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...
Development Code Amendment – Exemption from Dedication Requirements
May 3, 2012 Item #3

Page 2 of 3

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
PROPOSED DEVELOPMENT CODE AMENDMENTS
ORDINANCE NO.

AN ORDINANCE OF THE COUNTY OF SAN BERNARDINO, STATE OF
CALIFORNIA, AMENDING SECTIONS 83.05.020,
83.09.020, 84.16.020 AND 84.21.020 OF THE SAN
BERNARDINO COUNTY CODE, RELATING TO
DEDICATIONS AND STREET IMPROVEMENTS.

The Board of Supervisors of the County of San Bernardino, State of
California, ordains as follows:

SECTION 1. The Board of Supervisors of the County of San
Bernardino finds that:

(a) Properly noticed public hearings have been held before the
Planning Commission and the Board of Supervisors of the County of San
Bernardino, State of California, pursuant to the Planning and Zoning Law of the
State of California and the San Bernardino County Code.

(b) This ordinance is exempt from the California Environmental
Quality Act (CEQA) in accordance with Chapter 3 of Title 14 of the California Code
of Regulations (otherwise known as the CEQA Guidelines), Section 15061(b)(3), as
the proposed changes do not have the potential to cause a significant effect on the
environment.

(c) The purpose of this ordinance is to exempt the following types of
development from the road dedication and street improvement 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
errection of one or more accessory structures (not including accessory dwellings) as
defined in Subsection 810.01.030(g) of the County Code.

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

83.05.020 Applicability.

The requirements of this Chapter shall apply to all subdivision and single-parcel development. The road dedication and street improvement standards provided in this Chapter do not 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 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 Code.

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

83.09.020 Applicability.

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

The road dedication and street improvement standards provided in this Chapter do not 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 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 Code.

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

**84.16.020 Applicability.**

The development standards in this Chapter shall apply to multi-family residential projects in land use zoning districts where they are allowed in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses). Multi-family residential projects shall include projects in which two or more attached or detached dwelling units are located. Multi-family residential projects may include apartments or condominiums. The road dedication and street improvement standards provided in this Chapter do not 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 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 Code.

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

**84.21.020 Applicability.**

The standards in this Chapter apply to the construction or installation of detached single-family residential structures where allowed in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses). However, nothing in this Chapter shall be construed to allow housing designs or construction standards that do not meet the standards of a historic district or of a historic landmark. The road dedication and street improvement standards provided in this Chapter do not 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
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 Code.

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

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

JOSIE GONZALES, Chair
Board of Supervisors

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

LAURA H. WELCH, Clerk of the Board of Supervisors

STATE OF CALIFORNIA )
COUNTY OF SAN BERNARDINO ) ss.

I, LAURA H. WELCH, Clerk of the Board of Supervisors of the County of San Bernardino, State of California, hereby certify that at a regular meeting of the 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:
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: __________________________
THIS PAGE INTENTIONALLY LEFT BLANK