SAN DIEGO MIXED-USE URBAN VILLAGES:
KEY ZONING CODE ISSUES AND OPTIONS

Public Discussion Draft / September 2014

Clarion Associates
621 17th Street, Suite 2250
Denver, CO 80293
303-830-2890

In association with Smart Growth America
# MIXED-USE/TRANSIT-ORIENTED DEVELOPMENT ZONES: KEY ISSUES AND OPTIONS

## TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction—The San Diego City of Villages Strategy</td>
<td>1</td>
</tr>
<tr>
<td>What Is A Village?</td>
<td>2</td>
</tr>
<tr>
<td>Transit in San Diego</td>
<td>2</td>
</tr>
<tr>
<td>Developing Successful Urban Villages: Overview Of Key Issue Zoning Code Issues</td>
<td>4</td>
</tr>
<tr>
<td>Current Zoning Code Provisions, Plans, And Processes Related To Urban Villages</td>
<td>5</td>
</tr>
<tr>
<td>Key Zoning Issues and Options for Urban Village Development</td>
<td>8</td>
</tr>
<tr>
<td>Mixed-Use (MU) and Transit-Oriented Development (TOD) Zones</td>
<td>8</td>
</tr>
<tr>
<td>Use Standards</td>
<td>11</td>
</tr>
<tr>
<td>Intensity and Dimensional Standards</td>
<td>26</td>
</tr>
<tr>
<td>Development Standards</td>
<td>29</td>
</tr>
<tr>
<td>Building Design Standards</td>
<td>37</td>
</tr>
<tr>
<td>Outdoor Gathering Spaces and Community Amenities</td>
<td>39</td>
</tr>
<tr>
<td>Relationship to Surrounding Development</td>
<td>40</td>
</tr>
<tr>
<td>Incentives/Bonuses</td>
<td>41</td>
</tr>
<tr>
<td>Development Review Processes</td>
<td>42</td>
</tr>
</tbody>
</table>
MIXED-USE/TRANSIT-ORIENTED
DEVELOPMENT ZONES: KEY ISSUES
AND OPTIONS

Introduction—The San Diego City of Villages Strategy

San Diego has a long and distinguished history of modern and effective city planning. From the grand vision plan of John Nolen in 1908, to the ground-breaking tiered growth management plan of the 1980s that reined in costly leapfrog development while encouraging infill in existing neighborhoods, to its ambitious open space and natural area protection efforts, San Diego has been a national leader in planning innovation. Similarly, in the 1990s, San Diego developed some of the first and still most useful guidelines for greenfield transit-oriented development with the help of noted architect Peter Calthorpe. Along with notable redevelopment successes such as Centre City, other efforts focused on quality greenfield development in a community that still had acres of vacant land to accommodate a surging population. Many plans and codes were geared to deal with development on the edges. For example, the Urban Village Overlay Zone in the San Diego Zoning Code was geared primarily to greenfield sites.

Today the picture has continued to evolve. San Diego is largely built-out and planning efforts since 2000 have focused more heavily on infill and redevelopment. The 2008 General Plan adopted the “City of Villages” as its central organizing theme. This strategy envisions dozens of compact, walkable mixed-use nodes centered on the city’s existing community centers, connected with regional transit and defined by open space networks.

The 2008 plan also has a strong focus on implementation, and already the city has adopted some important zoning code revisions to promote urban villages such as a new townhouse zone and a revamped street design manual, both of which encourage more compact, infill development. But city staff recognize more is needed in terms of improvements to the zoning code, its processes, and incentives to fully realize the urban villages strategy in the 2008 plan.

To further this effort, the city secured a competitive technical assistance growth grant from Smart Growth America, a national non-profit organization. As a focus of that technical assistance, Smart Growth America, in association with Clarion Associates, a national planning and land use firm based in Denver, have drafted this discussion document for the city. It discusses key zoning code issues and options related to promoting successful infill urban villages and development of transportation corridor nodes as envisioned in the City of Villages strategy. It also sets forth a preliminary audit of relevant provisions of San Diego’s zoning codes and suggests potential amendments for the city to consider to advance the urban villages strategy.

City of San Diego Mixed-Use Urban Villages Workshop
Staff Review Draft /September 2014/ Page | 1
What Is A Village?

The 2008 General Plan defines a “village” as the mixed-use heart of a community where residential, commercial, employment, and civic uses are all present and integrated. Each village will be unique to the community in which it is located. It explains that all villages are to be pedestrian-friendly and characterized by inviting, accessible, and attractive streets and public spaces. Public spaces will vary from village-to-village, consisting of well-designed public parks or plazas that bring people together. Individual villages will offer a variety of housing types affordable for people with different incomes and needs. Over time, villages will connect to each other via an expanded regional transit system.

City planning staff have further defined desirable outcomes for development in mixed-use urban villages and transit corridor nodes as:

- Vertical and horizontal mixed uses, with a fine grain of pedestrian-scale uses versus a big-box appearance
- Street activating uses day and night
- Innovative architecture and design
- Appropriate scale of structures to street width and structures to pedestrian
- Public places such as plazas, parks, and community centers
- Transit accessibility
- Integration of commercial, residential, and public uses on a single site as opposed to single use sites.

Transit in San Diego

San Diego has a well-developed regional transit system that provides numerous opportunities for mixed-use and transit-oriented development throughout the city as illustrated on the map below:
MIXED-USE URBAN VILLAGES: KEY ZONING CODE ISSUES AND OPTIONS

Figure ME-1
Transit Land Use Connections
Planned High Frequency Transit Service
Bus Rapid Transit, Rail & Rapid Bus
Existing Transit Service
Higher Frequency Lower Frequency All Bus Service
All Bus Service
Existing and Planned Park and Open Space
Park, Open Space, and Recreation
Planned Land Use
Multi-Family Residential
Commercial
Multiple Use
Single Family Residential and Other Uses
Activity Centers
Government Centers
Public Library
Major Attractions
High Schools
Points of Interest
Hospitals
Military Facilities
Universities & Colleges

City of San Diego Mixed-Use Urban Villages Workshop
Public Discussion Draft/September 2014/Page | 3
Developing Successful Urban Villages: Overview Of Key Issue
Zoning Code Issues

This document discusses issues related to zoning and implementation of the City of Villages Strategy. They include:

Use Mix: Within walking distance of the village center or transit station, concentrate a mix of complementary land uses that discourage auto-oriented uses and:

- Are well-integrated;
- Create active and secure pedestrian-friendly environments;
- Encourage a high level of activity at street level such as restaurants and retail;
- Promote balanced level of transit ridership throughout the day; and
- Reduce reliance on the automobile.

Development Densities and Intensities: Accommodate and encourage higher development intensities that:

- Contribute to higher rates of transit ridership;
- Support retail shops and services;
- Provide an enhanced tax base; and
- Reflect acceptable development investment risks.

Transportation Circulation: Provide for circulation patterns that:

- Form a safe, convenient, and accessible network for all modes of transportation;
- Interconnect streets, walkways, and bikeways throughout the district and its surrounding development;
- Maximize connectivity between adjacent developments; and
- Provide direct connections to the transit station.

1 Portions of this document are taken from a TOD white paper and model ordinance prepared by Clarion Associates for the Capitol Region Council of Governments in Hartford, CT, as part of that region’s Sustainable Land Use Code Project.
Parking: Apply parking management strategies that:

- Reflect the reduced vehicle parking demand inherent in transit-oriented and mixed-use developments;
- Provide for increased bicycle parking; and
- Make parking a “utility” provided at a district level rather than a requirement of individual development on a parcel-by-parcel basis.

Development and Design Standards: Create an enhanced environment in the urban villages and around the transit station that:

- Is attractive, safe, and orderly;
- Organizes public and private spaces to invite pedestrian activity and social interaction in comfort and security; and
- Encourages building facades and orientation that reinforce the human scale of a pedestrian environment and enhance pedestrian routes.

Incentives: Include a range of incentives such as expedited project reviews, increased density/FAR, and additional height that:

- Encourage the private sector to invest in and develop urban villages;
- Are efficient and cost-effective; and
- Respect the existing character and scale of the neighborhood

Development Review Processes: Implement development review processes that are efficient and effective in implementing the City of Villages strategy while confirming adherence to urban village principles and goals. At the same time, ensure such processes help safeguard existing desirable and stable neighborhoods in the vicinity.

Current Zoning Code Provisions, Plans, And Processes Related To Urban Villages

The city has many zoning code provisions, other regulations, and planning processes that affect the development of urban villages.2 They are summarized below:

---

2 The city’s land use regulations are found primarily in Chapters 10-15 of the San Diego Municipal Code.
• **Urban Village Overlay Zone (Chapter 13, Article 2, Division 11):** The purpose of this overlay zone is to promote mixed-use activity centers. It applies as part of a land use implementation plan or at the request of an applicant. It contains standards relating to use mix, FAR, height, street orientation, pedestrianization, design, street patterns and parking. According to staff, it was designed primarily for greenfield sites and has not been used to create urban villages in an infill context. The Urban Village Overlay Zone has been used only once—as part of the Black Mountain Ranch North Village Development.

• **Transit Overlay Zone (Chapter 13, Article 2: Division 10):** This overlay zone provides supplemental parking regulations for specified areas having a high level of transit service. It lowers off-street parking requirements for such areas. For example, in many commercial zone districts it lowers the required off-street parking from 2.5 spaces per 1,000 square feet of floor area to 2.1.

• **RT (Residential Townhouse Zone) (Chapter 12, Article 1, Division 4, Sec. 131.0405 et seq.):** The purpose of this base zone is to provide for development of attached single-family residential development on small lots with alley access. It has been available since 2000. The zone is geared to promote more urbanized single unit living at densities typical of multi-unit zones. It is intended to be applied within or close to highly urbanized areas, transit areas, and redevelopment locales. Lot sizes range from 2,200 square feet to 3,500 square feet. According to staff, it has been used in limited situations such as new communities in north San Diego due to its being available only since 2000 and some of its development standards such as required large frontages. Amendments currently in process would remove this requirement and allow for lot sizes as small as 1,600 square feet.

