
4.8 - Land Use

4.8.1 - Introduction

This section describes the existing setting regarding land use and planning and potential effects from project implementation on the site and its surrounding area. Descriptions and analysis in this section are based on site reconnaissance by MBA and review of the City of San Bernardino General Plan and Development Code (Municipal Code Section 19).

As explained in Section 1, Introduction, where applicable, this project-level DEIR incorporates by reference information and analysis contained in the City of San Bernardino General Plan EIR and the Paradise Hills Specific Plan EIR, certified by the San Bernardino City Mayor and Common Council in 2005 and 1993, respectively. The General Plan EIR contemplated buildout of the General Plan at a programmatic level and concluded that all impacts on land use were less than significant after mitigation. The Paradise Hills EIR provided project-level analysis of the smaller Paradise Hills project and concluded that all impacts related to land use were less than significant and did not require mitigation.

This DEIR accounts for modifications to the baseline conditions that have occurred since certification of the previous EIRs and changes that have increased the size and intensity of the Proposed Project. Accordingly, not all of the conclusions in the previous EIRs are applicable to the Proposed Project and new analysis is provided for potential impacts not previously considered in those documents.

4.8.2 - Environmental Setting

Land Use

Project Site

The project site occupies approximately 404 acres of rolling terrain in the foothills of the San Bernardino Mountains. The project site is mostly vacant and the only improved uses on the site are a 72-inch buried water line maintained by the San Bernardino Valley Municipal Water District within a 50-foot easement corridor running east-west across the center of the site. There are also local electrical distribution lines in the eastern portion of the site. The remnants of a farmhouse, which later became the Circle K nudist camp (see Section 4.4, *Cultural Resources*), and one single residence are located near the center of the site. There are no other improvements on the site. Photographs of the site were presented in Exhibit 3-5 in the Project Description. It should be noted that Planning Areas 19 and 20 are separated from the rest of the project site by a narrow flood control easement located near the future terminus of Little Mountain Drive (between Planning Areas 17 and 20).

Surrounding Area

The site is located on a sloping alluvial terrace north of the campus of CSUSB. It is separated from the campus by several large debris/flood control basins maintained by the San Bernardino County Flood Control District. The surrounding lands are relatively vacant except for residential homes approximately 600 feet southeast of the project site and the CSUSB campus approximately a half mile

south of the site. Several large debris/detention basins are located immediately south of the site, between the project property and the CSUSB campus. Existing residential neighborhoods are located south of the eastern portion of the site, across the Sycamore Flood Control Basin, along North I Street in the City of San Bernardino. The areas north of the site are generally within the San Bernardino National Forest under the jurisdiction of the U.S. Forest Service. The Andy Jackson (non-motorized) airpark is also located immediately northwest of the site. There are newer residential neighborhoods to the west across Northpark Boulevard, along Campus Parkway. A summary of surrounding uses is provided in Table 4.8-1 and shown in Exhibit 4.8-1.

Table 4.8-1: Surrounding Land Uses

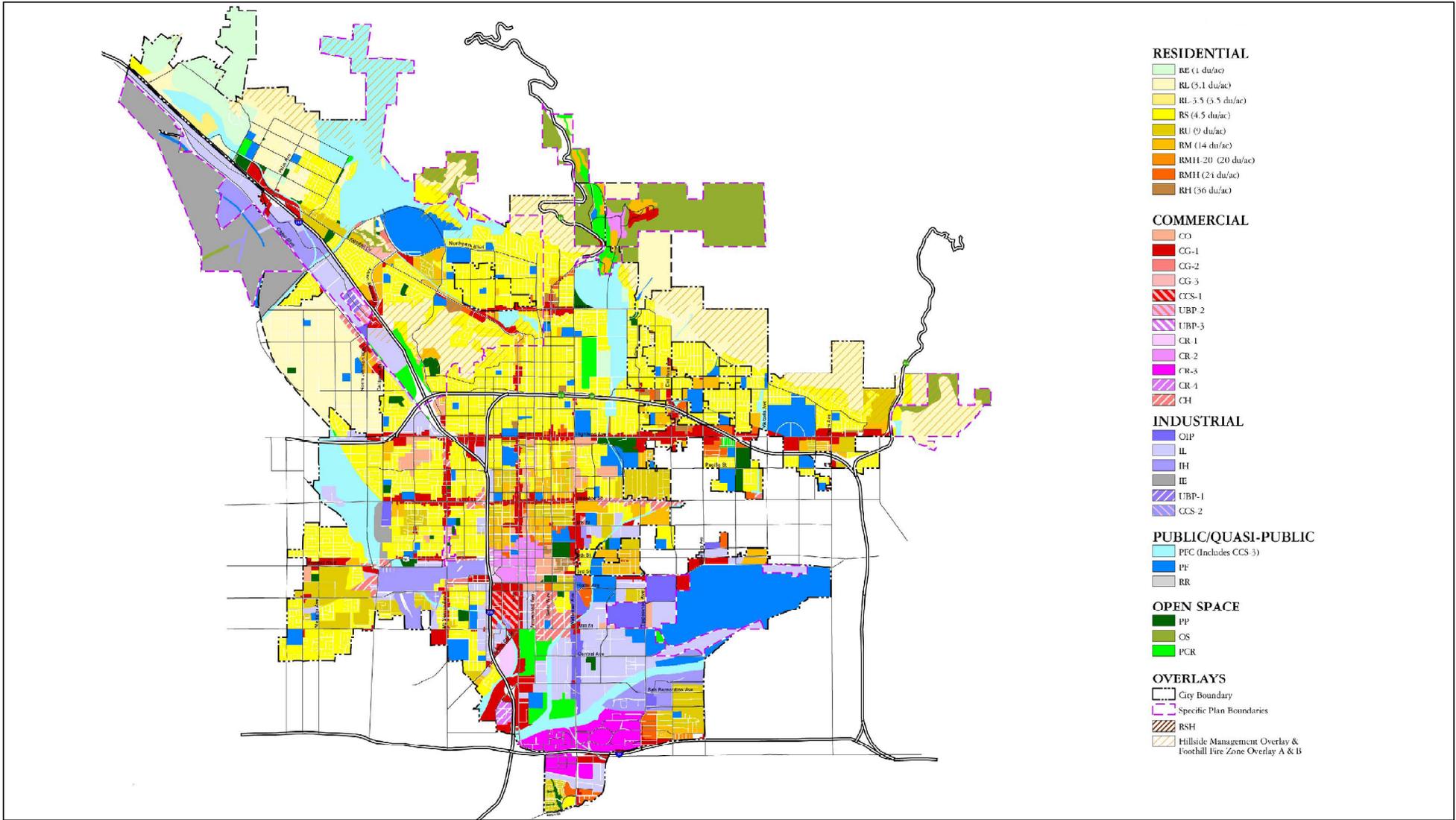
| West | North | East | South |
|---|--|---|--|
| Largely vacant but with several rural level uses, including the Andy Jackson Skypark for hang gliding and parasailing located immediately west of the project site. | San Bernardino National Forest land with steep slopes and vegetation ranging from chaparral on the lower slopes to yellow pine forest on the upper slopes. | Vacant and flood control land with large debris/detention basins. Established residential neighborhoods to the southeast. | Several large debris/detention basins for flood control, with established residential neighborhoods to the southeast. The campus of the CSUSB is located further to the south across the flood control facilities. |

Land Use Designations

Project Site

In 1993, the City Mayor and Common Council approved the PHSP for the project site. This plan proposed 504 residential units on 228.5 acres with 174.8 acres of open space. The Paradise Hills project land plan proposed extensive grading and development within the middle and upper reaches of Badger Canyon; however, that project was never built. The current University Hills Specific Plan proposes 980 units clustered on 170 acres mainly in the southern portion of the site, and south of the south branch of the San Andreas Fault (see Section 4.5, *Geology, Soils, and Seismicity*).

