

DATE ISSUED: August 28, 2002 REPORT NO. 02-195

ATTENTION: Committee on Land Use and Housing  
Agenda of September 4, 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

#### BACKGROUND

In December 2000, the City Council approved amendments to the Transit Area Overlay Zone (TAOZ) and Residential Tandem Parking Overlay Zone (RTPOZ), as a part of the Second Land Development Code update. In January 2002, the Community Planners Committee (CPC) adopted a resolution addressing their belief that these overlay zones were illegally adopted and that inappropriate standards were used, and requested that the Committee on Land Use and Housing (LU&H) take several actions related to these amendments.

At their meeting of May 29, 2002, LU&H requested that staff provide additional background information on the actions relating to the TAOZ and RTPOZ amendments. On June 12, 2002, LU&H continued the item and asked staff to return on September 4, 2002 with further analysis on the consistency of the overlay zones with community plans and where these overlay zones should be applied, and to take the issue to CPC before returning. CPC heard the item on July 23, 2002. They reiterated their previous statements, and requested that the overlay zone changes be rescinded and that a new process be established to revise these zones (Attachments 1 and 2).

#### **Intent and Application of the Zones**

The TAOZ (Chapter 13, Article 2, Division 10) allows for a more efficient use of land by reducing parking requirements in areas with a high level of transit service (Attachment 3). Areas are determined to have a high level of transit service when they are within a one-quarter mile radius of an existing or planned (funded) trolley stop or major bus transfer center, or public street with bus service having a headway (service frequency) of 10 to 15 minutes (Land Development Code Chapter 11, Article 3, Division 1). Prior to the latest amendments, the transit service area map associated with the TAOZ had not been updated since 1992. Since 1992, significant expansion of bus and trolley service has been implemented or funded.

The RTPOZ (Chapter 13, Article 2, Division 9) is another tool that allows for the more efficient use of land in transit areas as well as in other areas throughout the City. The overlay zone identifies the areas and conditions under which tandem parking may be counted as two parking spaces in the calculation of required parking (Attachment 4). In some communities the RTPOZ applies to the entire community, in others it does not apply at all, and in still others 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.

### **TAOZ Amendment Process**

The TAOZ update began in 1999 as a regulatory relief item. The update expanded the TAOZ based upon expansion of transit service and a revised methodology. Key events include:

- November 3, 1999 - LU&H recommended approval of the regulatory relief package. The Committee requested that staff present the amendments to certain planning groups.
- January 1, 2000 - the TAOZ update (regulatory relief item) was still being processed when the Land Development Code (LDC) went into effect. With the adoption of the LDC, the original transit area boundaries and residential tandem parking regulations were converted into overlay zones, and for the first time a map was prepared for the RTPOZ. Up until that time the residential tandem parking regulations were only in the code text, describing the areas where tandem parking was permitted.
- 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.
- February 2000 - the Planning Commission recommended approval of the amendments. 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.
- Mid-2000 - staff was preparing for the Second LDC Update which included various code consistency issues as well as several policy-related issues. In order

to put the TAOZ update that began in 1999 back on track, it was decided that it would be included, along with the 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.

- December 12, 2000 - the Second LDC Update was approved by the City Council. The code update regulations became effective in August of 2001, after California Coastal Commission certification.

Prior to the adoption of the LDC, revisions to the transit area map would not have necessitated amendments to the residential tandem parking regulations because maps were maintained separately and were not codified. For those communities in which tandem parking was permitted in transit areas, one would refer to the transit area map. However, with the adoption of the LDC, a change to the transit area map necessitates a change to the tandem-parking map, meaning a code amendment would be required for both overlay zones. Since the regulatory relief item to expand the transit area map was adopted after the implementation of the LDC, a new map was also required for the RTPOZ for adoption by the City Council.

The LDC formatting of these two sets of regulations into overlay zones did not change the relationship between the TAOZ and the RTPOZ, or the fact that a change to the TAOZ changed the potential availability of tandem parking.

Staff relied on the input and recommendations made during the 1999 Regulatory Relief process and noted those recommendations in the Planning Commission's and Manager's reports for the Second LDC Update. 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 that the effect of the TAOZ amendments on the RTPOZ were not discussed early in the process. The provision linking the RTPOZ to the TAOZ was not articulated until the final ordinances were prepared by the City Attorney's office. See Attachment 6 for a more complete chronology of events.

