



# AND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

**HEARING DATE:** February 17, 2022

**AGENDA ITEM #3**

**Project Description**

**Vicinity Map -**

**APN:** 0295-102-45  
**Applicant:** Bryant Bergeson  
**Community:** Hilltop-Running Springs / 3<sup>RD</sup> Supervisorial District  
**Location:** Northwest corner of Spring Drive and Palo Alto Way.  
**Project No:** PROJ-2021-00078  
**Staff:** Jim Morrissey  
**Rep:** Bryant Bergeson  
**Proposal:** Policy Plan Amendment from Commercial (C) to Low Density Residential (LDR) and a Zoning Amendment from Service Commercial (CS) to Single Residential, minimum 10,000 sq. ft. lot size (RS-10M) on approximately 0.33 acres.



**62 Hearing Notices Sent on : February 4, 2022**

Report Prepared By: Jim Morrissey, Contract Planner

**SITE INFORMATION:**

Parcel Size: 0.33 acres  
 Terrain: Relatively flat  
 Vegetation: Large trees and minimal ground cover vegetation.

**TABLE 1 – SITE AND SURROUNDING LAND USES, POLICY PLAN, AND ZONING DISTRICTS:**

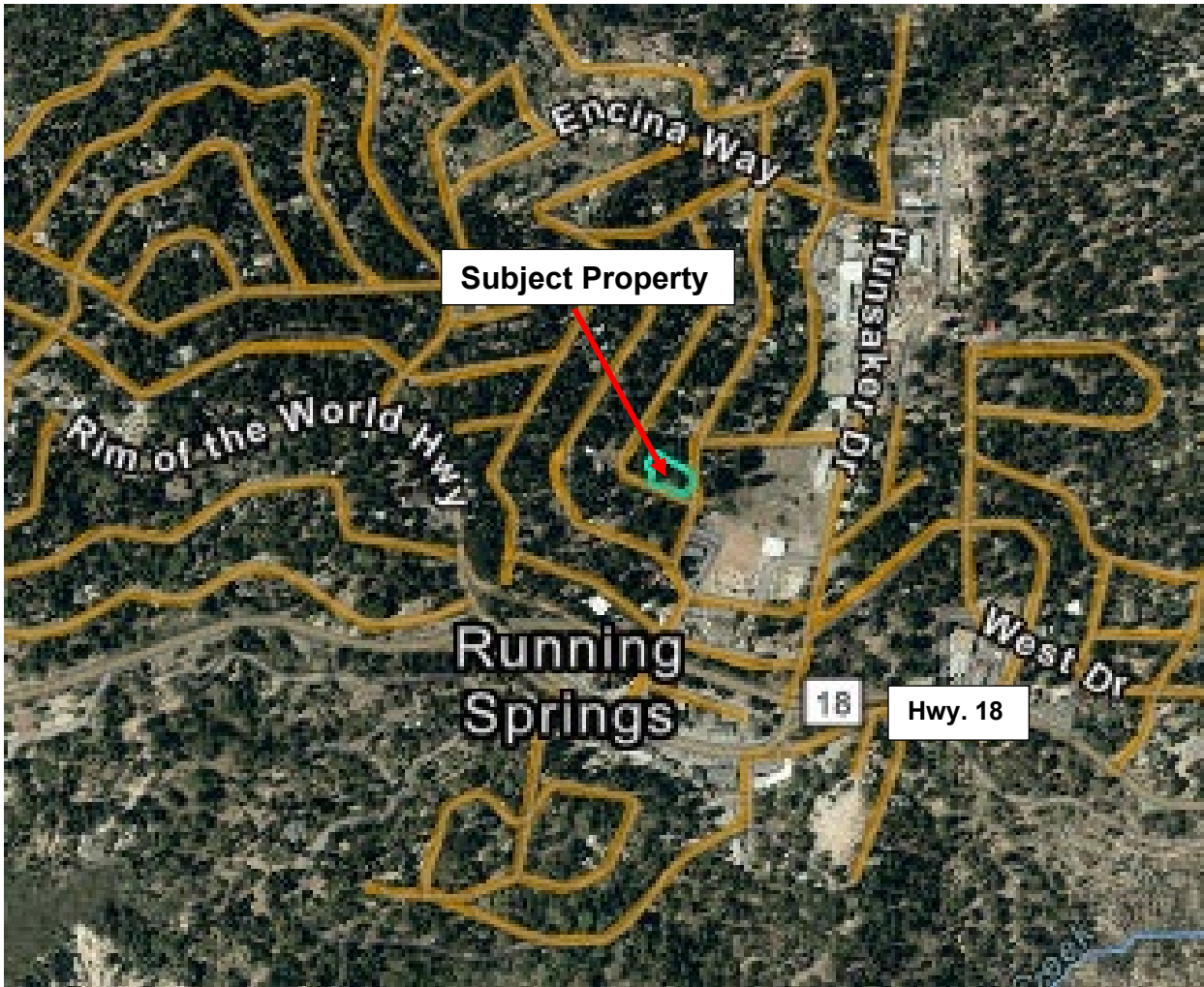
AREA	EXISTING LAND USE	LAND USE POLICY	ZONING DISTRICT
SITE	Vacant	Commercial (C)	General Commercial (CG)
North	Residential	Commercial (C)	General Commercial (CG)
South	Residential	Commercial (C)	General Commercial (CG)
East	Residential	Commercial (C)	General Commercial (CG)
West	Residential	Low Density Residential (LDR)	Single Residential (RS-10M) Commercial Office (CO)

