

Rancho Bernardo Community Planning Board

12463 Rancho Bernardo Road #523, San Diego, CA 92128

www.rbplanningboard.com

February 10, 2026

City of San Diego Planning Commissioners
7650 Mission Valley Road, MS DSD 1A
San Diego, CA 92108-4423
(sent via planningcommission@sandiego.gov)

SUBJECT: February 19, 2026 Planning Commission Hearing; Comments Related to Proposed Revisions to the City of San Diego Land Development Code

Planning Commissioners:

After an extensive review of the proposed changes to the Land Development Code (LDC) recommended by the Planning Department, the Rancho Bernardo Community Planning Board (Planning Board) has identified concerns and/or requests for revisions related to some of the recommendations that have the potential to affect the Rancho Bernardo community, as well as other communities outside of the more transit-oriented areas of the City. The Planning Board took into consideration how the changes could affect current and future residents of our community, as well as how it could affect our community's overall quality of life, including, but not limited to, ease of access, effects on traffic circulation, adequate availability of parking, use compatibility, reasonable accommodations, and the protection of natural resources.

On January 15, 2026 after completing an extensive review of the 107 proposed changes to the LDC, the Planning Board determined that twenty of the proposed change were most relevant to the Rancho Bernardo community and/or are regionally significant. With the exception of Item 98, where one member voted in opposition to that specific change, the Planning Board unanimously approved sending a letter requesting that the following corrections and/or revisions be made to the Planning Department's list of proposed changes to the LCD. The Planning Board also raised concerns related to the Planning Department's continued refusal to correct language in the LDC related to the protection of Environmentally Sensitive Lands, as addressed below.

Item Not Included in the Code Update, But Should Have Been – Environmentally Sensitive Lands

Despite multiple requests for corrections from this Planning Board and other interested parties prior to the creation of the current list of code changes, the Planning Department continues to ignore the need for revisions to the LDC related to CIP/Public Projects that deviate from the Environmentally Sensitive Lands (ESL) Regulations. It is clear from the statement presented in a Memorandum from the Planning Department, dated December 2, 2019, to the Planning Commission and City Council, that reducing the discretionary process from a 5 to a 2 “does not apply to deviations from the historical, ESL, or archeological resources regulations”. We request that this item be added to the list of LDC corrections that are considered by both the Planning Commission and City Council, as the Planning Department has to date refused to address this issue.

Comments on the Planning Department's Current List of Proposed LDC Revisions

Item 1 - Increases in Penalty Assessments for Code Violations

Comment: Currently, the penalty assessments for a code violation range from \$100 to \$1,000. Increasing the amount of penalty to up to \$10,000 or greater as authorized by City Council Resolution implies there is no limited to the penalty that could be imposed on a violator. Due to the significant increase in the amount of the penalty, §12.0908(c) should be revised to provide guidance for which types of actions warrant penalties of \$10,000 or more.

Item 3 - Commercial Base Zones Regulation Amendments - Mixed Use in Mobility Zones 2 & 3

Comment: Rancho Bernardo has been identified as a High Resource Area and includes areas designated as Mobility Zone 2. The Board has questions regarding how this proposal could affect the long-term availability of close to home commercial uses in our community. What are the requirements for ensuring that currently available grocery, pharmacy, and other residentially-related commercial uses will be retained in proximity to existing residential development? If they are eliminated, total vehicle miles traveled will increase, as adequate opportunities to use transit are not available in this portion of the City.

Item 5 - Inclusionary and Offsite Affordable Housing Requirements

Comment: Rancho Bernardo is identified as including areas of high and highest resource neighborhood opportunities. More information is requested to understand how, if at all, these requirements affect existing uses in areas of high and highest resource neighborhoods.

Item 7 - Complete Communities Housing Solutions - Development Impact Fee (DIF) Waivers

Comment: The Planning Board strongly supports the removal of the waiver for development impact fees (DIF), as DIF are intended to support the needs of all residents in a community and should therefore be required for any new development.

Item 11 - Noise Regulations - Sound Level Limits

Comment: We support this change provided it does not allow for night time construction activity, an activity that has significant health effects on residents whose sleep is constantly disrupted by construction back up alarms. Approval for specific situations where sound level limits are to be exceeded under this code change, should include a requirement for prior notice to residents who could be affected by excessive nighttime noise levels. Finally, please ensure that this proposed revision to the LDC does not apply to night construction activity.

