

DATE ISSUED: March 24, 2004 REPORT NO. 04-060

ATTENTION: Honorable Mayor and City Council
Agenda of March 30, 2004

SUBJECT: Proposed Rezoning to Remove Areas within the City of San Diego from
the Transit Area and Residential Tandem Parking Overlay Zones

REFERENCE: Planning Commission Report No. P-03-320, dated September 18, 2003;
CMR No. 03-113, dated May 29, 2003; CMR No. 02-195, dated
August 28, 2002 and CMR No. 00-267, dated December 6, 2000

SUMMARY

Issue - Should the Mayor and City Council approve an ordinance to remove, through rezoning of the properties, areas within the City of San Diego from the Transit Area and Residential Tandem Parking Overlay Zones?

Managers Recommendation - Deny the proposal to remove areas within the City of San Diego from the Transit Area and Residential Tandem Parking Overlay Zones and direct staff to review these issues as part of the Mobility Element.

Planning Commission - On October 16, 2003, the Planning Commission voted 7-0 to recommend that the City Council deny the proposed rezonings, direct staff to review these issues as part of the Mobility Element and schedule this issue for review by the Manager's Parking Task Force. The Planning Commission also recommended that staff be directed to examine these overlay zones as part of the Mobility Element to address not only the implementation of these zones, but also transit locations, the relationship between transit and land use, specific issues affecting community planning groups and the regional implications and implementation.

Community Planners Committee - On January 22, 2002, the Community Planners Committee voted 20-0-4 (approving CPC Resolution No. 01-2002) to request the Land Use and Housing Committee take the following actions:

- A. Refer the matter to the City Attorney to determine if the zoning actions were legal or if the zoning actions are null and void.
- B. If the City Attorney determines that the zoning actions were legal, vote to rescind the designations of the TAOZ and RTPOZ to additional properties that were effective August 8, 2001, and refer the matter to City Council to rescind the

designation.

- C. Direct staff to reconsider the standards for determining where the TAOZ or RTPOZ should be applied for future incorporation into the LDC.
- D. Direct staff in the future to follow the established procedures for designating the TAOZ or RTPOZ on additional properties as required by §123.0103, §123.0301, §123.0305 and to prepare appropriate environmental documents.
- E. Direct staff to place no rezonings or LDC amendments on any docket until after all affected community planning groups and the CPC have had the opportunity to review the amendments and provide comments to the Planning Commission and the Council Committee on LU&H.

On July 23, 2002, the CPC voted 26-1-0 to “once again strongly request that the Council Land Use and Housing Committee initiate the actions specified in CPC Resolution No. 01-2002.”

Land Use and Housing Committee - On June 4, 2003, the Land Use and Housing Committee voted 4-0 to direct the City Manager to move expeditiously to bring the issue of rescinding or amending the Transit Area Overlay Zone and Residential Tandem Parking Overlay Zone boundaries to the City Council as previously approved by the Land Use and Housing Committee on September 4, 2002.

Environmental Review - An Addendum to Environmental Impact Report No. 93-0333 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines.

Fiscal Impact - Staff was directed to work on this item as part of the Land Development Code Implementation work program for Fiscal Year 2004 by the Land Use and Housing Committee at its meeting on July 23, 2003 (CMR No. 03-168). The staffing costs and fiscal impact to prepare the proposed regulations are part of the Land Development Code Implementation work program.

Code Enforcement Impact - The proposed rezonings to remove areas within the City of San Diego from the Transit Area and Residential Tandem Parking Overlay Zones will have no impact on code enforcement.

Housing Impact Statement - A reduction in the area regulated by the Transit Area Overlay Zone will also reduce areas in which the Residential Tandem Parking Overlay Zone applies. Increasing the parking requirement and reducing an applicant’s ability to utilize tandem parking may result in fewer projects achieving maximum densities within particular zones, fewer overall numbers of housing units available to the public and increased project costs.