	<u>Agency</u>	<u>Comment</u>
City Sphere of Influence:	N/A	N/A
Water Service:	Running Springs Water	None
Sewer Service:	Environmental Health Services	Septic Tank

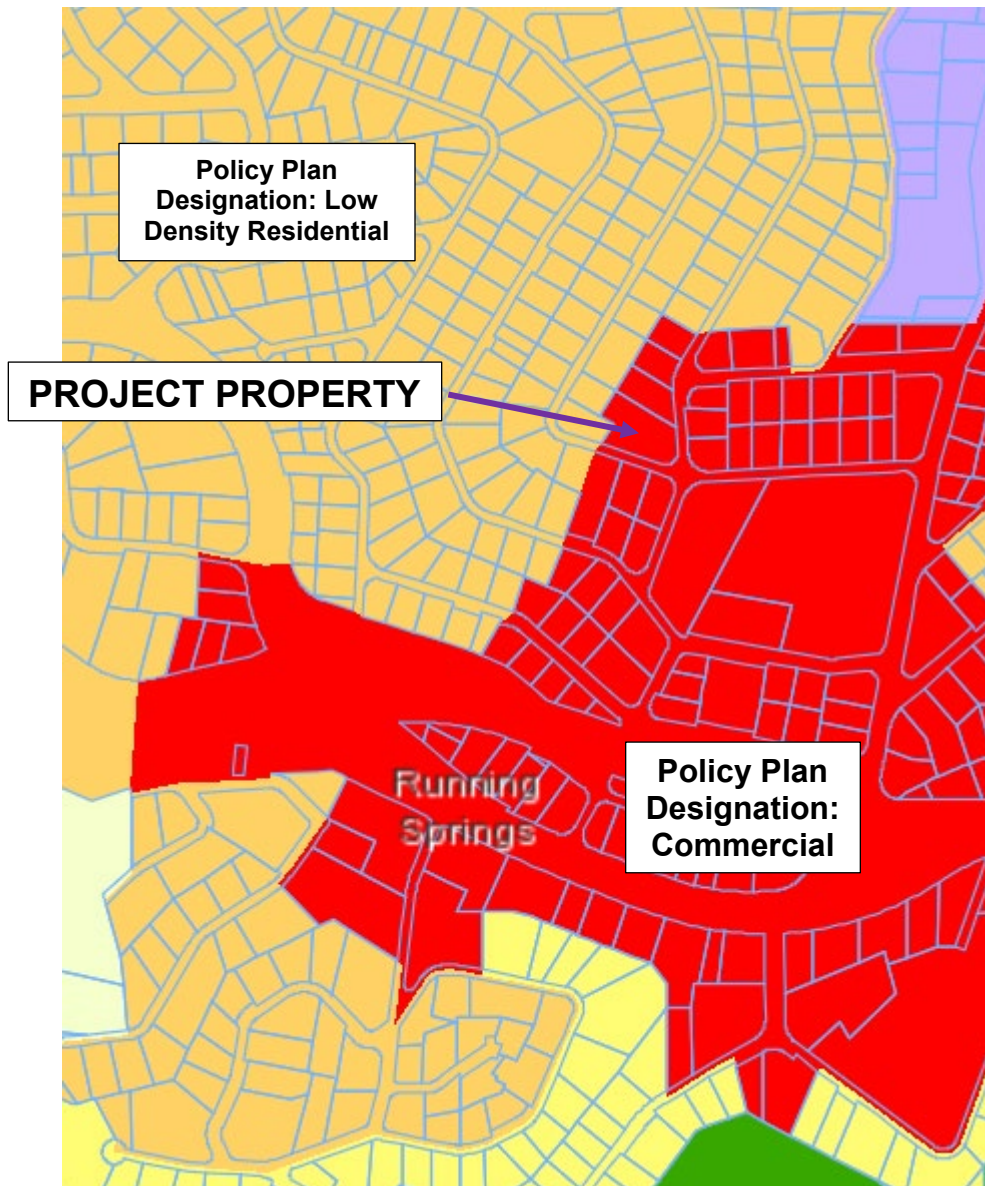
**STAFF RECOMMENDATION:** That the Planning Commission recommend to the Board of Supervisors to **FIND** the project is exempt from CEQA; **ADOPT** the recommended Findings; **ADOPT** the Policy Plan Amendment; **ADOPT** the Zoning Amendment; and **DIRECT** the Clerk of the Board to file a Notice of Exemption. <sup>1</sup>