The City’s General Plan Land Use Map (Figure LU-2) designates the project site as a Specific Plan. According to Exhibit 8.4-2, the City’s General Plan Land Use Map designates the lower (southern) portion of the site for Residential Suburban (RS) uses with a density of 4.5 units per acre (7,200-square-foot lots), totaling approximately 132 acres of and the project area. The northern portion (i.e., north of the San Andreas Fault and in the middle and upper reaches of Badger Canyon) is designated for Residential Low (RL) development at 3.1 units per acre, totaling approximately 124 acres of the project. The steep slopes surrounding Badger Creek are designated as Open Space (OS), approximately 154 acres.



Source: City of San Bernardino General Plan.

At total build out for the City of San Bernardino General Plan Land Use Map, the project area would contain approximately 557 residential dwelling units at 4.5 units per acre, 409 residential units at 3.1 residential dwelling units per acre, and 154 acres of open space, totaling 711 dwelling units, see Exhibit 4.10-1 (Section 4.01 4.10 - Population, Housing, and SCAG Consistency). The UHSP proposes to develop 980 residential units with 235 acres of open space and is therefore at a higher density of residential units, however has a larger amount of designated open space.). Further Analysis is discussed in Section 4-10, 4.10 - Population, Housing, and SCAG Consistency.

The General Plan Land Use Map also indicates the northern portions of the site are in a Hillside Management Overlay (HMO) zone as well as a Foothill Fire Zone Overlay (Zones “B” and “C”) which requires projects to “mitigate the spread of wildfires, help to minimize property damage, and reduce the risk to the public health and safety” (General Plan Table LU-2). The Foothill Fire Zone Overlay is later discussed in this section. Furthermore, the University Hills site is within the University Village Specific Plan, which designates the project site for residential uses consistent with the PHSP (General Plan Figure LU-5).

Surrounding Land Use Designations

Much of the land to the north and west of the site is vacant and designated Resource Conservation in the County of San Bernardino. The land to the north is within the San Bernardino National Forest. The vacant land to the west and the large debris basins immediately south of the site are designated for Public Facilities – Flood Control (PFC) in the General Plan. The basins are under the control of the San Bernardino County Flood Control District. The CSUSB campus is designated Public Facilities (PF); this facility is under the authority of the state of California through its State University System. The existing residential neighborhoods southeast of the site, along North I Street, are designated as Residential Suburban (RS) with a gross density of 4.5 units per acre and minimum 7,200-square-foot lots. Existing land use designations for the project site and surrounding areas are shown in Exhibit 4.8-1.

Foothill Fire Zones

The following is an analysis of the UHSP project to the Foothill Fire Zones Overlay District standards found in Section 19.15 040 of the City Development Code:

Access and Circulation

Standard: Street widths shall be 32 feet with parking and sidewalk on 1 side of the street only and right-of-ways shall be 48.5 feet with 40 feet of paved width and parking on both sides and a sidewalk on 1 side. Zone A and B.

Analysis: All streets within UHSP exceed the minimum right-of-way width of 48.5 feet. Therefore, the UHSP is consistent with these standards.

Standard: Emergency vehicle access roads shall be incorporated to wildland areas behind structures by providing a perimeter street along the entire wildland side of development, or by providing a fuel-

modified area. Fuel-modified areas must be a minimum of 150 feet in depth from the rear of the structure, adjacent to the subdivision and connected to the interior street by flat 12-foot minimum access ways placed no more than 350 feet apart. If designed as a gated easement, access ways may be part of a side yard. Zone A, B and C.

Analysis: UHSP provides a perimeter road along the entire wildland side of the development. In addition, the UHSP provides a minimum 150 foot deep fuel-modified area from the rear of structures that are adjacent to wildland areas. Therefore, the UHSP is consistent with these standards.

Standard: All permanent cul-de-sac turnarounds and curves shall be designed with a minimum radius of 40 feet to the curb face. No parking shall be allowed on the bulb of a cul-de-sac. Zone A, B and C.

Analysis: Cul-de-sacs in the UHSP are designed with a minimum radius of 40 feet and no parking is allowed. Therefore, the UHSP is consistent with these standards.

Standard: Cul-de-sacs to a maximum of 750 feet in length may be permitted with a maximum of 30 dwelling units, and to a maximum of 1,000 feet in length with a maximum of 20 dwelling units. Zone A and B.

Analysis: University Hills does not have cul-de-sacs over 400 feet in length. Therefore, the UHSP is consistent with these standards.

Standard: Driveways to residential garages of more than 30 feet in length shall extend for a minimum distance of 20 feet from the garage, on a maximum grade of 5 percent. Driveways less than 30 feet in length shall have a maximum grade of 8 percent for a minimum distance of 20 feet from the garage. No portion of a driveway shall exceed a grade of 15 percent. Zone A, B and C.

Analysis: UHSP does not have driveways that are more than 30 feet in length. Therefore, the UHSP is consistent with these standards.

Standard: Hillside collector and arterial streets shall not exceed 8 percent grade. Hillside residential streets shall not exceed 15 percent grade. Grades of streets shall be as provided in this subsection, unless otherwise approved in writing by the Public Services, Fire, and Public Works Departments. Zone A, B and C.

Analysis: The UHSP collector streets do not exceed 8 percent grade. Therefore, the UHSP is consistent with these standards.

Standard: A tentative tract or parcel map shall provide for at least two different standard means of ingress and egress which provide safe, alternate traffic routes subject to approval by the Fire

Department. The two separate means of access shall be provided pursuant to Section 19.30.200 of this Development Code. Zone A, B and C.

Analysis: University Hills provides two points of access to the development. One via Campus Parkway and the other via Little Mountain Road.

Site and Street Identification

Standard: Non-combustible and reflective street markers shall be visible for 100 feet pursuant to City standards. Zone A, B and C.

Analysis: University Hills will include non-combustible, reflective street markers that will be visible for 100 feet.

Standard: Non-combustible building addresses of contrasting colors shall be placed on the structure fronting the street. Four inch high (residential) and 5 inch high (commercial) lettering and numbers visible at least 100 feet are required. Zone A, B and C.

Analysis: University Hills will provide non-combustible building addresses of contrasting colors on structures fronting the street.