• **Land Development Procedures (Chapter 11, Article 2, Division 5):** Establishes five decision processes for land development. These range from staff review and approval (ministerial process) to planning commission hearing and approval to city council hearing and approval depending on the type and complexity of the development. For example, a development utilizing the existing Urban Village Overlay Zone must go through Process Three which involves staff review, a hearing officer hearing, and possible appeal to the planning commission.

• **Site Development Permit Procedures (Chapter 12, Article 6, Division 5):** This process requires additional findings for certain projects because of their site, location, size, or potential impact on resources or surrounding areas. For example, in the Mid City Planned District Ordinance multi-family developments that exceed a specified number of units in a multi-family zone and development in an Urban Village Overlay Zone must obtain a site development permit. The findings required are quite broad and vague: “The proposed development plan will not adversely affect the applicable land use plans.” “The proposed development will not be detrimental to the public health safety, and welfare.”
• **Supplemental Neighborhood Development Permit and Site Development Permit Regulations (Chapter 14, Article 3, Division 3):** The purpose of these regulations is to provide standards for evaluating projects that due to their size, location, or community significance may have a major community impact. Supplemental regulations address issues such as density and intensity, parking location and access, building design, and setbacks, among others, depending on the type of development. **STAFF:** *What has been the practical impact of these additional regulations?*

• **Planned Development Permit Procedures (Chapter 12, Article 6, Division 6):** The purpose of these procedures is to establish a review process for development that allows an applicant to request greater flexibility from the strict application of the regulations—when the intent of the regulations can be achieved in a manner that results in an equal or better project than would have resulted from strict application of the regulations. The purpose is to encourage imaginative and innovative planning and to assure that the development achieves the purpose and intent of the applicable land use plan and that it would be preferable to what would be achieved by strict conformance with the regulations. According to staff, the PDP process has been used for numerous projects, both large and small, throughout San Diego. According to staff, some applicants have commented that the PDP process is time-consuming, costly, and marked by uncertainty. This is a common concern expresses by developers about similar planned unit development processes used in other jurisdictions for large projects.

• **Land Development Code/Land Development Manual:** The Land Development Code provides extensive regulations for development, and the Land Development Manual sets forth detailed guidelines for implementing the regulations. The manual covers numerous topics such as landscaping, drainage, storm water, and hillside and coastal development. The street design manual and transit-oriented design guidelines are part of the Land Development Manual.

• **Miscellaneous Proposed Zone Amendments:** According to staff, several zoning code amendments are being proposed to promote mixed-use development. For example, higher density residential zones that currently permit a very limited number of commercial uses in only 25 percent of the ground floor are proposed to be amended to allow a broader range of neighborhood-serving commercial uses in up to 100 percent of the ground floor subject to limits such as hours of operation. Similarly, new commercial zones would allow up to 109 dwelling units per acre where the highest density currently permitted in a commercial development is 29 dwelling units per acre. Height regulations are also being tweaked to provide exemptions for specified rooftop appurtenances to promote mixed-use projects.

• **Transit-Oriented Development Design Guidelines:** Developed in 1992 with the assistance of Calthorpe Associates, these guidelines contain standards for TODs on redevelopable/urbanizing sites as well as in new growth areas. According to staff, the guidelines were geared primarily towards and have been used in developing greenfield TOD sites. Many of the suggested policies were folded into the Urban Design Element of the 2008 General Plan and the Street Design Manual. The guidelines address issues such as location and proximity to transit service, mix of
uses, intensity/density, open space, public uses, transportation systems (including bicycle and pedestrian), and parking. Notably, the guidelines recommended that TODs be permitted through ministerial (staff) approval processes rather than discretionary reviews. Also, the guidelines recommended they be used to develop more specific regulations to facilitate mixed-use projects.

- **Street Design Manual:** The 2002 Street Design Manual is part of the city’s Land Development Manual administered by Development Services. A recent effort to update and clarify the manual has been put on hold.

- **2008 General Plan Action Plan:** As discussed in a preceding section, the 2008 General Plan adopted the City of Villages strategy. The General Plan is a policy document, but discretionary projects are reviewed against the plan and cannot be approved if it is determined the project is not in accord with the policies in the plan.

- **Updated Neighborhood plans:** San Diego has 55 distinct planning areas each of which has its own land use/community plan. Review of development projects includes review of the community plan for consistency with the land use designations and policies of the plan. Staff is currently working on a number of plan updates such as the community plan for the Encanto Neighborhoods that includes a village area/district with development incentives and additional standards for mixed-use development. Staff is hopeful that these detailed plans will provide an incentive through CEQA streamlining (i.e., the plan will include a programmatic EIR thus obviating the need for CEQA review for each project).

### Key Zoning Issues and Options for Urban Village Development

This section discusses in greater detail some of the key issues and options related to zoning code regulations and development of urban villages as envisioned in the 2008 General Plan.

### MIXED-USE (MU) AND TRANSIT-ORIENTED DEVELOPMENT (TOD) ZONES

Communities attempting to promote mixed-use and transit-oriented development often create an overlay zone or special base zone tailored for mixed-use and transit-oriented projects. As noted above, San Diego has an Urban Village Overlay Zone that is intended to create a mix of land uses in a compact development pattern. Others rely on negotiated planned development processes to craft mixed-use zone districts tailored to a specific location and project.

An advantage of adopting a MU/TOD zone is that it can provide certainty for a developer in terms of intensity/density and uses allowed as well as development standards. Moreover, if an area is rezoned MU/TOD prior to any development proposal, there is the added benefit that approvals could be ministerial rather than discretionary. On the other hand, if the zone district is overly detailed, it may create inflexibility and a disincentive for development.
Planned development processes represent the flip side of the coin. Their flexibility provides opportunities to tailor a zone to the specific character and potential of a discrete area. On the other hand, experience shows that such flexibility often is accompanied by lengthy negotiations over project details and uncertainty for the project proponent as well as additional burden on staff.

In communities that create MU/TOD zones, they often divide these zones into subdistricts that concentrate the most intense development within a core, typically within one-fourth mile of a transit stop or designated development node. With regard to transit, this recognizes that although one-half mile is considered a convenient 15-minute walking distance for many people, most are much more willing to forego their automobile and walk if their destination is within ¼ mile. The success of a TOD zone, therefore, generally depends on concentrating most of the district’s activities and destination points within ¼ mile of the transit station. Using subdistricts is an efficient way of both applying general MU/TOD standards throughout the zone and applying intensity and development standards that go a step further in promoting and accommodating pedestrian activity in the core area immediately around the designated development node or transit station.

San Diego’s Urban Village Overlay Zone recognizes a core/ring component. The mixed-use core must contain public, commercial, and residential uses centrally located within the project area. Similarly, the city’s 1992 TOD Design Guidelines recognize two types of TODs depending on their distance from transit stops. Likewise, the Encanto Neighborhoods plan designates two mixed-use classifications (community mixed use and neighborhood mixed-use) that are distinguished based on density/intensity, allowed uses, and distance from a trolley stop.

Clarion has drafted a model TOD zone district for several communities and regions that consists of two subdistricts. The TOD Core Subdistrict, within one-fourth mile of the transit stop, is intended to accommodate compact, high-intensity, and mixed-use development close to the station that features retail, service, employment, and other high-activity uses. The surrounding TOD Ring Subdistrict is intended to accommodate lower-intensity development that is dominated by residential or employment uses with supporting retail, service, and civic uses, and that provides appropriate connections and transitions to surrounding development.

There are several alternatives to creating a MU/TOD zone with subdistricts. One would be to have two separate MU/TOD zones—one for a more intense core/node and a second for surrounding areas. Another would be to apply a single set of use, density, and design standards throughout a single mixed-use/TOD zone. This option would be more suitable for less intense MU/TOD areas, where the difference between what would be appropriate in a core district and a ring district might be less significant,. This may be less appropriate for some of San Diego’s communities, which differ widely in character, uses, and intensity of development.
A third option is to amend existing commercial and residential zone districts to allow a greater mix of uses. An increasing number of jurisdictions are amending their zoning codes to permit and encourage residential development in commercial zones; others allow low-impact commercial development in residential zones. This approach has the advantage of not requiring creation of a new zone district or overlay and the rezonings that are necessary to put them into play. However, communities have also learned they must assess carefully the impact of allowing residential in commercial (e.g., loss of land for commercial growth, complaints from residences about noise) and commercial in residential (e.g., complaints about noise, traffic, parking). Many adopt standards to help ensure compatibility with surrounding neighborhoods. 

*San Diego Code Audit:*

Given the great diversity of potential MU/TOD areas within San Diego, it is not surprising that the Urban Village Overlay Zone has been used frequently for infill and redevelopment MU/TOD projects. On the one hand, the Urban Village Overlay Zone, with its regulations for land use mix and design, is clearly more suited to greenfield development. In contrast, while the PDP process features a great deal of flexibility to tailor a development to fit a specific area, it is open to potentially time-consuming negotiations and accompanying uncertainty. In both instances, an environmental review is required under CEQA, which can be a time-consuming process if there will be a significant environmental impact and mitigation measures must be considered.

Importantly, staff has been working on several alternative approaches to encouraging mixed-use development. First, they have proposed amendments to existing commercial and residential base zones. As noted above, higher density residential zones that currently permit a very limited number of commercial uses in only 25 percent of the ground floor would be revamped to allow a broader range of neighborhood-serving commercial uses in up to 100 percent of the ground floor—subject to limits such as on hours of operation. Similarly, revised commercial zones would allow up to 109 dwelling units per acre where the highest density currently permitted today is 29 dwelling units per acre.

Another alternative approach being explored is through updated community plans. The recent public review draft of the Encanto Neighborhoods Plan provides significant detail about the location of potential mixed-use development in that area as well as specifics regarding design, incentives, and other key elements. If approved, that plan will provide significant guidance to potential mixed-use developers and, according to staff, because the plan will be accompanied by a programmatic EIS, may obviate the need for later project-specific EIRs under CEQA since the plan itself will have undergone such a review. This plan-based approach appears promising as it deals with the CEQA issue while providing a tailored approach to land uses and standards in specific areas with broad community input.
It may be that a multi-pronged approach to regulating MU/TOD projects is most suitable for a community with as many diverse neighborhoods as San Diego, giving developers a variety of options from which to choose to fit their unique circumstances. This could be particularly true if the Urban Villages Overlay Zone can be rewritten to better fit infill and redevelopment areas or replaced with a more comprehensive MU/TOD zone while at the same time existing base commercial and residential zones are amended to allow more robust mixing of uses as discussed in the following sections. The PDP process would still be available for projects that needed maximum flexibility and variances from base zone district standards or had other unique features.

