

Item Number	Item Name	Comments	City Planning Department Response
4	Calculating Gross Floor Area - Parking Structures	If a multiple dwelling unit, such as a grandfathered bungalow court, is located in an RS-1- zone (single family) how does the parking exemption from the FAR calculation apply? Since it is a multiple dwelling unit will it and future development on that lot be exempt for including parking structures, garages and carports from its FAR calculation?	This proposed amendment intends to provide further clarification to existing regulations under Section 113.0234(d)(3)(A). The exemption for parking structures from gross floor area calculations does not apply to zones that accommodate single dwelling unit densities. Any changes made to a structure, regardless if the structure has a "grandfathered" status, must adhere to the base zone regulations and any other applicable development regulations.
4	Calculating Gross Floor Area - Parking Structures	Where is there a definition of "parking structure" in the Municipal Code independent of the proposed FAR calculation code? It is important to make clear precisely which types of structures this exemption applies to and that, for example, it is clear from a legal standpoint that it does not apply to residential garages and carports.	This proposed amendment clarifies existing regulations. Existing code language states that the exclusion from gross floor area does not apply to garages or carports that serve single dwelling unit or duplex development. Additionally, for parking structures, Section 113.0234(d)(3)(B) outlines the development regulations that must be met to exclude these structures from being included in the gross floor area calculation.
9	Visitor Accommodations	This proposed amendment unnecessarily restricts the flexibility of rental property operators, including small business owners like myself who manage both short-term and long-term rentals. By hindering our ability to adapt to market changes, it affects our operational strategy. For instance, if short-term rentals permitted under visitor accommodations become unprofitable, we should have the liberty to shift to longer-term stays. This adaptability is not just beneficial for us as property operators, but it's also advantageous for the City of San Diego. It facilitates a seamless transition of units, such as hotel rooms or suites, from short-term to long-term rentals in response to market demands. Imposing such restrictions on this flexibility seems counterproductive in the current housing environment we find ourselves in. Take the example of Extended Stay America, which successfully demonstrates the benefits of offering both short-term and long-term rental options. This amendment would essentially outlaw businesses of this type unless they're built as SRO Hotels. Moreover, limiting this flexibility only to buildings classified as SRO Hotels or SRO Units places an additional burden on owners and operators. Buildings designated as SRO Hotels come with numerous constraints, making it challenging and costly to repurpose them for other uses in the future should market dynamics warrant this. Additionally, the current definition of an SRO hotel room, as per the San Diego Municipal Code and referencing California Health and Safety Code section 17958.1, is too restrictive. It categorizes an SRO hotel room as a guest room or efficiency unit intended for use, rent, or hire. This narrowly defined scope excludes properties with more than a guest room or efficiency unit from offering both short-term and long-term rental options. This limitation seems illogical. Why should there be a regulation preventing the rental of larger units, such as two-bedroom apartments, on either a short-term or long-term basis? Such a rule unnecessarily forces property owners to choose between the two, limiting the practical and flexible use of their properties. Lastly, item 9 refers to the California Business Code, specifically mentioning that nonresidential uses, such as visitor accommodations, are permitted for stays of up to 30 consecutive days. However, a closer look at Section 17536.5 reveals a nuanced interpretation. The phrasing in the code – "may allow for stays of up to 30 consecutive days" – suggests flexibility rather than an absolute limitation. This wording implies permission for such durations without expressly prohibiting longer stays. Importantly, the text of the code lacks any explicit language that categorically forbids stays extending beyond the 30-day mark. It outlines the 30-day threshold as a threshold that is allowed but does not mandate it as the sole option. This absence of a definitive prohibition opens the door for interpretations that could accommodate longer durations, underlining the flexibility inherent in the code's language. <i>In summary, the proposed amendment imposes rigid constraints that hinder the adaptability and potential of rental properties, failing to recognize the fluid nature of the market and the</i>	This proposed amendment intends to ensure that visitor accommodations permitted as a commercial use are used to support visitors and tourism. This is inline with State Law (specifically Civil Code 1940 and Revenue and Taxation Code 7280), which defines tenants, and thus residential units, as stays of more than 30 days.
