

# ***Rancho Bernardo Community Planning Board***

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[www.rbplanningboard.com](http://www.rbplanningboard.com)

## **MEMORANDUM**

### **Comments Related to the 2026 Land Development Code Update**

**Date:** January 18, 2026

**To:** San Diego Planning Department

**RE:** Rancho Bernardo Community Planning Board Comments on the 2026 Proposed Changes to the Land Development Code

#### **Discussion:**

Over the past several months, the Rancho Bernardo Community Planning Board (Planning Board) has been reviewing the extensive list of changes to the Land Development Code (LDC) proposed by the Planning Department, and in some cases mandated by the State of California. We took into consideration how the changes could affect current and future residents of the 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, and the protection of natural resources.

On January 15, 2026 after completing an extensive review of the 107 proposed changes to the LDC, we determined that twenty of the proposed changes are most relevant to the community of Rancho Bernardo or have regional significance. With the exception of Item 98, which included one member in opposition to that change, the Planning Board unanimously approved that the following comments be sent to the Planning Department with a request that corrections and/or revisions be made to the existing draft language to address various issues affecting residents and visitors to Rancho Bernardo, and in some cases the entire City.

#### **Item Not Included, But Should Have Been – Environmentally Sensitive Lands**

**Comment:** The Planning Board also considered an issue that was not addressed in the current LDC update, despite multiple requests from this Planning Board and several other entities over the past year, regarding needed corrections to sections of the LDC that address CIP/Public Projects that deviate from the 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 the reduction in the discretionary process from a 5 to a 2 does not apply to deviations from the historical, ESL, or archeological resources regulations. We once again request that the LDC be corrected in accordance with the statements provided to the City Council in 2019 to once again require that CIP/Public Projects that deviate from the ESL Regulations be processed in accordance with CIP/Public Process 5, which requires public notice and public hearing before the City Council.

## **Rancho Bernardo Community Planning Board Comments on the Various Items Deemed Applicable to Our Community from the Current List of Proposed LDC Revisions**

### **Item 1 - Increases in Penalty Assessments for Code Violations**

**Comment:** It appears that currently the penalty assessment for a code violation ranges 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, which has no limit, §12.0908(c) should be revised to provide guidance for what warrants penalties of \$10,000 or more.

### **Item 3 - Amendment to the Commercial Base Zones Regulations for Mixed Use in Mobility Zones 2 and 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 a 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?

### **Item 5 - Inclusionary and Offsite Affordable Housing Requirements**

**Comment:** According to mapping at <https://belonging.berkeley.edu/2026-ctcachcd-affh-mapping-tool> Rancho Bernardo is identified as including either high or and highest resource neighborhood opportunity, therefore this item would appear to apply to Rancho Bernardo. More information is requested to understand how, if at all, these requirements affect existing uses in high or and highest resource neighborhoods.

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

**Comment:** Support this proposal, as development impact fees 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:** Support this change provided it does not allow for night time construction activity, an activity that can have significant health effects on residents whose sleep is constantly disrupted by vehicle and heavy equipment reverse back up alarms. Approval for specific situations for exceeding sound level limits should include distribution of notices to residents who could be affected by the noise. Please confirm that this section does not address night construction generated noise.

### **Item 13 - Reaffirms the Definition of a Transit Priority Area**

**Comment:** This text revision to the Code 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 involves a path of travel that is a distance of 1 to 1.5 miles, requiring approximately 20 to 36 minutes (according to Google Maps) to reach the desired destination, depending upon the starting point/destination point on the east side of the freeway and the physical ability of the individual. To reach the transit center by foot from the east side of I-15 would require residents to cross multiple I-15 freeway entrance and exit ramps likely during peak traffic periods, then travel up or down a steep

sidewalk along West Bernardo Drive, which may exceed ADA requirements for steepness, to reach or travel from the transit center. Most individuals do not have the time, and some the physical ability, to walk from 1 to 1.5 miles in order to access a transit center. Discussions with our State representatives are necessary to address the reality of this requirement for some communities, as reduced parking requirements in areas that cannot easily access transit will result in a lack of adequate parking for new residents and a burden on surrounding commercial and other non-residential properties as residents try to find alternative places to park.

#### **Item 20 - Sign Regulations (Cannabis)**

**Comment:** Recommend support for 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 any signage related to cannabis sales, both on and off site, including billboards, be regulated to avoid content that could adversely influence under age individuals.

#### **Item 22 - Development Impact Fees – Onsite Park Requirements**

**Comment:** Recommend support, but the Planning Board requests that additional Code 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:** As this item is subject to further revisions by the Planning Department prior to any public hearing, we request that planning groups be provided adequate time to review and provide comments on the proposed revisions.

#### **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 comment; if environmentally sensitive lands could be impacted, the project should be processed in accordance with CIP/Public Projects Process 5.

#### **Items 40 - (Small Lot Subdivision Multiple Dwelling Unit Zones) and 41 (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, if such developments are located within Rancho Bernardo, they should not be constructed in areas of the community that would create a hinderance to established wildfire evacuation routes.

#### **Item 42 (Vehicle and Vehicle Equipment Sales and 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 crow 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 20 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 further reduces the public’s ability to address projects that impact communities and environmentally sensitive lands. Under Process 2, there is no public hearing, therefore, citizens must pay a fee just to provide comments on a proposal that impacts a neighborhood or environmentally sensitive lands. The City is essentially cutting the public out of any decision-making process. The amendment needs to provide additional details related to the fees and the burden on the public to even be aware of proposals that could impact their community or the environment due to the lack of public noticing and the inability of the public to provide comments without paying a fee. We also request that CPGs 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 sidewalks? If so, how are required accessibility standards met under these circumstances? Please provide details.

### **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**

This proposal intends to provide greater flexibility by allowing applicants 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.

**Comment:** 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**

Requires screening for facades fronting the public right-of-way.

**Comment:** The vote on this item 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 it appears that this action would 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. Please explain how this affects the implementation of required ADA Accessibility Standards.

**Conclusion**

Thank you for the opportunity to provide comments on this preliminary list of changes to the LDC. We look forward to reviewing the other sections of changes not yet available for review and request that adequate time is provided to review those and any further changes or revisions to the current list of code changes prior to any public hearings on this matter.

Robin Kaufman  
Chair, Rancho Bernardo Community Planning Board