**USE STANDARDS**

Zoning ordinances use a variety of ways to identify those uses that are allowed by right in particular zoning districts, uses that are allowed only with a special or conditional use permit, and uses that are prohibited. Use sections of zoning ordinances also set forth the standards or conditions under which certain uses are allowed.

Generally, preferred uses in a MU/TOD zone include higher density housing, pedestrian-oriented retail uses, and intense office uses. Use that are less intense and take a good deal of space so that development is spread out rather than compact--such as big-box retail stores, sprawling shopping centers, and large open space parks and recreational areas--are usually discourage. Similarly, auto-oriented uses like parking lots, car dealers, and drive-through facilities that may inhibit pedestrian activity are often prohibited or tightly controlled. This is specifically recognized in the city’s TOD Design Guidelines that recommend banning auto dealers, free-standing car washes, mini-storage facilities, highway commercial uses, and low-employment generating industrial uses.

Experience demonstrates that to encourage MU/TOD, most uses allowed in a MU/TOD zone should be allowed by right rather than require the type of time-consuming planned unit development or rezoning review used in many ordinances. Additional site planning requirements such as those required in the Urban Village Overlay Zone with multiple review layers might also be reduced or eliminated if development and building design standards are clear enough. In many communities, design review is conducted entirely by staff or by a planning commission. There is already precedent for this in San Diego in the Process One decision process that is used for approval of many types of development such as temporary uses and companion units (accessory dwelling units) among others.

Set forth below is a sample MU/TOD use table that identifies potential allowable uses, special uses, and prohibited uses.
Principal Uses

This sample table, taken from a model TOD ordinance developed for the Hartford, Connecticut, region lists uses by use classification (rows shaded light blue), use category, and use type to facilitate interpretations of what use type (if any) a particular proposed land use activity falls under, as well as the application of subsequent use-specific and development standards. Recognizing that zoning ordinances vary considerably in how they identify allowable and prohibited uses, the use types listed in the table are relatively general—just specific enough to indicate the range of uses within the various use categories and to address uses that are particular important in a MU/TOD zone or call for specific standards to make them appropriate in a MU/TOD zone. For other purposes, a community using or incorporating such a use table may wish to include a different breakdown of use categories or additional use types, or to break up certain uses by size or capacity thresholds. It might be used in a stand-alone MU/TOD zone or folded into a base commercial or residential zone to encourage a greater mix of uses.

<table>
<thead>
<tr>
<th>Use Category</th>
<th>Use Type</th>
<th>MU Core</th>
<th>MU Ring</th>
<th>Use-Specific Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mixed-Use Development</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mixed-use development</td>
<td>Live-work unit</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other residential over nonresidential</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other mixed-use development</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Residential Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Household Living Uses</td>
<td>Single-family dwelling</td>
<td>X</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Two-family dwelling</td>
<td>X</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Three- or four-family dwelling³</td>
<td>X</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>

³ Such dwellings (also called triplexes and quadplexes) are commonly treated as multifamily dwellings. However, a community should consider treating these housing types separately—whether to allow them as appropriate infill development in a lower-intensity TOD Ring Subdistrict (to promote greater variety in housing types and costs), or to prohibit them in a higher-intensity TOD Core Subdistrict (to better ensure pedestrian activity along street frontages).
### Table 1: Allowed Principal Uses

<table>
<thead>
<tr>
<th>Use Category</th>
<th>Use Type</th>
<th>MU Core</th>
<th>MU Ring</th>
<th>Use-Specific Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Multifamily development</strong></td>
<td></td>
<td>S</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>Townhouse development</strong></td>
<td></td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>Group Living Uses</strong></td>
<td>Group living</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>

**Public and Institutional Uses**

| Community Service Uses       | Adult day care facility   | P       | P       |                        |
|                              | Child day care facility   | P       | P       |                        |
|                              | Community center          | P       | P       |                        |
|                              | Library                   | P       | P       |                        |
|                              | Museum                    | P       | P       |                        |

**Educational Uses**

|                          | Business/trade/vocational school | P       | P       |                        |
|                          | College/university             | P       | P       |                        |
|                          | Elementary/ middle/high school | P       | P       |                        |

**Government Uses**

|                          | Courthouse                   | P       | P       |                        |
|                          | Fire/EMS station             | P       | P       |                        |
|                          | Police station               | P       | P       |                        |
|                          | Government maintenance facility | X     | X       |                        |
|                          | Government administration offices | P       | P       |                        |
|                          | Post office                  | P       | P       |                        |

**Medical uses**

|                          | Hospital                     | S       | P       |                        |
|                          | Other medical facility       | P       | P       |                        |
### Table 1: Allowed Principal Uses

<table>
<thead>
<tr>
<th>Use Category</th>
<th>Use Type</th>
<th>MU Core</th>
<th>MU Ring</th>
<th>Use-Specific Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Open Space Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cemetery</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Community garden</td>
<td>P*</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Park or greenway</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Public square or plaza</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>Transportation uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Transit station</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Park-and-ride facility</td>
<td>S</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td><strong>Utility uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Major utility facility</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Minor utility facility</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Telecommunication tower</td>
<td>X</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td><strong>Other Public and Institutional Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Club/lodge</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Place of worship</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>Commercial Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal Care Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Kennel</td>
<td>X</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Veterinary clinic</td>
<td>S</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Eating/Drinking Establishments</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bar/lounge</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Restaurant</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Specialty eating/drinking establishment</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Entertainment/</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cinema</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>

4 Community gardens generally are too land-intensive to be appropriate in a TOD Core, but would be appropriate if located on a building’s rooftop or as a temporary use of a vacant lot pending its development. Provisions limiting community gardens in TOD Core Subdistricts to such circumstances should be incorporated in any use-specific standards for community gardens.
Table 1: Allowed Principal Uses

<table>
<thead>
<tr>
<th>Use Category</th>
<th>Use Type</th>
<th>MU Core</th>
<th>MU Ring</th>
<th>Use-Specific Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreation Uses</td>
<td>Arena/stadium</td>
<td>S</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Auditorium/stage theater</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Commercial recreation facility</td>
<td>Indoor</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Outdoor</td>
<td>X</td>
<td>S</td>
</tr>
<tr>
<td>Country club/golf course</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Office Uses</td>
<td>Non-service-oriented offices</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Service-oriented offices</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Retail Sales and Service Uses</td>
<td>Bank or financial institution</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Funeral home</td>
<td>X</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lawn care, pool, or pest control service</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Personal services establishment</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Plant nursery</td>
<td>X</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Shopping center&lt;sup&gt;5&lt;/sup&gt;</td>
<td>GFA ≤ 150,000 sf</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>GFA &gt; 150,000 ≤ 400,000 sf</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>GFA &gt; 400,000 ≤ 800,000 sf</td>
<td>P&lt;sup&gt;6&lt;/sup&gt;</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

As a multi-tenant retail sales and service development, shopping centers allow customers to shop at a number of stores without having to drive out onto the streets. Although shopping centers traditionally consist of spread-out, single-story buildings with a large parking lot, they are increasingly multistory with structured parking. Shopping centers commonly are identified as neighborhood, community, regional, or superregional shopping centers, usually distinguished by floor area thresholds such as those shown in the table. Shopping centers might alternatively be distinguished by building footprint thresholds, or by both floor area and footprint thresholds. Doing so recognizes that large multistory shopping centers might be beneficial to establishing the high-intensity activity desired for the core area of an urban TOD district without diminishing its pedestrian-oriented character. Distinguishing of shopping centers may be done in the use table, in the definitions of the various shopping center types, or in the use-specific standards for a shopping center use.
### Table 1: Allowed Principal Uses

<table>
<thead>
<tr>
<th>Use Category</th>
<th>Use Type</th>
<th>MU Core</th>
<th>MU Ring</th>
<th>Use-Specific Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>GFA &gt; 800,000 sf</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Other retail sales and service use?</td>
<td>GFA ≤ 50,000 sf</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>GFA &gt; 50,000 ≤ 100,000 sf</td>
<td>X</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td></td>
<td>GFA &gt; 100,000 sf</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Sexually Oriented Businesses?</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Vehicle/ Equipment Sales and Service Uses</td>
<td>Automotive painting or body shop</td>
<td>X</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Automotive repair and service</td>
<td>X</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Automotive sales or rental</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Car wash</td>
<td>X</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Gas station</td>
<td>X</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parking lot (as a principal use)</td>
<td>S</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parking structure (as a principal use)</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Self-service storage facility</td>
<td>X</td>
<td>S</td>
<td></td>
</tr>
</tbody>
</table>

6 As noted above, a traditional large shopping center would be inappropriate in a TOD Core Subdistrict, but might be appropriate if the floor area were stacked in a multistory building.

7 This distinguishes general retail sales and service uses in terms of gross floor area based on the observation that large, single-tenant retail sales and service stores ("big box" retailers) tend to be very auto-oriented, with large surface parking lots—and thus inappropriate in pedestrian-oriented MU/TOD districts. As with shopping centers, these might alternatively be distinguished by building footprint thresholds, though big box retail stores (whether a department, wholesale, grocery, or home supply store) are unlikely to be multistory.

