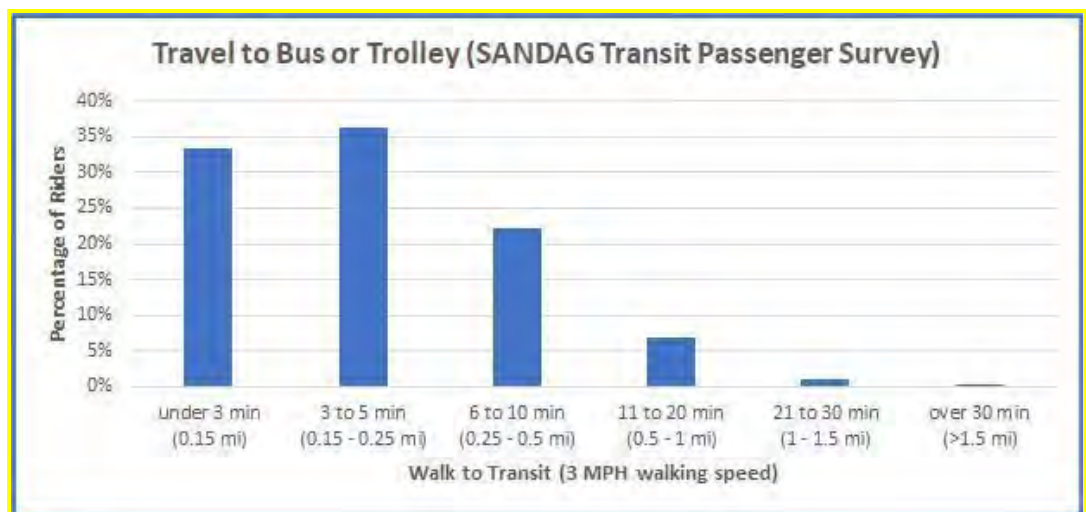
- Station or stop infrastructure that does not create access barriers to and from the surrounding community.
 - Absence of non-transit barriers, such as freeways or gated communities that impede direct connections to the transit stop or station.
 - Relatively flat topography.
 - Reasonably connected gridded or grid-like street network that allows for direct routes to and from the transit stop, with a complete and connected pedestrian facility network.
 - 20 minute headways for transit service.³²
- In California, distance to transit makes a big difference
 - Only 15.9% of residents who live within ½ mile of San Diego transit options use it¹⁰
 - 13.5% take bus
 - 1.6% take street car (trolley)
 - 0.8% take train
 - Beyond that ½ mile, transit usage falls by 74% to 4.2%¹⁰

- CA SB 743 establishes ½ mile walking distance to transit as the appropriate measure for infill development to encourage land use and transportation planning decisions and investments that “reduce vehicle miles traveled and contribute to” reductions in greenhouse gas emissions.³¹
 - SEC. 4. Section 65088.4 of the Government Code is amended to read:
*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.*³¹
 - SEC. 5. Chapter 2.7 Section 21099 of the Government Code:
*(7) “Transit priority area” means an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations.*³¹
- Even the CA Department of Health believes ½ mile is the optimal and healthy distance for a PuT walkshed¹¹
- San Diego Association of Governments (SANDAG)
 - Scores transit access “within a comfortable ¼-mile walk of a transit corridor, or a transit stop”²³
 - Recommends the walking “catchment area” as “conveniently accessible within 5-minutes of each transit station by foot”²⁵
 - Considered transit equity within a 5-minute walkshed²⁹
- In SANDAG’s 2021 Regional Plan, ½ mile from transit is again a key measure
 - “Only 12% of low-income residents currently live within a half-mile of a commuter rail, light rail or Rapid transit stop.”³⁶
 - “2021 Regional Plan performance results show a threefold increase in social equity focused populations (people with low incomes, people of color, and seniors) living within a half-mile of a commuter rail, light rail, or Rapid transit stop”³⁶
- SANDAG’s Smart Growth Incentive Program is intended to “contribute to the reduction in GHG emissions and vehicle miles traveled, and improve public health by encouraging travel by means other than single-occupant vehicle. In particular,

proposed projects should support public transit usage by improving access to transit and be located in areas served by transit.”³⁴

- Its scoring rubric is based on projects being ½ mile from a transit stop and it even differentiates between Rapid and heavy rail versus buses/light rail.
 - “Project area includes or is within 0.5 miles of an existing or planned Rapid and/or rail stop (10 points)”³⁴
 - “Project includes or is within 0.5 miles of an existing or planned major transit stop (non-Rapid/non-Rail) (5 points)”³⁴
- SANDAG’s Housing Acceleration Program (HAP) is intended to fund activities that accelerate housing production “while shifting modes of travel to more sustainable methods to reduce vehicle miles traveled and greenhouse gasses.”³⁵ HAP grant criteria also acknowledges the key factor of ½ mile distance to transit
 - “Relationship to Regional Transit” – “Prioritize projects within ½-mile of Rapid, passenger rail or major transportation stop”³⁵
- In the San Diego region, most people walk **to/from** PuT
 - In 2015²⁶
 - **88%/90%** walk
 - **9%/7%** come/**go** via auto
 - 3% roll via bike, skateboard, etc.
 - Males were 70% more likely to roll vs. females
 - 0.3% travel via wheelchair
 - In 2019¹⁹
 - **97%/89%** walk
 - **2%/10%** come/**go** via auto
 - **1%/2%** roll via bike, skateboard, etc.
 - **1.5%/.8%** come/**go** via transit/air (long distance mode)
- People assume that micromobility options will reduce climate change emissions.
 - However, a 2022 big data study including 35 international cities (8 in the U.S.) found that, with the possible exception of station-based bike-sharing (SBBS),
 - “Shared micro-mobility programs have not achieved desirable GHG emissions reduction benefits”

- Many factors “make shared micromobility more likely to be an environmentally unfriendly mode of transportation”
 - Lifecycle of devices
 - Power sources
 - Whether scooters/ebikes/eskateboards are replacing walking vs. car trips
 - Environmental impacts of manufacturing, collection, maintenance and disposal³⁰
- Another new study shows shared electric bikes and scooters can increase the carbon footprint of urban transportation^{37,38}
 - Because people primarily use these vehicles for trips they would otherwise have made via walking, (non-electric) cycling, or public transit – modes of transportation with an even lower climate impact^{37,38}
- In San Diego, per Metropolitan Transit System (MTS): "Passengers are typically willing to walk between a quarter mile and a half of a mile from a transit station to their destination; this range varies based upon factors such as route frequency, neighborhood walkability, lighting, and security."²⁰
- SANDAG research supports this.²⁶
 - 92% of people in the San Diego transit region walk 10 minutes or less to access transit (1/2 mile or less)²⁶
 - 70% walk 5 minutes or less to access transit (1/4 mile or less)²⁶
 - Only 8% walk further than ½ mile²⁶



2015 On-Board Transit Passenger Survey; Results of the 2015 On-Board Transit Passenger Survey for San Diego Region; Prepared for: San Diego Association of Governments pg. 19
https://www.sandag.org/uploads/projectid/projectid_494_21412.pdf

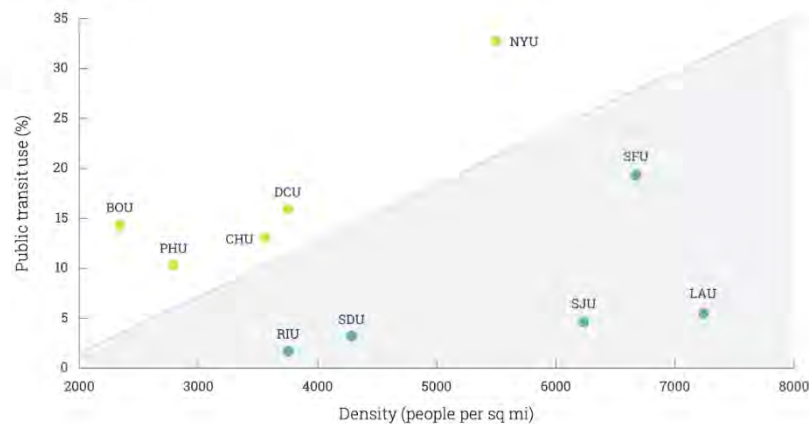
- The City of San Diego's own 2020 Transportation Study Manual (TSM) clearly establishes ½ mile walking distance to transit as the appropriate measure for transportation planning:³³
 - Screening Criteria for "Affordable Housing: The project has access to transit⁴...
 - Access to transit is defined as transit being located within a reasonable walking distance (1/2 mile) from the project driveway."³³
 - Recognizing that TPAs are ½ mile walking distance from a major transit stop per SB743,³¹ the TSM clearly links "transit-supportive residential densities" within that ½ mile walking distance to increased transit ridership and decreased VMT:
 - Additionally, as described in the *City of San Diego Climate Action Plan Consistency Checklist, Technical Support Documentation*, projects located in a TPA can help reduce VMT by increasing capacity for transit-supportive residential and/or employment densities in low VMT areas and by doing so implement the General Plan's City of Villages strategy and the General Plan's Mobility Element. The increased density that is associated with projects in a TPA can increase transit ridership and therefore justify enhanced transit service which would in turn increase the amount of destinations that are accessible by transit and further increase transit ridership and decrease VMT.³³
 - "Table 1 can be used for the percentage of trips that are expected to be transit, bicycling, or walking trips if a project is located within 1/2 mile path of travel to a Major Transit Stop. If the project is not located within 1/2 mile path of travel to a *Major Transit Stop*, then these values should be entered as 0%."³³
 - Housing Element Objective J: "Promote the Reduction of Greenhouse Gas (GHG) Emissions in Accordance with SB 375 and the California Long-Term Energy Efficiency Strategic Plan; and Promote Consistency with the General Plan's City of Villages Strategy and Other Citywide Planning Efforts"
 - "Seek to locate higher-density housing principally along transit corridors, near employment opportunities, and in proximity to village areas identified elsewhere in community plans."³³
- As a causal factor, density itself is a weak predictor of transit usage^{12,13,17}

- Density *plus* transit provides a precondition for other factors that can reduce driving
- Higher density is often thought to be a precondition to produce higher transit usage. However, CA and San Diego specifically already have some of the densest urbanized areas (UZAs) in the U.S., yet still ridership falls below less dense UZAs in the country.¹⁷

DESPITE OUR DENSITY, TRANSIT USE IS COMPARATIVELY LOW

Higher density is often thought to be a condition for better transit, theoretically producing higher use. However, California already has some of the most dense UZAs in the country, yet still ridership falls below many less dense UZAs in the country. In California, only San Francisco-Oakland is competitive.

Urbanized areas:
Public Transit Use
vs. Density



Source: American Community Survey 5-year (2017), Federal Transit Administration National Transit Database UZA Sumo 2017

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- Only 3.8% of San Diegans commute via public transit.²⁷
- “Dense development beyond walking distance from transit does not support ridership and may actually detract from it if existing transit services are rerouted in an inefficient manner” to accommodate larger walkshed.¹³

CONCLUSIONS

There are no data to suggest that people are going to

- Walk further than ¼- ½ mile (bulk of PuT users)

- Significantly increase bike trips to transit
 - Buses carry only two bikes
 - Trolleys carry only one to two bikes per car
 - Only approximately secure 700 bike parking spaces at PuT in San Diego County; reserved for regular commuters²⁸
- Significantly increase other “rolling” trips to transit, now at 1-2% total access to transit¹⁹

There are no data to support making the Sustainable Development catchment areas $\frac{3}{4}$ to 1 mile (or beyond with specific plan areas) from public transit.

- Doing so will create density in unwalkable neighborhoods, increasing
 - Urban sprawl
 - VMT
 - Congestion
 - GHG emissions
- Doing so will not
 - Increase transit adoption
 - Create compact, walkable neighborhoods
 - Create the concentrated mass needed to sustain economic development

SOURCES

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PLEASE SCROLL DOWN FOR A LIST OF SAMPLE ORGANIZATIONS THAT USE

1/4 TO 1/2 MILE WALKING DISTANCE TO TRANSIT AS THE APPROPRIATE

MEASUREMENT FOR TRANSIT-ORIENTED DEVELOPMENT

WHO USES 1/4 TO 1/2 MILE WALKING DISTANCE TO TRANSIT AS THE APPROPRIATE MEASUREMENT FOR TRANSIT-ORIENTED DEVELOPMENT?

American Public Transportation Association
U.S. Department of Transportation
U.S. Federal Transportation Administration
U.S. Federal Transit Administration
U.S. Federal Highway Administration
U.S. D.O.T. Build America Bureau
Railroad Rehabilitation Improvement Financing Program (RRIF)
Transportation Infrastructure Finance and Innovation Act (TIFIA)
Center for Transit-Oriented Development
Institute for Transportation and Development Policy
Institute for Transportation and Development Policy Translink.ca
Ford Foundation
UN HabitatClimate Works
New Jersey Transit-Oriented Development
Jarrett Walker, Public Transit Consultant (HumanTransit.org) Metropolitan
Washington Council of Governments
California Affordable Housing and Sustainable Communities Program
California Department of Public Health
California Department of Housing and Community Development (HCD)
California Legislature/SB743
SANDAG
San Diego Metropolitan Transit System
City of San Diego
Hundreds of academic and professional articles

WHO USES 1 MILE WALKING DISTANCE TO TRANSIT AS THE APPROPRIATE MEASUREMENT FOR TRANSIT-ORIENTED DEVELOPMENT?

ONLY The San Diego Planning Department

Attachment A.2: Critique of San Diego's Transit Priority Map



Critique of San Diego's Transit Priority Area Map

Executive Summary

Since the inception of SB 743, the City has ignored the State's intention for Transit Priority Areas (TPAs) to be based on walking distance. CA Section 65088.4 (a) specifically says:

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.

That brings us to another important point. The City has three different definitions of its Transit Priority Area available to the public right now. One is in the municipal code; one is the online 5/16/22 map; the third is the ArcGIS map. They each refer to different sections of federal code, different planning horizons, different transportation plans, etc. The only thing they have in common is that they refer to a TPA being "within one-half mile" of a major transit stop (with an outdated definition) without referring to walking distance as intended by CA code 65088.4(a).

The technology to map walking distance has existed for years. Google Maps has had it for at least a decade and ArcGIS has had it for 20 years, so it is misleading to say that the technology has suddenly made this possible for the Planning Department. Neighbors For A Better San Diego created walking distance TPA maps in late 2021 and we're merely a volunteer group of neighbors.

At this time, we respectfully request that as part of the 2023 code update, the City adopt one definition of transit priority areas, that it be based on ½ mile **walking distance** as prescribed by SB 743 and as originally proposed by the Planning Department as part of the 2022 LDC Update, and that it be linked to major transit stops in the **transit improvement program** with a 4-5 year planning horizon, which will allow projects built within the TPA the greatest chance to be eligible for state grant funds.

San Diego has ignored the state's intention for Transit Priority Areas to be ½ mile walking distance from transit.

- **SB 743 established transit priority areas (TPAs) on 9/27/13**

“Transit priority area” means an area **within one-half mile of a major transit stop** that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon **included in a Transportation Improvement Program** adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations.” SB743 (TIP)

- **The bill made clear the legislature's intention that TPAs were to be ½ mile walking distance:**

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.

San Diego currently has three different, conflicting TPA definitions available.

- **All refer to “within one-half mile”**
 - **Some refer to Transportation Improvement Program (TIP), to Regional Transportation Plan (RTP) or both**
 - **One refers to Section 21099; one to 450.216 or 450.322; one to only 450.322**
 - **One has 4 year planning horizon; one has 4 and 20 year; one has 20 year**
 - **Differences and errors highlighted on attached timeline**

- **Municipal Code**

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>

- **City of San Diego Published TPA Map 5/16/22**

The Transit Priority Areas map is based on the adopted SANDAG San Diego Forward Regional Plan (2021 **RTP**)

In accordance with SB 743, “Transit priority area” means “an area **within one-half mile** of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a **Transportation Improvement Program** adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations.”

- Section 450.216 addresses development and content of the statewide transportation improvement program. STIPs cover a period of no less than four years.

- Section 450.322 refers to the development and content of a metropolitan transportation plan. The **RTP** has at least a 20-year planning horizon.

- Major Transit Stop, as defined in Section 21064.3, means: “a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service of 15 minutes or less during the morning and afternoon peak commute periods.”

<https://www.sandiego.gov/sites/default/files/transit-priority-map.pdf>

- **City of San Diego ArcGIS TPA Map 2/7/23**

In accordance with SB 743, “Transit Priority Areas” are defined as “an area **within one-half mile** of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a **Transportation Improvement Program** (5 year horizon – often budgeted or funded) adopted pursuant to Section 450.322 of Title 23 of the Code of Federal Regulations.”

- Section 450.322 refers to development and content of the metropolitan transportation plan. The **RTP** has at least a 20-year planning horizon.
- Major Transit Stop, as defined in Section 21064.3, means: “a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service of 15 minutes or less during the morning and afternoon peak commute periods.”
<https://webmaps.sandiego.gov/portal/apps/webappviewer/index.html?id=4efd01a2e06246adb36122fcf136f95d>
- The mistakes and discrepancies between these three San Diego TPA definitions and maps need to be resolved and reflect the intent of state law and the 4-5 year transit improvement program planning horizon that will maximize state grant funding to help supplement San Diego’s infrastructure shortfall.

The technology to map walking distance is not new and should never have been used as an excuse to map TPAs “as the crow flies.”

- Google Maps has had this capability for at least a decade.
- Our 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.

Below is a timeline of the San Diego Transit Priority Area development along with details of changes and inaccuracies.

| DATE | LEGISLATION / DOCUMENT | CODE IMPACTED | CHANGES v PREVIOUS ITERATION | NOTES |
|---------|------------------------|---------------|---|---|
| 9/27/13 | SB743 CREATES TPA | CA CODE | “Transit priority area” means an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is | 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 |

| DATE | LEGISLATION / DOCUMENT | CODE IMPACTED | CHANGES v PREVIOUS ITERATION | NOTES |
|----------------------------------|---|---|---|--|
| | | | scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations.” SB743 (TIP) | facilities , downtowns, and town centers and to provide greater flexibility to local governments to balance these sometimes competing needs. |
| Current Municipal Code (6/21/18) | City of San Diego Municipal Code Chapter 11, Article 3, Division 1, Page 28 SOURCE: https://docs.sandiego.gov/municode/MunicipalCode/Chapter11/Ch11Article03/Division01.pdf | Local Codes and Implementation of State Codes | <i>Transit priority area</i> means the area defined in California Public Resources Code Section 21099 , as may be amended, or an area within one-half mile of a <i>major transit stop</i> that is existing or planned, if the planned <i>major transit stop</i> is scheduled to be completed within the planning horizon included in a Transportation Improvement Program . | CA PRC 21099: “Transit priority area” means an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations. |
| 5/16/22 | City of San Diego Published TPA Map https://www.sandiego.gov/sites/default/files/transit-priority-map.pdf | Local Codes and Implementation of State Codes | The Transit Priority Areas map is based on the adopted SANDAG San Diego Forward Regional Plan . In accordance with SB 743, “Transit priority area” means “an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation | SANDAG-based TPA-based ½-mile “as the crow flies” INCONSISTENT WITH WRITTEN INTENT OF SB743 SECTION 450.216 REFERS TO STATEWIDE TRANSPORTATION PLAN WITH MINIMUM 20-YEAR FORECAST. SECTION 450.322 DOES NOT MENTION RTP (REGIONAL TRANSPORTATION PLAN) OR A 20-YEAR PLANNING HORIZON. |

| DATE | LEGISLATION / DOCUMENT | CODE IMPACTED | CHANGES v PREVIOUS ITERATION | NOTES |
|---------------------------------|--|---|--|---|
| | | | Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations." | SECTION 21064.3 IS MISSING THE FOLLOWING "an existing rail or bus rapid transit station" |
| Currently online (as of 2/8/23) | City of San Diego TPA Map SOURCE: https://webmaps.sandiego.gov/portal/app/webappviewer/index.html?id=4efd01a2e06246adb36122fcf136f95d | Local Codes and Implementation of State Codes | <p>The Transit Priority Areas map is based on the adopted SANDAG San Diego Forward Regional Plan.</p> <p>In accordance with SB 743, "Transit priority area" means "an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations."</p> <p>• Section 450.216 addresses development and content of the statewide transportation improvement program. STIPs cover a period of no less than four years.</p> <p>• Section 450.322 refers to</p> | TPA-based ½-mile "as the crow flies" INCONSISTENT WITH WRITTEN INTENT OF SB743 SECTION 450.216 IS REMOVED SECTION 450.322 DOES NOT MENTION RTP (REGIONAL TRANSPORTATION PLAN) OR A 20-YEAR PLANNING HORIZON. SECTION 21064.3 IS MISSING THE FOLLOWING "an existing rail or bus rapid transit station" |

| DATE | LEGISLATION / DOCUMENT | CODE IMPACTED | CHANGES v PREVIOUS ITERATION | NOTES |
|---------|---|---------------|--|--|
| | | | <p>development and content of the metropolitan transportation plan. The RTP has at least a 20-year planning horizon.</p> <ul style="list-style-type: none"> Major Transit Stop, as defined in Section 21064.3, means: “a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service of 15 minutes or less during the morning and afternoon peak commute periods.” | |
| 9/14/22 | City of San Diego DRAFT LCD MATRIX/CODE | 113.0103 | <p><i>Transit priority area</i> means the area defined in California Public Resources Code Section 21099, as may be amended, or and an area within a 15-minute walking distance on a pedestrian path of travel at an average of three miles per hour that extends no more than one-half mile from 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 or</p> | <p>TPA-based</p> <p>½-mile walking distance</p> <p>No SDA</p> <p>Moves from current TPA definition of “planning horizon included in a Transportation Improvement Program” to add “or applicable regional transportation plan.”</p> |

| DATE | LEGISLATION / DOCUMENT | CODE IMPACTED | CHANGES v PREVIOUS ITERATION | NOTES |
|---------|--|------------------|--|---|
| | | | applicable regional transportation plan. | |
| 9/27/22 | City of San Diego COMMUNITY PLANNERS COMMITTEE – LDC UPDATE PRESENTATION | 113.0103 | <i>Transit priority area</i> means the area defined in California Public Resources Code Section 21099, as may be amended, or and an area within a 15-minute walking distance on a pedestrian path of travel at an average of three miles per hour that extends no more than one-half mile from a major transit stop that is existing or planned, if the planned <i>major transit stop</i> is scheduled to be completed within the planning horizon included in a Transportation Improvement Program or applicable regional transportation plan. | TPA-based ½-mile walking distance No SDA |

Attachment A.3: Viability of “Rolling” to Transit as Justification for 1 Mile Distance From Transit

Viability of “Rolling” to Transit as Justification for 1 Mile Distance from Transit

Executive Summary

We need to be realistic about who is going to access transit from beyond ½ mile. Let’s look at what we know. SANDAG has provided us with some helpful research on the subject.

SANDAG discovered that 97% of people in the area walk to transit and 89% walk home, while 2% drive to transit and 10% drive or are driven home. That leaves only 1% rolling to transit by bike, skateboard or scooter and 2% rolling home. Those 1-2% are hardly going to populate the dense housing development SDAs will encourage beyond the ½ mile from transit that people are willing to walk. And rolling long distances is not a viable option for large portions of the population, including the elderly, families with small children and people with disabilities.

How far are people in the region walking to transit? SANDAG provided those answers, too. 70% of us walk 5 minutes or ¼ mile or less and 92% of us walk 10 minutes or ½ mile or less. Only 8% of San Diegans are willing to walk beyond ½ mile to use transit. That leaves 1-2% who are rolling and they aren’t going to fill the dense housing 1 mile from transit to justify calling it transit-oriented development.

The last thing to note about the “rolling” solution is that it is not the environmental prize winner people once imagined. Research is now showing that “rolling” is more often replacing walking than driving, so e-rollers are adding energy usage to the market, not removing GHGs. In addition, research that considers what rolling is replacing and includes the entire lifecycle of rolling devices is showing that “rolling” nets out not to be climate-friendly after all, once one considers manufacturing, power usage, short lifecycle, battery disposal, recycling, etc.

Taking all of this information into consideration, rolling cannot and should not be used to justify expanding transit-oriented development beyond ½ mile from major transit stations because:

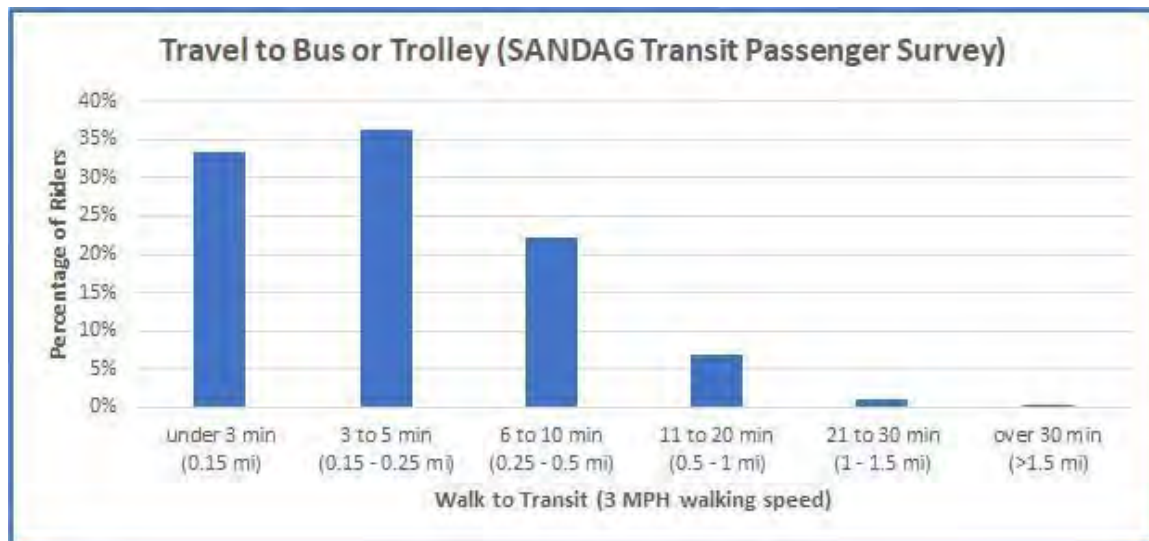
- Only 1-2% of San Diegans roll to transit
- The overwhelming majority of locals won't walk beyond 10 minutes/ ½ mile to transit
- New research indicates “rolling” is not environmentally friendly
- “Rolling” long distances is not an option for the elderly, families with small children and people with disabilities

How Do People in the San Diego Region Access Transit?

- In the San Diego region, most people walk **to/from** PuT
 - In 2019¹⁹
 - **97%/89%** walk
 - **2%/10%** come/go via auto
 - **1%/2%** roll via bike, skateboard, etc.
 - **1.5%/.8%** come/go via transit/air (long distance mode)
- People assume that micromobility options will reduce climate change emissions.
 - However, a 2022 big data study including 35 international cities (8 in the U.S.) found that, with the possible exception of station-based bike-sharing (SBBS),
 - “Shared micro-mobility programs have not achieved desirable GHG emissions reduction benefits”
 - Many factors “make shared micromobility more likely to be an environmentally unfriendly mode of transportation”
 - Lifecycle of devices
 - Power sources
 - Whether scooters/ebikes/eskateboards are replacing walking vs. car trips
 - Environmental impacts of manufacturing, collection, maintenance and disposal³⁰
 - Another new study shows shared electric bikes and scooters can increase the carbon footprint of urban transportation^{37,38}
 - Because people primarily use these vehicles for trips they would otherwise have made via walking, (non-electric) cycling, or

public transit – modes of transportation with an even lower climate impact^{37,38}

- In San Diego, per Metropolitan Transit System (MTS): "Passengers are typically willing to walk between a quarter mile and a half of a mile from a transit station to their destination; this range varies based upon factors such as route frequency, neighborhood walkability, lighting, and security."²⁰
- SANDAG research supports this.²⁶
 - 92% of people in the San Diego transit region walk 10 minutes or less to access transit (1/2 mile or less)²⁶
 - 70% walk 5 minutes or less to access transit (1/4 mile or less)²⁶
 - Only 8% walk further than 1/2 mile²⁶



2015 On-Board Transit Passenger Survey; Results of the 2015 On-Board Transit Passenger Survey for San Diego Region; Prepared for: San Diego Association of Governments pg. 19
https://www.sandag.org/uploads/projectid/projectid_494_21412.pdf

Conclusions

There are no data to suggest that most people are going to:

- Walk further than 1/4- 1/2 mile (5-10 minutes) to access transit
- Significantly increase bike trips to transit

- Buses carry only two bikes
 - Trolleys carry only one to two bikes per car
 - Only approximately secure 700 bike parking spaces at public transit in San Diego County; reserved for regular commuters²⁸
-
- Significantly increase other “rolling” trips to transit

There are new studies to indicate that “rolling” is not climate-friendly

- Particularly via e-mobility devices

Sources

19 2019 TNC Survey Data_Transit Egress Mode_TAN QA-QC (San Diego)

Peter.Stevens@sandag.org

https://www.sandag.org/uploads/publicationid/publicationid_4868_32650.pdf

20 **Designing for Transit** A Manual for Integrating Public Transportation and Land Development in the San Diego Metropolitan Area Published by San Diego Metropolitan Transit System, Feb 2018

https://www.sdmts.com/sites/default/files/attachments/mts_designingfortransit_2018-02-02web.pdf

26 On-Board Transit Passenger Survey: Results of the 2015 On-Board Transit Passenger Survey for San Diego Region; Prepared for SANDAG

https://www.sandag.org/uploads/projectid/projectid_494_21412.pdf

28 <https://www.icommutesd.com/bike/bike-parking>

30 S. Sun, M. Ertz, Can shared micro-mobility programs reduce greenhouse gas emissions: Evidence from urban transportation big data, Sustainable Cities and Society, July 2022

https://www.researchgate.net/publication/361851876_Can_shared_micromobility_programs_reduce_greenhouse_gas_emissions_Evidence_from_urban_transportation_big_data

37 The Hidden Climate Impact of Micromobility Services, Sarah DeWeerd, 1/11/22

<https://www.anthropocenemagazine.org/2022/01/the-hidden-climate-impact-of-micromobility-services/>

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Attachment A.4: Permitting of Affordable ADUs Based on Future Transit Stops

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

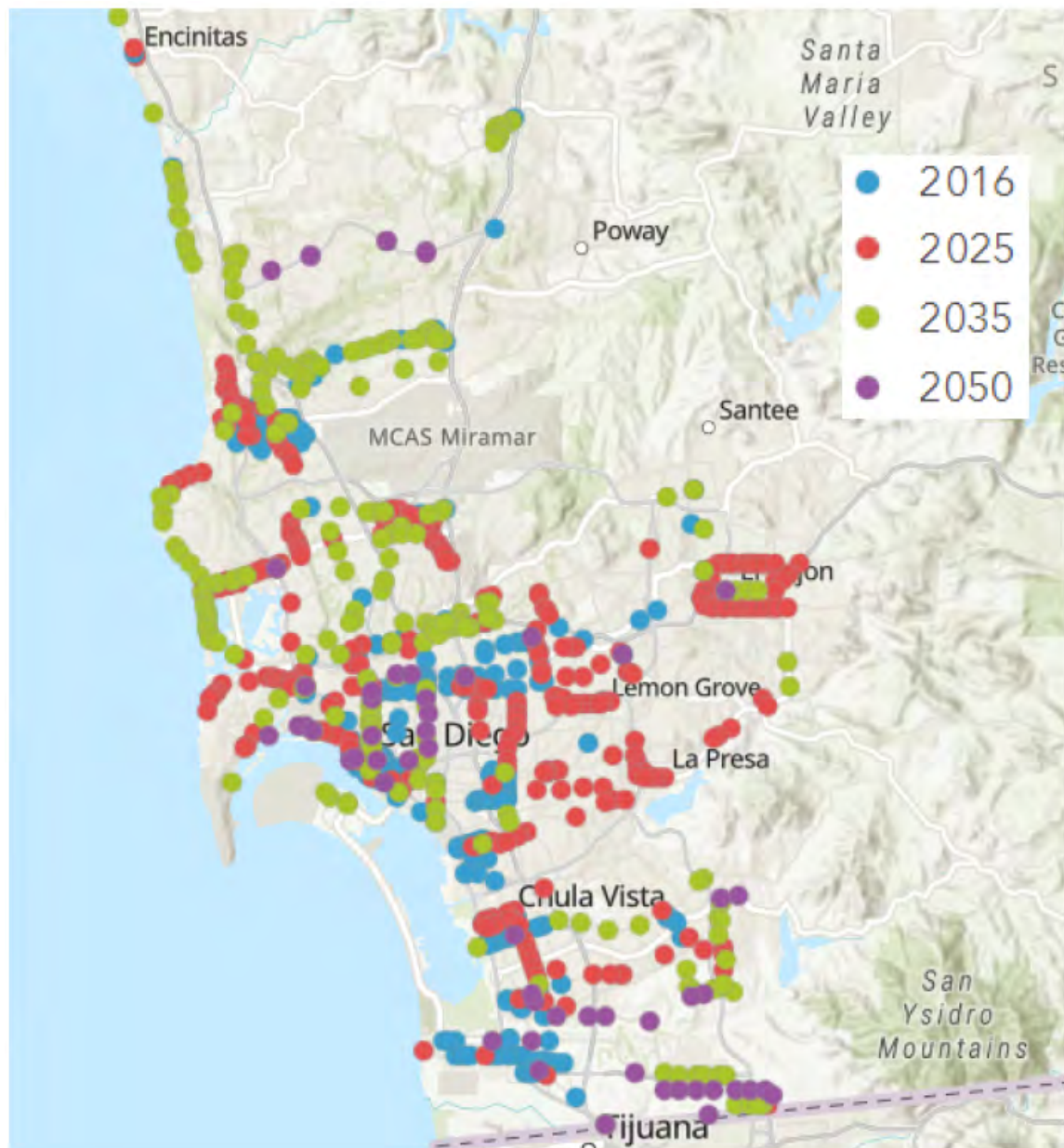
These allowances don't make sense if the deeds expire before the transit stop gets built.

