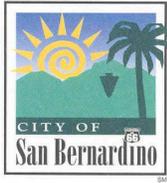


**SECTION 5.14
SCHOOL FACILITIES**



5.14 SCHOOL FACILITIES

This section identifies schools that serve residents of San Bernardino and provides an analysis of potential impacts associated with implementation of the proposed project. This section is based on the information obtained from the *General Plan Public Facilities and Services Element*, the *San Bernardino Final General Plan Update and Associated Specific Plans Environmental Impact Report*, the City of San Bernardino website, and the San Bernardino City Unified School District (SBCUSD).

5.14.1 REGULATORY SETTING

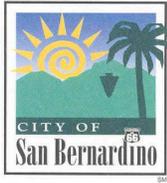
AB 2926

The State of California has traditionally been responsible for the funding of local public schools. To assist in providing facilities to serve students generated by new development projects, the State passed Assembly Bill 2926 (AB 2926) in 1986. This bill allowed school districts to collect impact fees from developers of new residential and commercial/industrial building space. Development impact fees were also referenced in the 1987 Leroy Greene Lease-Purchase Act, which required school districts to contribute a matching share of project costs for construction, modernization, or reconstruction.

SENATE BILL (SB) 50

Senate Bill 50 (SB 50) and Proposition 1A, both of which passed in 1998, provided a comprehensive school facilities financing and reform program, in part by authorizing a \$9.2 billion school facilities bond issue, school construction cost containment provisions, and an eight-year suspension of the Mira, Hart, and Murrieta court cases. Specifically, the bond funds are to provide \$2.9 billion for new construction and \$2.1 billion for reconstruction/modernization needs. The provisions of SB 50 prohibit local agencies from denying either legislative or adjudicative land use approvals on the basis that school facilities are inadequate, and reinstates the school facility fee cap for legislative actions (e.g., general plan amendments, specific plan adoption, zoning plan amendments) as was allowed under the Mira, Hart, and Murrieta court cases. According to Government Code Section 65996, the development fees authorized by SB 50 are deemed to be “full and complete school facilities mitigation.” These provisions are in effect and will remain in place as long as subsequent state bonds are approved and available.

SB 50 establishes three levels of developer fees that may be imposed upon new development by the governing board of a school district, depending upon certain conditions within a district. School Developer Fees may be updated annually. SB 50 also established three levels of school fees: Level 1, Level 2, and Level 3 Fees. Level 1 Fees are the statutory fees, which can be adjusted for inflation every two years. Level 2 Fees allow school districts to impose fees beyond the base statutory cap, under specific circumstances. Level 3 Fees come into play if the State runs out of bond funds after 2006, which would allow school districts to impose 100 percent of the cost of the school facility or mitigation minus any local dedicated school monies. The school fee amounts provided for in Government Code Sections 65995, 65995.5, and 65995.7 would constitute full and complete mitigation for school facilities.



Funding for SBCUSD capital improvement projects primarily comes from a combination of State bond funds, local general obligation bond funds, and developer fees.¹ The SBCUSD does assess development fees against residential and commercial/industrial development to mitigate impacts resulting from the increase in demand for school-related services. As permitted by SB 50, the SBCUSD currently charges Level 2 developer fees in the amount of \$5.40 per square foot for new residential development and \$0.47 per square foot for new commercial/industrial development.²

In order to accommodate students from new development projects, school districts may alternatively finance new schools through special school construction funding resolutions and/or agreements between developers, the affected school districts, and occasionally, other local governmental agencies. These special resolutions and agreements often allow school districts to realize school mitigation funds in excess of the developer fees allowed under SB 50.

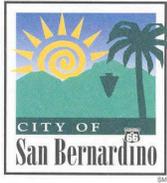
Funding and resources allocated to public colleges are determined by the State of California based on population projections and other factors. Each year the State Legislative Analyst's Office releases a Higher Education Capital Outlay budget, which identifies funding for public colleges.