9	Visitor Accommodations	Changing the ability of Visitor Accommodation units to not allow rentals exceeding 30 days is a flagrant abuse of a property owner's ability to respond to market conditions. It will create a burdensome bottleneck in permitting processing to switch units back and forth based on use that until recently has never been questioned - the ability of a property owners to respond to the highest and best use of their property and the community's needs at any given time. Please allow me to point out that recent efforts towards producing more housing in this city, such as complete communities, have disallowed the use of visitor accommodation units from participating in the program. This bizarre attempt to remove flexibility from operators only serves special interests seeking to gain a stranglehold on San Diego's housing options.	Comment Noted.
9	Visitor Accommodations	It makes no sense to restrict Visitor Accommodation units!! There is an extreme housing shortage in San Diego! Why prevent long-term housing in Visitor Accommodation units when any extra long-term housing will help the housing shortage? Currently Visitor Accommodation units provide flexible housing options for short or long-term residents to the city of SD. Construction lenders will not finance projects which are restricted to 30 days or less and because of this, no new Visitor Accommodation will be built if any restrictions added. Any housing is good housing and these restrictions are a step backwards in adding new housing supply! <i>Market factors and conditions should determine what gets built not arbitrary restrictions from the City.</i>	This proposed amendment intends to ensure that visitor accommodations permitted as a commercial use are used to support visitors and tourism. This is inline with State Law (specifically Civil Code 1940 and Revenue and Taxation Code 7280), which defines tenants, and thus residential units, as stays of more than 30 days. If the intent was to rent the unit as a residential unit for long term stays then an owner is able to obtain a change of use permit and permit a unit for residential use.
9	Visitor Accommodations	First I wanted to say thanks for holding the information session on the LDC Update and the lightning-fast responses to my (and others) questions. Here is my follow-up. I reviewed California Civil Code Section 1940 and I can't find the connection between the policies described in this section and the proposed amendment to restrict space permitted as visitor accommodation to stays of no longer than 30 days. I'm not an attorney, but from my take, section 1940 is where the code discusses the context in which a user of space is considered a transient guest and not afforded tenancy protections as opposed to the situation where they do gain tenancy protections - but there's nothing in this section that discusses a prohibition against staying in a hotel/motel for longer than 30 days. If I'm not seeing it, can you help me make the connection? I submitted comments opposing this proposed change to the land development code (attached). I think it would help if I better understood what the underlying intent is of the proposed change. Is it really to restrict owners of visitor accommodation units from renting those units out for more than 30 days? Or is it something else?	See above.
9	Visitor Accommodations	I just wanted to follow up with you on this to see if what I said below made sense to you. In the Zoom presentation I asked if the purpose of this amendment was to align with state policy and the response was yes, however, I don't see a compelling link between the state code that was cited as justification for the change. When you have a moment, would you mind letting me know if planning is going to reconsider this proposed amendment?	See above.

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11	Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) - Street Tree Requirements	Does this just apply to OR zones and environmentally sensitive lands or are there other circumstances where the developable area would be less than the entire lot? Is the information needed to calculate allowable developable area included in the parcel description or is reference to other maps needed to determine environmentally lands and open space? It would be very helpful if you could provide examples at the workshop.	This proposed amendment would only apply the ADU homes located on a property zoned Open Space – Residential or on a property that contains environmentally sensitive lands. For calculating the development area, please refer to the development regulations for the Open Space – Residential Zone in SDMC Section 131.0231 and Chapter 14, Article 3, Division 1 for Environmentally Sensitive Lands. These regulations control the maximum allowed developable area.
12	Density Calculation Exclusions - Live/Work Quarters and Watchkeeper's Quarters	Can you provide an example of how and where the proposed code change would be applied? Does Municipal Code section 141.03.11 constitute the entire definition of Live/Work Quarters? Does Municipal Code section 141.03.14 constitute the entire definition of Watchkeeper Quarters?	This proposed amendment would not count the density from a live/work unit built in an allowable zone toward a building's overall density calculation. Live/Work Quarters and Watchkeepers are considered separately regulated uses, and the additional development regulations are found in SDMC 141.0311 and 141.0314 respectively.
