City of Loma Linda Official Report

Karen Gaio Hansberger, Mayor
Floyd Petersen, Mayor pro tempore
Robert Christman, Councilmember
Stan Brauer, Councilmember
Robert Ziprick, Councilmember

COUNCIL AGENDA: April 12, 2005

TO: City Council

VIA: Dennis R. Halloway, City Manager

FROM: Deborah Woldruff, AICP, Community Development Director

SUBJECT: APPEAL NO. 2004-0003- AN APPEAL OF THE PLANNING COMMISSION DECISION TO DENY GENERAL PLAN AMENDMENT (GPA) NO. 04-03, ZONE CHANGE (ZC) NO. 04-03, TENTATIVE TRACT MAP 16811 (TTM) NO. 04-02, PRECISE PLAN OF DESIGN (PPD) NO. 04-04 & DEVELOPMENT AGREEMENT (MISSION GROVE)

RECOMMENDATION

The recommendation is that the City Council reverse the Planning Commission's denial of the project and take the following actions:

1. Adopt the Mitigated Negative Declaration (Attachment A);
2. Approve and adopt the Resolution for General Plan Amendment No. 04-03 and the Ordinance for Zone Change No. 04-03, based on the Findings;
3. Approve Tentative Tract Map No. 16811 and Precise Plan of Design No. 04-04 based on the Findings contained in Attachment D, and subject to the attached Conditions of Approval (Attachment B); and,
4. Approve the Development Agreement (Attachment C).

BACKGROUND

The proposed 30-unit residential project is located at the southwest corner of Orange Avenue and New Jersey Street. The background for this project is listed in chronological order, as follows:

- October 6, 2004- The project is heard by the Planning Commission and continued to the next scheduled meeting to allow the applicant to address Planning Commission concerns (Attachment D-staff report).
- November 10, 2004- Planning Commission votes 3-2 to designate the subject parcel as "professional office" in the draft General Plan Land Use Element.

- November 17, 2005- Planning Commission reviewed the project and determined that the property should be designated and zoned for commercial uses. Based on the preceding, the Commission recommends denial to the City Council with a vote of 3-2.
- November 24, 2004- Applicant files an appeal of the Planning Commission decision.
- December 14, 2004- Appeal is heard by the City Council but is continued to the next scheduled meeting (Attachment E).
- January 11, 2005- At the request of the applicant, the Appeal is continued to April 12, 2005 meeting pending adoption of General Plan.
- March 16, 2005- applicant request that the Appeal be heard on April 12, 2005 even though adoption of the Draft General Plan is still pending.

Currently, the northeast corner of Barton Road and California Road has a General Business zoning designation. The project site is surrounded to the west, south, and southeast by The Barton Vineyard Apartments (high density residential), the Filipino Seventh Day Adventist Church, and a professional office for a specialty medical center.

ANALYSIS

The 3.0-acre subject site is the last remaining vacant parcel in the block. The project includes a request to amend the General Plan and Zoning Maps from Office Professional and Administrative Professional (AP) to Mixed Use and Planned Community (PC) for consistency with the established surrounding uses. The tract map proposes 30 single-family lots located on three new private streets accessing from New Jersey Street and Orange Avenue (Attachment F). The Precise Plan of Design proposes the design of the residential units and site. The site has been designed with a 9,000 square foot park site in the middle of the community with an average lot size of 2,400 square feet. Front porches are provided on four of the five models. The project complies with the Planned Community (PC) development standards per Loma Linda Municipal Code Section 17.70.

The common lot areas and the park, maintained by the Homeowners Association (HOA), will be annexed into the City's Landscape Maintenance District (LMD) with an overlay designation. The park space is the location of the main distribution facility (MDF) required as part of the Loma Linda Connected Communities Program (LLCCP). The applicant shall pay its fair share of park fees as part of development impact fees, minus credit for the 9,000 square foot park.

There are two architectural treatments for each of the five floor plans, for a total of ten elevations. Living space for all units range from 1,336 to 1,594 square feet. All the homes are two-story with three bedrooms, three bathrooms and a two-car garage. Each floor plan has a bedroom on the bottom floor. The ten elevations have a separate color and material palettes as shown in the color material board, which will be provided during the public hearing. The architectural style is a modern adaptation of the Spanish Revival style found in traditional styles of architecture historic to the area.

The 18 out of 30 units that make up the A, B, E models are plotted on a slightly larger lot size and have "ribbon" driveways. These units are front-loaded. The 12 C and D model units are all alley-loaded and will take access off of Street B (see plan sheet 1A of Attachment F).

ENVIRONMENTAL

On September 16, 2004, a Notice of Intent (NOI) to adopt a Mitigated Negative Declaration and Initial Study were prepared and released for public review. The California Environmental Quality Act (CEQA) mandatory 20-day public review period began on September 17, 2004 and ended on October 6, 2004. The Initial Study evaluates the potential impacts of the project and identifies appropriate mitigation measures. All of the potential impacts that were identified in the Initial Study can be mitigated to below a level of significance. The mitigation measures are included as project Conditions of Approval. Therefore, the project can be approved with a Mitigated Negative Declaration in accordance with the requirements of CEQA.

FINDINGS

The recommended findings for this project are contained in the October 6, 2004 Staff Report (see Attachment D).

FINANCIAL IMPACT

The amount of revenue that the project will bring to the City in Development Impact fees is currently estimated to be $439,410. In addition, the project will be subject to Plan Check fees, Building Permit fees, Grading Permit fees, and Fire Plan Check/Inspection fees. The project site is located in the Inland Valley Development Agency (IVDA) Project Area and as such, there are requirements for affordable housing, which are addressed in the Development Agreement (Attachment C).

Respectfully Submitted by

Raul Colunga
Assistant Planner

ATTACHMENTS

A. Mitigated Negative Declaration
B. Conditions of Approval
C. Development Agreement (not included – refer to Attachment H)
D. October 6, 2004 Planning Commission Staff Report & meeting minutes
E. Applicant's letter of requesting appeal
F. Project plans
G. Resolution
H. Ordinance

Attachment A

Mitigated Negative Declaration

CITY OF LOMA LINDA
NOTICE OF INTENT
TO ADOPT A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

FROM: CITY OF LOMA LINDA
Community Development Department
25541 Barton Road
Loma Linda, CA 92354

TO: ☐ OFFICE OF PLANNING AND RESEARCH
1400 Tenth Street, Room 121
Sacramento, CA 95814

☒ COUNTY CLERK
County of San Bernardino
385 North Arrowhead Avenue
San Bernardino, CA 92415

SUBJECT: Filing of Notice of Intent to adopt a Negative Declaration in compliance with Section 21080c of the Public Resources Code and Sections 15072 and 15073 of the CEQA Guidelines.

Project Title: Mission Grove – General Plan Amendment (GPA) No. 04-03, Zone Change (ZC) No. 04-03, Tentative Tract Map (TTM) No. 16811, Precise Plan of Design (PPD) No. 04-04 and a Development Agreement.

State Clearinghouse Number (if submitted to Clearinghouse): N/A

Lead Agency Contact Person: Raul Colunga
Area Code/Telephone: 909-799-2830

Project Location (include county): The project is located at the southwest corner of Orange Avenue at New Jersey Street in the City of Loma Linda and the County of San Bernardino (APN 0292-162-10).

Project Description: The project is a residential subdivision of approximately 3 acres into 30 detached single-family residential lots. The proposal includes an amendment to the General Plan Land Use Map from Professional Office to Medium-High Density (9-13 dwelling units per acre). A Zone Change is also part of the proposal, changing the Zoning Map from Administrative Professional (AP) to Planned Community (PC). The project will include a Planned Community Document to replace the traditional zoning and development standards. The proposal includes a Tentative Tract Map for the subdivision and also a Precise Plan of Design for the design of the site and the residences. A development agreement will be required for the affordable housing requirement.

This is to notify the public and interested parties of the City of Loma Linda's intent to adopt a Mitigated Negative Declaration for the above-referenced project. The mandatory public review period will begin on **Friday, September 17, 2004** and will end on **Wednesday, October 6, 2004**. The Initial Study is available for public review at the public counter in the Community Development Department, 25541 Barton Road, and the Loma Linda Library, 25581 Barton Road, east end of the Civic Center.