Roadside Vegetation

Standard: All vegetation shall be maintained and all dead plant material shall be removed for a distance of 10 feet from curblines. Zone A, B and C.

Analysis: All vegetation within University Hills will be maintained by either the Master Homeowners Association or Landscape and Lighting Maintenance District.

Water Supply

Standard: Static water sources such as fire hydrants and wells shall have clear access on each side of at least 15 feet. Zone A, B and C.

Analysis: Static water sources within University Hills will have clear access on each side of at least 15 feet.

Standard: A minimum of 2 private spigots facing the foothills/wildlands shall be required for each structure. Zone A, B and C.

Analysis: A minimum of two private spigots facing the foothills/wildlands will be provided on each structure within University Hills.

Standard: Fire hydrants shall be identified with approved blue reflecting street markers. Zone A, B and C.

Analysis: Fire hydrants will be identified with approved blue reflecting street markers within University Hills.

Standard: Each cul-de-sac greater than 300 feet in length shall have a minimum of 1 hydrant. Zone A, B and C.

Analysis: Cul-de-sacs within University Hills over 300 feet in length will have at least one fire hydrant.

Standard: Minimum fire flow shall be 1,000 gallons per minute. Zone A, B and C.

Analysis: University Hills will provide a minimum fire flow of 1,000 gallons per minute.

Standard: All fills shall be compacted. Zone A, B and C.

Analysis: All fills within University Hills will be compacted.

Standard: For all new projects, erosion and drainage control plans must be prepared by a licensed civil engineer, and be approved prior to permit issuance. Zone A, B and C.

Analysis: Erosion and drainage control plans have been prepared by a licensed civil engineer.

Standard: The faces at all cut and fill slopes shall be planted with a ground cover approved by the City Engineer. This planting shall be done as soon as practicable and prior to final inspection. Planting of any slope less than 5 feet in vertical height, or a cut slope not subject to erosion due to the erosion-resistant character of the materials, may be waived by the City Engineer. An automatic irrigation system shall be installed for planted slopes in excess of 15 feet in vertical height, unless recommended otherwise in the preliminary soils report or waived by the City Engineer. If required by the City Engineer, a recommendation for types of planting materials shall be obtained from a Landscape Architect. The Landscape Architect shall, prior to final inspection, provide the City Engineer with a statement that the planting has been done in compliance with recommendations approved by the City Engineer. Zone A, B and C.

Analysis: The faces of all cut and fill slopes within University Hills will be planted with ground cover approved by the City Engineer. An automatic irrigation system will be installed for planted slopes in excess of 15 feet in vertical height, unless recommended otherwise in the preliminary soils report or waived by the City Engineer. The Landscape Architect will provide the City Engineer with a statement that the planting has been done in compliance with recommendations approved by the City Engineer.

Standard: Erosion landscaping plans shall incorporate the use of fire resistant vegetation. Zone A, B and C

Analysis: All erosion landscaping plans within University Hills will use fire resistant vegetation.

Standard: All parties performing grading operations, under a grading permit issued by the City Engineer, shall take reasonable preventive measures, such as sprinkling by water truck, hydroseeding with temporary irrigation, dust palliative, and/or wind fences as directed by the City Engineer, to avoid earth or other materials from the premises being deposited on adjacent streets or properties, by the action of storm waters or wind, by spillage from conveyance vehicles or by other causes. Earth or other materials which are deposited on adjacent streets or properties shall be completely removed by the permittee as soon as practical, but in any event within 24 hours after receipt of written notice from the City Engineer to remove the earth or materials, or within such additional time as may be allowed by written notice from the City Engineer. In the event that any party performing grading shall fail to comply with these requirements, the City Engineer shall have the authority to engage the services of a contractor to remove the earth or other materials. All charges incurred for the services of the contractor shall be paid to the City by the permittee prior to acceptance of the grading.

Analysis: All parties performing grading operations within University Hills will take reasonable preventive measures to avoid earth or other materials from the premises being deposited on adjacent streets or properties. Earth or other materials which are deposited on adjacent streets or properties will be completely removed by the permittee as soon as practical, but in any event within 24 hours after receipt of written notice from the City Engineer, or within additional time as allowed by written notice from the City Engineer.

Construction and Development Design

Standard: Building standards governing the use of materials and construction methods for structures contained within the Foothill Fire Zones shall be in accordance with the San Bernardino Municipal Code Section 15.10.

Analysis: Materials and construction methods for structures within University Hills will be in accordance with the San Bernardino Municipal Code.

Standard: A slope analysis shall be filed with all discretionary applications for all projects in Fire Zones A & B consistent with the Hillside Management section of the General Plan and Section 19.17.080(2) of this Development Code. Zone A and B.

Analysis: A slope analysis has been prepared and is included as part of the University Hills Specific Plan.

Standard: Structures shall be located only where the upgraded slope is 50 percent or less. If the building pad is adjacent to a slope which is greater than 50 percent and is greater than 30 feet in height, a minimum pad setback of 30 feet from the edge of the slope is required. The setback may be less than 30 feet only when the entire slope, or 100 feet adjacent to the building pad, whichever is less, is landscaped with fire resistant vegetation and maintained by an automatic irrigation system.

Analysis: No structure within University Hills is located adjacent to a slope greater than 50 percent.

Standard: All proposed property lines shall be placed at the top of slopes, except where the original parcel's exterior boundary line does not extend to the top of the slope. Zone A, B, and C.

Analysis: All property lines within University Hills are located at the top of slopes.

Standard: All new structures requiring permits, including accessory structures, guest housing or second units shall conform to all applicable fire zone standards. Zone A, B, and C.

Analysis: All structures within University Hills will conform to all applicable fire zone standards.

Standard: Excluding openings, all exterior elements, including walls, garage doors, fences, etc., shall be free of exposed wood (as defined in Chapter 15.10).

Analysis: All exterior elements, including walls, garage doors, fences, etc., will be free of exposed wood as provided for in the University Hills Fire Protection Plan.

Standard: A fuel-modification plan or a reasonable equivalent alternative as approved by the Fire Chief is required. The plan shall include a "wet zone" of a minimum depth of 50 feet of irrigated landscaping behind any required setback and "thinning zones" of a minimum depth of 100 feet of drought tolerant, low volume vegetation, adjacent to any natural area behind structures and provisions for maintenance. A fire model shall be prepared pursuant to Section 19.30.200(6)(D)(3). Zone A, B, and C.

Analysis: The University Hills Fire Protection Plan includes a fuel-modification plan that includes a "wet zones" and "thinning zones" as required by this standard. A fire model has been prepared and submitted to the San Bernardino Fire Department.

Standard: Retrofitting of any element is required when more than 25 percent replacement of that element occurs; i.e., roofing, fencing. Zone A, B, and C.

Analysis: This condition does not apply in University Hills. However, future retrofitting of any element will be required when more than 25 percent replacement of that element occurs; i.e., roofing, fencing

Standard: All future transfers of property shall disclose to the purchaser at the time of purchase agreement and the close of escrow the high fire hazard designation applicable to the property. Zone A, B, and C.

