

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

651 Bannon Street, Suite 400, Sacramento, CA 95811
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



October 22, 2025

Paul Toomey, Consulting Planning Manager
Land Use Services Department
County of San Bernardino
San Bernardino, CA 92415-0043

Dear Paul Toomey:

**RE: San Bernardino County Housing Element Sites Inventory and Sufficient
Utilities – Letter of Technical Assistance**

The purpose of this letter is for the California Department of Housing and Community Development (HCD) to provide technical assistance to the County of San Bernardino (County) regarding the County's inventory of land suitable for residential development to accommodate the Regional Housing Needs Assessment pursuant to Housing Element Law.¹ This letter serves to notify the County that the County must demonstrate it maintains adequate sites to accommodate its remaining Regional Housing Needs Allocation (RHNA) for lower income (LI) in light of constraints that render several sites in the County's sites inventory credited for LI households unable to connect to water service.

Background

HCD received a request for technical assistance regarding a proposed project located at 2130 Nice Avenue within the unincorporated County and the City of Redlands Sphere of Influence (SOI). The project requires water service from the City of Redlands to be constructed. HCD understands that the City of Redlands is the only water provider for residential developments within the City of Redlands SOI. The project proposes the construction of 107 single family units at a density of 11 dwelling units per acre (DUA), compliant with the County's Multiple Residential (RM) zone minimum density of 11 DUA.

However, the project applicant has been unable to obtain a water "will serve" letter from the City of Redlands due to Measure U, a City requirement that residential developments comply with standards contained within the City's General Plan as a prerequisite for water service from the City. This was confirmed by City of Redlands staff during a meeting with HCD. Measure U, passed by City of Redlands voters in 1997, establishes a requirement that developments conform to development standards

¹ Government Code sections 65580-65589.11

that apply to those areas within the SOI as a precondition for water service beyond City limits.² Relevant to the project, the City of Redlands General Plan designates a maximum density of 6 DUA for the site as part of the City's Low Density Residential Land Use Designation (the City's General Plan Land Use element establishes standards for the SOI beyond the City's boundaries). Thus, the County's minimum DUA of 11 and the City of Redlands maximum of 6 DUA precludes the development from obtaining water from the City of Redlands, since the minimum and maximum densities are incompatible.

The County's 6th Cycle Housing Element and No Net Loss Law

The County's adopted Housing Element sites inventory includes several sites within the City of Redlands SOI credited to accommodate a portion of the LI RHNA.³ These sites are located within the RM zone and are assumed in the housing element to have access to water service in the County's housing element.⁴

On October 5, 2021, the San Bernardino County Board of Supervisors adopted Ordinance 4415, which amended development standards within the RM zone to increase maximum allowable density within the RM zone and establish a minimum of 11 DUA within the RM zone in the valley area. This amendment was adopted to demonstrate that the sites within the zone would be sufficient to accommodate LI RHNA, according to a staff report for the Board of Supervisors meeting.

After being approached by the applicant for the project located at 2130 Nice Ave. (which is not a site in the Housing Element inventory), HCD discovered that all sites within the City of Redlands SOI face the same constraint: the County's minimum density standard exceeds the City of Redlands density maximum. The City of Redlands' Measure U requires that sites within the SOI comply with the City's development standards as a condition for water service. Therefore, these sites are unable to access water service.

Analysis

Housing Element Law requires that local governments identify in the housing element an inventory of land suitable and available for residential development during the planning period to accommodate the local government's RHNA (site inventory).⁵

² Measure U §1A.20.

³ HCD found the County's September 29, 2022, adopted housing element in compliance with State Housing Element Law. See HCD's November 28, 2022 review letter, available at: <https://hcdpowerbi.blob.core.windows.net/housing-elements/sbdSanBernardinoCouAdoptIn112821.pdf>

⁴ The San Bernardino County September 29, 2022, adopted housing element page 3-11 states, "In areas served by piped water, sewer, and paved roads, the minimum density shall be 11 units per acre." Additionally, Appendix A shows that sites in the Redlands SOI have sufficient access to infrastructure.

⁵ Gov. Code, § 65583, subd. (a)(3).

