

3. HOUSING CONSTRAINTS

This section discusses the potential constraints to the development, maintenance, and improvement of housing and the resources available in the unincorporated county. In addition, environmental constraints and available infrastructure is discussed. Factors constraining the development of a range of type and prices of housing may include governmental constraints, environmental constraints, availability and cost of infrastructure, and nongovernmental constraints.

3.1 LAND USE CONTROLS

3.1.1 GROWTH MANAGEMENT

Urban sprawl and “leapfrog” development contribute to traffic congestion, inadequate and/or costly infrastructure extension, water supply shortages, lack of public services, incompatible and underutilized use of land, air and water quality degradation, and jobs-housing imbalance. Urban sprawl and leapfrog growth require the premature extension of services across intervening, undeveloped land, resulting in higher costs for service extensions than would be required for concentric growth. Policies in the Land Use Element address these issues, especially those policies under goals LU-1 Fiscally Sustainable Growth and LU-3 Annexations and Sphere Development.

3.1.2 POLICY PLAN CATEGORIES AND ZONING DISTRICTS

State law requires each county and incorporated jurisdiction to have a comprehensive general plan that establishes the guidelines for all development within its jurisdictional boundaries. The County Policy Plan serves as the County’s General Plan and is the foundation of all land use policies in the unincorporated portions of the county. The Land Use Element of the Policy Plan identifies the location, distribution, and density (expressed in dwelling units per acre) of development and land uses. The Housing Element plans for housing and residential uses in a manner that is consistent with the goals and policies contained in the Land Use Element and other elements of the Policy Plan.

The County Policy Plan includes five residential land use categories, four conventional categories and one that allows for greater flexibility. Prior to late 2020, the County’s Land Use District (LUD) system served as its Zoning and Policy map (aka, a one-map system). In October 2020, the County transitioned to a two-map system that retains the current LUD system as Zoning Districts and introduces a second land use mapping system that groups the County’s LUDs into simplified Land Use Categories (LUCs).

Table 3-1 describes the purpose and typical uses for each LUC and LUD. Two LUCs (and their corresponding zones) allow residential uses but are not listed in the table. Resource Land Management allows residential development but at extremely low densities. In addition, Commercial category allows for a mix of commercial and lower density residential uses in rural areas (when residential is permitted in the underlying zoning district).

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Table 3-1 Residential Land Use Categories and Zoning Districts

Land Use Category	Zoning District	Description of Purpose and Typical Uses
Rural Living (R L) up to 0.4 du/ac	Rural Living (RL) up to 0.4 du/ac	To allow for rural residential development set in expansive areas of open space that reinforce rural lifestyle while preserving the county's natural areas. This would minimize development footprint and maximize underdeveloped areas with cluster-type development to provide and preserve open space.
Very Low Density Residential (VLDR) up to 2 du/ac	Single Residential (RS) up to 2 du/ac	To allow for very low density residential uses when developed as single-family neighborhoods that can share common infrastructure, public facilities, and services.
Low Density Residential (LDR) 2 to 5 du/ac	Single Residential (RS) up to 4 du/ac	To promote conventional suburban residential neighborhoods that support and are served by common infrastructure, public facilities, and services.
Medium Density Residential (MDR) 5 to 20 du/ac <i>(up to 25/30 du/ac for affordable housing)</i>	Multiple Residential (RM) 5 to 20 du/ac in Mountain/Desert <i>(up to 25 du/ac for affordable housing)</i> 11 to 20 du/ac in Valley <i>(up to 30 du/ac for affordable housing)</i>	To provide areas for a wide range of densities and housing types. The aim is to promote efficient location for higher density residential development and neighborhoods in relation to infrastructure and transit systems, as well as employment opportunities retail and service businesses, and community services and facilities.
Special Development (SD) up to 4 du/ac without a specific plan; up to 30 du/ac with a specific plan	Specific Plan (SP) up to 30 du/ac	To allow for a combination of residential, commercial, and/or manufacturing activities that maximizes the utilization of natural and human-generated resources. Specific plans intend to identify suitable areas for large-scale, master planned developments. Cluster-type development is promoted with the goal to provide and preserve open space. This district allows for mix of residential, commercial, and public/quasi-public uses in rural areas. It aims to facilitate the collaboration for joint planning efforts among adjacent landowners and jurisdictions.

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3.1.3 PERMITTED RESIDENTIAL USES

While the County allows for different types of residential uses in three major regions, the allowed uses are generally the same regardless of region. Table 3-2 identifies residential uses for each Land Use District and whether the use is prohibited, allowed by right, allowed per minor use permit, special use permit, or conditionally permitted. The text following this table describes particular residential uses and how the County’s Code addresses the requirements of state housing law.

Table 3-2 Summary of Permitted Residential Uses

Land Use District			Housing Type
RL	RS	RM	X = Prohibited / A = Allowed Use / MUP = Minor Use Permit / CUP = Conditional Use Permit SUP = Special Use Permit / RCP = Unlicensed Residential Care Facilities Permit
A	A	A	Accessory structures and use
X	X	M/C	Group residential (sorority, fraternity, boarding house, etc.)
A	A	A	Guest house
CUP	CUP	CUP	Mobile home park/manufactured home (land-lease community)
X	X	A	Multiple dwelling, 2 to 19 units, attached or detached
X	X	MUP	Multiple dwelling, 20 to 49 units, attached or detached
X	X	CUP	Multiple dwelling, 50+ units, attached or detached (typical conditions; las terrazas example)
Varies (5)	Varies (5)	Varies (5)	Transitional Housing
Varies (5)	Varies (5)	A	Supportive Housing (must be allowed by right where MF allowed)
X	X	CUP	Parolee and/or probationer home (cleanup to treat as other transitional housing)
A	A	A	Accessory dwelling unit
A	A	A	Junior accessory dwelling unit
A	A	X	Single dwelling
X	X	CUP	Emergency Shelter
X	X	A	Low Barrier Navigation Centers (must be allowed by right where MF allowed; also consider CG/CS?)
A	A	A	Licensed Residential Care Facility (≤6 persons)
X	X	CUP	Licensed Residential Care Facility (7+ persons) (typical conditions of approval or)
RCP	RCP	RCP	Unlicensed Residential Care Facility (≤6 persons)
X	X	CUP	Unlicensed Residential Care Facility (7+ persons)
SUP	SUP	SUP	Short-term Rentals

Source: County of San Bernardino Development Code, 2021.

