

SECTION 3: RESPONSE TO COMMENTS

3.1 - Introduction

In accordance with § 15088 of the State CEQA Guidelines, the City of San Bernardino, as the lead agency for the Proposed Project, evaluated comments received on the Draft EIR (State Clearinghouse No. 2007071155) for the University Hills Specific Plan, and has prepared the following responses to the comments received. The Draft EIR was circulated for public review from July 31, 2008 to September 15, 2008 (45 days), but the City extended the review period an additional 15 days (to September 30) to allow more time for public comment. The City used several methods to elicit comments on the Draft EIR, which included copies of the draft document distributed to state agencies through the State Clearinghouse of the Governor's Office of Planning and Research. A Notice of Availability (NOA) of the Draft EIR was distributed to federal agencies, local agencies, individuals, and organizations indicating where copies of the Draft EIR could be obtained or reviewed, which included the City of San Bernardino Unified School District 777 N. F Street, San Bernardino, CA 92410 and the City of San Bernardino Planning Dept 300 N. D Street, San Bernardino, CA 92418.

3.2 - Comment Letters and Responses

The comment letters on the Draft EIR, and response to comments on that document, are provided in the following Section. Text additions to the Draft EIR are shown in underline and text deletions are shown in ~~strikethrough~~. All corrections, clarifications, and refinements to the Draft EIR text are outlined in this Final EIR, and are hereby incorporated into the Draft EIR text.



ARNOLD SCHWARZENEGGER
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

September 16, 2008

Terri Rahhal
City of San Bernardino
Development Services Department
300 North D Street
San Bernardino, CA 92418-0001

Subject: University Hills Specific Plan
SCH#: 2007071155

Dear Terri Rahhal:

The State Clearinghouse submitted the above named Subsequent EIR to selected state agencies for review. The review period closed on September 15, 2008, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts
Director, State Clearinghouse

**Document Details Report
State Clearinghouse Data Base**

SCH# 2007071155
Project Title University Hills Specific Plan
Lead Agency San Bernardino, City of

Type **SBE** Subsequent EIR
Description NOTE: Reference SCH# 1991012055

The project proposes 980 residential units on 169.3 acres within a site that encompasses 404.3 acres. Housing densities range from 3.1 up to 20 units per acre with a gross density of 2.4 units per acre and a net density of 5.8 units per acre. Compared to the previously approved project, Paradise Hills Specific Plan, the University Hills project proposes to concentrate units mainly below or south of the San Andreas Fault which traverses the site, and eliminates units in upper Badger Canyon. The project has 8.1 acres of developed parkland/trails and 235 acres of natural open space.

Lead Agency Contact

Name Terri Rahhal
Agency City of San Bernardino
Phone (909) 384-5057 **Fax**
email
Address Development Services Department
 300 North D Street
City San Bernardino **State** CA **Zip** 92418-0001

Project Location

County San Bernardino
City San Bernardino
Region
Lat / Long 34° 11' 35" N / 117° 19' 14" W
Cross Streets West Northpark Boulevard and Devil Canyon Levee Road
Parcel No.
Township 1N **Range** 4W **Section** 4, 5 **Base** SBB&M

Proximity to:

Highways I-215, SR-18
Airports
Railways BNSF
Waterways Badger Creek, East Branch CA Aqueduct
Schools CSU San Bernardino, Cajon HS, etc.
Land Use Specific Plan/Specific Plan

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Other Issues; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian

Reviewing Agencies Resources Agency; Regional Water Quality Control Board, Region 8; Department of Parks and Recreation; Native American Heritage Commission; Public Utilities Commission; Department of Housing and Community Development; Department of Fish and Game, Region 6; Department of Water Resources; Department of Conservation; California Highway Patrol; Caltrans, District 8; Air Resources Board, Transportation Projects; Department of Toxic Substances Control; State Water Resources Control Board, Clean Water Program

Note: Blanks in data fields result from insufficient information provided by lead agency.

**Document Details Report
State Clearinghouse Data Base**

Date Received 07/31/2008

Start of Review 07/31/2008

End of Review 09/15/2008

Letter A – Office of Planning and Research (OPR) dated September 16, 2008

Response to Comment A-1

The City appreciates OPR processing the Draft EIR and transmitting comment letters from responsible agencies through the Clearinghouse.



United States
Department of
Agriculture

Forest
Service

San Bernardino National Forest
Front Country Ranger District

1209 Lytle Creek Road
Lytle Creek, CA 92358
909-382-2600 #3 (Voice)
909-887-8197 (FAX)

File Code: 1560

Date: September 15, 2008

John Oquendo
Assistant Planner
City of San Bernardino Development Services Department
300 North "D" Street
San Bernardino, CA 92418

Dear Mr. Oquendo,

Thank you for the ongoing opportunity to comment on the *University Hills Specific Plan*. Enclosed are the comments that were submitted for inclusion in the analysis process and development of this project dated August 27, 2007. The letter is included for reference and because comments contained in it are still relevant to the current stage in the commenting process. The following additional comments are provided after our review of the Draft Subsequent Environmental Impact Review (EIR) dated August 1, 2008.

After review of the Draft EIR, we were unable to locate any project designs that incorporate use of barriers and boundary signs to clearly delineate the National Forest boundary. As stated in my previous comments, trespassing onto National Forest by adjacent landowners and other illegal activities such as off-road vehicle use is of high concern. I am requesting that this issue be clearly addressed in your planning document(s) as there is high potential for future negative impacts to National Forest lands as a result of this proposed project.

On page 3-9 of the Draft EIR (among other locations in the document), land north of the project area is clearly identified as San Bernardino National Forest (SBNF). However, it is also important to note that majority of land to the east of the project area is also SBNF. Please recognize this shared boundary and consider that all of our comments are relevant on the eastern boundary as well as north of the project area. If you would like to see the SBNF boundaries on a map, please contact me and we will provide you with a more detailed map.

Page 4.3-6 references the Draft General Biological Resources Survey report, stating that "...the seeps are considered isolated and do not provide significant water or plant resources for local wildlife". The Draft General Biological Resources Survey report dated February 5, 2008 (revised), states "The freshwater seeps, while not drainages, are still of concern as potential water sources for wildlife" (page 22). As mentioned in my previous comments, wildlife corridors that facilitate wildlife movement from SBNF onto and through adjacent lands are critical to maintain. Within wildlife corridors, water sources can be an important factor. I suggest consideration of mitigation(s) to protect seeps within the project area.

One issue that was not identified in our previous comment letter is use of an existing road through the project area. The Forest Service has a public use unrestricted Right of Way that extends from California State University, San Bernardino, through the subject property onto National Forest lands. This area must remain open to the public.



Please continue to keep me advised as this project develops.

Sincerely,

/s/ Gabe Garcia
GABE GARCIA
District Ranger

Enclosure: University Hills Specific Plan Comments, dated August 27, 2007

Letter B.1 – United States Forrest Service (USFS) dated September 15, 2008

Response to Comment B.1-1

The following responses are for the USFS letter dated September 15, 2008. Separate responses to the comments from the USFS NOP letter dated August 27, 2007 are provided in Section B-2.

Response to Comment B.1-2

Planning Area 24, which is the only planning area adjacent to USFS land, is proposed as permanent open space that will be a “land laboratory” for the California State University San Bernardino (CSUSB) campus. In response to this request, the FEIR will indicate that the Project developer will work with City and USFS staff to install signage at appropriate locations clearly identifying the USFS boundary adjacent to the Proposed Project site, especially where any fire road or trails enter USFS property from the University Hills site. The following will be added to the Mitigation Monitoring and Reporting Plan (FEIR Section 5, Table 5-1) under Land Use and Planning to address this issue:

MM LU-1 Prior to issuance of any occupancy permits, the developer shall coordinate with City, CSUSB, and USFS staff to identify necessary access points and appropriate locations for such signage clearly identifying the USFS boundary along the perimeter of the University Hills property (i.e., Planning Area 24). Such signage will be placed at strategic locations, including any road or trail access points, to the satisfaction of the City in consultation with CSUSB and USFS staffs.

Response to Comment B.1-3

The DEIR did acknowledge that USFS “lands to the north, northeast, and northwest of the site are vacant and within the San Bernardino National Forest” (DEIR page 3-9). However, the mitigation measure for additional signage outlined above will be applied to the northeastern portion of the Project site as applicable (i.e., located where the USFS land abuts the University Hills property).

Response to Comment B.1-4

The seeps are generally located along the uphill (north) side of the San Andreas Fault (i.e., along the north sides of Planning Areas 1, 2, 5, and 12). According to Inland Communities, the possibility of protecting the seeps in place or allowing seeps to continue their function was discussed among the biologist, hydrologist, and the rest of the project team during development of the Specific Plan. However, the entire Project site, including the areas along the San Andreas Fault, will require extensive grading in this area to create slopes with suitable stability. The master drainage plan proposes V-drains along the new slopes in appropriate locations to collect water that might otherwise undermine or threaten the stability of the newly manufactured slopes. In contrast, it is likely that creation of the park in Planning Area 21 and the various bio-swales and other onsite drainage features will contain water at various times that may help support local wildlife.

Response to Comment B.1-5

If the USFS staff will identify the specific location/alignment of this roadway, access and appropriate signage can be provided according to mitigation measure LU-1 as outlined in “Response to Comment B.1-2” on the previous page.



File Code: 1560

Date: August 27, 2007

Terri Rahhal
City Planner
Development Service Dept.
300 North "D" Street
San Bernardino, CA 92418

Dear Ms Rahhal,

Thank you for the opportunity to comment on the *University Hills Specific Plan*. Enclosed are the comments I would like to submit for inclusion in the analysis process and development of this project. Since the proposal for this development is proposing to tier to the old Paradise Hills EIR, I trust the analysis clearly addresses the changes in conditions that have occurred since the original EIR was completed and changes in the current project proposal are clearly contrasted with those considered in the old analysis.

The forest's concerns are related to this project's sphere of influence that directly border or are within close proximity to the San Bernardino National Forest (SBNF). The issues of *fire safety, access, recreation, open space, trespass, biological resources, water and erosion* are addressed in this letter.

Fire safety

Wildfire in the foothill areas of the City are recurring, natural processes. Wildland fire's return to the landscape is not a matter of if, but rather when, and with what consequences.

- Fuel modification zones, including fuel breaks, need to be fully contained on private land. Public land will not be available for this purpose. The maintenance of these zones is a key aspect to their effectiveness.
- According to Exhibit 4, a number of proposed residential building sites are to be located with very little buffer to the National Forest boundary; this would not likely allow for effective fuel modifications on private land.
- The SBNF supports the emergency helicopter landing zones provided for in the open space park within the proposed development.
- The development should strive to include perimeter roads as part of the design process for developments that abut National Forest. These roads can not only effectively serve as ingress points for suppression forces to extinguish fire starts, but also can double as another firebreak or anchor point from which to burn out vegetation during suppression operations.
- Reservoirs associated with this development should be available for helicopter dipping for wildfire activity in the foothills.

Access, recreation, open space, and trespass

We support the effort to maintain the open space elements for recreation and open space opportunities within the development. Recreation opportunities, including hiking and equestrian trails, are to be provided for within the boundary of the development, not proposed on National Forest Lands.

We encourage the City to work with the National Forest to avoid conflicts over access, both in terms of the new development creating access problems for the Forest, and pre-existing National Forest access points creating problems for new developments.



A particular issue that has become more important in recent years and is becoming a growing concern district and forest wide is trespassing. The extreme urban interface on this forest is a continued battle for boundary definition and protection. Trespassing has consumed many acres of public land and must not continue. We request that this proposal include defined boundaries such as fencing, block walls, and other ascetic barriers that will:

- Clearly define the forest boundary to the casual observer
- Impede the insurgence of any type of illegal occupation by future homeowners
- Reduce the conflicts between humans and wildlife entering developed areas

Preventing future trespasses will ensure that public lands are not lost to illegal activity and we thank you for your cooperation in this effort.

Wildlife, botanical, and cultural

- Clearly address direct, indirect, and cumulative impacts to wildlife and botanical resources to the area and nearby National Forest lands in the supplemental EIR. Much more development in the foothills below the SBNF has occurred over the past 14 years (since the original Paradise Hills EIR was completed) and low elevation foothill species and communities are becoming increasingly rare than when original proposal was analyzed.
- A development of this size in a relatively undeveloped area will have a significant impact on the biological resources of the area, including the adjacent National Forest. Analysis impacts to the riparian and rare habitats (ie sage scrubs), Threatened, Endangered, Sensitive species and other wildlife (such as deer). Consider impacts such as habitat loss and modification, stream de-watering, loss of habitat connectivity and wildlife movement corridors, noise, light, increased fire starts, non-native species introductions, and the impacts of pets on forest resources.
- Also address potential impacts to spring snails (*Pyrgulopsis californiensis*) known from Ben and Badger Canyons and the potential loss one of few remaining populations of spadefoot toads known to exist in the project vicinity.
- The area has recently burned, so the habitat is in the process of recovery. Therefore, the riparian habitat and sage scrub habitats is currently degraded. However, the analysis of impacts and protection plans should be based on the potential habitat that will be present in the long-term. There may be potential for California gnatcatcher and San Bernardino Kangaroo rat as the habitat recovers. Include analysis of loss of critical habitat for these listed species in the analysis.
- We encourage wildlife movement be maintained up and down the relocated stream course through the open space preserve.
- We would encourage the City to require mitigation for riparian habitat loss on site if at all possible. Riparian habitat in the San Bernardino Valley has been severely impacted and this has potential to affect riparian dependent species on the National Forest. The use of native cottonwood, alder, sycamore, and willow as the primary tree species in suitable areas of the redesigned stream would be very beneficial and help meet the needs of the riparian dependent species.
- We request a plan for long-term removal of nonnative invasive plants and animals be made and funded by the project proponent. This is a major concern at the new ponded areas, which are very attractive to nonnative species. Bullfrogs, African clawed frogs and other nonnative species can seriously impact closely adjacent National Forest wildlife populations.
- We encourage minimizing nighttime lighting adjacent to National Forest lands by shielding or directing light away from National Forest and away from the open space reserve.
- Prevent net loss of important habitats.
- Strive towards preserving the integrity of the entire ecosystem without focusing on property lines.

- Information regarding cultural resources is not for public distribution and is to be kept confidential.

Water, water sources and vegetation

- No new water development proposals will be accepted by the Forest Service for domestic water use or fire protection; the development will have to be supplied off-forest.
- We recommend incorporating gray water systems for irrigation of vegetation.
- We ask that no invasive plants or trees be used in the landscaping to reduce potential invasions onto the National Forest.
- We request that a local stock of walnuts for the walnut grove be used since there are native walnuts on SBNF lands in some locations. We support the use of native walnut in this development since it is a rare habitat in Southern California.

Flood and erosion control

- The City shall not rely on National Forest land for flood or erosion control measures, whether they be the location and construction of engineered structures, or resource management techniques that could be designed to reduce flood/erosion impacts. Such needs should be provided for within the proposed project boundaries.
- The City should consider the fact that recurrent flooding and debris flow events are somewhat predictable, natural events, the likelihood and severity of which increases when upland watersheds are burned by periodic wildfire. Floods and debris flows, although they may originate on National Forest as natural and predictable events are uncontrollable by the National Forest.

Please keep me advised as this project develops.

Sincerely,

/s/ Mary M. Long (for)
GABE GARCIA
District Ranger

Letter B-2 – United States Forrest Service (USFS) NOP Comment dated August 27, 2008

Response to Comment B.2-1

DEIR Section 4.6, Hazards and Hazardous Materials, acknowledges the Project site’s fire risk due to its location and surrounding conditions. A detailed fire modeling study was prepared by FireSafe Planning Solutions and included in DEIR Appendix F. The study indicates the type and depth of fuel modification zones, which should be placed around the Project site to adequately protect it from expected fire conditions. The Specific Plan includes provisions for the recommended fuel modification zones to be located on private property within the University Hills project, as requested by the USFS. The developer of the Project must comply with the requirements of the Specific Plan and the City’s development review practices, which will help assure that the fuel modification zones are maintained as indicated in the project fire study.

All of the proposed residential structures will have fuel modification zones adequately separating them from USFS land (i.e., Planning Areas 2 and 15-20). In addition, all residential areas in the project that are adjacent to wildland areas (i.e., Planning Areas 2 and 15-20) will have a “perimeter” road that separates them from USFS lands to the north and northeast. The City acknowledges that the USFS supports the helicopter landing zones provided in the open space areas.

The current design of the project is for enclosed steel tanks and not open reservoirs (Planning Areas 22 and 23) per City design standards. Due to their location and surrounding topography, it is not likely that open reservoirs could be constructed in these areas, or would require considerably more land and result in substantially increased impacts to construct them as open reservoirs. The pool within the project clubhouse could be available for dipping in the event of a local fire.

