

## **San Diego Local Control and Responsible Planning Act**

This Act is proposed by the residents of the City of San Diego to preserve neighborhood character, restore local authority over land use decisions, and ensure meaningful public participation in future housing policy decisions. It is enacted pursuant to the City's authority as a Charter City under the California Constitution.

### **Section 1 – Findings and Purpose**

The residents of San Diego find and declare the following:

- a. The City has implemented state housing mandates and additional local programs that have removed local community oversight of high-density housing projects.
- b. The resulting developments have overwhelmed infrastructure, reduced parking availability, and disrupted the character and safety of established residential neighborhoods.
- c. Local Community Planning Groups have been bypassed in the approval of housing programs that materially affect their neighborhoods.
- d. This Act is intended to restore balance, ensure community review, and protect single-family neighborhoods from incompatible development.

### **Section 2 – Intent of the Voters**

It is the intent of the voters in enacting this Act to:

- Reinstate project-level review for high-density housing proposals.
- Restore Community Planning Group oversight of significant planning and zoning changes.
- Prohibit the City from implementing housing programs that override neighborhood-level review without voter approval.

### **Section 3 – Rescission of Complete Communities Housing Solutions and Community Planning Group Oversight**

#### **3.1 Rescission of Complete Communities Housing Solutions**

The City of San Diego's Complete Communities Housing Solutions (CCHS) program, as adopted by ordinance and codified in the Municipal Code and Planning Department implementation documents, shall be fully rescinded upon the passage of this measure. All associated development incentives, density bonuses, permit streamlining, and regulatory exemptions provided under the CCHS framework shall cease to have legal effect.

#### **3.2 Mandatory Community Planning Group Approval for Future Citywide Housing Programs**

No citywide housing initiative, program, or zoning overlay introduced by the San Diego Planning Department, City Council, or Mayor's office shall be implemented or enforced unless and until it has received formal approval by each Community Planning Group (CPG) representing a Council District within the City of San Diego. Such approval must occur through a public meeting and vote of each CPG following at least one agendaized public presentation by the proposing agency. Citywide housing programs include, but are not

limited to, land use incentives, density bonuses, inclusionary housing mandates, or ministerial approval frameworks.

#### **Section 4 – Severability**

If any provision of this Act or its application to any person or circumstance is held invalid, the remainder of the Act and the application of its provisions to other persons or circumstances shall not be affected.

#### **Section 5 – Constitutional Defense of Voter-Enacted Land Use Controls**

##### **5.1 Charter City Authority**

Under Article XI, Section 5 of the California Constitution, the City of San Diego is a Charter City empowered to regulate municipal affairs, including land use, zoning, and development standards. This Act reaffirms the voters' right to enact and enforce local development standards, including height limits, density restrictions, and community oversight mechanisms, without interference from the State when exercising authority over municipal matters.

##### **5.2 Proposition D and the Coastal Height Limit**

Proposition D, enacted by San Diego voters in 1972, restricts building heights to 30 feet within the Coastal Zone. This law reflects a legitimate and narrowly tailored municipal interest in preserving coastal views, neighborhood character, infrastructure balance, and environmental integrity. Proposition D constitutes a voter-enacted exercise of zoning authority that falls squarely within San Diego's charter-based land use powers.

##### **5.3 State Overreach and Judicial Precedent**

Recent State legislation—including Government Code Section 65915 (State Density Bonus Law), SB 9, SB 10, and the Housing Accountability Act—has attempted to preempt local zoning regulations, including height limits in single-family and coastal areas, on the basis that housing production is a matter of statewide concern. However, in a 2024 California Superior Court ruling, the court held that SB 9, as applied to Charter Cities, violates constitutional principles of local control where state imposition is overly broad, displaces voter-approved measures, and fails to demonstrate compelling necessity.

Accordingly, any state law or administrative enforcement action that attempts to override San Diego's voter-approved height limits or land use regulations shall be considered constitutionally invalid to the extent it conflicts with this Act and the City's charter-based powers.

##### **5.4 Defense of Voter-Enacted Law**

The City Attorney shall defend this Act and all provisions herein, including Proposition D and other voter-enacted land use controls, against any state agency, official, or private party seeking to invalidate or preempt its provisions through legislation or judicial action. The City shall not waive its home rule authority or submit to state preemption without judicial review and voter consent.