<sup>1</sup> In accordance with Section 86.12.040 of the Development Code, the Planning Commission action is a recommendation to the Board of Supervisors and may only be appealed by the applicant in the event of disapproval.

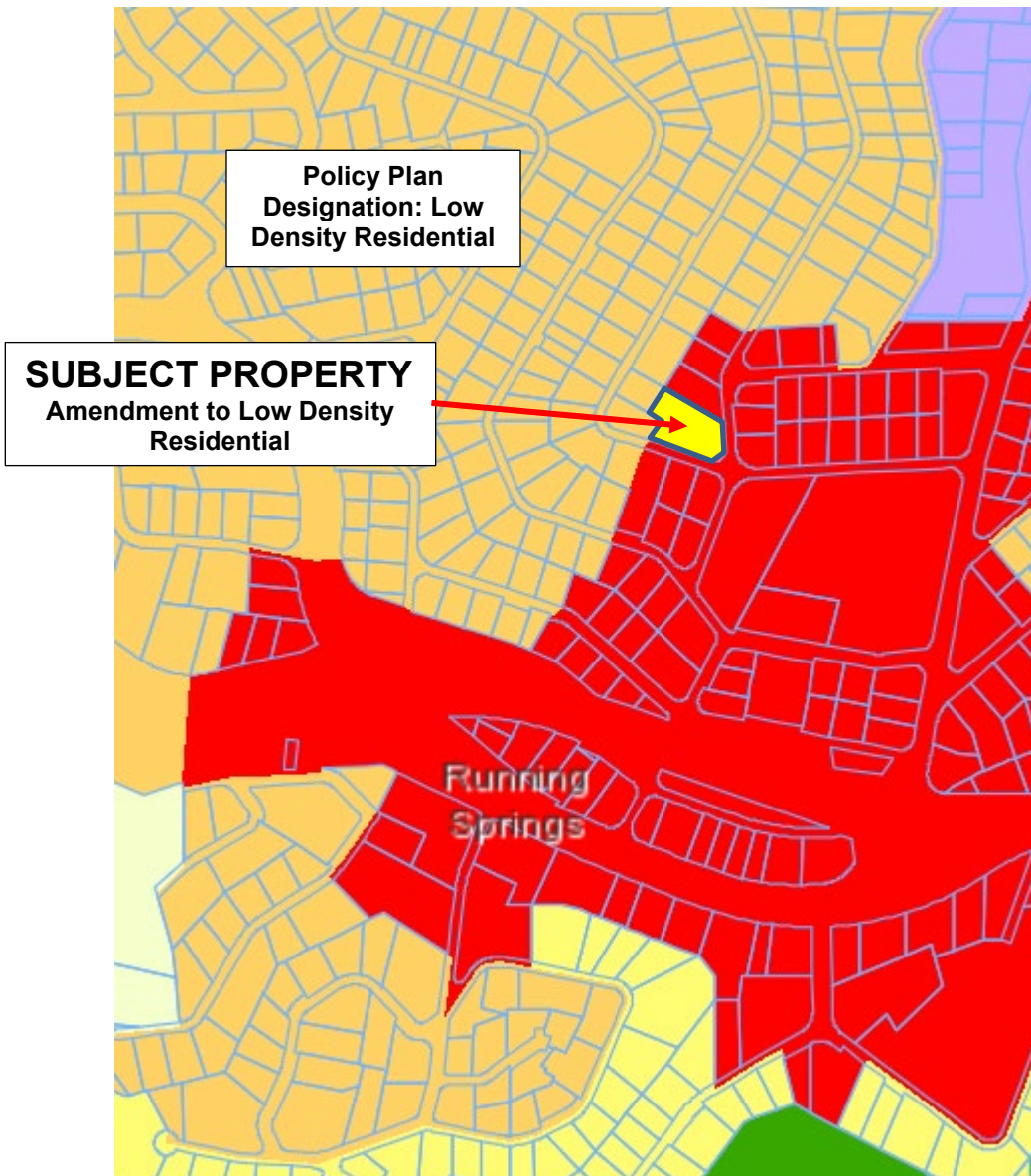
**VICINITY MAP:**  
Aerial view of the Project Site