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.

Attachment A.5: Misclassification of Rapid Buses as Bus Rapid Transit

Misclassification of Rapid Buses as Bus Rapid Transit

Executive Summary

Neighbors For A Better San Diego questions the inclusion of certain stops in the Major Transit Stops map based on whether the bus service has been correctly classified at Bus Rapid Transit, either now or in a future Transportation Plan. Much of the analysis of the scope of SDAs has been based on comparison with the TPA map, but that analysis may be inaccurate or incomplete if there are deficiencies in the underlying Major Transit Stops map.

Definition of Bus Rapid Transit (BRT)

A number of stops are included in the Major Transit Stops map based on the assumption of Bus Rapid Transit (BRT). This consists of much more than painting “Rapid” on the side of the bus. To understand the requirements of BRT, it is helpful to step through the state codes that defines Transit Priority Areas:

CCR Public Resources Code 21099 (7)

“Transit priority area” means an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program or applicable regional transportation plan.”

(Amended by Stats. 2019, Ch. 466, Sec. 5. (AB 1824) Effective January 1, 2020.)

(Note that this code is normally interpreted to mean that the half mile distance should be measured “as the crow flies”, yet the code clearly does not specify that. In this context alone, the means of measurement could at best be considered ambiguous; however, government code 65088.4 states that “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.” To our knowledge this question has not been litigated.)

CCR Public Resources Code 21064.3

“Major transit stop” means a site containing any of the following:

- (a) An existing rail or bus rapid transit station.
- (b) A ferry terminal served by either a bus or rail transit service.
- (c) The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.”

(Amended by Stats. 2019, Ch. 631, Sec. 2. (AB 1560) Effective January 1, 2020.)

CCR Public Resources Code 21060.2.

(a) “Bus rapid transit” means a public mass transit service provided by a public agency or by a public-private partnership that includes all of the following features:

- (1) Full-time dedicated bus lanes or operation in a separate right-of-way dedicated for public transportation with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
- (2) Transit signal priority.
- (3) All-door boarding.
- (4) Fare collection system that promotes efficiency.
- (5) Defined stations.”

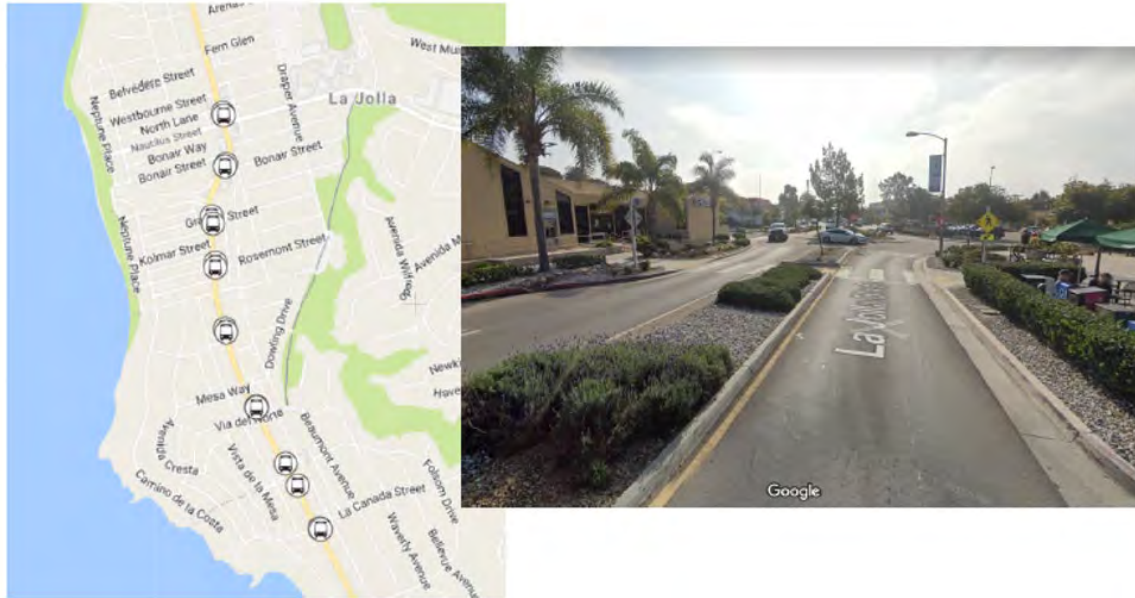
(Added by Stats. 2019, Ch. 631, Sec. 1. (AB 1560) Effective January 1, 2020.)

Examples

Meeting all of the criteria for Bus Rapid Transit is a high bar. For example, fare collection systems may require that riders enter only through the front entrance, violating both “All-door boarding” and “Fare collection system that promotes efficiency” requirements.

More stringently, BRT requires “Full-time dedicated bus lanes” which in already developed areas means that the dedicated lanes have to be carved out of existing automobile lanes. While some routes are wide enough to allow the loss of two lanes to BRT service, there are some routes where this would be extremely impact. In particular these routes exist in the coastal zones, such as along La Jolla Blvd. and West Point Loma Blvd. (See maps and photos below.)

Example - La Jolla Blvd/Bird Rock



Example – Rosecrans Street/Point Loma



It is unlikely that either of these routes are going to be converted into dedicated Rapid Bus Routes in the near future, yet both of these are in the 2035 RTP. Before we proceed with

adopting the SDA definition, we ask the Council to ask the Planning Department to do a complete inventory of the Major Transit Stops map to determine whether the existing map fully conforms to state and local requirements.

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

There are a number of single bus routes included in the Major Transit Stops map that do not appear to meet the definition of Bus Rapid Transit. We should not be proceeding with the Sustainable Development Area definition until we have a complete accounting of the Major Stops Map, including removal of any stops that don't meet state or local regulations.

Attachment B.1: Equating Acreage to Housing

Equating Acreage to Housing

Executive Summary

A key component of the Planning Department's Staff Report for the Land Development Code update is the proposed increase in acreage of Sustainable Development Areas (SDAs) over the existing Transit Priority Area (TPA) map that the city is currently using for permitting projects.

In particular the Staff Report cites the following:

- 688 additional acres would be eligible for Complete Communities Housing Solutions (CCHS)
- 4,612 additional acres would be eligible for unlimited Bonus ADUs

What is lacking in the Staff Report is the context of what those acreage changes equate to in terms of additional housing capacity. To fill in this gap in the public discussion of whether the proposed expansion of SDAs is an appropriate policy response to San Diego's housing needs, Neighbors For A Better San Diego (NFABSD) has performed its own calculations of these conversions.

The result is that the proposed SDA would create the capacity for over 160,000 additional homes. For comparison the recent Mira Mesa Community Plan Update added a zoned capacity of 31,960 additional homes. Therefore, the proposed SDA is equivalent to 5 community plan updates. Further, community plan updates are developed over a period of years with full and robust public input. By contrast, the proposed SDA has only been presented in its current form since January 12, 2023. A Community Plan Update would not be bundled in the Land Development Code update with continual and substantive changes up to the date of its adoption. Similarly, the SDA proposal is a major change to land use policy and should be withdrawn from the Land Development Code update.

Converting Acreage to Housing – Complete Communities

To fill in the missing information in the Staff Report, Neighbors For A Better San Diego has performed its own GIS analysis of the proposed SDA map to determine the total acreage in the SDA by zone and by different distances to transit. These results are summarized in the table below.

| COMMERCIAL ZONES | | Amount | % of All SD |
|--|---------------|---------|-------------|
| Parcels | within 0.5 mi | 9,576 | 79% |
| | within 1.0 mi | 11,123 | 92% |
| | All SD | 12,148 | 100% |
| Acreage | 0.5 mi | 6,225 | 64% |
| | 1.0 mi | 7,737 | 80% |
| | All SD | 9,723 | 100% |
| Increase in acreage over TPA (Dec. 2 memo) | | 688 | 7% |
| Average Units Per Acre | | 125 | |
| Additional units due to SDA expansion | | 86,000 | |
| Total Possible Units (0.5 mi SDA) | | 778,122 | |
| Total Possible Units (1.0 mi SDA) | | 967,168 | |

As can be seen, the additional 688 acres eligible for Complete Communities equate to 7% of all commercial acreage in San Diego. (Our analysis focuses on commercial properties because CCHS primarily targets commercial properties that have been rezoned to allow housing above the CCHS threshold of 20 dwelling units per acre.)

Based on a typical unit size of 700 sf, NFABSD calculates that the average density (across all San Diego Mobility Zones) is 125 dwelling units per acre. Applying this density to the 688 acres in the Staff Report, we estimate that these 688 acres equate to 86,000 additional units.

We further calculated the total number of units that could be added just to commercial zones under Complete Communities. At an SDA walking distance of one mile this would equate to 967,168 units.

The Planning Department did not consider alternatives to the proposed one mile walking distance. To provide this important context, NFABSD evaluated what the CCHS capacity would be if the distance was reduced to one-half mile. The result is 778,122.

Converting Acreage to Housing – Bonus ADUs

Neighbors For A Better San Diego's also analyzed the impact of the SDA expansion on Single Family zones. The impacts of the added acreage vis a vis TPAs and the total impact are summarized in the table below.

| SINGLE FAMILY ZONES | | Amount | % of All SD |
|---|--------|-----------|-------------|
| Parcels | 0.5 mi | 43,358 | 21% |
| | 1.0 mi | 101,862 | 50% |
| | All SD | 202,565 | 100% |
| Acreage | 0.5 mi | 10,081 | 20% |
| | 1.0 mi | 22,232 | 45% |
| | All SD | 49,616 | 100% |
| Average Parcel Size (sf) (0.5 to 1.0 mi) | | 9,507 | |
| Average Units Per Acre | | 4.1 | |
| Increase in acreage over TPA (Dec. 2 memo) | | 4,612 | 9% |
| Est. Additional Homes Impacted | | 18,829 | |
| Potential Additional Units Per SF Parcel Outside SDA (ADU/JADU or SB 9) | | 3 | |
| Potential Additional Units Per SF Parcel Inside SDA (Bonus ADUs) | | 7 | |
| Additional ADUs due to SDA | | 713,034 | |
| Additional ADUs due to SDA expansion (outside TPA) | | 75,317 | |
| Potential Additional Units Outside SDA ADU/JADU or SB 9) | | 302,109 | |
| Total Additional Capacity in Single-Family Zones | | 1,015,143 | |

An average-sized lot in San Diego (9,507 sf) will support 7 additional ADUs at an average size of 450 sf/unit. This estimate is consistent with current ADU developments inside TPAs across San Diego. Based on this, and accounting for the baseline of 3 units, which would be possible outside the SDA/TPA, the 4,612 acres referenced in the Staff Report would allow for an additional 73,317 units.

Note that state law only mandates that cities allow for a single ADU to be added to a single-family property. Nonetheless, when San Diego passed its Bonus ADU ordinance, it did not perform an EIR for the City's added density, and did not perform any calculations of expected project densities, under the premise that it was "just implementing state law".

Conclusion

If we focus on just the incremental acreage between the current TPA map and the proposed SDA map (ignoring the question of whether the acres that were taken out of the TPA are fungible to the SDA), the proposed SDA would add a capacity for over 161,000 homes. As a comparison, recent community plan updates have added on the order of 30,000 unit capacities, meaning that the SDA proposal has five times the potential impact of a community plan update, yet the SDA is being proposed without the impact analysis and full public input processes that would be included in a CPU process.

Sustainable Development Areas represent a significant change to San Diego's land use policies. As the result of a bad process – being slipped into the Land Development Code update – the Planning Department has made continual changes without the accompanying thorough analysis and public input that would be appropriate for such a major policy change. Therefore, we are asking the City Council to remove SDAs from the Land Development Code update.

Attachment B.2: SDA Housing Capacity

Sustainable Development Area Housing Capacity

Executive Summary

A major deficiency of the Sustainable Development Area (SDA) proposal is that it lacks a full analysis of the housing impact. The Planning Department's Staff Reports have focused solely on the incremental acreage difference between the proposed SDA map and the Transit Priority Area (TPA) map. This limited analysis has been further limited to estimates of acreage changes between SDAs and TPAs and does not include the most pertinent information, which is how many homes those acres translate into.

Reasons for a more complete analysis include:

- Full understanding of housing capacity context and tradeoffs between housing goals and climate action goals based on different alternatives for distance to transit.
- Differential impact on different zones, particularly but not exclusively commercial and single-family residential zones.
- Full implications of elements that have been added during the review process, including mobility zones, CTCAC zones, and Specific Plans
- Consideration of fire hazard zones
- Comparison of maps generated using Regional Transportation Improvement Program and the Regional Transportation Plan

While it is the responsibility of the Planning Department to provide transparent, accurate, and complete analysis to the City Council for purposes of sound decision-making, Neighbors For A Better San Diego has attempted to fill the information gap with its own analysis, which we believe should give the Council reason to withhold approval of the SDA in its current form and direct the Planning Department to make proper revisions that meet San Diego's housing needs without undermining our Climate Action Plan and negatively impacting the quality of life for all San Diegans.

Methodology

A complete analysis of the proposed SDA would consist of a breakdown, by zone, of all of the different elements in the SDA definition. The materials provided by the Planning Department only fill in a few of these elements. To complete the scoping of the

proposal, Neighbors For A Better San Diego has performed its own analysis of the transit distance component, as follows:

We started with the SANDAG Major Transit Stops map. This map is the basis for the current TPA map, which has the following deficiencies:

- Includes Rapid buses that do not meet the state definition of Bus Rapid Transit. In response to our inquiries, SANDAG asserts that Rapid bus lines will be upgraded to BRT standards by 2035, even though it is unclear whether the funding exists to create the dedicated high-speed lanes required to meet the BRT standard. In many locations, particularly in coastal zones, it is unclear whether it would even be physically possible to remove two lanes from existing thoroughfares to create dedicated bus lanes.
- Includes transit stops that are not contained in the Regional Transportation Improvement Program, despite the RTIP being specifically called out as the basis for San Diego's TPA map in the Municipal Code. Further, using the Regional Transportation Plan, which includes stops that may not be built until 2035 or 2050, is contrary to the purpose of San Diego's ADU bonus program, which awards bonus ADUs based on affordability deeds that are 10-15 years. This creates the circumstance of a deed expiring before the transit stop is built.
- Based on a crow flies measurement to transit, contrary to the legislative intent of SB743/21099.

Setting aside the questions above regarding the inclusion of certain stops in the Major Transit Stops map, we next built out a walkshed for the following distances to nearest transit: $\frac{1}{4}$, $\frac{1}{2}$, $\frac{3}{4}$, and 1 mile along a pedestrian path of travel. (The Planning Department's only evaluated a map based on 1 mile walking distance.) Maps were created using ESRI's ArcGIS mapping software, which is the same mapping program used by the City of San Diego and SANDAG.

Note that the Planning Department has asserted in its memos that they only recently had the capacity to generate walking distance maps. However, NFABSD checked with an ArcGIS expert (ArcGIS is the software that is used to generate city zoning maps), who confirmed that this capability has existed since prior to the introduction of the Transit Priority Area. Further, NFABSD's own review of state law indicates that the intended measure of distance has always been walking distance, not the crow flies distance used by SANDAG and the City of San Diego to draw their maps.

Note also that we did not analyze the other conditions cited in the SDA proposal, including CTCAC zones and Special zones, since those are designated for other objectives outside of transit-oriented development. That notwithstanding, we note that the

recently added specific plans are not included in either the webmap or the differential parcel spreadsheet.

Results

The table below shows the number of parcels by zone and distance to transit.

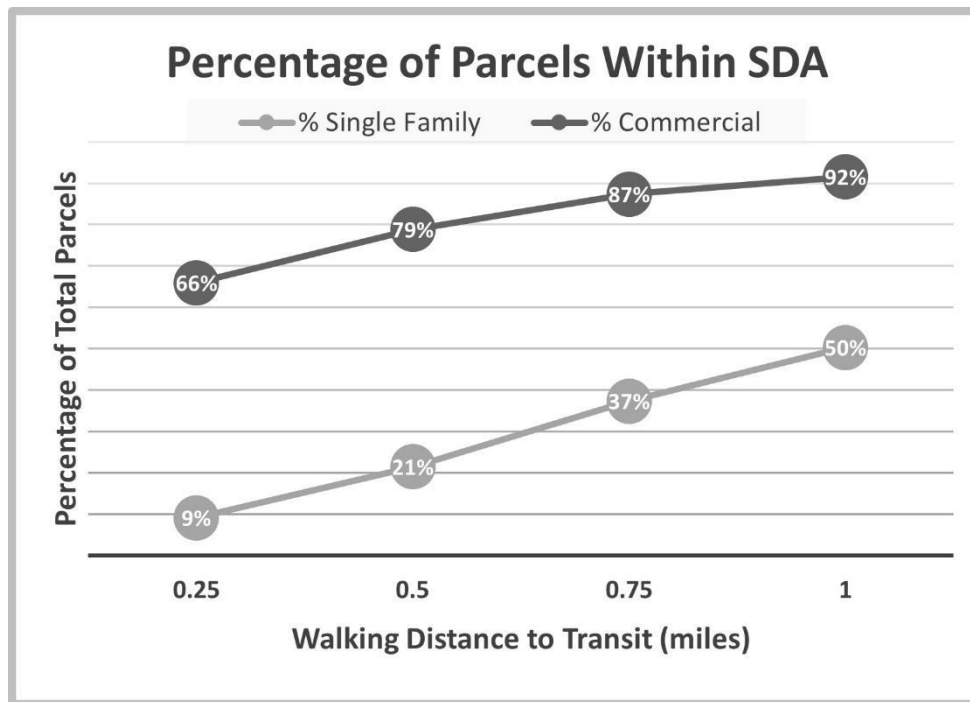
| ZONING | 1/4 mile (Parcels) | 1/2 mile (Parcels) | 3/4 mile (Parcels) | 1 mile (Parcels) | ALL Parcels | % of ALL Parcels at 1 mile |
|---------------------------|-----------------------|-----------------------|--------------------------|---------------------|----------------|----------------------------------|
| UNZONED | 1,495 | 2,125 | 2,730 | 3,198 | 5,833 | 55% |
| SINGLE FAMILY RESIDENTIAL | 18,403 | 43,358 | 75,582 | 101,862 | 202,565 | 50% |
| MINOR MULTIPLE | 4,324 | 9,136 | 12,944 | 16,013 | 20,006 | 80% |
| RESTRICTED MULTIPLE | 6,762 | 9,642 | 10,518 | 10,711 | 10,943 | 98% |
| MULTIPLE RESIDENTIAL | 6,175 | 9,715 | 11,222 | 11,716 | 12,038 | 97% |
| RESTRICTED COMMERCIAL | 108 | 141 | 169 | 181 | 205 | 88% |
| COMMERCIAL | 8,010 | 9,576 | 10,612 | 11,123 | 12,148 | 92% |
| INDUSTRIAL | 2,696 | 3,623 | 4,135 | 4,523 | 5,676 | 80% |
| AGRICULTURAL | 32 | 56 | 82 | 97 | 470 | 21% |
| SPECIAL AND/OR MISC. | 557 | 903 | 1,286 | 1,631 | 3,362 | 49% |
| Total Parcels | 48,562 | 88,275 | 129,280 | 161,055 | 273,246 | 59% |

The table below shows the acreage by zone and distance to transit.

| ZONING | 1/4 mile Area (Acres) | 1/2 mile Area (Acres) | 3/4 mile Area (Acres) | 1 mile Area (Acres) | ALL Area (Acres) | % of ALL Parcels at 1 mile |
|---------------------------|-----------------------------|-----------------------------|--------------------------------|---------------------------|------------------------|----------------------------------|
| UNZONED | 14,596 | 21,209 | 25,640 | 30,763 | 88,725 | 35% |
| SINGLE FAMILY RESIDENTIAL | 4,782 | 10,081 | 16,915 | 22,232 | 49,616 | 45% |
| MINOR MULTIPLE | 757 | 1,529 | 2,121 | 2,558 | 3,197 | 80% |
| RESTRICTED MULTIPLE | 1,236 | 1,762 | 1,994 | 2,068 | 2,424 | 85% |
| MULTIPLE RESIDENTIAL | 1,309 | 2,104 | 2,502 | 2,717 | 3,049 | 89% |
| RESTRICTED COMMERCIAL | 162 | 230 | 341 | 369 | 666 | 55% |
| COMMERCIAL | 5,316 | 6,225 | 7,136 | 7,737 | 9,723 | 80% |
| INDUSTRIAL | 4,871 | 6,615 | 8,102 | 9,093 | 13,906 | 65% |
| AGRICULTURAL | 177 | 271 | 388 | 507 | 5,045 | 10% |
| SPECIAL AND/OR MISC. | 622 | 959 | 1,432 | 1,888 | 9,526 | 20% |
| Total | 33,829 | 50,985 | 66,570 | 79,932 | 185,879 | 43% |

Estimation of Housing Capacity Under SDA Bonuses

The Staff Report highlighted bonus programs that apply to Single-Family and Commercial zones (unlimited bonus ADUs in Single-Family zones and Complete Community Housing Solutions in Commercial zones). The graph below shows the percentage of total Single-Family and Commercial parcels by distance from transit.



The above graph clearly shows that the decision to increase the distance to transit to 1 mile disproportionately impacts Single-Family neighborhoods. If San Diego were to use the commonly accepted distance of one-half mile, SDAs would contain 79% of all San Diego commercial properties and 21% of single-family properties. Increasing the distance to one mile increases the commercial coverage to 92%, a 16% increase, while the number of single-family parcels impacted would increase to over half of all single-family parcels, an increase of 138%.

The City's justification for increasing SDAs to cover almost 60% of all parcels is that it is necessary to meet the City's housing needs; however, the Staff Reports that have accompanied this proposal do not provide estimates of how much housing can be built under various SDA bonus programs, including how changing the SDA's distance to transit would affect those estimates. To fill this gap, NFABSD considered two programs, Complete Communities Housing Solutions (CCHS), which applies to Commercial and other zones that allow at least 20 units per acre, and the Bonus ADU program, which

applies to residential (single-family and multi-family) zones. To avoid double counting existing housing units, we restricted the analysis of CCHS to Commercial zones.

The results of these analyses are shown in the table below.

| Zone | Inside/Outside SDA | Distance to Transit | |
|--------------------------------|------------------------------------|---------------------|------------|
| | | 0.5 mi | 1.0 mi |
| Single Family Zones | Inside SDA | 303,506 | 713,034 |
| | Outside SDA | 477,621 | 302,109 |
| | Total SF Capacity | 781,127 | 1,015,143 |
| Commercial Zones | Inside SDA | 778,122 | 967,168 |
| | Outside SDA | 74,116 | 42,075 |
| | Total Commercial Capacity | 852,238 | 1,009,242 |
| Capacity to Meet Housing Needs | Total Housing Capacity (SF + Comm) | 1,633,365 | 2,024,385 |
| | RHNA Goal | 108,036 | 108,036 |
| | Over-Capacity (relative to RHNA) | 15x | 19x |

Conclusion

The housing goal for San Diego (Regional Housing Needs Assessment) is 108,036 new units. Whether the SDA walking distance is set to ½ mile or 1 mile, our analysis shows that we have more than enough land capacity (base zoning and density bonuses) to build the homes needed to meet San Diego's current and future housing needs. Given the vast 15x over-zoning even at ½ mile SDA walking distance, the question of the SDA walking distance is not whether we have allowed for enough homes to be built, but rather where we should be locating those homes to increase access and usage of transit.

Attachment B.3: Expanded SDA Undermines Climate Action

Expanded Sustainable Development Area Undermines Climate Action

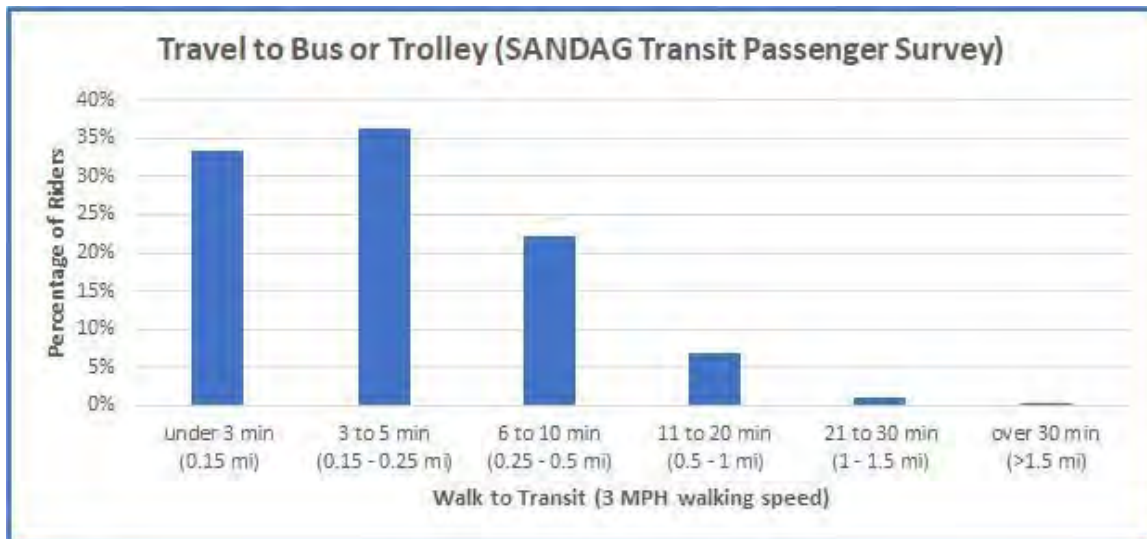
Executive Summary

The implicit assumption underlying the proposed one-mile walking distance in the Sustainable Development Area definition is that, even though transit usage drops off precipitously beyond ½ mile from transit, residents up to a mile from transit are nonetheless transit supportive and provide a marginal additive value to transit usage. The fallacy of this assumption is that it does not take into account the population growth limited environment that San Diego will be facing in the coming decades, which will mirror overall national and global trends towards declining population growth.

The Planning Department's Staff Report did not include an analysis of different options for distance to transit, nor did it examine the policy conflicts between adding housing capacity and addressing climate change. The omission of this analysis is one of the reasons that Neighbors For A Better San Diego is asking the City Council to remove the SDA proposal from the Land Development Code update.

Population Density and Transit Adoption

Most of the debate about the SDA has centered on access and propensity to transit. While the overwhelming evidence from both local (SANDAG and MTS) and national studies is that transit adoption drops precipitously beyond one mile to transit (see SANDAG survey results below), the argument from the Planning Department has been that people can still access transit through non-walking means (e.g., bikes, scooters, etc.), and therefore these are "transit supportive".



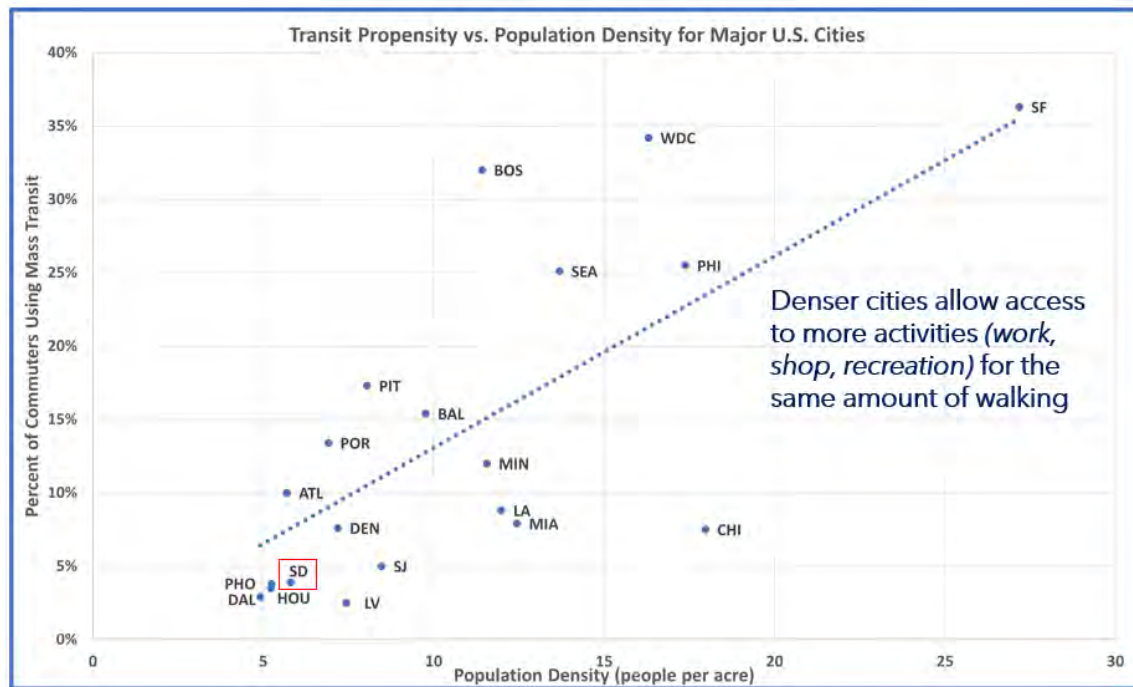
There is, however, an important alternative way to evaluate transit-oriented development, which is to look at the overall density effect on transit adoption. This not only takes into account the distance from the starting point of a trip (e.g., a residence), but also what is accessible at the destination of the trip. This consists of two components:

- How far will the person have to walk to their destination (e.g., a workplace)? Studies show that the distance that the person walks at the destination point is as important if not more important than the distance to transit from the starting residence. This is why mixed-use development along or in close proximity to transit corridors is important.
- Do the areas near transit stops support multiple activities? Here, distance is less important than the density itself, particularly the density of shopping, dining, recreation, and other daily activities. Again, mixed-use development at the proper ratio of residential to commercial is critical to making this work, and our urban cores, both in San Diego and other cities give us models for how to make effective, livable density.