17	Complete Communities Housing Solutions - Pedestrian Circulation Space	Hello, I am writing to you regarding clarification #17 in the 2024 LDC draft update (link here). It is regarding SDMC 143.1025(a). The current code requires sidewalk widening to 10 feet. My understanding has been that this includes the sidewalk (4' min.) and the landscape strip (5' min). Regardless, I believe the exemption for premises under 25,000 square feet should stay in place, and even be reinforced, because parkway widening on small infill lots is burdensome and will stop projects. Widening these parkways on small lots will eliminate over 5% of the buildable land. It is worth noting that City requirements for parkways are a 6" wide curb, minimum 5' wide landscape strip, and then a 4' wide sidewalk (Per SDG-155), all of which can fit within a 10' wide parkway while meeting all complete communities requirements as well. On a similar note, the parkway widening is in conflict with several other parts of the code; 1.SDMC 142.0670 states that urbanized communities should follow the historic design of sidewalks. 2.The Street Design Manual applicability statement says that only areas undergoing 'major revitalization', not individual's housing projects, would have the street design manual apply. 3.However the above is interpreted, the Street Design Manual also states in the applicability that in older developed neighborhoods, "the existing character of the streets should be maintained and enhanced". 4.Many community plans have streets designated with parkway designs narrower than 14'. The 14' design is insensitive to each street's character that is nuanced and identified as such in the plans. I hope we can maintain and enhance the historic street design and not create a patchwork of inconsistencies and stall out neighborhood improvements. However this clarification is made, I hope the exemption for smaller lots still remains, and that the 8' / 6' is not applied as a one size fits all. People have spent years developing the community plans and they reflect the range in characteristics of each particular street.	Thank you for your feedback and comments. The proposed amendment does not impact premises less than 25,000 square feet, as these premises may continue to provide an infrastructure amenity in lieu of the urban parkway. Note that the proposed amendment specifically focuses on Complete Communities Housing Solutions (CCHS). This program provides incentives to address housing needs near high-frequency transit. Should there be a conflict between the CCHS supplemental development regulations for pedestrian circulation spaces and the Street Design Manual, then the greater width applies.
17	Complete Communities Housing Solutions - Pedestrian Circulation Space	Thanks for the clarification on 14 foot sidewalk width for Complete Communities projects over 25,000 SF. We have heard that there is still confusion between Community Plan street classifications and the City Street Design Manual on what the sidewalk width must be. That confusion led to a City workshop in spring 2023, but there was no resolution. Since the 14 foot width only clarifies the width for eligible projects larger than 25,000, should we use the LDC update process to clear up this confusion? It is hard for applicants to perform due diligence and determine if their project is feasible if the rules are unclear about the setbacks needed for the sidewalk.	Thank you for your comments. The proposed amendment clarifies that if there is a conflict between the Complete Communities Housing Solutions supplemental development regulations for pedestrian circulation spaces and the Street Design Manual, then the greater width applies.
18	Complete Communities Housing Solutions - Transition Planes	Given how tall some CCHS projects are (17 stories in Bankers Hill and 40 stories in the University City area), should the application of the transition plane be extended to any nearby (within 200 feet for example) RS zoned property, as opposed to just adjoining RS properties? To minimize the effect of urban canyons, should transition planes also be calculated based on street widths, given that neighborhood streets are much narrower than major thoroughfares?	This proposed amendment is a clarification of existing development regulations, and the proposed amendments do not clarify the applicability of the transition plane.
19	Climate Action Plan - Consistency Regulation Applicability	Does this apply to Bonus ADU projects?	The proposed amendment is applicable to the ADU Bonus Program.

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20	La Jolla Shores Planned District - Minor in Scope Development Criteria	Dear Sir or Madam, The La Jolla Shores Planned District Advisory Board (LJSAB) respectfully requests that the crossout/underline version of the proposed changes given in Item 20 of the 2024 Land Development Code (LDC) Update be provided to the LJSAB for our review and approval prior to the 2024 LDC Update Workshops. The LJSAB has been working with the community and DSD/Planning about how to clarify the minor in scope definition. The wording currently presented in column E of the 12/18/2023 online version of the 2024 LDC Update Matrix is not clear. In order to assist in clarifying the language, the Board needs the crossout/underline version as soon as possible to facilitate our community outreach and discussion. Thank you in advance for your assistance in this matter. Kathleen Neil for the LJSAB.	Thank you for providing the draft language and attachments for reference. After careful review, staff added the "does or does not" text to 1510.0201(d) in the draft code language. The text will now read "...development does or does not conform to the regulations contained herein.". The intent of the item is to codify language in Information Bulletin 621 and provide clarification for different types of development that are minor in scope. The types of development can only be selected between one "OR" the other; they cannot be combined.