Analysis: All future transfers of property within University Hills will be required to disclose to the purchaser at the time of purchase agreement and the close of escrow the high fire hazard designation applicable to the property.

Miscellaneous

Standard: Firebreak fuel modification zones shall be maintained, when required, through homeowner associations, assessment districts or other means. Zone A, B, and C.

Analysis: Firebreak fuel modification zones within University Hills will be maintained by either the Master Homeowners Association or Landscape and Lighting Maintenance District.

Regulatory Framework

Federal/State

There are no federal or state laws or regulations that are directly applicable to land use on the project site or for the surrounding area. The U.S. Forest Service maintains authority over the national forest lands north of the project site, and requested during the NOP period that the project be sensitive to indirect impacts on forest service land such as light, noise, trespass, etc.

Local - City of San Bernardino General Plan

The City of San Bernardino General Plan was approved by the City Mayor and Common Council in November of 2005. The General Plan serves as a blueprint for development and land use activities within the City limits. The City of San Bernardino General Plan contains the following elements:

- Land Use;
- Housing;
- Economic Development;
- Community Design;
- Circulation;
- Public Facilities and Services;
- Parks, Recreation, and Trails;
- Utilities;
- Safety;
- Historical and Archaeological Resources;
- Natural Resources and Conservation;
- Energy and Water Conservation; and
- Noise.

Each General Plan element contains goals and policies to guide existing and future land use and development activities. The following Elements contain goals and policies that apply to the proposed UHSP project.

The Land Use Element of the City's General Plan contains the following goals and policies applicable to the Proposed Project:

Goal 2.2: "Promote development that integrates with and minimizes impacts on surrounding land uses."

- **Policy 2.2.1:** Ensure compatibility between land uses and quality design through adherence to the standards and regulations in the Development Code and policies and guidelines in the Community Design Element. (LU-1)
- **Policy 2.2.2:** Require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur, including, as appropriate, decorative walls, landscape setbacks, restricted vehicular access, enclosure of parking structures to prevent sound transmission, and control of lighting and ambient illumination. (LU-1)

- **Policy 2.2.3:** Sensitively integrate regionally beneficial land uses such as transportation corridors, flood control systems, utility corridors, and recreational corridors into the community. (LU-1 and CD-1)
- **Policy 2.2.4:** Hillside development and development adjacent to natural areas shall be designed and landscaped to preserve natural features and habitat and protect structures from the threats from natural disasters, such as wildfires and floods. (LU-1)
- **Policy 2.2.10:** The protection of the quality of life shall take precedence during the review of new projects. Accordingly, the City shall utilize its discretion to deny or require mitigation of projects that result in impacts that outweigh benefits to the public. (LU-1)

Analysis: The higher density UHSP project is physically separated from the lower density existing single family neighborhoods along North I Street by a large flood control basin, and from existing suburban development to the southwest across Northpark Drive by vacant land and several flood control basins. These basins also separate the UHSP property from the CSUSB campus. These separations act as buffers between surrounding uses and the higher density UHSP project. The UHSP project preserves 235 acres of open space adjacent to the national forest to the north. The Project will also be able to utilize a CSUSB shuttle system which will help provide transit for project residents. In these ways, the Proposed Project will be generally compatible and consistent with neighboring development. Therefore, the Proposed Project is consistent with this goal and these policies.

Goal 2.3: “Create and enhance dynamic, recognizable places for San Bernardino’s residents, employees, and visitors.”

Analysis: The UHSP document outlines the architectural treatment and design of the Proposed Project consistent with this policy. Therefore, the Proposed Project is consistent with this goal.

Goal 2.5: “Enhance the aesthetic quality of land uses and structures in San Bernardino.”

- **Policy 2.5.4:** Require that all new structures achieve a high level of architectural design and provide a careful attention to detail. (LU-1)
- **Policy 2.5.5:** Provide programs that educate residential and commercial property owners and tenants regarding methods for the maintenance and upkeep of their property. (LU-5)
- **Policy 2.5.6:** Require that new developments be designed to complement and not devalue the physical characteristics of the surrounding environment, including consideration of:
 - a. The site’s natural topography and vegetation;

- b. Surrounding exemplary architectural design styles;
 - c. Linkages to pedestrian, bicycle, and equestrian paths;
 - d. The use of consistent fencing and signage;
 - e. The provision of interconnecting greenbelts and community amenities, such as clubhouses, health clubs, tennis courts, and swimming pools;
 - f. The use of building materials, colors, and forms that contribute to a “neighborhood” character;
 - g. The use of extensive site landscaping;
 - h. The use of consistent and well designed street signage, building signage, and entry monumentation;
 - i. A variation in the setbacks of structures;
 - j. The inclusion of extensive landscape throughout the site and along street frontages;
 - k. The articulation of building facades to provide interest and variation by the use of offset planes and cubic volumes, building details, balconies, arcades, or recessed or projecting windows, and other techniques which avoid “box”-like structures;
 - l. The integration of exterior stairways into the architectural design;
 - m. The screening of rooftop mechanical equipment;
 - n. The use of a consistent design through the use of unifying architectural design elements, signage, lighting, and pedestrian areas;
 - o. The provision of art and other visual amenities;
 - p. The inclusion of awnings, overhangs, arcades, and other architectural elements to provide protection from sun, rain, and wind; and
 - q. The location of parking at the rear, above, or below the ground floor of non-residential buildings to enhance pedestrian connectivity.
- (LU-1)

Analysis: Design features in the Specific Plan will include upscale residential housing with recreation and open space uses and will enhance the aesthetic quality of land uses for the project area. The UHSP document demonstrates that the Proposed Project complies with the design portions of this goal and these policies.

Goal 2.6: “Control development and the use of land to minimize adverse impacts on significant natural, historic, cultural, habitat, and hillside resources.”

- **Policy 2.6.1:** Hillside development and development adjacent to natural areas shall be designed and sited to maintain the character of the City’s significant open spaces and historic and cultural landmarks. (LU-1)
- **Policy 2.6.2:** Balance the preservation of plant and wildlife habitats with the need for new development through site plan review and enforcement of CEQA. (LU-1)

Analysis: The UHSP project clusters higher density residential development in the flatter portions of the site, south of the San Andreas Fault, and preserves the middle and upper reaches of Badger Creek and its attendant canyons and surrounding uplands. The other analyses in Section 4 of this document demonstrate that the project will not have significant impacts on cultural, biological, or related resources. Therefore, the Proposed Project is consistent with this goal and these policies.

Goal 2.7: “Provide for the development and maintenance of public infrastructure and services to support existing and future residents, businesses, recreation, and other uses.”