To this latter point, the Staff Report references the possibility of making multiple stops between a transit stop and the destination (e.g., stopping to shop or dine between a bus stop and residence or workplace). This certainly captures the potential of effective transit-oriented density, but it should be equally clear that not all directions are the same from the transit stop. In particular, this argument suggests that we should consider a longer distance to transit along a transit corridor (esp. in commercial zones) versus maintaining a shorter distance standard into residential neighborhoods. Separating these zones by distance would resolve the current conflict inherent in the single-distance

standard, whereby over half of all single-family residential parcels are being included the SDA in order to achieve adequate coverage in commercial and other zones.

To quantify the density effect across different major U.S. cities, we looked at data from the Census Bureau's American Community Survey (ACS), specifically the number of commuters who take mass transit to work versus an automobile. We then correlated the ACS results with the population density of each of these cities, as plotted below.



Because different cities have different topographies and job concentrations, there is not a perfect correlation between these two factors, but nonetheless it is clear that the more densely populated a city is, the more likely its residents are to use transit.

Note that San Diego is among the least dense of major U.S. cities and compares to Phoenix, Dallas, and Houston in terms of both population density and transit adoption. This indicates that in planning new housing and commercial development to maximize transit adoption and minimize VMT, we will have the greatest success if we use added population to increase density in focused areas rather than distributing the density across half of San Diego's area as proposed by the current SDA definition.

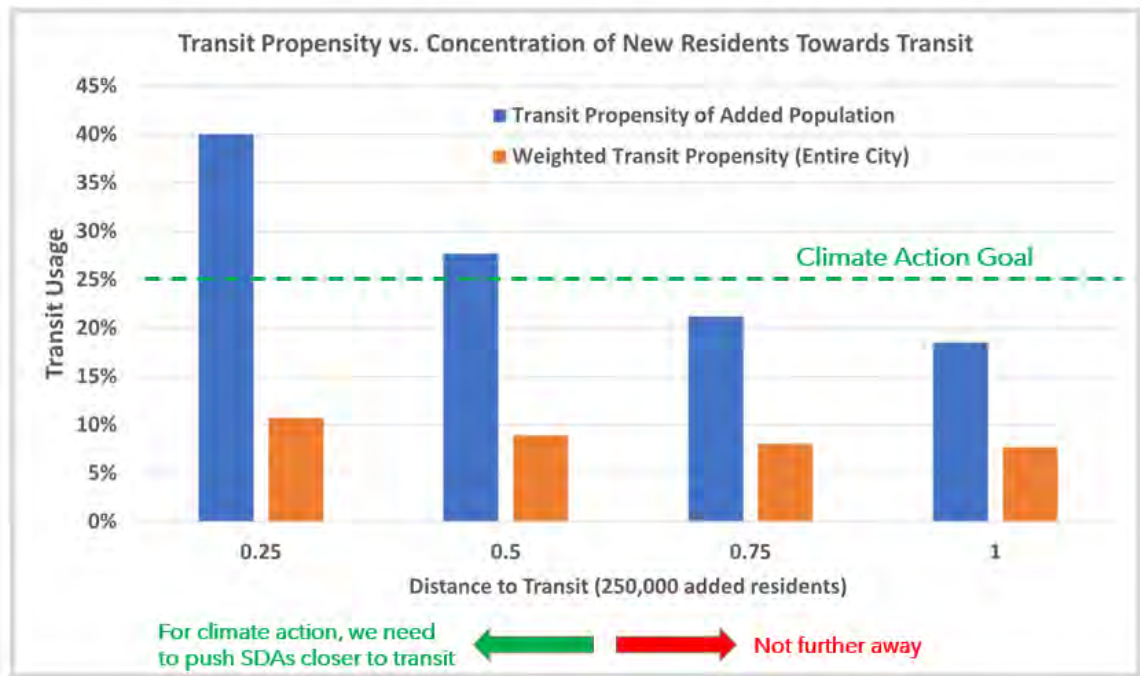
Based on the correlation between density and transit adoption, we can predict the level of transit usage that will result from distributing anticipated added population within different SDA walking distances. The details of this model are shown the table below. This model starts with San Diego's existing population (1,382,000) and commuter transit usage (3.9%). We then overlay the additional 250,000 residents projected by SANDAG's

2050 forecast within the footprint of the SDA. We modeled SDAs based on $\frac{1}{4}$, $\frac{1}{2}$, $\frac{3}{4}$, and 1 mile walking distances. The results in the table show the resulting transit usages for each of these SDAs, as well as the combined transit usage for the city as a whole.

| | | SDA Distance to Transit (mi) | | | |
|--------------------|---|---------------------------------|-----------|-----------|-----------|
| | | 0.25 | 0.5 | 0.75 | 1.0 |
| Inside SDA | Area (acres) | 10,098 | 16,306 | 24,051 | 29,969 |
| | Base Population | 58,550 | 94,543 | 139,451 | 173,766 |
| | Series 14 Forecast | 250,000 | 250,000 | 250,000 | 250,000 |
| | Future Population | 308,550 | 344,543 | 389,451 | 423,766 |
| | Future Population Density | 31 | 21 | 16 | 14 |
| | Transit Propensity of Added Population | 40.0% | 27.7% | 21.2% | 18.5% |
| Outside SDA | Population Outside SDA | 1,323,450 | 1,287,457 | 1,242,549 | 1,208,234 |
| | Transit Propensity Outside SDA | 3.9% | 3.9% | 3.9% | 3.9% |
| Combined | Weighted Transit Propensity (Entire City) | 10.7% | 8.9% | 8.0% | 7.7% |

A key output of the model is that it demonstrates how much more transit usage *DECREASES* as the size of the SDA *INCREASES*, both inside the SDA and for the city overall. Further, the results emphasize how important it is that San Diego concentrate development in order to achieve its ambitious climate action goals. As shown in the graph below, San Diego will only reach its climate action target of 25% within SDAs for distances of one half mile or less. Increasing the SDA distance to a full mile will result in a reduction in transit usage inside SDAs of over 9% relative to one-half mile (18.5% vs. 27.7%). With this overly-expansive SDA and limited population growth, San Diego would likely fail to meet its climate action goal even in the SDA, let alone over the entire city.

As an aside, SANDAG's \$160 billion request for transit infrastructure is based on the assumption that significant changes in transit usage can be driven by a massive buildout of our transit networks. The density model presented here suggests otherwise – we cannot brute force our way to mass transit adoption, we must instead shape and concentrate development so that the density effect will drive transit adoption. Unfortunately, the proposed SDA distance of one mile fails to provide sufficient density to change mobility patterns.



Conclusion

Contrary to the assertion of the Planning Department that extending the SDA to one mile walking distance provides “transit supportive” housing, modeling of San Diego’s limited future population growth demonstrates that increasing the SDA distance actually decreases overall transit adoption citywide. Given San Diego’s ambitious transit adoption goals, it is paramount that we add new housing and residents as close as possible to transit corridors. The proposed one mile SDA distance, which covers an even larger footprint of San Diego than the existing TPA map, will reinforce our existing suburban, automobile-focused mobility patterns and permanently hobble San Diego’s mass transit plans.

Given this, the population and housing that we add can be viewed as an opportunity to create livable density on and near our transit corridors, or conversely to spread development more randomly across our existing automobile focused suburban footprint.

Attachment B.4: Response to the Planning Department Staff Report Related to SDAs

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

sandiego.gov

- *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 describes 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 ^[1]_{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.*

Attachment C.1: Sustainable Development Area Code Revision Timeline

Sustainable Development Area Code Revision Timeline

Executive Summary

SDAs were introduced into the 2022 LDC update mid-review and remain a moving target with something changing in every SDA presentation. The current code is materially different from what was presented to the Community Planners Committee, at public workshops, to the Planning Commission and at the Land Use & Housing Committee. To date there are no published maps of the Mobility Zones and they are not included in the ArcGIS overlays for SDAs.

The proposed SDA impacts over 20 sections of San Diego's codes. The impact should be analyzed and reported on each of these codes. The LDC update, intended for minor building code revisions, is being misappropriated to introduce a major revision. SDAs should be considered as a standalone item and fully revisited for their scope, impact, and conformity to their stated goals. The maps and acreage calculations for each of the SDA code components (now expanded to include mobility zones, opportunity zones and specific plans) should be available for understanding and evaluation of their individual and combined impacts.

The magnitude of the development and density changes allowed by the SDA at one mile from transit, the significant increase of 7,533 acres outside current transit priority areas, the density which would now be allowed that would previously not have been permitted in these areas, and the concerning impact this construct will have on San Diego's Climate Action Plan (recognizing that SDAs incentivize infill sprawl) necessitate an Environmental Impact Report be done on Sustainable Development Areas.

Accordingly, the City Council should remove SDAs from the 2022 LDC update to allow the Planning Department to finalize the proposed code and associated maps, and then restart the public review process giving this significant new planning construct the thorough evaluation it warrants.

Timeline of SDA code changes:

- 9/27/22 Planning Department (PD) proposed to CDC a new TPA definition
 - With $\frac{3}{4}$ mile walking distance to transit
 - Adds "or applicable regional transportation plan" to planning horizon in transportation improvement program

- 10/5/22 PD introduces SDA for public workshops with ¾-1 mile walking distance to transit based on mobility zones (MZ) to take effect **1/1/24**
- 10/13/22 PD changes definition of MZ 2 as part of SDA
- 10/27/22 PD presents to Planning Commission (PC)
 - Shows draft SDA maps with no metrics
 - Changes effective date of SDA areas not previously in TPA to sometime in **2023** after passage of LDC update
- 12/1/22 PD changes definition of MZ 4 to add in opportunity zone criteria
- 12/8/22 PD returns to PC re: SDAs
 - Provides estimates of increased acreage SDAs impact for Complete Communities and ADU bonus programs
 - Planning Department does not provide:
 - Maps of areas newly impacted by SDAs for each of these codes or the other codes impacted by SDAs
 - Maps of the newly redefined Mobility Zones
 - Maps of the impact of adding Opportunity Zones to the definition of MZ 4
 - ARCGIS data for any of these maps or areas allowing public corroboration or exploration
 - Any explanation of how DSD will keep on top of changing VMT numbers for MZ 2&4 and annually adjusted Opportunity Zones for MZ4 when mapping SDAs to apply each of these codes.
- 1/3/23 Planning Department
 - Announces SDAs will take effect immediately on 2023 effective date of LDC code for areas in SDA that were not in TPA
 - Changes definition of Mobility Zone 4 to be in relation to VMTs
 - Adds code language regarding inclusion of specific plans section 122.0107(a)
 - Neglects to include this new language in either the 1/3/23 LDC matrix or the SDA definition in the 1/3/23 Staff Report to the LU&H Committee
- 2/8/23 Planning Department
 - Adds code language regarding inclusion of specific plans section 122.0107(a) to the 1/25/23 Staff Report to City Council and associated LDC Matrix

The timeline of Transit Priority Areas and Sustainable Development Areas is detailed in the table below.

KEY

GREY SHADING indicates Transit Priority Area (TPA) definitions

YELLOW SHADING indicates Sustainable Development Area (SDA) definitions

RED indicates change from previous version.

| DATE | LEGISLATION / DOCUMENT | TOPIC | CODE IMPACTED | CHANGES VS. PREVIOUS ITERATION | NOTES |
|----------------------------------|---|-------|---|--|---|
| 9/27/13 | CALIFORNIA CODE SB743 CREATES TPA | TPA | CA CODES | <p>"Transit priority area" means an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations." SB743 (TIP)</p> | 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. |
| Current Municipal Code (6/21/18) | <p>City of San Diego Municipal Code Chapter 11, Article 3, Division 1, Page 28</p> <p>SOURCE: https://docs.sandiego.gov/municode/MunicipalCodeChapter11/Chapter11Art03Division01.pdf</p> | TPA | Local Codes and Implementation of State Codes | <p><i>Transit priority area</i> means the area defined in California Public Resources Code Section 21099, as may be amended, or an area within one-half mile of a <i>major transit stop</i> that is existing or planned, if the planned <i>major transit stop</i> is scheduled to be completed within the planning horizon included in a Transportation Improvement Program.</p> | CA PRC 21099: "Transit priority area" means an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations. |

| DATE | LEGISLATION / DOCUMENT | TOPIC | CODE IMPACTED | CHANGES VS. PREVIOUS ITERATION | NOTES |
|---------|---|-------|---|---|---|
| 5/16/22 | City of San Diego Published TPA Map https://www.sandiego.gov/sites/default/files/transit-priority-map.pdf | TPA | Local Codes and Implementation of State Codes | <p>The Transit Priority Areas map is based on the adopted SANDAG San Diego Forward Regional Plan.</p> <p>In accordance with SB 743, "Transit priority area" means "an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations."</p> <ul style="list-style-type: none"> • Section 450.216 addresses development and content of the statewide transportation improvement program. STIPs cover a period of no less than four years. • Section 450.322 refers to development and content of the metropolitan transportation plan. The RTP has at least a 20-year planning horizon. • Major Transit Stop, as defined in Section 21064.3, means: "a site containing an existing rail transit station, a | <p>SANDAG-based</p> <p>TPA-based</p> <p>½-mile "as the crow flies" INCONSISTENT WITH WRITTEN INTENT OF SB743</p> <p>SECTION 450.216 REFERS TO STATEWIDE TRANSPORTATION PLAN WITH MINIMUM 20-YEAR FORECAST.</p> <p>SECTION 450.322 DOES NOT MENTION RTP (REGIONAL TRANSPORTATION PLAN) OR A 20-YEAR PLANNING HORIZON.</p> <p>SECTION 21064.3 IS MISSING THE FOLLOWING "an existing rail or bus rapid transit station"</p> |


| DATE | LEGISLATION / DOCUMENT | TOPIC | CODE IMPACTED | CHANGES VS. PREVIOUS ITERATION | NOTES |
|---------------------------------|---|-------|---|--|---|
| | | | | ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service of 15 minutes or less during the morning and afternoon peak commute periods." | |
| Currently online (as of 1/8/23) | City of San Diego TPA Map SOURCE: https://webmaps.sandiego.gov/portal/apps/webappviewer/index.html?id=4efd01a2e06246adb36122fcf136f95d | TPA | Local Codes and Implementation of State Codes | <p>The Transit Priority Areas map is based on the adopted SANDAG San Diego Forward Regional Plan.</p> <p>In accordance with SB 743, "Transit priority area" means "an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations."</p> <p>• Section 450.216 addresses development and content of the statewide transportation improvement program. STIPs cover a period of no less than four years.</p> <p>• Section 450.322 refers to development and content of the metropolitan transportation plan.</p> | TPA-based ½-mile "as the crow flies" INCONSISTENT WITH WRITTEN INTENT OF SB743 SECTION 450.216 IS REMOVED SECTION 450.322 DOES NOT MENTION RTP (REGIONAL TRANSPORTATION PLAN) OR A 20-YEAR PLANNING HORIZON. SECTION 21064.3 IS MISSING THE FOLLOWING "an existing rail or bus rapid transit station" |

| DATE | LEGISLATION / DOCUMENT | TOPIC | CODE IMPACTED | CHANGES VS. PREVIOUS ITERATION | NOTES |
|---------|---|-------|---------------|---|--|
| | | | | <p>The RTP has at least a 20-year planning horizon.</p> <ul style="list-style-type: none"> Major Transit Stop, as defined in Section 21064.3, means: “a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service of 15 minutes or less during the morning and afternoon peak commute periods.” | |
| 9/14/22 | City of San Diego DRAFT LCD MATRIX/CODE | TPA | 113.0103 | <p><i>Transit priority area</i> means the area defined in California Public Resources Code Section 21099, as may be amended, or and an area within a 15-minute walking distance on a pedestrian path of travel at an average of three miles per hour that extends no more than one-half mile from 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 or applicable regional transportation plan.</p> | <p>TPA-based</p> <p>½-mile walking distance</p> <p>No SDA</p> <p>Moves from current TPA definition of “planning horizon included in a Transportation Improvement Program” to add “or applicable regional transportation plan.”</p> |
| 9/27/22 | City of San Diego COMMUNITY PLANNERS COMMITTEE – LDC UPDATE PRESENTATION | TPA | 113.0103 | <p><i>Transit priority area</i> means the area defined in California Public Resources Code Section 21099, as may be amended, or and an</p> | <p>TPA-based</p> <p>½-mile walking distance</p> |

| DATE | LEGISLATION / DOCUMENT | TOPIC | CODE IMPACTED | CHANGES VS. PREVIOUS ITERATION | NOTES |
|---------|---|-------|---|--|--|
| | | | | area within a 15-minute walking distance on a pedestrian path of travel at an average of three miles per hour that extends no more than one-half mile from a major transit stop that is existing or planned, if the planned <i>major transit stop</i> is scheduled to be completed within the planning horizon included in a Transportation Improvement Program or applicable regional transportation plan. | No SDA |
| 10/5/22 | City of San Diego DRAFT LDC MATRIX/CODE | SDA | 113.0103 131.0701 141.0302©(2)(G) 141.0420(b)(3) 142.1305(a)(3) 142.1307(a)(3) 142.1307(d)(2) 143.0720(i) 143.0720(l) 143.0740(c) Table 143-07A 143.0742(a)(1) Table 143-07D 143.0745(c) 143.0746(a)(2) 143.0915(b)(2) 143.1001(a) 143.1001(b) 143.1002(a) 143.1010 143.1015(a) 143.1020(b) 143.1102(g) 143.1103(a)(2) | Creates a new definition for geographic designation for certain programs. Sustainable Development Area means the area within an established walking distance along a pedestrian path of travel from a major transit stop that is existing or planned , if the planned major transit stop is included in a transportation improvement program or applicable regional transportation plan, as follows: (1) Within Mobility Zones 1, 2, and 3 , as defined in Section 143.1103, the defined walking distance in 1.0 mile . (2) Within Mobility Zone 4, as defined in Section 143.1103, the | SDA invented – Mobility zones 12 & 3 = 1 mile Mobility zone 4 = .75 miles NO DATA PROVIDED TO SUPPORT .75-1.0 WALKING DISTANCE TO TRANSIT Mobility Zone 2 means a premises within a Sustainable Development Area TO BE ENACTED 1/1/24 |

| DATE | LEGISLATION / DOCUMENT | TOPIC | CODE IMPACTED | CHANGES VS. PREVIOUS ITERATION | NOTES |
|----------|--|-------|---|---|--|
| | | | | defined walking distance in .75 mile . | |
| 10/6/22 | LDC PUBLIC WORKSHOP #1 | SDA | SAME AS ABOVE | SAME AS ABOVE | SAME AS ABOVE |
| 10/11/22 | LDC PUBLIC WORKSHOP #2 | SDA | SAME AS ABOVE | SAME AS ABOVE | SAME AS ABOVE |
| 10/13/22 | City of San Diego DRAFT LCD MATRIX/CODE | | 113.0103 131.0701 141.0302(c)(2)(G) 141.0407(b)(3) 142.1305(a)(3) 142.1307(a)(3) 142.1307(d)(2) 143.0720(i) 143.0720(l) 143.0740(e) Table 143-07A 143.0742(a)(1) Table 143-07D 143.0745(c) 143.0746(a)(2) 143.0915(b)(2) 143.1001(a) 143.1001(b) 143.1002(a) 143.1010 143.1015(a) 143.1020(b) 143.1102(g) 143.1103(a)(2) | Creates a new definition for geographic designation for certain programs. Sustainable Development Area means the area within a defined walking distance along a pedestrian path of travel from a major transit stop that is existing or planned , if the planned major transit stop is included in a transportation improvement program or applicable regional transportation plan, as follows: (1) Within Mobility Zones 1 and 3 , as defined in Section 143.1103, the defined walking distance is 1.0 mile . (2) Within Mobility Zone 4, as defined in Section 143.1103, the defined walking distance is .75 mile . | SDA Mobility zones 1 & 3 = 1 mile Mobility zone 4 = .75 miles NO DATA PROVIDED TO SUPPORT .75-1.0 WALKING DISTANCE TO TRANSIT Mobility Zone 2 means any premises located either partially or entirely in a Sustainable Development Area. TO BE ENACTED 1/1/24 |
| 10/27/22 | City of San Diego PLANNING COMMISSION LDC UPDATE – MEETING #1 | SDA | SAME AS ABOVE | Draft maps of TPA vs SDA presented To ensure property owners have sufficient time to plan for these changes, a pipeline provision applicable to the amendments related to the definition of the Sustainable Development is | SAME AS ABOVE |

| DATE | LEGISLATION / DOCUMENT | TOPIC | CODE IMPACTED | CHANGES VS. PREVIOUS ITERATION | NOTES |
|---------|---|-------|--|--|---|
| | | | | proposed to delay the effective date until January 1, 2024. However, an area that is located within the new Sustainable Development Area that was previously not identified in the TPA may elect to opt into these programs at the otherwise applicable earlier effective date. | |
| 12/1/22 | City of San Diego DRAFT LDC MATRIX/CODE | | 113.0103 131.0701 141.0302(c)(2)(G) 141.0407(b)(3) 142.1305(a)(3) 142.1307(a)(3) 142.1307(d)(2) 143.0720(i) 143.0720(l) 143.0740 - Table 143-07A 143.0740 - Table 143-07B 143.0740(e) 143.0742(a)(1) 143.0744 - Table 134-07D 143.0745(c) 143.0746(a)(2) 143.0915(b)(2) 143.1001(a) 143.1001(b) 143.1002(a) 143.1010 143.1015(a) 143.1020(b) 143.1102(g) 143.1103(a)(2) | Creates a new definition for geographic designation for certain programs. Sustainable Development Area means the area within a defined walking distance along a pedestrian path of travel from a major transit stop that is existing or planned, if the planned major transit stop is included in a transportation improvement program or applicable regional transportation plan, as follows: (a) Within Mobility Zones 1 and 3, as defined in Section 143.1103, the defined walking distance is 1.0 mile. (b) Within Mobility Zone 4, as defined in Section 143.1103, the defined walking distance is 0.75 miles. (c) For parcels located in Mobility Zone 4, in | SDA Mobility zones 1 & 3 = 1 mile Mobility zone 4 = .75 miles NO DATA PROVIDED TO SUPPORT .75-1.0 WALKING DISTANCE TO TRANSIT Mobility Zone 2 means any premises located either partially or entirely in a Sustainable Development Area. NO MAPS PROVIDED FOR CTCAC HIGH/HIGHEST OPPORTUNITY AREAS AS THEY RELATE TO ZONE 4 |

| DATE | LEGISLATION / DOCUMENT | TOPIC | CODE IMPACTED | CHANGES VS. PREVIOUS ITERATION | NOTES |
|---------|--|-------|--------------------|---|--|
| | | | | an area identified as a High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area, the defined walking distance is 1.0 mile. | |
| 12/8/22 | City of San Diego PLANNING COMMISSION CONTINUATION MEETING #2 | SDA | NOT MADE AVAILABLE | <p>DRAFT MAP AVAILABLE SDAs VS. TPAs.</p> <p>ESTIMATED 5,334 ADDITIONAL ACRES AVAILABLE</p> <p>+688 ACRES FOR COMPLETE COMMUNITIES</p> <p>+4,612 ACRES FOR ADU BONUS PROGRAM</p> | <p>NFABSD BEGAN ASKING FOR ArcGIS SDA FILES ON 12/7/22</p> <p>NO DATA PROVIDED TO SUPPORT .75-1.0 WALKING DISTANCE TO TRANSIT</p> <p>APPROXIMATELY 90+% OF TRANSIT USERS ACCESS VIA FOOT + 6+% VIA AUTO</p> |
| 1/3/23 | City of San Diego LDC MATRIX, CODE AND STAFF REPORT FOR LU&H 1/12/23 MEETING | SDA | SAME AS 12/1/22 | <p>An area that is located within the new SDA that was not previously identified in the TPA would be able to be eligible for the application of these new regulations immediately upon the effective date of the ordinance (60 days from final passage). </p> <p>Code amendments to implement Assembly Bill 2097 (Friedman, 2022), which prohibits jurisdictions from enforcing parking minimums within transit supported areas, will be brought forward for consideration as part of the 2023 LDC Update.</p> | <p>New definition for Mobility Zone 4 introduced.</p> <p>Adds code language regarding inclusion of specific plans section 122.0107(a), but neglects to include in SDA definition on 1/3/23 LDC Matrix or in LU&H Staff Report.</p> <p>STILL NO DATA PROVIDED TO SUPPORT .75-1.0 WALKING DISTANCE TO TRANSIT</p> <p>STILL NO ArcGIS DATA PROVIDED</p> |

| DATE | LEGISLATION / DOCUMENT | TOPIC | CODE IMPACTED | CHANGES VS. PREVIOUS ITERATION | NOTES |
|--------|--|-------|--|--|---|
| | | | | <p>Mobility Zone 4 means any area within a community planning area with a VMT efficiency that is greater than 85 percent of the regional average for either resident VMT per capita or employee VMT, as determined by the City Manager.</p> <p>In addition, an adopted specific plan prepared in accordance with section 122.0107(a), shall be within the Sustainable Development Area if the Sustainable Development Area is within a portion of the adopted specific plan.</p> | <p>NO MAPS OF REVISED MOBILITY ZONES PROVIDED.</p> <p>ACREAGE ESTIMATES AND SDA MAPS DO NOT REFLECT SPECIFIC PLAN AREAS</p> |
| 2/8/23 | City of San Diego LDC MATRIX AND STAFF REPORT FOR CITY COUNCIL 2/14/23 MEETING | SDA | <p>SAME AS 12/1/22</p> <p>Also impacts section 122.0107(a)</p> | | <p>New addition regarding inclusion of specific plans section 122.0107(a) is added to LCD Matrix and SDA definition in 1/25/23 Staff Report to City Council.</p> <p>STILL NO DATA PROVIDED TO SUPPORT .75-1.0 WALKING DISTANCE TO TRANSIT</p> <p>STILL NO ArcGIS DATA PROVIDED</p> <p>NO MAPS OF REVISED MOBILITY ZONES PROVIDED.</p> <p>ACREAGE ESTIMATES AND SDA MAPS DO NOT REFLECT SPECIFIC PLAN AREAS</p> |

Attachment C.2: EIR Considerations

EIR Considerations

Executive Summary

The Planning Department claims that TPAs would not result in new or more severe significant impacts over what was previously analyzed in the Final PEIR for Complete Communities, the Addendum to the General Plan PEIR for the Housing Element Update, the Final PEIR or the Addendum to the CAP PEIR for the CAP Update. We disagree for the reasons set forth below.

Land isn't fungible – You can't swap one acre for another. For example, if the SDA acres are higher fire risk or more flood-prone than the TPA acres, the environmental impacts change. If they are farther from transit or of different topography resulting in different mobility choices, the impacts change.

Further, acreages reported by the Planning Department aren't accurate because they don't reflect the "specific plans" added in January.

Introducing SDAs and 7,533 plus new acres means you need new EIRs/PEIRs – for Complete Communities, for the Climate Action Plan and for the ADU code because its negative declaration was applied under the false pretense of simply "executing state code."

COMPLETE COMMUNITIES (CC):

The 2020 Complete Communities PEIR couldn't address SDAs or the 913 acres of CC eligible acres they add because SDAs didn't exist then.

No one knew in 2020 that projects that were zoned for 52 units would be approved for 261 units (a 400+% increase above zoned allowances).

The 913 acres isn't even accurate because it doesn't include the specific plans the Planning Department added to SDAs in January.

The Complete Communities PEIR doesn't reflect the newly upzoned/rezoned parcels now eligible for CC because of three new community plan updates.

THE ACCESSORY DWELLING UNIT (ADU) CODE'S NEGATIVE ENVIRONMENTAL IMPACT DECLARATION IS INSUFFICIENT AND NO LONGER APPLICABLE:

The ADU code shouldn't have been "statutorily exempt from CEQA" because it went well beyond state code requirements.

No one knew in 2020 that there would be permits pending on single-family lots for 11 ADUs and on multi-family lots for 148 ADUs.

SDAs will add more than 6,603 acres eligible for bonus ADUs.

New information is available and circumstances have changed with the proposed SDA expansion making the negative declaration insufficient to determine the impacts of the bonus ADU code.

CUMULATIVE IMPACTS OF SDA EXPANSION ON BONUS ADU PROGRAM AND COMPLETE COMMUNITIES MAKE AN EIR NECESSARY

SDA expansion of 7,533 plus acres beyond previous TPAs and fact that land is non-fungible indicate the need for an SDA EIR.

The recent ruling by Superior Court Judge Ronald Frazier regarding the Junipers in Rancho Penasquitos supports the need to study the cumulative impacts of enlarging overlapping eligible areas for Complete Communities and the ADU bonus program.

SDAs DO NOT SUPPORT GOALS IN 2020 ADDENDUM TO THE GENERAL PLAN PEIR FOR THE HOUSING ELEMENT

Moving "transit-oriented" and affordable housing farther from transit is the opposite of the villages and walkable neighborhood goals of creating "compact, walkable, transit-oriented communities." The increased distance from transit for dense development will result in greater reliance on autos, increased GHG and VMT. These changes will have environmental impacts on congestion, traffic, air, etc.

SDAs CONFLICT WITH CLIMATE ACTION PLAN (CAP) GOALS, MODE SHIFT TARGETS AND ASSUMPTIONS IN PEIRs

SDAs conflict with state and federal definitions of transit-oriented development (within ½ mile walking distance from transit). Those definitions are based on goals to reduce GHG and VMT.

97% of San Diegans walk to transit and 92% of them walk ½ mile/10 minutes or less.

By expanding SDAs beyond the ½ mile San Diegans are willing to walk to transit, SDAs will work against these CAP goals:

- Locating new homes near transit
- Compact mixed-use land development near transit
- Convenient access to high quality transit
- Providing concentrated areas located near transit

By moving new housing opportunities further away from transit, employment, shopping, etc., SDAs will result in increased auto usage, greenhouse gas emissions, vehicle miles traveled, etc. These impacts have not been evaluated by an EIR and must be to determine their impact on the environment.

TPA CODE AND PROPOSED SDA CODE REFER TO DIFFERENT “MAJOR TRANSIT STOPS” DESPITE WHAT CITY CLAIMS

TPA Code refers to Transit Improvement Programs (TIP) with 4-5 year planning horizon.

SDA proposed code refers to Transit Improvement Program (TIP) or Regional Transit Plan (RTP) with 20-30 year planning horizon.

Planning Department claims: “Programs still apply in similar geographic areas using the same Major Transit Stops as the TPA.” If that is true, then the TPA is not consistent with City Code.

This also begs the question of whether the comparisons of acreage for TPAs and SDAs are accurate or based on incorrect TPA mapping.

Conclusion

Taken together or independently, each of the points above substantiates the need for either a supplemental or subsequent EIR/PEIR before SDAs should be approved. Substantial changes to the Project/codes (Section 21166), substantial changes to the circumstances, and new information not previously available require further environmental review.

This doesn’t even take into consideration the fact that it is premature to vote on SDAs because the information provided by the Planning Department is incomplete, especially, but not limited to, the acreage estimates.

Detailed Comments

Complete Communities Housing Solutions 2020 EIR Insufficient; Final PEIR for Complete Communities: Housing Solutions and Mobility Choices (SCH No. 2019060003)

The original May 2020 Complete Communities Housing Solutions (CCHS) PEIR could not sufficiently address the environmental impacts of expanding this code with the proposed Sustainable Development Area (SDA) as it did not consider the additional 913 acres that the SDA will expand into as SDAs were an unknown construct in 2020. Did the 2020 PEIR account for parcels zoned for 52 units to be developed with 261 units (an increase of over 400%) as in the case of the Quince Apartments at 301 Spruce Street? This project is located on a pristine canyon and the fire hazard is significant.

