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## IMPLEMENTATION

All specific plans must contain a “program of implementation measures, including regulations, programs, public works projects, and financing measures” pursuant to California Government Code, Section 65451(a)(4).

This section sets forth the procedures needed to implement the approved Specific Plan and the procedures required for all subsequent amendments, if necessary.

### Administering the Plan

The University Hills Specific Plan shall comply with all procedural requirements cited in the City of San Bernardino Development Code, Chapter 19.64, Specific Plans. Whenever the regulations contained in this Specific Plan conflict with the regulations of the City of San Bernardino Development Code, the provisions of this Specific Plan shall take precedence.

### Responsibility

Following approval of this Specific Plan by the Planning Commission and City Council of the City of San Bernardino, the City’s Director of Development Services shall be responsible for administering the provisions of the University Hills Specific Plan in accordance with the provisions of this Specific Plan, the State of California Government Code, and the Subdivision Map Act. All necessary permits and approvals shall be processed through the City’s existing permit and application processes as noted in Article IV, *Administration*, of the Development Code.

### Applicability

All development within the Specific Plan area shall comply with the requirements and standards set forth in this document. Where conflicts exist between the following standards and those found in the City of San Bernardino Development Code, the standards contained in this document shall apply. The provisions of the City of San Bernardino Development Code shall apply to any area of site development, administration, review procedures, environmental review, landscaping requirements, and parking regulations not expressly addressed by this Specific Plan document.

## Interpretations

It is recognized that changes in the project may be necessary as a result of review of more detailed site plans, design plans, architectural plans, landscape plans, and infrastructure plans by the City. When there is a question or ambiguity regarding the interpretation of any provision of this Specific Plan, the Director of Development Services has the authority to interpret the intent of such provision. In interpreting this Specific Plan, the City's Director of Development Services shall give consideration to the Vision and Guiding Objectives of this Specific Plan while ensuring that development can proceed in accordance with the terms and objectives of this Specific Plan and the approved tentative map.

The Director of Development Services may, at his/her discretion, refer interpretations to the Planning Commission for its consideration and action. Such a referral shall be accompanied by specific details, information, and analysis that tie the information to the Director's decision. The Planning Commission shall make similar findings in conjunction with its decision. The Planning Commission action may be appealed to the City Council.

All interpretations made by the Director of Development Services may be appealed to the Planning Commission in accordance with the appeal procedures set forth in the City's Development Code.

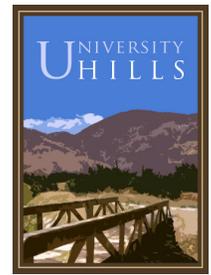
## Specific Plan Amendment

It is anticipated that certain modifications to the Specific Plan text and/or exhibits may be necessary during the development of the project. Any modifications to the Specific Plan shall occur in accordance with the amendment process described in this section. These amendments, should they occur, are divided into two categories, major and minor amendments.

Depending on the nature of the proposed Specific Plan amendment, additional environmental analysis may be required, pursuant to the California Environmental Quality Act (CEQA).

### Major Amendments

If, after making written and factual findings, an amendment is deemed major by the Director of Development Services, it will be processed in the same manner as the original Specific Plan. Specific Plan amendments shall be processed in the same manner as zoning reclassifications under Chapter 19.64, Specific Plans, of the City of San Bernardino Development Code. This requires Planning Commission and City Council approval.



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## Minor Adjustments

Minor amendments include simple modifications to text or exhibits that do not: change the meaning, intent, or materially alter the nature or scope of the Specific Plan; increase the maximum density; or exceed the allowable total units of the Specific Plan. Minor adjustments include, without limitation, minor changes in locations of streets, public improvements, or infrastructure; minor changes in the configuration or size of parcels; density transfers (as described below); minor modification of land use boundaries; changing the land use designation for Planning Areas 15 and 23 to Open Space and Internal Slopes (as described below) in the event that development does not occur or only occurs on a portion of the Planning Area and modifying the fire protection plan accordingly; and interpretations that facilitate or streamline the approval of unlisted uses that are similar in nature and impact to listed uses.

Minor modifications may be accomplished administratively by the Director of Development Services, using the spirit and intent of the University Hills Specific Plan as a guide. The decision of the Director of Development Services may be appealed to the Planning Commission and City Council.

## Severability

If any section, subsection, sentence, clause, or phrase of this Specific Plan, or future amendments or additions hereto, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this plan.