The proposed project and subject site are not listed in the California Hazardous Waste and Substances Site List (Cortese List) pursuant to Government Code Section 65962.5(E).

Following the public review period, the project and proposed Mitigated Negative Declaration will be reviewed by the City's **Planning Commission** in a public hearing on **Wednesday, October 6, 2004**, at 7:00 p.m. in the Council Chambers located of the main lobby of City Hall (address listed above).

Signature: _____
Raul Colunga

Title: Assistant Planner
Date: September 16, 2004

I:\Project Files\Tract Map\16811\NOI, NegDec.doc

CITY OF LOMA LINDA
COMMUNITY DEVELOPMENT DEPARTMENT
25541 Barton Road, Loma Linda, CA 92354
(909) 799-2830

INITIAL STUDY

A. BACKGROUND

Project Title: Mission Grove– Roger Peter Porter & KTK Construction
(General Plan Amendment GPA 04-03, Zone Change ZC 04-03, Tentative Tract Map 04-02 (TTM 16811), Precise Plan Of Design PPD 04-04, and Development Agreement)

Lead Agency: City of Loma Linda
Community Development Department
25541 Barton Road
Loma Linda, California 92354

Lead Agency Contact Person: Raul Colunga, Assistant Planner Phone: (909) 799-2830

Project Location: The project is located at the Southwest corner of Orange Avenue and New Jersey Street (APN# 0292-162-10)

Project Sponsor's Name and Address: Roger Peter Porter/KTK Construction
3837 East 7th Street
Long Beach, CA 90804

General Plan Designation: Professional Office

Zoning Designation: Administrative Professional

Project Description: The applicant proposes to rezone approximately 3 acres from Administrative Professional to Mixed Use/Planned Community to allow for the subdivision of the property into 30 single-family lots. A Precise Plan of Design will focus on the design of the proposed housing units. The project is located at 26657 Orange Avenue on the southwest corner at New Jersey Street. The overall project density is 10 units per acre. The project includes the demolition of a single family dwelling and maintaining the existing palm trees along New Jersey Street. The project also includes the applicant and the City of Loma Linda, on behalf of the Inland Valley Development Agency (IVDA), entering into a Development Agreement to assist in the production of future affordable housing needs throughout the City.

Surrounding Uses:

North: citrus groves
South: Church
East: citrus groves/single family residence
West: Citrus grove/ future apartments

Other public agencies whose approval is required:

- ☐ San Bernardino County LAFCO
- ☐ IVDA
- ☐ City of San Bernardino
- ☐ South Coast Air Quality Management District
- ☐ Other
- ☐ City of Redlands
- ☐ Loma Linda RDA
- ☐ County Flood Control
- ☐ San Bernardino County

B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist in Section D below.

- ☐ Aesthetics
- ☐ Air Quality
- ☐ Cultural Resources
- ☐ Hazards & Hazardous Materials
- ☐ Land Use/Planning
- ☐ Noise
- ☐ Public Services
- ☐ Transportation/Traffic
- ☐ Mandatory Findings of Significance
- ☐ Agriculture Resources
- ☐ Biological Resources
- ☐ Geology/Soils
- ☐ Hydrology/Water Quality
- ☐ Mineral Resources
- ☐ Population/Housing
- ☐ Recreation
- ☐ Utilities/Service Systems

C. DETERMINATION:

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "Potentially Significant Impact" or "Potentially Significant Unless Mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects 1) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and 2) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

☐ I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects 1) have been analyzed adequately in an earlier NEGATIVE DECLARATION pursuant to applicable standards, and 2) have been avoided or mitigated pursuant to that earlier NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project.

Preparer: Raul Colunga Title Assistant Planner

Date 9/16/04

D. EVALUATION OF ENVIRONMENTAL IMPACTS

Directions

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact"answer should be explained where it is based on project-specific factors and general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take into account the whole action involved, including off-site, on-site, cumulative project level, indirect, direct, construction, and operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, and EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3)(D). In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used. Identify and state where they are available for review.

   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:
   a) the significance criteria or threshold, if any, used to evaluate each question; and,
   b) the mitigation measure identified, if any, to reduce the impact to less than significance.

EVALUATION OF ENVIRONMENTAL IMPACTS

I. AESTHETICS – Would the project:	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒
III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

IV. BIOLOGICAL RESOURCES: - Would the project:	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐
V. CULTURAL RESOURCES: - Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☐	☒	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐
VI. GEOLOGY AND SOILS: - Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				

	Potentially Significant Impact	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

VII. HAZARDS AND HAZARDOUS MATERIALS:

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) 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?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒
VIII. HYDROLOGY AND WATER QUALITY: – Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☒	☐	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☒	☐	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☒	☐	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☒	☐	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☒	☐	☐
f) Otherwise substantially degrade water quality?	☐	☒	☐	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☒	☐
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☒	☐
i) Expose people or structures to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒
IX. LAND USE AND PLANNING – Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒
X. MINERAL RESOURCES – Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒
XI. NOISE – Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excess noise levels?	☐	☐	☐	☒
XII. POPULATION AND HOUSING – Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☒	☐	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐

	Potentially Significant Impact	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐
XIII. PUBLIC SERVICES- Would the project:				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	☐	☒	☐	☐
Police protection?	☐	☒	☐	☐
Schools?	☐	☒	☐	☐
Parks?	☐	☒	☐	☐
Other public facilities?	☐	☒	☐	☐
XIV. RECREATION – Would the project:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☒	☐	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒
XV. TRANSPORTATION/TRAFFIC – Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☒	☐	☐
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Result in inadequate parking capacity?	☐	☐	☐	☒

	Potentially Significant Impact	*Less Than Significant With Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒
XVI. UTILITIES AND SERVICE SYSTEMS –				
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒
XVII. MANDATORY FINDINGS OF SIGNIFICANCE-				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☒	☐	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

ATTACHMENT A
EVALUATION OF ENVIRONMENTAL CHECKLIST

General Plan Amendment No. 04-03
Zone Change No. 04-03
Tentative Tract Map No. 04-02
Precise Plan of Design No. 04-04

BACKGROUND

The project site is approximately a three (3) acre parcel and is located at the southwest corner of Orange Avenue at New Jersey Street. The applicant proposes subdividing three acres into 30 detached single-family residential lots. The proposal includes an amendment to the General Plan Land Use Map from Professional Office to Medium-High Density (9-13 dwelling units per acre). A Zone Change is also part of the proposal, changing the Zoning Map from Administrative Professional (AP) to Planned Community (PC). The project will include a Planned Community Document to replace the traditional zoning and development standards. The proposal includes a Tentative Tract Map for the subdivision and also a Precise Plan of Design for the design of the site and the residences. A development agreement will be required for the affordable housing requirement. The subject property is located in the Mission Road Historic Overlay District.

The project site is surrounded by a single-family home and orange groves to the east, the Filipino Seventh Day Adventist (SDA) Church to the south and west, and an orange grove to the north across Orange Avenue. The proposed subdivision will have an average lot size of 4,000 square feet and a density of up to ten units per acre.

The applicant has submitted a complete application for a Tentative Tract Map (TTM No. 16811) and Zone Change. The project site is currently vacant with the exception of a 1,087 square foot home dating from 1952 and an old wooden accessory structure. The proposed project will be consistent with the permitted uses set forth in the City of Loma Linda General Plan and the Planned Community (PC) Zone. The Initial Study identifies and discusses that there are no impact categories having a potential impact that cannot be mitigated to a level of insignificance.

The applicant and the City of Loma Linda, on behalf of the Inland Valley Development Agency (IVDA) will enter into a Development Agreement to assist in the production of future affordable housing needs throughout the City. The Development Agreement will ensure that the applicant will have a vested right to develop in accordance with the City's existing rules and regulations.

The City has prepared a Draft General Plan, dated June 2004. Action to approve the zone change and tentative tract map will be based upon the General Plan that is in place at the time the tentative map is accepted for processing. Therefore, the policies referenced within this initial study relate to the existing General Plan. In certain circumstances portions of the Draft General Plan have been referenced because it contains information that represents existing conditions, rather than proposed policies or programs.