1. Detached multiple dwelling units refer to two or more multiple dwelling unit buildings on one lot.
2. Not to exceed 4 spaces per acre on a minimum parcel size of 20 acres.
3. Mobile home park, minimum parcel size of 10 acres. In Phelan/Piñon Hills Community Plan, a maximum of 6 du/acre are allowed—in all other areas, a maximum density of 7 dwelling units per acre are allowed.
4. Allowed as an accessory use only, on the same site as a residential use allowed by this table and where the parcel is twice the minimum lot size required by the land use zoning district.
5. Permitted, conditionally permitted, or prohibited in the same manner as the other single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house in the corresponding zone.

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Accessory Dwelling Units

The Development Code contains provisions for accessory dwelling units (ADUs), which are attached or detached structures that are constructed on the same lot as a single or multifamily unit and provide complete independent living facilities for one or more occupant. Junior ADUs are enclosed within the primary residence and provide partial independent living facilities for one or more occupant. The state and many jurisdictions throughout California recognize that ADUs can provide housing at below market prices (without public subsidy) and serve to meet the special needs of the elderly and low-income persons, such as students or adult children just entering the workforce. Numerous amendments to state law were made in 2017 and 2020 that require jurisdictions to approve ADUs by right, eliminates or reduces impact fees, and requires jurisdictions to apply only limited objective development standards. The County updated its Development Code, Chapter 84.01, in 2017, 2020, and 2021 to reflect changes in state law.

In the Valley region, ADUs must be rented for a term longer than 30 days. The Mountain and Desert regions allow for short-term ADU rentals, with terms less than 30 days, in accordance with Chapter 84.28 of the County Development Code.

Employee and Farmworker Housing

In addition to traditional ADUs, the County permits accessory dwellings for persons employed on the same property.

- **Caretaker Housing.** A caretaker dwelling unit is intended to accommodate owners, operators, or caretakers employed to guard or operate part or all of a site. Caretaker housing is allowed in all zones, except Floodway and Open Space, subject to the standards of traditional ADUs. Recreational vehicles are not permitted to be used for caretaker housing.
- **Seasonal Labor Quarters.** Labor quarters are allowed by right in both the Resource Conservation and Agricultural districts, provided the accessory use is on the same site as the agricultural use. Recreational vehicles are also allowed with a special use permit. In the Agricultural Preserve Overlay, farm labor camps and temporary trailer housing are allowed as labor quarters. A site plan permit is required to ensure proper services are supplied to the temporary laborers. Also, a special use permit shall be required to monitor the use to ensure that labor quarters are operated in a safe and healthful manner. While few seasonal labor quarters still exist due to the limited agricultural operations in unincorporated areas, seasonal labor quarters are still permitted in accordance with state law.

Manufactured/Modular Housing

Manufactured homes on permanent foundations are considered and regulated as conventional single-family dwellings built onsite. Modular housing differs from manufactured housing in that manufactured homes are built to federal (HUD) codes. Modular housing is built to comply with local and state building codes, just like site-built homes, only in a timelier manner and quality-controlled environment. They are built on floor systems that can be installed on a permanent foundation. Manufactured and modular housing can be single-family dwellings, but also include a wide range of multifamily options, like duplexes, triplexes, and townhomes.

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State law requires cities and counties to permit manufactured housing on lots for single-family dwellings when the home meets the location and design criteria established for such uses in the zoning ordinance (Government Code § 65852.3). The County defines a manufactured home as a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. Manufactured housing is permitted by right in all single-family zones subject to the same standards as site-built housing.

California law (Government Code § 65852.7) declares mobile home parks a permitted land use on land planned and zoned for residential land use designated by the jurisdiction’s general plan. However, the



Duplex from Nogi Gardens Development
Courtesy of California Manufactured Housing Institute (CMHI)



Nogi Gardens Streetscape
Courtesy of California Manufactured Housing Institute (CMHI)



Manufactured Multifamily Home
Courtesy of CMHI



Apartments
Courtesy of CMHI

jurisdiction may require a use permit and establish appropriate density and development standards for mobile homes. A mobile home park refers to a mobile home development built according to the requirements of the Health and Safety Code and intended for use and sale as a mobile home condominium, cooperative park, or mobile home planned unit development. Mobile home parks are allowed throughout the unincorporated county in residential and rural commercial districts with a conditional use permit or special use permit. They require a minimum parcel size of either 10 acres (in the RS or RM districts) or 20 acres (in the RL district), with maximum density determined by the district in which it is located.

Housing for People with Disabilities

The Lanterman-Petris Act and the Community Care Facilities Act declare that it is the policy of the state that people with a wide variety of disabilities are entitled to live in normal residential settings. The Health and Safety Code (California Residential Care Facilities for the Elderly Act) extends this protection to elderly persons. These acts cover 12 different types of facilities: residential facility, adult day program, therapeutic day services facility, small family home, social rehabilitation facility, community treatment facility, transitional shelter care facility, residential care facility for the elderly, alcoholism or drug abuse recovery or treatment facility, and congregate care facility.

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The Health and Safety Code (§§1500 et seq.) requires that licensed community care facilities serving six or fewer persons be subject to the following regulations: (1) treated the same as a residential use, (2) allowed by right in all residential zones, and (3) treated the same with respect to regulations, fees, taxes, and permit processes as other residential uses in the same zone. The Health and Safety Code extends this protection to residential care facilities for the elderly (§§ 1569.84 et seq.), to alcoholism or drug abuse recovery or treatment facilities (§§ 11834.22 et seq.), and to congregate care facilities (§§ 1267.16. et. seq.), all of which serve no more than six clients. Residential care facilities serving seven or more clients are conditionally permitted in the RM zone.