## Internal Design Review

Attention to detail and design quality is a fundamental aspect of University Hills. Accordingly, in addition to the reviews and permitting required by the City, University Hills has established its own, independent review process to ensure the desired quality of development.

## University Hills Design Review Committee

All applicable proposals in University Hills shall be reviewed and approved by the University Hills Design Review Committee (the Committee) prior to submittal of an application to the City. The purpose of the Committee is to ensure that the quality of design envisioned in this Specific Plan is carried throughout the development process and to streamline City review. The Committee shall be established by the Master Developer and may include

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builders, architects, landscape architects, and others in the development, building, and design professions.

The Committee shall review applicable projects for consistency with the Specific Plan design guidelines with the intent of ensuring that each new development proposal conveys the desired quality, character, and appropriate compatibility of architectural styles, and complies with the standards of the Specific Plan. The Committee shall meet every two weeks or as necessary to expedite review.

The following development proposals are subject to review by the Committee:

- Initial subdivisions, tract maps, site plans, and architectural plans (floor plans, elevations, landscape plans)
- Initial signage programs

Subsequent structural and façade changes, building additions, and sign changes shall be reviewed and approved by the City of San Bernardino.

## Internal Design Review Process

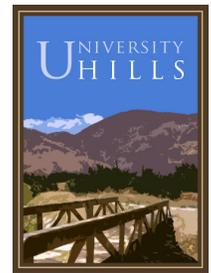
***Step One—Conceptual Design Review Meeting.*** At this informal meeting, the Committee will review and provide feedback on the conceptual design direction of each proposal.

### Step One Submittal Requirements

- Provide fully dimensioned, ¼-inch-scale floor plans and elevations for each style/product proposed.
- Show each floor plan on a lot indicating front, side, and rear setbacks.
- Show landscape concepts for each floor plan on the site plan.
- Provide a draft signage program, if appropriate.

***Step Two—Design Development Meeting.*** In this meeting, the proposal representative shall present the final design package to the Committee, who will review the drawings and discuss how the design has changed to respond to their initial input. The Committee will respond within three working days with their decision to approve the project and to proceed to City submittal or provide suggestions for additional revisions.

### Step Two Submittal Requirements



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- All site plans shall be prepared by a California registered architect and landscape plans shall be prepared by a California registered landscape architect.
  - Provide fully dimensioned ¼-inch-scale floor plans and elevations for each style/product proposed.
  - Provide a final site plan showing front, side, and rear setbacks from the property line.
  - Provide all plans and addendum elevations for corner lots or special conditions clearly labeled as such.
  - Provide a landscape plan for each concept.
  - Provide a signage plan for each concept, if appropriate.

**Step Three—City Submittal.** Upon approval, a letter of transmittal will be prepared by the Committee to document that the project has met the internal design review process, complies with the design guidelines of the Specific Plan, and adheres to the desired character and quality of University Hills. The letter of transmittal will accompany all submittals to the City. The Committee should make the following findings, if applicable, in the letter of transmittal:

- The design and layout of the proposed development is consistent with the University Hills Specific Plan.
- The design and layout of the proposed development will not interfere with the use and enjoyment of neighboring developments, or pedestrian and vehicular circulation.
- The architectural design of the proposed development is aesthetically pleasing and will provide the quality of development envisioned by this Specific Plan.
- The design of the proposed development will provide a desirable environment for its tenants and neighbors through the use of materials, texture, and color in an aesthetically pleasing manner.
- The proposal meets or exceeds the special requirements of this Specific Plan.

## Location of Land Use Designations

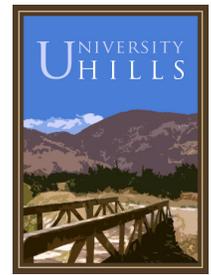
The locations of the land use designations are approximate. Minor changes in boundary alignment and use location are permissible with approval by the Director of Development Services. However, the intended development

character and density/unit restrictions described in this Specific Plan shall be maintained.