Exhibit 1
Vicinity Map

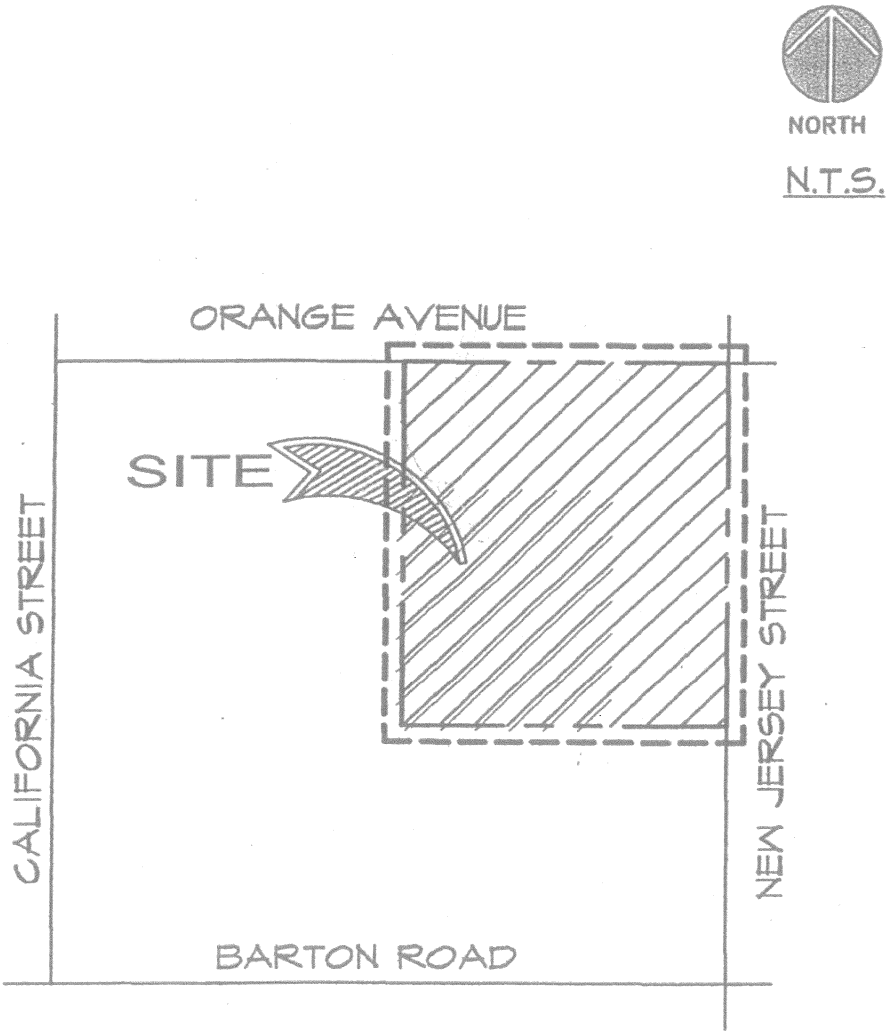

Exhibit 2
Site Plan

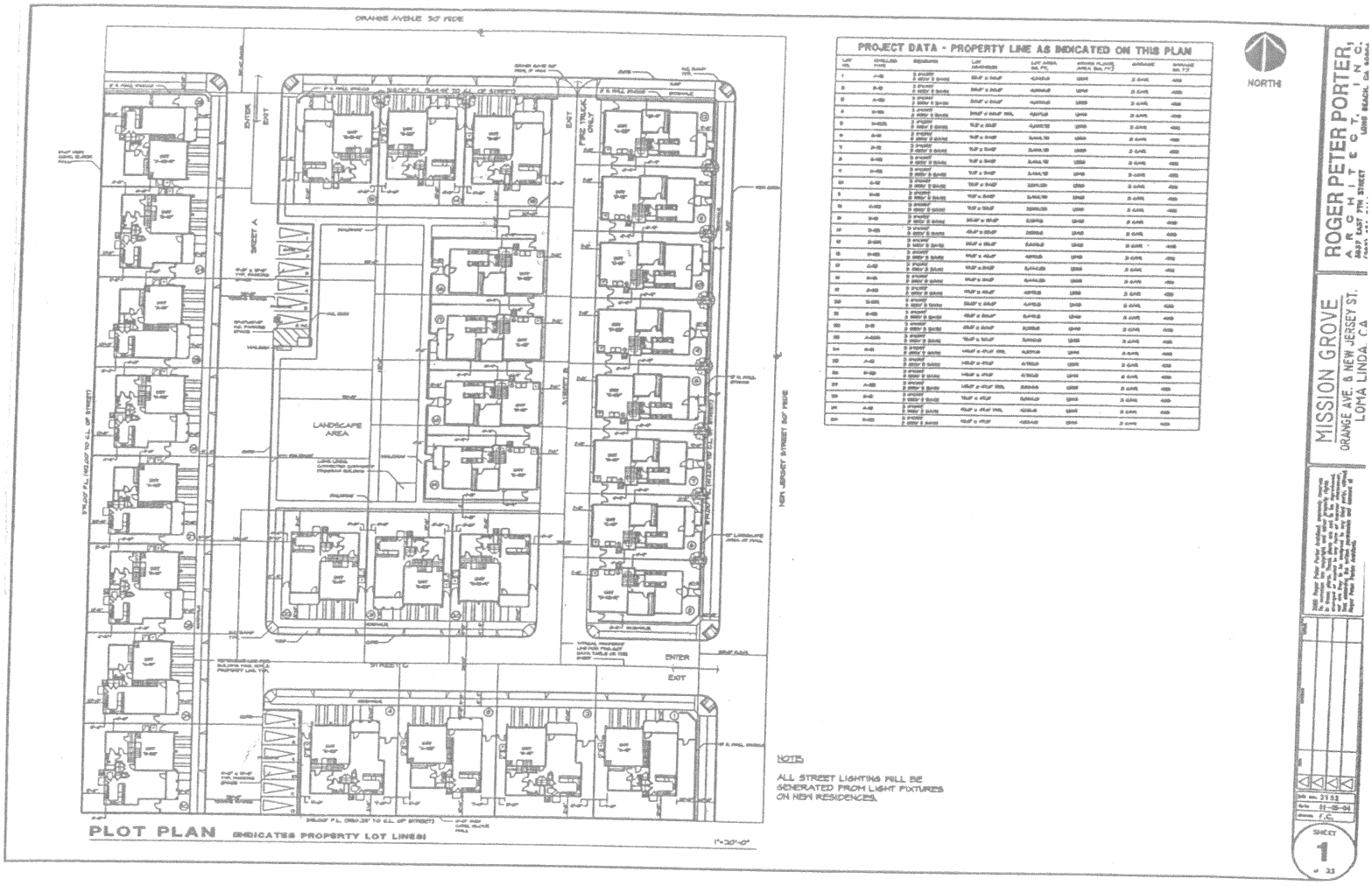

Exhibit 3
Photos of Site

Looking north from the southern boundary of project site

Looking north to back side of house and accessory structure

Exhibit 3
Photos of Site

The post war single family home located at 26657 Orange Avenue

The southwest corner of Orange Avenue at New Jersey Street

1) AESTHETICS

a), b) & c)– No Impact: The proposed development of 30 single-family residences will not have an averse impact upon scenic vistas, substantially damage scenic resources or substantially degrade the existing visual character of the site. The majority of the subject property is currently vacant with the exception of the single-family residence at 26557 Orange Avenue dating back to 1952.

The development area is located on relatively flat land and is not listed as a scenic corridor. The project area is not located within or near a State Scenic Highway as identified in the City of Loma Linda General Plan. The design of the single-family homes is a modern adaptation of Mediterranean and Spanish design, which is consistent with the architectural styles required in the Mission Road Historic Overlay District.

d) – Less Than Significant Impact: The proposed project of 30 single family homes would incrementally add to the overall amount of light in the area; however, all street lighting will be directed and designed to minimize glare. Development will include extensions of streetlights to provide safety and security. No spotlighting or flood lighting will be used on the development site either prior to, during, or following construction. Therefore, no adverse affect on nighttime views will occur.