20	La Jolla Shores Planned District - Minor in Scope Development Criteria	RE: La Jolla Shores Planned District - Minor in Scope Development Criteria Dear Sir or Madam, please find attached a PDF containing a re-draft of code language for Item 20 of the Citywide List dated 01 25 2024 (LJSPD Minor in Scope Development Criteria) of the 2024 LDC Update. The re-draft code language is suggested to improve the clarity of the proposed code language for this item. Thank you,	Attachment received, thank you for your comments.
20	La Jolla Shores Planned District - Minor in Scope Development Criteria	On March 13, 2024 the La Jolla Shores Association, at its regular publicly held and noticed meeting, voted unanimously to support the February 21, 2024 code wording adopted and submitted by the La Jolla Shores Planned District Advisory Board with regard to Land Development Code Update 2024, Matrix Item No. 20, "LJSPD Minor-In-Scope Criteria".	Thank you for the update.
20	La Jolla Shores Planned District - Minor in Scope Development Criteria	The La Jolla Shores Planned District Advisory Board met and discussed the code wording for Item #20 on the Matrix, Minor-in-Scope Criteria. The Advisory Board's proposed code language is attached. The files are attached as Word documents - one is clean text and the other is the same text in underline/strikeout format. A pdf of the clean text wording is also attached. The Advisory Board looks forward to working with City Planning and DSD in promoting this change to the City's Land Development Code. If you have any questions, please contact our Working Group Chair.	Attachments received, thank you for your comments.
25	Accessory Dwelling Units (ADUs) - Front Setback Development Regulations	Is there any prioritization of which order setbacks are violated to allow 800 sf? If a development has to violate the front yard setback in order to build an ADU, then that implies that the premises cannot accommodate more than one ADU and is therefore ineligible for the Bonus ADU program. This needs to be made clear in the code and in San Diego's ADU handbook. Note that the state ADU code only allows exemptions from underlying zoning, including setbacks, for a single ADU and a single JADU on a single-family zoned premises.	This proposed amendment is to align San Diego Municipal Code Section 141.0302(c)(2)(D) with Government Code 65852.2(c)(2)(C) which states "a local agency shall not establish by ordinance any of the following... limits on lot coverage, floor area ratio, open space, front setbacks, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit." The City would not be able to apply a provision prohibiting an ADU in the front of a property as that would be imposing a front yard setback.
30	Affordable Housing Regulations and Complete Communities Housing Solutions - Incentives and Waivers Denial	SB 290 (Skinner) provides a definition of the transit priority area (TPA) being an unobstructed 1/2 mile distance from a major transit stop. This does not match San Diego's TPA definition. How will San Diego's regulations be updated to comply with state law? Extending the TPA beyond the allowances of state law does not extend the CEQA exemption granted by SB 290 and would therefore require full EIR analysis, including compliance with San Diego's Climate Action Plan.	SB 290 does not provide a definition of Transit Priority Area.
49	Calculating Gross Floor Area - At Grade Unenclosed Spaces	The La Jolla Shores Planned District Advisory Board at its February 21, 2024 meeting recommended that Item 49 in the 2024 Land Development Code (LDC) Update Matrix dated 1/25/2024 be removed from the update. The item proposes removing a section of the LDC which protects residential neighborhoods from projects with excessive bulk and scale. This section was originally adopted to end the practice of having "carports" (which did not count towards the Gross Floor Area (GFA) in the past) as a part of a development and then were later enclosed as garages in violation of FAR limits. The GFA of a project should include carports and similar structures, just as it does phantom floors. Both affect the perceived bulk and scale of the structure.	Thank you for your comments and recommendation. At this time, staff does not agree with the suggested recommendation and will proceed to include Item 49 as a proposed amendment. Please keep in mind all other development regulations, such as height, setbacks, etc., must be adhered to depending on the base zone.