Health and Safety Code Section 33607.5

Pursuant to Section 33607.5 of the *California Health and Safety Code*, the City of San Bernardino is entitled to receive a portion of the tax increment generated by its redevelopment agency (i.e., Community Development Commission [CDC]). Section 33607.5 of *California Health and Safety Code* sets forth the manner in which payments will be distributed to affected taxing entities from community redevelopment areas adopted or amended on or after January 1, 1994. Section 33607.5 (b) of *California Health and Safety Code* indicates “*Commencing with the first fiscal year in which the agency receives tax increments and continuing through the last fiscal year in which the agency receives tax increments, a redevelopment agency shall pay to the affected taxing entities, including the community if the community elects to receive a payment, an amount equal to 25 percent of the tax increments received by the agency after the amount required to be deposited in the Low and Moderate Income Housing Fund has been deducted. In any fiscal year in which the agency receives tax increments, the community that has adopted the redevelopment project area may elect to receive the amount authorized by this paragraph*”. Therefore, the CDC is subject to Section 33607.5 of the *California Health and Safety Code*, and the City of San Bernardino (as the “community” that established the redevelopment agency) may elect its share of the first 25 percent of tax increment that is to be allocated to the taxing entities.

¹ San Bernardino City Unified School District, Mrs. Mary E. Watson, Secretary III to Mr. Wael Elatar, Facilities Administrator and Mr. Tim DeLand, Facilities Officer, Facilities Management and Maintenance Operations, email correspondence, March 11, 2010.

² Ibid.



Local education agencies that use funds received pursuant to Section 33607.5 for school facilities shall spend these funds at schools that are:

- (A) within the project area,
- (B) attended by students from the project area,
- (C) attended by students generated by projects that are assisted directly by the redevelopment agency, or
- (D) determined by the governing board of a local education agency to be of benefit to the project area.

5.14.2 ENVIRONMENTAL SETTING

EDUCATION³

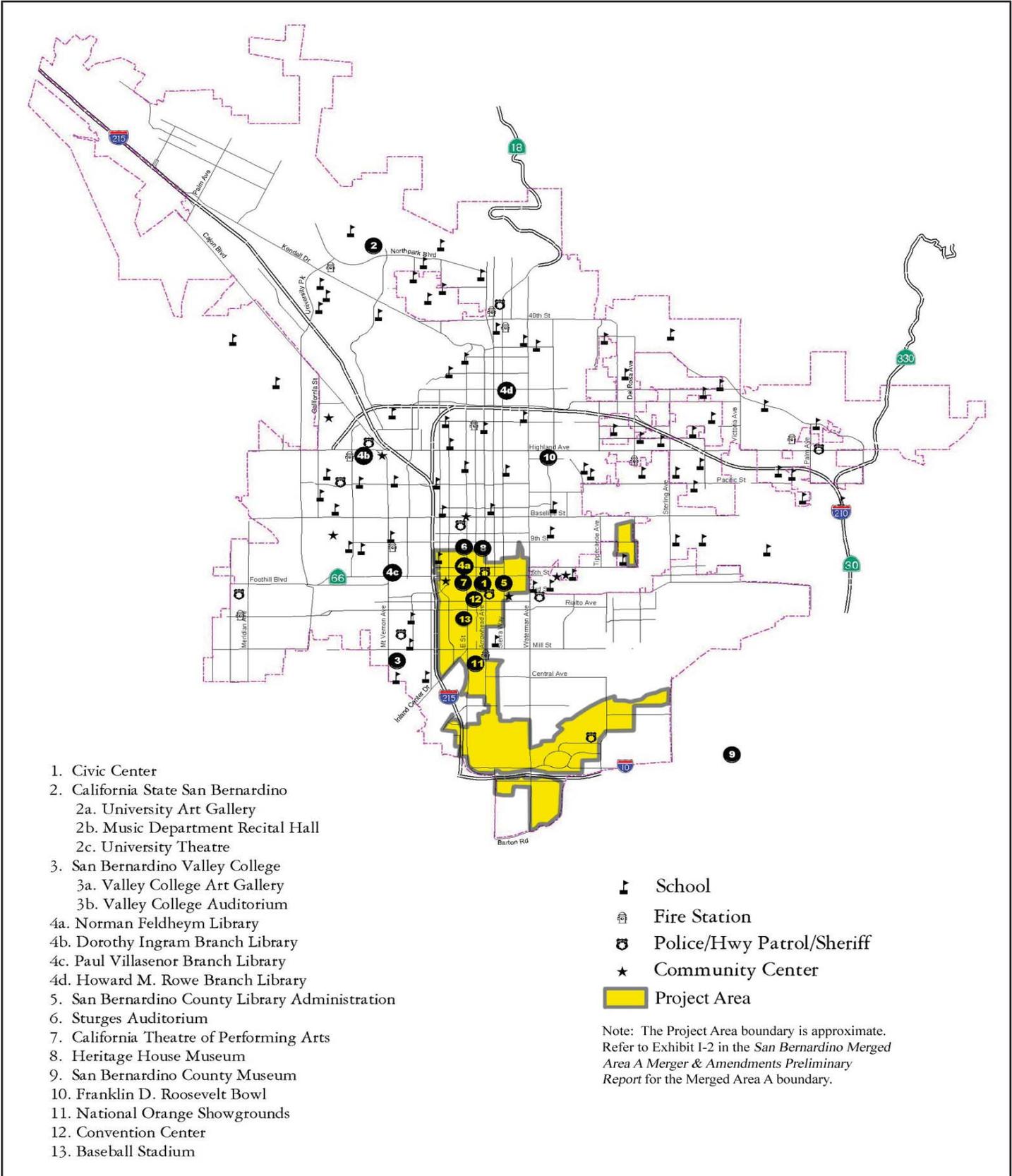
The City of San Bernardino, including the proposed project, is served primarily by the SBCUSD. As shown in Exhibit 5.14-1, Civic, Institutional, and Cultural Facilities, the SBCUSD has identified a number of target areas to examine for future school sites. Schools in the SBCUSD operate on a year-round track and traditional school year system. Table 5.14-1, San Bernardino Schools Within or Near the Project Areas, lists elementary, middle, and high schools within the SBCUSD and within or near the Project Areas.