2) AGRICULTURAL RESOURCES

a), b) & c) – No Impact: The proposed project will be located on an approximately three acre parcel across the street from an existing single family home and orange grove. The citrus grove that was once on the subject site was removed several years ago. The City does not recognize the long-term retention of agriculture lands and states as a guiding policy (City General Plan 9.5.2) that development in agricultural areas will occur as a natural extension of urban expansion. The project site is not utilizing land under agricultural production. There are no known Williamson Act contracts on the property. No impacts will occur to any agricultural uses or farmland.

3) AIR QUALITY

a) Less than significant impact. The project area is located within the South Coast Air Basin of Southern California and within the jurisdiction of the South Coast Air Quality Management District. The proposed project is presumed to be incorporated into the Air Quality Management Plan (AQMP), prepared by the South Coast Air Quality Management District (SCAQMD), since the latest AQMP is dated 1997 and the various elements of the City's General Plan were adopted between 1973 and 1992, prior to the preparation of the 1997 AQMP. Therefore, the assumptions contained within the latest

AQMP are based upon the plans and policies contained in the City's existing General Plan. As such, the proposed project will not conflict with or obstruct implementation of the latest air quality management plan.

b) and c) Less than significant impact. The proposed project was evaluated for construction and operational emissions utilizing information provided by the applicant and the URBEMIS 2002 air quality program from the South Coast Air Quality Management District. The overall construction period is estimated at 14 months, with grading lasting 1.2 months, using the program's default value. The formula also divides each component of development, such as home construction and architecture (painting), into separate segments. However, both activities may occur simultaneously within different portions of the project site. In addition, occupancy of some housing may occur while construction is on going in other portions of the site. Therefore, the time identified for painting (2.5 months) may seem excessive, but better characterizes the extended period for this operation. This expanded period explains, in part, why the construction period was expanded to 14 months rather than using a one-year period as a more general time frame. However, the actual construction period will be predicated upon the rate of home sales. While some of the variables used to estimate emissions may change they provide a starting point upon which to evaluate the proposed project.

Air emissions were evaluated using three (3) separate activity phases: Site grading, site construction, and project operation. No site demolition is required. The calculations for each phase are listed below.

Table No. 1

Estimated Short-Term Emissions for Site Grading Activities

Pollution Source	ROG	NOx	CO	SOx	PM_{10}
Grading	11.61	85.31	91.73	0.00	3.98
SCAQMD Thresholds	75	100	550	150	150

Note: All units are in pounds per day.

This grading calculation does not include methods to reduce PM_{10} emissions, such as site watering or soil stabilizers, which are standard measures undertaken to reduce emission. According to the *CEQA Air Quality Handbook*, PM_{10} emissions can be reduced between 30 and 68 percent with these measures.

Table No. 2

Estimated Short-Term Emissions During the Construction Period

Pollution Source	ROG	NOx	CO	SOx	PM_{10}
Equipment	3.0	19.48	25.14	0.76	0.76
Commuting Traffic	0.34	0.18	4.05	0	0.06
Coating Applications	58.85	-	-	-	-

Asphalt Offgassing	0.27	-	-	-	-
Emissions Totals	62.46	19.66	29.19	0.76	0.82
SCAQMD Thresholds	75	100	550	150	150

Note: All units are in pounds per day.

Table No. 3

Estimated Long-Term Project-Related Emissions (Operation)

Pollution Source	ROG	NOx	CO	SOx	PM_{10}
Mobile Emissions	4.78	5.19	59.39	0.04	4.12
Natural Gas Consumption	0.03	0.45	0.19	-	0.00
Landscaping Emissions	0.05	0.01	0.44	0.01	0.00
Consumer Products	1.76	-	-	-	-
Emissions Totals	6.62	5.65	60.02	0.05	4.12
SCAQMD Thresholds	55	55	550	150	150

Note: All units are in pounds per day.

Table 9-5 of the *CEQA Air Quality Handbook* identifies levels of significance for a sample 210-unit single-family development project. Although the sample project exceeds CO levels by approximately 150 lbs. or 27 percent for daily operation emissions, the sample project is almost seven (7) times the size of the proposed project.

Based upon these calculations the proposed project will not exceed adopted air quality standards or substantially contribute to air quality violations. The proposed project is not anticipated to result in a cumulatively considerable net increase of any criteria pollutant due to the project's consistency with the City's existing General Plan and the adopted air quality plan.

d) and e) Less than significant impact. Single-family residences surround the project site. The *CEQA Air Quality Handbook* identifies uses considered to be sensitive receptors as including residences, schools, long-term health care facilities, childcare centers, and other similar uses. (Figure 5-1, p. 5-7) It is acknowledged that construction related activities would result in dust, construction equipment emissions, and odors from the application of some materials. It is also expected that surrounding residences could be affected in some manner by these activities. However, these construction related activities will be short-term in nature and the odors generated during construction will be an annoyance rather than a health hazard. The potential impacts are not expected to be adverse.

4) BIOLOGICAL RESOURCES

a) Less than significant impact. The project site is currently undeveloped land, except for the single-family house, that is highly disturbed. It is not anticipated that the proposed project will have a substantial adverse effect, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The Biological Report from Thomas Olsen Associates states no native vegetative communities currently exist on site. Additionally, appropriate conditions do not exist on site for any of the 13 species considered to live in the region

b) and c) Less than significant impact. No substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service will be affected by the development of the proposed project. The proposed property has no wetland areas and therefore will not have an impact upon federally protected wetlands.

d) Less than significant impact. The project is not anticipated to interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. As noted above the site is highly disturbed within an urbanized area and there is no significant wildlife corridors observed on the project site.

e) Less than significant impact. The past disturbance and use of the site for citrus production has eliminated any native vegetation that once existed and is now absent of any sensitive species on site. The current vegetation is mostly annual grasses and forbs. Incorporating the California fan palms along New Jersey Street complies with the City of Loma Linda established policies for preservation of historic resources within this area. The Mission Historic District Overlay identifies the importance of retaining historically significant resources. The development of this property will not conflict with local policies protecting biological resources.

f) Less than significant impact. Given the lack of significant habitat established on this property there will be no impact or conflict with any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

5) CULTURAL RESOURCES

a) Less than significant with mitigation. Aerial photos dating back to 1938 show the subject property continually being used as a citrus orchard and the presence of the row of California Fan Palms. The project site will not cause a substantial adverse change in the significance of a historical resource as defined in California Environmental Quality Act (CEQA) Guidelines Section 15064.5. In their study of the project site, CRM TECH

determined that the residence was built in 1952, which is located at 26657 Orange Avenue. This structure does not qualify as a historical resource. It is a non-contributing element of the Mission Historic Overlay District.

CRM TECH encourages that the row of palm trees along New Jersey Street be preserved and incorporated into the development plans, if feasible. The proposed project includes the retention of the row of original California Fan palm trees that contribute materially to the community's aesthetic value.

No further historical or archaeological investigations are necessary for the project. The proposed project will comply with the policies and requirements of the Draft and existing Loma Linda General Plans. Implementation of the mitigation measures will reduce the project's impacts on historic resources to a level of non-significance.

Mitigation

- The residence at 26657 Orange Avenue and accessory wooden structure are to be demolished. The row of California Fan palm trees shall be maintained and incorporated into the project site. The trees shall be retained in accordance to the standards developed by the International Society of Arboriculture.

- Full-time monitoring by a licensed archeologist shall be required during all grubbing grading and utility trenching activities where intact soils below the upper 2 feet of grade are disturbed. Native American tribal monitors (from groups indicated by the NAHC) shall be hired by the project proponent and should be on site during the grubbing, grading and utility trenching phases of the project. These monitors should also be on-site during any archaeological Phase 2 (testing) or Phase 3

b),c) & d)- Less than significant impact. The development of the project site into 30 single-family homes is not anticipated to contain any human remains. If any are encounter, construction will be halted and the San Bernardino County Coroner shall be immediately advised. Work shall not resume until the Coroner has approved resumption of activities.