Both licensed residential care facilities for six or fewer clients and licensed residential care facilities for seven or more clients shall conform to property development standards according to the land use zoning district it is in. California Health & Safety Code prevents overconcentration of residential care facilities to maintain an appropriate separation distance of 300 feet or less.

Because of the large number of licensed residential care facilities in the unincorporated area, current permit processes, requirements, and development standards are not considered a constraint to the development of social care facilities. However, to maintain consistency with changing definitions in state law and associated changes in models of community care, the housing plan proposes a review of state law and a revision in definitions in the County Development Code.

[HCD requires analysis of CUP as a constraint for 7+ facilities.]

Reasonable accommodation...

Reasonable Accommodation

The County adopted Ordinance 4169 (2012) and Ordinance 4230 (2014) to provide people with disabilities with reasonable accommodation in rules, policies, practices, and procedures necessary to ensure equal access to housing. The ordinance defines two types of accommodations to deviate from the strict application of the laws, rules, policies, practices, and/or procedures of the County, including land use and zoning regulations of this code:

- **Minor:** deviation that can be removed or terminated in 90 days or less after the need for the reasonable accommodation ends
- **Major:** deviation resulting in a physical modification to the property that cannot be restored or terminated within 90 days or less after the need for reasonable accommodation ends

A request must be filed on an application form provided by the department and signed by the owner of the property, with a description of the request and reason(s) the requested accommodation is necessary. The Land Use Services Director shall have the authority to consider and act on any application for a minor reasonable accommodation and shall issue a written determination within 30 days of the date of receipt of a completed application. The Director may also refer the matter to the Zoning Administrator or the Planning Commission, if deemed appropriate. For major reasonable accommodations, the Zoning Administrator shall have the authority to consider it at the next regularly scheduled public hearing

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following submittal of the application. No request for reasonable accommodation may be referred to the Board of Supervisors and no variance will be required to seek an approval. The following findings must be made in order to approve a request for reasonable accommodation:

- The housing, which is the subject of the request for reasonable accommodation, will be occupied as the primary residence by an individual protected under the Fair Housing Laws
- The request for reasonable accommodation is necessary to make specific housing available to one or more individuals protected under the Fair Housing Laws
- The requested reasonable accommodation will not impose an undue financial or administrative burden on the County
- The requested accommodation will not require a fundamental alteration of the zoning or building laws, policies, and/or procedures of the County
- The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health and safety of other individuals or substantial physical damage to the property of others

Relative to residential care facilities, the County may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the County's zoning program:

- Whether the requested accommodation would fundamentally alter the character of the neighborhood
- Whether the accommodation would result in a substantial increase in traffic or insufficient parking
- Whether granting the requested accommodation would substantially undermine any express purpose of either the County's General Plan or an applicable Specific Plan
- Whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation

[The above will almost certainly be considered problematic by HCD, unless the County can demonstrate that these factors have not inhibited the development of care facilities.]

Housing for Homeless People

California housing law has gradually evolved in response to federal mandates and fair housing law, increasing numbers of homeless people, and the need for coordinating service delivery systems. Pursuant to Senate Bill 2, state law now requires that local governments facilitate and encourage the provision of emergency shelters, transitional housing, and permanent supportive housing through land use and permitting processes. Moreover, local government must also identify adequate sites for housing that will

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be made available through appropriate zoning and development standards to facilitate and encourage the development of these facilities.

Emergency shelter. An emergency shelter is a facility that provides shelter to homeless families and/or homeless individuals on a limited, short-term basis. According to the County's development code, emergency shelters are permitted in any land use district pursuant to an approved conditional use permit. No specific development or management standards are applicable for emergency shelters. The County evaluates such proposals on a case-by-case basis and reviews potential developments as it would others (need for the project, appropriateness for the site, potential impact on adjacent uses, ability to service site, project design, compliance with development standards, etc.).

Sites available for emergency shelters. The County conditionally permits emergency shelters in the Multiple Residential district and permits emergency shelters by right in the General Commercial and Service Commercial districts. Emergency shelters may accommodate up to 60 individuals, provided the minimum space requirements are satisfied. While emergency shelters or low barrier navigation centers may be best located in the incorporated cities and towns adjacent to the unincorporated areas (closer to public services, food stores, and transit), the County has an abundance (dozens of parcels and over 88 acres) of vacant land throughout its communities zoned either General or Service Commercial. The breakdown of where (and how many) people experiencing homelessness were found is as follows: Mountain region: Big Bear City/Sugarloaf/Running Springs (13), Crestline (22); Valley region: Bloomington (19), Muscoy (24); East Desert region: Joshua Tree (59 (5 sheltered)), Landers (2), Morongo Valley (5 (all sheltered)); North Desert region: Phelan/Pinon Hills (2); and countywide or unknown (18). The overall number of unsheltered individuals is 147. The largest number of unsheltered individuals reported in any single community is 54. In each community, there is at least one parcel that could accommodate 60 individuals, indicating that the County's .

Low barrier navigation center. In accordance with recent changes to state law, low barrier navigation centers must be allowed by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses. Low barrier navigation centers are defined as a housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low Barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following: (1) the presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth; (2) pets; (3) the storage of possessions; and (4) privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms. **The County, as part of Program X, will update its Development Code to be consistent with state law.**

Transitional and supportive housing. The County defines transitional housing as rental housing operating under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. Transitional housing typically offers case management and social support services to return people to independent living, typically between 6 and 24 months. Permanent supportive

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housing is defined as housing with no limit on length of stay, that is occupied by the target population, as defined by Health and Safety Code §50675.14, and that is linked to on-site or off-site services that assist the resident to retain the housing, improve their health status, maximize their ability to live and, when possible, to work in the community. For both transitional and supporting housing, the unit types can be single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house. These facilities are subject to the same requirements as a traditional single and multifamily development.