The SBCUSD recently planned the eighth high school within the City, which is currently under construction. The new high school is located within the Project Area on the west side of Del Rosa Drive between 6th and 9th Streets. The high school will serve grades 9 through 12 with a capacity of approximately 2,700 students. The high school is scheduled to be completed by October 2011 and open for the 2012-2013 school year.⁴

In addition to public schools, the San Bernardino County Superintendent of Schools (SBCSS) acts as an intermediate service agency between the California Department of Education and the 38 school districts in the County to help meet the educational needs of all children countywide. The SBCSS runs two community day schools within or near the Project Areas; refer to Table 5.14-2, Facilities Within or Near the Project Areas Operated by the San Bernardino County Superintendent of Schools.

³ *City of San Bernardino General Plan*, Chapter 7, Public Facilities and Services Element, prepared by The Planning Center, dated November 1, 2005.

⁴ San Bernardino City Unified School District, Mrs. Mary E. Watson, Secretary III to Mr. Wael Elatar, Facilities Administrator and Mr. Tim DeLand, Facilities Officer, Facilities Management and Maintenance Operations, email correspondence, March 11, 2010.



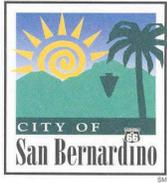
SOURCE: City of San Bernardino General Plan, November 1, 2005.