6) **GEOLOGY & SOILS**

a) Less than significant impact. The site is not located within or immediately adjacent to a fault-rupture hazard as defined by the Alquist-Priolo Earthquake Fault Zoning Act. Since no faults are known to pass through the project site, a surface fault rupture within the project site is unlikely. The San Jacinto Fault is approximately 2.5 miles southwest of the project site. The San Andreas Fault Zone is located on the north side of the San Bernardino Valley approximately 8-10 miles away. The intended project proposes to introduce less than significant adverse impact potentials with relation to this

issue. The Mission Grove project will not expose people or structures to substantial adverse effects involving seismic-related ground failure, including liquefaction. The Mission Grove project will not expose people or structures to substantial adverse effects involving landslides. The project site is not located in an area that is subject to landslides. The project site and surrounding properties are relatively flat.

b) Less than significant impact. It is not anticipated that the development of this site will contribute to significant soil erosion or loss of topsoil. Some erosion will occur as a result of grading and the construction process, however the site is minimally sloped and the implementation of Best Management Practices for erosion and sediment control will result in a less than significant impact in this area.

c), d) and e) No impact. It is not anticipated that the development of the project site is located on a geological unit or soil unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. The project site and surrounding properties are not located in an area that is subject to landslides and is in an area that is relatively flat.

There is no evidence that the project site is located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property. Thomas Olsen and Associates prepared a Biological Assessment of the Mission Grove project site and found that the soil consists of primarily San Emigdio fine sandy loam. The San Emigdio Series soil consists of well drained soils found on alluvial fans.

The proposed project site does not have soils capable of adequately supporting the use of septic tanks or alternative sewer and wastewater disposal systems. Septic tanks and leach lines may be present due to the presence of the residence and accessory structure on the property.

7) HAZARDS & HAZARDOUS MATERIALS

a) & b) Less than significant impact. A less that significant impact from hazardous materials transport or use will occur during construction activities at the three acre project site. Hazardous materials, which may be present during construction, include limited storage of diesel fuel and the storage of paints and solvents common to construction. Quantities of materials stored on site during construction activities will be limited to amounts reasonable and necessary for construction activities and will be stored in a manner consistent with hazardous material storage requirements. Although potentially hazardous materials may be on site, the quantities and use of these materials is routine and will not pose a threat to surrounding areas or the public in general.

c) Less than significant impact. No school currently exists within a mile radius from the Mission Grove development site. The historic Mission School is at the corner of

Redlands Boulevard at California Street. The Loma Linda Academy High School and Loma Linda University are approximately two and a half miles west of the project site; however, this project (residential use) is not expected to result in the emission of hazardous materials that would impact existing schools.

d), e), f), g), and h) No impact. The proposed project is not located on a site that is included on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5 and, as a result, it would not create a significant hazard to the public or the environment. Therefore the project proposes no potential threat to introduce any significant adverse impact with relation to this issue.

The project is not within two miles of an airport. The nearest public use airport is the San Bernardino International Airport, approximately three miles north of the project site. No private airstrips have been identified within the vicinity of the project site. The project would not impair implementation of an adopted emergency response plan or emergency evacuation plan. The development would meet all City requirements for fire and other emergency access. The project would not expose people or structures to a risk of loss, injury or death involving wildland fires, the proposed project is not in a wildland fire hazard area.

8) HYDROLOGY & WATER QUALITY

a), c), e) and f) Less than significant with mitigation. Development of the vacant site can potentially cause soil sedimentation and water pollution during grading and construction phases. Operations of the facility, including maintenance and irrigation can also lead to sedimentation and water contamination. An erosion/sediment control plan and a Water Quality Management Plan are required to address on-site drainage control during construction. The intended project will increase the amount of impervious area thus increasing the amount of potential runoff from the site. This increase in runoff will be less than significant and will not exceed the capacity of existing planned Stormwater drainage systems or contribute a significant amount of pollutants to runoff. The proposed project will protect water quality by following the City of Loma Linda's General Plan and will comply with a stormwater pollution prevention plan (SWPPP).

Mitigations:

- All site drainage shall be handled on-site and shall not be permitted to drain onto adjacent properties.
- Prior to issuance of grading permits, the applicant shall obtain coverage under the NPDES Statewide Industrial Stormwater Permit for General Construction Activities from the State Water Resources Control Board. Evidence that this has been obtained shall be submitted to the City of Loma Linda Public Works Department.
- An erosion/sediment control plan and a Water Quality Management Plan are required to address on-site drainage construction and operation.

- All necessary precautions and preventive measures shall be in place in order to prevent material from being washed away by surface waters or blown by wind. These controls shall include at a minimum: Regular wetting of surface or other similar wind control method, installation of straw or fiber mats to prevent rain related erosion. Detention basin(s) or other appropriately sized barrier to surface flow must be installed at the discharge point(s) of drainage from the site. Any water collected from these controls shall be appropriately disposed of at a disposal site. These measures shall be added as general notes on the site plan and a statement added that the operator is responsible for ensuring that these measures continue to be effective during the duration of the project construction.
- Appropriate controls shall be installed to prevent all materials from being tracked off-site by vehicles or other means. These controls may include gravel exits or wash-down areas. Any materials tracked off-site must be removed as soon as possible, nut no later than the end of the operation day. This material shall be disposed of at an appropriate disposal site. These measures shall be added as general notes on the site plan and a statement added that the operator is responsible for ensuring that these measures continue to be effective during the duration of the project construction.
- A complete hydrology study and hydraulic calculations shall be submitted for review and approval by the Public Works Department.

b) and d) Less than significant with mitigation. The proposed project is not anticipated to substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. The future residents of the project will consume approximately 15,600 gallons per day of water (78 residents X 200 gallons per day). This is a negligible amount of water use and it is consistent with the planned growth of Loma Linda; therefore no significant impact is expected. The project area is within a core development area of the City and water infrastructure to service the area is already in place. The City of Loma Linda provides water from its own six production wells. The main water source for the City is the Bunker Hill Basin.

There are no wetlands located on the property. In addition there are no springs nor "Waters of the United States" mapped across the site. The drainage is contained on the proposed site. The project site is currently vacant with the existing terrain sloping at a rate of approximately 1.0 percent toward Orange Avenue. Thus there is no evidence of runoff to any of the surrounding streets from the property. No change in drainage pattern or increase in erosion is expected on or of site.

Mitigation

- Prior to any construction activities, the project proponent will submit a proposed storm drain system designed to handle flows from the anticipated runoff created by this project to the City for review and approval.

g) and h) Less than significant impact. The project is located within the regional watershed known as San Timoteo Canyon. The primary drainage course is San Timoteo Creek, a major regional flood control channel. The City of Loma Linda General Plan Housing Element (1986) and the Federal Emergency Management Agency's Flood Insurance Rate Map (1996) identify the project site as lying within a 100-year floodplain. The US Army Corps of Engineers and the San Bernardino County Flood Control District have improved the creek to a concrete lined trapezoidal channel. These improvements were built to about ¼ mile upstream from the project. Construction to extend improvements farther upstream are anticipated to be completed this year. As a result of the improvements, the Federal Emergency Management Agency (FEMA) issued a letter on June 27, 2001, that revises the project area's floodplain rating to a Zone A99. The Zone A99 designation is an interim designation that is used for areas that are protected from the base flood due to a Federal flood-protection system that is under construction. A new floodplain map will be prepared after the U.S. Army Corps of Engineers has certified the improvements to the San Timoteo Creek. The proposed project will not impede or redirect flood flow. The proposed project will comply with the policies and requirements of the Loma Linda General Plan.

i) and j) No impact. The Mission Grove project would not expose people or structures to loss, injury or death from flooding, including flooding as a result of the failure of a levee or dam. The project site is not located near a levee or dam. It is not anticipated that the project would result in exposure of people or structures to inundation by seiches, or mudflow. As there are no large bodies of water in the project area there is no risk of inundation by seiche. There is no possibility of inundation by mudflow as the project site is relatively flat and would meet all City grading and compaction requirements. The proposed project will comply with the policies and requirements of the Loma Linda General Plan.