8 Identification and treatment of sexually oriented businesses (or adult uses) varies among communities. Some communities may find it necessary or acceptable to allow these uses in the MU/TOD district, but should consider subjecting them to spacing or other use-specific standards targeted toward addressing safety concerns and preventing the TOD district from becoming a 'red-light district.'
Table 1: Allowed Principal Uses

<table>
<thead>
<tr>
<th>Use Category</th>
<th>Use Type</th>
<th>MU Core</th>
<th>MU Ring</th>
<th>Use-Specific Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taxi or limousine service facility</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tire sales and mounting</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Truck/recreational vehicle sales, rental, or service</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Visitor Accommodation Uses</td>
<td>Bed and breakfast inn</td>
<td>X</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hotel or motel</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>

**Industrial Uses**

<table>
<thead>
<tr>
<th>Use Type</th>
<th>MU Core</th>
<th>MU Ring</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial Service Uses</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Manufacturing and Production Uses</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Warehousing and Freight Movement Uses</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Waste-Related Uses</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Wholesale trade uses</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

**San Diego Code Audit:**

While the Urban Village Overlay Zone requires a mix of uses, it is not clear from the text that it overrides any use limitations in the underlying base zone district. If the overlay zone is amended to be a better fit for infill/redevelopment sites or a new mixed-use zone is created, a more detailed use table should be included to remove any uncertainty.

---

9 Most industrial uses have a scale and impacts that make them inappropriate in a pedestrian-oriented MU/TOD district. Thus this table does not identify the many use types that might fall under each of the use categories. Some communities, however, may find it desirable to allow certain small-scale industrial uses in MU/TOD districts—e.g., craft or artisan industry uses, particularly where they have a retail sales component.
Mixing of Uses

Most MU/TOD zones include standards intended to ensure that projects include at least some mix of nonresidential and residential uses as it is built out. Some are quite specific in dictating a minimum use mix (e.g., a minimum of 10% of each of three different use types such as commercial, residential, and civic are required in each development) or not allowing any nonresidential development unless residential development is proposed in conjunction with it. Others are more flexible, focusing on the mix of uses allowed over time (e.g., “by the time 50 percent of the land area within the MU/TOD Zone is developed or approved for development, residential uses shall make up at least 30 percent of the total gross floor area existing or approved within the district and nonresidential uses shall make up at least 20 percent of such floor area. No new nonresidential use shall be approved in the district until the 30 percent threshold for residential uses has been met, and no new nonresidential use shall be approved until the 20 percent threshold has been met.”).

Another use mix issue that should be considered is that of vertical use mixing. Many zoning ordinances and local building codes erect hurdles to vertical use mixing which is highly desirable in promoting compact, higher density mixed-use development around transit stations—for example, residential units may not be allowed over commercial uses. While vertical mixing is preferred, in some more suburban neighborhoods, mixed-use projects will just as likely be horizontal based on market demand. This should be allowed, provided the developments are well-integrated in terms of complementary uses, access and circulation, and compatible design. Notably, the TOD Design Guidelines encourage vertical mixing but require horizontal mixing.

In contrast to a required mix of uses, other jurisdictions are amending their zoning codes to remove barriers to use mixing in traditional commercial and residential zones.

San Diego Code Audit:

The Urban Village Overlay Zone contains requirements for minimum mix of uses as a percentage of each development site (e.g., 20% residential, 10% MU core). This is typical of many MU/TOD ordinances. Similarly, the TOD Design Guidelines require an even more ambitious use mix (e.g., 30% MU core and 10,000 sf of retail with 1/8 mile of transit stop). However, San Diego needs to proceed cautiously in this arena. A mandatory mix of uses in a MU/TOD zone may be a disincentive and lead a developer to propose a single-use development in a base zone instead or simply not proceed with a proposal. An option to promote mixed use rather than require such may be to offer incentives such as increased densities, a broader range of permitted uses, and streamlined development review.

Importantly, as outlined above, San Diego is taking steps to allow more commercial uses in high density residential zones and denser residential in some commercial zones. Wisely, staff have also inserted
compatibility standards such as limits on hours of operation on expanded commercial in residential zones to reduce potential adverse impacts on residences. Similarly, the city should take care not to allow residential uses to dominate in existing commercial zones (e.g., it might limit the total amount of residential in a specified area or require notices to new residents they are locating in an area zoned commercial).

**High-Activity and Neighborhood-Serving Nonresidential Uses At Street Level**

Most MU/TOD zones encourage incorporation of high-activity nonresidential uses such as retail shops and restaurants at street level—particularly in the MU/TOD Core subdistrict. Such activity is also encouraged along pedestrian street frontages, ¹⁰ and especially along those building facades that face a transit station, streets or pedestrian walkways connecting to the station, or public spaces near the station. Others attempt to ensure that neighborhood-serving uses such as hardware stores, book stores, flower and gift shops, cleaners, clothing stores, laundromats, and similar uses are included in mixed-use projects, especially those types of uses that are smaller and not associated with national chains.

However, in some cities, regulations require new mixed use or nonresidential development in the MU/TOD Core to incorporate high-activity nonresidential uses such as retail shops and restaurants at the street level of building facades. This often results in vacant street level stores because market demand is not sufficient to fill available spaces.

An in-between alternative would be to require a certain percentage (e.g., 50%) of street level shops to be retail or restaurants. Another option would be to offer incentives to developments that incorporate high-activity nonresidential development at street level. Such incentives might include an expanded list of permitted uses, density bonuses, and expedited project reviews.

*San Diego Code Audit:*

While a number of the city’s policy documents and guidelines strongly favor high-activity and neighborhood-serving uses at street level in mixed-use developments, accomplishing that goals has been elusive in some situations. San Diego is not alone in confronting this challenge. Aspen is a good example of a city that has grappled with the issue with some success. In its pedestrian-oriented, mixed-

---

¹⁰ Pedestrian street frontages are those street frontages along which a high level of pedestrian activity and interaction with adjoining development is particularly necessary or desired to define and enhance the character of the TOD district. Examples of street frontages that may be designated as pedestrian street frontage include, but are not limited to, street frontages close to or extending from the transit station, street frontages that have or are intended to have a “Main Street” character, street frontages with a high level of retail sales and service-oriented office uses, and frontages opposite commons, outdoor gathering spaces, or other public open space.
use downtown, street level restaurants, retail shops, and other neighborhood-serving businesses were being replaced by real estate offices and financial institutions. The result was less activity at the ground level and a far-less interesting shopping experience for locals and tourists alike. Aspen responded by restricting real estate office, financial institutions, and similar uses to second floor space. Additionally, to create an incentive for a more community oriented mix of uses in a newly redeveloping area on the fringe of downtown, Aspen provided an expanded list of permissible uses if neighborhood-serving uses such as bookstores were included in a project.

San Diego might consider a variety of incentives discussed in the final two sections of this document to encourage a more desirable mix of uses such as expedited reviews (e.g., fast-track reviews for projects that include a minimum number of listed high-activity street level uses) or as done in Aspen, an expanded list of permitted uses in a project if neighborhood-serving uses are included (e.g., financial institutions not allowed unless neighborhood-serving uses are incorporated).

**Accessory Uses/Structures**

It is also important to consider carefully accessory uses and structures that might be allowed in a MU/TOD zone. Noted below are important accessory uses that are often be encouraged subject to special conditions or others that are discouraged, but allowed subject to protective standards. Low-intensity accessory uses and those that are auto-oriented are often prohibited in the MU/TOD Core. These include uses like drive-through facilities, large parks and recreation areas, large surface parking lots, and outdoor storage.

- **ACCESSORY DWELLING UNIT (ADU)**

  ADUs (called Companion Units in the San Diego Zoning Code), are usually allowed in both the Core and Ring Subdistricts as they promote higher residential density and compact development, but subject to standards such as size limitations.

  *San Diego Code Audit:*

  Pursuant to Ch. 14-1-3, companion units are allowed in most residential (but not commercial) zones through a Process One (staff) review. Gross allowable floor area is a modest 700 square feet, and one parking space is required for each bedroom.

- **AUTOMATIC TELLER MACHINE (ATM)**

  Walk-up ATMs are often allowed in MU/TOD zones, but subject to standards to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between parking areas and building entrances. Drive-up ATMs are usually prohibited, especially in the Core subdistrict.
San Diego Code Audit: ATM’s as primary uses are not regulated in San Diego.

- DRIVE-THROUGH SERVICE

Often prohibited in a MU/TOD Core area as being at cross-purposes with the important goal of pedestrianization. If allowed in core or ring, vehicular access to and from the drive-through facility is usually restricted to a street other than a pedestrian frontage street. Also, a minimum number of on-site stacking spaces is often required to avoid blocking sidewalks and bicycle/street traffic.

San Diego Code Audit:

Drive-throughs are not mentioned in the Urban Village Overlay Zone or the TOD Design Guidelines. Drive-through restaurants are not permitted in the Commercial-Neighborhood (CN) Zone or in most Planned Districts (Chapter 15).

- ELECTRIC VEHICLE (EV) CHARGING STATION

EV charging stations are sometimes required in TOD parking lots and parking structures. These spaces are typically reserved for the charging of EVs only. Such reserved spaces are required to be posted with signage identifying the spaces as reserved only for the charging of EVs, amperage and volt levels, time limits, tow-away provisions, and contact information for reporting non-operable equipment or other problems.

EV charging station equipment should be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping/screening.

San Diego Code Audit:

EV charging stations are not required in the Urban Village Overlay or TOD Design Guidelines nor are they specifically listed as a use in any zone district. Fifty percent of stations at electric/natural gas refueling sites must be for EVs. In several planned districts (Chapter 15), EV charging stations can be installed to help achieve the required transportation demand management level.

HOME-BASED BUSINESS

Standards for home-based businesses (or home occupations) commonly limit the area devoted to the business, require the person conducting the business to be an occupant of the home, limit the number of nonresident business employees, restrict on-site sales, restrict customer and delivery traffic, and regulate signage, outdoor storage and noise. In keeping with the mixed-use character of MU/TOD areas and to minimize trip generation, communities should consider encouraging home-based businesses by relaxing some of these standards—particularly typical
zoning ordinance standards that limit the business to less than 20-25 percent of the dwelling unit’s total floor area and prohibit nonresident business employees.

San Diego Code Audit:

Section 141.0308 allows home occupations as accessory uses to a residential use. This section contains typical restrictions such as prohibiting employees and customers, banning signage, and limiting the amount of indoor storage. Employees and customers may be allowed through a Neighborhood Use Permit, subject to limitations on hours.