Housing for Extremely Low Income Households

[Provide]

3.1.4 DEVELOPMENT STANDARDS

Development Intensity Requirements

The Development Code establishes more specific development standards, allowable uses, and limitations. Zoning regulations control development by establishing requirements related to height, density, lot area, yard setbacks, etc. Table 3-3 below provides generalized development standards for the Valley, Mountain and Desert regions. It should be noted that there may be slight variations in the setback standards depending on the region in the County, but the variation is minimal. The main exception is areas designated for specific plans—in that case the specific plan provides more prescriptive development standards than the County Development Code. All other development standards are virtually identical throughout unincorporated areas.

Table 3-3 Residential Development Standards by District and Region

Land Use District									Development Standard
Rural Living (RL)			Single Residential (RS)			Multiple Residential (RM)			
V	M	D	V	M	D	V	M	D	
-	-	-	-	-	-	11	5	5/11 ^{1,2}	Minimum density (du/ac)
0.4	0.4	0.4	4	4	4	20/30	20/25	20/25	Maximum density (du/ac) ³
25	25	25	25	15/25 ⁴	25	25	15/25 ⁴	25	Setback, front (ft)
15/25 ⁵	25	15/25 ⁵	15/25 ⁵	15	15/25 ⁵	15/25 ⁵	15	15/25 ⁵	Setback, side, street-side (ft)
5-15 ⁶	20	5-15 ⁶	5/10 ⁷	15 ⁸	5/10 ⁷	5/10 ⁷	15 ⁸	5/10 ⁷	Setback, side, interior (ft)
15	20	15	15	15	15	15	15	15	Setback, rear (ft)
20	20	20	40 ⁹	40	40 ⁹	60	60	60	Maximum lot coverage (%)
35	35	35	35	35	35	45	45	45	Maximum height (ft)

Source: County of San Bernardino Development Code, 2021.

1. In areas served by piped water, sewer, and paved roads, the minimum density shall be 11 units per acre.
2. If a parcel is adjacent to a lower density LUD and is not required to connect to sewer, the parcel can subdivide and/or develop below the minimum density.
3. The maximum density may be greater when modified by Chapter 83.03 (Affordable Housing Incentives – Density Bonus).
4. For lots smaller than 14,000 square feet, the front setback must be at least 15 feet; for larger lots, the setback must be at least 25 feet.
5. For side setbacks along a local street, the minimum setback must be at least 15 feet; for collector or wider, the setback must be at least 25 feet.
6. For lots 75 feet wide or less, the minimum side setbacks on interior conditions must be at least 5 feet on one side and 10 feet on the other; for all other lots the setback must be at least 15 feet.
7. The minimum side setbacks on interior conditions must be at least 5 feet on one side and 10 feet on the other.
8. The minimum side setbacks on interior conditions must be at least 20% of the lot width, but not to exceed 15 feet.
9. The maximum lot coverage for a lot smaller than 20,000 square feet shall be the entire building envelope.

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Historically, the County allowed housing development ranging from a maximum of 0.4 unit per acres in the Rural Living (RL) district and up to 14 units per acre in the Multiple Residential (RM) District. This reflects infrastructure needs and physical constraints in unincorporated areas. To improve the potential for affordable housing and limit or remove inhibitors, the County revised the RM District standards to increase densities up to 20 du/ac and amended the ordinance to preclude single dwelling structures in the RM zone to ensure only multiple-family housing is developed.

To incentivize affordable housing, County Development Code Chapter 83.03 provides for a local density bonus in the RM District. The density bonus applies prior to the application of state density bonus provisions for projects with at least 20% of the proposed housing units for lower income households. For such projects, the maximum density is increased from 20 units per acre to 25 units per acre in the Mountain region and 30 units per acre in the Valley and Desert regions for sites served by piped water, sewer, and paved roads. The increased maximum density can then be used as the base maximum density by which state density bonus is calculated.

Historically, higher density projects (e.g., apartments) built in the unincorporated areas did not meet current standards for a quality living environment. Many apartments built between 1970 and 2000 exhibited poor design, lack of amenities, inadequate infrastructure, and other deficits. When apartments are constructed in this manner, they often are not maintained in an appropriate manner, and eventually become a disincentive for surrounding cities to propose annexations that include such structures. Accordingly, in 2007, the County adopted an incentive-based density threshold for multifamily developments (based largely on successfully implemented tiered density thresholds from the cities of Fontana and Rancho Cucamonga).

The allowable density depends on the number and type of recreational amenities. For 2 points worth of amenities, the project can be built at 75% of the maximum density. For 4 points of amenities, developers are allowed 85% of the maximum density. Projects with 8 points can receive 100% of the allowable maximum density, which is 20 units per acre. Examples of amenities and their point values are listed below. Note that this density limitation does not apply to projects that reserve at least 20% of units for lower income households.

- 1 point: passive water feature, picnic/barbeque area, tot lot, passive recreation, or garden
- 2 points: playground, community garden, volleyball court, water feature, basketball hoop
- 3 points: basketball court, restroom area, child wading pool, tot lots, half-scale soccer field
- 4 points: childcare facility, exercise room, swimming pool, tennis court, recreation hall

Parking Requirements

Adequate parking is a necessary part of any quality residential development. Parking is needed to accommodate normal vehicle ownership patterns on site, rather than requiring offsite parking along streets. Having adequate parking has been shown to improve the prospects of financing a project,

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improve rents or sales prices, and improve the overall livability of residential projects. However, excessive parking requirements can reduce the amount of land available for development, lowering the achievable density of development. The County has established parking standards to ensure the provision and maintenance of safe, adequate, well-designed, off-street parking facilities in conjunction with a use or development and to reduce street congestion and traffic hazards. Table 3-4 summarizes applicable parking requirements for residential development.