9) LAND USE PLANNING

a) No impact The Mission Grove project would not physically divide an established community. The project site was once farmed for citrus but the site has been cleared of all citrus trees. Some of the surrounding properties are a few of the citrus groves left in the surrounding area.

b) Less than significant impact. The existing General Plan and Zoning designation for the site is Administrative Professional, respectively. The proposed project includes a General Plan Amendment to Mixed Use and a Zone Change to Planned Community. With the proposed designations the project could incorporate single-family residential development. The project also includes a Tentative Tract Map and Precise Plan of

Design. The proposed project will comply with the policies and requirements of the Loma Linda General Plan.

c) No Impact. It is not anticipated that this project will conflict with any conservation plan or natural community conservation plan. The property is not located in any special environmental settings or impact zones e.g. wetlands, endangered species, or natural habitats and thus no impact is expected.

10) MINERAL RESOURCES

a) and b) No Impact. The proposed project is not located in a Mineral Resource Zone (MRZ) area, and does not propose to use non-renewable resources in a wasteful and inefficient manner. No impacts to mineral resources are anticipated.

11) NOISE

a) and b) Less than significant impact. The development of the Mission Grove project would increase noise levels in the area, consistent with single-family residential units. However, these noise levels would not exceed the standards established in the City of Loma Linda Noise Ordinance (Chapter 9.2 of the Loma Linda Municipal Code).

c) Less than significant impact. The development of this proposed project would increase ambient noise levels in the area, however, the noise would be consistent with a residential area and would not result in a substantial increase.

d) Less than significant impact. The construction of 30 housing units will cause a temporary rise in the area's noise level to occur; however, the level of noise will not be substantial. The potential for disrupting persons in the vicinity of the project area is minimal due to the area not being developed. During site construction, the project is required to comply with Section 9.20.050 (Prohibited Noises) of the Loma Linda Municipal Code, which requires that construction activities cease between the hours of 10:00 p.m. and 7:00 a.m. No additional mitigation is needed or proposed for short-term noise impacts.

e) and f). No impact. The project is not within two miles of an airport. The nearest public use airport is the San Bernardino International Airport, approximately three miles north of the project site. No private airstrips have been identified within the vicinity of the project site.

12) POPULATION & HOUSING

a) Less than significant with mitigation. It is likely that the proposed project will induce population growth in an area, directly by proposing new homes but the growth will be less than significant. The Mission Grove project site is approximately three acres. The

project's overall density is ten (10) units per acre. The proposed project is expected to generate approximately 78 new residents, based on 30 units times an average household size of 2.6 persons per household (2000 US Census). The project site is located within the Inland Valley Development Agency (IVDA) project area and requires 15 percent of the total units to qualify as affordable housing as required by the State of California and implemented by the IVDA and the City of Loma Linda.

Mitigation

- The applicant shall enter into a Development Agreement with the City of Loma Linda Redevelopment Agency on behalf of the IVDA to ensure construction and establish covenants for affordable units in the amount of 15 percent of the total number of units as prescribed by the City and the IVDA. In lieu of constructing the affordable units, a fee can be paid to the City of Loma Linda on behalf of the IVDA to assist in the development of affordable units within the project area.

b) & c) Less than significant impact. The proposed project will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. The proposed project site currently has one vacant single-family residential structure, an accessory wooden structure and the rest is vacant. Therefore the intended project proposes no threat to introduce any significant adverse impact with relation to this issue. The proposed project will comply with the policies and requirements of the Loma Linda General Plan.

13) PUBLIC SERVICES

a) Less than significant impact with mitigation. The project would result in 30 new housing units; however, this would not significantly impact the ability of the City's public services to meet the demands of the public.

The Public Safety Department has reviewed this project and they have the capability of providing service to the site. All homes will be required to install automatic fire sprinklers and a utility improvement plan will be required of the applicant to show locations of fire hydrant for Public Safety Department review. The San Bernardino County Sheriff's Department provides police protection for the City of Lima Linda. They have reviewed the project and are able to provide services for this project; therefore, there is no impact. Redlands Unified School District has been notified of this project. The applicant will be required to pay school fees to the District. Government services will be provided to all residents in this subdivision.

The project would not create the need for additional public services. The proposed project will not adversely impact other publicly maintained facilities due to the limited size and scope of the project. A standard condition of approval will require the project proponent to pay for development impact fees established for development within the City of Loma Linda. These fees are used to make necessary improvements within the

area to keep the system at acceptable levels of service and to provide for future parks within the City.

Mitigation

- The developer will be required to install automatic fire sprinklers in all dwelling units, and a utility improvement plan will be required of the developer to show locations of fire hydrants for Public Safety Department review.

- The developer shall pay for development impact fees established for development within the City of Loma Linda prior to issuance of building permits.

- The developer shall make a payment of school fees from the most current fee schedule to Redlands Unified School District prior to issuance of building permits.

14) RECREATION

a) Less than significant impact with mitigation. The development of 30 housing units would incrementally increase the use of park facilities in the vicinity; however, the project would provide 0.21 acres of common open space, which includes playground equipment, benches, picnic tables and barbecue areas. The City of Loma Linda General Plan requires 5 acres of park space for every 1000 residents. This project is deficient 9,164 square feet of park area that will be collected through park in-lieu fees. The provision of recreational areas within the project and the payment of impact fees would reduce to below the level of significance impacts to recreational facilities.

Mitigation

- The developer shall pay park in lieu fees to offset the potential effect of new development upon existing recreational facilities and/or allow for the construction or expansion of such facilities for use by future residents.

b) No impact. The Mission Grove project will have recreation facilities as amenities for the residents such as: playground equipment, benches, picnic tables and barbeque areas in the center of the project site. The recreation facilities included in the project will not have an adverse effect on the environment.

15) TRANSPORTATION/TRAFFIC

a) Less than significant impact with mitigation. Two intersections were identified for analysis in the traffic study prepared by Norman Suker and Associates, Incorporated for peak hour conditions. The locations included the following intersections:

- California Street at Redlands Boulevard; and,
- Orange Avenue, and California Street.

The City of Loma Linda and the City of Redlands have determined that the alignment of California Street and Redlands Boulevard is necessary to elevate the current traffic condition and to accommodate additional traffic from new development. City of Loma Linda staff has determined that a fair share for the California Street and Redlands Boulevard improvements for this project is .66 percent of the total cost of the project.

In addition the City of Loma Linda has a preferred alternative plan to realign Mission Road and extend Orange Avenue to the west connecting with Mission Road. This would elevate the current and future traffic impacts of the Mission Road and California intersection due to its proximity to the Barton Road and California Street intersection. City of Loma Linda staff has determined that the fair share for the Orange Avenue and California Street realignment would be .95 percent of the total cost of the project.

The fair share for these projects takes into consideration cumulative project growth, which is due to specific, known development projects in the vicinity. The known development projects in the vicinity area includes the following:

- Park Lane (51 single family homes) at First Street and Whittier Avenue;
- University Village (20,000 square foot commercial retail space, 800 rental units, and 900 single family homes);
- Orchard Park (250,000 square foot commercial/retail space, 51 acre mixed use business park, 310 luxury apartment units, 190 single family residences);
- Mission Creek (227 single family homes) south of Mission Road; and
- Mission Lane (70 single family homes) near Van Lueven at Pepper Way.
- Barton Vineyard (296 apartments).

With the fair share of the improvements stated above, the proposed project is not anticipated to cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system. The increase in traffic on nearby streets will not be substantial in relation to the existing traffic load and capacity of the street system. The proposed project will comply with the policies and requirements of the Loma Linda General Plan. The intended project proposes to introduce less than significant adverse impact potentials with relation to this issue.

Mitigation

- Prior to issuance of any permits the developer shall pay .66 percent, which is the fair share for the project, of the estimated costs for traffic improvements at the intersection of California Street and Redlands Boulevard.

- Prior to issuance of any permits the developer shall pay .95 percent, which is the fair share for the project, of the estimated costs for traffic improvements for the extension of Orange Avenue to the West of California Street, realigning Mission Road.