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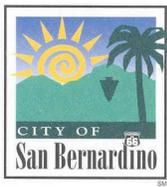
ENVIRONMENTAL IMPACT REPORT
 SAN BERNARDINO MERGED AREA A – MERGER AND AMENDMENTS
Civic Institutional and Cultural Facilities



**San Bernardino Merged Area A – Merger and Amendments
Program Environmental Impact Report**

**Table 5.14-1
San Bernardino Schools Within or Near the Project Areas**

Name	Location	Enrollment	Capacity
Elementary Schools			
Anderson School	24302 E. 4 th Street, San Bernardino (Located east of Central City East)	129	-
Bing Wong ^{1,2}	1250 E. 9 th Street, San Bernardino (Located east of Central City East)	674	835
Burbank ^{1,2}	198 W. Mill Street, San Bernardino (Located east of Central City South)	394	474
E. Neal Roberts ^{1,2}	494 E. 9 th Street, San Bernardino (Located northeast of Central City East)	683	804
Juanita Blakely Jones ^{1,2}	700 N. F. Street, San Bernardino (Located within Central City North)	480	710
Lytle Creek ^{1,2}	275 S. "K" Street, San Bernardino (Located west of Central City South)	778	753
Monterey ^{1,2}	794 Monterey Street, San Bernardino (Located east of Central City East)	748	677
Urbita ^{1,2}	771 S. "J" Street, San Bernardino (Located west of Central City South)	406	388
Middle Schools			
Arrowview ^{1,2}	2299 N. "G" Street, San Bernardino (Located north of Central City North and Central City East)	1155	1540
Curtis ^{1,2}	1472 E. 6 th Street, San Bernardino (Located east of Central City East)	995	1271
High Schools			
Pacific ^{1,2}	1020 Pacific Street, San Bernardino (Located northeast of Central City East)	2253	2575
San Bernardino ^{1,2}	1850 North E. Street, San Bernardino (Located north of Central City North and Central City East)	2257	2660
San Gorgonio ^{1,2}	2299 E. Pacific Street, San Bernardino (Located northeast of Tri-City)	2948	3073
Sources:			
1. <i>Final General Plan Update and Associated Specific Plans Environmental Impact Report</i> , Section 5.12, Public Services, Table 5.12-3, Table 5.12-4, and Table 5.12-5, Pages 5.12-13 thru 5.12-15 prepared by The Planning Center, September 30, 2005.			
2. Source: San Bernardino City Unified School District, Mrs. Mary E. Watson, Secretary III to Mr. Wael Elatar, Facilities Administrator and Mr. Tim DeLand, Facilities Officer, Facilities Management and Maintenance Operations, email correspondence, March 11, 2010.			
3. School facilities of which serve the residents of the proposed Project Area.			



**Table 5.14-2
Facilities Within or Near the Project Areas
Operated by the San Bernardino County Superintendent of Schools**

Name	Location	Classrooms	Enrollment
Tri-City Community Day School	697 S. Allen, San Bernardino (Located east of Central City South)	3	60
8 th Street Community Day School	450 8 th Street, San Bernardino (Located within Central City North)	2	40

Source: *Final General Plan Update and Associated Specific Plans Environmental Impact Report*, Section 5.12 Public Services, Table 5.12-7, Page 5.12-15, prepared by The Planning Center, September 30, 2005.

Portions of the City also extend into Colton Joint Unified, Redlands Unified, and Rialto Unified School Districts. City residents attending schools in these two districts comprise approximately two percent of Colton’s and 12 percent of Rialto’s total school enrollments. A small undeveloped portion of the City in Highland Hills extends into Redlands Unified School District. As the area develops, its residents will attend schools in the Redlands Unified School District.

California State University, San Bernardino (CSUSB), is located north of the Project Area, and the San Bernardino Valley College (SBVC) is located west of the Central City North Project Area, within the City limits. CSUSB enrolls over 16,000 students and is projected to house approximately 3,000 students on-site. The 430-acre campus functions as a four-year liberal arts and sciences college. CSUSB offers 42 baccalaureate degree programs, 15 teaching credentials, and 21 master’s degree programs through five colleges: Arts and Letters, Business and Public Administration, Education, Natural Sciences, and Social and Behavioral Sciences. CSUSB is growing and has added 10 new buildings in the past 10 years. SBVC enrolls approximately 10,000 students in a two-year liberal arts program and includes technical, vocational, certificate, and transfer programs. These higher educational institutions are major community features that can serve as a catalyst for growth and improvement as well as a positive marketing tool for the City. The goal is to interconnect and unify these facilities through the use of cohesive design, landscaping, signage, enhanced pedestrian connections, and improved parking.