Further, these reported 913 incremental acres (presented 12/8/22) do not include the unknown additional acres that will be added to the SDA with the recent inclusion (1/12/23) of specific plans to the SDA code language. No new acreage metrics have been provided by the Planning Department since that code change was made, nor have these areas been added to the SDA maps or a complete list of the specific plans been provided to LU&H, the Council or the public.

Additionally, there have been three Community Plan updates passed since the Complete Communities PEIR was completed, upzoning new parcels to 20 units/acre or more and/or rezoning parcels from industrial to mixed-use, making them now eligible for Complete Communities when they previously were not. Cumulatively, these changes represent potentially significant environmental impacts that were unknown when the CCHS PEIR was conducted and completed in 2020.

Further, acres of land are non-fungible. Acknowledging that TPAs might expand or change in the future (as the PEIR did) does not account for the potential differences in environmental impact that those additional acres might have. As just one example, if an increased percentage of the added SDA acreage were in Very High Fire Hazard Severity Zones (VHFHSZs) or flood zones versus acres in the original TPA, that would represent a completely different environmental risk fact requiring assessment. The Planning Department has provided no such detailed analysis of the incremental or base acreage, nor do we have a full accounting of the incremental SDA acreage given the addition of specific plan code language.

Finally, while the CCHS PEIR did say that “TPA boundaries may shift or new TPAs may be added”, it never indicated that the use of TPAs would be abandoned entirely and a completely new construct would be adopted to determine where Complete Communities development would be permitted. There is also no mention in the PEIR of

a change in how distance to transit would be measured or a change in the absolute distance to transit, both of which have profound effects on environmental impacts. At no point did the Complete Communities PEIR provide any discussion whatsoever of Sustainable Development Areas (SDA).

Taken together or independently, each of the points above substantiates the need for either a supplemental or subsequent Complete Communities EIR before SDAs should be approved or applied to CCHS code. Substantial changes to the Project/code (Section 21166), substantial changes to the circumstances, and new information not previously available require further environmental review. This doesn't even take into consideration the fact that it is premature to vote on SDAs because the information provided by the Planning Department is incomplete, especially, but not limited to, the acreage estimates.

https://www.sandiego.gov/sites/default/files/final_peir_for_complete_communities_housing_solutions_and_mobility_choices.pdf

2020 Accessory Dwelling Unit (ADU) Code Negative Declaration Insufficient and No Longer Applicable:

With regard to the ADU Code, no EIR was ever done based on the false premise that the adoption of the 2020 ADU Code amendments were "statutorily exempt to CEQA pursuant to CEQA Guidelines 15282(h), which includes the adoption of ordinances to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code. Likewise, additional dwelling units would comply with policies in the update to the Housing Element of the General Plan. The proposed amendment would not result in new environmental effects or a substantial increase in the severity of previously identified significant effects beyond those covered by the 2020 Addendum to the 2008 General Plan EIR." Pg 88

Source: https://www.sandiego.gov/sites/default/files/addendum_to_the_general_plan_peir_for_the_housing_element_update_2021-2029.pdf

The reality is that the San Diego ADU Bonus Program went dramatically above and beyond the CA ADU code, which required single-family zoned parcels to allow one ADU and one JADU on each parcel and multi-family parcels to allow up to two detached ADUs in addition to conversions of existing non-livable spaces on the property. When the code was passed and considered "statutorily exempt," it could not have been known that the city would be receiving requests for building permits of up to 11 ADUs on single-family parcels and up to 148 ADUs on multi-family parcels, so the environmental impacts of development of this magnitude would not have been considered given the statement that the city was merely executing state code.

Further, the SDAs will now be adding 6,603 developable acres beyond those in the existing TPA. These reported 6,603 incremental acres (presented 12/8/22) do not include the unknown additional acres that will be added to the SDA with the recent inclusion (1/12/23) of specific plans to the SDA code language. No new acreage metrics have been provided by the Planning Department since that code change was made, nor have these areas been added to the SDA maps or a complete list of the existing specific plans been provided to LU&H, the Council or the public.

Together these changes represent “substantial changes” to “the project which will require major revisions of the previous [EIR or] ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.” We believe these substantial changes warrant an EIR on the current ADU code taking into consideration the SDA, should it pass.

Cumulative Impacts of SDA Expansion on Acreage Eligible for ADUs and Complete Communities Make an Environmental Impact Report Necessary

Overall, the SDAs as proposed will expand 7,533 acres beyond the previous TPAs per the Planning Department. These reported 7,533 incremental acres (presented 12/8/22) do not include the unknown additional acres that will be added to the SDA with the recent inclusion (1/12/23) of specific plans to the SDA code language. No new acreage metrics have been provided by the Planning Department since that code change was made, nor have these areas been added to the SDA maps or a complete list of the existing specific plans been provided to LU&H, the Council or the public.

Under the pretense that it was simply an execution of CA ADU code, no EIR was ever done on the 2020 ADU Code (added 10/30/20) or its Bonus Program allowing unlimited ADUs up to the floor area ratio (FAR) on single-family and multi-family properties. It could not have been known at the time how many ADUs might be built on a single-parcel. Further, no consideration was given to the cumulative impact of the Complete Communities Housing Solutions Code (EIR published on 5/5/20, Code added on 12/9/20).

The City states that “programs still apply in similar geographic areas” (<https://www.sandiego.gov/sites/default/files/2022-ldc-planning-commission-powerpoint-102722.pdf>), but the Planning Department must recognize that acres of land are non-fungible. Acknowledging that TPAs might expand in the future does not account for the potential differences in environmental impact that those different acres might have. As an example, if an increased percentage of the added SDA acreage were in Very High Fire Hazard Severity Zones (VHFHSZs) or flood zones versus in the original TPA, that would represent a completely different environmental risk factor requiring assessment. The Planning Department has provided

no such analysis of the incremental acreage, nor do we have a full accounting of the incremental SDA acreage given the recent addition of specific plan code language.

The city must now consider the **cumulative environmental impact** of the expansion of SDAs by 7,533 acres beyond the TPA and its effect on the enlarged areas eligible for development under both the CCHS code and the ADU code (inclusive of the unknown specific plan expansions) and in light of the upzoning/rezoning in three community plan updates adopted since the CCHS code passage. Together, all of these changes represent “substantial changes” to “the project which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.”

The significance of cumulative environmental impacts has recently been highlighted by Superior Court Judge Ronald Frazier in the case involving the Junipers in Rancho Penasquitos. This is not a situation where nearby plans are not complete because the SDA code, if passed, will simultaneously expand the geographic reach of both the Complete Communities and ADU Codes, both of which allow significant and impactful density in large areas of San Diego that were not previously subject to these developments. An EIR is necessary to address not only the environmental impact of expanding the SDA more than 7,533 acres beyond the confines of the current TPA, but also the combined impact of those properties that would be eligible for development under both Complete Communities and the ADU Bonus Program, which has now received requests for permits allowing up to 148 ADUs on a single parcel.

<https://www.sandiegouniontribune.com/news/politics/story/2023-02-07/junipers-rancho-penasquitos-impact-review-ruling>

Proposed Sustainable Development Area Code:

Sustainable Development Area means the area within a defined walking distance along a pedestrian path of travel from a *major transit stop* that is existing or planned, if the planned *major transit stop* is included in a **transportation improvement program or applicable regional transportation plan**, as follows: ...

There will obviously be a huge difference in the “major transit stops” used for mapping TPAs based on the TIP’s 4 to 5- year planning horizon and for mapping SDAs if they are using the RTP’s 20 to 30-year planning horizon. It is now unclear which major transit stop the Planning Department is using for the TPA map and the SDA map and if they are the same. Clarification is required and reported acreages may have to be corrected, in addition to the updates required by the specific plan code change.

SDAs Are in Significant Conflict with Goals in 2008 General Plan EIR and Addendum to the General Plan PEIR for the Housing Element (Project No. 104495/SCH No. 2006091032) and Are a Significant Change Requiring an EIR

SDAs do not support the goals established in the 2020 PEIR for the 2008 General Plan. SDAs work in direct conflict to creating “compact, walkable and transit-oriented communities” by moving so-called “transit-oriented” and affordable housing development farther away from transit – up to 1 mile walking distance. SANDAG research shows that 97% of transit users in the region walk to transit (https://www.sandag.org/uploads/publicationid/publicationid_4868_32650.pdf) and 92% of them walk 10 minutes/1/2 mile or less (https://www.sandag.org/uploads/projectid/projectid_494_21412.pdf).

By moving new housing opportunities further away from transit, employment, shopping, etc., SDAs will result in increased auto usage, greenhouse gas emissions, vehicle miles traveled, etc. These impacts have not been evaluated by an EIR and must be to determine their impact on the environment. SDAs represent a significant increase in acreage beyond TPAs. The exact increase is unknown because the Planning Department has provided insufficient base data for TPAs and incomplete acreage metrics for SDAs at this time. Land acreage is non-fungible and as such new acreage must be evaluated in its own right and not merely as a percentage increase over previous acreage.

SDAs represents “New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete [or the ND was adopted], shows any of the following: (A) The project will have one or more significant effects not discussed in the previous EIR or ND.”<sup>[L]
[SEP]</sup>

Below is a list of goals and content from the Addendum to the General Plan PEIR for the Housing Element which the SDAs conflict with/work against.

Goal 3: Provide New Affordable Housing: “When households of all incomes throughout the City can **live near transit**, employment opportunities, schools, and resources to meet the needs of daily living, the City can achieve balanced communities and address broader goals such as the City of Villages strategy and climate action goals.”

Land Use and Community Planning: “increase housing supply and diversity through the development of **compact, mixed use villages near transit services**; encourage better links from homes to jobs and services; Policy HE-A.2 calls for community plans to be updated regularly to identify areas appropriate for increased infill, residential and mixed-use development and to encourage location- and resource-efficient development

whereby housing is located near employment, shopping, schools, recreation, **transit**, and walking/bicycling infrastructure.”

Mobility Element: “The Mobility Element contains policies that promote a balanced, multi-modal transportation network that gets us where we want to go and **minimizes environmental and neighborhood impacts....**

The Housing Element Update complements and advances the goals of the Mobility Element by working to improve transportation and land use coordination **to create more compact, walkable, and transit-oriented communities.** Policies such as HE-O.3 call for the provision of incentives for residential and mixed-use **development at major transit nodes, along transit corridors**, and in other appropriate locations for high-intensity housing development. The Housing Element Update also emphasizes the importance of locating affordable housing near transit through policies such as HE-I.12.”

Conservation Element: “Similarly, the Housing Element Update contains policies such as HE-O.2 which encourages the development of **new housing that relies on and supports transit use** and environmentally sustainable patterns of movement, and HE-O.5 which promotes the development of policies and programs that help achieve the California Climate Strategy and the City’s Climate Action Plan goals.”

SDAs Are in Significant Conflict with Goals in the Final PEIR for the Climate Action Plan (Project No. 416603/SCH No. 2015021053) and Addendum to the Final PEIR for the Climate Action Plan Update (Project No. 416603/SCH ^[L]_{SEP} No. 2015021053) and Represent a Significant Change Requiring an EIR

The Planning Department make highly questionable claims (below) and comes to the conclusion that replacing TPAs with SDAs would “not result in new or more severe significant impacts over what was previously analyzed in the Final PEIR for the CAP and the Addendum to the CAP PEIR for the CAP Update.” We disagree and will do so one point at a time.

Sheer Scope of Acreage Increases

We cannot comment on the percentage increase in acres of SDA versus TPA because the Planning Department has not provided sufficient TPA base data, but overall, the increase of 7,533 acres previously not included in the TPA is significant and, as noted earlier, this amount does not include the addition of specific plan acreage that has not been updated.

San Diegans Are Generally Unwilling to Walk Beyond ½ Mile to Transit, So SDAs Will Encourage Increased Auto Dependency, Congestion, Greenhouse Gases and Vehicle Miles Traveled

SDAs do not support the mode shift goals established San Diego's Climate Action Plan (CAP). SDAs work in direct conflict to CAP's stated goals of creating:

- ***Compact mixed-use land development near transit***
- ***Convenient access to high quality transit***
- ***Locating new homes near transit***
- ***Providing concentrated areas located near transit***

Instead, SDAs move so-called "transit-oriented" and affordable housing development farther away from transit – up to 1 mile walking distance. SANDAG research shows that 97% of transit users in the region walk to transit (https://www.sandag.org/uploads/publicationid/publicationid_4868_32650.pdf) and 92% of them walk 10 minutes (½ mile) or less to access that transportation (https://www.sandag.org/uploads/projectid/projectid_494_21412.pdf). Therefore, it is reasonable to assume that most of the people living in the dense housing SDAs will allow to be smeared between ½ mile and 1 mile from transit will be relying on cars to get them where they need to go, because they will not be near much of anything other than more housing. They will be in the heart of single-family neighborhoods without ready access to transit, employment, shopping, healthcare, etc. This is the opposite of the villages and walkable neighborhoods the Climate Action Plan purports to support.

The state of California and the Federal government define transit-oriented development as being within ½ mile walking distance of transit. They generally don't fund TOD projects beyond that half mile. This is based on copious amounts of research indicating that ½ mile is the outer limit of how far people are willing to walk, often even less for buses.

Therefore, the dense development that SDAs will allow beyond ½ mile from transit is likely to result in significant increases in GHG and VMT, in direct conflict to San Diego's CAP. For this reason, and because the SDA is new information, not previously available when the 2022 Addendum to the Final PEIR for the Climate Action Plan Update was completed, an EIR must be done for the SDA code to consider the environmental impacts of SDAs given the unknown impacts this expanded distance between dense housing and transit will have on GHG emissions and VMTs.

Statements and Conclusions Made by the Planning Department Without Substantiation:

Replacing a 0.5-mile radius with an area within a 0.75- to 1.0-mile walking distance from a major transit stop would not result in new or more severe significant impacts over what was previously analyzed in the Final PEIR for the CAP and the Addendum to the CAP PEIR for the CAP Update. The proposed amendments are consistent with and fall within the scope of the implementation program identified in the CAP and CAP Update. Thus, the Project would not result

in new or more severe significant impacts over what was previously analyzed in the Final PEIR for the CAP and the Addendum to the CAP PEIR for the CAP Update.

*Amendment 5, which would replace TPAs with SDAs, would be consistent overall with Strategy 3: Mobility and Land Use, and specifically with Measure 3.5: Climate-Focused Land Use. The Addendum to the CAP PEIR for the CAP Update determined that **compact mixed-use land development near transit** along with mobility features to encourage walking, biking, and other non-vehicular forms of travel would have similar impacts as those outlined in the Final PEIR for the 2015 CAP for **Measure 3.6: Implement Transit Oriented Development within Transit Priority Areas**.*

*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 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. Increased desirability to walk is a critical metric to achieve the number of people who travel by walking, rolling, biking or taking transit. Increased density and increased investments in active transportation and transit infrastructure are critical factors to achieving increased desirability to walk. Providing infrastructure investments needed to support this enhancement is significantly more efficient when the investments are serving greater densities (more people). **The SDA definition facilitates these outcomes by providing concentrated areas located near transit**, allowing for generally greater densities that can most efficiently be served by greater investments in walking, rolling, biking, and transit, continually increasing the amount of non-vehicular travel. Therefore, the GHG emissions reductions to be achieved through these actions is consistent with the Climate Action Plan, Strategy 3.*

Sources:

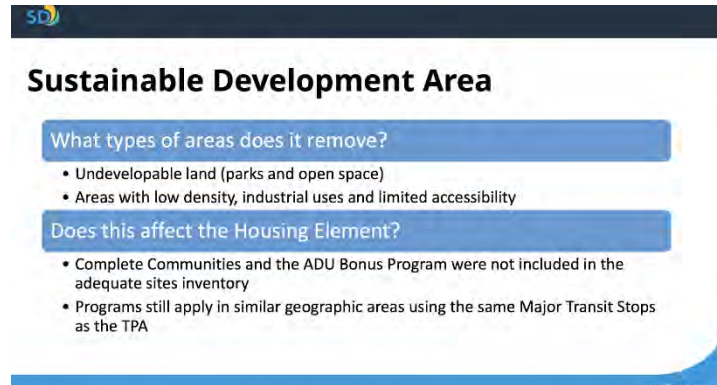
<https://sandiego.hylandcloud.com/211agendaonlinecouncil/Documents/ViewDocument/15162%20Memo%202022%20LDC%20Update.pdf.pdf?meetingId=5418&documentType=Agenda&itemId=218386&publishId=676814&isSection=false>

<https://www.sandiego.gov/sites/default/files/151123capfinalpeir.pdf>

https://www.sandiego.gov/sites/default/files/final_addendum_to_the_cap_peir_for_the_climate_action_plan_update_6.21.22.pdf

TPA Code and Proposed SDA Code Refer to Different “Major Transit Stops” Possibly Making the Current Acreage Estimates Inaccurate on that Basis

The Planning Department has falsely claimed that “Programs still apply in similar geographic areas using the same Major Transit Stops as the TPA.”



<https://www.sandiego.gov/sites/default/files/2022-ldc-planning-commission-powerpoint-102722.pdf>

If the same major transit stops are being used to create the TPA maps and the SDA map, the Planning Department may be using the wrong transit stops to create the TPA maps.

According to San Diego Municipal Code (below), the TPA is based on major transit stops in the “transportation improvement program” **TIP** (4 to 5- year planning horizon).

San Diego Municipal Code:

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>

The proposed SDA code states it is to be based on major transit stops of the **TIP or the regional transportation plan (RTP)**, which has a 20 to 30-year planning horizon.

The Planning Department claims: “Programs still apply in similar geographic areas using the same Major Transit Stops as the TPA.” If that is true, then the TPA is not consistent with City Code.

This also begs the question of whether the comparisons of acreage for TPAs and SDAs are accurate or based on incorrect TPA maps.

Conclusion

Taken together or independently, each of the points above substantiates the need for either a supplemental or subsequent EIR/PEIR before SDAs should be approved. Substantial changes to the Project/codes, substantial changes to the circumstances, and new information not previously available require further environmental review.

This doesn't even take into consideration the fact that it is premature to vote on SDAs because the information provided by the Planning Department is incomplete, especially, but not limited to, the acreage estimates.

Relevant EIR Links for SDAs

2020 Addendum to the 2008 General Plan:

https://www.sandiego.gov/sites/default/files/addendum_to_the_general_plan_peir_for_the_housing_element_update_2021-2029.pdf

Complete Communities:

https://www.sandiego.gov/sites/default/files/final_peir_for_complete_communities_housing_solutions_and_mobility_choices.pdf

Climate Action Plan 2015 and Addendum 2022:

Final PEIR for the Climate Action Plan (Project No. 416603/SCH No. 2015021053) certified [L] [SEP] by the San Diego City Council on December 15, 2015 (Resolution R-310176); [L] [SEP]

2015: <https://www.sandiego.gov/sites/default/files/151123capfinalpeir.pdf>

Addendum to the Final PEIR for the Climate Action Plan Update (Project No. 416603/SCH [L] [SEP] No. 2015021053) certified by the San Diego City Council on August 10, 2022 (Resolution R-314298).

2022: https://www.sandiego.gov/sites/default/files/final_addendum_to_the_cap_feir_for_the_climate_action_plan_update_6.21.22.pdf

Attachment C.3: Definitional Incongruities

Definitional Incongruities

Executive Summary

It appears that there are incongruities within the proposed revisions to the land development code as they pertain to Sustainable Development Areas, Transit Priority Areas, and the defined zones for the Mobility Choices Requirements as detailed in the proposed text for §143.1103 of the San Diego code.

Mobility Zones and SDAs

§143.1103 (a)(2) of the land development code update proposes to define Mobility Zone 2 as:

- (1) [No change in text.]
- (2) Mobility Zone 2 means any premises located either partially or entirely in a ~~Transit Priority Area~~ Sustainable Development Area.
- (3) [No change in text.]

As amended, the definition of Mobility Zone 2 is dependent on the definition of Sustainable Development Area.

For §113.0103 Definitions, the Land Development Code Update is proposing to add a definition for Sustainable Development Area as:

“Sustainable Development Area means the area within a defined walking distance along a pedestrian path of travel from a major transit stop that is existing or planned, if the planned major transit stop is included in a transportation improvement program or applicable regional transportation plan, as follows:

It then proposes to further refine the Sustainable Development Area for each mobility zone in the city as follows:

- (a) Within Mobility Zones 1 and 3, as defined in Section 143.1103, the defined walking distance is 1.0 mile.
- (b) Within Mobility Zone 4, as defined in Section 143.1103, the defined walking distance is .75 mile.
- (c) For parcels located in Mobility Zone 4, in an area identified as a High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area, the defined walking distance is 1.0 mile.

In addition, an adopted specific plan prepared in accordance with section 122.0107(a), shall be within the Sustainable Development Area if the Sustainable Development Area is within a portion of the adopted specific plan.

The proposed definition for Sustainable Development Area fails to define the area independent of the Mobility Zones generally, and omits a definition for Mobility Zone 2 specifically. This failure is representative of the haste and lack of care the City has been operating under in its rush to push through transformative code updates without public oversight.

Conclusion

Given that the walking distance for Mobility Zone 2 is not defined in the code, it appears that Sustainable Development Areas do not include Mobility Zone 2, and by extension any SDA-based incentives do not apply to that zone.

Attachment C.4: Need for EIR to Convert Bonus ADU Code to SDAs



Need for EIR to Convert Bonus ADU Code to SDAs

Executive Summary

In the opinion of Neighbors For A Better San Diego, an environmental impact report (EIR) should have been conducted before approval of the 2020 Accessory Dwelling Unit (ADU) Code, which far exceeded California ADU code. The city claimed that it was “statutorily exempt from CEQA pursuant to CEQA Guidelines 15282(h), which includes the adoption of ordinances to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code.”¹

This omission should not be repeated. With the introduction of one mile Sustainable Development Areas (SDAs), an EIR is required given the dramatic geographic expansion of the ADU Bonus Program beyond the confines of the Transit Priority Areas (TPAs).

Scope of San Diego Bonus ADU Program Beyond State ADU EIR Exemption

In 2020, the City’s 15162 Evaluation claimed the ADU and JADU ordinances were exempt from CEQA because they were aligning local code with state regulations. However, the Planning Department (Planning) also acknowledged that the ADU regulations would “fully comply with and **exceed the requirements of state law.**”¹

Staff specifically noted this to be the case regarding setbacks and parking requirements. However, when it came to affordable ADU incentives, Staff stated:

“AB 671, passed in late 2019, requires local jurisdictions to incentivize the construction of deed-restricted affordable ADUs, without specific parameters or direction as to what those incentives should be.”¹

It is true that AB671 was not explicit in defining the incentives required to produce affordable ADUs, leaving it up to the local entities:

65583(c)(7) Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, “accessory dwelling units” has the same meaning as “accessory dwelling unit” as defined in paragraph (4) of subdivision (i) of Section 65852.2.³

This left the door open for municipalities to be creative in their approaches and they have been. The attached appendix illustrates that San Diego’s approach was and is, by far, the most

neighborhood-intrusive incentive, creating backyard and, in some cases, front yard ADU apartment complexes in older neighborhoods with investor-favorable ratios of existing houses to lot sizes. Where other California governments provide ready-made ADU blueprints and streamlined permits as their affordability incentives, San Diego provides **unlimited bonus ADUs** in exchange for, to date, **only moderate-income ADUs that are rented at 110% AMI, which are equivalent to market-rate.**

Because no parameters were provided for affordable ADU incentives, Planning chose to focus on that and not to mention that CA ADU code requires a municipality to permit **only one ADU** and one JADU on a single-family lot:

65852.2(e)(1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling...⁴

As such, the San Diego ADU Bonus Program, which permits up to three ADUs on a single-family zoned lot outside of a Transit Priority Area and **unlimited ADUs** on single-family lots (up to the FAR) inside the TPA, **far exceeds California ADU law and represents a huge potential density increase versus state law.** Similarly, San Diego's ADU Bonus Code allows unlimited ADUs (up to the FAR) inside the TPA on multi-family lots, whereas state code allows two (not counting in currently uninhabited space).

To make clear the difference in possible environmental impacts the San Diego Bonus ADU code represents, the City is now receiving permit requests for up to 11 ADUs on single-family parcels and up to 148 ADUs on multi-family parcels. This increase in density was not factored into the CA ADU law, nor could it have been considered in the San Diego 2008 General Plan referenced in the 15162 Evaluation.¹ (The ADU Bonus Program was never mentioned in the CAP FEIR.)

| No. | Code Section(s) | AMENDMENT DESCRIPTION and CEQA 15162 EVALUATION |
|-----|--|---|
| 11 | <ul style="list-style-type: none"> 141.0302 | <p>Affordable ADU Incentives</p> <ul style="list-style-type: none"> Amended ADU regulations will provide an ADU bonus that allows for 1 additional ADU for every affordable ADU deed-restricted for 15 years, with a maximum of 1 bonus ADU outside of TPAs <p>CEQA 15162 Evaluation: AB 671 requires local jurisdictions to incentivize the construction of deed-restricted affordable ADUs, without specific parameters or direction as to what those incentives should be. The proposed amendment would allow the construction of 1 additional ADU for every ADU deed-restricted to very low, low, or moderate income households for a period of 15 years, with a maximum of 1 bonus ADU outside of TPAs. Additional dwelling units within TPAs would comply with General Plan and CAP goals of providing new residential units in TPAs. The proposed amendments would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects beyond those covered by the 2008 General Plan EIR and CAP FEIR.</p> |

At a walking distance of 1 mile, and using the 2035 Regional Transportation Plan, over 50% of all single-family parcels in San Diego would be included in the SDA. Based on the characteristics of bonus ADU projects that have been built since the ordinance went into effect in 2021, Neighbors For A Better San Diego estimates that over 700,000 ADUs could be built inside the SDA and over 300,000 outside the SDA, for a total of roughly 1 million units. (See Attachments B.1 and B.2 for details.)

Extending the Distance to Transit to One Mile is Outside State ADU EIR Exemption

The city's adoption of SDAs up to one mile from mass transit significantly increases the need to understand the environmental impacts of San Diego's ADU Bonus Program. The 15162 Evaluation by Planning stated:

“Additional dwelling units within TPAs would comply with General Plan and CAP goals of providing new residential units in TPAs. The proposed amendments would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects beyond those covered by the 2008 General Plan EIR and CAP FEIR.”¹

However, the additional dwelling units will no longer be within the TPAs and, of course, ADUs were not a part of San Diego municipal code at all when the 2020 General Plan EIR was conducted. Because these new SDAs extend up to 1 mile away from transit, they no longer meet the goals of the Climate Action Plan (CAP) or the San Diego General Plan/City of Villages/Compact Walkable Neighborhoods goals and it is highly likely that the EIRs cited to support this ADU Bonus program in 2020 would not do so now. The 2022 CAP FEIR² is inextricably linked to the TPA. The CAP's strategies focus on development close to transit and within the TPA:

Focus new development in areas that will allow residents, employees and visitors to safely, conveniently and enjoyably travel as a pedestrian, or by biking, or transit, such as **in Transit Priority Areas (TPAs)**, and areas of the city with the lowest amount of vehicular travel.²

To **increase housing production in areas located closest to transit**, and to provide more pedestrian, cyclist, and transit investments, particularly in areas with the greatest needs, and where such investments would serve the most people.²

Focus on delivering new mixed-use development on sites, including vacant and underutilized lots, **located near transit, such as in TPAs and areas of the City of San Diego with the lowest amount of vehicular travel.**²

SDAs will, by definition, encourage dense development ½ to one mile farther from transit stops than TPAs, rather than “increasing housing production in areas located closest to transit.”² SDAs will also add at least 6,603 new acres of land previously ineligible for the ADU Bonus Program. These new areas may be in high fire areas, flood prone, etc. and cause extreme impacts. Based on its analysis, Neighbors For A Better San Diego estimates that over 40% of all parcels in the SDA are in Very High Fire Hazard Severity Zones. State law gives San Diego the discretion to exclude fire hazard zones from transit-oriented housing programs, but San Diego to date has not considered it.

An EIR evaluating both the impact of the San Diego ADU code, including the Bonus Density Program, and its expansion with the adoption of SDAs should be done to gauge the impacts of this increasingly neighborhood-invasive program. Further, this EIR should consider the cumulative impacts of the Complete Communities program, which is also contributing significant density increases into mature neighborhoods with aging infrastructure. All of this is happening without supportive infrastructure improvements by the City.

Conclusion

San Diego’s ADU code significantly exceeds the state’s ADU law, which was limited to a single ADU and JADU on a single-family zoned property. San Diego allows 2 additional outside of a TPA and an unlimited number inside the TPA. San Diego waived parking regulations on all ADUs. Because San Diego claimed that it didn’t need to do an EIR because it was “implementing state law”, no estimates of how many ADUs could be built inside and outside of the TPA were provided, which Neighbors For A Better San Diego estimates could be in the range of 700,000 to 1 million additional homes, including over 75,000 more homes just on the acreage added to the SDA over the TPA.

Given the magnitude of these estimates, and the profound impacts that ADUs are already having on many neighborhoods, San Diego should not have excused itself from conducting an EIR and assessing the impacts of its ADU bonus incentives.

Sources

¹https://sandiego.hylandcloud.com/211agendaonlinecouncil/Documents/ViewDocument/CEQA_15162_Memo_Housing_Legislation_Code_Update_Revised_20200827_Cor.pdf.pdf?meetingId=4082&documentType=Agenda&itemId=192833&publishId=440086&isSection=false

² https://www.sandiego.gov/sites/default/files/san_diegos_2022_climate_action_plan_0.pdf

³ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB671

⁴

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65852.2&lawCode=GOV

Appendix

CA Affordable ADU Incentives

San Diego has gone well beyond California State ADU Incentive Program requirements.

Under AB671, local agencies are required to create incentives to encourage affordable ADU development:

65583(c)(7) Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, “accessory dwelling units” has the same meaning as “accessory dwelling unit” as defined in paragraph (4) of subdivision (i) of Section 65852.2.