BACKGROUND

In January 2001, the City Council approved amendments to the Transit Overlay Zone (TAOZ) and Residential Tandem Parking Overlay Zone (RTPOZ) as part of the Second Update to the Land Development Code. In January 2002, the Community Planners Committee (CPC) adopted a resolution (Attachment 1) addressing their belief that these overlay zones were illegally adopted and that inappropriate standards were used, and

requested that the Land Use and Housing Committee (LU&H) take several actions related to these 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 the community plans and where these overlay zones should be applied. LU&H also directed staff to take the issue back to CPC prior to their September 2002 meeting. On July 23, 2002, CPC heard the item and reiterated their previous concerns (Attachment 2). They also requested that the overlay zone amendments be rescinded (reverting to the original maps included as Attachments 3 and 4) and that a new process be established to revise these zones. Staff returned to LU&H on September 4, 2002, with an information report detailing the application of the TAOZ/RTPOZ and its relation to the community plans and the then draft Strategic Framework analysis and recommendations.

On June 4, 2003, LU&H recommended that the amendment or repeal of the overlay zones be added to the Land Development Code Update Fiscal Year 2003 Work Program. Due to staff constraints during Fiscal Year 2003 this issue was carried over into this fiscal year's work program.

Most recently, the Planning Commission reviewed the proposed project, on October 16, 2003, and recommended that the City Council deny the request and direct staff to include review of these overlay zones as part of the Mobility Element. The Planning Commission also directed staff to bring this item to the Manager's Parking Task Force for their input and stipulated that during review of these issues under the Mobility Element, staff should consider transit locations, the relationship between transit and land use, keeping affected community groups involved and that regional implications and implementation be a consideration.

This proposal was presented to the Manager's Parking Task Force on November 17, 2003, as an information item.

DISCUSSION

Current TAOZ/RTPOZ Regulations

The purpose of the TAOZ is to provide supplemental parking regulations for areas receiving a high level of transit service, as identified in the current TAOZ map (Attachment 5). The intent of the overlay zone is to identify areas with reduced parking demand and to lower off-street parking requirements accordingly. The Land Development Code defines transit area as:

- (1) the area within a one-quarter-mile radius of either public streets identified in Map No. C-846 ...as having the location, mix of densities, mix of uses, and development patterns that can generate sufficient bus ridership to support a frequent and consistent level of bus service (as typified by a 10 to 15-minute frequency of service); or,
- (2) existing and proposed trolley stops and major bus transfer centers that have been approved for development by the Metropolitan Transit Development Board (MTDB) with identified, available funding.

The purpose of the RTPOZ is to identify conditions under which tandem parking (the placement of one required parking space behind another) may be counted as two parking spaces in the calculation of required parking. In some communities, the location of the TAOZ affects where tandem parking is permitted by allowing tandem parking on sites if at least 25% of the project area is within the TAOZ. In 13 of 22 communities where tandem parking is permitted, it is only permitted within TAOZ areas, while in the remaining 9 communities it is permitted throughout the community, as shown on the current RTPOZ map (Attachment 6). Where permitted, the two tandem spaces must be assigned to the same dwelling unit, must be behind the front setback (typically 15 feet behind the property line), and at least one of the two spaces must be enclosed (in a garage).

January 2001 Amendments

As part of the Second Update to the Land Development Code (O-18910) the TAOZ was expanded (Attachment 5), which also had the consequence of expanding areas where tandem parking could be permitted (Attachment 6). A listing of the new street segments that were added to the TAOZ as part of this process is included as Attachment 7.

CPC Recommendations

On January 22, 2002, the CPC adopted a resolution (Attachment 1) requesting that the Land Use and Housing Committee (LU&H) take several actions relating to the TAOZ and the RTPOZ amendments. CPC did not believe that proper public review, disclosure and environmental review had occurred.

In response to the CPC resolution, the City Attorney determined that the rezonings were legally adopted and would require further Council action to otherwise amend the TAOZ/RTPOZ regulations. Land Development Code staff has also changed the LDC amendment process to include CPC in the review of any future LDC amendments.

On July 23, 2002, CPC adopted a second resolution (Attachment 2) reiterating their opinion that LU&H initiate the actions specified in their previous resolution (Attachment 1).

Land Use and Housing Committee Discussion

The Land Use and Housing Committee recommended that Staff analyze rescinding or amending the TAOZ/RTPOZ boundaries. The discussion at the committee included concerns expressed by council members that reduced parking ratios, allowed under the TAOZ regulations, and tandem parking have had negative impacts in some of the City's urbanized neighborhoods. There was discussion that infill housing in already developed dense neighborhoods, could increase the density of development while infrastructure needs have not been met (e.g. parks, libraries and other public amenities). For communities that are newly developing, where adequate infrastructure exists or is being developed with the project, there may be a lesser degree of potential controversy for the community on this issue. As part of the discussion one council member noted that the only viable way to develop smaller parcels in the urbanized communities would be to use tandem parking.