Table 3-4 Residential Parking Requirements

Type of Dwelling	Parking Requirement
Single family	2; 1 shall be covered on the same site with the primary structure
Multifamily	2.5 per unit for projects of 4 or more units, inclusive of guest parking; one shall be covered 2.0 for projects of 2 or 3 units, inclusive of guest parking; one shall be covered
Mobile home parks	2; 1 covered for each unit (may be tandem); and 1 guest space/10 spaces, or fraction thereof
Dependent housing	2 for each unit
Caretaker housing	2; 1 shall be covered
Group residential	1 for each bedroom, plus 1 for the house manager, staff member, or employee
Accessory dwelling unit	1 uncovered for each unit
Emergency shelter	1 for each guest room
Licensed residential care facility of ≤ 6 persons	2, 1 shall be covered on the same site with the primary structure
Unlicensed residential care facility of ≤ 6 persons	1 for each bedroom, plus 1 for the house manager, staff member, or employee
Licensed residential care facility of 7+ persons	1 for each bedroom, plus 1 for the house manager, staff member, or employee
Unlicensed residential care facility of 7+ persons	1 for each bedroom, plus 1 for the house manager, staff member, or employee
Short-term rentals	1 for each occupant/guest

Additional parking reductions are available in certain conditions. Parking reductions up to 10% of the total required parking spaces may be granted for transportation control measures pursuant to an approved Conditional Use Permit/Minor Use Permit. Appropriate landscaping may be provided in lieu of 10% of the total number of parking spaces required, provided the landscaping is arranged so that parking may be installed at a later date if a demand arises. Affordable housing that complies with state density bonus law is eligible for state-mandated reductions in parking pursuant to state density bonus law. Parking is not deemed a constraint to the production of market rate or affordable housing.

In response to concerns and evidence of parking requirements being a constraint for the development of emergency homeless shelters, state law recently changed prohibiting a jurisdiction from requiring more parking spaces for an emergency shelter compared to other residential and commercial uses. The County of San Bernardino maintains parking requirements with the intent of adequately serving the facilities without hindering development potential. The County evaluated its parking requirements for emergency shelters and determined that the parking requirements are comparable or lower than similar uses, such as hotels, motels, short-term rentals, residential care facilities, and group residential such as a boarding house.

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The County also requires fewer parking spaces for emergency shelters compared to multifamily housing developments.

The County currently requires one parking space for every room in an emergency shelter and 2.5 spaces for every unit in a multifamily residential development. A shelter providing 60 beds (maximum allowed) at a ratio of 4 beds per room would need 15 parking spaces. If the same size shelter provided 2 beds per room, for a total of 30 rooms, 30 parking spaces would be required. Assuming an average household size of 3 persons, 20 multifamily units (total population of 60) would require a total of 50 parking spaces. A small emergency shelter providing 10 beds at 4 beds per room would need 3 parking spaces. The same size shelter providing 2 beds per room would need 5 parking spaces. By comparison, a small multifamily complex with 3 units would require at least 7.5 parking spaces.

3.1.5 BUILDING CODES AND ENFORCEMENT

The County implements and enforces building codes, property maintenance standards, subdivision improvement requirements, and other municipal codes to ensure quality housing and neighborhoods for residents. Although building code requirements raise construction costs, the public interest is best served when buildings adhere to proper construction and engineering practices and neighborhoods have appropriate infrastructure suitable to their design.

Every three years, the State of California adopts new codes that contain the latest advances in construction practices and engineering concepts. The California Building Standards Commission adopts the California Building Code based on “models” produced by professional organizations. Local agencies must adopt these codes, but may make amendments to address geological, climatic, or topographical conditions provided modifications are no less restrictive than the state standards.

The new state codes incorporate, by reference, the model codes published by the International Code Council, which recently consolidated multiple regional codes into a single set of codes applicable throughout the United States. The County of San Bernardino has adopted the following building codes to reflect the latest advances in construction technology and building practices.

- 2019 California Residential Code
- 2019 California Electrical Code
- 2019 California Plumbing Code
- 2019 California Mechanical Code
- 2019 California Energy Code
- 2019 California Historical Building Code
- 2019 California Fire Code
- 2019 California Existing Building Code
- 2019 California Green Building Code

In the more rural areas, building codes were amended to increase the distance between water wells and septic systems and ponds in an effort to improve water quality. Other amendments were made that only

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refer to minor administrative processes. Such amendments do not materially increase the cost of residential construction and are similar to the amendments adopted in jurisdictions throughout the County. Therefore, the new building codes do not present a potential or actual constraint to the development, maintenance, and improvement of housing.

New residential construction must comply with the federal Americans with Disabilities Act (ADA). ADA provisions include requirements for a minimum percentage of units in new development to be fully accessible to the physically disabled. Enforcement of the ADA requirements is not at the discretion of the County but is mandated under federal law. Compliance with building codes and the ADA may increase the cost of housing production and can also impact the viability of rehabilitating older properties—it can be cost prohibitive to bring them up to current code standards. These regulations, however, provide minimum standards that must be complied with to ensure the development of safe and accessible housing. As stated in the discussion on permitted uses, the County provides people with disabilities with reasonable accommodation in rules, policies, practices, and procedures necessary to ensure equal access to housing.

Residential code enforcement in unincorporated areas is performed on a complaint basis. If a particular health and safety problem arises in a neighborhood or with a particular property, code enforcement initiates an enforcement program to solve the problems. The County Code Enforcement Division administers programs designed to protect the public's safety, welfare, and property value through enforcement of County ordinances and state/federal laws relating to land use, zoning, housing, public nuisances, and vehicle abatement in the unincorporated areas.

The Renewable Energy and Conservation Element contains specific goals and policies to ensure efficient consumption of energy and water, reduce greenhouse gas emissions, pursue the benefits of renewable energy, and responsibly manage its impacts on the county's environment, communities, and economy.

The County has also promoted energy conservation for residential uses on educational and regulatory levels. The County supports local utilities in their efforts to provide public information and technical assistance to developers and homeowners regarding energy conservation measures and programs. On a regulatory level, the County enforces the State Energy Conservation Standards (Title 24, California Administrative Code). Compliance with Title 24 of the California Administrative Code on the use of energy efficient appliances and insulation has reduced energy demand stemming from new residential development.