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49	Calculating Gross Floor Area - At Grade Unenclosed Spaces	<p>La Jolla Shores Association</p> <p></p> <p>ljsa.org@gmail.com</p> <p></p> <p>49</p> <p></p> <p>On March 13, 2024 the La Jolla Shores Association, at its regular, publicly held and noticed meeting, voted unanimously to support the La Jolla Shores Planned District Advisory Board's recommendation, made at its February 21, 2024 meeting, that Item 49-Calculating-Gross-Floor-Area-At-Grade-Unenclosed-Spaces in the 2024 Land Development Code (LDC) Update Matrix (document dated 01/25/2024) not be part of the LDC Update 2024. Item 49 proposed removing a section of the LDC which protects residential neighborhoods from projects with excessive bulk and scale. Item 49 should remain in the LDC and if it were to be removed it would be detrimental to the communities of the City of San Diego as well as the La Jolla Shores Planned District.</p>	Please see comment above.
51	Exemptions from a Building Permit - Sidewalk Cafes Behavioral Health Facilities	<p>On behalf of the San Diego Regional Chamber of Commerce, thank you for the thoughtful amendments in the 2024 Land Development Code Update. We are always encouraged to see reforms that streamline development, provide clarity to builders, and ensure that it is easier and faster to build the housing our city needs and the commercial projects that allow our local economy to thrive. I wanted to highlight a few specific items:</p> <p>51: This item will help sidewalk cafes continue to flourish and provide the option for a safety barrier that does not impact egress.</p>	Comment Noted.
52	Behavioral Health Facilities	<p>On behalf of the San Diego Regional Chamber of Commerce, thank you for the thoughtful amendments in the 2024 Land Development Code Update. We are always encouraged to see reforms that streamline development, provide clarity to builders, and ensure that it is easier and faster to build the housing our city needs and the commercial projects that allow our local economy to thrive. I wanted to highlight a few specific items:</p> <p>52: This provides important streamlining of permitting for behavioral health facilities that are sorely needed and are difficult to site currently.</p>	Comment Noted.
53	Residential Zones - Commercial Use Regulations	The size limitation for restaurants at 2,000 ft looks pretty limiting. Reduces the potential for neighborhood-serving restaurants	Comment Noted.
58	Community Plan Implementation Overlay Zone (CPIOZ) - Supplemental Development Regulation Alternative Compliance	Can we limit this alternative compliance to Mobility Zones 3 and 4? We should be making right-of-way improvements in Mobility Zone 1 and 2.	The intent of the proposed amendment is to introduce an alternative compliance option for public right-of-way improvements in current supplemental development regulations of the Community Plan Implementation Overlay Zone (CPIOZ) when the City Engineer determines the installation of a supplemental development regulation for a public right-of-way improvement would create undesirable drainage, traffic or pedestrian circulation conditions. Restricting this compliance option to certain mobility zones could further delay project permitting and
60	Accessory Dwelling Units (ADUs) - Side and Rear Yard Setback Requirements	What is an example of a zone or community where this would apply?	An example of where the proposed amendment can apply is in the RT zones. In the RT-1-1 through RT-1-5 zones, the minimum side setback requirement is 0 feet with a minimum 3 foot rear setback requirement, as stated in Section 131.0431(d) - Table 131-04F.
63	Complete Communities Housing Solutions - Public Space Alternative	<p>On behalf of the San Diego Regional Chamber of Commerce, thank you for the thoughtful amendments in the 2024 Land Development Code Update. We are always encouraged to see reforms that streamline development, provide clarity to builders, and ensure that it is easier and faster to build the housing our city needs and the commercial projects that allow our local economy to thrive. I wanted to highlight a few specific items:</p> <p>63: Flexibility in the public space requirement will enable Complete Communities projects to tailor specific spaces to the needs of their project and add useful amenities for residents.</p>	The LDC team appreciates your comments and feedback.