Response to Comment B.2-2

The City acknowledges the need for continued access and recreational use of the USFS lands adjacent to the University Hills property. As outlined in mitigation measure LU-1 (see Letter B.1 – United States Forrest Service (USFS) “Response to Comment B.1-2”), the developer will coordinate with the City, CSUSB, and USFS staff to assure adequate access and signage for roads and trails onto USFS land. While the entire boundary of the University Hills project cannot be effectively or need not be completely fenced or walled, access through the site to USFS lands will be somewhat restricted by existing topography and future signage. The implementation of mitigation measure LU-1 may include some limited fencing such as large rocks, boulders and/or other approved means to restrict unauthorized access at key points. Beyond that, it is up to the USFS as to how it will restrict or control access onto its lands.

Response to Comment B.2-3

Potential impacts to biological resources were addressed extensively in Section 4.3 of the DEIR, including the San Bernardino Kangaroo Rat (SBKR) and the California gnatcatcher. It should be noted that the critical habitat boundaries for these species has changed since the USFS letter was submitted.

The Project will set aside 235 acres of land, including the middle and upper reaches of Badger Creek and their surrounding uplands, as permanent open space. These areas have the most potential to support sensitive species, including spring snails and spadefoot toads. Protection of these areas will help promote wildlife movement along the drainages and minimize direct, indirect, and cumulative impacts to adjacent USFS lands.

The landscaping plan of the Specific Plan discourages non-native or invasive species and emphasizes native drought-tolerant plant species. The size and location of open space with the Specific Plan (i.e., Planning Area 24) helps minimize light intrusion into USFS lands by providing an extensive buffer along the boundary between the USFS land and the University Hills property.

All information regarding specific cultural resources in the area and on the site has been suppressed to protect the resources, consistent with current professional practices.

Response to Comment B.2-4

The Proposed Project does not request or rely on any water connections or service from the USFS. Reclaimed or grey water service is not available to the site at present, and likely will not be in the future due to its elevation relative to the rest of the water supply system. The issue of invasive plants is addressed in the previous Response to Comments B.2-3. The walnut grove will be stocked with native species as suggested by the USFS.

Response to Comment B.2-5

The drainage protection and planned improvements of the project do not rely on any USFS facilities or improvements to protect the site. In addition, a post-disaster recovery plan will be incorporated into the Specific Plan and the following mitigation measure is being added to address this concern raised by the City Planning Commission.

HAZ-1 Prior to issuance of occupancy permits, the developer shall prepare a Post-Fire/Flood Recovery Plan for review and approval by the City. As appropriate, this plan shall incorporate planning guidelines from the Alluvial Fan Task Force (AFTF) established by the California Department of Water Resources (DWR). The plan will identify the potential risks to project residents from various natural hazards from being located in the fire-prone foothills and adjacent to a large natural waterway (Badger Creek). The plan will outline measures to be implemented after major fires or floods that will help protect future project residents to the degree practical. When approved, this plan shall be incorporated into the Specific Plan.

-----Original Message-----

From: Dara Wright-Butler [mailto:dbutler@dtsc.ca.gov]

Posted At: Friday, September 12, 2008 5:01 PM

Posted To: University Hills Project

Conversation: University Hills Specific Plan EIR

Subject: University Hills Specific Plan EIR

Good afternoon,

Attached is the PDF copy of the Subject Site. The original document will be sent today via regular mail. If you have any questions, please contact the Project Manager, Al Shami at (714) 484-5472.

Thank you,

Dara Wright-Butler

Office Technician

Brownfields and Environmental Restoration Program

Department of Toxic Substances Control

5796 Corporate Avenue

Cypress, California 90630

(714) 484-5467

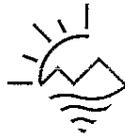
(717) 484-5438

DButler@DTSC.CA.GOV

(714) 484-5438 Fax



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Maureen F. Gorsen, Director
5796 Corporate Avenue
Cypress, California 90630



Arnold Schwarzenegger
Governor

September 11, 2008

Mr. John Oquendo
City of San Bernardino Development Services Department
300 North D Street
San Bernardino, California 92418
universityhills@sbcity.org

DRAFT ENVIRONMENTAL IMPACT STATEMENT (EIR) FOR UNIVERSITY HILLS SPECIFIC PLAN (UHSP) (SCH# 2007071155)

Dear Mr. Oquendo:

The Department of Toxic Substances Control (DTSC) has received your submitted EIR document for the above-mentioned project. The following project description is stated in your document: "The UHSP consists of 404.3 total acres, with 169.5 acres or 42 percent of the site proposed for residential and related uses, including 10.2 acres of parks and recreational uses. The project proposes a total of 980 units with a gross density of 2.4 dwelling units per acre and a net density of 5.8 units per acre, excluding natural open space".

Based on the review of the submitted EIR document DTSC has comments as follows:

1. The draft EIR needs to identify and determine whether current or historic uses at the Project site have resulted in any release of hazardous wastes/substances at the Project area.
2. The known or potentially contaminated sites within the proposed Project area should be identified. For all identified sites, the draft EIR should evaluate whether conditions at the site pose a threat to human health or the environment. A Phase I Assessment may be sufficient to identify these sites. Following are the databases of some of the regulatory agencies:
 - National Priorities List (NPL): A list is maintained by the United States Environmental Protection Agency (U.S.EPA).
 - CalSites: A Database primarily used by the California Department of Toxic Substances Control.

- Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
 - Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S. EPA.
 - Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
 - Leaking Underground Storage Tanks (LUST) / Spills, Leaks, Investigations and Cleanups (SLIC): A list that is maintained by Regional Water Quality Control Boards (RWQCBs).
 - Local County and City maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
3. The draft EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If hazardous materials or wastes were stored at the site, an environmental assessment should be conducted to determine if a release has occurred. If so, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. It may be necessary to determine if an expedited response action is required to reduce existing or potential threats to public health or the environment. If no immediate threat exists, the final remedy should be implemented in compliance with state laws, regulations and policies.
 4. If the subject property was previously used for agriculture, onsite soils could contain pesticide residues. Proper investigation and remedial action may be necessary to ensure the site does not pose a risk to the future residents.
 5. All environmental investigations, sampling and/or remediation should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous waste cleanup. The findings and sampling results from the subsequent report should be clearly summarized in the EIR.
 6. Proper investigation, sampling and remedial actions, if necessary, should be conducted at the site prior to the new development or any construction, and overseen by a regulatory agency.
 7. If any property adjacent to the project site is contaminated with hazardous chemicals, and if the proposed project is within 2,000 feet from a contaminated site, then the proposed development may fall within the "Border Zone of a

Contaminated Property.” Appropriate precautions should be taken prior to construction if the proposed project is within a “Border Zone Property

8. Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. A study of the site overseen by the appropriate government agency might have to be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
9. If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If such wastes are (a) stored in tanks or containers for more than ninety days, (b) treated onsite, or (c) disposed of onsite, then a permit from DTSC may be required. If so, the facility should contact DTSC at (818) 551-2171 to initiate pre application discussions and determine the permitting process applicable to the facility. Hazardous waste generators should obtain a United States Environmental Protection Agency Identification Number by calling (800) 618-6942. Certain hazardous waste treatment processes may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.
10. If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the EIR should identify how any required investigation and/or remediation will be conducted, and the appropriate government agency to provide regulatory oversight.

If you have any questions regarding this letter, please contact me (714) 484-5472 or at “ashami@dtsc.ca.gov”.

Sincerely,



Al Shami
Project Manager
Brownfields and Environmental Restoration Program - Cypress

cc: See next page.

Mr. John Oquendo
September 12, 2008
Page 4

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Mr. Guenther W. Moskat, Chief
Planning and Environmental Analysis Section
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

CEQA # 2261

Letter C –Department of Toxic Substances Control (DTSC) dated September 12, 2008

Response to Comment C-1

The letter from DTSC dated September 11, 2008 requested information about the Proposed Project regarding hazardous materials. The original Paradise Hills Draft EIR (July 26, 1991) produced a Phase I Site Assessment for the Project site and determined the impacts from hazards and hazardous materials were less than significant. In addition, the EIR consultant conducted a records search on November 27, 2007 and determined that impacts related to hazardous materials would be less than significant. All of the information requested by the DTSC was provided in the original Phase I Site Assessment and the database information was updated in 2008.

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791

RECEIVED
AUG 23 2008



AUG 18 2008

CITY OF SAN BERNARDINO
DEVELOPMENT SERVICES
DEPARTMENT

Ms. Terri Rahhal, City Planner
City of San Bernardino
Development Services Department
300 North D Street
San Bernardino, California 92418-0001

Dear Ms. Rahhal:

The Department of Water Resources (DWR) received a Revised Notice of Preparation for Subsequent Environmental Impact Report No. SCH #2007071155 (EIR). DWR owns property known as DWR Parcel No. EBE-80, delineated on the enclosed map, to the west of the University Hills Specific Plan identified in the report. DWR is concerned that the proposed project will have a negative impact on the safety and health of the area residents and infringe on the recreational rights of the hang gliders from Crestline Soaring Society.

As stated in our May 29, 2008 letter (enclosed), DWR was required to relocate an existing hang gliding landing zone used by Crestline Soaring Society as a condition of DWR's Federal Energy Regulatory Commission (FERC) License obtained for the construction of the Devil Canyon Hydroelectric Project. Permanent recreational mitigation is a requirement of DWR's FERC license for the relocation of this landing site. The EIR provided does not address the concerns of DWR or the FERC requirements for recreational mitigation of the adjacent parcel.

The proposed project will conflict with the current recreational use of DWR's property by Crestline Soaring Society, especially since homes are in the direct flight path of hang gliders approaching the landing site from the east. Please consider DWR's obligation to provide a hang gliding landing zone when addressing the recreational impacts caused by the proposed development and mitigation measures when assessing the potential impact of this project on human health, safety and recreation. We encourage your approval of this development with an acceptable safety corridor for the FERC required hang gliding landing zone.

DWR wishes to be placed on the mailing list for all future notices to be issued regarding this project. Notices may be mailed to:

Mr. Paul Farris, Chief
Real Estate Branch
Department of Water Resources
1416 Ninth Street, Room 425
Sacramento, California 95814

Ms. Terry Rahhal, City Planner

AUG 18 2008

Page 2

Thank you for your assistance in this matter. If you have any questions or concerns, you may contact me at (916) 653-8613, or e-mail me at dching@water.ca.gov.

Sincerely,

David Ching
Associate Land Agent

Enclosure

cc: Crestline Soaring Society
Attention: Robert McKenzie
Post Office Box 9052
San Bernardino, California 92427-9052

May 29, 2008

Ms. Terri Rahhal, City Planner
City of San Bernardino
Development Services Department
300 North "D" Street
San Bernardino, California 92418-0001

Dear Ms. Rahhal:

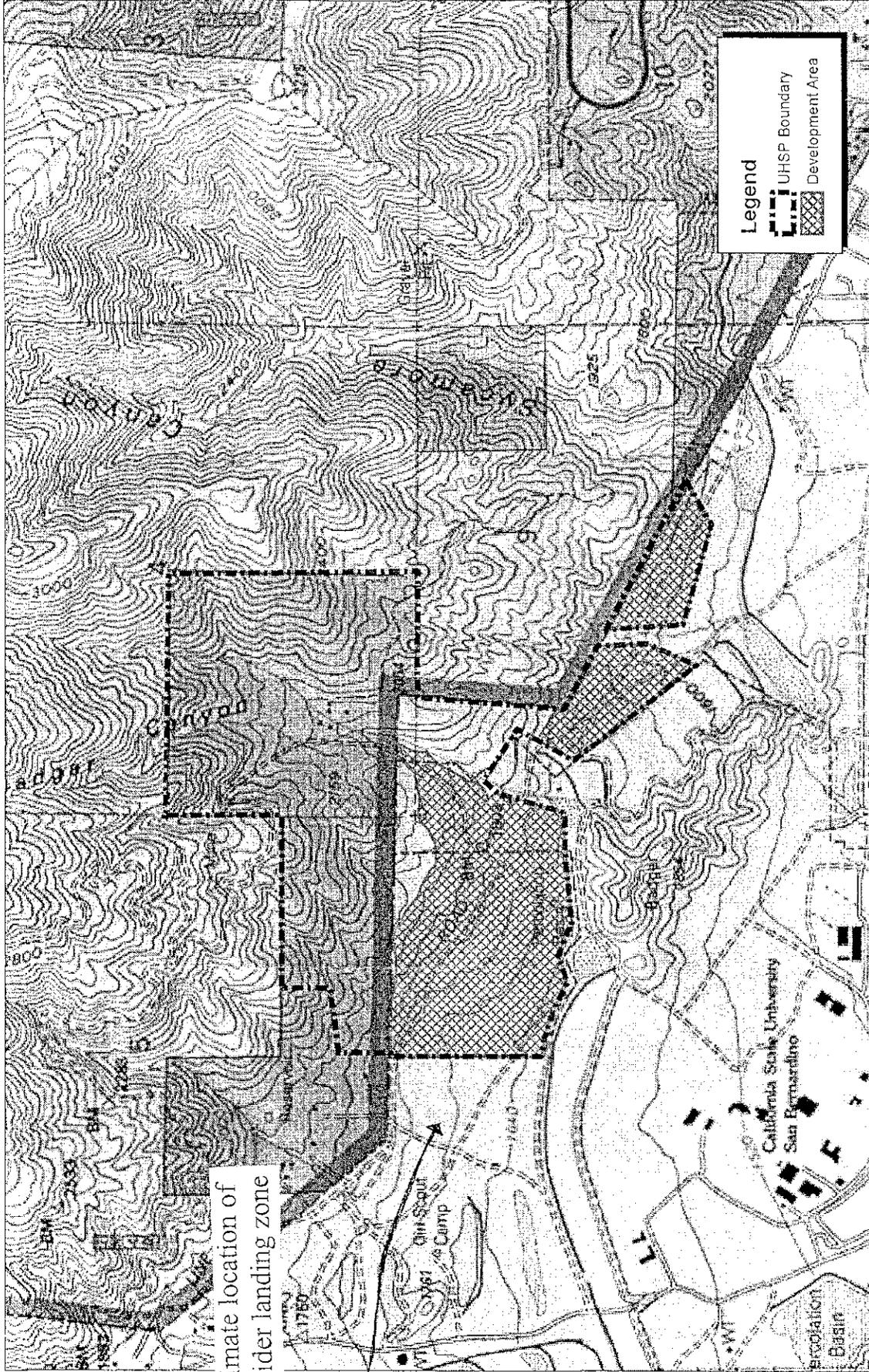
The Department of Water Resources (DWR) is in receipt of a Revised Notice of Preparation for Subsequent Environmental Impact Report No. SCH #2007071155. DWR owns property known as DWR Parcel No. EBE-80, shown on the attached map, to the west of the University Hills Specific Plan identified in the report.

As a condition of Federal Energy Regulatory Commission (FERC) License DWR obtained for the construction of Devil Canyon Hydroelectric Project (copy enclosed), DWR relocated an existing hang gliding landing zone used by Crestline Soaring Society. This relocated landing site is required to be a permanent recreational mitigation per DWR's FERC license.

Enclosed are three maps showing DWR owned property used as a hang-gliding landing zone. We also took one of your maps and marked the approximate location of the hang gliding landing zone for your use. The proposed project may conflict with the use of DWR's property by Crestline Soaring Society especially if homes are placed directly in line with the landing approach from the east. Please consider DWR's obligation to provide a hang-gliding landing zone when determining recreational impacts caused by the proposed development.

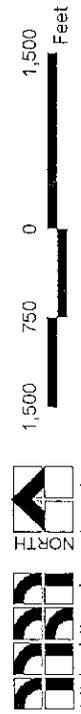
DWR wishes to be placed on the mailing list for all future notices to be issued regarding this project. Notices may be mailed to:

Mr. Paul Farris, Chief
Real Estate Branch
Department of Water Resources
1416 - 9th Street, Room 415
Sacramento, California 95814



Approximate location of Hang glider landing zone

Exhibit 2
USGS Topographic Quadrangle
UNIVERSITY HILLS SPECIFIC PLAN EIR



Source: TOPO: USGS San Bernardino North (1996) 7.5' DRG.

Letter D – Department of Water Resources (DWR) dated August 18, 2008

Response to Comment D-1

The potential negative impact on the health and safety of area residents, if any, would result from overflights of Andy Jackson Airpark if its pilots were to fly over residences built in the northwest portion of the Project site (i.e., Planning Areas 3, 5, and 10). It should be noted these comments refer to individuals who are hang gliding or parasailing and not to fixed wing aircraft. The risk stems not from the actual overflight itself but from accidents or crashes that might occur between homes and aircraft. First, it should be noted that the attached Exhibit 1 shows that there would be little to no conflict under normal conditions based on the flying height limits stated in the Crestline Soaring Society's (CSS) letter dated November 18, 2007. However, it is reasonable to assume that if aircrafts are on landing approach in this area, eventually an accident or crash could occur.

