



LAND USE SERVICES DEPARTMENT PLANNING STAFF REPORT



HEARING DATE: May 3, 2012

AGENDA ITEM NO: 3

Project Description:

Applicant: San Bernardino County Department of Land Use Services

Proposal: A Development Code Amendment to amend Section 83.05.020 to allow for exemptions from existing Development Code requirements for road dedication and improvement requirements for specific construction activities.

Community: Countywide

Location: Countywide

Project No: L612

Staff: Dave Prusch

BACKGROUND:

The San Bernardino County Development Code (Title 8 of the San Bernardino County Code) establishes the infrastructure improvements required for proposed development in order to ensure that the development does not result in fiscal liabilities to County residents. Chapter 83.05 regulates and controls right-of-way dedications and the installation of street improvements and trails; Chapter 83.09 further establishes the infrastructure improvement standards for the Valley, Mountain and Desert Regions; Chapter 84.16 provides the development standards applicable to multi-family residential projects; and Chapter 84.21 includes the standards for construction of single-family dwellings.

When a project applicant proposes any alteration to an existing structure or proposes an accessory structure to an existing primary use, the Development Code currently requires that this property owner offer road, highway or trail dedication and street improvements as part of the project approval process.

This item proposes an amendment to Sections 83.05.020, 83.09.020, 84.16.020, and 84.21.020 of the San Bernardino County Development Code to allow for the exemption from existing Development Code requirements for road dedications and street improvements for specific construction activities.

ANALYSIS:

From time to time, staff receives complaints from project applicants regarding dedication and street improvement requirements imposed on minor alterations to existing structures, or the construction of accessory structures. In response to these complaints, staff is proposing amendments to the Development Code ("Proposed Development Code Amendments") to exempt from road dedication and street improvement requirements:

- (1) The alteration or enlargement of an existing building or structure on the same lot or parcel of land if the square footage of such alteration or enlargement within

Action taken by the Planning Commission on this item may be appealed to the Board. Yes No
Note: Recommendations to the Board of Supervisors are not appealable.

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three (3) years from the date of application for a permit does not exceed one-half (1/2) of the original square footage of all existing buildings or structures on such lot or parcel of land; or

- (2) The erection of one or more accessory structures (not including accessory dwellings) as defined in Subsection 810.01.030(g) of the County Code.

The Proposed Development Code Amendments, attached as Exhibit "A", would exempt the following types of development from road dedication and street improvement requirements stated in section 83.05.020, subject to the standards found in Chapters 83.05, 83.09, 84.16, and 84.21 of the County Code: (1) the alteration or enlargement of an existing building or structure on the same lot or parcel of land if the square footage of such alteration or enlargement within three (3) years from the date of application for a permit does not exceed one-half (1/2) of the original square footage of all existing buildings or structures on such lot or parcel of land, or (2) the erection of one or more accessory structures (not including accessory dwellings) as defined in Subsection 810.01.030(g) of the County Development Code. The analysis of the original square footage of the existing building or structure versus the square footage of the alteration or enlargement within three (3) years from the date of application for a permit shall be determined by the County Building and Safety Division.

Please note that the Development Code section number referenced in the Proposal description of this staff report reflects the section which the Notice of Hearing identified as the proposed amendment. In subsequent work on the draft ordinance, staff has identified additional sections of the Code that should also be amended to carry the proposed exemption forward into the chapters that detail improvement standards. The additional sections identified in the Analysis are included in the draft ordinance, and the hearing notice and report to the Board of Supervisors will contain all Development Code sections amended by the ordinance.

The Proposed Development Code Amendments are exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3) of the CEQA Guidelines as the proposed changes do not have the potential to cause a significant effect on the environment.

FINDINGS:

1. The Proposed Development Code Amendments are consistent with the General Plan and any applicable community plan or specific plan as the amendments offer another alternative for development;
2. The Proposed Development Code Amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the County because they have several safeguards in place designed to protect the public interest, health, safety convenience or welfare;

3. The Proposed Development Code Amendments are internally consistent with other applicable provisions of this Development Code because they allow for the orderly development of the County, which are the same privileges enjoyed by others; and
4. The Proposed Development Code Amendments are exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3) of the CEQA Guidelines as the proposed changes do not have the potential to cause a significant effect on the environment.

RECOMMENDATION: THAT THE PLANNING COMMISSION MAKE THE FOLLOWING RECOMMENDATIONS TO THE BOARD OF SUPERVISORS:

- A. ADOPT the Proposed Development Code Amendments.
- B. ADOPT the findings as contained in the staff report; and
- C. FILE the Notice of Exemption.

ATTACHMENT:

Exhibit "A" - Proposed Development Code Amendments

EXHIBIT A

**PROPOSED DEVELOPMENT CODE
AMENDMENTS**

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1 SECTION 2. Section 83.05.020 of the San Bernardino County Code is
2 amended, to read:

3 **83.05.020 Applicability.**

4 The requirements of this Chapter shall apply to all subdivision and
5 single-parcel development. The road dedication and street improvement standards
6 provided in this Chapter do not apply to: (1) the alteration or enlargement of an
7 existing building or structure on the same lot or parcel of land if the square footage
8 of such alteration or enlargement within three (3) years from the date of application
9 for a permit does not exceed one-half (1/2) of the original square footage of all
10 existing buildings or structures on such lot or parcel of land, or (2) the erection of
11 one or more accessory structures (not including accessory dwellings) as defined in
12 Subsection 810.01.030(g) of the County Code.