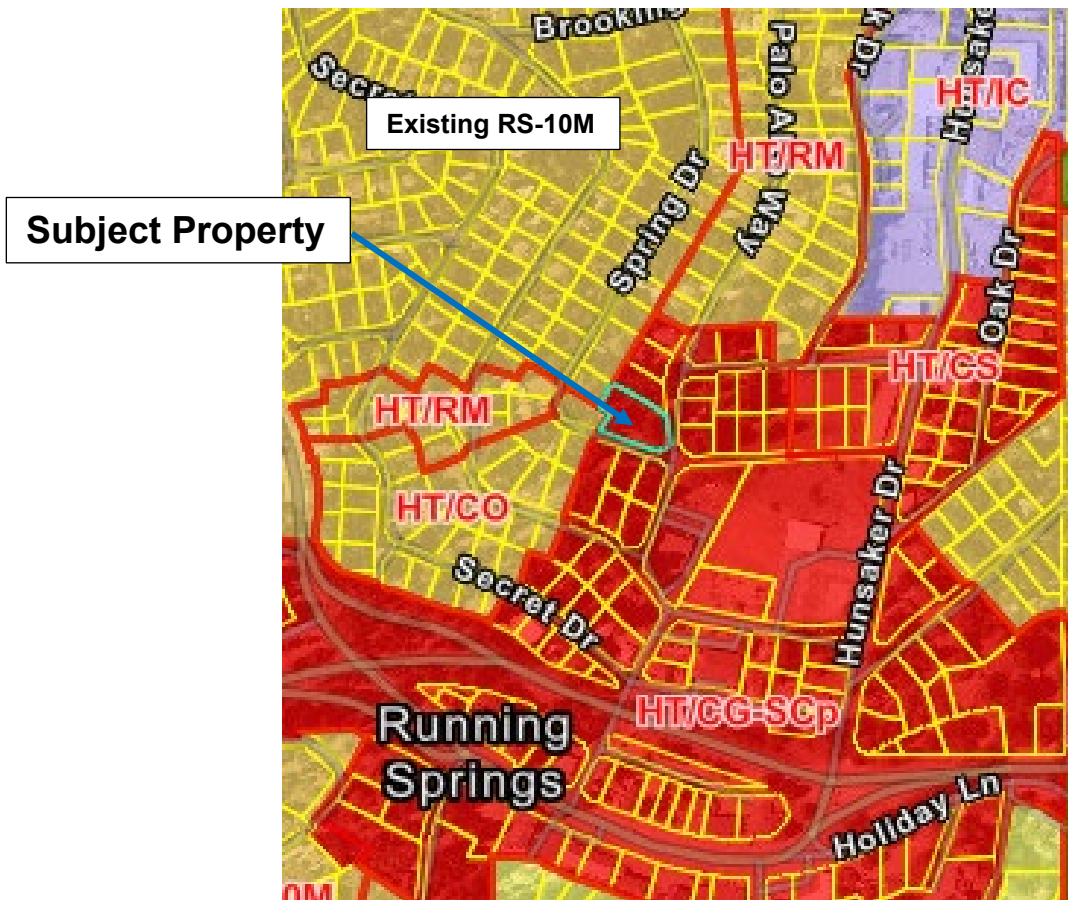
**EXISTING LAND USE CATEGORY MAP:**



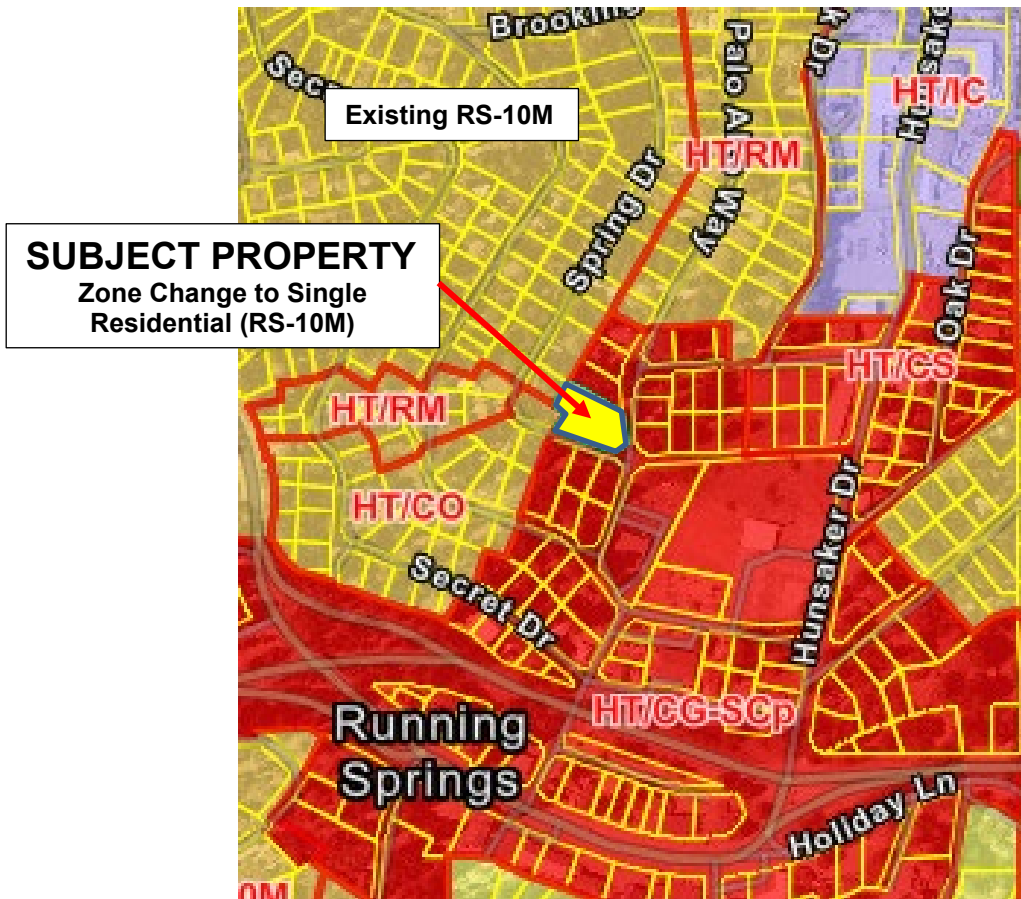
**PROPOSED LAND USE CATEGORY MAP:**



**EXISTING ZONING MAP:**



**PROPOSED ZONING MAP:**



**AERIAL MAP:**



### SITE PHOTOS

View across the subject property from the intersection of Palo Alto Way and Spring Drive.