Under the 2019 Building Code (in effect as of January 2020), all new single-family homes and low-rise apartment buildings will be required to install solar panels, or tap into community solar power, to compensate for all electricity used by the building (aka zero net energy homes). Homes that truly are not suitable for solar, e.g., shaded by trees or large buildings would be exempt.

While the construction of energy efficient buildings does not necessarily lower the purchase price of housing, it should reduce monthly occupancy costs as consumption of fuel and energy is decreased. Similarly, retrofitting existing structures with energy-conserving features can reduce in utility costs.

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Examples of energy conservation opportunities include weatherization programs and home energy audits; retrofit to dual components or piggyback the use of evaporative coolers with air conditioning systems; installation or retrofitting of more efficient appliances and mechanical or solar energy systems; and building design and orientation.

3.1.6 PERMITTING PROCESSES

San Bernardino County maintains a variety of permit processing and review tools to ensure the appropriate level of staff and public review. The County is sensitive to time pressures faced by the development community and balances the need for a timely review with the public duty to approve only high quality projects that minimize negative impacts and promote a healthful environment. Although many uses are permitted by right, the County of San Bernardino requires the approval of certain planning permits to ensure quality development.

Pre-Application Development Review

The County of San Bernardino actively seeks to facilitate the approval of residential development projects and has developed several tools to achieve that goal. One such tool is the Pre-Application Development Review. Applicants may request a free pre-application conference with the Development Review Committee to determine the consistency of a proposed project with the requirements of the Development Code. This is a free service provided by the County to allow applicants the ability to review the proposed project. This allows the developer to understand the project requirements and tailor the project application to meet requirements, reduce the number of iterations otherwise required, and expedite review.

Site Plan Permit

The site plan permit is an expedited process for project review and authorization of permitted uses and structures. This permit procedure is intended to provide a less complex and more streamlined administrative review focused on verifying compliance with the County Development Code. Surrounding property owners receive notice of a pending decision, with an opportunity to provide comments or appeal the decision. The review authority for the site plan permit is the Director of the Land Use Services Department, with potential appeal to the Planning Commission. The actions of the Planning Commission may be repealed by the Board of Supervisors within ten (10) days following the date of the action. However, projects located in a city's sphere of influence, a designated redevelopment area, or fronting a State Highway are not eligible for this permit due to the need to involve the sphere city or state agency in the review process. In such cases, it would require the review and approval of a Minor Use Permit (MUP) or a Conditional Use Permit (CUP).

The site plan permit is applicable to new construction and reuse of existing structures in compliance with all requirements of the County Development Code. Discretion is strictly limited to standard findings that the project complies with applicable standards of the Development Code; that there is supporting infrastructure existing or available to serve the project; that the use is consistent with the General Plan and any applicable community plan or specific plan; and that the proposed use and manner of development are exempt from CEQA. If the review authority cannot make the required findings or the

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project is in a city sphere of fronting a state highway, then the project may be elevated to a minor use permit, at the discretion of the Director of Land Use Services.

Minor Use Permit

The County has adopted a minor use permit (MUP) process to review the location and operation of certain types of land uses, such as multiple-family residential developments of 20 to 49 units. Projects are evaluated for consistency with the general plan, compatibility with surrounding land uses, availability of public services, and potential environmental impacts. The MUP is designed to allow staff-level review for minor projects and noncontroversial medium-scale projects. These uses, although generally deemed consistent with the respective land use district, typically have a character that requires special consideration in order to avoid conflicts with surrounding land uses.

For projects to qualify for review through the MUP process, the County staff reviews the proposal for environmental impacts and compliance with County development standards. Since projects processed with an MUP do not require a public hearing, the MUP serves as an administrative approval of a proposed project. Projects processed under an MUP take an average of only three months. The MUP is an incentive to property owners to comply with the County's specified criteria in order to receive expedited approval. In particular, offering full and complete review without proceeding to the public hearing stage, which can add months or even years to the schedule, offers a key incentive for housing projects, including affordable housing.

To secure a minor use permit, the review authority shall first find and justify that all of the following additional findings are true before approving a minor use permit application.

- (1) There are no circumstances that would result in standards or conditions not being able to adequately mitigate environmental impacts.
- (2) The project is planned for immediate development and does not include a phased development.
- (3) The project is not likely to result in controversy.

If the proposed project fails to satisfy any of the findings identified in this subsection, it shall only be processed as a conditional use permit in compliance with this chapter. It is important to point out that the mere fact that a project has affordable units or is higher density does not, by itself, render a project controversial and subject to a conditional use permit. The County is generally seen as developer friendly, seeking to attract new residential development whenever possible. However, certain projects in specific locations may generate controversy in terms of environmental impacts. The reasons for these findings are unique to San Bernardino County. The environmental impacts issue is clearly to address the conditions of the California Environmental Quality Act (CEQA). Projects that require significant mitigation should undergo more thorough review that would likely come in the form of public hearings. Phased development also poses a concern because, in recent years, phased projects have often stalled, been altered midstream, or not fully complied with developer agreements, placing a strain on the provision of County services.

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Conditional Use Permit

If a project cannot be processed administratively or through a MUP, a conditional use permit (CUP) will be required. The CUP process reviews appropriate uses and activities in the applicable land use district, but whose effects on a site and surrounding area need to be determined prior to being proposed as an official site. Conditions that automatically require a CUP are natural slopes of 30% percent or greater, projects that exceed size thresholds in certain zones, projects that use hazardous materials, projects requiring a health risk assessment, multiple-family projects of 50 units or more, and other specific uses. A CUP is the means by which the County can appropriately evaluate the suitability and operation of certain land uses for consistency with the County general plan, compatibility with surrounding land uses, availability of public services, and potential environmental impacts.

Once a development application is complete, a project planner reviews the proposal for environmental impacts and compliance with County development standards. Project information is also distributed to County departments for comment, and surrounding property owners are notified. Tracts and large-scale housing projects are also reviewed by the Development Review Committee (DRC), which is a staff technical review body. If the project meets all relevant requirements, County staff will recommend approval of the CUP by the Planning Commission subject to the standard findings with conditions to protect surrounding uses, the environment, and the health, safety, and general welfare. Planning Commission decisions are appealable to the Board of Supervisors.