- OUTDOOR DISPLAY AND SALE OF MERCHANDISE

A pedestrian-friendly MU/TOD district depends on substantial interaction between sidewalk pedestrians and fronting retail sales and service uses. Outdoor display and sale of merchandise contribute to that interaction and should be allowed, but controlled to address potential adverse visual impacts, safety concerns, and impediments to pedestrian traffic. Standards typically address how much of a front façade may be occupied by outdoor display (e.g., 50%), a minimum clearance area to allow passage of pedestrians (e.g., five feet), limits on attaching goods to a building wall, and display height limits (e.g., eight feet).

San Diego Code Audit:

Section 142.1130 allows outdoor display of merchandise in commercial zones on private property only.

- OUTDOOR SEATING (AS ACCESSORY TO EATING/DRINKING ESTABLISHMENTS)

Outdoor seating for restaurants and other eating/drinking establishments can contribute to the pedestrian activity and interaction desired in MU/TOD districts—particularly outdoor seating on or next to the public sidewalk. However, experience shows that standards are useful to deal with impacts and concerns associated with such an accessory use. These standards usually address hours of operation (to avoid impacts on nearby residential units), controls on sound/noise, obstruction of pedestrian movement, use of the public sidewalk for seating, and quality of outdoor furniture.

San Diego Code Audit:

Sidewalk cafes are permitted in most commercial zones subject to special regulations set forth in Section 141.0621. These standards appear comprehensive and address issues such as clear path travel for pedestrians, access, landscaping, lighting, and music among others. They would appear to be well-crafted for use in a MU/TOD Zone.
• OUTDOOR STORAGE

Although outdoor storage is generally prohibited in MU/TOD Zones as a principal use, many principal uses allowed in the district may need some degree of accessory outdoor storage. Standards should be considered to ensure outdoor storage areas do not adversely impact the visual character of the district. Such standards might address location of the outdoor storage (e.g., rear of building only) and screening.

San Diego Code Audit:

Chapter 14-2-11 sets forth regulations for outdoor storage in both residential and commercial areas. In commercial zones, the storage area must be screened by solid fences, walls, or building at least six feet in height. Storage is not permitted in front or street side yards. Neighborhood permit regulations require that outdoor storage areas be limited in size and location and screened from residential property. These current regulations would appear to be well-suited for a MU/TOD zone.

• PARKING STRUCTURES

Parking structures are a preferable alternative to surface parking lots, particularly in the MU/TOD Core. However, to ensure that they do not disrupt the pedestrian-friendly environment along a designated pedestrian street or adversely affect the visual attractiveness of the district, communities often adopt standards that require a certain percentage (e.g., 50%) of the street-level frontage contain commercial uses and impose design standards on the remainder. These design standards often require incorporation of features such as masonry columns, windows, decorative wall inserts, and awnings.

San Diego Code Audit:

The zoning code has a number of provisions related to the design of parking structures. Section 141.06 requires a variety of architectural elements to diminish the bulk of such structures and blank facades. Section 142.05 contains some basic design standards relating to screening to shield automobiles from view. Additionally, Section 113.02 excludes parking structures from gross floor area calculations in specified circumstances to encourage structured parking in mixed-use and commercial developments. The TOD Design Guidelines encourage first-floor retail on the street-side of parking structures? According to staff, a number of recent parking structures that are well-designed with screening of vehicles and first-floor commercial uses were the result of going through the PDP process and were designed to comply with staff and community comments as well as community plan policies.
• SMALL SOLAR ENERGY COLLECTION SYSTEMS

In keeping with their sustainability goals advanced by transit-oriented development, many communities have adopted standards that remove barriers to accessory use small-scale solar collection systems.\(^\text{11}\) These standards typically clearly define where such systems can be located (e.g., roofs and on accessory structures in rear yards) and maximum height. Some cities also provide solar access protection so that later development cannot entirely shade an existing solar collection system. Other communities have gone farther by requiring that a certain percentage of homes in a development be solar-ready, that is, have wiring and plumbing installed to accommodate small solar collection systems. Such standards might be appropriate in a MU/TOD Ring Subdistrict where lower density housing might be appropriate.

_San Diego Code Audit:_

The zoning code contains standards related to both solar collection systems and to solar access. Section 142.0911 allows ground-mounted solar systems in rear and side yards, but not front yards. Section 152.0335 excludes solar systems from maximum height calculations, although they may not exceed 20% or six feet of the permitted maximum building height. The code also sets forth a number of requirements to protect solar access. For example, Section 151.033 states that a shadow plan may be required in planned districts if the city manager believes that structures or landscaping may have an impact on solar access of adjacent property. Moreover, Section 151.0314 (Planned Districts) states that no more than 50 percent of the area of a sidewalk on the opposite side of a development shall be shaded by that development for no more than one hour between 11:00 a.m. and 2:00 p.m.

While all of these standards seem appropriate for greenfield and newly developing sites, they would appear to be problematic if applied in a more urban infill/redevelopment context. The city should carefully tailor solar system location/height and other standards for MU/TOD areas and reexamine the shading restrictions to ensure they do not conflict with MU/TOD goals of compact, more dense development. In discussions of this topic, staff suggested the city needs to undertake a more comprehensive view of its solar collection systems and solar access regulations.

**Temporary Uses/Structures**

As with principal and accessory uses, use-specific standards should be considered for temporary uses that are particularly important to achieving the purposes of the MU/TOD District. Important uses to consider and potential issues are discussed below. Temporary uses in San Diego are reviewed and approved by the city manager under Process One.

\(^\text{11}\) Small solar collection systems are usually defined as those with a rated capacity less than 10 kilowatts.
FARMERS’ MARKET

At first blush, a farmers’ market might be thought of as taking up land area that might be better used for the higher-intensity buildings that are so important to establishing a MU/TOD zone as a pedestrian-oriented activity center. But such markets can contribute substantially to generating the social interaction that is equally important to establishing the identity and character of a MU/TOD area, as well as to local food production that is important to the sustainability of the community and its residents. If a farmers’ market occurs in parking areas or public open space at times when such areas are not otherwise used, it can add to the vibrancy of a MU/TOD zone.

Key issues to consider include location, maximum size, hours of operation, type of agricultural products and goods that can be sold, and appropriate signage.

San Diego Code Audit:

Section 141.0503 of the zoning code sets forth extensive and well-written standards for farmers’ markets in commercial zone districts. Farmers’ markets are approved through staff review. Farmers’ markets are not allowed, however, in residential areas. The city should consider amending these standards to make clear that farmers’ markets are allowed in MU/TOD areas.

MOBILE FOOD TRUCK/STREET VENDORS

Mobile food trucks are becoming increasingly popular in urban and suburban communities and can significantly contribute to a MU/TOD district’s character as a lively center of activity. However, without appropriate standards, food trucks can become a nuisance. Standards commonly applied to food trucks include permissible locations, hours of operation, signage, avoiding sidewalk obstructions, and trash disposal.

Street vendors have long been deemed the epitome of an active urban pedestrian sidewalk. However, like food trucks, they can become an annoyance if not carefully controlled. Common standards include limits on the size of carts, signage, and location/obstruction of pedestrian ways.

San Diego Code Audit:

Pushcarts are allowed in most commercial zones subject to special regulations applied by staff. Pushcarts are permitted on private property in commercial zones as a limited use. Standards in Section 141.0619 address allowable locations, size, and limitations on soliciting persons in vehicles. Pushcarts are allowed in the public right-of-way with a Neighborhood Use Permit subject to standards relating to clear path for pedestrian traffic, location, pushcart design/color.
scheme, and signage among others. The city should consider amending the zoning code to make clear pushcarts are allowed in MU/TOD zones—especially the Core area. The city has also recently adopted standards regulating food trucks.

The San Diego City Council recently adopted a comprehensive set of regulations governing mobile food trucks that should accommodate such uses in most mixed-use areas in a reasonable fashion. The new rules allow mobile food trucks in the public right-of-way without a zoning permit as long as they comply with standards set forth in the ordinance. They are allowed as limited (L) or permitted uses in most commercial zones, as L uses in some RM Residential zones, and by right in all industrial zones. Standards that must be met include, among others, a ban on loudspeakers, no outside lighting except to illuminate a menu, provision of trash/recycling receptacles, and no encroachment on public sidewalks by the vehicle. Food trucks are banned in certain specified areas such as the Centre City and Gaslamp Quarter Districts and within 300 feet of any dwelling unit during evening hours.

**INTENSITY AND DIMENSIONAL STANDARDS**

This important issue addresses features of development such as residential densities, block and lot standards, setbacks, and height.

A hallmark of MU/TOD zones is increased density of residential development to support commercial uses and transit and intensity of commercial projects to create a lively living atmosphere and jobs. In some communities, *minimum* residential densities are imposed preserve key locations near transit stops for projects that benefit transit and help promote an urban environment. Permissible lot coverages are usually high to foster compact growth and open space requirements are typically reduced, with space-saving alternatives such as rooftop gardens and plazas encouraged. To promote denser, more compact development minimum height standards are often featured, and maximum heights of up to six stories and more are allowed in medium-intensity neighborhood mixed use areas.

Block standards usually promote shorter blocks (e.g., 400 feet in length) that encourage walking, while minimum lot areas are usually reduced to promote smaller residential units and businesses. Front setbacks are in many cases entirely eliminated to encourage buildings to be brought up to the street which helps create a more pedestrian-oriented environment. Deeper setbacks may be allowed in the MU/TOD Ring Subdistrict, particularly for residential developments.

The sample table below sets forth intensity and dimensional standards that are most appropriate for moderate-intensity MU/TOD areas. The standards in this table should be considered a starting point for consideration of the intensity and dimensional standards appropriate to various MU/ TOD districts in the
host community, based on the character of the community, existing development in the MU/TOD area, and existing and planned development in areas surrounding the zone.