- **Policy 2.7.1:** Enhance and expand drainage, sewer, and water supply/storage facilities to serve new development and intensification of existing lands. (U-1)
- **Policy 2.7.2:** Work with the San Bernardino Valley Municipal Water District to create additional water storage capacity and take advantage of the abundant water supplies. (U-1)
- **Policy 2.7.4:** Reserve lands for the continuation and expansion of public streets and highways in accordance with the Master Plan of Highways. (C-3)
- **Policy 2.7.5:** Require that development be contingent upon the ability of public infrastructure to provide sufficient capacity to accommodate its demands and mitigate its impacts. (LU-1)

Analysis: Section 4.14, *Utilities*, and Section 4.12, *Transportation and Circulation*, demonstrate that the Proposed Project will install utilities and roadways necessary to support the proposed development and provide both roadway and utility connections that will benefit the surrounding community as well (e.g., extension of Campus Parkway, construction of reservoirs and pipelines for other pressure zones, etc.). Therefore, the project is consistent with this goal and these policies.

Goal 2.8: “Protect the life and property of residents, businesses, and visitors to the City of San Bernardino from crime and the hazards of flood, fire, seismic risk, and liquefaction.”

- **Policy 2.8.1:** Ensure that all structures comply with seismic safety provisions and building codes. (LU-1)

- **Policy 2.8.2:** Ensure that design and development standards appropriately address the hazards posed by wildfires and wind, with particular focus on the varying degrees of these threats in the foothills, valleys, ridges, and the southern and western flanks of the San Bernardino Mountains. (LU-1 and A-1)
- **Policy 2.8.3:** Encourage projects to incorporate the Crime Prevention through Environmental Design (CPTED) and defensible space techniques to help improve safety. (LU-1)
- **Policy 2.8.4:** Control the development of industrial and other uses that use, store, produce, or transport toxics, air emissions, and other pollutants. (LU-1)

Analysis: Section 4.5, *Geology, Soils, and Seismicity*, demonstrates that the Proposed Project will protect project residents and structures from expected seismic impacts. The project site is within the Foothill Fire Zone B and C restrictions (i.e., most of the site planned for development is in Zone C, 0-15% slopes), and Section 4.11, *Public Services*, demonstrates that the project will provide adequate fire and police protection for project residents and structures. In addition, Section 4.6, *Hazards and Hazardous Materials*, demonstrates the project will not have significant impacts related to hazardous materials or wildland fires.

Goal 2.10: “*Actively apply, enforce, and utilize the General Plan in the day-to-day activities of the City.*”

- **Policy 2.10.1:** Ensure that all decisions related to the physical development and growth of the City of San Bernardino complies with the General Plan. Specifically, the provisions of this plan shall be applied to the following:
 - a. Proposed private development projects;
 - b. Proposed public works projects in support of land development or preservation (Government Code Section 65401);
 - c. Proposed acquisition or disposal of public land (Government Code Section 65401); and
 - d. Adoption of ordinances and standards for implementing General Plan land use designations, especially through the Development Code.
- **Policy 2.10.2:** Permit amendments to the General Plan in accordance with the following:
 - a. Technical Amendments – involves changes that do not alter the basic assumptions or policy direction of the plan and only involve changes of a technical nature (corrections to statistics; mapping error corrections; editorial clarifications that do not change the intent of

the General Plan) may be approved by the Development Services Director as necessary.

- b. Mapping/Policy Amendment - involves changes in land use designations, basic assumptions, the vision, or policies and requires approval by the Mayor and Common Council and a recommendation by the Planning Commission. (LU-1)

- **Policy 2.10.3** Ensure that residents of San Bernardino have the opportunity to provide input to the determination of future land use development that may significantly affect the character and quality of life.

Analysis: The PHSP is consistent with the General Plan; however, the UHSP project proposes a new Specific Plan and approval of a General Plan Amendment to bring the new Specific Plan and into conformance with the General Plan.

In addition, the UHSP is located within the University District Specific Plan (UDSP). Land Use Uses address specific needs of this special use area. The Land Use Element contains the following goals and policies for the UHSP that also apply to the Proposed Project:

- Focus on pedestrian-oriented development, such as mixed uses and University related uses, and less upon auto dependent uses;
- Develop a walkable University village;
- Develop a seamless connection between the community and University through access, physical improvements such as landscaping, streetscape, signage and art, and street naming;
- Integrate the curriculum of the University with the community;
- For instance, teaching classes can be linked with area schools or course curriculum can incorporate community improvement projects;
- Capitalize upon potential economic connections. For instance, the University's educational program can be connected with area schools;
- Market the University and surrounding community with the intention of becoming recognized as a "University town;"
- Market the art and cultural facilities that the University and surrounding community have to offer. Tie the curriculum of the University and the art and cultural programs of the community together;
- Encourage the development of trolley/transit connections between the University and downtown and the MetroLink station at the Santa Fe Depot;
- Maintain the spacious and park-like "campus feel" of the University;

- Maintain and improve the open communications between university and community and increase opportunities for the University to participate in City-run programs;
- Enhance the regional recreational link with the University;
- Develop efficient vehicular and pedestrian access within the University village;
- Offer a range of housing types to accommodate a wide range of population, including University faculty and staff; and
- Ensure that quality housing is developed in the surrounding community.

Analysis: The project proposes a range of housing types and densities (3.1 to 20 units per acre) that will meet a wide range of housing needs for the UDSP. Upon completion of the development, the project will create a connection between the community and University through access, physical improvements such as landscaping, streetscape, and signage. The UHSP document demonstrates that the Proposed Project is consistent with the applicable portions of these design guidelines.

The Housing Element contains additional goals and policies that are applicable to the Proposed Project:

Goal 3.1: “Facilitate the development of a variety of types of housing to meet the needs of all income levels in the City of San Bernardino.”

- **Policy 3.1.1:** Accommodate the production of new housing units on currently vacant or underutilized land at densities and standards designated in the Land Use Element of the General Plan.
- **Policy 3.1.2:** Provide a density bonus of 50 percent for very low and low-income housing projects, consistent with state law.
- **Policy 3.1.3:** Encourage the development of senior housing in all areas of the City, especially the downtown, where the permissible density may be increased by 96 units per acre (178 percent) to a maximum of 150 units per acre.
- **Policy 3.1.4:** Accommodate residential development in areas of the Central City designated for mixed commercial and residential use in accordance with policies in the Land Use Element.
- **Policy 3.1.5:** Avoid concentrations of housing for any single income group.
- **Policy 3.1.6:** Continue to simplify the development review process for the development of housing units.
- **Policy 3.1.7:** Lobby and support the School District in reducing the school fees levied on new dwelling units selling for under \$100,000 to very low and low-income households.

Analysis: The project proposes a range of housing types and densities (3.1 to 20 units per acre) that will meet a wide range of housing needs within the City, though possibly not for all income levels.

Goal 3.3: “Assist in the development of adequate housing to meet the needs of low and moderate-income households.”

Analysis: The project proposes a range of housing types and densities (3.1 to 20 units per acre) that will meet a wide range of housing needs and income groups within the City.

Local - San Bernardino Development Code

The San Bernardino Development Code sets forth regulations to ensure that development and land use activities protect and promote the health, safety, comfort, convenience, prosperity, and general welfare of residents and businesses in the City. The Development Code was updated in 2005 to reflect changes made during the General Plan update.