## DISCUSSION

Staff acknowledges that the amendments to the TAOZ and the RTPOZ could have been presented with more clarity. While staff agrees that additional public review could be beneficial, according to the City Attorney's office 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 community input is received

prior to any public hearings, the Code Monitoring Program was recently modified to include distribution to CPC early in the process.

### **Community Plan Review**

Staff has reviewed all community plans for any conflicts with these overlay zones. It was found that community plans do not contain recommendations that specifically conflict with these overlay zones. In older communities there is often discussion that there is inadequate on-street parking available and that new development should provide adequate parking. Staff believes that the TAOZ and RTPOZ do not violate these recommendations, since the standards are considered adequate to satisfy demand. This is based primarily upon a parking study completed for the City of San Diego in 1996 that studied a number of factors related to parking standards, including the appropriateness of the City's transit area parking reductions.

Many community plans also promote transit and transit-oriented and pedestrian-oriented development. Parking reductions and tandem parking in areas of high transit availability, as provided by these overlay zones, support the expansion of transit and are considered primary components of transit-oriented development.

Community plans that address other issues related to these overlay zones are as follows:

Linda Vista Community Plan - This plan establishes minimum parking ratios within a designated Community Plan Implementation Overlay Zone (CPIOZ) area, which partially overlaps the TAOZ. The parking ratios exceed the ratios that would apply in the TAOZ. However, projects would be required to meet the requirements of both of the overlay zones, so the higher ratio provided by the CPIOZ would prevail.

Navajo Community Plan - This plan also establishes parking ratios for some uses within a designated CPIOZ, which also overlaps the TAOZ. However, the plan states that "If the Citywide industrial parking requirements are revised, the new standards will replace those identified [here]." Parking standards, including the overlay zones, were revised with the implementation of the LDC in 2000, and therefore prevail.

Otay Mesa Community Plan - The design guidelines for the California Terraces Precise Plan state "tandem parking may be used, where appropriate." The RTPOZ does not permit residential tandem parking in Otay Mesa. Although this does not appear to represent a direct conflict, the RTPOZ could be reviewed to consider allowing tandem parking in all or part of Otay Mesa.

Uptown Community Plan - The plan recommends that parking requirements be reduced based upon the availability of transit, supporting the TAOZ.

### **Application of the Overlay Zones**

Staff has undertaken further review of whether the overlay zones are appropriately applied. Two potential refinements have been identified as follows:

1. Pedestrian Access to Transit Service Within Transit Areas - The TAOZ currently extends in a one-quarter mile radius from the transit service, regardless of the ability of a pedestrian to access the transit stop from anywhere within that radius. It may be appropriate to analyze and potentially adjust the TAOZ map based upon pedestrian accessibility.
2. Transit Areas Within Parking Impact Areas - The Parking Impact Overlay Zone (PIOZ) (Chapter 13, Article 2, Division 8) shows areas where a higher parking ratio is applied to multiple dwelling units projects (Attachment 5). It includes the Beach Impact Area, which is a mapped area within the Coastal Zone, and the Campus Impact Area, which are areas within one mile of a public university campus. Code text added when the LDC was adopted states that projects within both the PIOZ and TAOZ use the basic (standard) parking ratio, since the two overlay zones effectively cancel each other out. However, the TAOZ map, which was drawn prior to the LDC, does not show areas that qualify for the TAOZ but are within the PIOZ. With the adoption of the LDC, the TAOZ parking reductions apply to non-residential use as well as residential use, meaning that non-residential uses are not able to take advantage of the parking reduction because the TAOZ is not shown on the map (the PIOZ only applies to residential projects). Either the TAOZ map or the parking regulations should be modified to make them consistent. Also, a decision needs to be made whether residential projects in both TAOZ and PIOZ should be required to provide the basic parking requirement or the higher PIOZ requirement.