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63	Complete Communities Housing Solutions - Public Space Alternatives	This is a follow up to my question in today's virtual workshop. I asked a general question regarding the timeline for the changes to go into effect and whether they can be applied to projects already in plan check. You stated that there is a 60-day appeal period after the June Council hearing, which means that these changes could be effective as soon as September 1, 2024. More specifically, I have a project that was just submitted for building permit and is still pending payment of the invoice. So, plan check review has not commenced. It is a large (434-unit) residential project under Complete Communities. In preliminary review, it was determined that the public promenade provided through the project did not comply with SDMC 143.1020 because it does not abut the longest street frontage. This public space can comply with the proposed changes to this section under revision #63. That would allow the project to avoid the substantial Neighborhood Enhancement Fund fee. As this is a large, complex project, the proposed change may be in effect before the building permit is obtained. Could it then be applied to credit the public space in lieu of the fee prior to permit issuance?	Outside the Coastal Overlay Zone, the 2024 LDC Update will take effect 60 days after the Mayor signs the ordinance. Within the Coastal Overlay Zone, the regulations will not take effect until the 2024 LDC Update is certified by the California Coastal Commission. If the regulations change after a development application is deemed complete, an applicant may elect to apply the current regulations. However, the application will then be subject to all applicable current regulations in effect.
67	Child Care Facilities - Floor Area Ratio (FAR) Bonus	On behalf of the San Diego Regional Chamber of Commerce, thank you for the thoughtful amendments in the 2024 Land Development Code Update. We are always encouraged to see reforms that streamline development, provide clarity to builders, and ensure that it is easier and faster to build the housing our city needs and the commercial projects that allow our local economy to thrive. I wanted to highlight a few specific items: 67: Childcare facilities are needed citywide and this reform helps incentivize them beyond just certain Commercial Base Zones Thank you for your hard work on these amendments, and we will follow up with additional feedback and/or concerns!	Comment Noted.
67	Child Care Facilities - Floor Area Ratio (FAR) Bonus	Can this bonus be combined with other density bonuses (e.g., CCHS)? Given the outrageous 10:1 density bonus being allowed for proposing a child care facility in a project, this code change will invite abuse, including creating an industry of phantom child care providers that allow the developer to exploit the bonus in low-density zones, create a never-implemented child care facility, and then convert the space to another use after the 10-year restriction no longer applies? Should certain lower-density multi-family zones (e.g., RM-1-1, RM-1-2, and possibly RT-1-1 and RT-1-2) be exempted from this proposed change to prevent exploitation? How will the Inclusionary Housing Ordinance or other affordability requirements be applied to these projects? Will these requirements apply to the entire development or just the underlying zoning?	This proposed amendment expands an existing program to incentivize the development of child care facilities to zones that allow for these facilities. If a structure was to include a child care facility and affordable housing, the Child Care Floor Area Ratio (FAR) bonus could apply to the commercial component while the other bonus is applied to the residential component. Please note, that FAR Bonus for child care facilities does not include incentives to waive any other development regulations required by the underlying zoning such as structure height or setbacks. To utilize this FAR Bonus the space utilized by the child care facility must meet the requirements in SDMC Section 141.0606(c) which includes maintain an Educational Group E occupancy for at least 10 years. Should there be a proposal to use the premises as a residential use, a change of use building permit would need to be filed with the Development Services Department (DSD). Please note if the premises is intended for residential use, it must adhere to maximum FAR allowed of the base zone. Therefore, if the premises has already utilized the FAR bonus for a child care facility, it may not meet the requirements for a residential use due to not meeting the FAR criteria. The City Planning Department supports expanding this FAR Bonus to any zones that allow for a child care facility.
NA		I see that one of the goals of these updates is to align with the City's climate goals. I would like to understand what the opportunities are to require or incentivize building electrification thru this code (beyond the reach code that the city is considering for new construction). What would be the best way to determine the opportunities? Has this already been analyzed? I would like to have a discussion on this with someone on staff if possible. Thank you!	Thank you for sharing your comments and follow-up requests. Building Electrification falls outside of the scope of the Land Development Code Updates. For more information about building decarbonization and efforts to implement the City's Climate Action Plan please visit https://www.sandiego.gov/sustainability-mobility/climate-action/bd#:~:text=A%20reach%20code%20is%20a,electric%20vehicle%20(EV)%20readiness.