According to available records, the Paradise Hills Specific Plan and EIR were approved by the City of San Bernardino on February 15, 1993. However, DWR did not approve the Negative Declaration (Neg Dec) for the CrestLine Soaring Society relocation until March 24, 1993.

About the Paradise Hills project, the Neg Dec states the following:

“Plans have been announced for construction of a residential development to the east of the Proposed Project. The western boundary of the land to be developed is about 550 feet from the eastern boundary of the plot to be used by the landing site. The San Bernardino City Planning Commission and City Council have given approval of the development. Construction of the first 500 houses planned for the development is expected to start in the next one to two years.” (page 7, DWR 1993).

Section 17 on Human Health in the Neg Dec prepared by DWR (DWR 1993) concluded the following regarding the proposed airpark relocation: (a) “Will the Proposed Project result in the creation of any health hazard or potential health hazard?” (NO) and (b) “Will the Proposed Project result in exposure of people to potential health hazards?” (NO)(page 14). The Neg Dec contained no data or detailed analyses that supported these conclusions (page 19). At that time, the DWR concluded there would be a less than significant risk or impact regarding airpark operations (including with the approved residential development).

On February 23, 1993, the owners of the Paradise Hills project submitted a letter to the DWR commenting on the Neg Dec that operation of a private airpark next to their approved residential development would result in serious safety hazards (i.e., to both pilots and residents) and urged the DWR to approve a different location for the airpark. Point #3 of that letter recommended “mitigation measures should be included to guarantee that personal and property injury and loss incurred from glider accidents within Paradise Hills will be covered in full by the Crestline Soaring Society.” (Aradi Inc., Letter, page 24). In their response to these comments, DWR stated that, relative to safety issues raised in the Paradise Hills letter, “the U.S. Hang Gliding Association, of which the Crestline Soaring

Society is a chapter, carries liability insurance.” (page 27, DWR 1993). A copy of the Paradise Hill letter, and the entire Neg Dec packet, are included in the FEIR Appendix E.

This information indicates the DWR was aware of potential future conflicts but chose to approve and construct the airpark facility in this location knowing that its operations could one day conflict with planned and approved residential land uses. It is DWR’s responsibility to provide “permanent recreational mitigation” under Federal Energy Regulatory Commission (FERC) for its Devil’s Canyon hydroelectric power plant operations. Therefore, there are two potential solutions to this issue:

- DWR could construct/reconstruct the landing field of the airpark further to the west to remove the potential conflict; or
- DWR could augment the insurance coverage for increased liability of the Crestline Soaring Society to cover potential future conflicts with residents and housing in the University Hills project.

At present, operations at the airpark conflict with the City of San Bernardino’s Development Code Section 12.88, Hang Gliding, which states, in part, “It is unlawful for any person to engage in the activity of hang gliding in or over any place within the City limits except for those places recommended by the Director of Parks, Recreation, and Community Services and approved by the Mayor and Common Council.” (page 12-83, City Development Code). However, the DWR’s Neg Dec for the airpark states “under the Federal Aviation Act of 1950, the public has the right to fly over other people’s property (49 U.S. Code Annotated Appendix Section 1301 and following sections). Federal regulations specify that unpowered aircraft cannot fly over congested areas, but the term congested is not defined. The Federal Aviation Administration reports that, if a problem develops, it will, upon request, come in a make a case by case determination. Requirements are worked out according to the circumstances found.” (page 33, DWR 1993). With these issues in mind, the CSS should immediately contact the FAA and begin joint negotiations with the FAA and DWR to resolve this issue without further impacts to the land plan of the University Hills Project.

Response to Comment D-2

The indicated person will be included in future notices on this project.

-----Original Message-----

From: Nevarez_Mi

Sent: Monday, September 15, 2008 4:26 PM

To: Ross_Va

Cc: Litchfield_Ma; Hemsley_Wi

Subject: University Hills EIR Comments

Hi Valerie,

Attached are the SBMWD comments on the University Hills Environmental Impact Report (EIR) and letter dated November 5, 2007 from PBSJ to Matt Litchfield.

PBSJ Letter Dated Nov. 5, 2007

* Page 7 of 8 - Preliminary opinion of construction cost and phasing²

* SBMWD will not cost share upsizing from 12" main to 16" main and will require a 16" DIP main.

* SBMWD will only cover the cost of the tank, developer will provide site and site improvements

* Page 8 of 8 - The SBMWD portion is calculated incorrectly and needs to be revised SBMWD will only participate in the cost to construct the reservoir.

* Water Facilities Plan Figure 2 - A portion of the project in this figure needs to be supplied by 1720 zone not 1880 zone need to check static pressures and revise.

* Hydraulic Modeling Appendix B - This analysis does not address on-site hydraulics, it only address backbone infrastructure, need to revise to show on-site hydraulics too for SBMWD approval.

* Section 9: Persons and organizations consulted - The SBMWD and contact personnel are not mentioned, please revise and resubmit.

Draft EIR

* Section 2 Executive Summary - Table 21, Impact US - 2 There will be offsite improvements, the developer will expand the sycamore booster station and provide a 1720 reservoir site and improvements while the SBMWD constructs the reservoir only.

* Section 3 Project Description - heading ³Offsite Improvements² - In addition, the UHSP plan provides two onsite reservoirs (in Planning Areas 22 and 23) and will fund a pipeline, pump station and road access to a new offsite reservoir to be constructed by the City south of the UHSP Site. The statement that SBMWD will construct the site is subject to a determination that the 1720 zone is not needed to serve the project if it is needed then the developer will construct the reservoir at their own expense. The offsite reservoir will require concurrent construction with the 1880 zone booster pump station.

* Section 4 Utility Systems - See third paragraph - the SBVMWD maintains a 73 - inch buried water line not the SBMWD.

Sorry this is last minute, please let me know if you have any questions.

Thank you,

Michael Nevarez

Water Utility Engineer

San Bernardino Municipal Water Department

Nevarez_Mi@sbcitywater.org

(909)-384-5092

Letter E.1 – San Bernardino Municipal Water Department (SBMWD) dated September 15, 2008

Response to Comment E.1-1

Comment noted. Developer will pay for all water improvement costs not covered by the City Water Department.

Response to Comment E.1-2

The requested hydraulic modeling, water facilities plan, and contact information will be revised and provided as directed. The analysis and facilities proposed were at the level of a Specific Plan and available data indicates that the proposed improvements are adequate for that level of planning. Additional refinements and design will occur during the final engineering review stage, per City development guidelines.

Section 9.0, *Persons and Organizations Consulted*, will be revised to indicate SBMWD personnel:

San Bernardino Municipal Water District, Michael Nevarez

Response to Comment E.1-3

The Final EIR will reflect these comments regarding additional offsite improvements and facilities, as outlined in Section 2.0, *Executive Summary*, and Section 3.2.3b, *Project Components, Utilities and Infrastructure, Offsite Improvements*, of the Draft EIR.

There will be offsite improvements, and the developer will expand the sycamore booster station and provide a 1720 reservoir site and improvements while the SBMWD constructs the reservoir only.

Response to Comment E.1-4

The developer will construct water service facilities or make necessary improvements to, reservoirs, pump stations, etc. to the satisfaction of the City relative to pressure zones 1720 and 1880 for this project.

Response to Comment E.1-5

The text will be corrected to reflect the San Bernardino ~~M~~ley Municipal Water District, not the San Bernardino Municipal Water District, maintains the 73-inch buried water line through the Project site.



September 30, 2008

RECEIVED
OCT 01 2008

CITY OF SAN BERNARDINO
DEVELOPMENT SERVICES
DEPARTMENT

John Oquendo, Assistant Planner
Department of Development Services
City of San Bernardino
300 North "D" Street
San Bernardino, CA 92418-0001

SUBJECT: COMMENTS ON DRAFT SUBSEQUENT ENVIRONMENTAL
IMPACT REPORT, UNIVERSITY HILLS SPECIFIC PLAN
(SCH# 2007071155).

Dear Mr. Oquendo:

The City of Colton appreciates the opportunity to comment on the Draft Subsequent Environmental Impact Report (EIR) for the proposed University Hills Specific Plan.

The project site is not located near our City boundaries and therefore, significant impacts are not expected. We have no comments on the EIR at this time. We request that the City of San Bernardino continue to involve the City of Colton in the environmental and design review processing for the project.

We would also appreciate receipt of all environmental and project documents that are prepared by the City of San Bernardino in the future.

Please contact us at (909) 370-5079 if you have any questions.

Sincerely,

COMMUNITY DEVELOPMENT DEPARTMENT
DAVID R. ZAMORA, Director

ANDRÉS L. SOTO
Planning Manager

ALS:DM

Letter E.2 – San Bernardino Municipal Water Department (SBMWD) dated September 30, 2008

Response to Comment E.2-1

The City of Colton will be added to the distribution list of the University Hill Specific Plan EIR.

INTEROFFICE MEMO



DATE: October 16, 2008

PHONE: 78213

FROM: ^{KBB} KEVIN BLAKESLEE, P.E.
Assistant Director – Project Development

MAIL CODE: 0835

TO: NARESH P. VARMA, P.E., Chief
Environmental Management Division

File: 2-358/100
209.0802

SUBJECT: ZONE 2/YARD 5 – DRAFT SUBSEQUENT EIR FOR UNIVERSITY HILLS
SPECIFIC PLAN PROJECT, CITY OF SAN BERNARDINO – BADGER CANYON –
REVISED

Reference is made to your August 7, 2008, Interoffice Memo, together with accompanying documents, requesting our review and recommendations for the subject Draft Subsequent EIR. The site is located northeasterly of the California State University, San Bernardino, at the mouth of Badger Canyon in the northwestern portion of the City of San Bernardino.

Our comments are as follows:

1. This Division has reviewed this project several times since October 1990 and made recommendations for flood protection, including mitigation measures that take into consideration serious debris potential in the event of a major watershed burn.
2. The latest submittal includes revised hydrology calculations and will require a complete Flood Hazard Review. Section 16.0212(g) of the County Code sets the fee for this review and analysis at \$520.00. This fee is to be submitted directly to the address below with an indication that it is for Flood Hazard Review of ID#S52318, File 209.0802.

San Bernardino County Flood Control District
Water Resources Division
825 E. Third Street, Room 142
San Bernardino, CA 92415-0835

This fee can be paid immediately prior to, or during, the submittal of an application for a Flood Control District encroachment permit. There will be no further review, or permits issued, until the fee has been received.

3. Encroachment on District right-of-way will require permits and shall be obtained from the District's Flood Control Operations Division, Permit Section. Other on-site or off-site improvements may be recommended which cannot be determined at this time.

If you have any questions, or if you need additional information, please call MaryLou Mermillod at (909) 387-8213.

KBB:MJF:MLM:AF:bfB ID#52318(a)

Letter E.3 – San Bernardino County Flood Control District, dated October 16, 2008

Response to Comment E.3-1

According to Marylou Mermilliod, Chief of the Flood Hazard Review Section of the San Bernardino County Flood Control District, the revised condition for the University Hills Specific Plan is that a request for a Flood Hazard Study and payment of fees can be submitted prior to granting an encroachment permit. According to Mohamad Younes with Inland Communities Corp. the University Hills Specific Plan will comply with the revised condition prior to final map approval, and not during the Specific Plan approval.

-----Original Message-----

From: KIMBERLYN WILLIAMS [mailto:williams@csusb.edu]

Posted At: Thursday, September 11, 2008 3:49 PM

Posted To: University Hills Project

Conversation: University Hills DEIR

Subject: University Hills DEIR

To:

John Oquendo, Assistant Planner, and Terri Rahal, City Planner

City of San Bernardino Development Services Department

300 North D Street, San Bernardino, CA 92418

Dear Mr. Oquendo and Ms. Rahal,

I appreciate the opportunity to comment on the Draft EIR for the proposed University Hills project. I apologize for the informal email message, but I am currently out of the country and cannot easily send a letter. If you could let me know if you receive this message, I would greatly appreciate it.

I would just like to point out that part of the fire protection plan appears to be inconsistent with the Foothill Fire Zone requirements of the City of San Bernardino Development Code (Chapter 19.15). This chapter states that:

"C. Subdivisions shall be designed to allow emergency vehicle access to wildland areas behind structures. This is to be accomplished in either of 2 ways:

1. Provide a perimeter street along the entire wildland side of a development; or
2. Provide a fuel-modified area, 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. (A + B, and C where abuts wildlands.)"

The border of the proposed development that is adjacent to Badger Hill (the hill on the CSUSB campus) should be classified as as "Zone C, Abutting Wildlands", yet a fuel modification zone of only 120 feet is proposed. Wildlands are defined by Chapter 19.15 of the City of San Bernardino Development Code as "Any area of land that is essentially unimproved, in a natural state of hydrology, vegetation and animal life, and not under cultivation." By this definition, Badger Hill is a wildland, and as described in appendix A-4 of the Specific Plan (NOP comment letters), its wildland character is important to its current uses in teaching various biology, geography, and geology courses at CSUSB and to long-term ongoing research on factors affecting the success of the rare mariposa lily there, *Calochortus plummerae*. I am glad to see, therefore, that the developer does not appear to be requesting an easement from CSUSB for vegetation modification.

Fortunately, the narrower-than-code fuel modification zone seems to affect only a minor part of the development's perimeter: approximately half of the outer perimeter of planning area 11, as shown in Figure 2-9. However, to bring the Specific Plan for University Hills into consistency with the City of San Bernardino Development Code, either modifications should be made to the Specific Plan to dedicate an additional 30 feet of width within the project's boundaries to the fuel modification zone where needed, or the reduced width should be justified and a formal variance to the City Code should be granted to allow a narrower-than-code fuel modification zone along this wildland interface.

Sincerely,

Kimberlyn Williams

Associate Professor of Biology

California State University, San Bernardino

5500 University Parkway

San Bernardino, CA 92407

Letter F – Cal State University, San Bernardino (CSUSB) dated September 11, 2008

Response to Comment F-1

Much of the area referred to by the commentator adjacent to Planning Area 11 is represented by two debris basins, so it is not specifically clear how much this raises the risk of wildland fire because these disturbed areas would have lower fire risk than hillsides with native vegetation. However, the central portion of Planning Area 11 is adjacent to Badger Hill. If warranted, the City will consider a wider fuel modification setback, or other appropriate methods of fire protection, for this area based on review by the project fire consultant and City Fire Department staff. It does not appear this information would change the conclusions or mitigation of the DEIR, although some minor modification to the width of the fuel modification zone for Planning Area 11 may be needed. Additional information regarding fire safety is provided in letter Response B.2-1 from the U.S. Forest Service.

Crestline Soaring Society, Inc.
P.O. Box 9052, San Bernardino, CA 92427-9052



September 27, 2008

City of San Bernardino
Development Services Department
Attn: John Oquendo, Assistant Planner
300 North D Street
San Bernardino, CA 92418

Subject: Draft Environmental Impact Report, University Hills Specific Plan (UHSP)

Dear Mr. Oquendo:

Thank you for this opportunity to provide input on the Draft Environmental Impact Report for the University Hills Specific Plan. We appreciate the opportunities we have had to meet with City staff, and the project proponents, Inland Communities, Corp; and the efforts made through the design process to develop a project which preserves and protects the future of hang gliding and paragliding in San Bernardino.

The Draft Environmental Impact Report (DEIR), as circulated, is inadequate as it fails to identify significant impacts of the proposed project, fails to address significant environmental issues, provides incorrect analysis on some identified issues, and fails to provide appropriate mitigation in several areas.

Our comments address the following portions of the DEIR:

- Section 4.4 Cultural Resources – Fails to recognize or mitigate loss of historic link to the hang gliding history of San Bernardino;
- Section 4.6 Hazards and Hazardous Materials – Fails to properly analyze the hazards of placing homes in the hang gliding approach, fails to mitigate this hazard;
- Section 4.7 Hydrology and Water Quality - Fails to properly analyze the impact of debris flow into the proposed runoff system, fails to properly mitigate this impact. Fails to address flow from nearby water tunnel;
- Section 4.8 Land Use – Fails to identify the conflict between the planned and existing land use, fails to mitigate this impact;
- Section 4.11 Public Services and Recreation – Fails to recognize or mitigate the loss of an internationally recognized recreational resource;

- Section 7.2.4 Hazards and Hazardous Materials, Aviation Hazards - Fails to properly analyze the hazards of placing homes in the hang gliding approach, fails to mitigate this hazard.

