

**2025 LDC UPDATE RECOMMENDATIONS NFABSD
(Submitted 9/15/24)**

The matrix below lists the recommended updates to the Land Development Code submitted by Neighbors For A Better San Diego, as submitted through the Planning Department update request page:

<https://www.sandiego.gov/planning/programs/land-development-code/ldc-update-request>

NFABSD Proposed 2025 LDC Code Update Matrix (26 items)

Item	Title	Summary of Proposed LDC Amendment	Affected Code
1	Funding of CCHS affordable units by developer	Amend the Municipal Code to prohibit the use of public funding for CCHS affordable units and require the off-site affordable housing units to be new units, not rehabbed existing residential units. Re-use of existing commercial and industrial buildings (i.e., non-residential buildings) is permitted.	§143.1015(a)(7) §143.1015(b)
2	CCHS Density Threshold	Change the dwelling units per acre threshold for allowing Complete Communities development from a flat 20 dwelling units per acre to a graduated threshold from 44 to 290 dwelling units per acre depending on the assigned CCHS FAR tier as shown in the table provided with the recommended code. This will increase the percentage of deeded affordable units to a level commensurate to what would be required by the Inclusionary Affordable Housing Ordinance. Complete Communities and its incentives shouldn't be used to bypass San Diego's affordable housing goals.	§143.1001(b) §143.1002(a)
3	CCHS Replacement Units	Include moderate income households in the calculation of the number of replacement units.	§143.1005(a) §143.1005(b)

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4	CCHS Consistency with Inclusionary Housing Ordinance	Amend the CCHS regulations in the 143.1015 Municipal Code to require a minimum of 10% of the total dwelling units be made affordable at 50% and 60% AMI (split evenly with 5% each) to provide consistency with the City's Inclusionary Affordable Housing Regulations (Chapter 14, Article 2, Division 13). Retain the CCHS moderate income affordable housing requirement (15% of base dwelling units at 120% AMI). Delete 143.1010 (j) that states compliance with CCHS regulations satisfies compliance with the City's Inclusionary Affordable Housing Regulations (Chapter 14, Article 2, Division 13).	§143.1010 (j) §143.1015 (4)
5	Suspension of CCHS following a CPU	The CPU process is presumed to provide sufficient capacity to meet the foreseeable housing needs of the community. Further, the CPU process explicitly identifies where added density provides the greatest benefit to the community in terms of creating walkable community cores and encouraging use of transit. CCHS contravenes the CPU process because it targets the least dense areas of the community where the CPU intended to create transition zones between high density mixed use and lower density residential. To give community plan updates a chance to succeed, CCHS should be suspended in a community for a period of nine years, which is roughly equal to one RHNA housing cycle.	§143.1030
6	CCHS Additive Affordable Units	Amend the Municipal Code to mandate that replacement units required by 143.1005 be added to the CCHS deed-restricted affordable housing units required by 143.1015.	§143.1005(a)(1)
7	CCHS Total FAR Allowance	Clarify that the portion of the FAR contained by the off-sited affordable housing cannot be reused for market-rate units. Add a Section §143.1015(a)(7)(F) that would require the FAR of the units relocated to a receiving site to be deducted from the original project's allowable FAR.	§143.1015(a)
8	CCHS Mission Valley FAR Allowance	Reissue the Complete Communities FAR Tier map with a map that identifies Mission Valley (and other employment areas) as an area within FAR Tier 2 with a Complete Communities Housing Solutions FAR of 8.0. Check all other portions of the CCHS Map to ensure alignment with CCHS Code.	CCHS Map

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9	Removal of CCHS FAR Tier 2 Campus/Medical Center Allowance	Amend the code to eliminate the FAR Tier 2 designation for a “university campus that includes a medical center.”	§143.1001(b)(2)
10	Ready Public Access to Brush/Fire/ESL Reports and Permits	Make all permits and reports associated with building projects (including but not limited to Fire Chief and Fire Marshal reports and permits, Neighborhood Development Permits, Site Development Permits, etc.) accessible to the public via Accela or whatever public project/permit access system the City is using at the time, concurrently to when they become available to DSD.	Add §143.0115(c)(8) Add §142.0412(j)(1)
11	ADU Density Bonus (eliminate entirely)	Align San Diego ADU code with California’s ADU code.	§141.0302(c)(2)(H) Table 143-01A §141.0302(c)(2)(I)
12	SDA-Based ADU Density Bonus	The bonus ADU code should be limited to 2 ADUs (affordable + bonus) anywhere in the City, plus the state-required JADU. This will still exceed the state-required allowance of one ADU per parcel and will avoid creating pockets of dense development in places that may never be well served by transit and therefore will contribute to increased VMT and GHG, stymying achievement of the City’s Climate Action goals.	§141.0302(c)(2)(H) §141.0302(c)(2)(I)
13	Allowed Developable Area for ADU FAR Allowance	Change the ADU Bonus Program Code 141.0302 and Section 131.0446(a) (2) to reflect that premises in OR Zones or that contain environmentally sensitive lands, floor area ratios (FARs) will be adjusted based on “allowed developable area,” the same as the tree adjustments the City adopted as part of the 2024 LDC Update.	141.0302(c)(2)(H) 141.0302(b)(2)(C) 131.0446(a)(2)