<table>
<thead>
<tr>
<th>Subdistrict: Use:</th>
<th>TOD Core</th>
<th>TOD Ring</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Uses</td>
<td>Nonresidential &amp; Mixed-Use</td>
<td>Residential</td>
</tr>
</tbody>
</table>

### Block and Lot Standards

<table>
<thead>
<tr>
<th></th>
<th>TOD Core</th>
<th>TOD Ring</th>
</tr>
</thead>
<tbody>
<tr>
<td>Block length (min</td>
<td>max)</td>
<td>200 ft</td>
</tr>
<tr>
<td>Lot area (min)</td>
<td>1,500 sf</td>
<td>3,000 sf</td>
</tr>
<tr>
<td>Lot width (min)</td>
<td>20 ft</td>
<td>30 ft</td>
</tr>
</tbody>
</table>

### Intensity

<table>
<thead>
<tr>
<th></th>
<th>TOD Core</th>
<th>TOD Ring</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential density (min</td>
<td>max)</td>
<td>15du/ac</td>
</tr>
<tr>
<td>Floor area ratio (FAR) (min</td>
<td>max)</td>
<td>0.75</td>
</tr>
<tr>
<td>Lot coverage (min</td>
<td>max)</td>
<td>60%</td>
</tr>
<tr>
<td>Open space (min, as % of lot area)</td>
<td>5%</td>
<td>15%</td>
</tr>
</tbody>
</table>

### Building Placement

<table>
<thead>
<tr>
<th></th>
<th>TOD Core</th>
<th>TOD Ring</th>
</tr>
</thead>
<tbody>
<tr>
<td>Build-to line (min</td>
<td>max)</td>
<td>0 ft/12 ft</td>
</tr>
<tr>
<td>Building width in build-to zone (min, as % of lot width)</td>
<td>80%</td>
<td>70%</td>
</tr>
<tr>
<td>Front setback (min)</td>
<td>0 ft</td>
<td>0 ft</td>
</tr>
<tr>
<td>Side setback (min)</td>
<td>0 ft</td>
<td>0 ft</td>
</tr>
<tr>
<td>Corner side setback (min)</td>
<td>0 ft</td>
<td>0 ft</td>
</tr>
<tr>
<td>Rear setback (min)</td>
<td>0 ft</td>
<td>0</td>
</tr>
</tbody>
</table>

---

City of San Diego Mixed-Use Urban Villages Workshop

Public Discussion Draft /September 2014/Page | 27
### Table 2: Sample Intensity and Dimensional Standards

<table>
<thead>
<tr>
<th>Subdistrict:</th>
<th>TOD Core</th>
<th>TOD Ring</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use:</td>
<td>All Uses</td>
<td>Nonresidential &amp; Mixed-Use</td>
</tr>
<tr>
<td>Height</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Structure height (min</td>
<td>max)$^{10}$</td>
<td>2 stories</td>
</tr>
<tr>
<td></td>
<td>25 ft</td>
<td>75 ft</td>
</tr>
</tbody>
</table>

NOTES: sf = square feet; ft = feet; du = dwelling unit; ac = acre; % = percent; n/a = not applicable

1. 1,500 square feet for townhouse lots.
2. 20 feet for townhouse lots.
3. Applicable to residential-only development.
4. Applicable to nonresidential developments and mixed-use developments (including their residential components).
5. Open space may be located on rooftops and on decks or porches as well as in ground-level plazas, courtyards, lawns, and gardens.
6. Applicable only along pedestrian street frontages.
7. The remaining build-to zone street frontage may be occupied by outdoor gathering spaces, driveways, pedestrian walkways, or surface parking located to the sides of buildings.
8. Applicable only along street frontages other than pedestrian street frontages.
9. Not applicable to townhouse lots except where abutting a lot containing or designed for a single- or two-family dwelling.
10. Both story and feet standards apply.

---

**San Diego Code Audit:**

The Urban Village Overlay Zone limits floor area ratio, height, maximum density, and coverage requirements to what is allowed in the base zone district, which could be quite limiting. Section 132.1107 of the overlay requires the mixed use core and residential components to have a minimum average density of 18 dwelling units. Block lengths are encouraged to be 400 feet in length or less.
As mentioned above, the staff is proposing amendments to some commercial zones to permit up to 109 dwelling units/acre, up from 29. The TOD Design Guidelines recommend minimum average densities in TODs ranging from 18-25 dwelling units/acre with the maximum to be determined by community plans. The Encanto Neighborhoods Plan envisions neighborhood mixed-use areas with a range of densities from 15-44 dwelling units/acre and a maximum height of 60 feet. In the more intense community mixed-use area, the plan recommends similar densities and height.

The development intensities/densities and dimensional standards in the Encanto Neighborhoods Plan would appear to be more in synch with those found in successful MU/TOD areas in other communities. The plan can provide useful guidance as the city considers whether to revamp the Urban Village Overlay Zone or create a new MU/TOD zone.

**DEVELOPMENT STANDARDS**

Most MU/TOD zone districts contain development standards to ensure high-quality development that promotes an active, safe pedestrian environment. Key issues include access and circulation, off-street parking, and building design among others.

**Access and Circulation**

Access and circulation standards in a MU/TOD zone usually address pedestrian and bicycle as well vehicular circulation.

- **CONNECTIVITY**

  A well-connected system of streets, bikeways, and walkways is essential to a TOD district—both to ensure convenient access between the transit station and all major origin and destination points within and surrounding the district as well as to promote the level of access and circulation needed to establish the district as a vibrant mixed-use activity center. To this end, standards are often included to require that internal vehicular, bicycle, and pedestrian circulation systems of new development be designed to allow cross-access with development on adjoining lots. One approach to ensure such cross access is to require easements allowing vehicular, bicycle, or pedestrian cross-access between adjoining lots, along with agreements defining maintenance responsibilities of the property owners, to be recorded in the appropriate municipal land records.

  Because there may be practical site constraints or other reasons such as traffic safety to require connections among adjoining lots, provisions might be included allowing the city to waive or modify the above requirement.
• **VEHICULAR ACCESS AND CIRCULATION**

Some MU/TOD zones include standards intended to limit sidewalk-disrupting curb cuts. Such standards sometimes require or encourage a network of rear alleys for access, especially for smaller lots. Curb cuts may also be prohibited along any pedestrian street frontage and allowed along other street frontages only if vehicular access cannot be provided from an alley or cross-access easement. Driveway curb cuts may also be limited in width (e.g., 24 feet) with a minimum required distance from a street intersection (e.g., 50 feet) or another curb cut (e.g., 100 feet).

• **PEDESTRIAN ACCESS AND CIRCULATION**

MU/TOD zones often incorporate standards to ensure a leading mobility role for sidewalks and other pedestrian walkways in the TOD District. Along pedestrian frontage streets, where the highest level of pedestrian activity is expected and/or encouraged, wider sidewalks are usually needed to accommodate higher volumes of pedestrian traffic and the outdoor dining, street furniture, and other pedestrian amenities that serve the pedestrians. Minimum standards often require sidewalks of from six to ten feet wide with an appropriate pedestrian “clear zone” that is unobstructed by any permanent or nonpermanent object for a minimum width of five feet and a minimum height of eight feet. At least one walkway from an adjacent sidewalk is typically required for each pedestrian entrance to a building.

To further encourage pedestrian activity, some MU/TOD districts require that where maximum block lengths exceed those in Table 2 that pedestrian cut-through walkways be provided to adjacent blocks or to adjacent transit stations, schools, recreational facilities, community facilities, or commercial developments.

Designating streets in a MU/TOD zone as “pedestrian street frontages” can be an important way to apply special building placement, form, and design standards discussed below along certain streetscapes where promoting and accommodating pedestrian activity is of greatest importance to the success of the MU/TOD area. Most pedestrian street frontages are likely to be located within the MU/TOD Core Subdistrict. The MU/TOD Ring Subdistrict is likely to contain some

---

12 As noted earlier, pedestrian street frontages are those street frontages along which a high level of pedestrian activity and interaction with adjoining development is particularly necessary or desired to define and enhance the character of the TOD district.
strongly pedestrian-oriented streetscapes (especially along streets forming a gateway into the core), but not all streetscapes in that subdistrict typically need be pedestrian-oriented.

**San Diego Code Audit:**

There are a variety of standards and guidelines found in the zoning code, development manual, and community plans encouraging connectivity and pedestrian-oriented circulation systems in MU/TOD areas. For example, Section 132.1108 of the overlay requires to connect commercial building entries with adjacent streets, uses, and parcels. Section 132.1109 requires street patterns with interconnected streets with block faces 400 feet in length or less. Use of alleys is encouraged and street widths should be reduced “to the maximum extent feasible” in accordance with the Street Design Manual.

The TOD Design Guidelines have an extensive section on street/circulation systems (p. 60-68) as well as pedestrian and bicycle systems (p. 69-74) that embrace many of the principles and standards in the discussion of modern MU/TODs zones above.

The city’s Street Design Manual was published in 2002 and while there have been a number of amendments since then, a recent effort at a more comprehensive update was apparently shelved.

The San Diego Zoning Code contains miscellaneous provisions throughout to promote pedestrian and bicycle circulation. For example, one section states “parking and vehicular access drives shall be located to minimize impacts” on pedestrian circulation.

The Encanto Neighborhoods Plan contains an extensive section entitled “Mobility.” That section contains this overview statement: “In order for compact, mixed use villages to thrive, legitimate travel choices need to be broadened so that a good proportion of trips can be made without a car. Walking, cycling, and transit should not be modes of last resort; rather, they should be convenient, pleasant, safe and desirable modes of travel. To this end, the Mobility Element includes goals, policies, and recommendations that will lead to a robust multimodal network that encourages walking, bicycling, and taking transit while continuing to provide for needed vehicular access in the community. The plan follows with progressive policies regarding walkability, bicycling, parking, and transportation demand management among others accompanied by excellent illustrations. Much of this section could be the basis for mobility standards to include in a new MU/TOD zone.