View of adjoining properties to the west and north of the subject property.





View along the south and westerly sides of Spring Drive.



## **PROJECT DESCRIPTION:**

The applicant requests two specific actions:

- Policy Plan Amendment to change the Land Use Category designation from Commercial (C) to Low Density Residential (LDR).
- Zoning Amendment to change the Land Use Zoning District from Service Commercial (CS) to Single Family, minimum 10,000 square-foot lot size (RS-10M) (collectively referred to as the "Project").

The subject parcel is approximately 0.33 acres in size and is one of the largest parcels in the immediate area. The parcel is located in an area that has both Commercial and Residential Policy Plan designations and zoning districts. Generally, the area along the west side of Palo Alto Way is developed with single-family residential houses, although the zoning designation is Commercial. A change to RS-10M would be consistent with the existing land use pattern of the parcels in the area and the specific size of the parcel, as described in the required findings for approval (Exhibit A).

There are a few vacant lots scattered throughout this area and it would not be appropriate for these vacant lots to be developed with a commercial uses when the area is primarily developed as residential. The Planning Division is currently evaluating this area and will be bringing a comprehensive proposal to amend the Policy Plan and zoning designations to the Planning Commission for consideration in the near future. While this was conveyed to the applicant, the applicant would like to begin construction on a new house and decided to pursue the amendment ahead of County Staff's schedule.

## **PROJECT ANALYSIS:**

The proposed amendment would reflect existing land uses in the area. Properties to the north, west, and south have single family residences. Most parcels in the area are relatively small and several of the parcels designated for commercial use along Palo Alto Way, just north of the subject property, are less than 5,300 square feet.

### **California Environmental Quality Act Compliance**

The Project is intended to authorize the future construction and use of a single-family residential dwelling on the property and has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the CEQA Guidelines (14 CCR Sections 15000-15387). Pursuant to Section 15303 (New Construction or Conversion of Small Structures), the construction and location of limited numbers of new structures are exempt from CEQA. Specifically, Section 15303 identifies the construction and location of one single-family residence in a residential zone as an example of the type of development consistent with this exemption. Moreover, the project site is not located in a particularly sensitive environment, nor are there unusual circumstances associated with the project site that would create a reasonable possibility that the project would have a significant effect on the environment.

Due to the finding of a CEQA exemption, AB 52 Tribal Consultation was not required since the CEQA consultation requirement only applies to actions subject to either a Negative Declaration, Mitigated Negative Declaration or an Environmental Impact Report. However, as explained below tribal notification did occur because the project includes a general plan amendment.

Cultural/Tribal Resources: Contact with Tribes occurred as part of the SB 18 Tribal Notification process based upon a listing of Tribes from the Native American Heritage Commission (NAHC). The NAHC response identified five Tribes; Agua Caliente Band of Cahuilla Indians, Morongo Band of Mission Indians, Quechan Tribe of the Fort Yuma Reservation, San Manuel Band of Mission Indians, and Serrano Nation

of Mission Indians. As of the date of the preparation of the Staff Report, only the Agua Caliente Band of Cahuilla Indians and Quechan Tribe of the Fort Yuma Reservation have responded indicating either the Project site was not “located within the Tribe’s Traditional Use Area” and would defer to the other tribes in the area or they have not commented on the proposal.

**Public Comments:**

Public Notices were distributed to surrounding residents on several occasions, as noted below.

- Project Notices were sent to surrounding property owners within 300 feet of the Project site on October 20, 2021, as required by Development Code Section 85.03.080. No comments were received.
- Planning Commission hearing notices were mailed two weeks before the scheduled hearing date. As of the date of this Staff Report, no comments were received.