The review authority shall first find and justify that all of the following are true before approving a conditional use permit or minor use permit application.

- (1) The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, loading areas, open spaces, parking areas, setbacks, walls and fences, yards, and other required features pertaining to the application.
- (2) The site for the proposed use has adequate access, which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use.
- (3) The proposed use will not have a substantial adverse effect (e.g., excessive noise, traffic, vibration, or other disturbance) on abutting property or the allowed use of the abutting property nor substantially interfere with the present or future ability to use solar energy systems.
- (4) The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the general plan and any applicable community or specific plan.
- (5) There is supporting infrastructure, consistent with the intensity of development, to accommodate the proposed development without significantly lowering service levels.
- (6) The lawful conditions stated in the approval are deemed reasonable and necessary to protect the public health, safety, and general welfare.

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- (7) The design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities.

Planned Development Review Process

The planned development review process is used to facilitate the development of properties where greater flexibility in design is desired than would otherwise be possible through the strict application of standard land use district regulations in the County Development Code. The process serves as an alternative site planning process that encourages a more creative planning of mixed-use, multiphase developments within the framework of a single, cohesive development plan. All applications for preliminary or final development plans must be reviewed by the DRC prior to review by the Director of Land Use Services, Planning Commission, or Board of Supervisors. The Director of Land Use Services reviews and acts upon all applications for final development plans, provided that the projects have been determined to be noncontroversial, no member of the DRC objects to the proposed project, and the project is consistent with the approved preliminary development plans.

Development Processing Time

San Bernardino County review process times conform to state law requirements but can vary depending upon the complexity of the project. Current approximate processing times for applications related to development projects are displayed in Table 3-5. Affordable housing applications are expedited through the approval procedures, and decisions are made in a timely manner given statutory notice and environmental requirements. Discussions held with affordable housing developers such as the Southern California Housing Development Corporation indicate that the County’s permitting and processing time procedures are not a constraint to the production of affordable housing. Even the County’s conditional use permits requirement for larger, potentially controversial projects is not considered a significant constraint.

Table 3-5 Residential Parking Requirements

Review Process	Single Family Residential Project	Multifamily Residential Project	Typical Time to Decision from Time of Acceptance
Site Plan Review	Yes	Yes	2 months
Minor Use Permit	N/A	20 to 49 units	2 to 3 months
Conditional Use Permit	N/A	50+ units	4 to 6 months
Environmental Documentation	Only if discretionary approval required		1 month IS/ND; 6 to 12 months EIR
General Plan or Zoning Amendments/Zone Change	Typically not required		6 to 8 months

3.1.7 DEVELOPMENT FEES

The County of San Bernardino charges a range of development fees and exactions to recover the costs of processing the applications for new housing. As in the past, the County fees for processing applications have been significantly lower than surrounding jurisdictions. Moreover, as discussed later in the infrastructure section, the County of San Bernardino does not charge impact fees. As summarized below,

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at least 75% of fees and taxes for new development are levied by agencies (water purveyors, sanitation agencies, school districts, etc.) that are not under the County's control.

The developer fee amounts are not a constraint to development. As shown in Table 3-6, the average fee cost is \$16,000 to \$20,000 per single-family unit, depending on the transportation fee. Multiple-family housing fees cost about \$14,000 per unit. This translates into an average fee burden of 10%–16% of building valuation, not including infrastructure costs and land acquisition. This is far below the average fee burden of 20–25% seen in many incorporated communities

Insert Table 3-5

3.2 NONGOVERNMENTAL CONSTRAINTS

Over the last 20 years, the cost of all housing in San Bernardino County has increased as the cost of each component increased. During the past decade, costs have continued to increase, but at a much slower rate than in previous years. The major components of housing costs are land, labor, materials, financing, overhead, and profit. The cost of each of these will vary significantly depending on the location of the development and the type of house being built.

3.2.1 LAND AND CONSTRUCTION COSTS

Land Costs

Land costs are a common constraint to building affordable housing in southern California jurisdiction. The cost of land can also vary significantly across unincorporated areas of San Bernardino County. In the more developed portions of the Valley communities, land costs are typically \$200,000 to \$750,000 per acre. In the Mountain communities, where developable land is more limited due to topographical constraints, land costs range more widely from around \$25,000 to \$500,000 per acre. In the Desert communities, land costs are much lower due to widespread availability, with values that range from \$10,000 to \$90,000 per acre. In many parts of the unincorporated areas, land costs are not a significant constraint the production of market rate or even affordable housing.

Construction Costs

The cost of construction depends primarily on the cost of materials and labor, which are influenced by market demand. Construction costs depend on the type of unit being built, the materials purchased and used, and the quality of product being produced. Hard constructions costs, such as labor and construction materials, are significant drivers in the increasing costs of housing developments. Recent studies demonstrate that hard costs make up more than sixty percent (60%) of the total cost of production for new residential developments in the past decade in the state of California.

A rise in the cost of materials is another contributor to the increased cost of construction. Wood, plastics, and composites doubled in price between 2014 and 2018, with costs only reported to be higher in 2019 through 2021. Regarding wood prices, various news articles cite that mill operators and lumber dealers

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forecasted demand based on soft 2019 and 2020 market and pulled back on production capacity for 2020. This caused prices to spike with demand for home renovations rising unexpectedly during the COVID-19 Pandemic. More recent information, however, indicates that wood prices may be able to return to their more typical prices by 2022 as the industry increases production capacity to match demand. Increasing costs associated in part with an increasing tightness in the market for skilled labor, with California general contractors indicating difficulty in finding workers such as plumbers, pipelayers, roofers, equipment operators, drywall installers, cement masons, concrete workers, carpenters, and welders. As the ability to find skilled labor becomes more difficult and takes longer, the additional time leads to further financing costs and uncertainty, resulting in higher housing costs for the builder and future occupant(s).

