

Definitional Incongruities

Executive Summary

It appears that there are incongruities within the proposed revisions to the land development code as they pertain to Sustainable Development Areas, Transit Priority Areas, and the defined zones for the Mobility Choices Requirements as detailed in the proposed text for §143.1103 of the San Diego code.

Mobility Zones and SDAs

§143.1103 (a)(2) of the land development code update proposes to define Mobility Zone 2 as:

- (1) [No change in text.]
- (2) Mobility Zone 2 means any premises located either partially or entirely in a ~~Transit Priority Area~~ Sustainable Development Area.
- (3) [No change in text.]

As amended, the definition of Mobility Zone 2 is dependent on the definition of Sustainable Development Area.

For §113.0103 Definitions, the Land Development Code Update is proposing to add a definition for Sustainable Development Area as:

“Sustainable Development Area means the area within a defined walking distance along a pedestrian path of travel from a major transit stop that is existing or planned, if the planned major transit stop is included in a transportation improvement program or applicable regional transportation plan, as follows:

It then proposes to further refine the Sustainable Development Area for each mobility zone in the city as follows:

- (a) Within Mobility Zones 1 and 3, as defined in Section 143.1103, the defined walking distance is 1.0 mile.
- (b) Within Mobility Zone 4, as defined in Section 143.1103, the defined walking distance is .75 mile.
- (c) For parcels located in Mobility Zone 4, in an area identified as a High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area, the defined walking distance is 1.0 mile.

In addition, an adopted specific plan prepared in accordance with section 122.0107(a), shall be within the Sustainable Development Area if the Sustainable Development Area is within a portion of the adopted specific plan.

The proposed definition for Sustainable Development Area fails to define the area independent of the Mobility Zones generally, and omits a definition for Mobility Zone 2 specifically. This failure is representative of the haste and lack of care the City has been operating under in its rush to push through transformative code updates without public oversight.

Conclusion

Given that the walking distance for Mobility Zone 2 is not defined in the code, it appears that Sustainable Development Areas do not include Mobility Zone 2, and by extension any SDA-based incentives do not apply to that zone.