Background

The Crestline Soaring Society (CSS) is a federal 501(c)(3) organization with a primary goal of encouraging and promoting safe participation in the sports of hang gliding and paragliding. With a membership of over 200 pilots, the CSS operates the Andy Jackson Airpark on land leased from the California Department of Water Resources. Improvements at the site include two training hills and 'spot-landing' facilities for pilot training activities; a storage unit for maintenance equipment; a large grassed break-down area for gliders and another for ground handling paragliders; leveled parking areas; and, toilet facilities. Many hundreds of hang glider and paraglider pilots have been trained at the airpark, and many more tandem passengers have been introduced to the wonders of free-flight by flying with a qualified pilot. Pilots visit the Andy Jackson Airpark from across the country and around the world. The excellent flying conditions and site facilities are known internationally. Neighbors from the surrounding communities, and students from the California State University, San Bernardino Campus, regularly watch the flying activities; either from home or by dropping in at the airpark.

ISSUES WITH THE CURRENT DRAFT ENVIRONMENTAL IMPACT REPORT

Section 4.4 Cultural Resources

Our response to the Notice of Preparation (NOP) for this project (Reference DEIR, Appendix A-5, page 2) noted the importance of preserving the culturally significant hang gliding activity underway adjacent to the proposed project site. San Bernardino City Policy 11.4 "Protect and enhance our historic and cultural resources." provides a firm basis for analyzing the impacts on long-term, unique aspects of our community. Yet the NOP comments are entirely ignored in the DEIR, resulting in the DEIR not recognizing the significant project impact on this resource, and proposing no mitigation strategies.

Hang gliding requires unique geographic and climatologic conditions. For almost thirty years, pilots have flocked to San Bernardino from across the nation and around the world to enjoy the world-class conditions at this site. Home to two US Championships, two Southern California Paragliding Opens, and the inaugural Southern California Cross-Country League meet, the Andy Jackson Airpark plays a unique role in the freedom-loving Southern California culture. Many other sites have been lost to development, leaving Andy Jackson as one of only four major hang gliding sites remaining in all of southern California.

Section 4.6 Hazards and Hazardous Materials

We stated the cause of our safety concerns in our May 15, 2008 letter submitted during the Notice of Preparation. The University Hills Specific Plan western boundary abuts the Andy Jackson Airpark. This is also one of the first areas planned to be built out. We must ensure the safety of both the pilots in the air, and the people on the ground in the area under the approach. The area in question must be over flown by pilots who have to be low, moving at high speed, 25 to 40 mph, and who at this point have no option but to land. We have provided detailed information on the approach to the developer in November, 2007 and again as part of our response to the NOP (Reference DEIR, Appendix A-5, page 2). Page 3 of that letter shows an overhead photo of the area outlining the approach path and average heights (reproduced here as Figure 1). Flight speeds average 25 to 40 mph throughout the approach. There is a fair amount of deviation from the target height due to a combination of human and wind factors. The differences are both in being too high or too low and to a lesser extent laterally off course. On average we'll see pilots landing at the 50' altitude marker every few days to a few weeks. Landing at the 100' altitude marker once every year or two and landing at the 150' marker extremely rarely, perhaps every 5 or 10 years. Also, landings on the inside apron are not uncommon, probably every few weeks or months because when a pilot sees (s)he is getting low, (s)he changes course to the inside of the approach to cut the corners and increase his/her chances of landing on the field.

The DEIR has failed to correctly consider the impact of this information in the context of the proposed housing layout. The DEIR contains an overlay of the approach with the housing tract (see DEIR Section 4.6, page 4.6-17 and reproduced here as Figure 2). However, the paramount issue of glider altitude during approach was not considered in the preparation of the DEIR. Pilots would be far too close to rooftops for safety, even on a perfect approach to the airpark. Comparing the two figures, the altitude near the “3” on Figure 2 would be at about 100 feet on a perfect approach, 50 feet if being forced to land at the 50’ altitude marker and **zero** for a (crash) landing at the 100’ altitude marker. When considering the altitude information provided during the NOP with the approach overlay information from the DEIR, there would be ‘close calls’ every few days to few weeks; and collisions every one to two years. This is clearly a significant unmitigated impact of the existing plan.

CEQA Guidelines’ Appendix G, Environmental Checklist, require project proponents to determine “for a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?” In this case the answer is clearly “yes”, though the DEIR does not properly analyze the result of low flying aircraft immediately over homes. In discussion of Impact Hazard 5 (DEIR Section 4.6, page 4-6.16), the DEIR states “the final approach line will be over 200 feet of open space (from the project boundary line to proposed residential units) and will therefore not affect residences of the UHSP or users of the airpark. Therefore, impacts will be less than significant in this regard.” However, the analysis excludes any discussion of the downwind and base portions of the landing approach which place aircraft within a few feet of rooftops; thereby reaching its erroneous conclusion. Even the minimal 200 feet of clearance mentioned in the DEIR is not maintained throughout the approach.

Further, in discussion of Impact Hazard 6 (DEIR Section 4.6, page 4-6.19), the DEIR states “The proposed project site is adjacent to the Andy Jackson Airpark. This facility accommodates nonmotorized aircraft (e.g., hang gliders, parasailing, etc.) but requires a clear zone over the northwest portion of other UHSP project site to allow for continued safe landing operations.” This is a correct statement that we support. However, the DEIR goes on to state “The developer worked with the San Bernardino Valley Soaring Association, the group that operates the airpark, and the location, size, and design of the “skypark” in Planning Area 1 is based on their requirements. With the proposed land use plan and project design (i.e., Planning Area 1 park), the project will have a less than significant impact in this regard.” There were a number of contentious meetings attended by the Crestline Soaring Society and the developer. The design of the “skypark” itself is consistent with those discussions and supports continued use of the airpark. However, the current plan places 2 and 3 story structures in the landing approach leading to the “skypark”, making the entire approach unsafe and unusable. This is clearly a significant unidentified, unmitigated impact of the proposed plan.

Federal regulations, FAR §103, control the operation of ultralight aircraft, such as hang gliders in US airspace. These Federal regulations specifically prohibit operation over any congested area of a city. We could certainly understand homeowners concerned with hang gliders flying low over rooftops and occasionally crashing, contacting the Federal Aviation Administration (FAA). What response the FAA may have is less certain, but the worst case would close the airpark. This is clearly an unidentified, unmitigated impact of the proposed plan.

Section 4.7 Hydrology and Water Quality

San Bernardino Policy 10.6.4 requires project proponents to “Evaluate all development proposals located in areas that are subject to flooding to minimize the exposure of life and property to potential flood risks.” The DEIR failed to analyze the volume and impact of debris flow from the hillsides to the north, when addressing this requirement and therefore fails to properly mitigate this impact. As shown Exhibit 4.7-2 “On-site Drainages”, there is a small waterway in the northwest corner of the project area, stopping outside the built up area. This stream is currently planned to pass through a 36” concrete pipe before connecting to 42” concrete pipe (reference Exhibit 3-7b “Backbone Infrastructure - Drainage”). The DEIR notes “the long history of alluvial deposition on the project site from runoff out of the mountains to the north.” (Page 4.4-6) and shows the loose debris laying in existing streambeds in Exhibit 3-6c, but failed to incorporate these impacts in developing the storm water drainage system.

Our own experience with major rainfall events in 2002 and 2005 indicates literally tons of loose rock, silt, sand, and debris flow through the existing streambed. In 2005, a ‘sand bar’ of debris was deposited on the Andy Jackson Airpark in a single night that was 250 yards long, 100 yards wide and from one to three feet in depth. Note that this

was debris on only one bank of the stream, and represented only the small part of the debris flow that did not enter the stream. The proposed concrete pipes cannot accommodate this type of flow and pose a significant flooding hazard to both project residents and adjacent properties. The City of San Bernardino has already had the unfortunate experience of buying back properties in the Harrison Canyon area after the disastrous flooding of 1980. Please learn from this history so that the lives and property of future residents can be protected. The current DEIR fails to incorporate the impact of debris flows in the storm water drainage plans and provides insufficient mitigation of this impact.

Published reports (“Tunnel Made to be Broken”, San Bernardino Sun, September 1, 2008) indicate the proposed project is within the spill control area for the Arrowhead West tunnel created as part of the Metropolitan Water District’s Inland Feeder project. “Tim Skrove said flood-control washes near Cal State San Bernardino are expected to take care of spilled waters if the pipeline fails in that section”. The proposed project is immediately north of the flood device protecting the Cal State campus. There is no provision in the existing drainage plan to support additional water volume released by a spill from the 3.8 mile tunnel. Metropolitan Water District is quoted as saying “The earth could actually move and shear the pipe as much as six feet”. While the water district anticipates flows would be less than the volume of a major storm; there is no guarantee this would not occur in conjunction with a major storm; vastly increasing the engineering requirements for the drainage plan. Also, the tunnel is subject to failure due to earthquake, “Skrove said that whenever the dreaded San Andreas earthquake happens, MWD has machines in La Verne that make steel plates for repairs”. This places additional engineering requirements upon the proposed drainage system as the tunnel release could occur following an earthquake event. The drainage system must either be built to withstand the event, or have significant additional capacity so that it could function while damaged. The current DEIR is inadequate as there is no discussion of this issue. Failure to properly plan for this identified hazard could result in significant risk to the lives and property of residents and neighbors of the proposed project.

Section 4.8 Land Use

Both the City of San Bernardino General Plan Land Use Policy and the CEQA Guidelines Appendix G, Environmental Checklist contain goals and policies intended to ensure compatibility between existing and proposed land uses. The City General Plan explicitly states this as “Goal 2.2: Promote development that integrates with and minimizes impacts on surrounding land uses”. Policy 2.2.2 required new uses to provide mitigation or buffers where adverse impacts could occur. Further, Policy 2.2.10 states “The protection of the quality of life shall take precedence during the review of new projects.” Clearly, closing an existing, adjacent recreational use would be a significant negative impact for any plan that was under review. The DEIR fails to present this significant negative impact and proposes no mitigation measures.

Instead, the DEIR indicates “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”. (Page 4.8-19) There were a number of contentious meetings attended by the Crestline Soaring Society and the developer. The design of the park in Planning Area 1 itself is consistent with those discussions and supports continued use of the airpark. However, the current plan places 2 and 3 story structures in the landing approach leading to the park in Planning Area 1, making the entire approach unsafe and unusable. A detailed description of required clearances for a safe approach was sent to the developer by registered mail in November, 2007 and included again in our response to the NOP. This is clearly a significant unidentified, unmitigated impact of the proposed plan.

Further, the Andy Jackson Airpark is in its current location because the Department of Water Resources was required to mitigate their impact on hang gliding activities in San Bernardino by providing a permanent recreational mitigation. The cost of having provided the facility is estimated to exceed \$500,000 in current dollars. This is a condition of their Federal Energy Regulatory Commission licensing (Reference letter D. Ching to T. Rahhal, August 18, 2008). Interfering with the existing land use of the Andy Jackson Airpark by making the landing approach unsafe and unusable, will also interfere with the land use of the existing Devil’s Canyon Power Plant which is

valued at more than \$750 million in current dollars. Again, this is clearly a significant unidentified, unmitigated impact of the proposed plan.

Section 4.11 Public Services and Recreation

Our response to the Notice of Preparation (NOP) for this project (Reference DEIR, Appendix A-5, page 2) noted the importance of preserving the recreational hang gliding activity underway adjacent to the proposed project site. San Bernardino City Policy 8.1.2 includes as a stated goal “Provide a variety of park “experiences”, including those developed for intense recreational activity, passive open space enjoyment, and a mixture of active and passive activities”. Yet the NOP comments are entirely ignored in the DEIR, resulting in the DEIR not recognizing the significant project impact on this resource, and proposing no mitigation strategies.

As a 501(c)(3) federally recognized charitable organization, the Crestline Soaring Society offers a unique recreational activity for all citizens. This opportunity is only available in a small number of locations in southern California. The unique geographic and climatologic conditions required to consistently generate lifting air due to thermal heating of the earth’s surface, or interaction of wind and terrain, occur in a limited number of locations. The Andy Jackson Airpark is a unique recreational resource to the City of San Bernardino with an international reputation for excellent flying conditions. The DEIR does not identify the significant impact of the proposed project on this resource, nor are impact mitigations proposed.

Section 7.2.4 Hazards and Hazardous Materials, Aviation Hazards

This section of the DEIR presents a recap of project effects found not to be significant. The analysis errors made in Section 4.6 led to the improper inclusion of Aviation Hazards as ‘not significant’.

CONCLUSION AND MITIGATION

Fortunately, the large land area of the parcel being considered for development, the position of the conflict zone at the extreme north-west corner of the project, the small number of impacted housing lots and the planned requirements for open space (58% of the property), provide options to mitigate the significant impacts to continued operation of the airpark. The University Hills Specific Plan could be modified to:

- a) Keep the 400 X 400 foot area under the airpark approach clear;
- b) Dedicate the airspace to the Department of Water Resources.

This can be accomplished by swapping the location of the small number of homes affected with some of the planned project open space. Alternately, the developer has already requested a significant density bonus for the compact design of this project. The units under the airpark approach could be ‘density transferred’ to another area of the project.

We appreciate the time the City of San Bernardino and Inland Communities is taking to work through the design and development process. The Crestline Soaring Society is available to provide any additional information which may be useful. We hope that we will be a unique, safe, and attractive neighbor which adds value to the University Hills development project.

Sincerely,

Alan Crouse
President, Crestline Soaring Society

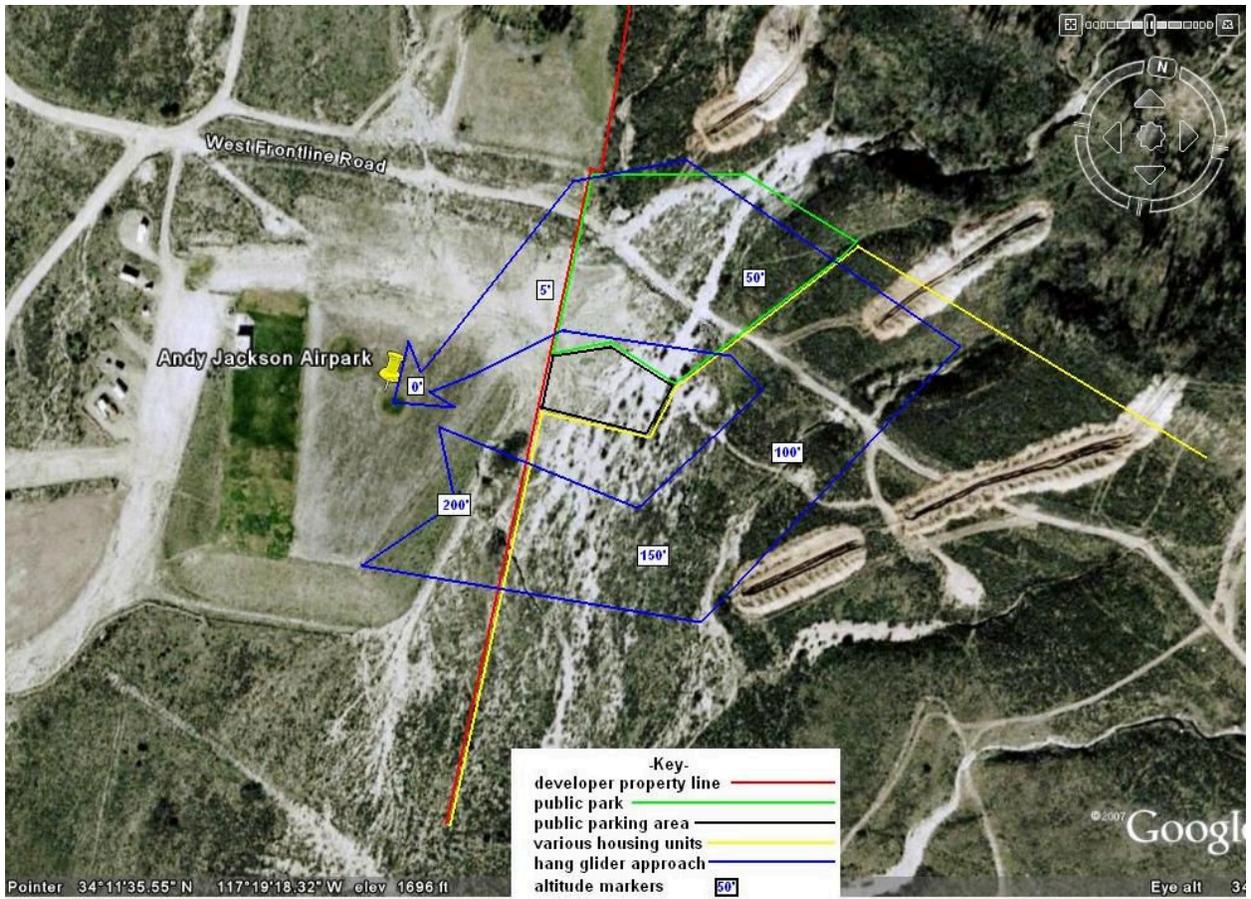
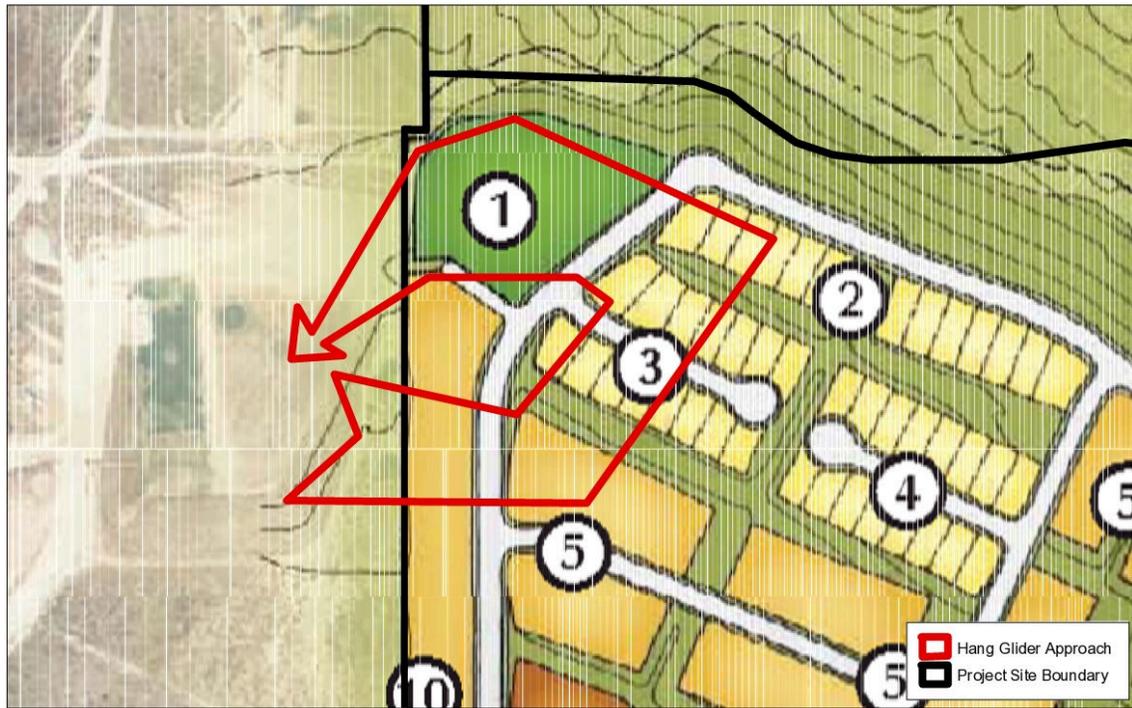