Recent advances in technology and quality have resulted in increasing use of prefabricated and factory-built housing. By shifting much of the job site work to a controlled environment, factory-built housing reduces labor and cycle time on job sites and increases accuracy of work. Manufactured housing continues to be a good source of affordable housing built without subsidy. As shown in Table 2-18 in the previous section, 62 of 96 manufacture homes built between 2018 and 2021 were sold at rates affordable to lower income households, and all but one were affordable to lower or moderate income households.

Additionally, a number of companies around the world are pushing the envelope of what is possible, and there is a critical mass of thought, research, development, and money being invested into new methods of housing construction. 3D printing, for example, challenges both traditional structural forms as well as the building process. The first 3D-printed zero net energy homes community will be completed in Rancho Mirage in 2022 (in the eastern desert/Coachella Valley part of Riverside County). The company behind the development, Mighty Buildings, claims that the process can cut time in half and reduce labor hours by 95 percent while producing 10 times less waste than conventional construction.

3.2.2 FINANCING RESIDENTIAL CONSTRUCTION

The affordability of owning a home is greatly influenced by mortgage interest rates. Increases in interest rates decrease the number of persons able to purchase a home. Conversely, decreasing interest rates result in more potential homebuyers introduced to the market. Mortgage interest rates for new home purchases ranged from 3% to 5% for a fixed-rate, 30-year loan between 2016 and 2020, with an average rate of approximately 3.11% in 2020.

Interest rates are determined by national policies and economic conditions, and there is little that local governments can do to affect these rates. First-time homebuyers are the group impacted the most by financing requirements. Lower initial rates are available with graduated payment mortgages, adjustable-rate mortgages, and buy-down mortgages. However, variable interest rate mortgages on affordable homes may increase to the point of interest rates exceeding the cost of living adjustments.

Flexible loan programs, such as those for first-time homebuyers, still offer flexible down payment requirements between 5% and 20%. Such programs provide a method to bridge the gap between a required down payment and potential homeowner's available funds. The Federal Housing Administration

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(FHA) offers loan programs for first time home buyers including low down payments, around 3.5%, low closing costs, and easy credit qualifying.

At this time, the greatest impediment to homeownership is creditworthiness. According to the FHA, lenders consider a person's debt-to-income ratio, cash available for down payment, and credit history when determining a maximum loan amount. Many financial institutions are willing to significantly decrease down payment requirements and increase loan amounts to persons with good credit ratings. Persons with poor credit ratings will likely be forced to accept a higher interest rate or a loan amount insufficient to purchase a house. Poor credit rating can be especially damaging to lower income residents who have fewer financial resources with which to qualify for a loan. The FHA is generally more flexible than conventional lenders in its qualifying guidelines and allows many residents to reestablish a good credit history.

In the goal of producing more affordable housing, all jurisdictions, developers, and potential homeowners/tenants in southern California face the same constraints of elevated construction costs and the financing limitations of lower credit scores. While cities and counties have little ability to directly address either constraint, the County will endeavor to support new construction options and coordinate on expanded financing tools as part of its housing programs.

3.2.3 ENVIRONMENTAL AND INFRASTRUCTURE CONSTRAINTS

The County of San Bernardino covers a territory larger than many states in the nation. As such, County residents will inevitably be subject to a wide variety of risks associated with natural hazards. These include geological hazards, flooding, and fire hazards. Some residential development is affected by the presence of biological resources, open space, cultural resources, paleontological resources, and mineral resources. This may affect the location of development or type of conditions imposed upon certain projects to mitigate environmental impacts. Between 2015 and 2020, the County conducted an exhaustive analysis of environmental and infrastructure constraints to identify areas of the unincorporated county that are suitable for future development at specific levels of intensity. This analysis included a review and mapping of the following hazards, resource areas, and infrastructure systems:

Environmental Hazards	Resource Areas	Infrastructure Systems
Earthquake fault zones	Biotic resources	Water service (wholesale/retail)
Liquefaction and landslides	Open space/conservation	Groundwater basins
Dam and basin inundation	Agricultural resources	Wastewater treatment capacity
Flood zones	Mineral resources	Onsite wastewater restrictions
Fire hazard severity zones	Mineral resources	Natural gas
Fire responsibility areas		Electricity
Airport planning areas		Broadband Internet
Wind erosion hazards		

The County identified areas of the County where growth was optimal and supported by local communities, and where growth was constrained by one or more of the factors listed above. These factors can be found in policy maps associated with the following Policy Plan Elements: Infrastructure & Utilities,

3. Parks, Recreation, Culture and Education

Natural Resources, Hazards, and Personal and Property Protection. Despite the magnitude and extent of these environmental and infrastructure limitations, and despite the federal government owning or controlling nearly 90 percent land in the county, sheer size of San Bernardino County (over 20,000 square miles) means that the amount of vacant and developable land is still larger than the amount of land within most large cities in southern California. Most of the land, however, would require substantial extensions of roads, sewer systems, and water systems to support any substantial amount of new housing.

New residential development within the Valley region experiences few of the hazards or limitations listed above. The topography, fire hazard constraints, and onsite wastewater treatment restrictions for new residential development within the Mountain region limits the amount of new development capacity. New residential development in the North and East Desert regions are more likely to encounter restrictions to use due to proximity to areas owned or controlled exclusively for open space or as sensitive areas for biological resources. Still, there are thousands of acres that can support low density residential development with access to safe and reliable potable water (onsite wells) and plenty of land for primary and redundant onsite wastewater treatment facilities.

Through the implementation of the remainder of the Policy Plan, the County directs growth to take place primarily in the Valley region while allowing for safe and supportable growth in the Mountain and Desert regions.

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4. HOUSING OPPORTUNITIES

This chapter addresses five topics: 1) introduction to health and human services; 2) governmental laws and regulations that address these services; 3) description of services provided by the County of San Bernardino, 4) implementing organizations; and 5) issues and opportunities for the Countywide Plan.

4.1 INTRODUCTION

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5. HOUSING PROGRAMS

5.1 PROGRESS ON 2014-2021 THEN NEW PROGRAMS OR VICE-VERSA?

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5. Economic Development

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