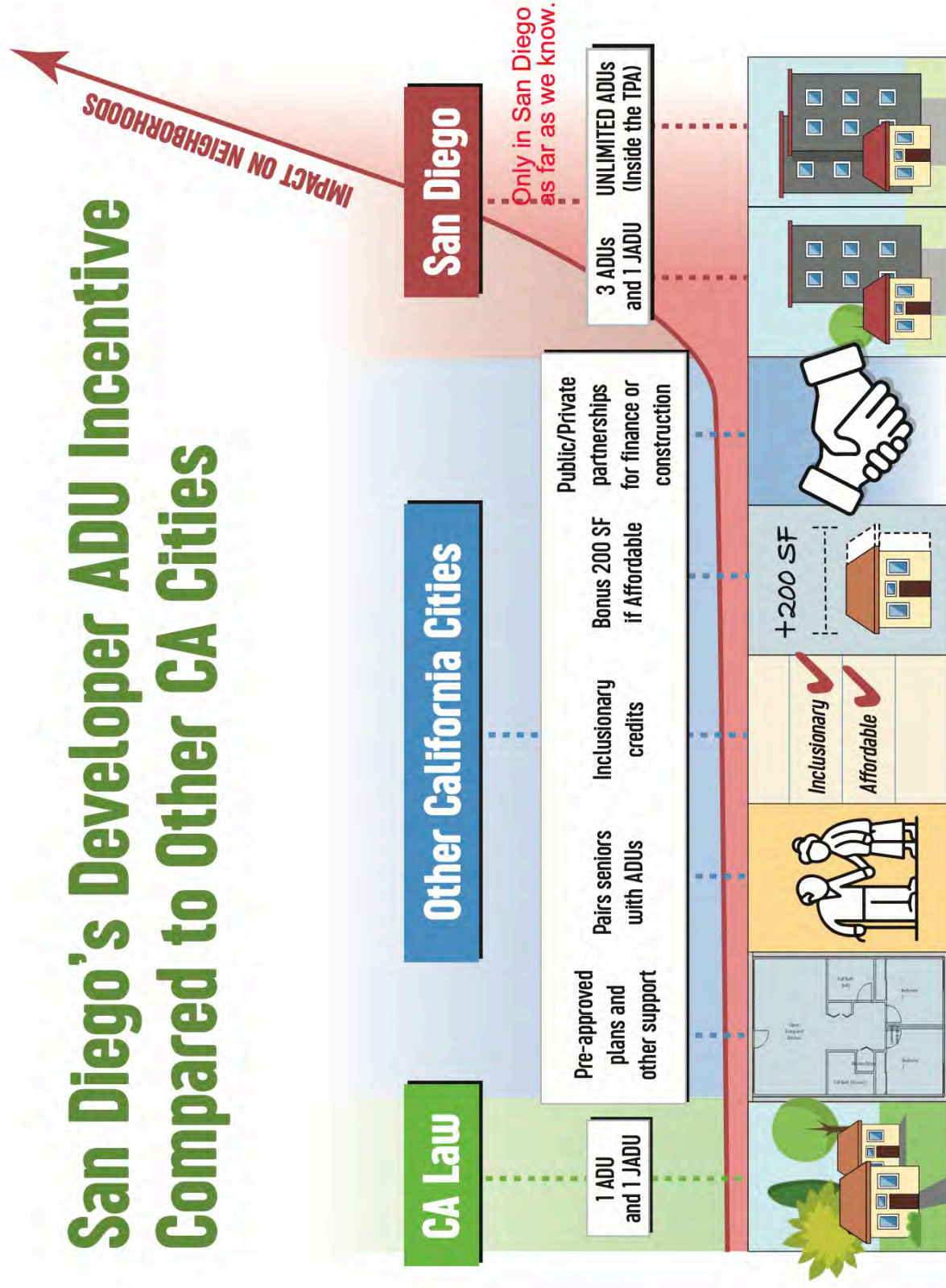
Housing and Community Development (HCD) is responsible for reviewing and approving incentives related to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). Municipalities across the state have come up with reasonable incentives that the HCD has approved. Example programs include:

- Pre-approved plans for ADUs
- Pairing senior citizens with ADUs
- Fee reductions and waivers
- A size bonus incentive that allows up to 200 additional square feet

A more detailed list follows.

The San Diego Planning Department went well beyond what is required by State law. Specifically, the creation of the Bonus ADU program, which allows an unlimited number of ADUs on a single-family lot, is not and never was a requirement of the state law as the Planning Department alluded in its Staff Report, 15162 Environmental Evaluation and verbal presentations to the Planning Commission and City Council.

San Diego's Developer ADU Incentive Compared to Other CA Cities



Source: ADUs in California: A Revolution in Progress, Oct 2020, Center for Community Innovation (CCI) at UC Berkeley
<https://www.hcd.ca.gov/policy-research/accessorydwellingunits.shtml>
https://itemcenter.berkeley.edu/wp-content/uploads/pdfs/Jumpstarting_the_Market_-_ULL.pdf

What are other California cities/counties doing to incentivize affordable ADUs?

Fee Reductions and Waivers for ADUs:

Approximately

- 67% of jurisdictions provide free ADU application reviews
- 17% have utility fee reductions
- 32% offer impact fee waivers

Source: *ADUs in California: A Revolution in Progress*, October 2020, Center for Community Innovation (CCI) at UC Berkeley, pg. 24

Designs/Permitting/Project Management:

San Mateo County – One Stop Shop Program – Provides no-cost support from Hello Housing with the design, permitting and project management involved with building an ADU

City of San Jose – Accessory Dwelling Unit Program – Provides pre-approved ADU plans and support for ADU construction, allowing expedited plan review

City of Chico – ADU Program – Provides pre-approved ADU plans and support for ADU construction

City of Clovis – Cottage Home Program – Offers three free pre-approved cottage home plans available online

City of Encinitas – Permit Ready ADU Program – Property owners can print out plans available online and bring into city for approval

Humbolt County – Provides free, pre-approved ADU plans online

San Diego County – Provides free, pre-approved ADU plans online

Financing:

City of Clovis – Self Help Enterprises - Provides financing to eligible property owners seeking funding to build or repair ADUs on their existing single-family lots. This is a partnership with community development organizations.

Housing Trust Silicon Valley – Provides funding to support homeownership, rental housing, development financing, and offers programs for homeowners

Santa Cruz County – ADU Forgivable Loan Program – Offers forgivable loans up to \$40,000 to homeowners who rent ADUs to low-income households at affordable rents for up to 20 years. This is a public and nonprofit partnership with a local bank

Builds ADUs:

Monterey Bay – My House My Home Program – Creates affordable ADUs for low-income senior homeowners in the area. This is a public and nonprofit partnership with Habitat for Humanity Monterey Bay, the City of Santa Cruz, Santa Cruz County and Senior Network Services

Offer developers of Single-Family homes inclusionary credit for deed-restricted ADUs:

City of Carlsbad – Single-family home developers can comply with city’s inclusionary housing ordinance by building ADUs deed-restricted for 55 year.

Offer homeowners additional square footage in ADU with affordability contract:

Town of Ross (SF Bay area) – ADUs can exceed city’s 1000 sf limit going to 1200 sf if homeowner signs affordability contract for ADU for 20 years, at which time Council can consider terminating contract.

City of Del Mar - In exchange for the property owner’s commitment to provide an affordable ADU or JADU rental for 30 years, the property owner is granted a 500 square foot FAR bonus.

Pilot Programs:

City of San Diego – Density Bonus for Multiple ADUs - Bonus ADU Program for building “affordable” ADUs; build one 15 year deed-restricted affordable ADU, get one market-rate ADU (numbers vary from 3 ADUs inside to unlimited ADUs outside the TPA)

City of Los Angeles – ADU Accelerator Program – Pairs seniors with homeowners willing to offer their ADUs as affordable rentals. Homeowner benefits by receiving qualified tenant referrals, tenant case management and stable rental payments.

Los Angeles County – ADUs for Formerly Homeless Households – Part of LA County’s Homeless Initiative. Homeowners who rent their ADUs to individuals or families experiencing homelessness for 10 years receive a guaranteed \$75,000 forgivable loan to help cover the cost of building the ADU. Five homeowners were selected for the program and two ADUs were expected to be in service by fall 2020.

SOURCES: <https://www.hcd.ca.gov/policy-research/accessorydwellingunits.shtml>

ADUs in California: A Revolution in Progress, October 2020, Center for Community Innovation (CCI) at UC Berkeley

https://turnercenter.berkeley.edu/wp-content/uploads/pdfs/Jumpstarting_the_Market_-_ULI.pdf

Attachment C.5: Need for EIR to Convert Convert Complete Communities Housing Solutions to SDAs

Need for PEIR to Convert Complete Communities Housing Solutions to SDAs

Executive Summary

In the opinion of Neighbors For A Better San Diego, an environmental impact report (EIR) is needed to convert Complete Communities Housing Solutions from the Transit Priority Area to the Sustainable Development Area. This is required not just because of the net change in eligible acreage, but also because of structural differences between SDAs and TPAs, including differences in transit plans that can be used as the basis of each map, and the introduction of Mobility zones, CTCAC high opportunity zones, and specific plans into the SDA code.

Change in Scope of Complete Communities Housing Solutions

The Complete Communities (CC) PEIR is inextricably linked to the transit priority area (TPA), “where the most reductions in overall vehicle miles traveled and greenhouse gas emissions reductions can be realized.” pg. 1, 53 pdf

“Many of the City’s community plans that were updated after the adoption of the 2008 General Plan include goals, land use maps and policies that target residential and non-residential growth, and **increased residential density to be located within TPAs or otherwise in close proximity to existing and planned transit**, in order to create village cores with improved pedestrian and multi-modal circulation.” pg. 94-95 pdf

Sustainable Development Areas (SDAs) expand Complete Communities development into the newly defined Mobility Zone 4 (“Mobility Zone 4 means any area within a community planning area with a VMT efficiency that is greater than 85 percent of the regional average for either resident VMT per capita or employee VMT, as determined by the City Manager”) where “the *premises* is zoned 20 *dwelling units* per acre or greater or has a land use plan designation that allows for 20 *dwelling units* per acre or greater (143.1002(a)). The CC PEIR makes clear that building Complete Communities projects in these Mobility Zone 4 areas will increase significant and unavoidable, though unquantified, impacts:

“While VMT related impacts in the majority of the Housing Program project areas would result in less than significant impacts where development is located in VMT efficient areas (at or below 85 percent of the regional average), impacts in less efficient VMT per capita areas (greater than 85 percent of the regional average) would remain significant

and unavoidable.” pg. 47 pdf

SDAs expand Complete Communities into areas that produce “significant” impacts that are easily **avoidable** by not allowing this dense development in Mobility Zone 4 at all. These mitigable environmental impacts must be evaluated by a new EIR.

According to the PEIR, “The Housing Program would be consistent with the General Plan’s City of Villages strategy, and the City’s CAP promoting the placement of new development within TPAs and other smart growth areas.” pg. 36, 65 pdf The expansion of the program beyond the confines of the TPA promotes the placement of new development outside the TPA and is therefore, by definition, in conflict with the General Plan’s City of Villages strategy and the CAP. “The proposed project is intended to support the City in achieving CAP goals by supporting and incentivizing future development that will reduce GHG emissions, primarily through reductions in VMT.” pg. 36 pdf However, this requires reevaluation of the environmental impacts of the new development now allowed up to one-half mile beyond the TPA.

The entire justification for the Complete Communities’ environmental benefits is hinged upon limiting future dense development to within the TPA and the associated anticipated reduction in GHG and VMT.

“The Housing Program would help implement the City of Villages strategy by incentivizing the construction of multi-family residential housing with neighborhood-serving amenities **within TPAs.**” pg. 65 pdf

Expanding CC out to 1 mile from transit with SDAs is counter to this principle and inconsistent with smart growth principles as outline in the CC PEIR and would not create the “compact, walkable communities close to transit connections on which the PEIR evaluated impacts.

“The Housing Program would facilitate high-density residential and mixed-use development **within TPAs to create compact, walkable communities close to transit connections** and consistent with smart growth principles. As the Housing Program would assist in the streamlined establishment of multi- family housing within proximity to transit, it would support the Regional Plan’s smart growth strategies by creating pedestrian-oriented urban villages that would **reduce reliance on the automobile**, and promote walking and the use of alternative transportation. Similarly, the Mobility Choices Program is intended to **incentivize housing within TPAs** and urban areas, consistent with smart growth strategies. The adoption and implementation of the proposed project would not generate any conflict or inconsistencies with the Regional Plan; thus, impacts would be less than significant... The proposed project would implement the General Plan City of Villages strategy, by allowing increased densities for multi-family residential development to occur in TPAs.” pg. 97 pdf

According to the PEIR,

“The proposed project would incentivize the development of multi-family residential units within TPAs; **however, it would not change the allowable land uses within the project areas.**” pg. 50 pdf Further, page 85 of the CC PEIR states:

“Additionally, the Mobility Choices Program is intended to incentivize housing development within Mobility Zones 1 and 2; but would not authorize development densities beyond adopted community plan allowances.”

While uses and underlying zoning may not change, densities certainly do. An example project at 301 Spruce Street includes parcels that have an underlying zoning that allows 52 units, yet are being permitted for 261 units under CCHS, a 400% density bonus.

While overall projects might be limited, the distribution of those projects with a community planning area are critical to achieving the overall goals of Complete Communities. In particular, creating “compact, walkable communities close to transit” requires that projects be clustered together near transit to allow a person to make multiple stops (shopping, dining, entertaining, medical, etc.) within a single visit. This aspect of SDAs has been ignored in the Staff Report and presentations. While walking distance from housing is important for transit access, density of uses at points of destination is equally important in driving transit adoption. Neighbors For A Better San Diego surveyed 20 major metropolitan U.S. cities (see Attachment B.3) and found that the threshold for functional density is roughly 15-20 people per acre, which is three times San Diego’s current average density (5.8 people per acre). San Diego is projected to add less than 250,000 residents by 2050. If these residents are distributed over an area a mile away from transit, as proposed by the SDA, then there won’t be a sufficient increase in collective density in any one area to generate the needed variety of uses needed to make the area a transit destination.

If the City had used the full public process for drafting the SDA proposal, instead of forcing the SDA definition into the limited public discussion provided by the omnibus Land Development Code update process, policy makers could have explored different options for the defined walking distance, including but not limited to the commonly accepted distance of one-half mile. This would have exposed the points of conflict between maximizing housing capacity and achieving climate action and transit equity goals. Successful transit-oriented development requires matching the distance to transit to a number of other factors, including finite population projections, topography, urban canopy, and propensities to use transit (related to both distance from residence to transit and multiplicity of uses at transit destinations).

In lieu of full review as a standalone item separate from the LDC update, the EIR process could have been used to surface potential issues and mitigation strategies (including reducing the distance to travel). Unfortunately, the Planning Department has minimized the long-lasting implications of the SDA proposal and dismissed the necessity to give it a more complete review.

Evaluating individual elements (pg. 98-101 pdf) of the General Plan makes clear that Sustainable Development Areas (SDAs) cannot simply be substituted for TPAs without requiring a new environmental impact report to determine the new impacts SDAs create. Notably, this is because the PEIR clearly stated that inside the TPA is “where the most reductions in overall vehicle miles traveled and greenhouse gas emissions reductions can be realized.” pg. 1 pdf

Mobility Element: “The Housing Program would facilitate placement of multi-family development **within TPAs**, in **close proximity to existing and planned transit**, pedestrian, and bicycle facilities.”

Urban Design: “The Housing Program would facilitate placement of high-density multi-family **development within TPAs**... These areas are best suited to support high multi-family residential densities to create the urban villages envisioned by the City of Villages strategy, due to existing high levels of activity and **availability of transit**...”

Land Use Element and Community Planning Element: “The proposed project would facilitate implementation of the City’s General Plan City of Villages strategy which **focuses on directing population growth** into mixed-use activity centers that are pedestrian-friendly and **linked to an improved regional transit system**.”

Economic Prosperity Element: “The proposed project would streamline the development of high-density, multi-family and affordable housing **within TPAs** to achieve the City’s General Plan, Housing Element, and Climate Action Plan goals. Development authorized under the Housing Program would occur in **close proximity to transit** and would support urban hubs envisioned by the City of Villages strategy.”

Housing Element: “... multi-family development **within TPAs** that provide an affordable component and a public infrastructure amenity.”

Urban Design Element: “The principles ... are to contribute to the qualities that distinguish San Diego as a unique living environment, build upon our existing communities, direct growth into commercial areas where a high level of activity already exists, and **preserve stable residential neighborhoods**. The policies in the Urban Design Element are aimed at **respecting the natural environment, preserving open space systems, and targeting new growth into compact villages**. pg. 93 pdf

TPAs are inextricably linked to the Complete Communities Housing Program as evaluated by the PEIR. Simply substituting SDAs for TPAs does not account for the dramatic environmental impacts of adding ½ mile distance between dense housing and transit on reaching CAP goals or achieving City of Villages (compact villages) or urban hub strategies prescribed by the San Diego General Plan. A new EIR on Sustainable Development Areas’ impacts on all aspects of the environment is required.

The CC PEIR accounted for the expansion of, or changes to TPAs.

“It is possible that additional project areas may be able to take advantage of the Housing Program if future zoning changes permit development of multi-family residential uses in additional areas within TPAs. If TPA boundaries change or are expanded, additional project areas with residential or commercial zoning that currently permit multi-family residential uses could be allowed to use the proposed program benefits in exchange for providing affordable housing and neighborhood-serving infrastructure amenities.” pg. 110 pdf

However, Sustainable Development Areas (SDAs) represent a complete change from TPAs. They are not TPA boundary changes, nor are they an expansion of TPAs, because they eliminate some areas of TPAs altogether and add areas that were never included in TPAs. SDAs represent an additional 7,533 acres never included in TPAs and acres of land are non-fungible, so development and environmental impact on these new acres must be evaluated.

The CC/MC PEIR places a great deal of emphasis on incentivizing development within the TPA Mobility Zones 1 and 2, however the introduction of SDAs has strayed from that focus. SDAs have expanded Complete Communities well into Mobility Zones 3 and 4, again dramatically changing the footprint of the development and its environmental impacts. “Under the No Project Alternative, the proposed ordinances would not be adopted and growth would continue to occur in accordance with the adopted General Plan and applicable Community Plans without the proposed project incentives for development within TPAs and Mobility Zones 1 and 2.” pg. 26 pdf However, with Complete Communities development now extending to Mobility Zones 3 and 4, this is no longer the case and environmental impacts will be felt in all mobility zones. The CC PEIR did not take this into account.

Regarding air quality, the PEIR claims that “The primary source of operational emissions resulting from residential development is vehicle emissions. While the proposed project could increase multi-family residential densities within Housing Program project areas; the redistribution of density to focus **within TPAs would provide a more efficient land use pattern that will support a reduction in vehicle miles traveled (VMT) and associated operational air emissions.**” pg. 130 pdf By expanding the Housing Program ½ mile beyond TPAs to 1 mile from transit, the “redistribution of density” will no longer “provide a more efficient land use pattern that will support a reduction in vehicle miles traveled (VMT) and associated operational air emissions.” Therefore, a new EIR must be conducted to evaluate the impacts of the expanded operational air emissions.

Re: transportation energy use, the PEIR states that

“The increased development potential within the project areas would be **focused around TPAs and would support the City’s CAP and associated energy reduction goals**, primarily through reductions in vehicle trips. The Housing Program would incentivize high density residential development near transit to – among other objectives –

encourage a mode shift from single occupancy vehicles to active transportation and transit use. ... **The convenient access to the existing and planned trolley stations and bus lines as well as the proximity of homes to services, combined with the mobility improvements proposed throughout the City, would support a more energy-efficient land use and transportation system and increase opportunities for transit and active transportation modes.** Therefore, long-term implementation of the proposed project would not create a land use pattern that would result in a wasteful, inefficient, or unnecessary use of energy. Impacts would be less than significant.” pg. 175 pdf

Because SDAs would allow dense development beyond ½ mile (TPA border) up to 1 mile from transit, the energy reductions anticipated in the PEIR will not materialize, nor will the “convenient access to the existing and planned” transit or “proximity of homes to services.” In fact, **the “long-term implementation of the proposed project would ...create a land use pattern that would result in a wasteful, inefficient or unnecessary use of energy.”** Thus SDAs up to 1 mile from transit are not consistent with San Diego’s CAP nor the CARB Climate Change Scoping Plan, that guides us to:

“Encourage future housing production and multi-use development in infill locations and other areas in ways that **make future trip origins and destinations closer together and create more viable environments for transit, walking, and biking.**”

(<https://ww2.arb.ca.gov/sites/default/files/2022-12/2022-sp.pdf> pg. 210)^[13]

The Complete Communities PEIR actually summarizes why a new EIR is needed to establish the environmental impacts of SDAs on San Diego in light of development from both Complete Communities and ADU Bonus Programs.

“High density multi-family residential development with affordable housing would support and **encourage the use of transit** within the project areas **by providing additional potential transit riders with easy access to high-quality transit.** The proposed project would support reductions in GHG emissions attributable to vehicle sources as future residents would be more likely to rely on transit and active modes of transportation to a greater degree than development occurring outside of TPAs and Mobility Zones 1 and 2....

By facilitating **new growth along high density transit corridors, future housing development within the project areas would be consistent with the General Plan’s City of Villages strategy, and thus, with Action 3.1 of the CAP,** which calls for implementation of the General Plan’s Mobility Element and the City of Villages strategy in TPAs to increase use of transit and active modes of transportation. Specifically, the Mobility Element of the General Plan states that the City of Villages strategy would support a more **cost-effective expansion of the transit system by calling for villages to be located in areas that can be served by high-quality transit.** Increasing the allowable development intensity and residential densities around the existing and planned transit corridors would lay the groundwork for future transit use as well as provide

riders for the existing transit network. The proposed project would be consistent with the General Plan's Mobility Element Policy ME-B.1, which calls for increased transit service accessibility, and Policy ME-B.9, which calls for transit-supportive land use planning.

Therefore, any potential increase in GHG emissions associated with development under the Housing Program or incentivized housing resulting from the Mobility Choices Program would be a result of the implementation of CAP strategies and the General Plan's City of Villages strategy. **While GHG emissions would increase within the project areas, as discussed in the CAP and evaluated in the CAP Final PEIR, overall citywide GHG emissions would decrease with the development concentrated in the TPAs², rather than areas outside of TPAs, where vehicle miles traveled, and therefore GHG emissions, would be greater. Increasing multi-family residential density within TPAs and Mobility Zones 1 and 2 and providing transportation improvements in TPAs and Mobility Zones 1 and 2 would support the City in achieving the citywide GHG emissions reduction targets under the CAP.** Impacts related to GHG emissions would be less than significant. pg. 211-212 pdf

Unfortunately, by removing Complete Communities from the confines of the TPA and expanding the program to SDAs up to one mile from transit, all of the benefits claimed in the three paragraphs immediately above will be undone.

- High density multi-family residential development with affordable housing will not support and encourage the use of transit within the project areas by providing additional potential transit riders with easy access to high-quality transit – 1 mile is not “easy access.”
- The proposed project won't support reductions in GHG emissions attributable to vehicle sources as future residents will not be more likely to rely on transit and active modes of transportation to a greater degree. They will be in all four mobility zones rather than within the TPAs and within ½ mile to transit which is considered a reasonable walking distance by respected authorities.
- The City won't be focusing new growth along high density transit corridors, so future housing development within the project areas will not be consistent with the General Plan's City of Villages strategy or with Action 3.1 of the CAP, which calls for implementation of the General Plan's Mobility Element and the City of Villages strategy **in TPAs** to increase use of transit and active modes of transportation.
- The proposed project will not be consistent with the General Plan's Mobility Element Policy ME-B.1, which calls for increased transit service accessibility, and Policy ME-B.9, which calls for transit-supportive land use planning. (Transit-supportive land use planning, like TOD, is considered within ½ mile or less walking distance to transit and increased transit service accessibility.
- The General Plan's City of Villages strategy with 1 mile SDAs will not support a more

cost-effective expansion of the transit system because the City won't be increasing the allowable development intensity and residential densities by focusing programs close to the existing and planned transit corridors laying the groundwork for future transit users and providing riders for the existing transit network.

- Finally, because high density housing will be spread across the City and not focused within TPAs and Mobility Zones 1 and 2, citywide GHG emissions reduction targets under CAP will likely not be achieved.

The EIR that should be conducted on SDAs and on the expansion of Complete Communities into SDAs would provide a definitive answer to the last point. The remaining points are intuitive, but are also clearly explained in the body of the CC PEIR.

OTHER CONSIDERATIONS:

Based on SANDAG 2050 RTP – what portion of the plan has been executed and how likely is the rest to happen given that the VMT tax funding device has not been approved? Additionally, post-Covid, transit is struggling to regain its ridership from a decade ago. These factors are likely to impact the availability of transit improvements previously factored into the Complete Communities EIR.

The introduction of SDAs has:

- Dramatically changed the size of the area impacted by the Complete Communities program
- Potentially increased acreage in high fire hazard severity zones
 - The PEIR acknowledges that "... due to the allowance for additional height and floor area ratio (FAR), development under the Housing Program could result in additional residents in certain locations compared to what would be allowed without the Housing Program." pg. 50 pdf
 - Risk for additional loss of life must be considered
 - Incremental funding costs for police and fire protection should also be considered
- Changed altogether the definitions of the Mobility Zones which in turn define the areas impacted by Complete Communities

In the time since the PEIR was conducted in 2019, the City's anticipated infrastructure deficit has ballooned from \$1.86 billion to \$5.17 billion, making the likelihood of providing the pedestrian and biking infrastructure needed to support Complete Communities within the TPA, let alone within the enlarged SDA, increasingly unlikely. This deficit would require reevaluating the environmental impacts of the SDA expansion given the decreasing funds available for bike and pedestrian improvements, as well as transit funding. Furthermore, with the new Build Better SD funding mechanism recently codified, it is unclear whether any of the bike and pedestrian infrastructure dollars will actually end up in neighborhoods that would support Complete Communities projects at all.

The Housing Program Land Use table below is provided in the PEIR. Of the acres reported, at least 6,994 are not developable for Complete Communities (870 Industrial, 225 Institutional, 417 Parks, 5,442 Roads, 40 Water Bodies). That leaves 13,125 potentially developable acres, though it is highly likely that some portion of the 8,024 residential acres do not meet the 20 units/acre minimum for Complete Communities and that some portion of the 2,217 Commercial Employment, Retail and Services acres would not qualify. The PEIR and any new environmental analysis should screen these parcels for these factors before evaluation. As is, the additional 633 developable acres that would be added by Sustainable Development Areas to the 13,125 gross developable acres identified above represent an approximate 5% increase in acreage, but this is likely understated for the reasons identified above (additional residential and commercial acreage not developable under Complete Communities).

| Table 2-1 Housing Program Project Areas Land Use | |
|--|----------------|
| Land Use | Acreage |
| Commercial Employment, Retail and Services | 2,217 |
| Industrial Employment | 225 |
| Institutional, Public and Semi-Public Facilities | 879 |
| Multiple Use | 2,397 |
| Park, Open Space and Recreation | 417 |
| Residential | 8,024 |
| Roads/Freeways/Transportation | 5,442 |
| Water Bodies | 40 |
| Vacant (blank) | 478 |
| TOTAL | 20,119 |
| SOURCE: City of San Diego 2019. Numbers in the table are approximate. | |

pg. 62 pdf EIR

The final consideration for conducting another EIR on Complete Communities and the impacts of Sustainable Development Areas is the fact that the original CC PEIR did not evaluate the codified FAR structure that the City adopted. Below are the FAR zones considered in the CC PEIR:

| Table 3-3 Summary of Incentives and Additional Unit Potential | | | |
|---|-----------|-------------------|--|
| Zone | New FAR | Density Allowance | Building Height Allowance ¹ |
| TPAs ² in Mobility Zone 1 | Unlimited | Limited by FAR | Limited by FAR |
| TPAs in Mobility Zone 2 | 8.0 | Limited by FAR | Limited by FAR |
| TPAs in Mobility Zone 3 | 4.0 | Limited by FAR | Limited by FAR |
| ¹ Height incentives only available outside of the City's Coastal Height Limit Overlay Zone and existing height limitations associated with airports would continue to apply. | | | |
| ² Housing Program applicable within TPAs in zones that allow multi-family housing. | | | |

The adopted FAR structure is as follows:

- FAR Tier 1 - Unlimited
- FAR Tier 2 – 8.0
- FAR Tier 3 – 6.5
- FAR Tier 4 – 4.0

A new EIR that considers the expansion of programs allowed by SDAs should also consider the environmental impacts of adding the 6.5 FAR Tier to the Complete Communities code.

Conclusion

There are many reasons why the PEIR prepared for the Complete Communities project does not provide a basis for the current project, which entails the replacement of Transit Priority Areas (TPAs) with the proposed Sustainable Development Areas (SDAs). Neighbors For A Better San Diego estimates that just the difference in area between SDAs and TPAs, which the City states as 688 acres, would support roughly 86,000 additional homes. This is more than twice the number of dwelling units forecast in a Community Plan Update. Just as a Community Plan Update would require a PEIR, so should the proposed change to redefine SDAs.

Taken together, the above comments make clear that Sustainable Development Areas will have a significant impact on the environment in San Diego versus confining projects to the TPA. This is true not only for the execution of the Complete Communities Housing Solutions program, but also for the ADU Bonus Program and any future housing density programs that require proximity to transit to act as both transit-oriented development and transit-supportive projects.

The key to creating walkable neighborhoods and lowering VMT while encouraging transit usage and economic development is realistic proximity to functional, convenient transit within ½ mile walking distance or less. This is essentially undisputed by transportation experts and the prerequisite to transforming any society from auto-dependent to climate-resilient.

Attachment D.1: Grant Restrictions

Sustainable Development Areas Beyond ½ Mile Ineligible for State and Federal Grants

Executive Summary

By establishing Sustainable Development Areas (SDAs) up to 1 mile away from major transit stops, the City of San Diego will ensure that projects built between ½ and 1 mile from those transit stops will be either completely ineligible for major grant funding or at a severe disadvantage in applying for those monies.

CALIFORNIA:

California transportation laws intended to decrease greenhouse gas (GHG) emissions (Transit Village Development Planning Act of 1994; SB 375; SB 743) clearly establish ½ mile as the appropriate distance from transit for transit priority areas (TPAs) and transit-oriented development (TOD). The state has been consistent in defining transit-oriented development as being within ½ mile walking distance of a major transit stop.

Additionally, California grant guidelines (HCD TOD; HCD Infill & Infrastructure; CA Strategic Growth Council & HCD Affordable Housing and Sustainable Communities Program; CA Low Income Housing Tax Credit) tell us that the state considers:

- ½ mile walking distance from transit to be the reasonable limit for transit-oriented development (TOD) and funding
- Functioning transit stops/stations to be the prerequisite for TOD grant funding – not anticipated future transit stops
- Providing affordable housing within 1/3 to ½ mile walkable distance from transit to be a housing priority

FEDERAL:

Federal funding for transit-oriented development (TOD) is available based on projects being within ½ mile from transit. The Federal Transit Administration (FTA) states that **“within one-half mile of a public transportation stop or station, pedestrian improvements *ipso facto* have a functional relationship to public transportation”** and **“...by considering pedestrian improvements located within the one-half mile of a**

public transportation stop or station to have a de facto physical and functional relationship to public transportation, individuals will benefit from improved traffic flow, shorter trip lengths, safer streets for pedestrians and independence for individuals who prefer not to or are unable to drive.”

If the City approves Sustainable Development Areas (SDAs) up to 1 mile from transit, those projects beyond ½ mile from transit will be ineligible for federal funding **or** will have the added burden to prove a “functional relationship” between the proposed projects and the transit station in question and “demonstrate, based on reasonable analysis, that people can and will safely and conveniently walk or bicycle on a regular basis to” that station. To date, the Planning Department has been unwilling or unable to show any research supporting their decision to make SDAs 1 mile walking distance from transit, suggesting they might have difficulty proving a “functional relationship” as required above for a federal funding exception.

By establishing SDAs beyond ½ mile and up to 1 mile from transit, the City will knowingly make capital improvement projects in those areas ineligible for transit-oriented federal and state grant funds to improve infrastructure being burdened by this improperly designated TOD. Transit-oriented development and affordable housing projects in those areas would also be unlikely candidates for funding given the distance from transit. Extending SDAs to 1 mile does not appear to be a fiscally responsible decision.

San Diego is facing an infrastructure funding gap of historic proportions. The City would be better served by concentrating its transit-oriented development in areas close to transit, where projects will remain eligible for both federal and state grant funds to help pay for much needed infrastructure improvements. San Diego should focus its TOD in areas within ½ mile walking distance of transit, which are most likely to result in increased transit ridership, decreased GHG emissions and to be in sync with funded RTIP projects.

State Law/Funding Related to Distance From Transit:

There are five important pieces of CA code/information referencing distance to transit. I will deal with them in terms of year of inception. They include:

- 1. Transit Village Development Planning Act of 1994 (65460-65460.11) updated as recently as 2017**

2. SB-375 Transportation planning: travel demand models; sustainable communities strategy; environmental review (2008)
3. SB-743 Environmental quality: transit oriented infill projects, judicial review streamlining for environmental leadership development projects, and entertainment and sports center in the City of Sacramento. (2013)
4. CA HCD Transit-Oriented Development Housing Programs – Round 4 Guidelines (2020)
5. CA Department of Housing and Community Development (HCD) Infill and Infrastructure Grant Program Guidelines (5/12/2021)
6. CA Strategic Growth Council & HCD Affordable Housing and Sustainable Communities Program Round 7 Program Guidelines (12/15/2022)
7. CA Tax Credit Allocation Committee Regulation Implementing the Federal and State Low Income Housing Tax Credit Laws (LIHTC) (1/18/2023)

Below is an individual discussion of each of the five items above and why each has implications for establishing ½ mile as the appropriate distance from transit for transit-oriented development, versus to 1 mile being proposed by the Planning Department. Extending SDAs beyond ½ mile walking distance from transit will likely make San Diego ineligible for state grant funds for those projects beyond ½ mile from transit.