13 SECTION 3. Section 83.09.020 of the San Bernardino County Code is
14 amended, to read:

15 **83.09.020 Applicability.**

16 The standards provided in this Chapter apply to all new residential and
17 nonresidential subdivisions and non-residential development in the Valley Region,
18 Mountain Region, and Desert Region of the County. Where indicated, some of
19 these standards may apply to ministerial permits (e.g., Building Permits).
20 Infrastructure requirements for residential development on existing lots of record are
21 listed in Section 84.21.030 (Minimum Residential Construction Standards) and
22 Section 84.16.040 (Development Standards Applicable to All Multi-Family Projects).

23 The road dedication and street improvement standards provided in this
24 Chapter do not apply to: (1) the alteration or enlargement of an existing building or
25 structure on the same lot or parcel of land if the square footage of such alteration or
26 enlargement within three (3) years from the date of application for a permit does not
27 exceed one-half (1/2) of the original square footage of all existing buildings or
28 structures on such lot or parcel of land, or (2) the erection of one or more accessory

1 structures (not including accessory dwellings) as defined in Subsection
2 810.01.030(g) of the County Code.

3 SECTION 4. Section 84.16.020 of the San Bernardino County Code is
4 amended, to read:

5 **84.16.020 Applicability.**

6 The development standards in this Chapter shall apply to multi-family
7 residential projects in land use zoning districts where they are allowed in compliance
8 with Division 2 (Land Use Zoning Districts and Allowed Land Uses). Multi-family
9 residential projects shall include projects in which two or more attached or detached
10 dwelling units are located. Multi-family residential projects may include apartments
11 or condominiums. The road dedication and street improvement standards provided
12 in this Chapter do not apply to: (1) the alteration or enlargement of an existing
13 building or structure on the same lot or parcel of land if the square footage of such
14 alteration or enlargement within three (3) years from the date of application for a
15 permit does not exceed one-half (1/2) of the original square footage of all existing
16 buildings or structures on such lot or parcel of land, or (2) the erection of one or
17 more accessory structures (not including accessory dwellings) as defined in
18 Subsection 810.01.030(g) of the County Code.

19 SECTION 5. Section 84.21.020 of the San Bernardino County Code is
20 amended, to read:

21 **84.21.020 Applicability.**

22 The standards in this Chapter apply to the construction or installation of
23 detached single-family residential structures where allowed in compliance with
24 Division 2 (Land Use Zoning Districts and Allowed Land Uses). However, nothing in
25 this Chapter shall be construed to allow housing designs or construction standards
26 that do not meet the standards of a historic district or of a historic landmark. The
27 road dedication and street improvement standards provided in this Chapter do not
28 apply to: (1) the alteration or enlargement of an existing building or structure on the
same lot or parcel of land if the square footage of such alteration or enlargement

1 within three (3) years from the date of application for a permit does not exceed one-
2 half (1/2) of the original square footage of all existing buildings or structures on such
3 lot or parcel of land, or (2) the erection of one or more accessory structures (not
4 including accessory dwellings) as defined in Subsection 810.01.030(g) of the County
5 Code.

6 SECTION 6. The Board of Supervisors declares that it would have
7 adopted this ordinance and each section, sentence, clause, phrase, or portion of it
8 irrespective of the fact that any one or more sections, subsections, clauses, phrases
9 or portions of it be declared invalid or unconstitutional. If for any reason any portion
10 of this ordinance is declared invalid or unconstitutional, then all other provisions of it
11 shall remain valid and enforceable.

12 SECTION 7. This ordinance shall take effect thirty (30) days from the
13 date of adoption.

14
15 _____
16 JOSIE GONZALES, Chair
17 Board of Supervisors

18 SIGNED AND CERTIFIED THAT A COPY
19 OF THIS DOCUMENT HAS BEEN DELIVERED
20 TO THE CHAIR OF THE BOARD

21 LAURA H. WELCH, Clerk of the
22 Board of Supervisors

23 _____
24 STATE OF CALIFORNIA)
25 COUNTY OF SAN BERNARDINO) ss.

26 I, LAURA H. WELCH, Clerk of the Board of Supervisors of the County
27 of San Bernardino, State of California, hereby certify that at a regular meeting of the
28 Board of Supervisors of said County and State, held on the _____ day of
_____, 2012, at which meeting were present Supervisors: _____

and the Clerk, the foregoing ordinance was passed and adopted by the following
vote, to wit:

AYES: SUPERVISORS:

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NOES: SUPERVISORS:

ABSENT: SUPERVISORS:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Board of Supervisors this ____ day of _____, 2012.

LAURA H. WELCH, Clerk of the Board of Supervisors of the County of San Bernardino, State of California

Deputy

Approved as to Form:

JEAN-RENE BASLE, County Counsel

By: _____
Kenneth C. Hardy, Deputy County Counsel

Date: _____

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