5.14.3 SIGNIFICANCE THRESHOLD CRITERIA

The environmental analysis in this section is patterned after the Initial Study Checklist recommended by the *CEQA Guidelines*, as amended, and used by the City of San Bernardino in its environmental review process, and is contained in Appendix A of the EIR. The Initial Study includes questions relating to parks. The issues presented in the Initial Study Checklist have been utilized as thresholds of significance in this section. Accordingly, a project may create a significant environmental impact if it causes one or more of the following to occur:

- Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or result in the need for new or physically altered governmental facilities, the construction of which may cause significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives for parks;



- Increase the use of existing neighborhood and regional facilities such that substantial physical deterioration of the facility would occur or be accelerated; and/or
- Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Based on these significance standards, the effects of the proposed project have been categorized as either “no impact,” a “less than significant impact,” or a “potentially significant impact.” Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a “significant unavoidable impact.”

5.14.4 PROJECT IMPACTS AND MITIGATION MEASURES

◆ IMPLEMENTATION OF THE PROPOSED PROJECT COULD RESULT IN THE NEED FOR ADDITIONAL SCHOOL FACILITIES.

Level of Significance Before Mitigation: Potentially Significant Impact.

Impact Analysis: Implementation of the proposed project would result in the addition of 1,833 dwelling units, 6,122 persons, 6,200,590 square feet of non-residential development, and 16,601 jobs beyond existing conditions. This anticipated growth has been planned for within the *General Plan*.

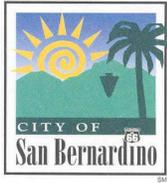
The additional 1,833 dwelling units represents approximately 2.5 percent of the projected 73,367⁵ households, and the resulting 6,122 persons represents approximately 2.2 percent of the projected 276,264⁶ population at buildout of the *General Plan* for Horizon Year 2030. The additional 16,601 jobs represents approximately 4.9 percent of the projected 338,712⁷ employment at buildout; refer to Section 5.2, Population, Employment, and Housing.

Future development associated with implementation of the proposed project would result in an increase in students and impact the SBCUSD. To approximate future needs for schools, the SBCUSD uses an adjusted student generation factor based on residential units constructed in the District complied with existing school attendance. The adjusted student generation factors from the SBCUSD are listed below in Table 5.14-3, Adjusted Student Generation Factors/Proposed Students.

⁵ *Final San Bernardino General Plan Update and Associated Specific Plans Environmental Impact Report*, prepared by The Planning Center, dated September 30, 2005.

⁶ Ibid.

⁷ Ibid.



**Table 5.14-3
Adjusted Student Generation Factors/Proposed Students**

School Level	Single-Family Detached Student Generation Factor (SGF)	Single-Family Attached and Multi-Family Student Generation Factor (SGF)
K-5	$0 \times 0.3310 = 0$	$1,833 \times 0.4200 = 770$
6-8	$0 \times 0.1695 = 0$	$1,833 \times 0.1300 = 238$
9-12	$0 \times 0.1933 = 0$	$1,833 \times 0.2200 = 403$

Notes:

K-5: Kindergarten through fifth-grade students

6-8: Sixth-grade through eighth-grade students

9-12: Ninth-grade through twelfth-grade students

Source: San Bernardino City Unified School District, Mrs. Mary E. Watson, Secretary III to Mr. Wael Elatar, Facilities Administrator and Mr. Tim DeLand, Facilities Officer, Facilities Management and Maintenance Operations, email correspondence, March 11, 2010.