1. Transit Village Development Planning Act of 1994 (65460-65460.11) updated as recently as 2017

Cal. Gov. Code § 65460.5

Section 65460.5 - Eligibility for transportation funding

A city or county establishing a district and preparing a plan pursuant to this article shall be eligible for available transportation funding.

Ca. Gov. Code § 65460.5

Amended by Stats 2016 ch 78 (AB 2605),s 3, eff. 1/1/2017.

This code indicates that San Diego is obligated to build its transit-oriented villages (TOD) within ½ mile of transit stations and that it has to do so to be eligible for state transportation funding.

It also says that these transit village plans need to be handled like general plans, implying that the Sustainable Development Areas (SDAs) would require an EIR?

2. SB-375 Transportation planning: travel demand models; sustainable communities strategy; environmental review (2008)

In 2008, the CA legislature passed SB375 having to do with transportation planning, sustainable communities strategy and environmental review. In that and associated laws (attached), the following language appears:

Preamble:

Bill Text - SB-375 Transportation planning: travel demand models: sustainable communities strategy: environmental review.

This bill would exempt from CEQA a transit priority project, as defined, that meets certain requirements and that is declared by the legislative body of a local jurisdiction to be a sustainable communities project. **The transit priority project would need to be consistent with a metropolitan planning organization's sustainable communities strategy or an alternative planning strategy that has been determined by the State Air Resources Board to achieve the greenhouse gas emission reductions targets. The bill would provide for limited CEQA review of various other transit priority projects.**

Bill Text - SB-375 Transportation planning: travel demand models: sustainable communities strategy: environmental review.

CHAPTER 4.2. Implementation of the Sustainable Communities Strategy

21155. (a) This chapter applies only to a transit priority project that is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, for which the State Air Resources Board, pursuant to subparagraph (H) of paragraph (2) of subdivision (b) of Section 65080 of the Government Code, has accepted a metropolitan planning organization's determination that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets.

(b) For purposes of this chapter, a **transit priority project shall** (1) contain at least 50 percent residential use, based on total building square footage and, if the project contains between 26 percent and 50 percent nonresidential uses, a floor area ratio of not less than 0.75; (2) provide a minimum net density of at least 20 dwelling units per acre; and (3) **be within one-half mile of a major transit stop or high-quality transit corridor** included in a regional transportation plan. A major transit stop is as defined in Section 21064.3, except that, for purposes of this section, it also includes major transit stops that are included in the applicable regional transportation plan. For purposes of this section, a high-quality transit corridor means a corridor with fixed route

bus service with service intervals no longer than 15 minutes during peak commute hours. A project shall be considered to be within one-half mile of a major transit stop or high-quality transit corridor if all parcels within the project have no more than 25 percent of their area farther than one-half mile from the stop or corridor and if not more than 10 percent of the residential units or 100 units, whichever is less, in the project are farther than one-half mile from the stop or corridor.

21155.1. If the legislative body finds, after conducting a public hearing, that a transit priority project meets all of the requirements of subdivisions (a) and (b) and one of the requirements of subdivision (c), the transit priority project is declared to be a sustainable communities project and shall be exempt from this division.

(7) The transit priority project is located within one-half mile of a rail transit station or a ferry terminal included in a regional transportation plan or within one-quarter mile of a high-quality transit corridor included in a regional transportation plan.

According to SB375 text above, as SDAs go 100% beyond ½ mile and have not been shown to be "consistent with a metropolitan planning organization's sustainable communities strategy or an alternative planning strategy **that has been determined by the State Air Resources Board to achieve the greenhouse gas emission reductions targets...** SDAs would not be free from CEQA review. The strong implication here is that the state of California considers ½ mile to be the reasonable distance for transit-oriented projects intended to reduce GHG emissions.

3. SB-743 Environmental quality: transit oriented infill projects, judicial review streamlining for environmental leadership development projects, and entertainment and sports center in the City of Sacramento. (2013)

(b) (1) The Office of Planning and Research shall prepare, develop, and transmit to the Secretary of the Natural Resources Agency for certification and adoption proposed revisions to the guidelines adopted pursuant to Section 21083 **establishing criteria for determining the significance of transportation impacts of projects within transit priority areas.** Those criteria shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. In developing the criteria, the office shall recommend potential metrics to measure transportation impacts that may include, but are not limited to, vehicle miles traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated. The office may also establish criteria for models used to analyze transportation impacts to ensure the models are accurate, reliable, and consistent with the intent of this section.

(2) Upon certification of the guidelines by the Secretary of the Natural Resources Agency pursuant to this section, **automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a**

significant impact on the environment pursuant to this division, except in locations specifically identified in the guidelines, if any.

(3) **This subdivision does not relieve a public agency of the requirement to analyze a project's potentially significant transportation impacts related to air quality, noise, safety, or any other impact associated with transportation.** The methodology established by these guidelines shall not create a presumption that a project will not result in significant impacts related to air quality, noise, safety, or any other impact associated with transportation. Notwithstanding the foregoing, the adequacy of parking for a project shall not support a finding of significance pursuant to this section.

(4) This subdivision does not preclude the application of local general plan policies, zoning codes, conditions of approval, thresholds, or any other planning requirements pursuant to the police power or any other authority.

(5) On or before July 1, 2014, the Office of Planning and Research shall circulate a draft revision prepared pursuant to paragraph (1).

(c) (1) **The Office of Planning and Research may adopt guidelines pursuant to Section 21083 establishing alternative metrics to the metrics used for traffic levels of service for transportation impacts outside transit priority areas.** The alternative metrics may include the retention of traffic levels of service, where appropriate and as determined by the office.

(2) This subdivision shall not affect the standard of review that would apply to the new guidelines adopted pursuant to this section.

(d) (1) Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment.

(2) (A) This subdivision does not affect, change, or modify the authority of a lead agency to consider aesthetic impacts pursuant to local design review ordinances or other discretionary powers provided by other laws or policies.

(B) For the purposes of this subdivision, aesthetic impacts do not include impacts on historical or cultural resources.

(e) **This section does not affect the authority of a public agency to establish or adopt thresholds of significance that are more protective of the environment.**

SEC. 6. Section 21155.4 is added to the Public Resources Code, to read:

21155.4. (a) Except as provided in subdivision (b), a residential, employment center, as defined in paragraph (1) of subdivision (a) of Section 21099, or mixed-use development project, including any subdivision, or any zoning, change that meets all of the following criteria is exempt from the requirements of this division:

(1) **The project is proposed within a transit priority area,** as defined in subdivision (a) of Section 21099.

(2) **The project is undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified.**

(3) **The project is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy for which the State Air**

Resources Board, pursuant to subparagraph (H) of paragraph (2) of subdivision (b) of Section 65080 of the Government Code, has accepted a metropolitan planning organization's determination that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emissions reduction targets.

(b) Further environmental review shall be conducted only if any of the events specified in Section 21166 have occurred (BELOW).

CA PUBLIC RESOURCES CODE Section 21166 - Subsequent or supplemental report required

When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:

(a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report. (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

Ca. Pub. Res. Code § 21166

It appears an EIR is required based on SDAs' "potentially significant transportation impacts related to air quality, noise, safety, or any other impact associated with transportation" or the significant increase in density (think Complete Communities) out to 1 mile from transit, especially since this code was intended to make exceptions for areas within TPAs and SDAs have far exceeded the area of TPAs. Also, no EIR was ever done on the ADU Bonus Program, which far exceeds state law requirements.

And if there is any question about whether we are talking about ½ mile radius or as the crow flies, we have now found the following text within SB743 to put an end to that debate:

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. ...

4. CA HCD Transit-Oriented Development Housing Programs – Round 4 Guidelines (2020)

The California Department of Housing and Community Development (HCD) administered the Transit-Oriented Development Implementation Program (“TOD Housing Program”). It appears this program has been replaced by or incorporated into #6 below.

PURPOSE: “To increase public transit ridership by funding higher density affordable housing developments within **one-quarter mile of transit stations and infrastructure improvements** necessary for the development of specified housing developments.” (<https://www.hcd.ca.gov/grants-and-funding/programs-archived/transit-oriented-development-housing>)

- **FUNDS** the development of apartments and condominiums **within 1/4-mile of transit,**
- **GOALS** of **increasing public transit ridership, minimizing automobile trips, and promoting greenhouse gas (GHG) reductions.**
- **CRITERIA** based on **rigorous empirical data and academic research** on the best methods of reducing auto use and increasing transit ridership.

IMPORTANT GUIDELINES TO QUALIFY FOR CA HCD TRANSIT-ORIENTED DEVELOPMENT FUNDING: (<https://www.hcd.ca.gov/grants-funding/active-funding/docs/TOD-Guidelines-4-30-2020.pdf>)

Developments scored on characteristics deemed **NECESSARY FOR SUCCESSFUL TOD HOUSING:**

- At least 20 units located within **¼-mile to ½-mile from qualifying transit station “along a walkable route.”** Developments located within ½-mile of at least 10 distinct amenities (grocery, school, park, etc.) to avoid use of car to meet basic needs
- Quality of Transit
 - Transit times equal or better than autos and real schedule info to riders
- Bike & Walk Friendly Features
 - **Main walking route between transit station and development must have small street blocks, street lighting after dark, ADA compliant sidewalks and safe street crossings.**
 - **Transit station must have waiting areas with seating, lights, shelter and bike facilities.**

- Developments must provide dedicated units affordable to lower income households.

Attached is a chart comparing HCD's transit-oriented development requirements to SDAs. Needless to say, SDA developments beyond ½ mile from transit would not qualify for HCD funding...or on a variety of other requirements.

5. CA Department of Housing and Community Development (HCD) Infill and Infrastructure Grant Program Guidelines (5/12/2021)

The Program's primary objective is to promote infill housing development by providing financial assistance for **Capital Improvement Projects** that are an integral part of or necessary to facilitate the development of a Qualifying Infill Project or a Qualifying Infill Area.

Under the Program, grants are available as gap funding for infrastructure improvements necessary for specific residential or mixed-use infill development Projects or Areas. Both Infill Projects and Areas must have either been previously developed or be largely surrounded by development. Eligible improvements include development or rehabilitation of Parks or Open Space, water, sewer or other utility service improvements, streets, roads, parking structures, transit linkages, transit shelters, traffic mitigation features, sidewalks, and streetscape improvements.

Funds will be allocated through a competitive process, based on the merits of the individual Infill Projects and Areas. The application selection criteria include project readiness, affordability, housing density, **access to transit**, proximity to amenities, and **consistency with regional plans**.

30 out of 250 points (12%) are based on **Access to Transit** and **Consistency with Regional Plans**.

| Selection Criteria for Qualifying Infill Areas | Maximum Score |
|---|----------------------|
| Area Readiness | 100 |
| Affordability | 60 |
| Density | 40 |
| Access to Transit | 20 |
| Access to Opportunity and Proximity to Amenities | 20 |
| Consistency with Regional Plans | 10 |
| Total | 250 |

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Access to Transit is given the most points when it is **within one-quarter mile walking distance** from the nearest Transit Station or Major Transit Stop, with fewer points awarded when the project is within one-half mile and **no points given beyond one-half mile**.

Consistency with Regional Plans is related to implementation of a sustainable community's strategy determined by the California Air Resources Board (CARB) to achieve the area's GHG goals, GHG emissions reductions, or the project being at least 50% within a TPA as defined below (an area **within one-half mile of a Major Transit Stop** that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a transportation improvement program).

Conclusion

By establishing Sustainable Development Areas (SDAs) up to 1 mile away from major transit stops, the City of San Diego will be ensuring that those projects built between ½ and 1 mile from those transit stops will receive none of the 30 points awarded based on Access to Transit and Consistency with Regional Plans. HCD does not recognize projects beyond ½ mile from transit as accessible to transit, as noted by the scoring guidelines below. Further, the Consistency with Regional Plans scoring criteria make clear that if over half of a project is not in the TPA (at a minimum), it will not be considered as supporting a regional plan that results in a reduction of GHG emissions. The state is being quite consistent in defining transit-oriented development as being within ½ mile walking distance of a major transit stop.

Additional Documentation

(d) Access to Transit – 20 points maximum

Points will be awarded based on the proximity of, or accessibility to, the Qualifying Infill Project to a Transit Station or Major Transit Stop. The distance to a Transit Station or Major Transit Stop shall be evidenced by a scaled map.

- (1) A Qualifying Infill Project within one-quarter mile of a Transit Station or Major Transit Stop, measured by a Walkable Route from the nearest boundary of the Qualifying Infill Project to the outer boundary of the site of the Transit Station or Major Transit Stop shall receive 20 points.
- (2) A Qualifying Infill Project within one-half mile of a Transit Station or a Major Transit Stop, measured by a Walkable Route from the nearest boundary of the Qualifying Infill Project to the outer boundary of the site of the Transit Station or Major Transit Stop and located in an area of high segregation and poverty or low resource opportunity area (see TCAC/HCD Opportunity Area Maps) or disadvantaged community pursuant to Senate Bill 535 and Assembly Bill 1550 shall receive 15 points.
- (3) A Qualifying Infill Project within one-half mile of a Transit Station or a Major Transit Stop, measured by a Walkable Route from the nearest boundary of the Qualifying Infill Project to the outer boundary of the site of the Transit Station or Major Transit Stop shall receive 10 points.

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Consistency with Regional Plans – 10 points maximum

- (1) Points will be awarded for each of the following (necessary evidence is to be received by the Department by the Program application due date):
 - (A) Five points will be awarded if the Qualifying Infill Project supports the implementation of a sustainable community's strategy or alternative planning strategy that has been determined by the California Air Resources Board to achieve the region's greenhouse gas emissions target. Consistency with such plans must be demonstrated by a letter or resolution executed by an officer or an equivalent representative from the metropolitan planning organization, regional transportation agency, planning, or local transportation commission.

- (B) If a sustainable community's strategy is not required for a region by law, 5 points will be awarded if the Qualifying Infill Project supports a regional plan that includes policies and programs to reduce greenhouse gas emissions. Evidence of consistency with such plans must be demonstrated by a letter or resolution executed by an officer of, or an equivalent representative from, the metropolitan planning organization or regional transportation planning agency or local transportation commission.
- (C) A Qualifying Infill Project in which not less than 50 percent of the land area is within a Transit Priority Area shall receive 5 points. Evidence of Qualifying Infill Project location within, or partially within, a Transit Priority Area must be demonstrated by a letter or resolution executed by an officer of, or an equivalent representative from, the metropolitan planning organization, regional transportation planning agency, or local transportation commission.

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Definitions:

"Transit Priority Area" means an area within one-half mile of a Major Transit Stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a transportation improvement program adopted pursuant to Title 23 of the Code of Federal Regulations section 450.216 or 450.322.

"Major Transit Stop" means a site containing any of the following: (1) An existing rail or bus rapid transit station. (2) A ferry terminal served by either a bus or rail transit service. (3) The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during peak hours. Peak hours are limited to the time between 7 a.m. to 10 a.m., inclusive, and 3 p.m. to 7 p.m., inclusive, Monday through Friday, or the alternative peak hours designated for the transportation corridor by the transit agency. This level of service must have been publicly posted by the provider at some point between January 2020 and the time of application.

"Transit Station" means a rail or light-rail station, ferry terminal, Bus Hub, or Bus Transfer Station. Included in this definition are planned Transit Stations otherwise meeting this definition whose construction is programmed into a regional or state transportation improvement program to be completed no

more than five years from the deadline for submittal of applications set forth in the NOFA.

“Bus Hub” means an intersection of three or more bus routes, where one route or a combination of routes has a minimum scheduled headway of ten minutes or at least six buses per hour during peak hours. Peak hours are limited to the time between 7 a.m. to 10 a.m., inclusive, and 3 p.m. to 7 p.m., inclusive, Monday through Friday, or the alternative peak hours designated for the transportation corridor by the transit agency. This level of service must have been publicly posted by the provider at some point between January 2020 and the time of application.

“Bus Transfer Station” means an arrival, departure, or transfer point for the area’s intercity, intraregional, or interregional bus service having a permanent investment in multiple bus docking facilities, ticketing services, and passenger shelters.

“Walkable Route” shall mean a route which, after completion of the proposed Project, shall be free of negative environmental conditions that deter pedestrian circulation, such as barriers; stretches without sidewalks or walking paths; noisy vehicular tunnels; streets, arterials or highways without regulated crossings that facilitate pedestrian movement; or stretches without adequate lighting.

SOURCES: <https://www.hcd.ca.gov/grants-funding/active-funding/iigp/docs/iig-guidelines.pdf>
<https://www.hcd.ca.gov/grants-and-funding/programs-active/infill-infrastructure-grant>

6. CA Strategic Growth Council & HCD Affordable Housing and Sustainable Communities Program Round 7 Program Guidelines (12/15/2022)

It appears this program has incorporated #4 above and includes current CA transit-oriented development grants.

- The purpose of the **AHSC Program** is to reduce greenhouse gas (GHG) emissions through projects that implement land-use, housing, transportation, and agricultural land preservation practices to support infill and compact

development, and that support related and coordinated public policy objectives, including the following:

- (5) increasing options for mobility, including the implementation of the Active Transportation Program established pursuant to Section 2380 of the Streets and Highway Code;
- (6) **increasing transit ridership;**

The program invests in projects that reduce GHG emissions by supporting more compact, infill development patterns, encouraging active transportation and transit usage.

The **AHSC Program** provides grants and/or loans to projects that achieve GHG emission reductions and benefit **Disadvantaged Communities, Low-Income Communities, and Low-Income Households** through increasing accessibility of affordable housing, employment centers and Key Destinations via low-carbon transportation resulting in fewer vehicle miles traveled (VMT) through shortened or reduced vehicle trip length or **mode shift to transit**, bicycling or walking.

With that in mind, transit-oriented development (**TOD**) **project areas**^[SEP] **must include affordable housing developments (AHD) which must be served by High Quality Transit.**

Definitions:

“Transit Oriented Development (TOD) Project Area” means a **Project Area** which includes at least one (1) Transit Station/Stop that is served by **High Quality Transit**.

“Transit Station/Stop” means a designated location at which the various **Qualifying Transit** service(s) drop-off and pick-up riders.

“High Quality Transit” means a **Qualifying Transit** line with high frequencies AND permanent infrastructure as follows:

- 1) Frequency: High Quality Transit must have **Peak Period** headway frequency on the same route, in the same direction, of every 15 minutes or less (e.g., every departure is not more than 15 minutes from the last) and service seven days a week. This level of service must have been publicly posted by the provider at some point between January 2022 and the time of application.
- 2) Permanent Infrastructure: High Quality Transit must operate on a railway or meet the definition of **Bus Rapid Transit**.

“Bus Rapid Transit” (BRT) means a rubber-tired form of rapid transit in an integrated system of facilities, equipment, services, and amenities that exceed the speed and reliability of regular bus service. BRT projects must meet all of the following criteria:

- 1) Operates along a dedicated right of way for at least two (2.0) **Lane Miles** along its route. Dedicated Right of Way (ROW) means that private motor vehicles are prohibited from use of the lane except for turns, parking, and/or the use of variable pricing High Occupancy Toll (HOT) Lanes.
- 2) All vehicles serving the route are equipped with **Transit Signal Priority (TSP)**
- 3) Has peak period minimum frequencies of 12minutes or less

(c) **TOD Project Areas** must demonstrate all the following:

- (1) Include at least one (1) **Transit Station/Stop** that is served by **High Quality Transit** at the time of application submittal which is **located no farther than one-half (0.50) mile from the Affordable Housing Development** along a pedestrian access route. If the pedestrian access route is not already in place at the time of application, the route must be in place by the time a certificate of occupancy is provided; and

(A) **Affordable Housing Development Capital Projects** must:

- (ii) **Be located within one-half (0.50) mile from a Transit Station/Stop** that meets the **Project Area** transit requirements as defined in Section 102(c) or (d). The one-half (0.50) mile is to be measured from any edge of the **AHD** parcel to the bus stop or pedestrian entrance to a **Transit Station/Stop** along a pedestrian access route. If the route is not already in place at the time of application, the route must be in place by the time a certificate of occupancy is provided. ^(L)_{ISEP}

For **TOD** and **ICP** projects, the **High Quality Transit** or **Qualifying Transit**, respectively, must be serving the **Transit Station/Stop** at the time of application submittal. For **RIPA** projects, the **Qualifying Transit** must be serving the **Transit Station/Stop** by the time a certificate of occupancy is provided. **For all Project Area Types, the AHD and Qualifying Transit's Transit Station/Stop must be connected by a pedestrian access route no greater than 0.50 miles at the time of certificate of occupancy.** Improvements to complete the pedestrian access route between the **AHD** and the **Transit Station/Stop** may be included as part of the project **STI/TRA** components so long as they are completed by the time a certificate of occupancy is provided.

(d) **Location Efficiency and Access to Destinations - 3 Points Maximum**

(1) Up to 3 points will be given for projects that provide the location of existing **Key Destinations** within one-half (0.50) mile of the AHD. For **TOD Project Areas** and **ICP Project Areas** each type of **Key Destination** is worth one third (0.333) of a point.

SOURCE: https://sgc.ca.gov/programs/ahsc/docs/20221212-AHSC_Round7_Guidelines.pdf

7. CA Tax Credit Allocation Committee Regulation Implementing the Federal and State Low Income Housing Tax Credit Laws (LIHTC) (1/18/2023)

In California, LIHTC applications take into consideration transit amenities. A total of 7 points are possible and they are based on the project being located **within 1/3 to 1/2 mile** of a bus rapid transit station, light rail station, commuter rail station, ferry terminal, bus station, or public bus stop (with various service frequency qualifications).

“Distances must be measured using a standardized radius from the development site to the target amenity, unless that line crosses a significant physical barrier or barriers. Such barriers include highways, railroad tracks, regional parks, golf courses, or any other feature that significantly disrupts the pedestrian walking pattern between the development site and the amenity.”

SOURCE: <https://www.novoco.com/sites/default/files/atoms/files/california-lihtc-2023-regulations-01182023.pdf>

Federal Law/Funding Related to Distance From Transit:

Below you will find documentation from the following federal authorities linking federal transit-oriented funding to projects located within 1/2 mile from public transit. While they discuss radial distance, the Federal register specifically mentions that “it is essential to develop safe, secure and appropriate pedestrian and bicycle infrastructure if the users of public transportation are to have safe, convenient, and practical access routes,” thus disqualifying San Diego’s TPAs requiring crossing freeways and canyons.

The federal organizations and laws cited here include the following:

1. **Federal Transit Administration (FTA)**
2. **Railroad Rehabilitation & Improvement Financing Program (RRIF)**
3. **Transportation Infrastructure Finance and Innovation Act (TIFIA)**
4. **United States Department of Transportation – Build America Bureau**

5. Federal Transit Administration (FTA) – Department of Transportation

Conclusions:

Federal funding for transit-oriented development (TOD) is available based on projects being within ½ mile from transit. If the City approves Sustainable Development Areas (SDAs) up to 1 mile from transit, those projects beyond ½ mile from transit will be ineligible for federal funding **or** will have the added burden to prove a “functional relationship” between the proposed project and the transit station in question and “demonstrate, based on reasonable analysis, that people can and will safely and conveniently walk or bicycle on a regular basis to” that station. To date, the Planning Department has been unwilling or unable to show any research supporting their decision to make SDAs 1 mile walking distance from transit, suggesting they might have difficulty proving a “functional relationship” as required above for a federal funding exception.

By establishing SDAs beyond ½ and up to 1 mile from transit, the City will knowingly make those areas ineligible for transit-oriented state and federal funds to improve infrastructure being burdened by these improperly designated TOD projects. This is not a fiscally responsible decision.

San Diego is facing an infrastructure funding gap of historic proportions. The City would be better served by concentrating its transit-oriented development in areas close to transit, where projects will remain eligible for both federal and state grant funds to help pay for much needed infrastructure improvements. San Diego should focus its TOD in areas within ½ mile walking distance of transit, which are most likely to result in increased transit ridership, decreased GHG emissions and to be in sync with funded RTIP projects.

1. Federal Transit Administration (FTA)

In 2011, the Federal Transit Administration (FTA) published a Final Policy Statement on Eligibility of Pedestrian and Bicycle Improvements under federal Public Transportation Law (76 FR 52046) in the *Federal Register* on the subject of the functional relationship between pedestrian and bicycle improvements and public transportation. This policy acknowledges that poor connection conditions, including distance, are a barrier to accessing transit and **states that within one-half mile of a public transportation stop or**

station, pedestrian improvements *ipso facto* have a functional relationship to public transportation...

The FTA pointed to some of the benefits of including these improvements in transit projects, stating that:

“...by considering pedestrian improvements located within the one-half mile of a public transportation stop or station to have a de facto physical and functional relationship to public transportation, individuals will benefit from improved traffic flow, shorter trip lengths, safer streets for pedestrians and independence for individuals who prefer not to or are unable to drive.”

SOURCE: <https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/64496/ftareportno0111.pdf>



Manual on Pedestrian and Bicycle Connections to Transit

AUGUST 2017

FTA Report No. 0111
Federal Transit Administration

PREPARED BY
Transportation Research & Education Center (TREC)
at Portland State University



2. Railroad Rehabilitation & Improvement Financing Program (RRIF)
3. Transportation Infrastructure Finance and Innovation Act (TIFIA)
4. United States Department of Transportation – Build America Bureau

Transit-Oriented Development grants

[Access the new TOD Guidance FAQs!](#)

Transit-oriented development (TOD) creates dense, walkable, and mixed-use spaces near transit that support vibrant, sustainable, and equitable communities. TOD projects include a mix of commercial, residential, office, and entertainment land uses.

[2.2\) How does the Bureau evaluate satisfaction of RRIF TOD Eligibility Criterion #2?](#)

[What is the definition of a “physical or functional relationship”?](#)

Projects are functionally related to a station if they are accessible to one another with or without a physical connection. A functional, as opposed to physical, relationship

includes projects located outside the same physical footprint or structural envelope of a station and even separated, for example, by intervening streets, thoroughfares, or unrelated properties. **Projects within 1/2 mile of a station, which is the generally-accepted distance most people can be assumed to safely and conveniently walk on a regular basis to use rail transit, are *ipso facto* functionally related to the station.** If a project is not within 1/2 mile, it may be functionally related to a station, but the functional relationship is not *ipso facto* and the sponsor should be able to demonstrate, based on reasonable analysis, that people can and will safely and conveniently walk or bicycle on a regular basis to a station.¹

4.1) How does the Bureau evaluate satisfaction of the TIFIA TOD eligibility criteria “located within walking distance of, and accessible to...”?

A public infrastructure project within 1/2 mile of a qualified facility or station (see the definitions of qualified facilities and stations in the FAQs below), which is the generally-accepted distance most people can be assumed to safely and conveniently walk on a regular basis to use rail transit, is *ipso facto* located within walking distance of, and accessible to the facility or station.

This method of analyzing a “functional relationship” is based on the same method used in FTA’s Circular on Joint Development (FTA C 7050.1B), published in 2020, to evaluate a project’s “functional relationship” to transit, which incorporates the same method established in FTA’s statement of policy, published in 2011, on the eligibility of pedestrian and bicycle improvements under Chapter 53 grant programs. (76 FR 52046, Aug. 19, 2011). In the 2011 statement of policy, FTA states, “research indicates that: (1) Pedestrians walk at a pace of approximately two miles per hour, and (2) pedestrians generally are willing to walk approximately fifteen minutes to reach a public transportation stop or station. Accordingly, pedestrians generally are able to walk a distance of approximately one-half mile during a fifteen minute walk at a two mile per hour pace. **Based on this information, FTA hereby establishes a one-half mile de facto pedestrian catchment area. This de facto catchment area will simplify the process of determining whether a pedestrian improvement is eligible for FTA funding.** Moreover, FTA will measure one-half mile using a ‘radial distance’ because the radial method further simplifies these determinations.”

SOURCE: United States Department of Transportation; Build America Bureau: Transit-Oriented Development Guidance FAQs-

<https://www.transportation.gov/buildamerica/TOD/faqs>

5. Federal Transit Administration (FTA) – Department of Transportation

The Federal Transit Administration (FTA) hereby establishes a **formal policy on the eligibility of pedestrian and bicycle improvements for FTA funding and defines the**

catchment area for pedestrians and bicyclists in relation to public transportation stops and stations.

For purposes of the Final Policy Statement, FTA believes that a conservative, one-half mile *de facto* catchment area is appropriate. As discussed above, recent research indicates that: (1) Pedestrians walk at a pace of approximately two miles per hour, and (2) pedestrians generally are willing to walk approximately fifteen minutes to reach a public transportation stop or station.^[19] Accordingly, pedestrians generally are able to walk a distance of approximately one-half mile during a fifteen minute walk at a two mile per hour pace. Based on this information, FTA hereby establishes a one-half mile *de facto* pedestrian catchment area. This *de facto* catchment area will simplify the process of determining whether a pedestrian improvement is eligible for FTA funding. Moreover, FTA will measure one-half mile using a “radial distance” because the radial method further simplifies these determinations.

Adequate sidewalks, pathways, and roadway crossings in the area around public transportation access points and amenities such as benches, shelters, and lighting at stops and stations are important for pedestrian comfort and safety. The most successful and useful public transportation systems have safe and convenient pedestrian access and provide comfortable waiting areas, all of which encourage greater use.^[20] Well-connected sidewalks should be installed in all areas with regular public transportation service so that public transportation patrons will not be forced to walk in the street while traveling to or from a stop or station. Additionally, roadway crossings should be made safer with an appropriate combination of facilities, such as marked crosswalks, median crossing islands, warning signs, and pedestrian signals.^[21]

SOURCE: <https://www.federalregister.gov/documents/2011/08/19/2011-21273/final-policy-statement-on-the-eligibility-of-pedestrian-and-bicycle-improvements-under-federal>

Attachment D.2: Affirmatively Furthering Fair Housing Requires Close Proximity to Transit

Affirmatively Furthering Fair Housing Requires Close Proximity to Transit

Executive Summary

Research shows, and federal program guidelines reflect, that the average person is typically willing to walk a quarter-mile to access bus service and a half-mile for rail. This highlights an important truth about transportation: **Distance is often the greatest barrier to access.**

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.”

While “the City of San Diego continues to take action to address barriers to opportunity by amending community plans to increase density along transit corridors and near job centers;... working with SANDAG to plan and implement transit improvements that connect people to well-paying job,” the introduction of SDAs would work against these laudable efforts by encouraging increased density and affordable housing **farther away from transit - up to one mile away.**

- Yet SANDAG research tells us
 - 97% of passengers walk to transit
 - 92% of them walk ½ mile or less

Beyond ½ mile, housing is no longer considered transit-oriented development – not by HCD or essentially any other government or professional transportation organization.

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.

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.

SANDAG's Social Equity Analysis for Draft San Diego Forward: The 2021 Regional Plan indicates:

- 11.8 percent of low-income residents,
- 10.4% of minorities, and
- 8.0% of seniors in the region live within 0.5 miles of high-quality transit.