Parcels included in the inventory must have sufficient water, sewer, and dry utilities supply available and accessible or be included in an existing general plan program or other mandatory program or plan to support housing development.⁶ Additionally, the local government's housing element must contain an analysis of potential and actual governmental constraints upon the development of housing for all income levels.⁷

Table 1 – San Bernardino County Housing Element Inventory Sites Within the City of Redlands SOI

Site Address	Redlands GP LU Designation	San Bernardino County Zone	RHNA projection
1262 Crafton Ave	Low Med. Res. (8 DUA Max)	RM Zone (11-20 DUA)	27 LI units
2175 ½ E. Colton Ave	Low Density Res. (6 DUA Max)	RM Zone (11-20 DUA)	25 LI units
2281 E. Mentone Blvd	Low Med. Res. (8 DUA Max)	RM Zone (11-20 DUA)	83 LI units
Salic St.	Low Med. Res. (8 DUA Max)	RM Zone (11-20 DUA)	62 LI units
2270 Mentone Blvd	Low Med. Res. (8 DUA Max)	RM Zone (11-20 DUA)	80 LI units
Total			277 LI Units

Although the County's Housing Element assumes that sites contained in Table 1 have access to water service, HCD has been made aware that the sites are in fact unable to connect to City of Redlands water. This is because Measure U prevents development projects that are not in compliance with City of Redlands General Plan development standards from obtaining City water. Additionally, the County's Housing Element did not analyze the City of Redlands' Measure U as a governmental constraint upon the development for housing as it relates to the sites identified in the site inventory.⁸

The County's 6th cycle LI RHNA allocation is 3,538 units. After removing sites within the City of Redlands SOI that cannot connect to water,⁹ the County's capacity to accommodate the LI RHNA is 3,544.¹⁰ This results in the County having a RHNA buffer of only 8 LI units at the time of adoption of the housing element, which jeopardizes the

⁶ Gov. Code, § 65583.2, subd. (b)(5)(B).

⁷ Gov. Code, § 65583, subd. (a)(5).

⁸ Gov. Code, § 65583, subd. (a)(5).

⁹ Gov. Code, § 65583.2, subd. (b)(5)(B) establishes that parcels within the inventory must have sufficient water available and accessible or planned.

¹⁰ San Bernardino County September 29, 2022, adopted Housing Element, Table 4-9 – Summary of Housing Opportunities by Income Category. The County identifies a total capacity of 3,821 LI units. However, removing the 277 units within the Redlands SOI results in a remaining capacity of 3,544 LI units.

County's ability to accommodate its remaining unmet share of the RHNA at all times throughout the planning period pursuant to Housing Element No Net Loss Law.¹¹

The purpose of Housing Element No Net Loss Law is to ensure A jurisdiction must ensure their Housing Element sites inventory continues to have capacity at all times to accommodate the RHNA by income group throughout the planning period. If, at any time during the planning period, the jurisdiction finds that there is a shortfall of sites to accommodate its remaining RHNA, the jurisdiction must take immediate action to correct the shortfall by amending its Housing Element sites inventory to either include sites previously unidentified with capacity to accommodate the shortfall, or sites that have been rezoned to correct for the shortfall. Failure to do so constitutes a violation of the No Net Loss law.¹²

As a result of Measure U rendering sites credited for LI households within the County's sites inventory unable to connect to water at densities sufficient to accommodate LI households,¹³ HCD requests that the County either 1) demonstrate that it continues to have adequate capacity within the site inventory to accommodate the remaining lower-income RHNA and continue to maintain sufficient capacity pursuant to No Net Loss Law, or 2) will revise its Housing Element¹⁴ to identify an inventory of land suitable to accommodate the County's LI RHNA.

HCD also encourages the County to revise minimum densities within the City of Redlands SOI to facilitate development. As has been previously established, the adoption of regional minimum densities in the RM zone in 2021 precludes sites within the RM zone from connecting with water pursuant to Measure U. Prior to the 2021 code amendment, HCD is aware that at least one development project was able to conform to County development standards and connect to City of Redlands water.¹⁵

¹¹ Gov. Code, § 65863.

¹² For more information on No Net Loss Law, see HCD's October 2, 2019, No Net Loss Memorandum, available at: <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb-166-final.pdf>

¹³ Gov. Code, § 65835.2. subd. (c)(3).

¹⁴ Gov. Code, § 65585, subd. (b).

¹⁵ The San Bernardino County Planning Commission approved a project located at the Southeast Corner of Nice and Crafton Avenue on July 6, 2017. The project was proposed at 5.47 DUA, which was both consistent with the County's General Plan and the City of Redlands General Plan, according to a staff report.

Conclusion

HCD requests a written response from the City within 30 days November 21, 2025, indicating how the County plans to implement the guidance provided in this letter. If you have questions or need additional technical assistance, please contact Brandon Yung at brandon.yung@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melinda Coy', with a long, sweeping horizontal stroke extending to the right.

Melinda Coy
Housing Accountability Unit Chief
Division of Housing Policy Development