Figure 1



Source: The Planning Center and KTG Group, 2008.

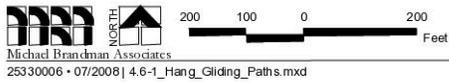


Exhibit 4.6-1
 Hang Gliding Final Approach
 UNIVERSITY HILLS SPECIFIC PLAN EIR

Figure 2

Letter G.1 – Crestline Soaring Society, Inc. dated September 27, 2008

Response to Comment G.1-1

The six issues identified by the Crestline Soaring Society (CSS) will be examined individually in the following sections. The City acknowledges that the Andy Jackson Airpark is well known for its flying conditions and is a chapter of the United States Hang Gliding & Paragliding Association (USHPA).

Response to Comment G.1-2

The Crestline Soaring Society (CSS) website provides the following history of its organization:

“From 1971 through 1976 there was ever increasing flight traffic at a 500 foot hill in San Bernardino called Little Mountain (by the radio towers) with only the really daring pilots launching from the Camp Paivika parking lot out into Devil Canyon. Pine Flat was the better place to get a mountain flight because of the better glide to the valley but the road was challenging.”

“By 1976, with the city a San Bernardino subject to legal pressure to close Little Mountain, the pilots formed the San Bernardino Hang Gliding Association (Chapter 16 of the USHGA) in attempt to organize and apply pressure to keep Little Mountain open. In Feb 1978 a city ordinance was adopted that all hang gliding activities are illegal within San Bernardino City Limits.”

“Pilots with better equipment and the legal need to stay away from Little Mountain headed for the San Bernardino Mountains. No longer being allowed to launch at Camp Paivika sent most pilots to a site known to the locals as Teddy Bear. This is the current location of the Crestline launch site.”

“In the late 70's activity was booming, with typically more than 50 pilots flying from Teddy Bear each weekend day. Landing areas changed every few months, including the north-west corner of Palm and Irvington and a field on Pine (dirt road) about 1/4 mile north of Irvington.”

“In August of 1979 the San Bernardino Hang Gliding Association (SBHGA) hosted the U.S. Nationals, with the Pine Ave. field the designated LZ” [landing zone].

“In Oct of 1979 with the help of Bill Bennett, Andy Jackson bought a parcel of land at the mouth of Devil Canyon. Pine Crest Airpark was born. The pilots now had a legal place to land. The 'Pine Crest' name came from the two most-used launches - Pine Flats and Crestline. Marshall Peak was little used in those days, and the gate was often locked all summer and it was a long glide to the LZ (for gliders of that era) if you didn't get up right away.”

“Wanting to secure the launch area for the future, members of the SBHGA approached the U.S.F.S. to get a permit for the Crestline launch at Teddy Bear. After a year and a half of red tape, the permit was issued to the SBHGA in June of '80.”

In addition, the Andy Jackson Airpark website states that...”In 1979 a San Bernardino pilot, Andy Jackson and his wife Juanita, purchased some land to start a hang gliding airpark in the north end of San Bernardino, CA. The LZ [landing zone] was known as Pine Crest Airpark.” (AJA website 2008).

From this information, it appears the CSS history dates back to approximately 1971, which is less than the typical threshold of 40 years needed to potentially qualify for consideration as an historical activity or association. It is true that the CSS has been operating in the San Bernardino area for many years and attracts flyers from all over the world. It also appears CSS members have been aware for some time that it is illegal to fly over land within the City of San Bernardino (City ordinance adopted February 1978). However, much of the CSS activities are concentrated over or near National Forest or County unincorporated lands.

No evidence has been presented that would conclude CSS activities qualify as historically or culturally significant by CEQA standards. The term “culturally significant” used in the CSS NOP letter has been misapplied in this case, and the issue of the importance of maintaining the airpark activities should not hinge on indirectly related issues such as historical value but rather on the most important issue of public safety for both the general public and those using the airpark. The central issue of public safety is addressed in Section G.1-4.

Response to Comment G.1-3

There is little debate that the Andy Jackson Airpark location offers unique geographic and climate-related conditions for non-motorized flying. It is also generally accepted that there are few (the CSS letter states four) sites of this type remaining in Southern California. It must be noted, however, that the City of San Bernardino passed an ordinance in 1978 (Development Code Section 12.88, Hang Gliding) which prohibits non-motorized flying over any place within the City limits except areas approved by the City. There is no evidence the City of San Bernardino has ever received a request to approve flying activities at the Andy Jackson Airpark. Despite its intrinsic flying conditions, the central issue is public safety, which is addressed in the following Section G.1-4.

Response to Comment G.1-4

As a preface to the discussion on public safety, some background on the planning process for the University Hills project may be helpful to the reader. Available documentation indicates that the project applicant (Inland Communities Corp. or ICOM) met with airpark representatives on numerous occasions in between 2006 and 2007. The land plan for the northwestern portion of the project was changed several times to incorporate a “safe approach corridor” for the airpark landing zone (LZ) approximately 500 feet west of the project site. Planning Area 1 was designed as an open space park with no tall improvements to allow for uninhibited approach to the LZ from the northeast. Planning

Area 1 and the north end of Planning Area 10 was also redesigned several times based on a diagonal constraint boundary provided by a CSS representative (i.e., Bob MacKenzie, then CSS president). The clear landing zone over Planning Area 1 was established by an agreement between CSS and ICC as evidential. Evidence of their approval in the support letter issued by CSS on June 13, 2006. The clear landing zone limits were also incorporated in the redesign of the land plan for University Hills in 2007. Prior to receiving the CSS letter dated May 11, 2008, ICOM representatives believed CSS was satisfied with the arrangement of the northwest portion of the University Hills project. Even the May 11, 2008 NOP comment letter does not specifically state that no homes should be built within the “C” shaped approach zone (covering all of Planning Area 1 and portions of Planning Areas 5 and 10). It should be noted that this was the first time that zone configuration had been shown to ICOM or City staff. However, a graphic was included in the DEIR showing this “C” shaped approach zone for information purposes (Exhibit 4.6-1, Hang Gliding Final Approach Line). It was only after the EIR was released for review that CSS representatives indicated that they wanted no homes to be built within the “C” shaped zone, rather than the diagonal zone originally designed into the project in Planning Areas 1 and 10.

With that background, the following information analyzes the potential negative impacts on health and safety of area residents that could result from overflights of Andy Jackson Airpark if its pilots were to fly over residences built in the northwest portion of the Project site (i.e., Planning Areas 3, 5, and 10). It should be noted these comments refer to individuals who are hang gliding or parasailing and not fixed wing aircraft. The risk stems not from the actual overflight itself but from accidents or crashes that might occur between homes and aircraft. First, the attached Exhibit 1 shows that there would be little to no conflict under normal conditions based on the flying height limits stated in the Crestline Soaring Society’s letter dated May 11, 2008. However, it is reasonable to assume that if aircraft are on landing approach in this area, eventually there may be an accident or crash, possibly resulting in injury and/or property damage.

Exhibits 1a through 1f show the hang glider approach altitudes of homes versus the landing approach height. During the landing approach, a hang glider will start their decent at approximately 175 feet from the ground and 135 feet above residential structures to the south (Exhibit 1b). At the closest point, a hang glider will be approximately 80 feet above the ground and 40 feet above planned residential structures (Exhibit 1e). On final approach, a hang glider would be at an altitude of approximately 30 feet over the planned parkland (Planning Area 1) before landing. Exhibits 1a through 1f demonstrate that hang gliders will have a margin of error of approximately 40 feet from the maximum height of residential structures during the final approach.

According to available records, the Paradise Hills Specific Plan and EIR were approved by the City of San Bernardino on February 15, 1993. However, DWR did not approve the Negative Declaration (Neg Dec) for the Crestline Soaring Society Relocation until March 24, 1993.

The Neg Dec for the Paradise Hills project states the following:

“Plans have been announced for construction of a residential development to the east of the Proposed Project. The western boundary of the land to be developed is about 550 feet from the eastern boundary of the plot to be used by the landing site. The San Bernardino City Planning Commission and City Council have given approval of the development. Construction of the first 500 houses planned for the development is expected to start in the next one to two years.” (page 7, DWR 1993).

Section 17 on Human Health in the Neg Dec prepared by DWR (DWR 1993) concluded the following regarding the proposed airpark: (a) “Will the Proposed Project result in the creation of any health hazard or potential health hazard?” (NO) and (b) “Will the Proposed Project result in exposure of people to potential health hazards?” (NO)(page 14). The Neg Dec contained no data or detailed analyses that supported these conclusions (page 19). At that time, the DWR concluded there would be a less than significant risk or impact regarding airpark operations (including with the approved residential development).

On February 23, 1993, the owners of the Paradise Hills project submitted a letter to the DWR commenting on the Neg Dec that operation of a private airpark next to their approved residential development would result in serious safety hazards (i.e., to both pilots and residents) and urged the DWR to approve a different location for the airpark. Point #3 of that letter recommended, “mitigation measures should be included to guarantee that personal and property injury and loss incurred from glider accidents within Paradise Hills will be covered in full by the Crestline Soaring Society.” (Aradi Inc., Letter, page 24). In their response to these comments, DWR stated that, relative to safety issues raised in the Paradise Hills letter, “the U.S. Hang Gliding Association, of which the Crestline Soaring Society is a chapter, carries liability insurance.” (page 27, DWR 1993). A copy of the Paradise Hill letter, and the entire Neg Dec packet, are included in FEIR Appendix E.

This information indicates the DWR was aware of this potential future conflict but chose to approve and construct the airpark facility in this location knowing that its operations would one day conflict with planned and approved residential land uses. It is DWR’s responsibility to provide “permanent recreational mitigation” under the Federal Energy Regulatory Commission (FERC) for its Devil’s Canyon hydroelectric power plant operations; therefore, there are three potential solutions to this issue:

- DWR could construct/reconstruct the landing field of the airpark further to the west to remove the potential conflict; or
- DWR could augment the insurance coverage of the Crestline Soaring Society to cover increased liability of potential future conflicts with residents and/or housing within the University Hills project.

At present, operations at the airpark conflict with the City of San Bernardino's Development Code Section 12.88, *Hang Gliding*, which states, in part, "It is unlawful for any person to engage in the activity of hang gliding in or over any place within the City limits except for those places recommended by the Director of Parks, Recreation, and Community Services and approved by the Mayor and Common Council." (page 12-83, City Development Code). However, the DWR's Neg Dec for the airpark states "under the Federal Aviation Act of 1950, the public has the right to fly over other people's property (49 U.S. Code Annotated Appendix Section 1301 and following sections). Federal regulations specify that unpowered aircraft cannot fly over congested areas, but the term congested is not defined. The Federal Aviation Administration reports that, if a problem develops, it will, upon request, come in to make a case by case determination. Requirements are worked out according to the circumstances found." (page 33, DWR 1993). With these issues in mind, the CSS and DWR may wish to contact the FAA and request a determination of this case pursuant to the cited US Code section.

In addition, on October 6, the City received an email from Inland Communities Corp., the applicant on the University Hills Project, that contained the following information:

"We Land Use and Conceptual Development Plan was intended to mitigate potential airspace conflicts, which appear to have received the Crestline Soaring Society (already been established and agreed upon by both ICC and CSS as evidenced by CSS) comments letter on the University Hills Draft EIR dated September 27, 2008. I am obliged to let you know that we have worked with CSS on mitigating their concerns, and more specifically the clear landing zone over the University Hills property, since 2006 when we were processing the first Tentative Tract Map for the Paradise Hills project. We had met repeatedly to address the conflict area. Inland Communities Corp (ICOM) and Rob McKenzie, then President of CSS, have worked together closely to establish a clear landing zone. They have given us a limit area that will interfere with their landing path. That area was set aside and became the 2.0 acre park at the northwest corner of the project. CSS were very satisfied with the area set aside and the clear zone established and they have issued a support letter dated June 13, 2006" [See end of Appendix C FEIR).

"When we re-designed the project around November 2006 to cluster the development away from the hillsides and the Badger Hills area, we have honored the clear zone area agreed upon back in June 2006 and we designed the project around it. Additionally, as we further fine tuned the development and defined the conceptual land plan, we communicated again with CSS to inform them that we are re-designing the project to clear the hillside and pull away from the Badger Canyon and we assured them that we will honor the clear zone established in 2006."

"When we further developed a conceptual land plan for the 2.0 acre park at the northwest corner of the project, we were proposing some picnic tables and play ground area in addition

to horse corral at the western side of the park. We shared the conceptual design with CSS and they expressed concern with the playground equipment and the horse corral within the clear zone area within the park and they requested that we eliminate these improvements and we only provide a grass area with walkways so that no tall structure will interfere with their landing path. We went ahead and we redesigned the park again to eliminate the improvements of concerns and relocated them to the east side of the park and we kept all improvements within the west side at grass height level. That seemed to satisfy their concerns again.”