**Off-Street Parking**

Excessive surface parking undermines the pedestrian-oriented character of a MU/TOD area. Thus it is important to make sure minimum off-street parking requirements are indeed “minimum” and reflect the reduced vehicular trips and parking demand inherent with mixed-use development and with the availability of transit as an alternative means of transportation.
How minimum parking requirements for a MU/TOD Zone relate to generally applicable parking standards elsewhere in a zoning code depends on several factors. These include the type, intensity, and character of the MU/TOD Zone as well as how well the generally applicable parking requirements themselves reflect current-day parking demands in the particular community. A 2008 Transportation Research Board report found that multifamily housing near transit stations produce an average of 44 percent fewer daily vehicle trips that ITE trip generation rates predict for the same land uses not located near transit and that ITE trip generation rates “over-park” TODs by as much as 50 percent. Subsequent studies indicate that actual vehicle trip counts in mixed-use smart-growth sites in California average about 56 percent lower than those estimated by ITE trip generation rates. A 2011 parking policy study for Montgomery County, MD, recommended baseline parking space requirements for residential (1.2 per unit), office (2.25 per 1,000 sf), general commercial (1.25 per 1,000 sf), restaurants and bars (1.75 per 1,000 sf), hotels (1 per guest room), and events-based uses (1 per 1,000 sf). Transit-oriented development guidelines for Atlanta propose minimum/maximum parking space requirements for multifamily residential near transit stations (0.75/1.25 per unit, other residential (1.0/2.0 per unit), office (1.5/2.5 per 1,000 sf), retail and restaurant near transit stations (0/3.3 per 1,000 sf), and other retail and restaurants (1.75/3.3 per 1,000 sf).

- **VEHICLE PARKING**

  Minimums: And increasing number of communities are granting an automatic reduction in minimum off-street parking requirements (e.g., 25% in core and 15% in ring) in MU/TOD districts. Others allow the city to approve a proposal to further reduce number of off-street vehicle parking spaces required for a development provide the development application includes a study demonstrating that because of the development’s specific location, nature, or mix of uses, there is a reasonable probability the number of parking spaces actually needed to serve the development is less than the minimum required.

  Maximums: To promote compact development and reduce impervious surfaces that increase stormwater runoff, more communities are adding maximum limits on parking to their zoning codes. Such maximums are particularly important in MU/TOD areas where large surface parking lots much such districts much less pedestrian friendly. A common maximum is 125% of the minimum requirement. As an incentive to build parking garage rather than surface parking lots, some jurisdictions exempt any structure parking spaces from this limitation.

  On-Street Credit: An increasing number of communities grant a credit towards off-street parking requirements for any on-street spaces adjacent to the use.
San Diego Code Audit:

San Diego has incorporated many provisions in its zoning code to reduce parking for transit-oriented and mixed use developments. The general parking regulations in Section 142.05 reduce off-street parking required for many commercial uses by 25% within a designated transit area (as defined in the Transit Area Overlay Zone Section 132.1002). Maximum limits are also set forth (although they tend to be triple the minimum). Similarly, multi-family units in transit areas are allowed to provide about 20% less off-street parking. Twenty-five percent of parking in transit areas can be provided through shared parking per Section 142.0545. Additionally, the code contains an innovative section addressing “reduced parking demand housing.” Section 142.0527 allows for significant reductions in off-street parking for housing for families, senior citizens, and the disabled as well as small studio and one-bedroom dwellings. Reductions are keyed to factors such as walkability of the area and proximity to transit.

The TOD Design Guidelines (p. 79) recommend that reduced parking standards be applied in Urban TODs, but the percent parking reductions are quite modest (e.g., 2-7% for residential and 2-7% for mixed use). The guidelines also suggest maximum parking ratios and suggest allowing off-street parking requirements to be satisfied by on-street parking. There does not appear to be a similar provision in the zoning code.

The city should consider extending the transit area parking reductions to all designated mixed-use areas. Also, it may want to examine lowering the maximum allowed parking ratios in MU/TOD zones to limit large parking lots.

- OFF-STREET PARKING ARRANGEMENT AND DESIGN

Most MU/TOD zones contain standards intended to ensure that off-street parking does not undermine the district’s pedestrian-friendly environment—especially in the core and along its most pedestrian-oriented street frontages. Relevant topics include:

1. **Location**: To promote compact, pedestrian-oriented development, MU/TOD zones often restrict parking to the rear or side of buildings. Others require that parking structures be wrapped with commercial uses at the ground level. More flexibility might be allowed in the Ring Subdistrict by, for example, allowing one bay of parking in front of buildings except on designated pedestrian street frontages.

2. **Break-Up of Large Parking Lots**: Large expanses of pavement can seriously detract from the goals of a MU/TOD district. One approach to soften their visual impact is to require that large surface parking lots be broken up in to...
smaller “modules” that contain 50 or fewer spaces each and are visually divided by landscaped islands, fences, and buildings.

3. **Pedestrian Walkways Through Parking Areas**: A standard that often goes hand-in-hand with breaking up large parking lots noted above is one that calls for a clearly identified pedestrian route between parking areas and the primary pedestrian entrance(s) to the building(s) served by the parking areas, or to a pedestrian walkway providing direct access to the primary building entrance(s).

*San Diego Code Audit:*

The Urban Village Overlay Zone requires that parking areas be located underground or to the rear or side of a building. The TOD Design Guidelines suggest that for buildings facing pedestrian-oriented streets all parking be located at the rear. Additionally, the guidelines recommend that parking lots occupy no more than 75 feet of a pedestrian-oriented street frontage.

While there do not appear to be any specific regulations in the zoning code limiting the size of any single surface parking lot, the TOD Design Guidelines prohibit any surface parking lot greater than three acres unless it is divided into several smaller pieces with landscaping. The zoning code’s planned district regulations contain a number of requirements regarding parking lot design, but they are suburban-oriented (e.g., requiring berms or large landscaped strips around surface parking).

The Urban Village Overlay Zone does required pedestrian paths from the entry of commercial buildings to adjacent streets, uses, and parcels.

- **BICYCLE PARKING**

  Bicycles can be an important alternative transportation mode in MU/TOD districts. Many communities require bicycle parking facilities such as racks or lockers for larger developments. Some require larger office buildings to provide showers for use by bicyclists and multi-story residential structures to have covered parking in an underground garage. As an incentive, credit might be given towards vehicle off-street parking requirements (e.g., one space for every 5 bicycle parking spaces to a maximum of 5).
San Diego Code Audit:

The zoning code contains a comprehensive section on bicycle parking and facilities in the parking division (Section 142.0529). These regulations address both short-term bicycle parking spaces and long-term. Short-term spaces are required for most non-residential developments. Long-term spaces are required for employees of larger firms and facilities. Table 142-05C sets forth bicycle parking requirements for multiple dwelling units (e.g., 0.5 spaces for every bedroom). All of these standards appear appropriate for a MU/TOD zone. Similarly, the TOD Design Guidelines (p. 73-4) require provision of bike parking and bikeways.

- ALTERNATIVE PARKING ARRANGEMENTS

Most modern zoning ordinances incorporate standards that provide flexibility in how a developer can comply with off-street parking standards. They are generally applicable throughout a community, but are mentioned here to emphasize the greater need for such flexibility in MU/TOD districts, where higher development intensities and the focus on pedestrian friendliness make such flexibility even more important. Types of alternative parking arrangements that might be considered for a MU/TOD zone include:

1. **Shared Parking**—allowing adjacent uses to share parking, particularly uses where maximum demand is at different times of the day or week (e.g., a church and movie theatre).

San Diego Code Audit: Section 142.0545 of the zoning code contains comprehensive shared parking options. The TOD Design Guidelines (p. 81) also support allowing shared parking for nearby uses with staggered peak periods of demand.

2. **Off-Site Parking**—counting off-street parking spaces located on a lot separate from the lot containing a proposed development but within walking distance.

San Diego Code Audit: The Planned District regulations in Chapter 15 allow developments to provide required off-street parking spaces at an offsite location. The off-site location must be within 500 feet of the development served by the parking, measured property line to property line, and must be secured by CC&Rs recorded on both properties in a form that ensure the parking facility’s use without reduction in spaces in perpetuity (unless another off-site location is secured).

3. **Deferred Parking**—permitting deferral of construction of some percentage of the off-street parking required upon submittal of a study demonstrating the
need will be less than the minimum required, and land is reserved if additional future parking is required.

_San Diego Code Audit_: No applicable provisions.

4. **Valet and Tandem Parking**—allows use of valet and tandem vehicle parking to meet the minimum number of parking spaces requirement but only in accordance with a valet agreement that is approved by the city and includes provisions ensuring that a valet parking attendant will be on duty during hours of operation of the uses served by the valet parking.

_San Diego Code Audit_: Section 142.0555 provides regulations for tandem parking for residential and commercial uses.

5. **On-Street Parking**—counts on-street parking spaces adjacent to a development towards off-street requirements where the on-street parking spaces are located along the development site’s street frontage or within a specified distance (e.g., 150 linear feet of walking distance) from the primary entrance of the proposed use.

_San Diego Code Audit_: The TOD Design Guidelines suggest allowing off-street parking requirements to be satisfied by on-street parking. There does not appear to be a similar provision in the zoning code, although on-street parking can count against off-street parking requirements as an incentive for providing affordable housing (Section 143.0710).

6. **In-Lieu Payment to Municipal Parking Fund**—A community may decide to promote transit-oriented development by taking more control over the provision of parking in a MU/TOD district. One approach is to allow the developer to make an in-lieu payment into a municipal parking fund. The local government then uses such funding to building a parking structure or well-situated surface parking lot. This option provides a way whereby a development contributes to meeting the parking demand it creates, but the municipality determines where and how the needed parking will be provided. It is important that the community make sure the parking for which in-lieu payments are made is in place by the time the paying development is occupied.

_San Diego Code Audit_: Section 142.0550 exempts from minimum parking requirements property within a parking assessment district approved by the city council.
BUILDING DESIGN STANDARDS

TOD zone districts often contain building design standards intended to promote those streetscape characteristics that are conducive to the active pedestrian environment so important to the success such districts. They need to be tailored to reflect the TOD district’s context relative to the community as a whole, the existing neighborhoods and development that surround the district, and the existing and desired character of development within the district. These standards commonly address the following aspects of building design.

- **BUILDING MASSING AND FORM**

  Larger mid-rise mixed-use buildings may be desirable in the MU/TOD Core, but they will need to be designed carefully to ensure they maintain a pedestrian scale at street level and contribute to the desired character of the area. Standards might be considered that reduce the perceived mass and scale of the building by incorporating some of the following design elements that are consistent with the development’s architectural character:

  1. Variations in roof form and parapet heights;
  2. Pronounced (as least one foot deep) recesses and/or projections in the wall plane;
  3. Distinct changes in texture and/or color of wall surfaces;
  4. Pilasters that are at least eight inches deep and at least eight inches wide, and have a height equal to at least 80 percent of the facade’s height;
  5. Ground level arcades, awnings, or similar overhangs;
  6. Second floor galleries/balconies;
  7. Cornices;
  8. Projected and recessed entries;
  9. Vertical accents or focal points; or
  10. Enhanced window treatments.

