

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

October 5, 2021

FROM

TERRI RAHHAL, Director, Land Use Services Department

SUBJECT

Ordinance Amending the County Development Code Chapter 83.03 and Tables 82-9A, 82-9B, and 82-9C Related to Affordable Housing Incentives and Density Standards

RECOMMENDATION(S)

1. Conduct a public hearing to consider proposed ordinance amending Chapter 83.03 (Affordable Housing Incentives – Density Bonus) and Tables 82-9A, 82-9B, and 82-9C (Residential Land Use Zoning District Development Standards) of Title 8 of the County Code related to local updates to comply with changes to state density bonus laws, to provide an additional density bonus option, and update density standards in residential zoning districts.
2. Find the proposed ordinance exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) and 15308 of the CEQA Guidelines.
3. Adopt the findings contained in the staff report.
4. Make alterations, if necessary, to proposed ordinance.
5. Approve introduction of the proposed ordinance.
 - An ordinance of San Bernardino County, State of California, to amend Tables 82-9A, 82-9B and 82-9C, related to minimum residential density standards, and amend Chapter 83.03, related to affordable housing incentives and density bonuses, all of Title 8 of the San Bernardino County Code.
6. Adopt **Ordinance No. 4415**.
7. Direct the Clerk of the Board to file a Notice of Exemption.
(Presenter: Terri Rahhal, Director, 387-4431)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Ensure Development of a Well-Planned, Balanced, and Sustainable County.

FINANCIAL IMPACT

Approval of this item will not result in the additional use of Discretionary Funding (Net County Cost). Funding for the preparation of this ordinance is included in the Local Early Action Planning (LEAP) Grants Program administered by the California Department of Housing and Community Development; agreement number 20-LEAP-15357. Sufficient appropriation and revenue have been included in the Land Use Services Department (LUS) Planning (PLN) 2021-22 budget and will be included in future recommended budgets.

BACKGROUND INFORMATION

The proposed ordinance will amend Title 8 of the San Bernardino County Code (Development Code), to update Chapter 83.03 (Affordable Housing Incentives – Density Bonus) to comply with changes to state density bonus laws, to provide an additional County density bonus option for

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affordable housing projects on properties zoned Multiple Residential (RM), and to update density standards in Tables 82-9A, 82-9B, and 82-9C to be consistent with the Countywide Plan.

Summary of Proposed Ordinance

Density Standards – The proposed amendment to Tables 82-9A, 82-9B, and 82-9C (Residential Land Use Zoning District Development Standards) adds a minimum density for the RM zone to match the density range listed in the Countywide Plan – Policy Plan. The changes are summarized in the table below, describing the minimum number of units allowed through a subdivision or planning permit approval.

	Minimum number of units per acre		
	Rural Living (RL)	Single Residential (RS)	Multiple Residential (RM)
Valley Region	No minimum	No minimum	11 units per acre
Mountain Region	No minimum	No minimum	5 units per acre
Desert Region without water, sewer, and paved roads	No minimum	No minimum	5 units per acre
Desert Region with water, sewer, and paved roads	No minimum	No minimum	11 units per acre

State Mandated – The proposed amendment to Chapter 83.03 (Affordable Housing Incentives – Density Bonus) provides consistency with the rules and regulations relating to density bonuses and other incentives for housing developments as recently amended by Assembly Bill (AB) 1763 and AB 2345. Failure to adopt an ordinance making these changes does not relieve the County from complying with Sections 65915 through 65918 of the California Government Code related to density bonuses and other incentives. The proposed amendments also add eligibility criteria for transitional foster youth, disabled veterans, homeless persons, lower income college students, and 100% affordable projects with no more than 20% for moderate-income households; expand the density bonus scales; add a fourth incentive or concession; add a height increase of up to three additional stories, or 33 feet for projects located within one-half mile of a major transit stop; and lower the default parking ratios.

County Density Bonus – The proposed amendment to Section 83.03.040 (Allowed Density Bonuses) provides an additional county density bonus to increase the baseline number of units per acre used to calculate the density bonus and applies only to projects with at least 20% of the proposed housing units for lower income households, and where the zoning is RM. The proposed county density bonus would increase the maximum density from 20 units per acre to 30 units per acre in the Valley region or the Desert region if the site is served by piped water, sewer, and paved roads; the maximum density would be increased from 20 units per acre to 25 units per acre in all other remaining portions of the Desert region and the Mountain region. The increased maximum density is what would be used to calculate the density bonus for qualifying housing projects.

Minor Clarifications – The proposed amendment to Chapter 83.03 (Affordable Housing Incentives – Density Bonus) also provides clarifications to include an applicability section, clarify the County’s role in the density bonus administration, and ensure the continued availability of the affordable units. Tables 82-9A, 82-9B, and 82-9C (Residential Land Use Zoning District

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Development Standards) proposed amendment also provides an additional footnote to provide clarification on density standards.

Planning Commission

The proposed ordinance was considered in a public hearing by the Planning Commission on July 22, 2021. During the public hearing, the Planning Commission asked for clarification regarding the proposed county density bonus, the applicability being only to affordable housing projects, the CEQA determination and expressed some concerns regarding the new minimum RM densities proposed. After receiving public comment, the Planning Commission unanimously recommended approval of the proposed ordinance with a 5-0 vote.

California Environmental Quality Act Compliance

The Planning Commission also recommended the adoption of a CEQA exemption pursuant to CEQA Guidelines Section 15061(b)(3) (common sense exemption), concluding that it can be determined with certainty that the proposed ordinance will not have a significant effect on the environment since the amendments consist of local implementation of density bonus requirements consistent with state law. It is also determined that the proposed ordinance is exempt from CEQA pursuant to Section 15308 (actions by regulatory agencies for protection of the environment) because the updated density bonus regulations are intended to assure the enhancement or protection of the environment by combatting the current housing crisis, including the environmental harms caused by the housing crisis due to the lack of affordable housing, as declared by the State Legislature. By providing incentives for more affordable housing options the proposed amendment will decrease pressure to develop farmland, open space, and rural interface areas to build affordable housing, as well as decrease greenhouse gas emission caused from longer commutes to affordable homes far from growing job centers.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Jason Searles, Deputy County Counsel, 387-5455) on September 13, 2021; Finance (Kathleen Gonzalez, Administrative Analyst III, 387-5412) on September 17, 2021; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on September 20, 2021.

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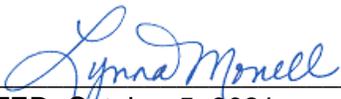
Record of Action of the Board of Supervisors
San Bernardino County

Hearing Opened
Public Comment: Jane Hunt-Ruble
Hearing Closed

APPROVED

Moved: Joe Baca, Jr. Seconded: Janice Rutherford
Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: October 5, 2021



cc: LUSD - Rahhal w/ NOE & Rec.
File - LUSD w/ attachments
JLL 10/6/2021