Campaign for Fair Housing Elements
fairhousingelements.org

YIMBY LAW

The City of South San Francisco

Via email: GeneralPlan@ssf.net; SSFplanning@ssf.net

Cc: HousingElements@hcd.ca.gov

August 4, 2022

Re: South San Francisco's Draft Housing Element

To the City of South San Francisco:

The Campaign for Fair Housing Elements and YIMBY Law commends the City on its clear and sincere housing element. We have but a few comments. First, the City should allow a metropolitan density of 30 homes per acre throughout its territory. Second, the City should implement an anti-displacement policy now. Third, the City should abolish design review in favor of a ministerial process for multifamily housing.

But for bad policy, density would be normal in the Bay Area. As we wrote this spring, the City must "plan for density" and recognize that its pace of home production will only achieve 56% of its housing need. (Draft, PDF pp.210–15.) While we applaud the City's "good sense of development feasibility" (*Id.*, p.67), the fact remains that millions of Californians are needlessly cost-burdened by a policy-driven housing shortage. It is thus harmful to mandate, rather than tolerate, low-density development. (Cf. Draft, p.49–51 ["single-family residential is the dominant land use"].) Since "30 units per acre … provid[es] favorable prospects for affordable units," and HCD encourages an ample capacity buffer, we recommend the City legalize this metropolitan density throughout its territory. (Draft, p.68; HCD Site Inventory Guidebook p.22.)

We also urged "a strong tenant protection ordinance." (Draft, PDF p.211.) To that end, the City plans to convene "a Renter's Task Force to explore an anti-displacement plan" (*id.*, p.139), and we encourage that effort. But the City acknowledges what might be

done, and nothing prevents it from enacting any of "a rent stabilization policy, just-cause eviction and harassment protections, tenant and landlord mediation programs, right of first refusal, rental assistance, tenant legal counseling, [or] a rent board to implement the program" now. (See *ibid.*) State law already guarantees a "right of first refusal" in South San Francisco. (See Gov. Code § 66300(d)(2)(d)(ii).) We challenge the City to improve on this guarantee.

Last, we noted that "discretionary process[es]" impede the construction of multifamily housing. (Draft, PDF p.213.) Again, the City excels here in its transparency and leads the county in its processing times (*id.*, pp.59–62)—and again, a severe housing shortage demands fundamental change. "Design review" need not and should not be "required of all new construction in South San Francisco." (Cf. *id.*, p.60.) The City should abolish this discretionary process and adopt fully objective standards that guard only against safety concerns such as flooding, fire, and earthquakes; there is no legitimate reason in a housing shortage to tie up home construction for want of a "gable roof addition," "thicker columns," or a "rectangular window." (Cf. South San Francisco Design Review Guidelines, PDF pp.14,17,19.)

We look forward to the City's next draft. Please contact me with questions.

Sincerely,



Keith Diggs
Housing Elements Advocacy Manager, YIMBY Law
keith@yimbylaw.org