- **BUILDING ENTRANCES**
Communities often adopt standards to ensure easy, safe access by pedestrians to buildings and support a pedestrian-oriented character. Examples include requirements to have clearly identified building entrances that face the street, at least one street-level entrance for tenants in multiple-tenant commercial spaces, and a maximum spacing between building entrances on larger buildings (e.g., 75 feet).

- **WINDOWS/DOORS/ TRANSPARENCY**

  Transparent facades along pedestrian-oriented street frontages are highly advisable to create an interesting pedestrian experience and encourage window shopping. Standards to accomplish this goal typically require a minimum percentage of the façade area be comprised of transparent window or door openings to allow views of interior spaces and merchandise. Minimum percentages may vary by location as suggested in Table 3. Some cities also prohibit highly reflective glass from counting towards the transparency requirement.

<table>
<thead>
<tr>
<th>Table 3: Minimum Building Facade Transparency Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abutting or facing a pedestrian street frontage</td>
</tr>
<tr>
<td>Facing a transit station</td>
</tr>
<tr>
<td>Facing a public gathering space</td>
</tr>
</tbody>
</table>

- **PARKING STRUCTURES**

  See the discussion of parking structure design standards in the accessory use section of this document. These standards would apply to parking structures as both primary and accessory uses. They are intended to accommodate parking structures as a preferable alternative to surface parking lots, but ensure that they do not disrupt the pedestrian-friendly environment along a frontage street or adversely affect the visual attractiveness of the district.

  **San Diego Code Audit**

  There are a plethora of building design standards and guidelines in the 2008 General Plan, community plans, the TOD Design Guidelines, and zoning code that address the building design issues discussed above. For example, the
TOD Design Guidelines address commercial building facades, building materials, entries, and similar issues (p. 40-42). Residential building setbacks, facades, and garages are also addressed (p. 47-49). The Urban Village Overlay Zone requires building entries to face the street, prescribes minimum window transparency on retail streets, and dictates that building facades be varied and articulated. Many planned districts in Chapter 15 have detailed building design requirements also.

Some of the clearest, modern statements of design policy and goals for MU/TOD areas are found in the Urban Design element (Chapter 4) of the Encanto Neighborhoods plan.

The city should consider consolidating, clarifying, and simplifying the many building design regulations and guidelines for MU/TOD developments that are scattered among several documents. The Urban Design element of the Encanto Neighborhood provides a good starting point.

OUTDOOR GATHERING SPACES AND COMMUNITY AMENITIES

To be a vibrant activity center, a MU/TOD district must foster social interaction among the people who live, work, and visit the district. The provision of outdoor gathering spaces and other community amenities are thus as essential an element of transit-oriented development as landscaping and parking. However, large expanses of park-like open space typically required of suburban developments may be undesirable and infeasible in a MU/TOD zone. As an alternative, communities should consider encouraging or requiring alternatives forms such as plazas, squares, courtyards, and rooftop or community gardens that are accessible to the public and furnished with benches/seating areas, shade structures, raised landscaped planters, public art, decorative shelters for transit riders, and similar features.

San Diego Code Audit

The Urban Village Overlay Zone contains a general statement that the public land use component of any development shall include “parks, plazas, squares, town halls, and other community facilities that are open to the public.” A minimum ten percent of each development site must be set aside for “public land use.”
RELATIONSHIP TO SURROUNDING DEVELOPMENT

Where a MU/TOD district with mixed-use and higher intensity development is located next to or across the street from established low-intensity neighborhoods of single- or two-family homes, residents and owners of those homes may see TOD development as a threat. Cities should consider standards designed to help ensure new TOD development is compatible with the adjacent single family neighborhoods and reduce potential opposition by neighborhood residents and property owners.

Techniques to enhance compatibility include:

- requiring the perimeter of a mixed-use development to have the least intense uses or development density,
- incorporating height step-backs so that portions of buildings adjacent to or facing an established neighborhood are similar in height,
- facing porches, balconies, and outdoor activity areas away from existing homes,
- providing porches, balconies, and outdoor activity areas away from existing homes,
- placing additional controls on lighting such as full cutoff shielding.

San Diego Code Audit

General compatibility requirements for new development are scattered throughout the zoning code, particularly in Chapter 15, Planned Districts. Some general regulations address compatibility in more detail. For example, Section 143.0430 applies to developments requesting a planned development permit in the urbanized communities in the RS Zones. The regulations limit density to the average density of all similarly zone single dwelling units within a 500-foot radius of the site and requires that building mass and bulk be similar to the surrounding 500-foot radius neighborhood. Additionally, development design “shall incorporate architectural elements that have a pronounced importance in establishing compatible infill design.” Interestingly, the Urban Village Overlay Zone contains no specific compatibility requirements.

The Encanto Neighborhoods Plan contains some common-sense compatibility and building transition suggestions in Chapter 4, Urban Design. For example, it contains very clear step-back and set back guidelines where the upper stories of larger mixed-use and multi-family buildings are adjacent to single family (p. 4-8).

San Diego should explore creating a consolidated set of guidelines or standards focusing on compatibility and transitions as it seeks to encourage more intense mixed-use development in infill and redevelopment areas. Compatibility standards should not only address physical tools such as step backs, set backs, landscaping buffers, and the like, but also operational compatibility (noise, hours of operation, lighting, placement of trash/recycling facilities, location of delivery and loading zones, etc.).
INCENTIVES/BONUSES

It might be appropriate to add provisions to a zoning code offering an intensity or density bonus to encourage MU/TOD developments or that incorporate features important to a MU/TOD area’s character to an extent beyond that required by general standards. Such bonuses could allow new development to exceed the maximum density, maximum floor area ratio, maximum structure height standards set forth in Table 2 if, for example, the development provides affordable or workforce housing units, provides public amenities beyond that required by development standards, is designed to qualify for LEED certification, is a vertically mixed development with residential uses on upper floors above street-level retail sales and service and service-oriented office uses, or any other development feature important to establishing and maintaining the character of the MU/TOD area.

There are many ways to draft intensity/density bonus provisions. Such provisions need to specify the particular type and level or extent of development features that qualify for a bonus and quantitatively relate them to a particular type and level of bonus. If multiple types or levels of features are to qualify for multiple types or levels of bonuses, it is probably best to use a point system. Each type and level of a qualifying feature is assigned a certain number of points, and each type and level of bonus requires a minimum point total.

San Diego Code Audit

The city currently offers a host of development incentives and bonuses in its zoning code to promote a variety of development types—everything from mixed-use projects to affordable housing, accessible units, and sustainable buildings. For example, the Urban Village Overlay Zone offers a ten percent density bonus over the base zone density for projects located within 2,000 feet of an existing or planned light rail transit station. Section 143.0720 proffers density bonuses up to 35 percent for provision of affordable housing.

The Centre City Planned District (Chapter 15) offers a wide range of density and FAR bonuses for provision of affordable housing, urban open space, green buildings, employment uses, and eco-roofs among others.

Recent community plans have also suggested a range of incentives and bonuses to help achieve plan goals. These include ministerial approval of land use entitlements that are consistent with the plan, elimination of required parking for the first 5,000 square feet of commercial/retail in a mixed-use development, and FAR bonus for public open space among others.

Based on experience in other major cities, it is unlikely that major mixed-use projects will be able to be reviewed subject only to ministerial approval. However, it may be possible to craft a review process whereby if a mixed-use development complies with the permitted use list, intensity/density limits, and dimensional standards (height, setbacks, etc.) in the applicable zone or community plan as documented
by staff review, then only design review would go through a discretionary process. The design review might be conducted by a design review board made up of design professionals as is reportedly done with City Centre projects. That would have the potential to greatly narrow the scope of issues subject to negotiation and public hearing.

**DEVELOPMENT REVIEW PROCESSES**

As documented in the current code provision section of this discussion paper, the San Diego zoning code has an unusual number of development review procedures. These include:

- the standard five decision-making processes for land development in Chapter 11,
- additional site development permit procedures required for projects of unusual size, location, site, or impact in Chapter 12,
- supplemental neighborhood development permits and site development permit regulations in Chapter 14 for projects that may have a major community impact, and
- Planned Development Permit Procedures (Chapter 12) for large development projects seeking flexibility and variances from strict application of the zoning code standards.

Most types of major and mixed-use development in San Diego must go through at least review and a public hearing by a hearing officer, the planning commission, and/or city council. These typically involve projects that are subject to design review requirements, request variances in development standards, or require a public subsidy.

Further complicating the review process is the state requirement for an environmental evaluation or report under the California Environmental Quality Act. Many rezoning requests must be accompanied by an EIR that discusses project alternatives and mitigation measures. EIRs can be costly and time-consuming to produce.

Many communities provide expedited or special permit processing for desirable projects. For example, Miami-Dade County has an expedited green building permit program for projects that meet certain sustainability standards. In Austin, Texas, the city has created a special program to promote affordable TOD housing. The SMART (Safe, Mixed-Income, Accessible, Reasonably-Priced, Transit-Oriented) Housing program provides development fee waivers and expedited permit reviews to projects with affordable homes. Processing times have been cut in half for SMART projects.

In its zoning code and plans, San Diego currently offers or recommends processing and development review incentives. For example, the affordable/infill-housing and sustainable buildings expedite program provides expedited permit processing for urban affordable infill housing development projects of 10 units or more in defined urbanized areas of the city. Mixed-use development projects that combine affordable residential dwelling units and sustainable buildings that meet energy conservation
or LEED requirements are also eligible. Staff note that these programs have been popular with the development community, with review times being significantly reduced and the most experienced staff assigned to the reviews.

One of the most promising incentives being developed as part of the Encanto Neighborhoods Plan is to remove the project-by-project requirement for an EIR under CEQA by developing a programmatic EIR for the plan itself, which is very detailed.