Item 13 - Reaffirms the Definition of a Transit Priority Area

Comment: This revision does not change the “as the crow flies” way of measuring distance, therefore, areas in Rancho Bernardo located to the east of I-15 that are included in the TPA will continue to be subject to the requirements of a TPA despite the fact that access to the transit center requires walking 20 to 36 minutes (according to Google Maps), depending upon the starting point on the east side of the freeway, over varying topography including a steep hill to access the transit center on the west side of I-15 without the use of a car. Most individuals do not have the time, and some the physical ability, to walk from 1 to 1.5 miles in order to access the Rancho Bernardo Transit Station from east of I-15. As a result, the reduced parking requirements to any new residential

development on the east side of I-15 could be development without adequate parking resulting in a significant burden for new residents, as well as impacts to the surrounding commercial and other non-residential properties, as residents try to find alternative places to park so they can efficiently travel to work, get kids to school, and meet the other everyday needs of families living in areas where transit is limited or lacking.

Item 20 - Sign Regulations (Cannabis)

Comment: We strongly support adding to LDC Section 141.0504(d) and Section 142.1210 (E) that the use of the cannabis leaf symbol is prohibited on any sign. We also request that the City initiate LDC changes requiring that any signage, both on and off site, including billboards, be regulated to avoid content related to the use of cannabis aimed at under age individuals.

Item 22 - Development Impact Fees – Onsite Park Requirements

Comment: We recommend support of this change, but also request that additional LDC changes be made to ensure that new housing proposals are required to provide timely funding to support new or expanded parks in all communities when additional housing is proposed.

Item 25 - Affordable Housing Regulations

Comment: This item is described as “subject to further revisions by the Planning Department prior to any public hearing.” No new revisions have been made public; therefore, we request that planning groups be provided adequate time to review and provide comments on any additional revisions to affordable housing regulations prior to a public hearing on this item.

Item 36 - Environmental Determination Appeals (Public Stormwater Facilities)

Comment: Routine maintenance of existing public stormwater facilities needs to be defined, as the removal of old facilities to be replaced with new facilities particularly if the location changes (which has occurred in the past) does not constitute routine maintenance. Many stormwater facilities occur in areas that support sensitive habitats, including environmentally sensitive lands. When “routine maintenance” includes potential impacts to native vegetation, the action should require public notice and an opportunity for public comment.

Items 40 & 41 - Small Lot Subdivision Multiple Dwelling Unit Zone and Small Lot Subdivision Single Dwelling Unit Zones

Comment: In accordance with SB 684, these uses will not be permitted in areas identified as High and Very High Fire Hazard Severity Zone. As a community that includes these fire hazard severity zones, the location of such developments should not impact wildfire evacuation routes.

Item 42 – Vehicle/Vehicle Equipment Sales & Service Uses, Hydrogen Vehicle Fueling Stations

Comment: We support adding hydrogen vehicle fueling stations as a permitted use, along with applicable development and use regulations, but would also like to see the LDC address the need for additional locations for electric car charging stations throughout the city.

Item 55 - Parking Ratios for Affordable Housing

Comment: The half-mile requirement (with an “as the bird flies” measurement) needs to address significant landform issues that substantially increase the actual walking distance and time required to access to a major transit stop. From various locations along Bernardo Center Drive, the walking route to the transit center is approximately one to 1.5 miles depending upon the actual location of the development. The average time needed to walk from this area to the transit center is 23 to 36 minutes based on mileage; however, this does not take into consideration the varying topography that would likely result in longer walk times. Most individuals would not have the time and/or the physical ability to walk one to one and half miles to access the Rancho Bernardo Transit Station of east of I-15. Therefore, reduced parking requirements for affordable housing provided to the east of I-15 will only result in residents seeking parking in adjacent commercial and residential areas of the community. This is a burden to both the new residents, who deserve adequate parking, and existing property owners.