- Prior to issuance of any permits for the 3 acre site, the developer shall pay their fair share for traffic improvements associated with the development, as identified through the Traffic Impact Analysis approved for the General Plan.

b) Less than significant impact. The project will not exceed either individually or cumulatively, the county's level of service standard. The cumulative impact of other projects called, University Village, and Orchard Park, located across California Street, may require widening of California Street, Redlands Boulevard, and Mission Road as a normal part of those projects. As a result the cumulative impact of those projects will not exceed the county's level of service standard. The proposed Mission Grove project will not require any widening. Any changes would be limited to restriping an additional turn lane within the existing approach pavement. The proposed project will comply with the policies and requirements of the Loma Linda General Plan. The intended project proposes to introduce less than significant adverse impact potentials with relation to this issue.

c), d), e), f) and g) No impact. The proposed project will cause no change in traffic levels. No traffic hazards will be created by the construction of internal private roads that are necessary for the development. This project will not result in inadequate emergency access. The three interior roads are designed to provide adequate access to emergency vehicles and will be reviewed by Public Works and Public Safety Departments. Parking areas will be completed in accordance with the City of Loma Linda's zoning code and will be adequate for the proposed parking area. The project supports transit alternatives. A transit stop will be near the project on Barton Road offering half hourly service to Loma Linda and Redlands.

16) UTILITIES AND SERVICE SYSTEMS

a) Less than significant impact. The proposed project is not anticipated to cause or contribute to a violation of wastewater treatment requirements of the Regional Water Quality Control Board. Implementing best management practices and policies of the City regarding wastewater would protect water quality.

b) Less than significant impact. The development of the Mission Grove project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. The waste from Loma Linda sewer is transported to the San Bernardino treatment plants. The San Bernardino treatment plants will be able to

accommodate the project. There are no sewer lines at Mission and Barton Road so sewer lines will have to be installed where necessary. There is a 12" line north of Orange and New Jersey.

c) Less than significant impact. The development of the Mission Grove project is not anticipated to require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Please see response (b).

d) Less than significant impact. The proposed development is not anticipated to use excessive amounts of water or have a demand greater than that available to serve development from existing entitlements and resources. It is not anticipated that the establishment of thirty residences would result in depletion of ground water supplies. The City of Loma Linda provides water from its own six production wells. The main water source for the City is the Bunker Hill Basin.

e) Less than significant impact. The development of the project is not anticipated to result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. The waste from Loma Linda sewer is transported to the San Bernardino treatment plants. The San Bernardino treatment plant will be able to accommodate the project. There is a 12" sewer line north of Orange and New Jersey.

f) Less than significant impact. Waste Management of the Inland Empire Solid provides waste disposal service for the project site. The refuse from the project area would be transported to a County of San Bernardino Landfill.

g) No impact. Waste Management will service the project for solid waste disposal and recycling program. By implementing the recycling and hazardous waste programs the City will help ensure that the waste stream directed to local landfills is reduced. These accommodations for solid waste will comply with all state, federal and local regulations in regards to solid waste disposal.

17) MANDATORY FINDINGS OF SIGNIFICANCE

a) Less than significant impact with mitigation. The project will not cause negative impacts to wildlife habitat, nor limit the achievement of any long-term environmental goals, nor have impacts, which are potentially and individually limited but are cumulatively considerable and could potentially have an indirect adverse impact on human beings. The site is located within an area of known cultural and historical significance, however mitigation measures included in this Initial Study will reduce the project impacts to less than significant levels. Therefore, development of the site will not impact any endangered species.

b) Less than significant with mitigation Several of the potential impacts identified in this Initial Study potentially have cumulatively considerable increment effects, which could degrade the quality of the environment if they were not avoided or sufficiently mitigated. Mitigation measures have been proposed and implementation of these mitigation measures should provide safeguards to prevent potentially significant cumulative impacts.

c) Less than significant with mitigation. Several of the potential impacts identified in this Initial Study could degrade the quality of the environment if they are not avoided or sufficiently mitigated. Project impacts, which can be sufficiently mitigated to a less than significant level, include cultural resources, hydrology, recreation, traffic, and air quality. Implementation of the proposed mitigation measures will ensure that the project's effects will remain at a level that is less than significant.

REFERENCES

The following plans and documents were consulted for the preparation of this Initial Study.

1. City of Loma Linda General Plan
2. City of Loma Linda General Plan Land Use Element Map
3. City of Loma Linda Zoning Map
4. City of Loma Linda Municipal Code
5. City of Loma Linda Draft General Plan
6. Flood Insurance Rate Map of San Bernardino County and Incorporated Areas, Map No. 06071C8711F (effective June 27, 2001).
7. Historical/Archaeological Report, Tentative Tract 16811, CRM TECH, August 27, 2004.
8. Soils Study, Cal Vada Environmental Services, Inc., February 11, 2004.
9. Traffic Study for TTM No. 16811, Norman Suker and Associates, February 6, 2004.
10. Biological Assessment, Tentative Tract Map No. 16811,Thomas Olsen Associates., February 9, 2004.
11. Preliminary Hydrology Report, Anacal Engineering, Co.

Attachment B

Conditions of Approval

ATTACHMENT B

CONDITIONS OF APPROVAL

TENTATIVE TRACT MAP NO. 16811

All applicable provisions and requirements of City Codes and Ordinances shall be met for this project. All conditions unless otherwise specifies are due prior to the issuance of building permits. The following specific requirements shall also apply:

1. COMMUNITY DEVELOPMENT DEPARTMENT

1.1 Within two years of this approval, the Tentative Tract Map shall be exercised or the permit/approval shall become null and void.

PROJECT:	*EXPIRATION DATE:*
TENTATIVE TRACT MAP NO. 16811	*APRIL 12, 2007*
PRECISE PLAN OF DESIGN (PPD) NO. 04-04	*APRIL 12, 2007*
DEVELOPMENT AGREEMENT	*APRIL 12, 2012*

1.2 In the event that this approval is legally challenged, the City will promptly notify the applicant of any claim or action and will cooperate fully in the defense of the matter. Once notified, the applicant agrees to defend, indemnify, and hold harmless the City, its officers, agents and employees from any claim, action or proceeding against the City of Loma Linda. The applicant further agrees to reimburse the City of any costs and attorneys' fees, which the City may be required by a court to pay as a result of such action, but such participation shall not relieve applicant of his or her obligation under this condition.

1.3 The proposed subdivision shall conform to all provisions of Title 16 of the Loma Linda Municipal Code (LLMC).

1.4 Mitigation measures listed in the Mitigated Negative Declaration shall be made conditions of this project.

1.5 The applicant shall submit proposed street names to the Community Development Department for review by the Historical Commission and the approval of the City Council pursuant to the City of Loma Linda Park and Facilities Names Policy Procedure.

1.6 The project and future development and/or improvements shall conform to the approved set of set of plans depicting site design, layout and aesthetics of the housing.

1.7 The developer shall provide infrastructure for the Loma Linda Connected Community Program, which includes providing a technologically enabled development that includes coaxial, cable and fiber optic lines to all outlets in each unit of the development. Plans for the location of the infrastructure shall be provided with the precise plan of design, which includes providing a technologically enabled development that includes coaxial, cable, and fiber optic lines to all outlets in each unit of the development. Plans for the location of the infrastructure shall be provided with the precise grading plans and reviewed and approved by the City of Loma Linda prior to issuing grading permits.

1.8 The trash receptacle location and design shall be approved by the waste hauler company and written proof of the approval shall be provided to the Community Development Department prior to issuance of building permits.

1.9 All plans for building construction shall comply with the current edition of the California Building Code (CBC).

1.10 A water test shall be required to determine if water is aggressive to copper or metal pipe. The Ph and dissolved oxygen contents must be provided in the water test and results submitted to the Building Division prior to issuance of building permits. If plastic pipe is proposed, approval from the Building Division shall be required prior to issuance of building permits.