To address these inequities, SANDAG's Draft 2021 Regional Plan calls for **improved transit access** in areas with low-income and minority residents – **that would be closer transit access for more low-income and minority residents, not an SDA a mile from transit.**

Transit is more affordable than other long-distance transit modes, and low-income households are generally more likely to use it. San Diego's 2022 Metropolitan Transit System Customer Satisfaction Survey Results⁵ confirm these assumptions:

- 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

It is fair to say that the people using transit are the people most in need of affordable housing opportunities. San Diego's 6th Cycle Housing Element identifies housing capacity to affirmatively further fair housing opportunities for all San Diegans. It does so primarily on sites located near transit and in walkable areas (HE-15), consistent with the General Plan and Climate Action Plan. Policy HE-I.4 calls for emphasizing **the need for affordable housing options for seniors and people with disabilities and/or special needs near transit**, healthcare services, shopping areas, and other amenities.

The forthcoming Environmental Justice Element of the General Plan is supposed to guide the City's future planning and development actions to ensure fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. This appears contrary to increasing the distance to transit with one mile SDAs making lower income, minority, and disabled residents and seniors live further from the transit they rely upon for job opportunities, public services, shopping, medical care, etc.

As proposed, SDAs will create access challenges for the people who most need affordable housing options, employment opportunities, and access to transit. To quote San Diego's own recent Assessment of Fair Housing:

“The lack of a relationship between public transit, employment opportunities, and affordable housing may impede fair housing choice.”

SAN DIEGO DOCUMENTS

SD Housing Element 2021-2029 Appendix HE-A – Assessment of Fair Housing Transportation and Employment

As noted in the SDAI, “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.

“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.”

Regional Patterns and Trends

According to SANDAG's Social Equity Analysis for Draft San Diego Forward: The 2021 Regional Plan (Regional Plan):

- 11.8 percent of low-income residents,
- 10.4% of minorities, and
- 8.0% of seniors in the region live within 0.5 miles of high-quality transit.

In order to address these inequities, SANDAG's Draft 2021 Regional Plan calls for improved transit access in areas with low-income and minority residents and improved commute times by providing transit access to employment centers.

The best way to increase housing needs for seniors: locate senior housing where services are within walking distance; offer more affordable senior housing

What is the best strategy to produce more housing: allow buildings with more housing units; ... increase housing supply near transit; increase housing near jobs and schools.

The City of San Diego continues to take action to address barriers to opportunity by amending community plans to increase density along transit corridor and near job centers; incentivizing the construction of accessory dwelling units and deed-restricted affordable dwelling units throughout the City to improve access to quality schools; **working with SANDAG to plan and implement transit improvements that connect people to well-paying jobs**; implementation of the Climate Action Plan to reduce greenhouse gas emissions and other pollutants; and preparation of the Environmental Justice Element of the General Plan which will guide the City's future planning and development actions to ensure fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

Below is a summary of some of the questions asked in the online survey and the top two responses to those questions:

- “What do you think is the best strategy to produce more housing?” (Table F-13)
 - o “Improve City processes” (28%) and “Increase housing supply near transit” (22%).
- I believe it's a mistake to underestimate the need for private vehicles and parking for them. Some disabled people, such as myself, are not able to walk far or use public transportation due to inability to sit or stand.

Potential sites for housing and lower income housing have been identified throughout the City based predominantly on existing community plans and zoning. The General Plan's City of Villages strategy, which aims focus growth into mixed-use activity centers that are pedestrian-friendly, centers of community, and linked to the regional transit system, and the Climate Action Plan (CAP), which aims to substantially reduce the City's greenhouse gas emissions, have guided and continue to guide updates to the City's community plans. **To meet the needs of the City and its citizens while implementing the General Plan and CAP, community plan updates aim to identify opportunities for transit- and active transportation-oriented housing and housing densities near existing and planned transit service, areas with supportive infrastructure and public facilities, and employment areas.**

The maps of suitable sites compared to fair housing-related information are also briefly described below. Due to the importance of locating housing capacity in proximity to transit to implementing the General Plan and meeting the goals of the Climate Action Plan, each map shows transit priority areas in relation to the adequate sites and fair housing-related information.

Table A-34: Adequate Sites & Fair Housing Considerations

| | All Areas | Minority Concentration Areas | Poverty Concentration Areas | RECAPs | CTCAC High & Highest Resource Areas | Displacement Risk Areas |
|--|-----------|------------------------------------|-----------------------------------|--------|--|----------------------------|
| Total Sites | 11,804 | 3,573 | 6,858 | 768 | 5,722 | 4,285 |
| Sites (% Total) | -- | 30.2% | 58.1% | 6.5% | 48.5% | 36.3% |
| Total Net Potential Units | 174,673 | 59,006 | 88,997 | 9,121 | 86,592 | 37,905 |
| Net Potential Units (% Total) | -- | 33.8% | 50.1% | 5.2% | 49.6% | 21.7% |
| Above Moderate & Moderate Income Sites | 11,804 | 3,573 | 6,858 | 768 | 5,722 | 4,285 |
| Above Moderate & Moderate Income Sites (% Total) | 100% | 30.2% | 58.1% | 6.5% | 48.5% | 36.3% |
| Above Moderate & Moderate Income Net Potential Units | 174,673 | 59,006 | 88,997 | 9,121 | 86,592 | 37,905 |
| Above Moderate & Moderate Income Net Potential Units (% Total) | 100% | 33.8% | 50.1% | 5.2% | 49.6% | 21.7% |
| Lower Income Suitable Sites ¹ | 1,036 | 437 | 595 | 43 | 375 | 213 |
| Lower-Income Suitable Sites ¹ (% Total) | 8.8% | 42.2% | 57.4% | 4.2% | 36.2% | 20.6% |
| Lower Income Net Potential Units ² | 72,191 | 29,848 | 37,975 | 3,959 | 30,490 | 13,291 |

| | | | | | | |
|---|-------|-------|-------|------|-------|-------|
| Lower Income Net Potential Units ² (% Total) | 41.3% | 41.3% | 52.6% | 5.5% | 42.2% | 18.4% |
|---|-------|-------|-------|------|-------|-------|

¹ Sites meeting Government Code Section 65583.2 criteria for sites suitable for lower income development. See “Suitability of Sites for Lower Income Housing” section above for additional information.

² Potential housing units on sites meeting Government Code Section 65583.2 criteria for sites suitable for lower income development. See “Suitability of Sites for Lower Income Housing” section above for additional information.

The City is currently in the process of updating the community plans for the Clairemont Mesa, Mira Mesa, and University communities, all of which are high resource areas with larger parcel sizes, to identify more opportunities for **transit-supportive housing densities near existing and planned transit routes**.

The adequate sites inventory has identified developable housing capacity primarily in urban communities and in suburban communities that include employment centers and/or are connected to the existing or planned high-quality transit routes.

LOCAL DATA AND KNOWLEDGE

During the outreach conducted for the Housing Element and other engagement with residents in underserved communities, the following concerns that relate to the adequate sites inventory were expressed.

- Senior housing that is located where services are within walking distance
- More housing near transit

These community plan updates, which will include rezoning of sites, will identify more opportunities for transit-supportive housing densities near existing and planned transit routes.

Once the Regional Plan is adopted, which will occur during the 6th Cycle, the City can identify additional opportunities for transit-oriented land use and zoning changes and housing densities that will support housing for all income ranges in high opportunity areas and areas with income and racial/ethnic diversity.

SD Housing Element 2021-2029 Appendix HE-A – Assessment of Fair Housing

1. Public Transit

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.**

3. Affordable Housing and Public Transit

Limited access to public transit may counteract some of the benefits of affordable housing. Current research indicates a strong connection between housing and transportation costs. Housing market patterns in parts of California with job-rich city centers are pushing lower-income families to the outskirts of urban areas, where no transit is available to connect them with jobs and services. In lower-income communities with underserved city centers, many residents must commute out to suburban job-rich areas. In an attempt to save money on housing, many lower-income households are spending disproportionately higher amounts on transportation. A study conducted by the Center for Housing Policy revealed that families who spend more than half of their income on housing spend only eight percent on transportation, while families who spend 30 percent or less of their income on housing spend almost 24 percent on transportation. This equates to more than three times the amount spent by persons living in less affordable housing.

Source: San Diego Regional Analysis of Impediments to Fair Housing, August 2020

AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH): FEDERAL LEVEL

This policy, part of the Fair Housing Act (<https://www.govinfo.gov/content/pkg/USCODE-2016-title42/html/USCODE-2016-title42-chap45-subchapI.htm>) or see also [https://uscode.house.gov/view.xhtml?req=\(title:42%20section:3608%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:42%20section:3608%20edition:prelim))) functions at the Federal level under the auspices of the Department of Housing and Urban Development (HUD) <https://www.hud.gov/AFFH>

As part of the Civil Rights Act of 1968, AFFH was created through Executive Order No. 12892, and it requires HUD and the recipients of federal funds from HUD to affirmatively further the policies and purposes of the Fair Housing Act.

As an official federal policy, AFFH outlines specific duties for HUD and funding recipients: From its inception, the Fair Housing Act (and subsequent laws reaffirming its principles) not only prohibited discrimination in housing related activities and transactions, but also

imposed a duty to affirmatively further fair housing (AFFH). The AFFH rule sets out a framework for local governments, States and Insular Areas, and public housing agencies (PHAs) to take meaningful actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination. The rule is designed to help program participants better understand what they are required to do to meet their AFFH duties and enables them to assess fair housing issues in their communities and then to make informed policy decisions.

For purposes of the rule, affirmatively furthering fair housing “means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a program participant’s activities and programs relating to housing and urban development.”

For purposes of the rule, meaningful actions “means significant actions that are designed and can be reasonably expected to achieve a material positive change that affirmatively furthers fair housing by, for example, increasing fair housing choice or decreasing disparities in access to opportunity.”

(AFFH Fact Sheet: The Duty to Affirmatively Further Fair Housing:

<https://www.hud.gov/sites/dfiles/FHEO/documents/AFFH-Fact-Sheet.pdf> Accessed 02/06/2023)

On August 7, 2020, the rule entitled "Preserving Community and Neighborhood Choice" (codified at parts 5, 91, 92, 570, 574, 576, and 903 of title 24, Code of Federal Regulations) in part repealed the Obama administration’s July 16, 2015, rule entitled "Affirmatively Furthering Fair Housing" and thus affected HUD's statutory duty to affirmatively further fair housing. See <https://www.federalregister.gov/documents/2020/08/07/2020-16320/preserving-community-and-neighborhood-choice> or <https://nlihc.org/resource/trump-administration-eliminates-affirmatively-furthering-fair-housing-rule-nlihc-and-other>

More recently, in a Jan. 26, 2021 Memorandum (“Redressing Our Nation's and the Federal Government's History of Discriminatory Housing Practices and Policies”) the President directed that

The Secretary of Housing and Urban Development (HUD) shall, as soon as practicable, take all steps necessary to examine the effects of the August 7, 2020, rule entitled "Preserving Community and Neighborhood Choice" (codified at parts 5, 91, 92, 570, 574, 576, and 903 of title 24, Code of Federal Regulations), including the effect that repealing the July 16, 2015, rule entitled "Affirmatively Furthering Fair Housing" has had on HUD's statutory duty to affirmatively further fair housing. The Secretary shall also, as soon as practicable, take all steps necessary to examine the effects of the September 24, 2020, rule entitled "HUD's Implementation of the Fair Housing Act's Disparate Impact Standard" (codified at part 100

of title 24, Code of Federal Regulations), including the effect that amending the February 15, 2013, rule entitled "Implementation of the Fair Housing Act's Discriminatory Effects Standard" has had on HUD's statutory duty to ensure compliance with the Fair Housing Act. Based on that examination, the Secretary shall take any necessary steps, as appropriate and consistent with applicable law, to implement the Fair Housing Act's requirements that HUD administer its programs in a manner that affirmatively furthers fair housing and HUD's overall duty to administer the Act (42 U.S.C. 3608(a)) including by preventing practices with an unjustified discriminatory effect.

("Memorandum"

<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/memorandum-on-redressing-our-nations-and-the-federal-governments-history-of-discriminatory-housing-practices-and-policies/> Accessed 02/06/2023)

On 07/31/2021, "Preserving Community and Neighborhood Choice" (PCNC) was rescinded <https://dsnews.com/news/06-11-2021/hud-rescinds-preserving-neighborhood-and-community-choice-rule>

On 06/25/2021, the "Implementation of the Fair Housing Act's Disparate Impact Standard" was repealed

<https://www.federalregister.gov/documents/2021/06/25/2021-13240/reinstatement-of-huds-discriminatory-effects-standard> and the February 15, 2013, rule entitled "Implementation of the Fair Housing Act's Discriminatory Effects Standard" was also rescinded, thus reinstating the Discriminatory Effects Standard:

<https://www.federalregister.gov/documents/2021/06/25/2021-13240/reinstatement-of-huds-discriminatory-effects-standard>

HUD's 2021 Interim Final Rule (IFR), "Restoring Affirmatively Furthering Fair Housing Definitions and Certifications," requires program participants to submit certifications that they will affirmatively further fair housing in connection with their consolidated plans, annual action plans, and PHA plans. In order to support these certifications, the IFR creates a voluntary fair housing planning process for which HUD will provide technical assistance and support.

The 2021 IFR does not require program participants to undertake any specific type of fair housing planning to support their certifications; instead it commits HUD to providing technical assistance to those agencies that wish to undertake Assessments of Fair Housing (AFHs), Analyses of Impediments to Fair Housing Choice (AIs), or other forms of fair housing planning, and HUD currently provides resources to assist program participants. The following fact sheets were issued in connection with HUD's 2015 AFFH Rule and may be useful to program participants and their communities as they engage in fair housing planning.

Additional information regarding AFFH policies can be found at the following sites:

AFFH Fact Sheet: The Fair Housing Planning Process under the AFFH Rule

<https://www.hud.gov/sites/dfiles/FHEO/documents/AFFH-Fact-Sheet-The-Fair-Housing-Planning-Process-Under-the-AFFH-Rule.pdf>

Key Excerpt:

The AFFH rule is a fair housing planning rule—the rule clarifies existing fair housing obligations for HUD program participants to analyze their fair housing landscape and set locally-determined fair housing priorities and goals through AFH (Assessment of Fair Housing). The regulations establish specific requirements for the development and submission of an AFH by program participants and the incorporation and implementation of the strategies and goals set in the AFH into subsequent planning documents, including consolidated plans and PHA Plans, in a manner that connects housing and community development policy and investment planning with meaningful actions that affirmatively further fair housing.

AFFH Fact Sheet: Community Participation and AFFH – Guidance for Consolidated Plan Program Participants

<https://www.hud.gov/sites/dfiles/FHEO/documents/AFFH-Fact-Sheet-Community-Participation-and-AFFH-Guidance-for-Consolidated-Plan-Program-Participants.pdf>

Key Excerpt:

WHAT IS COMMUNITY PARTICIPATION?

Community Participation, consultation, and coordination is required under the Affirmatively Further Fair Housing (AFFH) rule (24 CFR § 5.158). While they have different names, the requirements for community participation under the AFFH rule are the same as the “Citizen Participation” requirements in HUD Community Planning and Development regulations, but are two separate processes. Community participation requirements apply to all program participants. Without meeting the community participation requirements, an AFH will be found to be substantially incomplete and not accepted by HUD.

For the purposes of the rule, community participation as required in 24 CFR § 5.158, “means a solicitation of views and recommendations from members of the community and other interested parties, a consideration of the views and recommendations received, and a process for incorporating such views and recommendations into decisions and outcomes.”

WHAT ARE THE COMMUNITY PARTICIPATION REQUIREMENTS?

Section 5.158 and subsequent conforming amendments contain community participation, consultation, and coordination requirements. The community participation required by the new AFFH rule is similar to what is already required of program participants. In fact, in addition to the community participation requirements outlined at 24 CFR § 5.158, the rule incorporates AFH community participation into existing program regulations at parts 91 and 903.

When collaborating to submit an AFH, the community participation process must include residents, and other interested members of the public, in the jurisdictions of each collaborating program participant, and not just those of the lead entity. *Those program participants who choose to collaborate must meet those requirements specific to their program regulations.*

- **ALL PROGRAM PARTICIPANTS.** The requirements at 24 CFR § 5.158 provide that the public has reasonable opportunities for involvement in the development of the AFH and in the incorporation of the AFH into Public Housing Agency Plans. These requirements are aimed at assisting program participants achieve an inclusive fair housing planning process where community members, community-based organizations, and program participants contribute to the development of the AFH, as well as plans and activities to achieve fair housing goals specified in the AFH.

AFFH Fact Sheet: Community Participation and AFFH – Guidance for Public Housing Agencies

<https://www.hud.gov/sites/dfiles/FHEO/documents/AFFH-Fact-Sheet-Community-Participation-and-AFFH-Guidance-for-Public-Housing-Agencies.pdf>

Same as above but focused on requirements for public housing agencies

Guidance on HUD's Review of Assessments of Fair Housing (AFHs)

<https://www.hud.gov/sites/dfiles/FHEO/documents/Guidance-on-HUDs-Review-of-Assessments-of-Fair-Housing-AFH.pdf>

When reviewing an AFH, HUD reviewers will apply the two review standards set forth in the Affirmatively Furthering Fair Housing Final Rule (AFFH Rule) at 24 C.F.R. § 5.162. Specifically, HUD will not accept an AFH if:

- **The AFH is inconsistent with fair housing or civil rights requirements.** Under this standard, an AFH will not be accepted if HUD finds that the AFH, or a portion of the AFH, is inconsistent with fair housing or civil rights requirements; or
- **The AFH is substantially incomplete.** Under this standard, an AFH will not be accepted if HUD finds that the AFH or a portion of the AFH is substantially incomplete. The HUD reviewer will apply both standards.

[...]

INCONSISTENT WITH FAIR HOUSING OR CIVIL RIGHTS REQUIREMENTS

The AFFH Rule itself provides two examples of an AFH that is inconsistent with fair housing or civil rights requirements (24 C.F.R. § 5.162(b)(1)(i)):

- HUD determines that the analysis of fair housing issues, fair housing contributing factors, goals, or priorities contained in the AFH would result in policies or practices that would operate to discriminate in violation of the Fair Housing Act or other civil rights laws;
- The AFH does not identify policies or practices as fair housing contributing factors, even though the policies and practices result in the exclusion of a protected class from areas of opportunity.

HUD would not accept an AFH if HUD determined that the AFH failed to identify existing policies or practices that violate fair housing or civil rights requirements. Thus, where a program participant has information that a state or local policy or practice acts as a significant contributing factor for a fair housing issue, such as segregation, and where the AFH fails to discuss the policy or practice, that AFH would not be accepted by HUD. An example of this might be where a local residency preference operates to exclude protected class groups in the surrounding area and the AFH does not discuss how this preference contributes to fair housing issues such as segregation and access to opportunity.

AFFH Fact Sheet: Interim Final Rule

https://www.hud.gov/sites/dfiles/FHEO/documents/10_6_21_AFFH_IFR_Fact_Sheet.pdf

What the AFFH IFR Requires of HUD Program Participants

- Consistent with their statutory obligation under the Fair Housing Act, the IFR requires HUD grantees to certify that they will affirmatively further fair housing, which is defined as taking meaningful actions to address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially or ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.
- HUD grantees may engage in fair housing planning to support their AFFH certifications, but the AFFH IFR does not require any specific form of planning or the submission of fair housing plans to HUD.

NOTE: This could be interpreted as meaning that the “area of opportunity” needs to be created within an existing “area[s] of poverty” and not that low-income residents are to be transplanted to “areas of opportunity” (the housing equivalent of school busing)

HUD’s AFFH program additionally provides a number of tools and resources for local and state governments, public housing agencies, and other entities.

AFFH Rule Guidebook:

<https://www.hud.gov/sites/dfiles/FHEO/documents/AFFH-Rule-Guidebook.pdf>

Assessment of Fair Housing (AFH) for local governments:

<https://www.hud.gov/sites/dfiles/FHEO/documents/Assessment-of-Fair-Housing-Tool-For-Local-Governments-2017-01.pdf>

Assessment of Fair Housing (AFH) for Public Housing Agencies:

<https://www.hud.gov/sites/dfiles/FHEO/documents/Assessment-of-Fair-Housing-Tool-For-Public-Housing-Agencies-2017-01.pdf>

Assessment of Fair Housing (AFH) for States:

<https://www.hud.gov/sites/dfiles/FHEO/documents/AFH-Assessment-Tool-for-States-and-Insular-Areas-2016-09.pdf>

AFFH-T User Guide:

https://www.hud.gov/sites/dfiles/FHEO/documents/AFFHT_4_0_User_Guide_Final_2017.pdf

AFFH-T Data and Mapping Tool: <https://egis.hud.gov/affht/>

AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH): STATE LEVEL

At the State level, AFFH policies are administered by the CA Department of Housing & Community Development (HCD)

<https://www.hcd.ca.gov/planning-and-community-development/affirmatively-furthering-fair-housing>

Affirmatively Furthering Fair Housing's stated goal is "to combat housing discrimination, eliminate racial bias, undo historic patterns of segregation, and lift barriers that restrict access in order to foster inclusive communities and achieve racial equity, fair housing choice, and opportunity for all Californians."

In 2018, the California State Legislature passed AB 686 to expand upon the fair housing requirements and protections outlined in the Fair Employment and Housing Act (FEHA). The law:

- requires all state and local public agencies to facilitate deliberate action to explicitly address, combat, and relieve disparities resulting from past patterns of segregation to foster more inclusive communities.
- creates new requirements that apply to all housing elements due for revision on or after January 1, 2021.

The passage of AB 686 protects the requirement to affirmatively further fair housing within California state law, regardless of future federal actions. It also preserves the strong policy in the U.S. Department of Housing and Community Development's (HUD) Affirmatively Furthering Fair Housing Rule as published in the Federal Register in 2015.

As of January 1, 2019, AB 686 proactively applies the obligation to affirmatively further fair housing to all public agencies in California. Public agencies must now examine existing and future policies, plans, programs, rules, practices, and related activities and make proactive changes to promote more inclusive communities.

"Affirmatively furthering fair housing" means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a public agency's activities and programs relating to housing and community development. - (Gov. Code, § 8899.50, subd. (a)(1).)

Meaningful actions must be taken in concert with each other and address all of the following:

1. Significant Disparities in Housing Needs and in Access to Opportunity: Examples include incentivizing new residential development to include below-market rate housing; conserving affordability of existing housing, such as limitations on rents or conversion of such housing to higher rent or higher priced housing; encouraging systematic code enforcement activities that

maintain housing stock while ensuring such enforcement does not cause displacement; and promoting housing mobility strategies and displacement mitigation strategies to ensure equitable access to opportunity. Housing mobility strategies may include providing affordable and accessible transportation options to enhance access to education and economic development opportunities. Displacement mitigation strategies may include tenant protections, conservation of existing stock, preservation of units at-risk of conversion to market-rate uses, acquisition and rehabilitation of existing stock, including naturally occurring affordable housing, and removing barriers to building affordable housing.

2. Replacing Segregated Living Patterns with Truly Integrated and Balanced Living Patterns: Examples include community benefits agreements that balance development proposals with tangible, local benefits to residents in the area (e.g., creating affordable housing, funding renter assistance programs for nearby residents, or other investments that meet community-identified needs, such as infrastructure and community amenities). Other examples include inclusionary zoning requirements and land-value recapture mechanisms, zoning for a variety of housing types, particularly those that may be lacking from the community or neighborhood, including: multifamily housing, low-barrier navigation centers, group homes, supportive housing, and accessible units. Promote education on how restrictions on multifamily housing, such as limited multifamily zoning and height and density limitations, impact inclusive communities. Seek local input on housing proposals while recognizing that “local vetoes” of affordable and mixed-income housing in racially segregated concentrated areas of affluence create fair housing issues.

3. Transforming Racially and Ethnically Concentrated Areas of Poverty (R/ECAP) into Areas of Opportunity: Examples include community-led, place-based strategies to revitalize communities, such as economic development strategies and prioritizing investment in R/ECAPs that meet the needs of existing low-income residents, such as safe routes to school, transit, parks, schools, bike and pedestrian infrastructure, urban forestry, other neighborhood improvements; preserving naturally occurring affordable housing, such as mobilehome parks; and preservation as affordable housing of market-rate units where low-income households live; and promoting mixed-income development coupled with strong anti-displacement protections. Conduct outreach and advertise city program to persons with limited English proficiency. Other examples include community engagement in planning processes, including targeted outreach, technical assistance to help apply for grants, economic development strategies, workforce development, youth engagement and educational programs, healthy food access, affordable energy, and transportation access.

4. Fostering and Maintaining Compliance with Civil Rights and Fair Housing Laws: Agencies must diligently comply with civil rights and fair housing laws, including the California Fair Employment and Housing Act (FEHA) (Part 2.8 (commencing with section 12900) of Division 3 of Title 2), Government Code sections 8899.50, 65008, 65583, subdivisions (c)5) and (c)(10), and 11135, Civil Code section 51 (the Unruh Civil Rights Act), and FEHA regulations in California Code of Regulations, title 2, sections 12005-12271.

In addition to taking meaningful action, public agencies must not take any action materially inconsistent with the obligation to affirmatively further fair housing. Examples of materially inconsistent actions include those that:

- Hinder any of the affirmative actions public agencies take to further fair housing (e.g., lack of enforcement of rules intended to promote fair housing choices, diminishing fair housing principles from program guidelines, and inequitable implementation or enforcement of programs and activities)
- Perpetuate discrimination, segregation, R/ECAPs, and barriers that restrict access to opportunity based on protected characteristics (e.g., lack of affirmative marketing in funded housing developments, excluding accessibility modifications from eligible uses in funding, absence of community revitalization strategies in programs and policies)
- Are inconsistent with the housing element or the No-Net-Loss Law (e.g., downzoning without upzoning, zoning barriers to housing choices, removing tenant protections)
- Have a disparate impact on protected classes (e.g., zoning or siting toxic or polluting land uses or projects near a disadvantaged community, lack of investment in concentrated areas of poverty, lack of multifamily housing or affordable housing options in high-resource areas, investment without anti-displacement strategies in areas of disproportionate housing need)

Public agencies must ensure housing and community development programs and activities are designed and can be reasonably expected to achieve a significant and tangible positive change that affirmatively furthers fair housing by, for example, increasing fair housing choice or decreasing disparities in access to opportunity.

https://www.hcd.ca.gov/community-development/affh/docs/AFFH_Document_Final_4-27-2021.pdf#page=16

AFFH Data and Mapping Resources

AFFH Data and Maps

<https://affh-data-resources-cahcd.hub.arcgis.com/>

Racially Concentrated Areas of Affluence map

<https://cahcd.maps.arcgis.com/apps/mapviewer/index.html?layers=4100330678564ad699d139b1c193ef14>

Guidance for All Public Entities and for Housing Elements

https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf

Attachment D.3: Challenges of Changing Mobility Zones

Challenges of Changing Mobility Zones

Executive Summary

The Planning Department has chosen to define mobility zones based on criteria that will change over time. VMT efficiencies are subject to change, although it is unclear:

- Who will be monitoring VMTs
- On what schedule
- How this information will be reported publicly and to DSD
- How often the City's maps will be updated with this information
- Who will be responsible for this function, etc.

This is an issue because we are aware of current situations where the City's Zoning and Parcel Information Portal (ZAPP) maps are 3.5 years out of date, showing the wrong zoning on parcels and making code enforcement problematic.

Further, the Planning Department has shared no maps of these Mobility Zones based on current data and they are not included as overlays on the current SDA ArcGIS map.

Given the still evolving SDA code, there are also modifications required before it even aligns internally. Mobility Zones 3 and 4 have geographic definitions that do not line up (*community planning area boundary versus area within a community planning area*) and require correction before codification.

It is our recommendation that the SDA code could be simplified and the burden on DSD significantly reduced if Mobility Zones were removed from this code altogether and SDAs were simply defined as an area within a reasonable walking distance from transit (experts concur that ½ mile would be the appropriate distance for creating transit-oriented development, GHG emissions reductions and realistic transit adoption).

Outstanding SDA Mobility Zones Issues

Changing VMTs Make Mobility Zones Challenging to Apply

The Planning Department has chosen to define mobility zones based on criteria that will change over time. Because VMT efficiencies are subject to change, these changes will potentially change the geographic boundaries of Mobility Zones 3 and 4. The following information has not been provided to the public:

- Who will be monitoring VMTs
- On what schedule
- How this information will be reported publicly and to DSD
- How often the City's maps will be updated with this information
- Who will be responsible for updating the maps, etc.

This is an issue because we are aware of current situations where the City's Zoning and Parcel Information Portal (ZAPP) maps are 3.5 years out of date, showing the wrong zoning on parcels and making building permit applications and code enforcement problematic.

Further, the Planning Department has shared no maps of these Mobility Zones based on current data and they are not included as overlays on the current SDA ArcGIS map.

Alignment Problem

Mobility Zones 3 and 4 have definitions that do not align. Mobility Zone 3 is tied to a *community planning area boundary* while Mobility Zone 4 is linked to *areas within a community planning area*. This misalignment should be corrected before SDAs are codified.

Mobility Zone 3 means a **community planning area boundary** with a VMT efficiency that is 85 percent or less of the regional average for either resident VMT per capita or employee VMT per employee, as determined by the City Manager.

Mobility Zone 4 means any **area within a community planning area** with a VMT efficiency that is greater than 85 percent of the regional average for either resident VMT per capita or employee VMT, as determined by the City Manager.

Conclusion

It is our recommendation that the SDA code could be simplified and the burden on DSD significantly reduced if Mobility Zones were removed from this code altogether and SDAs were simply defined as an area within a reasonable walking distance from transit (experts concur that ½ mile would be the appropriate distance for creating transit-oriented development, GHG emissions reductions and realistic transit adoption).

Attachment D.4: Challenges of Changing Opportunity Zones

Challenges of Changing Opportunity Zones

Executive Summary

The Planning Department has chosen to add California Tax Credit Allocation Committee (CTCAC) high and highest opportunity zones to Mobility Zone 4 code. These zones are reevaluated annually and the map identifying the zones geographically is updated at that time. This adds another element to be updated annually for application of the SDA code.

The following information has not been provided to the public:

- Who will responsible for updating this information in the City's database?
- Who will responsible for updating this information on the City's maps?
- On what schedules?

This is an issue because we are aware of current situations where the City's Zoning and Parcel Information Portal (ZAPP) maps are 3.5 years out of date, showing the wrong zoning on parcels and making building permit applications and code enforcement problematic.

It remains unclear what opportunity zones have to do with transit-oriented development, but if the City insists on making the CTCAC zones part of SDA Code, it is essential that the information be current.

Opportunity Zones Issues

Changing CTCAC Opportunity Zones Challenging to Apply

The Planning Department has chosen to add California Tax Credit Allocation Committee (CTCAC) high and highest opportunity zones to Mobility Zone 4 code.

For *parcels* located in Mobility Zone 4, in an area identified as a High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area, the defined walking distance is 1.0 mile.

These zones are reevaluated annually and the map identifying the zones geographically is updated at that time. This adds another element to be updated annually for application of the SDA code.

The following information has not been provided to the public:

- Who will responsible for updating this information in the City's database?
- Who will responsible for updating this information on the City's maps?
- On what schedules?

This is an issue because we are aware of current situations where the City's Zoning and Parcel Information Portal (ZAPP) maps are 3.5 years out of date, showing the wrong zoning on parcels and making building permit applications and code enforcement problematic.

"CTCAC intended to adopt this map into its regulations... to accompany new policies aimed at increasing access to high-opportunity areas for families with children in housing financed with 9% Low Income 2 Housing Tax Credits (LIHTCs). For this reason, the research partners designed this map and the methodology behind it with the competitive funding infrastructure for the 9% LIHTC program ... The map has also been used to inform similar policies in other state funding programs, such as HCD's Multifamily Finance Super NOFA and the California Debt Limit Allocation Committee's regulations for 4% LIHTCs. **However, some methodological adjustments may be called for if the map is applied to broader contexts and different application processes.** The research partners update the data contained within the mapping tool annually and review the methodology to make improvements over time." Pg 1-2

Source: <https://belonging.berkeley.edu/2023-ctcac-hcd-opportunity-map>

The connection between opportunity zones and transit-oriented development remains unclear. Further, it appears that the map's creators have advised caution against application in broader contexts than those noted above, but if the City insists on making the CTCAC zones part of SDA Code, it is essential that the information be current.