Another issue has been raised regarding the revised methodology with the last amendment to the overlay zones. Regarding bus service, the original overlay zone only looked at areas where a single bus route provided the required level of service on a street. The last amendment included portions of transit corridors on which multiple bus routes together provided the level of service needed to qualify. Staff believes these areas should qualify because, similar to a transit node or center, the multiple routes provide service to different areas of the City, in addition to providing more frequent service for short, local trips within the applicable corridor. Having access to multiple routes makes it more likely that nearby residents and others would be able to use transit.

### **Draft Strategic Framework Analysis and Recommendations**

Parking is one of the greatest users of land in the urban environment and presents major challenges to designing pedestrian-oriented places, transit-supportive densities, and more affordable homes. The draft Strategic Framework Element, City of Villages strategy, acknowledges this challenge and calls out parking recommendations to “develop innovative regulations, and parking management programs and districts, that encourage shared parking and more efficient use of parking resources.” National, as well as local, research results demonstrate that there are a number of effective techniques for reducing the space needed and demand for parking.

The Strategic Framework Element also calls for development of a world-class transit system, and recommends implementation of a wide range of transit, pedestrian, and bicycle supportive measures, including incorporation of the “Transit First” plan into a new General Plan Mobility Element. “Transit First” is a strategy developed by the

Metropolitan Transit Development Board to make transit so efficient and convenient that it becomes the first choice of travel for many types of trips in the region. In fact, modeling done for the Strategic Framework Element and Transit First network shows that nearly one in five home-work, peak-hour trips would occur by transit, walking, and bicycling citywide. The non-automobile mode split for key corridors and major villages would likely be even higher.

To implement the City of Villages parking recommendations, the draft Strategic Framework Element Action Plan contains specific recommendations to:

- ☞ Address village parking needs through a combination of solutions such as: management of parking resources, shared use agreements, development of community parking structures, increased transit services, parking districts, and other means.
- ☞ Reduce parking standards for affordable housing as well as for residential and/or commercial projects located where walking and transit are viable transportation options.
- ☞ Seek creative, neighborhood-specific solutions to provide needed parking for mixed-use projects with the goal of reducing on-site parking.
- ☞ Expand locations where tandem parking can be used to meet parking regulations.

The TAOZ and RTPOZ are two important tools to implement City of Villages goals, in addition to long-standing City policies to support expansion of the transit system and improve walkability. Tandem parking design is well suited to help San Diego in its transition from an auto-dominated to a multi-modal transportation system. Tandem parking provides the physical space that meets today's demand for parking, but does so in a space-efficient and economical manner. In concert with the preparation and implementation of a new Mobility Element, consideration should be given to expanding the scope and application of these tools.

The update of the Transportation Element to create a new Mobility Element of the General Plan is listed as a high priority action in the Strategic Framework Element Action Plan. We anticipate that the Element could be updated in 2002-2004. Funding and priority for companion LDC amendments are uncertain at this time.

## CONCLUSION

There is renewed interest in the TAOZ and RTPOZ for a variety of reasons, including:

- The Strategic Framework Element, City of Villages strategy, scheduled for City Council consideration in September, includes recommendations to greatly improve conditions for walking, bicycling, and transit use, and to increase the City's supply of affordable housing;

- The Strategic Framework Element Action Plan recommends that parking regulations be reviewed for consistency with the City of Villages strategy;
- MTDB and SANDAG are pursuing a Transit First strategy for the region, which requires a high level of transit/land use coordination in order to be successful;
- There are some needed technical cleanup items related to the two overlay zones;
- The existing relationship between the two overlay zones was not discussed during the previous update process and other issues have been identified that should be reviewed; and
- CPC desires a greater role in the LDC amendment process. Staff has committed to their increased role.

For these reasons, these overlay zones will be reviewed and amended as appropriate as a part of the work program outlined in the Strategic Framework Element Action Plan, after the Strategic Framework Element is adopted.

Respectfully submitted,

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Note: The attachments are not available in electronic format. A copy is available for review in the Office of the City Clerk.

- Attachments:
1. Community Planners Committee Resolution No. 11-2002
  2. Community Planners Committee Resolution No. 01-2002
  3. Transit Area Overlay Zone Map
  4. Residential Tandem Parking Overlay Zone Map
  5. Parking Impact Overlay Zone
  6. Chronology of TAOZ/RTPOZ Processing