Methodology

MBA evaluated the potential for land use impacts through site reconnaissance and review of applicable land use policy documents. MBA personnel performed site reconnaissance on multiple occasions of the four parcels that constitute the project site and surrounding land uses. Photographs were taken of all four parcels and surrounding land uses to document existing conditions. MBA reviewed the City of San Bernardino General Plan, the San Bernardino City Code, which includes the Development Code, and identified applicable policies and provisions that pertain to the Proposed Project.

4.8.3 - Thresholds of Significance

According to the CEQA Guidelines’ Appendix G, Environmental Checklist, to determine whether hazards and hazardous materials are significant environmental effects, the following questions are analyzed and evaluated. Would the project:

- a.) Physically divide an established community?
- b.) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or development code) adopted for the purpose of avoiding or mitigating an environmental effect?
- c.) Conflict with any applicable habitat conservation plan or natural communities’ conservation plan?

4.8.4 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the project and provides mitigation measures where appropriate.

Division of an Established Community

Impact LU-1: **The Proposed Project would not physically divide an established community or create conflicts with neighboring land uses.**

Impact Analysis

Divide an Established Community. The Proposed Project will be constructed on vacant land with vacant or undeveloped land adjacent to the north, east and west of the site. The project would not be adjacent to existing development, and the closest existing uses to the project would be the CSUSB campus, a half mile south of the site, and the residential neighborhoods along North I Street south of Planning Area 20. Therefore, the project does not have the potential to divide an established community so this impact is **less than significant**.

Neighboring Land Uses. The following evaluates whether the Proposed Project conflicts with neighboring land uses:

North – San Bernardino National Forest. The US Forest Service requested in their NOP comment letter that the project provide a buffer between the forest land and development to preclude direct and indirect impacts to forest resources. The proposed UHSP project preserves 234.8 acres of land as permanent open space between the development areas and the forestland to the north. This open space will provide the requested buffer so there will be no significant impacts in this regard. Furthermore, the UHSP includes a provision stating that the landscape adjacent to the land laboratory will use native plant material to minimize the intrusion of nonnative plants.

West – Andy Jackson Airpark and vacant Flood Control Land. The developer met with representatives of the airpark to determine the air space requirements of continued operations at the airpark. The location and layout of the park in Planning Area 1 was planned so that the future development would not conflict with continued activities at the airpark. Therefore, the project will have no significant land use impacts in this regard.

South – County Flood Control Basins. The flood control basins actually form a buffer between the CSUSB campus and existing residential neighborhoods to the southeast along North I Street. See Section 4.7, *Hydrology and Water Quality*, for more information on flood control basins.

South - CSUSB Campus. The County flood control basins provide a considerable buffer between the Proposed Project and the CSUSB campus. The project will also have multi-use trails that will provide access for pedestrians, bicyclists, etc. between the project and the university campus. The design of the project will allow university faculty and students relatively direct access to the land laboratory in the northern end of the project. In addition, the project design will allow continued use of Badger Hill for earth science classes where various formations are exposed on the east side of the hill. Design lighting plans will be sensitive to the planned CSUSB observatory on nearby Badger Hill. The Proposed Project will follow guidelines suggested by the International Dark Sky Association (www.darksky.org). Factors to be considered in sensitive lighting design will include the mounting height of the lighting luminaire above the ground, the horizontal spacing of one pole to the next, and the cutoff angle of the luminaire. Furthermore, the UHSP will accommodate up to 60 units

that will be dedicated to CSUSB for exclusive use as faculty housing. For these reasons, the UHSP project is compatible with the CSUSB campus in terms of adjacent land uses. The CSUSB campus master plan also calls for additional classroom buildings and a perimeter access road on the land that is currently vacant south of Planning Areas 10 and 11 south of the access road and Planning Areas 6-9 north of the road. The proposed UHSP is also consistent with these future planned uses. Exhibit 4.8-2 shows the master plan for the CSUSB campus.

Southeast – Existing Residential Neighborhoods. On the south side of the flood control basins south of Planning Area 20 is an existing residential neighborhood located north of Northpark Boulevard and east of Little Mountain Drive. This area comprises several hundred homes with approximately a dozen homes about 600 feet from the southern boundaries of Planning Areas 18 and 20. This analysis focuses on the homes along the north side of West 59th Street and those at the north end of North Crescent Street, North G Street, North Berkeley Street, and Louise Street. The UHSP project proposes 138 units on 8.6 acres in Planning Area 18 and 104 units on 8.33 acres in Planning Area 20. This represents a gross density of 16 units per acre in Planning Area 18 and 12.5 units per acre for Planning Area 20. The densities of these Planning Areas would be considerably higher than that of the existing neighborhoods (i.e., maximum 4.5 units per acre and 7,200-square-foot lots). It should be noted that Planning Areas 17 and 19 in this area are proposed for private recreation facilities, which would not conflict with existing residences.

The new units would be separated from the existing units at least 600 feet because of the Sycamore Flood Control Basin. The Specific Plan shows that these units will be a maximum of 40 feet in height and their appearance is very similar to single family detached architecture and style. The Specific Plan also shows extensive landscaping along the southern ends of Planning Areas 18 and 20, which will further buffer the new uses from the existing neighborhoods. Based on the architectural and landscaping guidelines in the Specific Plan, development of the project, and specifically units in Planning Areas 18 and 20, is not expected to produce significant impacts on neighboring uses.

Summary. Development of the Proposed Project would not create land use conflicts with existing or planned land uses in the surrounding area. Other potential impacts of the project on neighboring uses (e.g., traffic, noise, air quality) are addressed in other sections of this document. Relative to land use, the impacts of the project would be **less than significant**.