**RECOMMENDATION:**

That the Planning Commission recommend to the Board of Supervisors to:

1. **FIND** the Project exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines;
2. **ADOPT** the recommended Findings for approval of the Project;
3. **ADOPT** a Policy Plan Amendment from Commercial (C) to Low Density Residential (LDR) on the 0.33 acre site;
4. **ADOPT** a Zoning Amendment from Service Commercial (CS) to RS-10M (Single Residential, 10,000 sq. ft. minimum lot size (RS-10M) on the 0.33 acre site; and
5. **DIRECT** the Clerk of the Board to file a Notice of Exemption.

**ATTACHMENTS:**

EXHIBIT A: Findings

# EXHIBIT A

## Findings

**FINDINGS: POLICY PLAN AND ZONING AMENDMENT:**

The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 86.12.060, and supporting facts for the Policy Plan Amendment to change the Land Use Category designation from Commercial (C) to Low Density Residential (LDR) (“Policy Plan Amendment”) and Zoning Amendment to change the Land Use Zoning District from Service Commercial (CS) to Single Family, minimum 10,000 square-foot lot size (RS-10M) (“Zoning Amendment”) on the 0.33 acre site (collectively referred to as the “Amendment”).

**1. THE AMENDMENT IS INTERNALLY CONSISTENT WITH ALL OTHER PROVISIONS OF THE RESPECTIVE PLAN, THE POLICY PLAN OR AN APPLICABLE SPECIFIC PLAN;**

The amendment is consistent with and will further the objectives, goals and policies of the County Policy Plan. Relevant objectives, goals and policies, including facts supporting the Project’s consistency with said objectives, goals and policies, include the following:

**Policy LU-6.1 Residential amendments that increase density in the Desert and Mountain regions:** We discourage policy plan amendments that would permit new development on lots smaller than 2.5 acres in the Desert regions and lots smaller than one-half acre in the Mountain region. We approve general plan amendments that would increase residential density only if:

- The proposed change is determined to be compatible in accordance with policies LU-2.1, 2.2, 2.3, and 4.5.
- Adequate infrastructure and services are available concurrently.
- The increase in density would not degrade existing levels of service for fire protection, sheriff, water, or wastewater services in the area.

**Consistency:** The Project includes a Policy Plan Amendment from Commercial (C) to Low Density Residential (LDR), and a Zoning Amendment from Service Commercial (CS) to Single Residential, Minimum Lot Size 10,000 sq. ft. (RS-10M). Many of the properties in the area, including those on adjoining land to the north of the subject property are developed with single-family homes. Adequate infrastructure is available to meet the needs of a single-family residence and the construction of the residence would not degrade the existing levels of service for fire protection, sheriff, water, or wastewater services in the area . As such, the amendment would reflect the existing land use pattern of the area. The applicable policies referenced above are listed and discussed below.

**Policy LU-2.1 Compatibility with existing uses:** We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. We also require that new residential developments are located, scaled, buffered, and designed so as not hinder the viability and continuity of existing conforming nonresidential development.

**Consistency:** Many properties in the area, including those on adjoining land to the north of the subject property, are developed with single-family homes. As such, the amendment would reflect the existing land use pattern of the area and will not hinder the viability and continuity of existing development.

**Policy LU-2.2 Compatibility with planned uses:** We require that new residential development is located, scaled, buffered, and designed to minimize negative impacts both on and from adjacent areas designated for nonresidential land uses.

**Consistency:** The applicant proposes to construct a single-family home on a 0.33 acre site, consistent with adjoining properties in the area. Due to the existing development pattern and lot size, it is unlikely new commercial development could occur on the parcels around the subject property.

**Policy LU-2.3 Compatibility with natural environment.** We require that new development is located, scaled, buffered, and designed for compatibility with the surrounding natural environmental and biodiversity.

**Consistency:** The project site is approximately 0.33 acres in size and is one of the largest parcels in the immediate area. The amendment will facilitate the development of a single-family home that is consistent with the existing land use pattern in the area.

**Policy LU-4.5 Community identity.** We require that new development be consistent with and reinforce the physical and historical character and identity of our unincorporated communities, as described in Table LU-3 and in the values section of Community Action Guides. In addition, we consider the aspirations section of Community Action Guides in our review of new development.

**Consistency:** The amendment will facilitate the development of a single-family home that is consistent with the existing land use pattern in the area.