## Transfer of Units

The ability to transfer residential units provides flexibility to respond to market demands and physical realities while ensuring that the vision and guiding objectives of the University Hills Specific Plan are maintained. Residential unit transfers are allowable within the Specific Plan subject to the following criteria:

- Any unused residential units from an entitled/developed Planning Area may be transferred to another residentially designated Planning Area per the provisions of this section, except that units may not be transferred into Planning Area 15, the Large-Lot Detached residential area north of the South Branch of the San Andreas Fault.
- Residential unit transfers are permitted; however, 1) the maximum number of residential units in the Specific Plan area shall not exceed 980 units; and 2) the maximum density listed for any Planning Area shall not be exceeded.
- The maximum residential density may not exceed 20 dwelling units per adjusted-gross acre without approval by the Planning Commission.
- The residential unit transfers shall be administratively reviewed and approved by the Director of Development Services. The Director's findings may be appealed to the Planning Commission and, subsequently, to the City Council.
- The units from Planning Area 15 may be transferred to other Planning Areas within University Hills if detailed geologic investigations determine that development in the area is not feasible. If it determined that building in all or a portion of Planning Area 15 is not feasible and/or the units are transferred to another Planning Area, then the land use for Planning Area 15 shall revert to Open Space and, as necessary for slope stability and grading, Internal Slopes. Development of the water storage tank in Planning Area 23 is only necessary if development occurs in Planning Area 15. If development does not occur in Planning Area 15, then the land use for Planning Area 23 shall revert to Open Space.



- Residential units may not be transferred into any nonresidential land use category (e.g., Public Park and Open Space) or into Planning Area 15, the Large-Lot Detached residential area north of the South Branch of the San Andreas Fault.
- If the number of units transferred results in a decrease in the Planning Area's density to that of another land use category, the land use designation and governing standards in that Planning Area shall be changed to match the corresponding land use category. As an example, if the transfer decreases the density in the "sending planning area" from A to MDA, then the MDA designation and standards shall apply.

## Phasing, Capital Improvements, and Maintenance

### Infrastructure Improvements

Within University Hills, the developer(s) will be responsible for constructing/funding their fair share of required on-/and off-site infrastructure improvements, such as water lines, sewers, storm drains, recycled water lines, and streets. All infrastructure improvements will be developed in conjunction with the roadway improvements.

### Development Phasing

University Hills is expected to be developed starting in 2011 and built out in approximately 2016. It is anticipated that the following sequence will be followed during the buildout of University Hills:

#### Phase 1

- Backbone circulation plan detailed on Figure 3-1, *Vehicular Circulation Plan*, except for the system need to serve Planning Area 15, north of the San Andreas Fault.
- Clubhouse
- California Walnut Grove Linear Park
- Conceptual master grading plan detailed on Figure 3-26, *Conceptual Grading Plan*, except for the grading of Planning Area 15, north of the San Andreas Fault.
- Backbone water system detailed on Figure 3-27, *Conceptual Water Plan*, necessary to serve the 1720 and 1880 pressure zones excluding

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the system necessary to serve pressure zone 2040 (Planning Area 15, north of the San Andreas Fault).

- Backbone drainage system detailed on Figure 3-28, *Conceptual Drainage Plan*, excluding the drainage system necessary to serve Planning Area 15, north of the San Andreas Fault.
- Backbone sewer system detailed on Figure 3-29, *Conceptual Sewer Plan*, excluding the sewer system necessary to serve Planning Area 15, north of the San Andreas Fault or as noted below in Optional Phase 1.

## **Optional Phase 1**

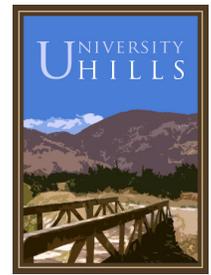
- The backbone sewer system necessary to serve Planning Areas 16, 17, 18, 19, and 20 will be developed in conjunction with development in those Planning Areas.
- Planning Area 17 (half-acre park) will be developed in conjunction with development of Planning Area 18.
- Planning Area 19 (half-acre park) will be developed in conjunction with development of Planning Area 20.
- Planning Area 1, Glider Park, will be developed in conjunction with development of Planning Areas 2, 3, and 4.

## **Subsequent Phases**

- Development of Planning Area 15 will only occur if detailed geologic investigations determine that development in the Planning Area is feasible.
- The grading, circulation, water, sewer, and drainage systems necessary to serve Planning Areas 15 will occur in conjunction with any development of that Planning Area.

It should be emphasized that the phasing program described in this section is a projection based on a judgment of future planning and market factors. Therefore, this phasing program is not to be taken as a compulsory development sequence. Development area sequencing may change as the result of future conditions that neither the City nor the developer has knowledge of as of the date of this submittal.

However, the basic standards will not change and are required to be complied with regardless of shifts in the composition of each development phase. The developers of property within University Hills will be required to comply with all grading, drainage, and road improvements as specified in the Specific Plan.



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## **Maintenance**

The creation and operation of a maintenance assessment district(s) will be an important factor in maintaining the aesthetic quality of University Hills. Maintenance responsibilities may be divided between a Master Homeowners Association, Neighborhood Associations, Landscape and Lighting Maintenance District(s), and/or other maintenance mechanisms. The public and private entities are described below and in Table 6-2, *Maintenance Plan*.