Level of Significance Before Mitigation

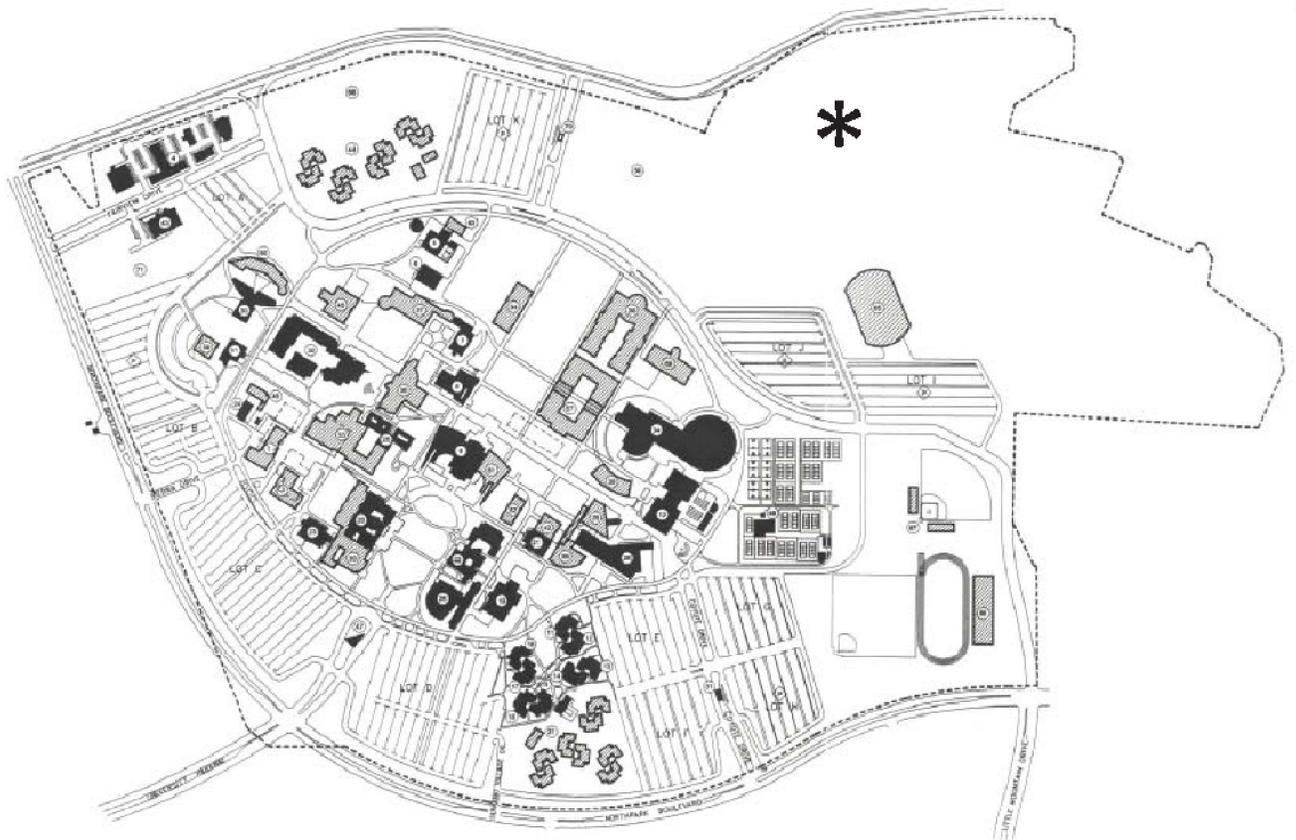
Less than significant impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

Less than significant impact.



LEGEND

- Existing Campus Boundary
- - - - - Future Campus Boundary
430 acres

Master Plan Enrollment:
20,000 FTE

* Potential Location of Observatory
(Not part of CSUCB Master Plan)

-  Existing Building Structure
-  Future Building Structure
-  Temporary Building Structure
-  Existing Parking Lot
-  Future Parking Lot

Source: City of San Bernardino General Plan.



Not To Scale

General Plan Consistency

Impact LU-2: **The Proposed Project would be consistent with the City of San Bernardino General Plan.**

Impact Analysis

Land Use Designations

The project site is designated as a Specific Plan, and the applicant is requesting a Specific Plan Amendment to substitute the proposed UHSP for the currently approved PHSP. The land use designations shown on the current land use plan (LU-2) correspond to the locations and types of land uses approved in the PHSP. In general, the lower (southern) portion of the site is designated for Residential Suburban (RS) uses with a density of 4.5 units per acre (7,200-square-foot lots), and the northern portion (i.e., north of the San Andreas Fault and in the middle and upper reaches of Badger Canyon) is designated for Residential Low (RL) development at 3.1 units per acre. The steep slopes surrounding Badger Creek are designated as Open Space (OS). The General Plan Land Use Map also indicates the northern portions of the site are in a HMO zone as well as a Foothill Fire Zone Overlay which is required to “mitigate the spread of wildfires, help to minimize property damage, and reduce the risk to the public health and safety” (General Plan Table LU-2). The University Hills site is also within the University Village Specific Plan, which designates the project site for residential uses consistent with the PHSP (General Plan Figure LU-5).

The proposed UHSP would replace these designations and construct more units (980 vs. 504) but cluster them on a smaller development footprint compared to the PHSP. The new plan proposes a range of housing densities from 3.1 to 20 units per acre compared to 1.0 to 3.5 units per acre for the PHSP (see Table 3-3 in the Project Description). The UHSP site is also within the University District Specific Plan which designates the site for the same land uses as the PHSP.

Hillside Management Overlay. The City’s General Plan Safety Element and the Development Code (CSBMC 19.17) both identify the HMO zone of district as a method of limiting development in foothill areas based on average slope. A detailed slope analysis, consistent with City guidelines, was prepared for the UHSP project and was included in the UHSP document. This slope analysis indicates almost all of the portion of the site planned for development is within the 0-15 percent slope category, and so the HMO guidelines do not apply (per CMC Section 19.17.030). The HMO zone allows one unit per acre (1-acre lot) on slopes from 15 to 25 percent, 0.5 unit per acre (2-acre lot) on slopes from 25 to 30 percent, and 0.1 unit per acre (10-acre lot) on slopes over 30 percent. Inspection of the proposed land plan compared to the slope analysis indicates that the UHSP is consistent with the HMO zone development guidelines, and that no development is proposed on slopes of 15 percent or more.

The EIR for the former PHSP found the development plan was consistent with the hillside overlay zone requirements; however, it did propose extensive grading and development of large lots in Badger Canyon. A number of hillside zone development standards (e.g., street width) are also outlined in the Foothill Fire Overlay zone (see below). The Development Code also encourages

density transfers for areas with slopes over 40 percent, and states that, “The computation of the maximum number of lots is intended solely to set up an absolute maximum. A lesser number of units may prove to be the maximum permitted based upon compliance with other hillside development and grading requirements.” However, it also states that, “In no situation shall the total number of units permitted for any project exceed the number of units that would have been permitted without any transfer of density.” The overlay zone allows a transfer of density outside the Hillside zone if the project area is included in a Specific Plan, but cautions that a General Plan Amendment may also be necessary.” Finally, it warns that, “areas from which density is transferred shall be restricted from future development in an appropriate manner.” (page II-246, SBCMC 2007).

The City of San Bernardino General Plan considers the Housing Elements goals, policies, and programs to reflect the highest priority needs of the City. According to Goal 3.1 in the Housing Element, the City would facilitate the development of a variety of types of housing to meet the needs of all income levels. Southern California Association of Governments (SCAG) produces Regional Housing Needs Assessment (RHNA) projections for all Cities in its region. SCAG's RHNA projections indicate that a total of 3,782 new units will need to be constructed within the City to accommodate new households. GP The City plans on fulfilling this Goal by providing adequate sites to accommodate the City's RHNA housing allocation by income group for the period January 1, 1998 through June 30 2005 as shown in Table 4.8-2.

Table 4.8-2: Regional Housing Needs Assessment

| Income Level | Units | Percent of Units |
|--------------|--------------|------------------|
| Very Low | 1,148 | 30% |
| Lower | 676 | 48% |
| Moderate | 734 | 19% |
| Upper | 1,223 | 32% |
| Total | 3,782 | 100% |

Upon annexation of the General Plan, the proposed UHSP will construct 980 residential units, ranging in a wide variety of residential types and densities (3.1 to 20 units per acre). This wide range of residential types and densities meet the City's highest priority need for 3,782 residential units of very low to upper housing in the City of San Bernardino.

