



July 14, 2021

Shannan West
Land Use & Planning Unit Chief
California Department of Housing and Community Development
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
Via HousingElements@hcd.ca.gov

SUBJECT: Support for City of San Diego's 6th Cycle Housing Element

Dear Shannan West:

On behalf of Circulate San Diego, whose mission is to create excellent mobility choices and vibrant, healthy neighborhoods, I write to request approval of the City of San Diego's 6th Cycle Housing Element.

San Diego's proposed Housing Element includes more than enough zoning capacity in its Adequate Sites Inventory to meet State guidelines. Failure to certify the Housing Element would remove key funding sources for affordable homes. Moreover, it would punish a jurisdiction that has been a leader in the State for adopting pro-homes policies, which would be counter to the purpose of Housing Element Law.

Circulate San Diego has advocated for local governments to look beyond only zoning capacity, and even to transcend their limits. In our 2017 report "Transit Oriented Development," Circulate argued that San Diego's "City-wide policies that act as barriers to achieving the Climate Action Plan and the City of Villages Strategy should be reexamined and replaced."¹ In 2019, I expanded on these ideas in an academic article explaining how local housing reforms should focus on city-wide policies.² City-wide reforms have the right political economies to be adopted, and they can remove barriers to building the homes nominally planned for by zoning capacity.

Over the last half-decade, the City of San Diego has embraced the strategy of city-wide reforms. The result has been new policies that allow development capacity even greater than what is strictly listed on zoning maps. San Diego also adopted policies that create more certainty and flexibility for projects.

- **Development Capacity:** San Diego's policies for homes near transit go beyond what is required by Housing Element and State law, even in terms of development capacity. City-wide programs like Complete Communities allow for an unlimited number of units on transit-oriented multi-

¹ Colin Parent, "Transit Oriented Development," (January 9, 2017), available at <https://www.circulatesd.org/todreport>.

² Parent, Colin (2019) "City-Wide: A Strategy for Sustainable Growth," *California Western Law Review*: Vol. 55 : No. 2 , Article 3., available at <https://scholarlycommons.law.cwsl.edu/cwlr/vol55/iss2/3>.

family sites, within flexible floor area ratios.³ San Diego also allows for unlimited ADUs on single family parcels near transit with its affordable ADU bonus program.⁴ Both of these policies expand housing capacity, fight climate change, and address a history of exclusionary land uses.

- **Development Certainty:** San Diego reformed numerous city-wide policies to eliminate barriers, and to produce more homes. They include the elimination of parking requirements,⁵ by-right development,⁶ and a variety of flavors of ministerial housing bonus programs.⁷

San Diego's housing policies have become a model for California. Last year, the most significant housing production bill signed by Governor Newsom was Assembly Bill 2345, which was modeled after San Diego's extremely successful Affordable Homes Bonus Program. The bill was authored by Assemblymember Lorena Gonzalez, and sponsored by Up for Growth and Circulate San Diego.⁸

Circulate's research found that individual projects using San Diego's Affordable Homes Bonus Program built an average of 142 percent of zoning capacity.⁹ In contrast, San Diego's adequate sites inventory is calculated with a far more modest assumption that projects will build only 90 percent of allowed capacity. San Diego's 90 percent estimate is especially conservative given that data shows about half of recent residential production in San Diego now uses the Affordable Homes Bonus Program.¹⁰

The City of San Diego is a good faith actor on housing policy. Their proposed Housing Element goes above and beyond what is required, both for adequate sites, and with a suite of innovative and proven programs. We strongly encourage its certification.

Sincerely,



Colin Parent
Executive Director and General Counsel

³ San Diego Municipal Code §143.1001, available at <https://docs.sandiego.gov/municode/MuniCodeChapter14/Ch14Art03Division10.pdf>, last visited July 12, 2021

⁴ San Diego Municipal Code §141.0302, available at <https://docs.sandiego.gov/municode/MuniCodeChapter14/Ch14Art01Division03.pdf>, last visited July 12, 2021.

⁵ San Diego City Ordinance 21057, available at <https://www.sandiego.gov/sites/default/files/o-21057.pdf>, last visited July 12, 2021.

⁶ See City of San Diego, "What Are the Steps in the Development Review Approval Process?" available at <https://www.sandiego.gov/planning/about/overview/steps>, last visited July 12, 2021.

⁷ San Diego Municipal Code §143.0710, available at <https://docs.sandiego.gov/municode/MuniCodeChapter14/Ch14Art03Division07.pdf>, last visited July 12, 2021.

⁸ Christine Huard, "Newsom Signs Gonzalez Incentives Bill for Affordable Housing Developers," September 28, 2020, available at <https://timesofsandiego.com/politics/2020/09/28/newsom-signs-gonzalez-incentives-bill-for-affordable-housing-developers>.

⁹ Colin Parent and Maya Rosas, "Good Bargain," Circulate San Diego (May 19, 2020), Appendix A, available at <https://www.circulatesd.org/goodbargain>.

¹⁰ Anthony Dedousis, Mott Smith and Michael Manville, "Parking Requirements Are Not a Useful Bargaining Chip for Increasing Affordable Housing," Streetsblog, May 19, 2021, available at <https://cal.streetsblog.org/2021/05/19/parking-requirements-are-not-a-useful-bargaining-chip-for-increasing-affordable-housing>.