### **Master Homeowners Associations**

Common areas identified within the Specific Plan shall be owned and maintained by a permanent private maintenance organization. Common areas owned and maintained by the Master Homeowners Association may include common recreation areas, open space, circulation systems, landscaped easements, landscaped areas at entryways and roadways, paseos, and amenities such as the clubhouse.

### **Neighborhood Homeowners Associations**

In certain residential areas of the project, smaller “neighborhood” homeowners associations may be created to provide maintenance for common areas and facilities that only benefit residents who reside in the immediate area.

### **Open Space and Parks**

Open space and parks not directly associated with a particular neighborhood shall be the responsibility of a landscape and lighting district or a public facilities maintenance district.

### **Project Roadways**

All public roadways shall be incorporated into the City’s system of roads for operation and maintenance. All private roads shall be owned and maintained by either the Master Homeowners Association or a Neighborhood Association.

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**Table 6-1 Maintenance Plan**

Type	Developed By	Maintained By	Owned By
<b>Streetscape</b>			
Community Roadways (arterials, secondary arterials, and collectors)	Master Developer	City of San Bernardino	City of San Bernardino
Neighborhood Roadways (local streets)	Master Developer	City of San Bernardino	City of San Bernardino
Private Streets	Guest Builder	HOA	HOA
Community Roadway Medians (arterials, secondary arterials, and collectors)	Master Developer	City of San Bernardino	LLD/HOA/ City of San Bernardino
Neighborhood Roadway Medians (local streets)	Guest Builder	City of San Bernardino	LLD/HOA/ City of San Bernardino
Alleys	Guest Builder	HOA	HOA
Community and Secondary Entries	Master Developer	HOA	HOA
Street Lighting (community and neighborhood roadways)	Master Developer	City of San Bernardino	LLD/HOA/ City of San Bernardino
Community Walls and Fences	Master Developer	HOA	HOA
Interior Neighborhood Walls and Fences	Guest Builder	Homeowner	Homeowner
<b>Parks and Open Space</b>			
Glider Park	Master Developer	HOA/LLMD	City of San Bernardino
Clubhouse	Master Developer	HOA	HOA
Regional Multipurpose Trail	Master Developer	City of San Bernardino	City of San Bernardino
Land Laboratory	CSUSB	CSUSB	CSUSB
Public Trails in the Land Laboratory	Existing	LLMD	City of San Bernardino
California Walnut Grove Linear Park	Master Developer	LLMD	City of San Bernardino
Badger Creek Open Space Area	Master Developer	City of San Bernardino	City of San Bernardino
Fuel Modification Zones	Master Developer	LLMD	LLMD
<b>Infrastructure</b>			
Water systems (on- and off-site)	Master Developer	City of San Bernardino	City of San Bernardino
Nonpotable water systems	Master Developer	City of San Bernardino	City of San Bernardino
Sewer systems (on- and off-site)	Master Developer	City of San Bernardino	City of San Bernardino
Drainage systems (on- and off-site)	Master Developer	City of San Bernardino/SBCFC	City of San Bernardino/SBCFC

**Notes:**

Certain facilities and improvements may be subject to reimbursement agreements.

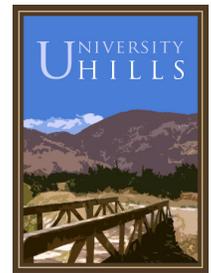
LLD = Landscape and Lighting District or special maintenance district

HOA = Homeowners Association (Master or Neighborhood)

SBCFC = San Bernardino County Flood Control

LLMD=Landscape and Lighting Maintenance District

CSUSB=California State University, San Bernardino



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## Financing Strategies

The financing of construction, operation, and maintenance of public improvements and facilities will include a combination of financing mechanisms. However, the developer shall ultimately be responsible for all fair-share costs associated with implementing the project, including but not limited to the costs of providing infrastructure and complying with all mitigation measures, conditions of approval, and other requirements of the project.

Various financing strategies may be used to fund the public facility improvements specified by the Specific Plan. Financing may involve a combination of impact fees and exactions, special assessment districts, landscaping and lighting districts, community facilities districts, and other mechanisms as agreed to by the developer and City.

The City and developer will cooperate to ensure that the public facilities are built in accordance with all requirements of the Specific Plan. A Development Agreement and conditions of approval may be used to facilitate this process.

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