Foothill Fire Zone Overlay B & C. The City General Plan (Figure S-9) and the Development Code both contain the Foothill Fire Zone Overlay District (CSBMC 19.15). Fire Zone A is determined based on slope and includes areas with slopes of 30 percent or greater. Fire Zone B is also determined based on slope and includes areas with slopes between 15-30 percent, while Zone C includes areas with slope less than 15 percent. On the project site, Badger Canyon and the steeper northern slopes are generally classified as Zone A, but no development is proposed in these areas.

Over three-quarters of the central and southern portions of the site are classified as Zone C, while only the two reservoir sites and portions of Planning Area 15 are classified in Zone B. The purpose of this overlay is to “mitigate the spread of fire, to help minimize property damage, and reduce the risk to the public health and safety” (page 10-39, CSB General Plan). The Foothill Fire Zone Overlay ranks areas of fire danger as extreme (A), high (B), and moderate (C) and dictates standards that must be met when developing within the overlay zone. The standards address the access, vegetation, water supply, erosion control, identification, and design of all new development. Sections 4.6, *Hazards*, and 4.11, *Public Services*, demonstrate that the proposed UHSP project is consistent with the requirements of the Foothill Fire Overlay zone. Furthermore, the Fuel Modification Plan prepared for the UHSP project recommends the appropriate buffer and fuel modification areas be consistent with the Fire Zone requirements. Building construction material requirements recommended by the Fuel Modification Plan include compliance with the latest version of the San Bernardino Fire Department adopted Fire Code in effect at the time of building permit application, including local amendments. The construction of all structures throughout the development will have to incorporate the California Building Code (CBC) Chapter 7A requirements for Attic Venting and Roof Construction requirements; Class “A” roof coverings and assemblies; No cornice or eave venting will be allowed; and all Building Chapter 7A requirements will apply. According to the Fuel Modification Plan, the UHSP project is consistent with the General Plan in this regard (DEIR Appendix L, Fuel Modification Plan).

Summary. Upon approval of the proposed Specific Plan and the proposed General Plan amendment, the proposed UHSP will be consistent with the General Plan designations for the property, including the Hillside Management Zone requirements. The UHSP project proposes a General Plan Amendment and Specific Plan Amendment to make all of these planning documents, planning area boundaries, and requirements consistent with each other. Other potential impacts of the proposed land use changes (i.e., increase in the number of units from 504 to 980 but clustered out of Badger Canyon) are addressed in other sections of this document (e.g., air quality, noise, traffic, etc.). If the proposed discretionary actions are approved as proposed, the UHSP project will have a **less than significant impact** relative to General Plan land use categories and consistency.

Furthermore, the UHSP proposes an increased intensity of residential units compared to the already approved PHSP. However, according to the City’s General Plan the project area is zoned for RL designation of 3.1 dwelling units per acre at 132 acres total; and an RS designation of 4.5 dwelling units per acre at 124 acres (Exhibit 4.10-1, Section 4.10 Population, Housing and SCAG). At complete buildout, according to the General Plan, the project site has the potential to house approximately 966 units. This represents almost the same gross number of planned units as the UHSP (i.e., 966 units [UHSP] v/s 980 units [PHSP]). Although the proposed project will have an increased intensity, it will create a benefit for the City by clustering the proposed 980 residential units. Clustering is a more efficient use of land that will create less impact on sensitive areas and will provide additional areas of preserved open space throughout the project site. Therefore, if the

proposed discretionary actions are approved as proposed, the UHSP project will have a **less than significant impact** relative to General Plan land use categories and consistency.

Policy Consistency

The previous analysis in Section 4.8 demonstrated that, with approval of the proposed Specific Plan and requested General Plan Amendment, the Proposed Project would be consistent with the goals and policies of the Land Use and Housing Elements of City’s General Plan. Therefore, there is **no significant impact** in this regard.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

With approval of the Specific Plan and requested General Plan Amendment, no other mitigation is necessary.

Level of Significance After Mitigation

Less than significant impact.

Development Code Consistency

Impact LU-3: The Proposed Project would be consistent with the City of San Bernardino Development Code.

Impact Analysis

With approval of the proposed Specific Plan and requested General Plan Amendment, development of the Proposed Project site would be governed by the UHSP document, which contains setbacks, development standards, landscaping, etc. equivalent to those required in the City’s Development Code. The analysis in LU-2 on Hillside Management Overlay and Foothill Fire Zones relative to the General Plan is directly applicable to this section as well, since the Development Code also contains the HMO and Foothill Fire Zone requirements. In addition, Section 4.12, Transportation and Circulation, demonstrate that the Proposed Project will provide roads and parking . Therefore, the City’s Development Code would not apply to the UHSP project is so there would be The Specific Plan includes standards for internal roadways, off-site improvements, and connections to existing City streets which are generally consistent with the City’s standards. Variations in the City’s standards, as allowed by law, will be analyzed by the City throughout the course of the project’s review, including both the Specific Plan and individual project proposals within each Planning Area, and conditions of approval applied as needed to assure that the development standards provided in the Specific Plan address project needs. These City requirements and standards will assure that there will be **no significant impact** in this regard.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

No mitigation is necessary with approval of the UHSP.

Level of Significance After Mitigation

Less than significant impact.

Habitat Conservation Plan Consistency

Impact LU-4: **The Proposed Project would be consistent with regional habitat conservation plans or natural communities conservation plans.**

Impact Analysis

The Proposed Project site is not within an established regional HCP, either for an individual species or for multiple species. The project is within critical habitat designated for the CAGN and the SBKR. The proposed UHSP project will preserve 235 acres of permanent open space in this project, and both CAGN and SBKR were not found on the project site during repeated focused surveys. In addition, Section 4.3, *Biological Resources*, of the EIR concluded that the project would have **less than significant impacts** on these listed species, and no established HCPs or NCCPs would be affected by this project.

Furthermore, the project site is within the Biological Resource Management Area (BRMA), an area established by the City. The City of San Bernardino designated this area to protect the biological resources along the foothills of the San Bernardino Mountains. The BRMA seeks to protect Badger Canyon and its attendant creek because it provides water and vegetation necessary to support a host of local wildlife. Although the BRMA designation does not establish a formal habitat conservation plan, the UHSP preserves the middle and upper reaches of Badger Creek and its associated canyons. This area will be preserved as permanent open space that will be managed as a “land laboratory” for the California State University San Bernardino. Therefore, **no significant impact** is expected in this regard. See Section 4.3 (Biological Resources) for a further analysis on habitat conservation plan consistency.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

Mitigation is proposed in Section 4.3, *Biological Resources*, to address potential impacts to certain biological species, and no significant impacts were identified relative to regional conservation plans. Therefore, no additional mitigation is needed.

Level of Significance After Mitigation

Less than significant impact.