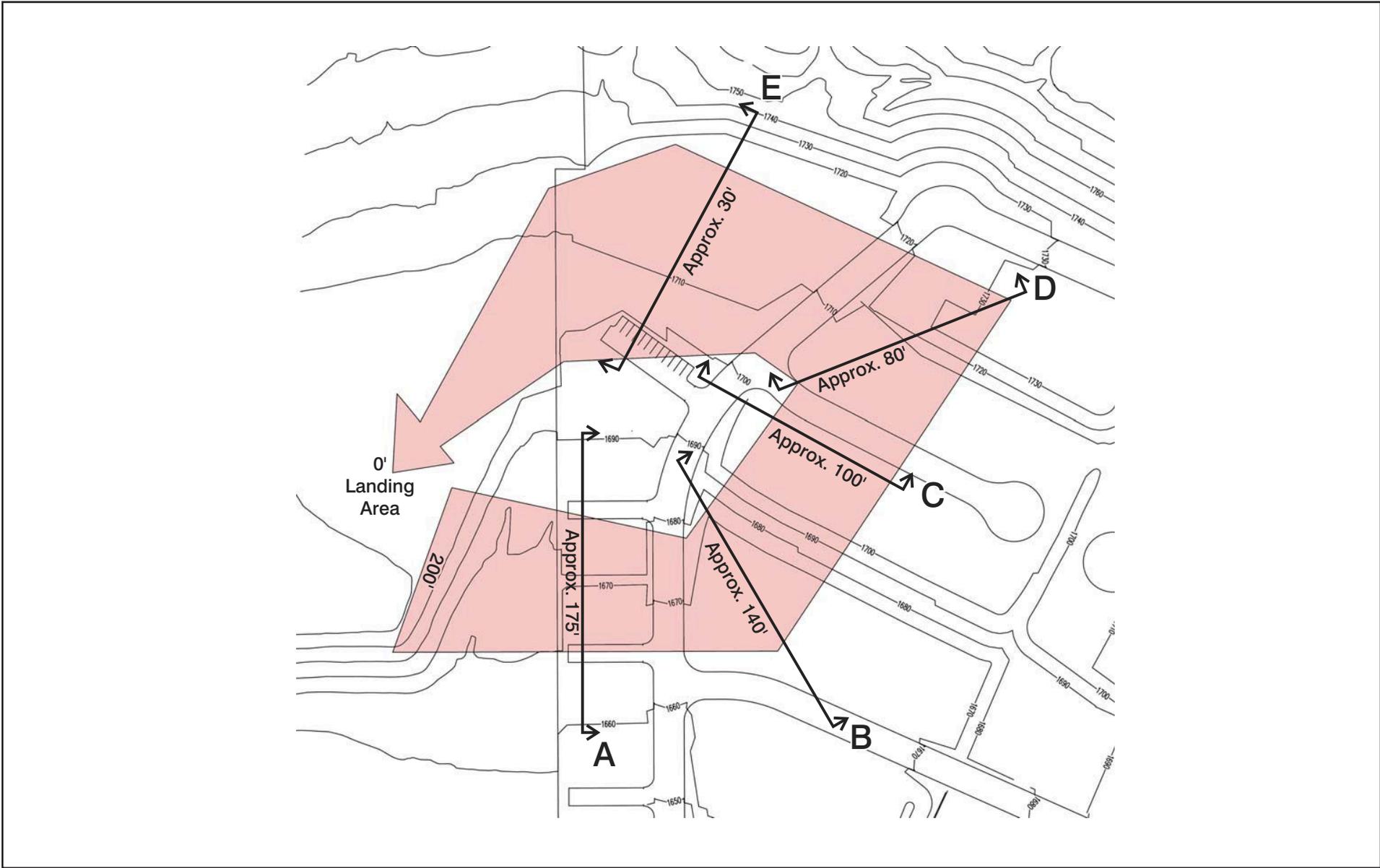
“Later in November 2007, when the Specific Plan was already developed and all preliminary engineering and design studies have been completed, we learned that CSS has reneged and changed their mind and they are now requesting additional clear zone area because the redesigned project has allocated more open space to be set aside and they felt that the open space can be shifted to the west and relocate the development to the east.”

“Researching the record we have learned that the California Department of Water Resources (DWR) were already aware of our development project as it was approved in February 1993 with houses proposed at the westerly boundary when they were in the process of preparing the environmental assessment for relocating the CSS site to the current location. At the time, DWR has adopted a Negative Declaration in March 1993 with the acknowledgement that there will be no interference between the flying pilots and the proposed housing development.”

“Additionally, we have learned that the City of San Bernardino has adopted an ordinance in 1978 prohibiting Hang Gliding activities over the City limits except of designated areas by the Director of Parks and Recreation Department and as approved by the Mayor and Common Council. Therefore, CSS is already violating the Municipal Code Section 12.88.010 and .020 of Chapter 12.88, Hang Gliding.”

“Therefore, we strongly feel that we have mitigated their concerns repeatedly by redesigning our project several times until we reached an agreement on the set aside area for landing clear zone and we are not obligated to further mitigate for illegal activities in the City.”

It appears that the responsibility of providing a safe flight/approach/landing zone for the airpark is the responsibility of the DWR and CSS; however, continued use of the current facility conflicts with City Code 12.88. The establishment of the Landing Zone clearance limits on the University Hills Land Use and Conceptual Development Plan was intended to mitigate potential airspace conflicts and appears to have been already established and agreed upon by both ICOM and CSS as evidenced in the CSS letter dated June 13, 2006.

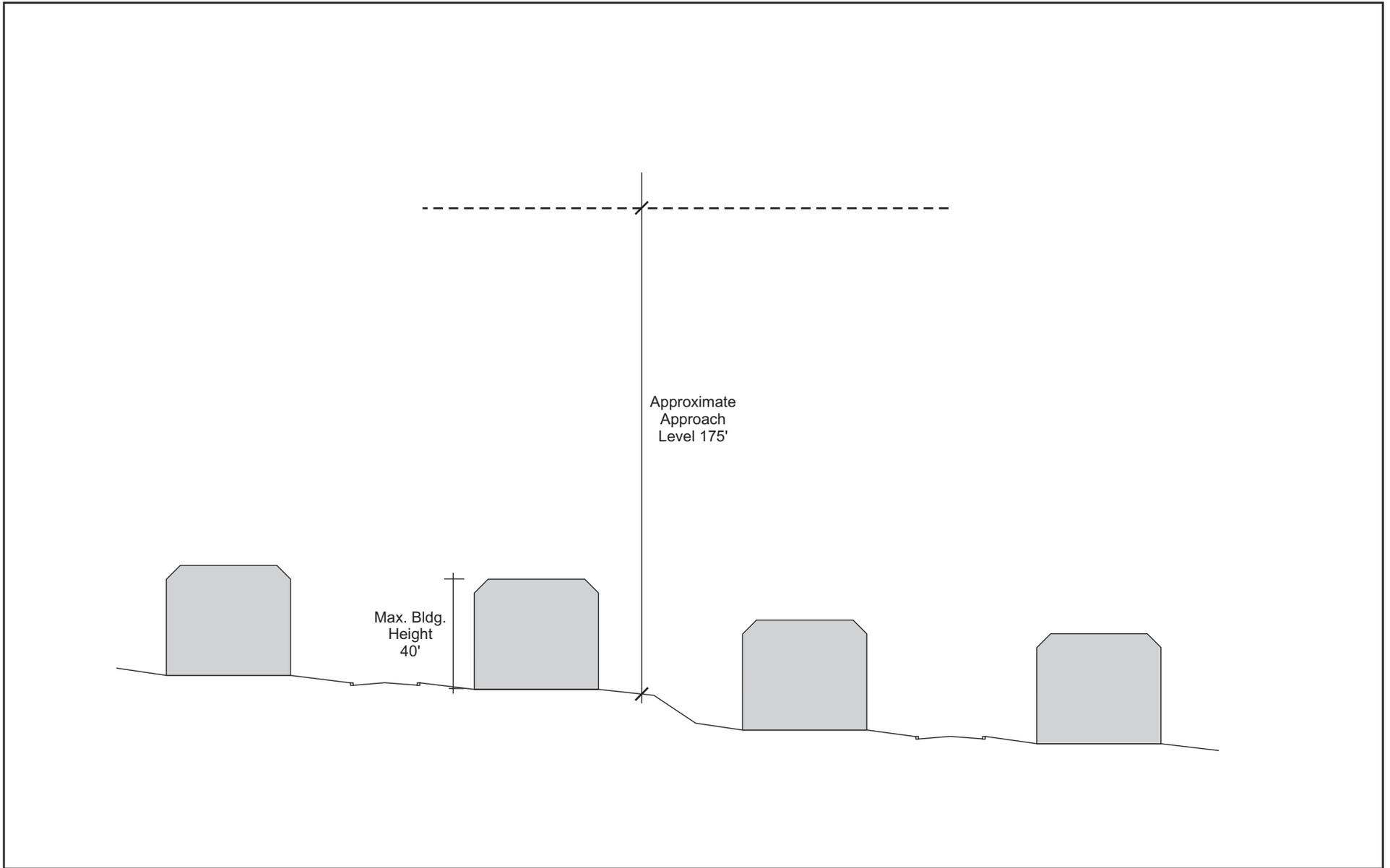


Source: The Planning Center (2008).



Not To Scale

Exhibit 1a Hang Glider Approach Altitudes



Source: The Planning Center (2008).

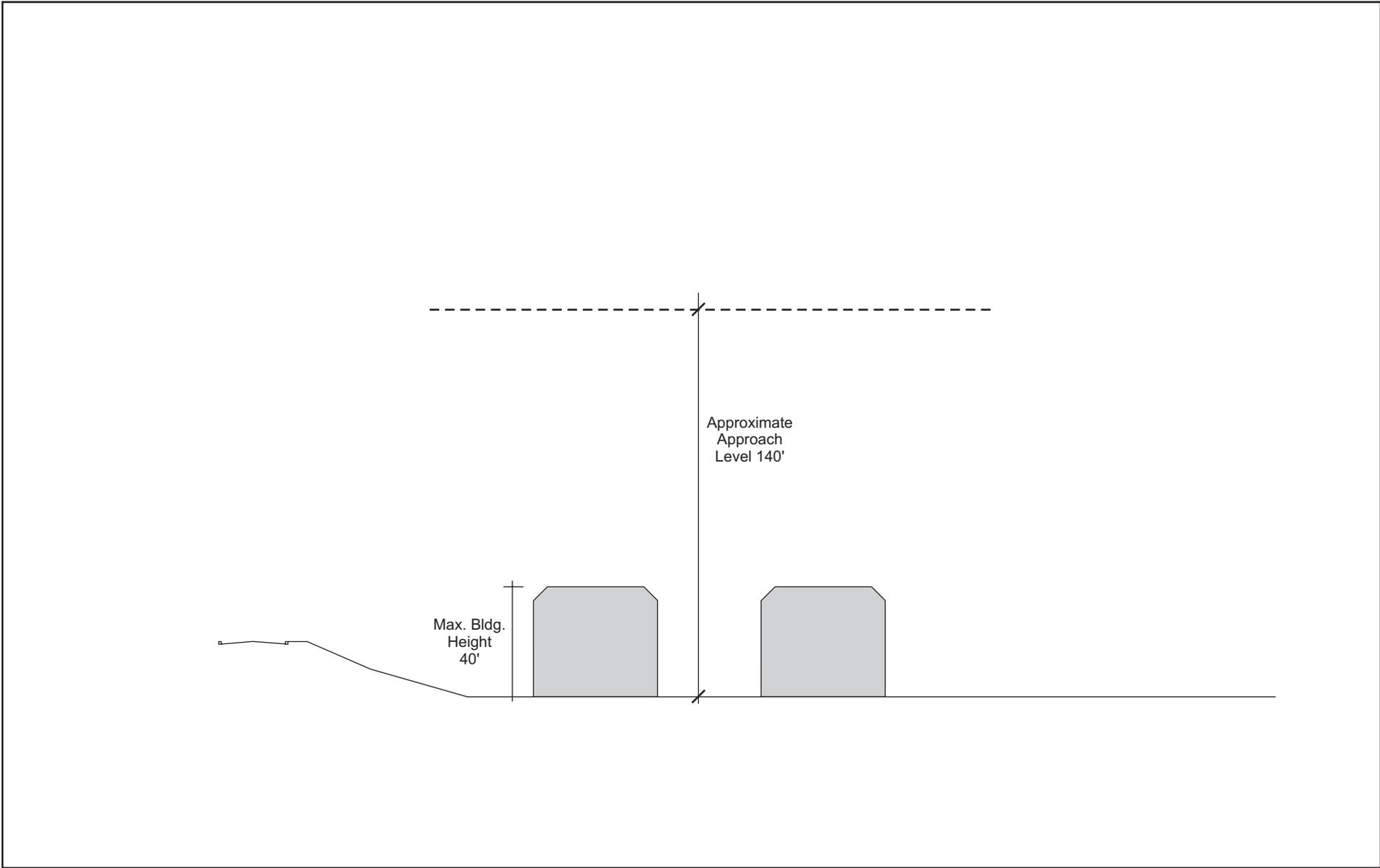


Michael Brandman Associates

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Exhibit 1b
 Hang Glider Approach Altitudes
 175' Altitude

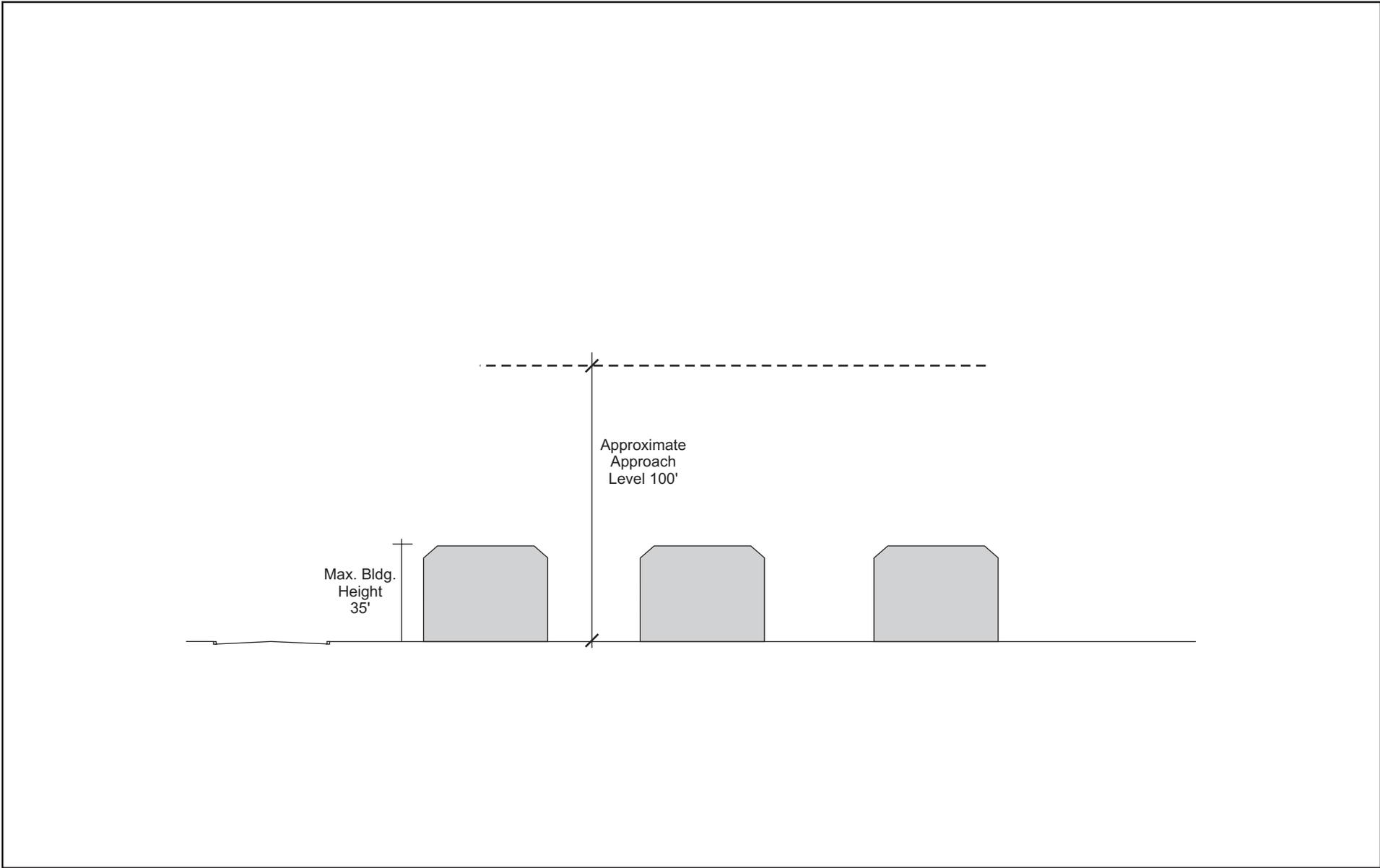
UNIVERSITY HILLS SPECIFIC PLAN
 FINAL EIR



Source: The Planning Center (2008).