Item 85 - Appeal Fees – Project and Environmental Appeals

Comment/Request for More Information: This amendment, which increases the fee for appealing a project, further reduces the public’s ability to address projects that impact communities, as well as environmentally sensitive lands. Under Process 2, there is no public hearing, therefore, citizens must first pay a fee just to provide public comments at a public hearing on a proposal that has the potential to impact a neighborhood and/or environmentally sensitive lands. With this change, the City is essentially cutting the public out of any opportunity for comment during the initial decision-making process. This change needs to provide additional details related to the fees, and address the lack of public noticing and the inability of the public to provide comments without first paying a fee. We request that any initial action on a project that could adversely impact communities or the environment provide the opportunity for public comment without the requirement to pay a fee. Additionally, CPGs should be provided at least one free appeal per year.

Item 89 – Public Right-of-Way Permits, Wireless Communication Facility Equipment

Comment: It is unclear what areas of the public right-of-way could be impacted by the installation of larger wireless communication utility equipment cabinets (facilities defined as up to 48 inches in width and height). Could installation impact an existing or planned sidewalk? If so, how are required accessibility standards met under these circumstances? Please request that the Planning Department provide more details related to the protection of adequate access for all.

Item 91 – Transition Planes and Buffers from Adjacent Freeways

Comment: This proposal needs to be more fully described as it is not entirely clear what is being proposed. If in fact this proposal requires adequate transition in bulk and scale between lower and higher density development, as well as in areas adjacent to open space zones, then this proposal would have our support.

Item 94 – Wireless Communications Facilities Regulations

Comment: This proposal, which “Streamlines” the review process for wireless communication facilities, including eliminating the public involvement process, requires some clarifying language due to the extent of the revisions being proposed. Additional review is therefore needed once additional details have been provided.

Item 97 – Promenades and Active Sidewalks – Relocating Accessible Parking Spaces

Comment: This change is proposed to accommodate greater flexibility for applicants by allowing them to relocate accessible parking spaces either within the same block perimeter or within 500 feet of their original location when incorporating a promenade and active sidewalk.

According to ADA.gov, relocating accessible parking spaces counts as an alteration, requiring that the new location provide equivalent or better access. The LDC should acknowledge this requirement. This includes maintaining the shortest accessible route to entrances, ensuring spaces are on the most level ground, providing clear dimensions (96" wide space + 60" aisle, or 132" wide space + 96" aisle for vans), ensuring a firm, stable, slip-resistant surface and adequate vertical clearance (98" for vans), and providing proper signage. The City has an obligation to ensure accommodations for all residents, including those with disabilities.

Item 98 – Parking Regulations (Screened Parking)

Comment: The vote on this item, which would require screening for facades fronting the public right-of-way, was not unanimous, but the majority of the Board voted to support this proposal.

Item 102 – Mobility (VMT Reduction Measures Buy-Out Fee for Mobility Zones 2 and 3)

Comment: We recommend denial of this change, as this action appears to allow developers to avoid implementing VTM Reduction Measures in Mobility Zone 2 within the community where impacts will occur. If the intent of VTM reduction measures to offset impacts from specific developments, then measures should be implemented in the communities where the project is proposed. As a large area of Rancho Bernardo west of I-15 and various potential future residential areas east of I-15 and west of Bernardo Center Drive are located in Mobility Zone 2, if the City is serious about reducing VMT, then the funds should be used in Rancho Bernardo where the impact is occurring and accessibility to the transit center without a car is limited by distance and changes in topography.

Item 107 – Replacement Parking for Streetaries, Active Sidewalks, Outdoor Dining, etc

Comment: It appears this amendment is needed to implement AB 2097, which prohibits the requirement of minimum parking for developments within the Transit Priority Area. The LDC should state that any changes to the location or availability of accessible parking spaces must comply with the required ADA Accessibility Standards.

Conclusion

The Rancho Bernardo Community Planning Board thanks the Commissioners for the opportunity to provide these comments. We encourage the Commissioners to evaluate the effects of all changes to the LDC on existing and future residents and to ensure that everyone’s quality of life and ability to address their everyday needs are met by the regulations in the Land Development Code. The effects of some of these proposed changes could have a significant impact on the quality of life for current and future residents. These effects require serious consideration by our decision makers.

Sincerely,

Robin Kaufman

Robin Kaufman

Chair, Rancho Bernardo Community Planning Board