Conclusion

It is our recommendation that the SDA code could be simplified and the burden on DSD reduced if CTCAC Opportunity Zones were removed from this code altogether and SDAs were simply defined as an area within a reasonable walking distance from transit (experts concur that ½ mile would be the appropriate distance for creating transit-oriented development, GHG emissions reductions and realistic transit adoption).

Attachment D.5: SANDAG'S Controversial Endorsement of 1 Mile SDA

SANDAG’S Controversial Endorsement of 1 Mile SDA

Executive Summary

On January 12th, Allison Wood, a SANDAG Senior Regional Planner, phoned in to support the San Diego Planning Department’s proposed Sustainable Development Area’s (SDA) 1 mile walking distance from transit, influencing the City’s Land Use and Housing Committee’s vote. Thereafter, on January 24, SANDAG’s Jennifer Williamson appeared at the Community Planners Committee meeting stating that SANDAG had not taken a position on San Diego’s SDAs.

On 1/27, Neighbors For a Better San Diego received a letter from SANDAG confirming that they support 1 mile SDAs based on a decision made on an uncertain date through an undefined Intergovernmental Review Process based on alignment with the unspecified goals of the:

- Regional Housing Needs Assessment Plan,
- Sustainable Communities Strategies, and
- Mobility Hub Strategy

The letter also confirmed that this decision was not made by any SANDAG advisory committee or the SANDAG Board. Follow-up questions remain unanswered by SANDAG.

The fact that two different SANDAG employees professed two contradictory agency positions regarding SDAs within a given week suggests that this was not a decision that was carefully considered based on existing policies and research. It is disconcerting at best that an agency with such a significant budget and impact on the lives of San Diegans would operate in such a haphazard, inconsistent and self-contradictory manner. It seems obvious that politics played a bigger role than research and facts in this decision-making process.

Based on a thorough review of SANDAG’s published literature, we determined that encouraging development up to one mile away from major transit is inconsistent with both SANDAG’s own research on effective transit-oriented development and its historical position. Below we document each piece of evidence contradicting SANDAG’s recent support for one mile walking distance to transit as an appropriate measure for reducing vehicle miles traveled (VMT) and increasing transit usage.

SANDAG Research and Historical Positions on Walking Distance to Transit

In SANDAG's 2021 Regional Plan, ½ mile from transit is a key benchmark:

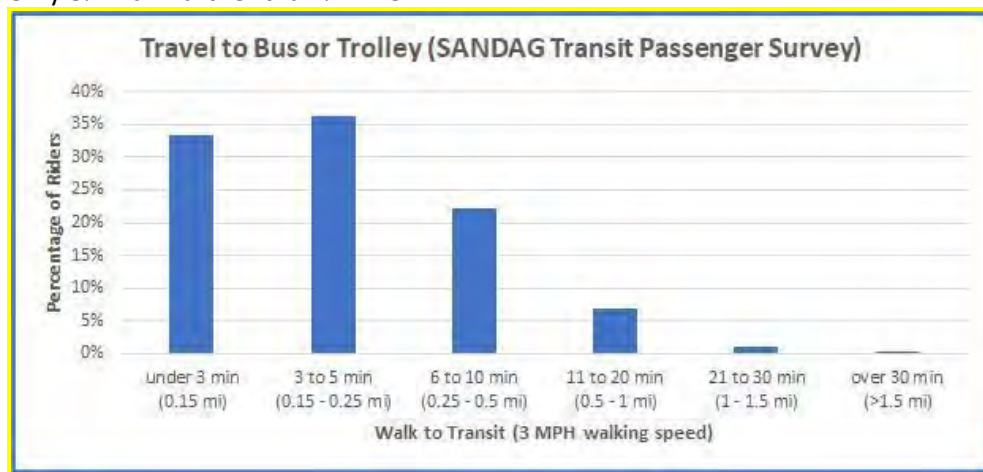
- “Only 12% of low-income residents currently live **within a half-mile of a commuter rail, light rail or Rapid transit stop.**”³⁶
- “2021 Regional Plan performance results show a threefold increase in social equity focused populations (people with low incomes, people of color, and seniors) living **within a half-mile of a commuter rail, light rail, or Rapid transit stop**”³⁶

SANDAG's 2019 TNC Survey showed that 97% of local transit users walk to transit and 89% walk home, nearly everyone. Only 1-2% “roll” via bike, scooter or skateboard.

- In 2019¹⁹
 - **97% walk to/89% walk from**
 - **2% come/89% go** via auto
 - **1% roll to /2% roll from** via bike, skateboard, etc.
 - **1.5% come /0.8% go** via transit/air (long distance mode)

SANDAG's 2015 Passenger Survey showed that 92% **walk 10 minutes - ½ mile or less to transit.**

- 70% walk 5 minutes or less to access transit (1/4 mile or less)²⁶
- Only 8% walk further than ½ mile



2015 On-Board Transit Passenger Survey; Results of the 2015 On-Board Transit Passenger Survey for San Diego Region; Prepared for: San Diego Association of Governments pg. 19
https://www.sandag.org/uploads/projectid/projectid_494_21412.pdf

SANDAG's Smart Growth Incentive Program is intended to “contribute to the reduction in GHG emissions and vehicle miles traveled and improve public health by encouraging travel by means

other than single-occupant vehicle. In particular, proposed projects should support public transit usage by improving access to transit and be located in areas served by transit.”³⁴

- Its scoring rubric is based on projects being **½ mile from a transit stop** and it even differentiates between Rapid and heavy rail versus buses/light rail.
 - “Project **area includes or is within 0.5 miles** of an existing or planned Rapid and/or rail stop (10 points)”³⁴
 - “Project **includes or is within 0.5 miles** of an existing or planned major transit stop (non-Rapid/non-Rail) (5 points)”³⁴

SANDAG’s Housing Acceleration Program (HAP) is intended to fund activities that accelerate housing production “while shifting modes of travel to more sustainable methods to reduce vehicle miles traveled and greenhouse gasses.”³⁵ HAP grant criteria also acknowledges the key factor of ½ mile distance to transit.

- “Relationship to Regional Transit” – “Prioritize projects **within ½-mile** of Rapid, passenger rail or major transportation stop”³⁵

SANDAG’s 2015 Designing for Smart Growth scorecard gives extra points for buildings and developments with transit access “within a comfortable **¼-mile walk of a transit corridor, or a transit stop**”²³

SANDAG’s Transit Oriented Districts document recommends a walking “catchment area” that’s “conveniently accessible **within 5-minutes of each transit station by foot**” That’s **¼ mile**.²⁵

SANDAG’s 2017 Mobility Hub Implementation Strategy uses a **5-minute ¼-mile walkshed to transit** to evaluate transit equity because car ownership rates are lower among the impoverished, low-income minorities, and seniors.²⁹

AS FOR the City of SAN DIEGO, in its own 2020 Transportation Study Manual EVERY reference to distance from transit is **½ mile**. It even requires Affordable housing be screened for transit access “defined as transit being located within reasonable walking distance (**1/2 mile**) from the project driveway.”³³

EVEN MTS’s 2018 Designing For Transit manual noted that “Passengers are typically **willing to walk between a quarter mile and a half of a mile from a transit station.**”²⁰

SANDAG’s Support for One Mile SDAs Not Justified Based on Transit Usage Data:

There is essentially universal agreement that few riders will trek beyond ½ mile to take transit, so using SDAs with a 1 mile walkshed to justify building dense and affordable housing **½ to 1 mile AWAY** from transit works against San Diego’s Climate Action goals by increasing auto use and defeating efforts to decrease GHG, and improve air quality. Housing beyond ½ mile will not meet

the state or federal definition of “transit-oriented development.” Further, it is inconsistent with the 5 minute, ¼ mile walkshed prescribed in SANDAG’s Mobility Hubs.

On what basis is SANDAG suddenly in favor of a 1 mile walkshed to transit? How is this political decision justifiable based on transit usage data?

Sources

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- 23** San Diego Association of Governments (SANDAG), *Designing for Smart Growth/Creating Great Places in the San Diego Region*, Smart Growth Scorecard 2015
- 25** Transit-Oriented Districts A Strategy For The San Diego Region, SANDAG 2015
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- 26** On-Board Transit Passenger Survey: Results of the 2015 On-Board Transit Passenger Survey for San Diego Region; Prepared for SANDAG
https://www.sandag.org/uploads/projectid/projectid_494_21412.pdf
- 29** SANDAG Regional Mobility Hub Implementation Strategy Equity Considerations 12/15/17
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- 33** The City of San Diego Transportation Study Manual (TSM), September 29, 2020
<https://www.sandiego.gov/sites/default/files/10-transportation-study-manual.pdf>
- 34** SANDAG Smart Growth Incentive Grant Program Call For Projects – Cycle 5 11/24/2021
- 35** SANDAG Housing Acceleration Program Grant Details 12/2021 <https://www.sandag.org/-/media/SANDAG/Documents/PDF/funding/grant-programs/smart-growth-and-housing/housing-acceleration-grant-program/housing-acceleration-program-grant-details-2021-12-01.pdf>
- 36** SANDAG Regional Plan Chapter 1: A Bold New Vision for the 2021 Regional Plan, 12/1/2021
<https://www.sandag.org/-/media/SANDAG/Documents/PDF/regional-plan/2021-regional-plan/final-2021-regional-plan/2021-regional-plan-chapter-1-2021-12-01.pdf>

Attachment D.6: SANDAG Letter 1-19-23



January 19, 2023

Hasan Ikhata, CEO
Ray Major, Deputy CEO
Coleen Clementson, Deputy CEO
Victoria Stackwick, Chief of Staff
Dr. Cindy Burke, Senior Director of Data Science
Antoinette Meier, Senior Director of Regional Planning

At the January 12th San Diego City Council's Land Use and Housing Committee (LU&H) meeting, the Planning Department presented a proposal for an entirely new and unproven transit-oriented development construct called **Sustainable Development Areas (SDAs)**. SDAs would replace Transit Priority Areas in San Diego's land use regulations and set a precedent to **radically redefine transit proximity for other SANDAG member municipalities**.

The SDA proposal, which has been embedded as one item in an omnibus Land Development Code update, relies on the questionable assumption that residents located a mile away from the nearest transit stop will have the same propensities to utilize transit as residents located within the half-mile distance currently assumed for Transit Priority Areas.

Allison Wood, Senior Regional Planner at SANDAG, read a statement in favor of the Planning Department's SDA proposal. Ms. Wood presented herself as speaking on behalf of SANDAG. Her commentary was clearly influential in the Committee's decision-making process. Before offering his motion to approve the proposed SDA definition and the other land development code updates, Councilmember Stephen Whitburn remarked on the significance of SANDAG's support for SDAs.

Ms. Wood's statement represents a significant deviation from SANDAG's long-standing policies on Transit-Oriented Development, such as a 5-minute walkshed (1/4-mile) for mobility hubs. Therefore, we would like SANDAG to clarify whether Ms. Wood was expressing an official SANDAG position on this policy. Our specific questions are as follows:

- Given that Ms. Wood represented her remarks at the January 12 meeting as official SANDAG policy, how and when was this decision made by SANDAG?
- Were Sustainable Development Areas considered and/or endorsed as an action of the SANDAG management, Board, or a subcommittee?

- Was SANDAG involved in the creation of the SDA map and what was the nature of that involvement?
- Is SANDAG's Transit Priority Area map based on the specific definition in San Diego's Land Development Code or the broader discretionary guidelines in State code?
- How will this radical redefinition of transit proximity affect other SANDAG member municipalities?

Contrary to Ms. Wood's public comments, the preponderance of transit studies and widely accepted practice show that residents **do not** utilize public transit in meaningful numbers beyond one-half mile walking distance to transit. (Note that the term "walking distance" is usually used to distinguish from radial or "crow flies" distance, but transit studies come to the same conclusions regarding transit adoption regardless of whether other forms of mobility are considered.) Organizations that have adopted the more realistic one-half mile walking distance standard include the U.S. Department of Transportation; U.S. Federal Transportation Administration; Federal Highway Administration; San Diego Metropolitan Transit System; California Department of Housing and Community Development; and heretofore **even SANDAG**.

We know that most people will not walk beyond one-half mile (10-minute walkshed) to transit based on overwhelming professional and academic research. Therefore, building dense housing up to one mile from transit instead of the accepted distance of one-half mile will knowingly deter mass transit adoption and reinforce automobile dependency in San Diego. The SDA proposal, therefore, raises serious questions about San Diego's Climate Action Plan, regional transit planning, and VMT reduction.

We understand the need for housing in the city of San Diego, but that does not justify distorting transit-oriented design principles as a cover for broad de-regulation of San Diego's zoning. This is especially true when San Diego already has a zoned capacity (Adequate Sites Inventory) of over 206,000 new housing units with the recent completion of the Mira Mesa community plan update, twice San Diego's RHNA goal (108,000). Pending community plan updates will add over 100,000 more potential units to this total. Beyond the formal upzoning of community plan updates, Complete Communities provides the capacity for over 1.1 million new housing units. Further, ADUs and SB 9 provide the capacity to build hundreds of thousands of additional units, without transit incentives or expansion of SDAs/TPAs.

So that the public has time to review SANDAG's documentation and deliberations behind this substantial policy shift prior to the upcoming City Council vote, **we ask that you respond to our inquiries by January 27**, including all geographic information system (GIS) data and files related to TPAs and SDAs, if applicable, and any documentation supporting the extension of SDAs/TPAs to one mile path of travel from transit.

Respectfully,

Geoffrey Hueter
Chair, Neighbors For A Better San Diego

CC: SANDAG Board of Directors

Attachment D.7: HCD Letter 2-9-23



February 9, 2023

Brian Heaton, Senior Housing Policy Specialist
Housing and Community Development
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833

Dear Brian,

I am writing in regard to an email that you sent to Heidi Vonblum, San Diego's Planning Director on December 27, 2022. In this email you supported San Diego's proposed replacement of Transit Priority Areas with a new concept called Sustainable Development Areas. Neighbors For A Better San Diego has extensively analyzed SDAs, Affirmatively Furthering Fair Housing (AFFH) regulations, and HCD's transit-oriented development guidelines, and we do not agree with your assessment that restricting the catchment area for transit-oriented development is in violation of AFFH. The net impact of San Diego's SDA proposal will be to push housing away from transit by making the footprint even larger than San Diego's already overly expansive Transit Priority Map, and it will also include transit stops from the Regional Transportation Plan that may not even exist until after San Diego's 10-15 year ADU affordability deeds expire. A key component of providing opportunity through AFFH is access to affordable housing near transit. This requirement is not met by building housing one-mile from transit and is contrary to HCD's own transit-oriented development guidelines, which give preference to housing projects within one-half mile or even one-quarter mile of transit. And certainly building housing around aspirational transit that is decades in the future is not going to meet the transit needs that residents have today.

The proposed expansiveness of SDAs, which would cover over half of all parcels in San Diego, is not justified by a need to create more land capacity for housing. With the recent completion of the Mira Mesa Community Plan Update, San Diego has twice as much zoned capacity (Adequate Sites) as needed to meet its RHNA target of 108,036. Pending community plan updates will add the zoned capacity for well over 100,000 more units, bringing us to three times our RHNA target.

The above numbers only reflect what is officially counted towards the Adequate Sites Inventory. However, transit-oriented density bonuses add over one million additional homes beyond the Adequate Sites estimate, even if the distance to transit in the SDA definition is reduced to the commonly accepted standard of one-half mile.

Noting that the half-mile distance to transit matches the state's own Transit Priority Area definition, we fail to understand HCD's interference in this code update. Noting the numbers above, we clearly have enough zoned and bonus capacity (over 15x by NFABSD's calculations) to meet San Diego's projected housing needs. Therefore, it is both right and proper for San

Diego to adjust its transit-oriented development regulations to achieve the best possible outcomes for mass transit adoption and climate action.

Your email mentions a veiled threat that HCD may decertify San Diego's Housing Element if it does not increase the distance to transit to one-mile. Please provide justification for this threat, including full details on the "case" that you refer to. Please also elaborate how HCD evaluates Housing Elements, including the data collection, public input, and HCD governance and approval processes.

Respectfully,

Geoffrey Hueter
Chair, Neighbors For A Better San Diego

CC:

Gustavo Velasquez, HCD Director
Megan Kirkeby, HCD Deputy Director, Housing Policy Development
Kyle Krause, HCD Deputy Director, Codes and Standards
Heidi Vonblum, Director, San Diego Planning Department
Seth Litchney, Program Manager, Housing, San Diego Planning Department

Attachment D.8: SDAs and Transit Equity

Sustainable Development Areas and Transit Equity

Executive Summary

Distance is often the greatest barrier to access. Making Sustainable Development Areas (SDAs) one mile from transit raises equity issues by encouraging affordable housing beyond a reasonable walking distance for the people who need it most. 20% of people at or below the federal poverty line don't have access to a car, and auto ownership is even lower among low-income minorities.³ Locating dense and affordable housing beyond one-half mile from transit presents real challenges for low-income households, communities of color and people with disabilities.

SANDAG's 2017 Regional Mobility Hub Implementation Strategy Equity Considerations report acknowledges that "Transit is likely the mode of transportation that people most associate with equity." It further notes that older adults often stop driving, so mobility hub features that focus on driving "may not provide proportional benefits to disadvantaged populations...Seniors and people with disabilities often have a more limited range of travel if they are walking or biking." These observations point to a strategy of providing housing for these populations closer to transit, within ¼ to ½ mile walking distance, as opposed to beyond ½ mile to 1 mile as proposed by the Planning Department. Beyond ½ mile, housing is no longer considered transit-oriented development – not by HCD or essentially any other government or professional transportation organization.

To address these inequities, SANDAG's Draft 2021 Regional Plan calls for improved transit access in areas with low-income and minority residents – that would be closer transit access for more low-income and minority residents, not an SDA a mile from transit.

Building dense and affordable housing realistically near transit not only supports low-income households, but it also increases the return on investment for local governments and transit operators who are financially supporting transit infrastructure. In short, San Diego will receive the greatest social benefit and transit viability if it puts affordable housing opportunities closer to transit, not up to a mile away as the City's Planning Department proposes for Sustainable Development Areas.

Transit Users and Equity

Research shows, and federal program guidelines reflect, that the average person is typically willing to walk a quarter-mile to access bus service and a half-mile for rail.¹

- California Department of Housing & Community Development's (HCD) definition of transit-oriented development (TOD) "requires homes to be built within a ¼ mile radius of a qualifying rail or ferry station or a bus stop with frequent service."²
- SANDAG's 2017 Regional Mobility Hub Implementation Strategy Equity Considerations supported this proposition with its "five-minute walkshed (about a quarter of a mile) around the station."⁴

Making SDAs one mile from transit raises equity issues by encouraging affordable housing beyond a reasonable walking distance for the people who need it most.

- "Transit is likely the mode of transportation that people most associate with equity."⁴
- 20% of people at or below the federal poverty line don't have access to a car, and automobile ownership is even lower among low-income minorities.³
- Locating dense and affordable housing beyond one-half mile from transit presents real challenges for low-income households, communities of color and people with disabilities.³
 - Older adults often stop driving, so mobility hub features that focus on driving "may not provide proportional benefits to disadvantaged populations"⁴
 - "Seniors and people with disabilities often have a more limited range of travel if they are walking or biking"⁴

These observations point to a strategy of providing housing for these populations closer to transit, within ¼ to ½ mile walking distance, as opposed to beyond ½ mile to 1 mile as proposed by the Planning Department. Beyond ½ mile, housing is no longer considered transit-oriented development – not by HCD or essentially any other government or professional transportation organization.

Who Rides San Diego Transit?


Transit is more affordable than other long-distance transit modes, and low-income households are generally more likely to use it.² San Diego's 2022 Metropolitan Transit System Customer Satisfaction Survey Results⁵ confirm these assumptions:

- 84% of its riders earn < \$50K/year
 - 55% earn < \$20K/year

FINAL 9.15.2022

Customer Profile

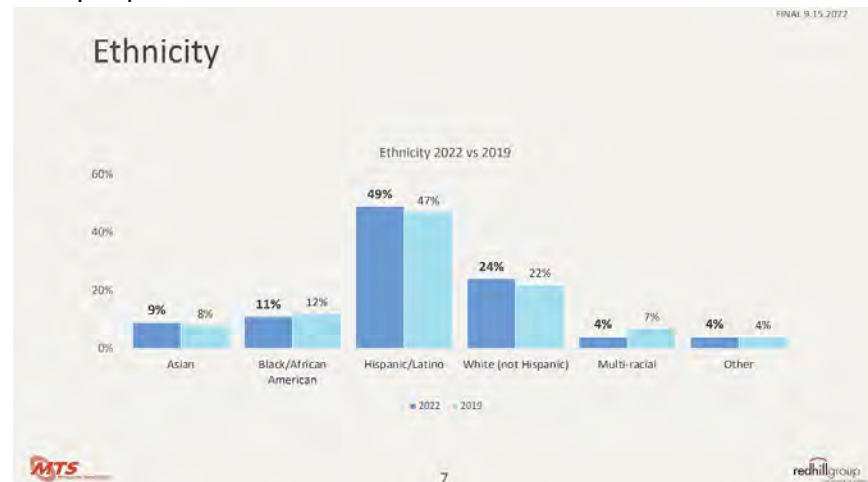
- Annual income less than \$50K (84%)
- Annual income less than \$20K (55%)
- More likely to be Hispanic (49%)
- Speak a language other than English at home (36%)
 - and of those 61% speak English “well” or “very well”
- Smartphone availability (91%)



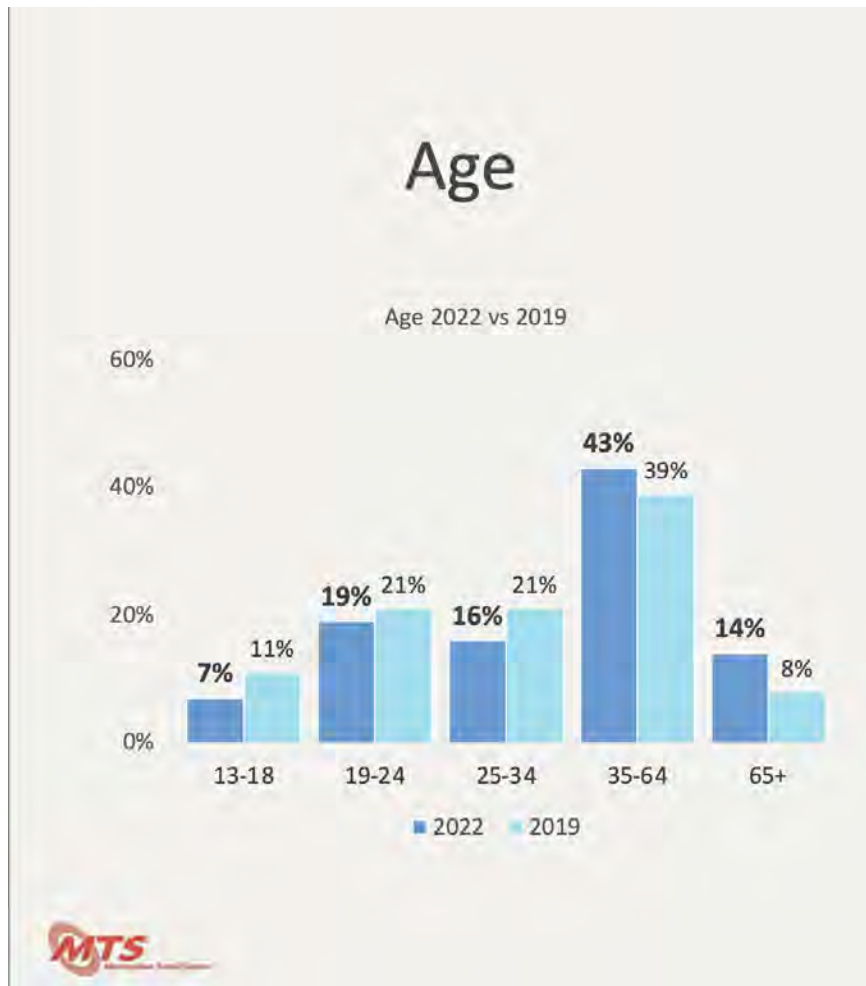
MTS redhillgroup

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- 76% are people of color



- 14% are 65+




- 12% of its riders are disabled

FINAL 9.15.2022

Customer Profile

- Use Bus (74%)
- Trolley (81%)
- Ride MTS at least 3 times a week (80%)
- 86% complete their trip with one or less transfers
- Half of riders complete their trip without a transfer
- Vehicle availability (30%)
- Employed (61%)
 - Full-time 38%
 - Part-time 23%
- Student (26%)
- Disability (12%)



MTS

redhillgroup

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SANDAG's Social Equity Analysis for Draft San Diego Forward: The 2021 Regional Plan indicates:

- 11.8% of low-income residents,
- 10.4% of minorities, and
- 8.0% of seniors in the region live within 0.5 miles of high-quality transit.¹²

To address these inequities, SANDAG's Draft 2021 Regional Plan calls for improved transit access in areas with low-income and minority residents¹² – **that would be closer transit access for more low-income and minority residents, not an SDA a mile from transit.**

What Does San Diego's Housing Element Say About Transit?

San Diego's 6th Cycle Housing Element identifies housing capacity to affirmatively further fair housing opportunities for all San Diegans. It does so primarily on sites located **near transit and in walkable areas (HE-15), consistent with the General Plan and Climate Action Plan.**⁷

- Policy HE-I.4 calls for emphasizing the need for affordable housing options for seniors and people with disabilities and/or special needs **near transit**, healthcare services, shopping areas, and other amenities.
- Policy HE-I.9 encourages micro-unit housing and new shared and intergenerational housing models to help meet the housing needs of aging adults, students, and lower income individuals, and **promote their development within TPAs citywide [not 1 mile from transit].**

Multiple factors contribute to disproportionate housing needs. Among them is the disconnection between jobs and housing. When there is a lack or imbalance of affordable housing near the job centers within the city and the region, this affects the income and opportunities for lower income, non-white and disabled populations.

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 neighborhood.⁹ 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.¹⁰

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.¹²

Limited access to public transit may counteract some of the benefits of affordable housing. Current research indicates a strong connection between housing and transportation costs. Housing market patterns in parts of California with job-rich city centers are pushing lower-income families to the outskirts of urban areas, where no transit is available to connect them with jobs and services. In lower-income communities with underserved city centers, many residents must commute out to suburban job-rich areas. In an attempt to save money on housing, many lower-income households are spending disproportionately higher amounts on transportation. A study conducted by the Center for Housing Policy revealed that families who spend more than half of their income on housing spend only eight percent on transportation, while families who spend 30 percent or less of their income on housing spend almost 24 percent on transportation.¹¹ This equates to more than three times the amount spent by persons living in less affordable housing.¹⁰

- San Diego Housing Element 2021-2029 suggests meaningful fair housing programs:
 - update opportunities **along [not 1 mile away from]** new planned transit routes and to consider greater equity factors (HE-A-236)
 - Create a Large Family Unit affordable housing incentive program encouraging 3-bedroom units in **quality transit areas** (HE-A-242)
- In 2020, the City Council adopted Complete Communities: Housing Solutions and Mobility Choices.
 - **“Intended to increase housing production in areas located closest to transit,** and to provide more pedestrian, cyclist, and transit investments, particularly in areas with the greatest needs, and where such investments

would serve the most people... resulting in critical GHG emissions reductions.” pg 58⁸

The forthcoming Environmental Justice Element of the General Plan is supposed to guide the City’s future planning and development actions to ensure fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. This appears contrary to increasing the distance to transit with one mile SDAs making lower income, minority, and disabled residents and seniors live further from the transit they rely upon for job opportunities, public services, shopping, medical care, etc.

What Does the California Household Travel Study Teach Us About Transit Equity?

In 2014, Transform and The California Housing Partnership Corporation (CHPC) conducted a Caltrans’ California Household Travel Study (CHTS) data analysis. They used the California Department of Housing & Community Development’s (HCD) definition of transit-oriented development (TOD) that “requires homes to be built within a ¼ mile radius of a qualifying rail or ferry station or a bus stop with frequent service.”²

The study found that “Households living in HCD TOD areas [¼ mile from transit] use transit at rates that are triple or quadruple the rates of households living in non-TOD areas. Transit usage is even higher for the groups making less than 50% of median income. Extremely Low Income and Very Low Income households living in a HCD TOD take transit 50% more than their neighbors from higher income brackets. What this tells us is that putting affordable housing within ¼ mile of transit will help bolster transit usage and the people who need transit.

The Transform study also showed that “extremely Low-Income households own only .7 vehicles per household in HCD TOD areas versus 1.65 vehicles for High Income households in the same area. Finally, “lower income households have relatively high car ownership when they lack access to transit.”² The moral of the story is to put affordable housing opportunities **closer to transit, not up to a mile away as the City’s SDAs propose.**

Conclusions

Those who rely on San Diego transit are primarily lower income, minority individuals, many seniors and people with disabilities. SANDAG research indicates that within the region only 11.8% of low-income residents, 10.4% of minorities and 8% of seniors live within ½ mile of high quality transit.¹² To address these inequities, SANDAG is calling for improved transit access in areas with low-income and minority residents. This would suggest putting more affordable and dense new housing closer to transit, not further away as the one mile SDAs would allow. This would be consistent with the intention of Complete Communities to create housing “**closest to transit**” as reinforced in the Climate Action Plan.⁸

Access to quality jobs and effective public transit facilitates quality of life and improved life

outcomes, but research indicates that racial and ethnic minorities, individuals with disabilities, and other protected classes often have restricted access to these vital amenities.¹² People dependent upon mass transit may have limited housing choices. In addition, seniors and disabled persons also often rely on public transit to visit doctors, shop, or attend community activities. Public transit provides a link between job opportunities, public services, and affordable housing and helps to ensure that transit-dependent residents have adequate opportunity to access housing, services, and jobs. **The lack of a relationship between public transit, employment opportunities, and affordable housing may impede fair housing choice.**¹⁰ Expanding distance to transit for transit-oriented development, especially affordable housing, with a one mile Sustainable Development Area (SDA), will defeat equity goals and harm the people who most need access to both transit and affordable housing choices.

Sources

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2 <https://chpc.net/resources/why-creating-and-preserving-affordable-homes-near-transit-is-a-highly-effective-climate-protection-strategy/>

3 Center for American Progress, “Can New Transportation Technologies Improve Equity and Access to Opportunity?,” Kevin DeGood and Andrew Schwartz, April 2016, <https://www.americanprogress.org/wp-content/uploads/2016/04/TransportEquity1.pdf>

4 <https://www.sandag.org/-/media/SANDAG/Documents/PDF/projects-and-programs/innovative-mobility/mobility-hubs/mobility-hub-planning-resources/mobility-hub-equity-considerations-2017-12-15.pdf>

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8 City of San Diego 2022 Climate Action Plan; https://www.sandiego.gov/sites/default/files/san_diegos_2022_climate_action_plan_0.pdf

9 Ong, Paul and Evelyn Blumenberg, "Job Accessibility and Welfare Usage: Evidence from Los Angeles". UCLA Department of Policy Studies, (1998).

10 <https://sdfairhousing.org/wp-content/uploads/2022/12/Regional-Analysis-of-Impediments2020.pdf>

11 Sard, Barbara and Rice, Douglas. "Creating Opportunity for Children How Housing Location Can Make a Difference". Center on Budget and Policy Priorities. (October 2014).

12 Appendix HE-A – Assessment of Fair Housing for the City of San Diego's 2021-2029 Housing Element
https://www.sandiego.gov/sites/default/files/he_appa_assessmentfairhousing_final.pdf