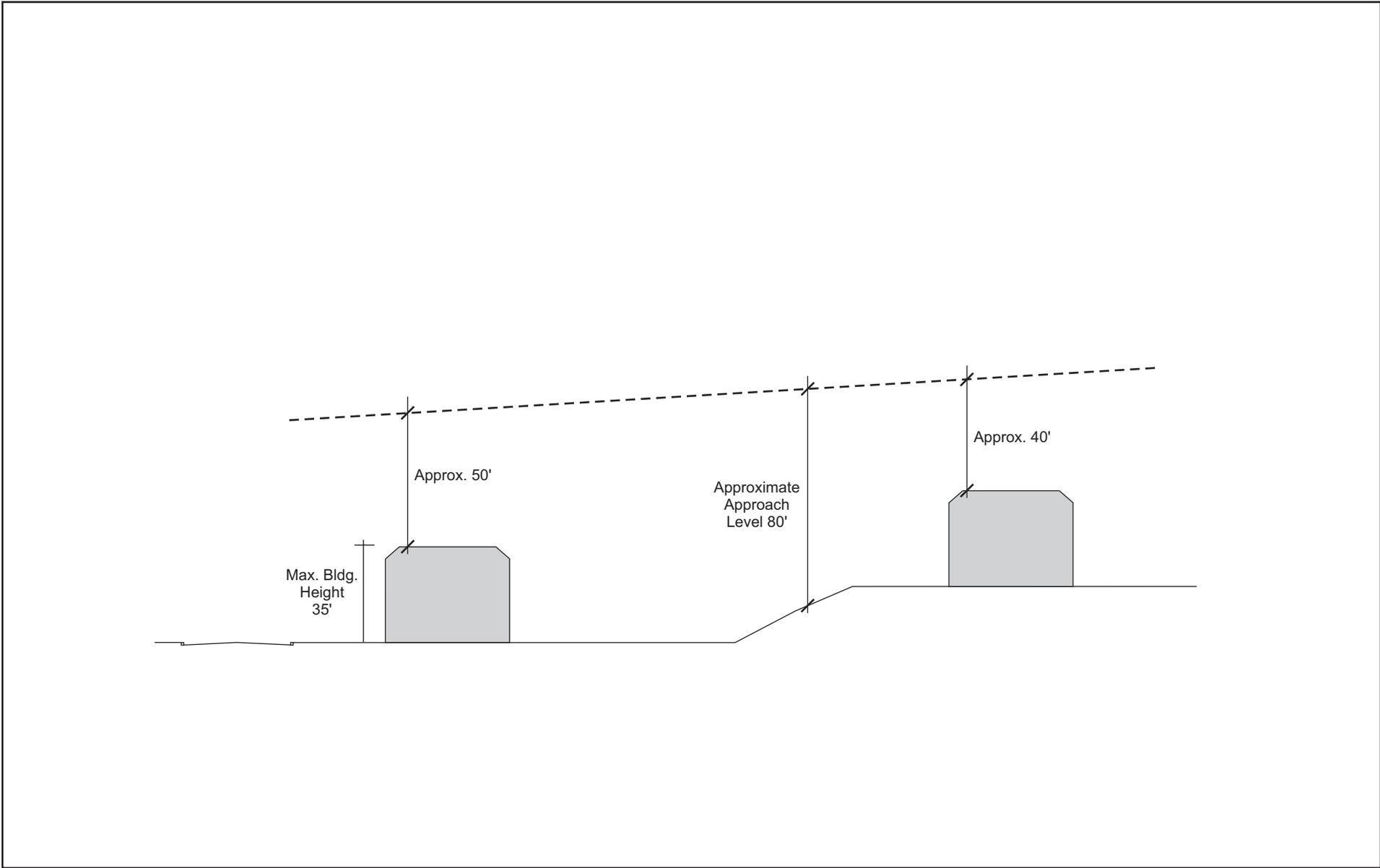
Exhibit 1c
 Hang Glider Approach Altitudes
 140' Altitude



Source: The Planning Center (2008).



Exhibit 1d
 Hang Glider Approach Altitudes
 100' Altitude



Source: The Planning Center (2008).

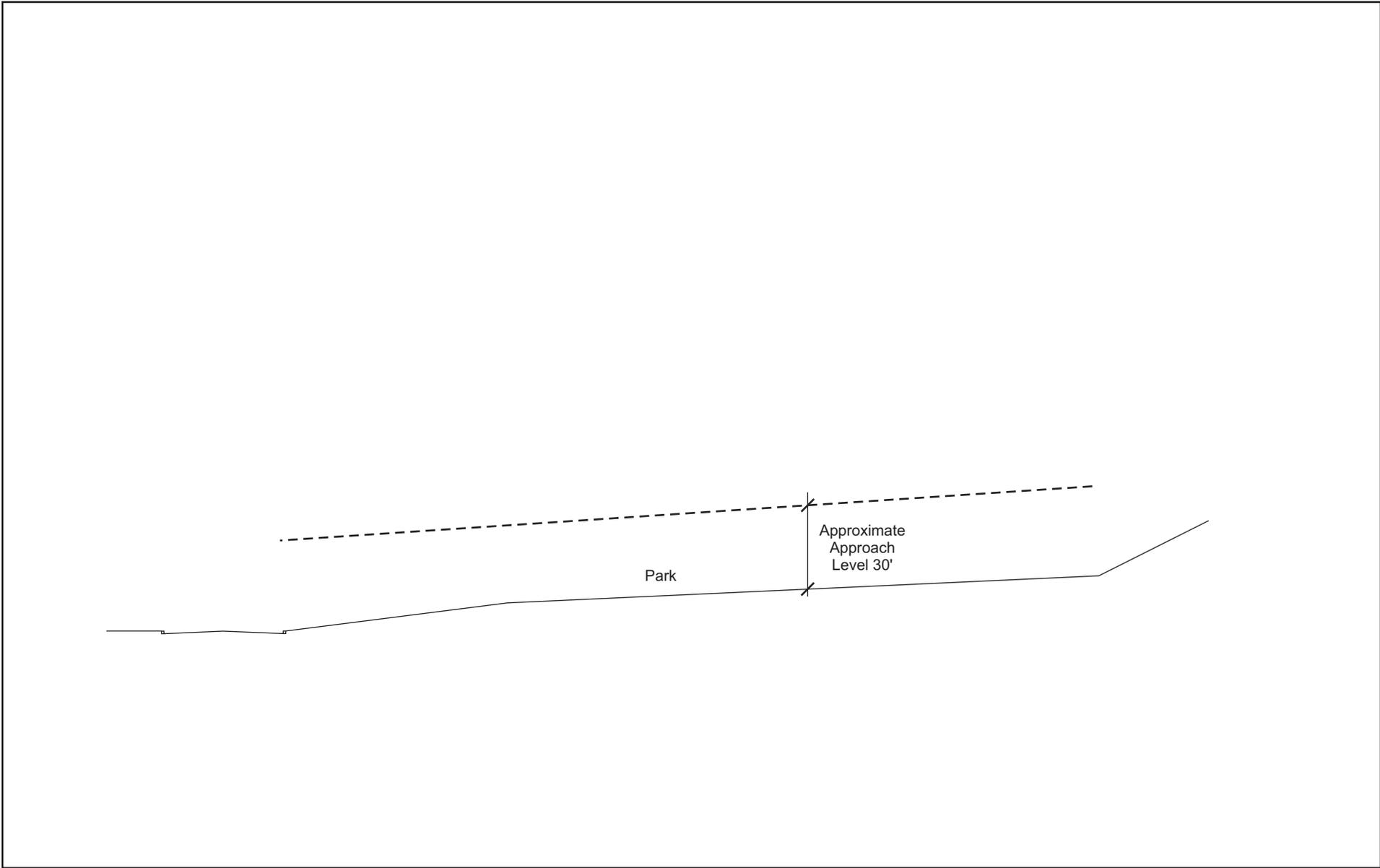


Michael Brandman Associates

25330006 • 10/2008 | 1e_HangGlider_80FtAltitude.ai

Exhibit 1e
 Hang Glider Approach Altitudes
 80' Altitude

UNIVERSITY HILLS SPECIFIC PLAN
 FINAL EIR



Source: The Planning Center (2008).



Response to Comment G.1-5

Much of the discussion regarding public safety and the landing approach zone for the airpark is provided in the previous Section G-4. It was not clear from the information provided by CSS that no homes could be built within the “final approach zone” outlined in DEIR Exhibit 4.6-1. At that time, it was believed the approach zone designed into the project in the form of the open space park of Planning Area 1 would provide a sufficient buffer for the safety of both airpark users and project residents. That may not be possible under existing circumstances. However, for the reasons outlined in Section G-4, it may not be the responsibility of the University Hills project or the City of San Bernardino to maintain this safety zone. The CSS and the State Department of Water Resources (DWR) both knew there could eventually be a conflict between airpark landings and approved residential uses. The CSS and DWR have requested that the project and the City solve this conflict, whereas the City maintains it is the joint responsibility of the DWR and CSS to resolve this problem.

Response to Comment G.1-6

The previous discussion in Section G-4 addresses possible solutions to the safety issue and height limitations on buildings within the final approach zone shown in DEIR Exhibit 4.6-1.

Response to Comment G.1-7

The previous Section G-4 addresses potential crashes, increased liability, and FAA involvement in the airpark operations. At the time the Draft EIR was circulated, it was not anticipated that development of the University Hills project would result in the closure of the airpark. It is certainly plausible that once homes are constructed on the University Hills site, the surrounding area could be considered “congested” according to FAA regulations. Section G-4 outlines a number of optional solutions to that issue.

Response to Comment G.1-8

The project hydrology study provides sufficient bulking in the design of proposed drainage structures to provide adequate capacity even under post fire/burn conditions, which would tend to maximize runoff containing bulk materials. The drainage course in the northwest corner of the site, that flows between Planning Area 1 and the airpark, was evaluated and the west end of the project was carefully designed to prevent flooding of this area from periodic storms. The project is expected to improve local runoff conditions by providing bio-swales and a variety of landscaped drainage courses allowing for percolation of runoff back into the ground instead of runoff in the streets or overloading storm drains downstream.

Response to Comment G.1-9

As outlined in the previous Section G-8, the master drainage plan for the project takes historical flows in this area into account. However, the project hydrologist will review this additional data during the final engineering design stage and provide documentation to the City Public Works Department to make certain that the northwest and western portions of the site are adequately protected from anticipated storm flows. If necessary, an earthen berm can be constructed along the west side of the Project site.

Response to Comment G.1-10

A review of information from the MWD website on the Inland Feeder Pipeline indicates that it travels from the Devil Canyon power plant area near the junction of the I-215 and I-15 Freeways through the San Bernardino Mountains in an east to east-southeast direction. By comparing the indicated alignment of the pipeline to the project hydrology study (DEIR Appendix G), it can be concluded it neither crosses the University Hills site nor does it cross into the Project's limited drainage basin. The canyons it does traverse east of the I-215 Freeway are northwest of the University Hills project, and any flows from pipeline or tunnel damage would flow mainly west toward the Cajon Creek channel and not south toward the University Hills site. The "flood control basins near Cal State San Bernardino" that were referred to in the newspaper article are not the ones immediately north of the campus but those further to the northwest which accept flows from the Devil Canyon area to the north. Therefore, any damage to this pipeline would not directly affect the Proposed Project site.

Response to Comment G.1-11

The previous Section G-4 extensively discusses the potential impacts of the adjacent airpark on the Proposed Project and visa versa. This discussion revolves around public safety, both of future project residents and airpark pilots. However, it is also applicable to the issue of compatibility of adjacent uses. The introductory discussion in Section G-4 outlines how the University Hills project was modified numerous times to accommodate the approach/landing pattern of the airpark. In fact, an approval letter dated June 13, 2006 was issued by the Crestline Soaring Society, and signed by Rob McKenzie, then president of CSS contending approval of the project with the designated clear landing zone limits established and agreed upon by CSS. That clear landing zone limit at the northwest corner of the project was maintained in the redesign of the project. It was not clear in the correspondence from the CSS that no homes could be built within the final approach zone shown in DEIR Exhibit 4.6-1. In addition, Section G-4 outlines a number of possible solutions to this problem.

Response to Comment G.1-12

The issue of incompatibility of the airpark with the project is addressed in detail in the previous Section G-4.

Response to Comment G.1-13

The issue of incompatibility of the airpark with the project is addressed in detail in the previous Section G-4, including the relationship to the Department of Water Resources, which operates the power plant. Section G-4 offers several possible solutions.

Response to Comment G.1-14

The project does provide a number of recreational opportunities consistent with the City policy. Conversely, the “airpark” cannot be considered a general purpose recreational facility like a city or county park, but is a specialized use facility for a very limited type of recreational activity (i.e., it has little in common with a typical park in the traditional sense). Regardless, the previous Section G-4 discusses possible solutions.

Response to Comment G.1-15

The previous Response G-2 addresses this issue, and all of these comments regarding impacts between the project and the airpark are addressed in the previous Section G-4, including possible solutions.

Response to Comment G.1-16

This issue is discussed at length in the previous Section G-4, including possible solutions.

Response to Comment G.1-17

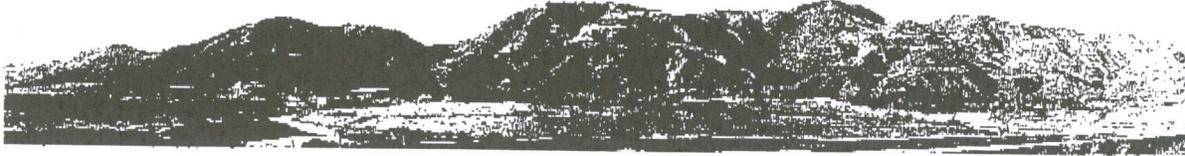
These options, among others, are discussed in the previous Section G-4.

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SEP 08 2008

Crestline Soaring Society, Inc.
P.O. Box 9052, San Bernardino, CA 92427-9052

CITY OF SAN BERNARDINO
DEVELOPMENT SERVICES
DEPARTMENT



September 5, 2008

City of San Bernardino
Development Services Department
Attn: Terri Rahhal, City Planner, Deputy Director
300 North D Street, 3rd Floor
San Bernardino, CA 92418

Subject: Draft Environmental Impact Report, University Hills Specific Plan (UHSP) – Request for Extension of Time

Dear Ms. Rahhal:

As you are aware, the Crestline Soaring Society has been an active participant throughout the development review process regarding the Draft Environmental Impact Report for the University Hills Specific Plan. We appreciate the opportunities we have had to meet with City staff and the project proponents, Inland Communities, Corp; and the efforts made through the design process to develop a project which preserves and protects the future of hang gliding and paragliding in San Bernardino. We have also been in discussion with the Department of Water Resources regarding this project. I believe we have attended every public meeting on the project stretching back before the release of the Notice of Preparation, and we began our review of the Draft EIR literally the day it became available.

At this time, we are requesting a brief, three week extension to the public comment period on the Draft EIR, to October 6, 2008, for two reasons:

- 1) to provide some additional time for discussions with Inland Communities and the Department of Water Resources to result in a modified plan which is acceptable by all parties;
- 2) the size, complexity and technical nature of the Draft EIR itself is requiring considerable time and effort to fully explore and comment upon.

Our preferred outcome from this development review process is an approved development plan which protects and preserves hang gliding in the City of San Bernardino. We met with Inland Communities last week, and expect to have additional proposals ready to discuss with them again next week. At the same time, we have requested that the Department of Water Resources research several items related to the approvals they received during the development of the existing airpark. An extension of time would allow both of these activities to conclude with the goal of reaching a consensus plan.

At the same time, we are working to craft a full and complete set of comments on the Draft EIR as circulated. Obviously we have been surprised by some of the contents, despite our participation through the process. Perhaps this was due to the immense effort devoted to the development and delivery of the document. At our meeting last week, Inland Communities indicated that the plan had been redone some five times. This is a very large development in a highly constrained location and the Draft EIR is accordingly a very large, complex, and technical document. The current public comment period provided is the minimum, 45-day period, permissible. As a volunteer run, 501(c)(3) charitable organization, the resources we have available to comment on the Draft EIR are constrained. Yet the task is critical to our future as the current plan, as described in the Draft EIR, could have dire consequences for our on-going operation.

We appreciate the time the City of San Bernardino and Inland Communities is taking to work through the design and development process and hope that this request will receive favorable consideration.

Sincerely,



Alan Crouse
President, Crestline Soaring Society



CITY OF SAN BERNARDINO
Development Services Department
PLANNING/BUILDING DIVISION

300 North "D" Street, San Bernardino, California 92418
 Phone: (909) 384-5071 ■ Fax (909) 384-5080

TO: KENT NORTON, DATE: 9/10 / 2008
NICOLE CRISTE

FAX NO: (760) 321-2766, 909-884-2113

PHONE NO: () -

FROM: JOHN OQUENDO PAGES: 3
 (Including Cover Sheet)

SUBJECT: UNIVERSITY MILLS SPECIFIC PLAN

Your Message Here...