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14	ADUs in Very High Fire Hazard Severity Zones	Prohibit Bonus ADU Program projects in VHFHSZs. CA ADU Code Section 66314(a) allows the City the discretion to prohibit ADUs in selected areas based on public safety: “Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety...” While CA ADU code requires ministerial review of the state-required one ADU and one JADU, the San Diego Bonus ADU Program is not required under state law and it is therefore within the power of the City Council to prohibit building these projects in VHFHSZs based on the risks these dense developments place on public safety.	§141.0302(c)(2)(H) §141.0302(c)(2)(I)
15	Affordable ADUs Income Level	Reduce the Moderate-income AMI from 110% to 80% AMI for a 15 year deed.	§141.0302(c)(2)(H) TABLE 141-03A §141.0302(c)(2)(I)
16	By-Right ADU	In the interests of maximizing affordable housing and respecting the existing §141.0302(c)(2)(H) code, the City Council and Planning Department should amend the code to clarify that the first ADU on a parcel can and should be deed-restricted as part of the Bonus ADU program – that there is no “by-right” or base ADU that is immune from deed-restriction when the Bonus ADU Program is applied.	§141.0302(c)(2)(H)
17	Affordable ADUs	The first pair of Bonus ADUs will allow a moderate-income ADU (110% AMI) or a low- (60% AMI) or very low-income (50% AMI) ADU; the second pair of Bonus ADUs will require a low- (60% AMI) or very low-income (50% AMI) ADU, and the third pair of Bonus ADUs will require a very low-income (50% AMI) ADU. If more than three sets of Bonus ADUs are built (6 bonus ADUs), the cycle begins again.	§141.0302(c)(2)(H) §141.0302(c)(2)(I) Table 141—03A

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18	Conversion of Non-Habitable Space to ADUs	Strike §141.0302(c)(2)(C)(iii). This will still allow two ADUs to be added to these multi-dwelling unit premises. Additional ADUs will continue to be permitted according to the bonus ADU regulations, §141.0302(c)(2)(H).	Relocate §141.0302(c)(2)(C)(iii)
19	Distribute Short Term Rentals by Community Planning Area	Limit the number of STRs within each Community Planning Area to no more than 1% of the housing units located in each Community Planning Area.	510.0104(d)(4) 510.0104(d)(5)
20	STR Host Must be on Parcel's Deed for Tier 3 or Tier 4 License	Add a requirement that hosts for a Tier 3 or Tier 4 permit must be a record owner, per definition 113.0103.	113.0103 510.0104(d) 510.0104(e) 510.0102
21	Limit Number of Dwelling Units per Parcel That May Be STRs	Add a requirement that on a parcel that has 5 or fewer dwelling units, only one dwelling unit may have an STR license. On a parcel with 6 or more dwelling units, only 2 or 20% of the dwelling units may have STR licenses, whichever is greater.	§510.0104(d) §510.0104(e)
22	Remove "assignee" from JADU owner-occupancy form	The San Diego Junior ADU Affidavit should eliminate all references to an "assignee" making it clear that the "property owner" is required to live on site when a JADU is built on the premises. All JADU agreements with the "assignee" language should be replaced with the corrected JADU agreements and rerecorded so "assignees" are not allowed to replace property owners.	Form ds-202a JADU Agreement
23	Change SDA from RTP to RTIP	Sustainable Development Area (SDA) on the major transit stops in the Regional Transportation Improvement Program (RTIP) instead of the Regional Transportation Plan (RTP).	§113.0103

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24	Change SDA Walking Distance	Amend the San Diego Municipal Code to base the Sustainable Development Area (SDA) on one-half mile walking distance instead of the current one mile walking distance. Because the SDA is only applied to local programs, it is within the jurisdiction of the city to make this change. As justification for matching the area of the TPA, it was asserted that reducing the footprint of bonus incentives would be considered a reduction in zoning; however, because it only affects bonus incentives and not underlying zoning, this concern is unfounded.	§113.0103
25	TPA based on RTIP	Amend the San Diego Municipal Code to explicitly state which transportation plan should be used as the basis for the TPA. Given that the TPA is being used to impose requirements on developments based on presumed proximity to effective transit, it makes the most sense to use the Regional Transportation Improvement Program (RTIP) instead of the Regional Transportation Plan (RTP), which includes transit stops that may not exist for decades into the future, if ever.	§113.0103
26	TPA based on walking distance	Amend the San Diego Municipal Code to explicitly state that the method for measuring distance “within one-half mile of a major transit stop” is walking distance.	§113.0103