Buildout of the General Plan would result in a total of 46,942 single-family units and 48,692 multi-family units in the City and Sphere of Influence (SOI). Using the SBCUSD student generation rates, buildout of the *General Plan* would result in a total student population for the City and SOI areas of 51,067 kindergarten through fifth-grade students, 12,285 sixth-grade through eighth-grade students, and 17,497 ninth-grade through twelfth-grade students, for a buildout total of 80,849 students. Implementation of the proposed project would result in the addition of 1,833 multi-family dwelling units, resulting in approximately 770 kindergarten through fifth-grade students, 238 sixth-grade through eighth-grade students, and 403 ninth-grade through twelfth-grade students. The additional 770 kindergarten through fifth-grade students represents approximately 1.5 percent of the projected 51,067 kindergarten through fifth-grade students and the additional 238 sixth-grade through eighth-grade students represents 1.9 percent of the projected 12,285 sixth-grade through eighth-grade students at buildout of the *General Plan* for Horizon Year 2030. The additional 403 ninth-grade through twelfth-grade students represents 2.3 percent of the projected 17,497 ninth-grade through twelfth-grade students at buildout. This anticipated growth has been planned for within the *General Plan*.

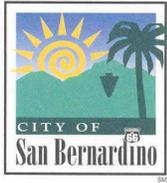
Currently, three of the 12 SBCUSD schools serving the Project Area are currently over capacity. However, as previously mentioned above, the SBCUSD recently planned the eighth high school within the City, which is currently under construction. The high school will serve grades ninth through twelfth with a capacity of approximately 2,700 students. The high school is scheduled to be completed by October 2011 and open for the 2012-2013 school year.⁸

Funding for SBCUSD capital improvement projects primarily comes from a combination of State bond funds, local general obligation bond funds, and developer fees.⁹ As permitted by SB 50, the SBCUSD currently charges Level 2 developer fees in the amount of \$5.40 per square foot for new residential development and \$0.47 per square foot for new commercial/industrial development.¹⁰

⁸ San Bernardino City Unified School District, Mrs. Mary E. Watson, Secretary III to Mr. Wael Elatar, Facilities Administrator and Mr. Tim DeLand, Facilities Officer, Facilities Management and Maintenance Operations, email correspondence, March 11, 2010.

⁹ Ibid.

¹⁰ Ibid.



Pursuant to SB 50, payment of fees to the applicable school district is considered full mitigation for project impacts, including impacts related to the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios or other performance objectives for schools. Therefore, individual project applicants would be required to pay the statutory fees, so that space can be constructed, if necessary, at the nearest sites to accommodate the impact of project-generated students, reducing impacts to a less than significant level. Mitigation Measure SCH-1 is required to ensure applicable developer fees are paid prior to the issuance of certificate of occupancy. Additionally, the City of San Bernardino would be entitled to receive its share of pass-through payments pursuant to Section 33607.5 (b) of the *California Health and Safety Code*. The City of San Bernardino is entitled to elect to receive its share of the 25 percent tax increment pass-through payment authorized by *California Health and Safety Code* Section 33607.5(b) commencing with the first fiscal year the CDC is required to make such payments to the affected taxing entities and continuing each year thereafter. School funds collected associated with the proposed project pursuant to Section 33607.5 are required to be used for schools serving the students generated in the Project Area, schools within the Project Area, or schools that benefit the Project Area. The *General Plan* Public Facilities and Services Element includes goals and policies to provide adequate school facilities. Furthermore, the anticipated growth has been planned for within the *General Plan*. Compliance and/or adherence to the goals and policies in the *General Plan* and the required payment of developer fees (Mitigation Measure SCH-1) would reduce impacts to school services and facilities to a less than significant level.

General Plan Goals and Policies:

PUBLIC FACILITIES AND SERVICES ELEMENT

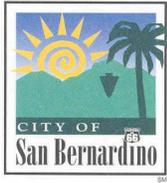
Goal 7.3 Meet the educational needs of the City’s residents and integrate our higher educational facilities into the fabric of our community.

Policy 7.3.1 Work with the local school districts, CSUSB, and SBVC to expand facilities and services to meet educational needs.

Policy 7.3.2 Work with the School District to ensure that new residential subdivisions dedicate land or contribute fees for the expansion of school facilities to meet the needs attributable to the new housing.

Policy 7.3.3 Work with the School District to consider alternative funding programs for school facilities construction and provision of educational programs should there be a shortfall of traditional revenue.