AN EXTENSION REQUEST
 FROM THE CRESTLINE SOCIETY.
 — JOHN OQUENDO

Letter G.2 – Crestline Soaring Society, Inc. dated September 10, 2008

Response to Comment G.2-1

The City extended the comment period to September 30th in response to this letter.

John C.

August 11, 2008

9 Highland St, 3A
Waltham, MA 02453

LETTER H

City of San Bernardino
Development Services Department
Attn: John Oquendo, Assistant Planner
300 North D Street
San Bernardino, CA 92418

Subject: Draft Environmental Impact Report University Hills Specific Plan (UHSP)

Dear Mr. Oquendo:

Thank you for this opportunity to provide input on the Draft Environmental Impact Report (DEIR) for the University Hills Specific Plan. I have a significant safety concern with the proposed plan.

A small part of the proposed project lies under the landing approach. Please keep this area clear for the safety of pilots in the air, and people on the ground. The attached maps show the significant potential for accident. The current DEIR failed to compare the altitudes of incoming gliders with the proposed homes. Comparing the two diagrams, the altitude near the "3" on Figure 2 would be at about 100 feet on a perfect approach, 50 feet when landing at the 50' altitude marker and zero for a landing at the 100' altitude marker. There would be 'close calls' every few days to few weeks; and collisions every one to two years. This is clearly not safe.

H-1

Further, I am concerned that the proposed flight path (low over homes) may conflict with the Federal regulations for the operation of ultralight aircraft which control the operation of hang gliders in US airspace.

Please modify the University Hills Specific Plan to:

- a) Keep the 400 X 400 foot area under the airpark approach clear;
- b) Dedicate the airspace to the Department of Water Resources.

H-2

This can be accomplished by swapping the location of the small number of homes affected with some of the planned project open space.

I haven't visited San Bernardino and the Andy Jackson Airpark yet, but want to visit and enjoy its world-class facilities sometime in near future. The hotels, gas stations,

H-3

restaurants, shops and other local businesses all benefit by attracting pilots, just like me, from across the State, nation and other countries. Please work with the developer to create a project which preserves and protects the future of hang gliding and paragliding in San Bernardino.

H-3

Sincerely,

Aki Ejima

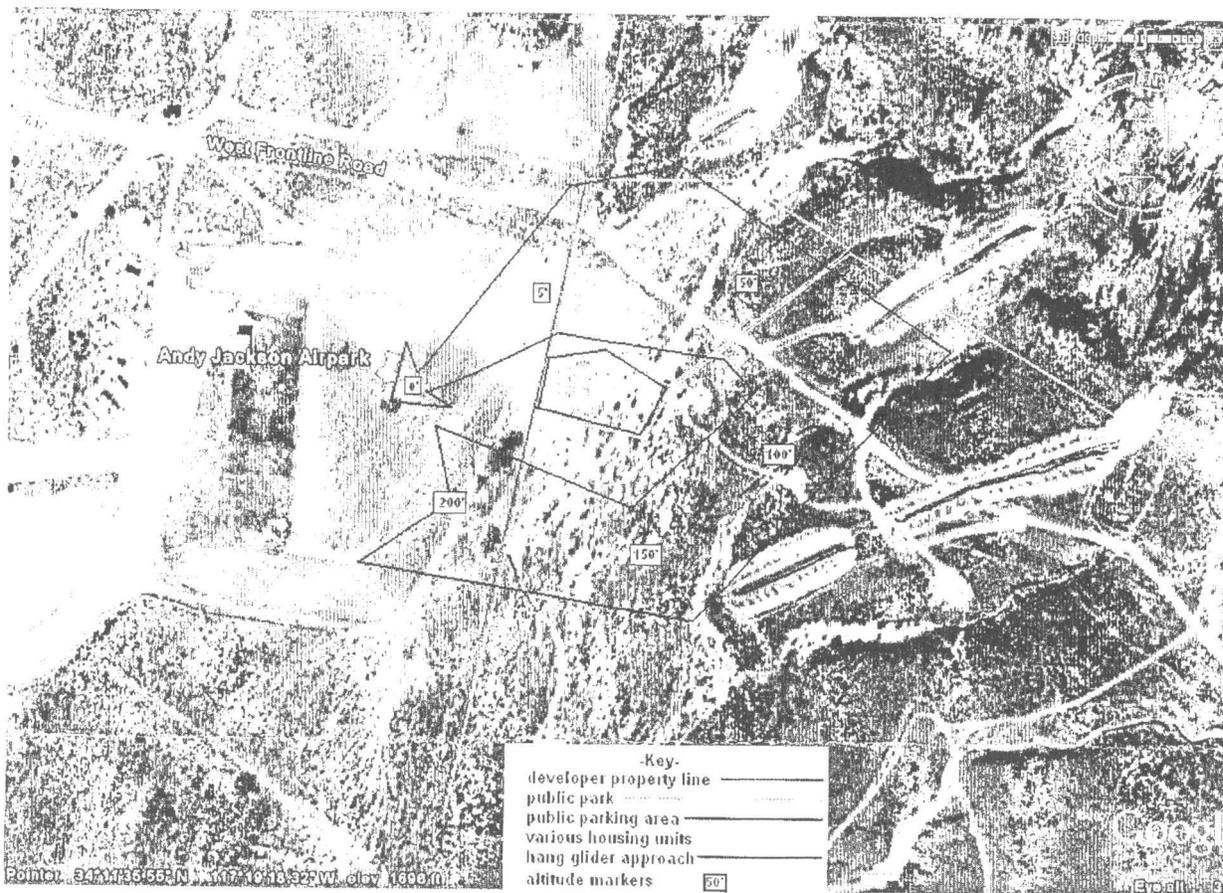
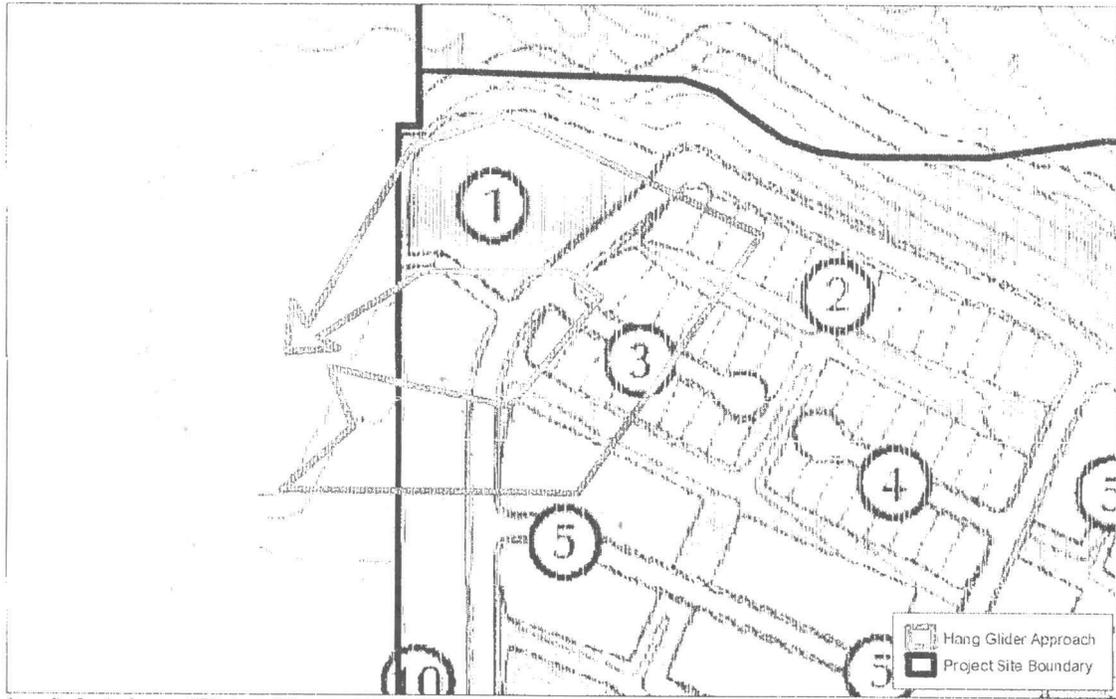


Figure 1



Source: The Planning Center and KTG Group, 2008.


 200 100 0 200 Feet
 M&M North Arrow
 25330006 - 07/2006 [4.6-1_Hang_Gliding_Paths.mxd

Exhibit 4.6-1
 Hang Gliding Final Approach
 UNIVERSITY HILLS SPECIFIC PLAN EIR

Figure 2

Letter H – Form Letter Number 1 for Andy Jackson Airpark

NOTE: There were 183 letters received using this same form, so the responses are the same for all the letters sent using this form. All Forms submitted are included in Appendix D of the Final EIR.

Table 1: Individuals Who Submitted Form Letter Number 1

Name	Date	Name	Date	Name	Date
Aki Ejima	August 12	Geraldine Lo Siou	September 1	Matt Beechinor	August 15
Alfred Small	August 14	Greg Babush	August 12	Michael Blakely	August 12
Angela Ross	September 1	Harold Wickham	August 8	Michael Bornstad	August 8
Averill Strasser	August 7	Heather Bunn	September 1	Lawrence Wallman	September 1
Betty Pfeiffer	September 1	Helmut Grigereit	August 15	Leo Christopharo	September 1
Bill Brick	August 7	Jack Barth	September 1	Lawrence Wallman	September 1
Bill Sodeoquist	September 1	Jai Pal Khalsa	September 1	Leo Christopharo	September 1
Bob Coombs	September 1	Jean-Francois Beaumont	August 11	Richard Fitzpatrick	August 12
Brad Bourk	September 1	Jean-Michel Wan	September 1	Richard Healy	September 1
Brandon Wills	September 1	Jeffrey Farrell	August 11	Richard Regal	August 11
Brian Plummer	August 8	Jerome Clark	August 11	Rick Maddy	August 7
Bruce Cowan	August 7	Jerome Daoust	September 1	Ron Wiener	August 11
Chris and Elaine Frost	September 1	Joe Castaldo	September 1	Roxanne & Greg Eastwood	September 1
Chris McCluer	August 12	Joe Mandracchia	September 1	Scott Farnsworth	August 14
Christian Manss	August 13	John Saltveit	August 13	Scott Smith	August 10
Clinton Doering	August 7	Jonathan Dietch	August 8	Scott Wise	August 8
David Aldrich	September 1	Justine Yang and Ryan Woloshyn	September 1	Shawn MacDuff	August 9
David Cherne	September 1	Harold Wickham	August 8	Stephen Nowak	September 1
David Prevost	September 1	Heather Bunn	September 1	Steve Rodrigues	August 12
David Ratter	September 1	Helmut Grigereit	August 15	Theresa Gavares	September 1
Diana Niesser	September 1	Lawrence Wallman	September 1	Tim Rhinesmith	September 1
Didar Khalsa	August 11	Leo Christopharo	September 1	Tom Swanson	September 1
Donald Banas	August 11	Lt. Col. Mark Stucky	August 12	Vikram Doddi	September 1
Donald Kraus	August 11	Luis Beers	August 8	Vincene Muller	August 11
Douglas Koch	August 12	Lyne Perry	August 7	Mr. and Mrs. Vladimir	August 12
Frank Hamann	September 1	Mark Boliaris	August 8	Walter Conklin	September 1
Frank Rhodes	August 12	Mark France	September 1	William Akin	September 1
Frank Zaunscherb	August 11	Mark Hoffman	September 1	William Jacques	September 1

Name	Date	Name	Date	Name	Date
Terrance Nygard	September 1	Eugene Evans	September 1	Jean Little	September 5
Gregory Brown	September 1	John Kinch	September 1	Robert Cismowski	September 4
Joel Rempfer	September 1	Ben Hang	September 1	Sagi Eshel	September 1
Eric Larabie	August 28	Donitri Solloviev	September 1	Shirley Cismowski	September 4
J Stebbins Shelley, PhD	August 28	Robert Anderson	September 1	Nizhny Novgorod Hanggliding Club	September 1
Heinz Tagmann	August 24	Kenneth Andrews	September 1	Robert Mann	September 1
Gavin Wenzel	September 1	Marta B.	September 1	Maria Rempfer	September 1
George Stebbins	August 28	Marilyn S.	September 1	Mr. & Mrs. Salcado	September 1
Eric Brown	August 28	Lincoln Spencer	September 1	Pierre Bouchard	September 1
Mike Kinney	August 26	W. O'Sick	September 1	Andrew Makuch	September 1
Regina Zieglgaensberger	August 26	Richard S.	September 1	Patrice Lacroix	September 7
Alex Gagarian	September 3	Trung Nguyen	September 1	Jan Pauck	September 1
Debbie Fetters	August 21	Douglas Martens	September 1	Sallt Tucker	September 5
Bob Barry	August 24	Don Gallatin	September 1	Mr. & Mrs. Brinckerhoff	September 1
Len Clements	August 26	Erik Fair	September 1	Brendon McKenna	August 14
Rob Sherwood	September 1	Russ Brown	September 1	Oddvar Kallhovd	September 9
Mark Miyahara	August 26	Wayne Maxwell	September 1	John Jenson	September 1
Peter & Dexa Swanson	September 16	Mr. & Mrs. Regal	September 1	Alexey Golden	September 1
Ward Howells	September 14	John Heiney	September 1	Ulrich Lacher	August 27
Kirk Thompson	September 21	David F.	September 1	Ali Koviely	September 1
Katarzyna Milewska & Fred Morris	September 1	Marge Variano	September 1	David Metzgar	September 1
Alan Coffield	September 1	George Zelenz	September 1	Linda & Jeff Dunn	August 11
Andrew Beem	September 1	Gregg D.	September 1	Marcus Venturini	September 1
Brett Hazlett	September 1	Gregory Brown	August 18	Mark Lilledahl	September 1
Brett Neyhart	September 1	Heather Hummell	August 12	Matthew Rucando	August 18
Bryan Bowker	September 1	Ira McNabb	September 1	Mike M.	September 1
Chris McKeon	September 1	Jack Simmons	September 1	Mike Quinn	September 1
Cliff Ryder	September 1	Jacqueline Kakiki	September 1	Mike Troeger	September 5
Cory Stevens	August 28	James Nershi	September 1	Nylia Erickson	August 19
Dan Fleming	September 1	James Steel	September 1	Pam Hargett	September 1
Danny Black	September 1	Jeff O'Brien	September 1	Paul Born	September 1
Dave Biddle	September 1	Jeff Potts	September 1	Peter Hardy	August 16

Name	Date	Name	Date	Name	Date
David Boggs	September 8	Jeffrey Roodhouse	September 8	Rob Burgis	September 1
David Bratt	September 5	Jerry Dalen	August 21	Rob Milley	September 1
David Frechette	September 1	Jerry Forberger	September 1	Robert Bustamante	September 1
David Van Noppen	September 1	Jim Wood	September 1	Robert Pobocik	August 19
Doug Hawk	September 8	Jonie Millhouse	September 1	Roger Felton	September 1
Eileen & Ralph Yager	September 1	Julie Hudson	September 1	Ron Harway	August 12
Erik Kolberg	September 1	Kari Castle	September 1	Samuel Boggs	September 8
Fred Ripp	August 18	Kraig Coomber	August 19	Scott Beevy	September 1
G. McSweeney	September 1	Lance Murray	August 21	Scott Farnsworth	September 1
George Tillery	September 8	Larry Ainbinder	September 1	Scott Orland	September 1
Shandi Lee	September 1	Theresa Velasco	September 1	William Roberts	September 1
Shawn Troeger	September 5	Tim Turner	September 1	Zac Majors	September 1
Steve Kroop	September 1	Mr. & Mrs. Bridgford	September 1	Unknown Signature # 3	September 1
Stuart Anderson	September 1	Troy Henkels	August 18	Unknown Signature # 4	September 1
T. Golden	September 1	Theresa Porter	September 1	Unknown Signature # 5	September 1
			September 1	Unknown Signature # 6	September 1

Response to Comment H-1

The issue of conflicts between the airpark landing zone and future homes in the University Hills project are addressed in detail in Response G-4 to the letter from the Crestline Soaring Society (CSS). That discussion includes several possible solutions by the State Department of Water Resources (DWR).

Response to Comment H-2

There are a number of possible solutions available; however, the responsibility for resolving the issue lies primarily with the DWR and CSS since they were clearly aware of the potential conflict when the location of the airpark was approved in 1993 after the approval of residential development on the University Hills site. Additional discussion of this issue is included in Response G-4 to the letter from the Crestline Soaring Society (CSS).

Response to Comment H-3

The City acknowledges that the airpark generates indirect economic benefits for the City, however, it must also be noted the airpark appears to operate in violation of City Development Code Section 12.88, Hang Gliding, which prohibits non-motorized flight over areas within the City unless approved

by the City. According to available information, the operations of the Andy Jackson Airpark have never been approved or authorized by the City under DC 12.88.