

DATE ISSUED: June 7, 2002

REPORT NO. 02-138

ATTENTION: Committee on Land Use and Housing  
Agenda of June 12, 2002

SUBJECT: Amendments to the Transit Area Overlay Zone adopted as part of the  
Second Update to the Land Development Code

### SUMMARY

THIS IS AN INFORMATION ITEM ONLY. NO ACTION IS REQUIRED ON THE PART OF THE COMMITTEE OR THE CITY COUNCIL.

### BACKGROUND

On January 22, 2002 the Community Planners Committee (CPC) adopted a resolution requesting that the Committee on Land Use and Housing (LU&H) take several actions relating to the Transit Area Overlay Zone (TAOZ) and Residential Tandem Parking Overlay Zone (RTPOZ) amendments. At the May 29, 2002 meeting LU&H requested that staff provide additional background information on the actions relating to the TAOZ and RTPOZ amendments.

The purpose of the Transit Area Overlay Zone (TAOZ) is to identify areas receiving a high level of transit service or areas with a potential for a high level of service. Within these areas the off-street parking requirements can be reduced. A high level of transit service is defined as transit segments with a headway (service frequency) of 10 to 15 minutes considering all routes using that segment. Prior to the latest amendments, the TAOZ was last updated in 1992 and since then, significant expansion of bus and trolley service has been implemented or funded, according to information provided by the Metropolitan Transit Development Board (MTDB). The RTPOZ identifies the conditions under which tandem parking may be counted as two parking spaces in the calculation of required parking. In some communities, such as Mission Beach, Uptown, La Jolla, and Council District 5, the RTPOZ applies to the entire community. In other communities the RTPOZ applies only if at least 25 percent of the project area is located within the TAOZ. It is this provision that links the RTPOZ to the TAOZ. However, five communities are specifically excluded from this provision, including Greater North Park, Pacific Beach, Southeastern, Skyline/Paradise Hills and Mid-City communities other than City Heights.

The TAOZ update began in 1999 as a regulatory relief issue. LU&H recommended approval of the regulatory relief package on November 3, 1999. The Committee requested that staff present the amendments to certain planning groups. In January 2000, city staff made presentations to four planning groups. The Southeastern San Diego Development Committee and Encanto Community Planning Group opposed the amendments and the University and Navajo Community Planning Groups considered the amendments but took no position. Subsequently, the Community Planners Committee (CPC) recommended approval of the proposed TAOZ update in January 2000 and the Planning Commission recommended approval in February 2000. The TAOZ update was then

delayed due to issues that arose with other items included in the regulatory relief package, and it was temporarily put on hold.

At about the same time the Land Development Code (LDC) staff was preparing for the Second LDC Update which included various code consistency issues as well as several policy-related issues. In order to keep the TAOZ update on track, it was decided that it would be included, along with 36 other issues in the code update process. The Second LDC Update was reviewed by several recommending bodies, as established in the Council-approved Code Monitoring Program, which included the Code Monitoring Team, Planning Commission and the LU&H Committee. The Second LDC Update was then approved by the City Council on December 12, 2000. The California Coastal Commission certification of the code update became effective in August of 2001.

The prolonged process did create some confusion among staff and the public. LDC staff relied on the input and recommendations made during the 1999 Regulatory Relief process and noted those recommendations in the Planning Commission and Manager's Reports for the Second LDC Update. The LDC staff also relied on input from the Code Monitoring Team which is comprised of 15 members representing diverse community interests such as the CPC, Sierra Club, American Institute of Architects, Building Industry Association, and the American Planning Association, to name a few. Because the TAOZ issue was packaged with 36 other issues and appeared in the public hearing notices under the project name of the Second Update to the LDC which was applicable citywide, it may have been missed by those community members interested in the subject. Also adding to the confusion was the fact that the Residential Tandem Parking Overlay Zone (RTPOZ) amendments were not identified early in the process. The provision linking the RTPOZ to the TAOZ was overlooked by staff and was not recognized until the final ordinances were being prepared by the City Attorney's office. The RTPOZ maps were then corrected to reflect the added areas.

## DISCUSSION

Staff acknowledges that the amendments to the TAOZ and the RTPOZ could have been presented with more clarity. Those areas proposed to be added into the overlay zones could have been better identified, and the public hearing notices could have been more descriptive. While staff agrees that additional public review could be beneficial, the ordinances were, in fact, adopted legally and cannot be rescinded because the 90-day time limitation for challenging a decision made in accordance with the Land Development Code has long passed. Any modifications to the TAOZ or RTPOZ would require a new amendment process. In order to avoid any confusion in future updates and to ensure that valuable community input is received prior to any public hearings, the Code Monitoring Program was recently modified to include distribution to the CPC early in the process.

In light of several on-going planning efforts, including the proposed Strategic Framework Element/City of Village and the Metropolitan Transit Development Board's (MTDB) Transit First program, staff believes that broader policy discussions should occur relating to transit and land use issues on a city-wide basis. In fact, the Strategic Framework Element Five-Year Action Plan recommends that a Mobility Element be added to the General Plan which would help implement MTDB's Transit First program. One of the stated goals in the Mobility Element is to update the TAOZ to include areas designated to receive a high level of transit under the Transit First plan.

The Mobility Element also recommends integrating high level transit with land use through village design and development. The Transit Area and Residential Tandem Parking Overlay Zones are just two of the tools that could be utilized to implement these goals.

Respectfully submitted,

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