Policy 7.3.4 Cooperate with the San Bernardino City Unified School District, California State University, San Bernardino, and San Bernardino Valley College to integrate educational programs and facilities; ensure that adequate services are provided for youth; the educational needs of the students are being monitored; and the educational curricula is being designed to meet these needs.



Mitigation Measures:

SCH-1 Prior to the issuance of certificate of occupancy, individual project applicants shall submit evidence to the City of San Bernardino that legally required school-related Development Fees have been paid per the current mitigation established by the applicable school district.

Level of Significance After Mitigation: Less Than Significant Impact.

5.14.5 CUMULATIVE IMPACTS AND MITIGATION MEASURES

◆ **IMPLEMENTATION OF THE PROPOSED PROJECT COULD RESULT IN CUMULATIVELY CONSIDERABLE IMPACTS TO SCHOOL FACILITIES.**

Level of Significance Before Mitigation: Potentially Significant Impact.

Impact Analysis: Implementation of the proposed project would result in the development of residential, lodging, general retail, office, and industrial uses, potentially generating new students within the SBCUSD. Individual development projects would be required to pay the appropriate school district developer fees based on the type and size of development proposed. Pursuant to SB 50, payment of fees to the appropriate school district is considered full mitigation for project impacts, including impacts related to the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios or other performance objectives for schools. Therefore, individual project applicants would be required to pay the statutory fees, so that space can be constructed, if necessary, at the nearest sites to accommodate the impact of project-generated students.

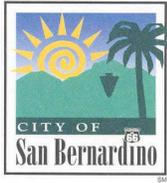
Additionally, the City of San Bernardino would be entitled to receive its share of pass-through payments pursuant to Section 33607.5 (b) of the *California Health and Safety Code*. The City of San Bernardino is entitled to elect to receive its share of the 25 percent tax increment pass-through payment authorized by *California Health and Safety Code* Section 33607.5(b) commencing with the first fiscal year the CDC is required to make such payments to the affected taxing entities and continuing each year thereafter. School funds collected associated with the proposed project pursuant to Section 33607.5 are required to be used for schools serving the students generated in the Project Area, schools located within the Project Area, or schools that benefit the Project Area.

Due to the anticipated growth already planned for within the *General Plan* and with compliance with regulatory requirements and recommended mitigation and *General Plan* goals and policies, implementation of the proposed project would not result in significant cumulative impacts in regards to school services and facilities.

General Plan Goals and Policies: Refer to the goals and policies identified above.

Mitigation Measures: Refer to Mitigation Measure SCH-1. No additional mitigation measures are required.

Level of Significance After Mitigation: Less Than Significant Impact.



5.14.6 SIGNIFICANT UNAVOIDABLE IMPACTS

School impacts associated with implementation of the proposed project would be less than significant with compliance with the *General Plan* goals and policies, recommended mitigation measure, and required payment of developer fees would reduce impacts to school services and facilities to a less than significant level. Therefore, no significant unavoidable school impacts would occur as a result of the proposed project.

5.14.7 SOURCES CITED

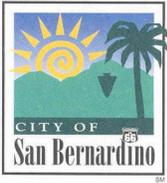
City of San Bernardino General Plan, Chapter 7, Public Facilities and Services Element, prepared by The Planning Center, dated November 1, 2005.

City of San Bernardino Parks and Recreation website, <http://www.ci.san-bernardino.ca.us/depts/parks/default.asp>, accessed March 11, 2010.

Police Department website, https://www.ci.san-bernardino.ca.us/depts/police_department/about_sbpd/default.asp, accessed February 23, 2010.

Final General Plan Update and Associated Specific Plans EIR, Public Services, prepared by The Planning Center, September 30, 2005.

San Bernardino City Unified School District, Mrs. Mary E. Watson, Secretary III to Mr. Wael Elatar, Facilities Administrator and Mr. Tim DeLand, Facilities Officer, Facilities Management and Maintenance Operations, email correspondence, March 11, 2010.



**San Bernardino Merged Area A – Merger and Amendments
Program Environmental Impact Report**

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