Staff Recommendation

Parking is one of the greatest users of land in the urban environment and presents major challenges to designing pedestrian-oriented, transit-supportive, and more affordable homes. Parking reductions in areas with a high level of transit service have been an important component of the City's parking management regulations since 1987. In addition to national studies, a local study has confirmed that these parking reductions are justified by a lower number of needed spaces (San Diego Shared Parking Study, JHK and Associates, 1996). The reductions also encourage development in transit areas resulting in higher levels of transit use, which is a goal of the General Plan and community plans. Community plans were reviewed to ensure that the TAOZ and RTPOZ did not conflict with plan recommendations. The Transit-Oriented Development Design Guidelines specifically advocate the use of transit area parking reductions in recognition of the "proximity to high frequency transit service and their walkable environment and mix of uses." (Page 79.) And, the Strategic Framework Element of the General Plan advocates that residential densities permitted by the zone should be achievable; parking reductions and tandem parking help tremendously to accomplish this goal.

Prior to the 2001 update, the TAOZ was last updated in 1994. Since then, significant expansion of bus and trolley service has been implemented or funded. The process for LDC amendments in place at the time was properly followed, involving review by the Code Monitoring Team which included a CPC member (that procedure has since been changed to require additional review by CPC itself).

Staff believes that the 2001 update to the TAOZ/RTPOZ should stay in effect until a thorough review of the overlay zones is undertaken as part of the Mobility Element program, currently in process. It is expected that this review will consider a wide range of alternatives for the future direction of these important tools in the furtherance of the City's ongoing mobility efforts. To assure the widest possible public input to this process, the General Plan team is undertaking extensive outreach efforts, including the dissemination of e-mails to all who have ever expressed an interest in the General Plan update process, asking if they would be willing to review draft documents as they are prepared. Periodic public workshops are also being held, and CPC will be receiving regular updates of the draft elements and any implementation actions, including the updates to these overlay zones.

CONCLUSION

Parking management plays a key role in mobility efforts, and parking reductions in areas served by a high level of transit have long been proven to be a very effective tool in parking management. It encourages development in these areas, and reduces the area that must be devoted to parking where less parking is needed. This has the added benefits of reducing housing costs in these areas, and in the case of surface parking, reducing the amount of storm water runoff per dwelling unit. Tandem parking similarly provides a more efficient and less costly parking design, reducing by 25 percent the pavement area needed for parking. The expansion of these areas in 2001 reflected extensive improvements in transit since they were last updated in 1994 and an improved methodology that analyzed overlapping transit routes. This expansion should stay in place until a thorough public discussion of these tools is undertaken and proposed revisions brought forward.

ALTERNATIVES

1. Recommend that the City Council adopt the ordinances (Attachments 8 and 9) approving the proposed rezonings to remove areas within the City of San Diego from the Transit Area and Residential Tandem Parking Overlay Zones.
2. Recommend that the City Council direct staff to return with a proposal to rescind only a portion of the amendments to the TAOZ and RTPOZ.

Respectfully submitted,

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Approved by: P. Lamont Ewell
Assistant City Manager

CHRISTIANSEN/SDD

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

- Attachments:
1. CPC Resolution No. 01-2002 dated January 22, 2002
 2. CPC Resolution No. 11-2002 dated July 23, 2002
 3. Diagram 132-10A (Map C-846) - Transit Area Overlay Zone Prior to January 2001 Amendment
 4. Diagram 132-09A (Map C-846) - Residential Tandem Parking Overlay Zone Prior to January 2001 Amendment
 5. Diagram 132-10A (Map C-900) - Transit Area Overlay Zone After January 2001 Amendment
 6. Diagram 132-09A (Map C-903) - Residential Tandem Parking Overlay Zone After January 2001 Amendment
 7. Listing of Street Segments Added to the Transit Area Overlay Zone by the January 2001 Amendment
 8. Draft Ordinance for the Municipal Code Amendment
 9. Draft Ordinance for the Rezonings