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Mayor Kevin Faulconer and Members of the City Council:
City Administration Building
202 C Street, 11th Floor
San Diego, CA 92101

RE: The General Plan and Climate Action Plan Require that Community Plan Updates May Not Down-Zone Neighborhoods

Dear Mayor Kevin Faulconer and Members of the City Council:

Circulate San Diego is writing this letter to outline our expectations and the legal requirements the City of San Diego must meet as it updates its various community plans.

The City of San Diego has adopted two key forward-looking land use documents, its General Plan, and its Climate Action Plan. Both documents call for more intense use of land to encourage transit ridership, walking, bicycling, and access between homes and jobs centers.

The legally binding [Climate Action Plan](#) requires the City to take actions to “Implement transit-oriented development within Transit Priority Areas,” and to “[a]chieve better walkability and transit-supportive densities by locating a majority of all new residential development within Transit Priority Areas.”¹ This document requires new City policies, including community plan updates, to facilitate increases of land use intensity near our region’s transit investments.

At minimum, any community plan update cannot reduce permissible residential land use intensity. The [General Plan with its City of Villages Strategy](#) requires that as updated community plans “designate land uses and assign densities, they must preserve or increase planned capacity of residential land uses to ensure compliance with the City’s regional share goal.”² Community plan updates must be consistent with the General Plan, because California law requires that local zoning be consistent with general plans. As the California Supreme Court explains, “Once the city has adopted a general plan, all zoning ordinances must be consistent with that plan.”³

¹ City of San Diego, Climate Action Plan (2015), Strategy 3: Bicycling, Walking, Transit & Land Use, pages 37-39, available at <http://www.sandiego.gov/planning/genplan/cap/pdf/FINAL%20December%202015%20CAP.pdf>.

² City of San Diego, General Plan Land Use and Community Planning Element (2010), page LU22, available at <http://www.sandiego.gov/planning/genplan/pdf/generalplan/landuse2010.pdf>.

³ *Leshar Communications, Inc. v. City of Walnut Creek*, 52 Cal.3d 531, 536 (1990).

To comply with the General Plan, any reduction to permissible land uses in San Diego must be accompanied by increases elsewhere, or they must be counter-balanced with policies that reduce costs and remove other barriers to new development. In short, consistency with the General Plan does not allow community plan updates to down-zone neighborhoods.

Under the strong mayor form of government, the Planning Department acts under the direction of the Mayor. It is ultimately the responsibility of the Mayor to ensure the Planning Department only proposes community plan updates that are consistent with the Climate Action Plan and General Plan.

If the Mayor's administration ever proposed a community plan update that would result in a down-zone, then the Planning Commission, and ultimately the City Council, would have two choices:

- Choice 1: They can send the plan back to the Planning Department, and to the relevant community planning group, with instructions to return with a plan that is consistent with local requirements.
- Choice 2: They can adopt a "no project alternative" in the proposed community plan update's environmental report, and choose to maintain the current community plan without changes.

Updates to community plans present an opportunity to modernize our land use rules. However, we must only update those plans if the effect would be to continue our City's progress on sustainable land uses.

Sincerely,



Colin Parent
Policy Counsel, Circulate San Diego

CC:

Jeff Murphy, Mike Hansen, Jaymie Bradford, David Graham, Reese Jarrett, Brad Richter, Marlon Pangilinan

Members of the Planning Commission

Members of the Civic San Diego Board