**2. THE AMENDMENT WOULD NOT BE DETRIMENTAL TO THE PUBLIC INTEREST, HEALTH, SAFETY, CONVENIENCE, OR WELFARE OF THE COUNTY;**

The amendment will facilitate the development of a single-family home that reflects the existing conditions in the area. Although parcels north and south of the project site are designated for commercial use, these parcels are developed with single-family homes. The amendments would be consistent the existing land use pattern of the area. As such, the proposed residential land use designation would be compatible with the surrounding properties and provide both the County and surrounding residents with appropriate health and safety attributes that is expected in a residential neighborhood.

**3. THE AMENDMENT IS IN THE PUBLIC INTEREST, THERE WILL BE A COMMUNITY BENEFIT, AND OTHER EXISTING AND ALLOWED USES WILL NOT BE COMPROMISED;**

The amendment would provide compatibility with existing residential land uses in the surrounding area. As such, the amendments would be in the public interest and represent a benefit to the community by not allowing the potential for a commercial uses within an established residential neighborhood and their associated and potentially adverse secondary effects that include increased traffic, noise, and lighting.

**4. THE AMENDMENT WILL PROVIDE A REASONABLE AND LOGICAL EXTENSION OF THE EXISTING LAND USE PATTERN IN THE SURROUNDING AREA;**

The amendment will provide for the development of one lot for a single-family home in an area that currently adjoins small lots with existing single-family residences. As such, the amendment will be a logical extension of the existing land use pattern in the area.

**5. THE AMENDMENT DOES NOT CONFLICT WITH PROVISIONS OF THIS DEVELOPMENT CODE;**

The amendment would reflect the continuation and logical extension of an existing single-family development in the area. The amendment would not compromise existing residential uses and future development of the subject property would be required to comply with exiting Development Code requirements for residential uses.

**6. THE AMENDMENT WILL NOT HAVE A SUBSTANTIAL ADVERSE EFFECT ON SURROUNDING PROPERTY; AND**

Adequate public services and facilities exist within the area. As such, the amendment will not result in a reduction of such public services to properties in the vicinity.

**7. THE AFFECTED SITE IS PHYSICALLY SUITABLE IN TERMS OF DESIGN, LOCATION, SHAPE, SIZE, OPERATING CHARACTERISTICS, AND THE PROVISION OF PUBLIC AND EMERGENCY VEHICLE (E.G., FIRE AND MEDICAL) ACCESS AND PUBLIC SERVICES AND UTILITIES (E.G., FIRE PROTECTION, POLICE PROTECTION, POTABLE WATER, SCHOOLS, SOLID WASTE COLLECTION AND DISPOSAL, STORM DRAINAGE, WASTEWATER COLLECTION, TREATMENT, AND DISPOSAL, ETC.), TO ENSURE THAT THE PROPOSED OR ANTICIPATED USES AND/OR DEVELOPMENT WOULD NOT ENDANGER, JEOPARDIZE, OR OTHERWISE CONSTITUTE A HAZARD TO THE PROPERTY OR IMPROVEMENTS IN THE VICINITY IN WHICH THE PROPERTY IS LOCATED.**

The Project site is relatively flat and located at the intersection of two paved roadways and in close proximity to existing State Highways. Fire and police protection will be provided by the San Bernardino County Fire Protection District and the San Bernardino County Sheriff's Department. Appropriate school fees would be paid to the local school district as part of any new construction to respond to the potential effects of additional students. Solid waste service is provided to the area and the Project site is not subject to flooding or other hazards.

**ENVIRONMENTAL FINDING**

The environmental findings, in accordance with Section 85.03.040 of the San Bernardino County Development Code, are as follows:

In conformance with the requirements of the California Environmental Quality Act (CEQA), the proposed action has been determined to be exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines because the Project is intended to authorize the future construction and use of a single-family residential dwelling on the Project site. Pursuant to Section 15303, the construction and location of limited numbers of new structures are exempt from CEQA. Specifically, Section 15303 identifies the construction and location of one single-family residence in a residential zone as an example of the type of development consistent with this exemption. This evaluation and finding represent the independent judgment of the County acting as lead agency for the Project.