1.11 Approval of GPA No. 04-03, ZC No. 04-03, TTM 16811, PPD 04-04 and Development Agreement is contingent upon the applicant and property owners signing and returning an "Agreement to Conditions Imposed" form as established by the Community Development Department.

Architecture

1.12 A phasing plan shall be submitted to the Community Development Department for review and approval prior to issuance of any permits. The plan shall illustrate the location of models, proposed temporary fencing for the models and location and quantity of parking spaces for the models, temporary sales offices and construction trailer.

1.13 The Loma Linda Connected Communities Program (LLCCP) Hub located in the structure in the park space next to Lot 19 shall be completed prior to model opening or occupancy of phase one.

1.14 Sales model complex and common areas shall provide access to disabled persons. Provide notes to indicate accessible paths of travel to the sales area including pedestrian gates, sidewalks and accessible parking. A parking space at the model complex area shall be designated as van accessible with an eight-foot aisle.

1.15 The applicant shall note on the final pans that a six-foot-high chain-link fence shall be installed around the site prior to building construction stages. Gated entrances shall be permitted along the perimeter of the site for construction vehicles.

1.16 The proposed color schemes, specifically the wall base color, shall be modified to create more of a contrasting difference between the base colors for the following schemes:

1. Plan A2 and Plan E2;
2. Plan B2 and Plan D2;
3. Plan B1 and Plan C1;

The proposed color scheme shall be modified to create more contrast in the trim and stucco colors

4. Plan A2 and B2;
5. Plan A1 and E1

1.17 All colors and materials shall be reviewed and approved by the Community Development Department prior to issuance of building permits.

1.18 The architectural style of the same house plan shall not be side by side. The same color/material schemes of any plan shall not be side by side or across a street or alley.

1.19 Final street light style and specifications shall be included in the working drawings, subject to review and approval of the Public Works and Community Development Departments prior to issuance of permits for the production homes. The applicant proposes street lighting generated from light fixtures on residences. In addition, the project shall be included in the City's Street Lighting District for the frontages along Orange Avenue and New Jersey Street.

1.20 Where appropriate and where space permits, the applicant shall provide shutters on all larger windows for more visual interest. Modified elevations shall be reviewed and approved by the Community Development Department.

1.21 The Plan A2 model illustrating arched windows at the front elevations shall incorporate similar windows on the sides and rear elevation.

1.22 The Plan B1 & B2 models shall be enhanced with three windows on the second floor. This would involve the master bedroom closet and the closet and bathroom of Bedroom No. 2, respectively.

1.23 The front of the Plan B2 model shall be enhanced with a decorative architectural element that can continue to the side elevations.

1.24 The Plan C1 model shall incorporate a taller, arched window over the staircase shown on the left elevation. Windows shall be added to the master bathroom and bathroom 2 on the second floor elevation to address the blank wall appearance.

1.25 The Plan C2 model shall incorporate a larger window over the staircase on the left elevation.

1.26 The Plan D1 & D2 model shall incorporate a second window in the master bedroom on the right elevation and a second window over the staircase to address the blank appearance at the rear elevation.

1.27 The Plan C & D models shall incorporate a brick veneer wainscoting accent at the rear adjacent to the alleys and wrap around to the front of the fence line on the side elevation.

1.28 Wooden porch columns (where provided) shall include both 6 inch and 8 inch sizes.

1.29 Where appropriate and where space permits the applicant shall provide a large paved area on Plans D1 and Plan D2 to allow room for benches and potted plants to promote outdoor gathering areas.

1.30 The applicant shall work with staff to provide a variety of garage doors that are more in keeping with the design of the architecture. The top panel shall include panel lights.

1.31 The mailbox kiosks shall be architecturally enhanced. The final mailbox architectural details indicating color and exterior treatment shall be included in the working drawings, subject to review and approval of the Community Development Department and prior to issuance of permits for the production homes.

Landscaping

1.32 All shrubs proposed in the front yards, and exterior side yards, which are planted by the developer, shall be a minimum of five gallon in size. A minimum of two, 24-inch box size tree is required for the individual lots.

1.33 Minimum 36-inch size box trees are required for the community park.

1.34 The applicant shall submit three sets of the final landscape plan prepared by a state licensed Landscape Architect, subject to approval by the Community Development Department, and by the Public Works Department for landscaping in the public right-of-way. Landscape plans for the Landscape Maintenance District shall be on separate plans.

1.35 Final landscape and irrigation plans shall be in substantial conformance with the approved conceptual landscape plan, and these conditions of approval.

1.36 All fencing around the yard areas shall be installed with the houses and shall be illustrated on the final landscape plan.

1.37 Side and rear yard wood fencing shall be finished in the same color.

1.38 The 6 foot perimeter block wall along the southern and western tract boundary and the three foot wall along the northern and eastern perimeter shall be split face block .

1.39 A pedestrian walkway shall be provided directly from the front entry to the sidewalk.

1.40 A concrete pedestrian walkway shall be provided from the driveway to the side yard gate where the trash receptacle containers are stored. A pad for the receptacle containers shall be provided and reviewed by the Community Development Department prior to issuance of building permits. The pad shall be large enough to accommodate three containers.

1.41 Landscape plans shall depict the utility laterals, concrete improvements, and tree locations. Any modification to the placement of one street tree, as specified, in front of each house shall be reviewed and approved by the Community Development Department prior to issuance of permits.

1.42 Root guards shall be placed around the roots of all trees to be planted in the front, and exterior side yards.

1.43 The developer shall provide landscaping for the front yard and exterior side yard for each dwelling.

1.44 The plans for the community park shall be reviewed and approved by the City Parks, Recreation and Beautification Committee.

1.45 The California Fan Palm trees located along New Jersey Street shall be maintained and incorporated into the Mission Grove project.

Noise

1.46 Indicate the location of air conditioner condensers in the yards and address the noise level issues according to City of Loma Linda Noise Ordinance.

1.47 During construction of the site, the project shall comply with Section 9.20.050 (Prohibited Noises) of the Loma Linda Municipal Code, which requires that exterior construction activities and any interior construction activities that would affect exterior noise levels cease between the hours of 6:00 p.m. to 7:00 a.m.

1.48 All windows shall be dual paned.

1.49 Entry doors, sliding glass doors, and French doors should be well-weather stripped solid fiberglass and solid core steel clad entry doors. The weather-stripping around the entire perimeter of the doors should consist of neoprene bulb gaskets that are compressed when the doors are closed to form an airtight seal. A wooden astragal with neoprene bulb gaskets should be used at double doors to ensure an airtight seal.

1.50 The interior noise standard of 45 dBA is to be met in all units with windows closed. Therefore, ventilation is needed per the Uniform Building Code standards in order to provide a habitable environment with windows closed.

1.51 Exterior walls at all units should be constructed with gypsum wallboard interior, 7/8" stucco exterior, with minimum R-13 insulation batts between the studs. All joints should be well fitted and/or caulked to form an airtight seal.

1.52 The roof system at all units should have tile over sheathing, R-19 fiberglass insulation, drywall, and vented.

1.53 Interior sound absorption within the units should be achieved with carpet (having a minimum 5/16" thick pile) and pad in all habitable rooms, with the exception of kitchens and bathrooms.

1.54 During construction of the site, the project shall comply with Section 9.20 (Prohibited Noises) of the Loma Linda Municipal Code, which requires that construction activities cease between the hours of 6:00 p.m. to 7:00 a.m.

Cultural Resources

1.55 If human remains are discovered during construction activities, all work in the area shall be suspended and the San Bernardino County Coroner shall be notified of the discovery. Work shall not resume until the Coroner has approved resumption of activities.

1.56 In the event that fossil resources are uncovered during construction, a qualified vertebrate paleontologist must be retained to develop a program to mitigate for impacts to nonrenewable fossil resources.

1.57 Should potentially significant buried cultural resources be uncovered during construction, such resources should be tested by a qualified archaeologist for historical significance prior to continuing construction or grading.

1.58 The residence at 26657 Orange Avenue and accessory wooden structure are to be demolished. The row of California Fan palm trees shall be maintained and incorporated into the project site. The trees shall be retained in accordance with the standards developed by the International Society of Arboriculture.

1.59 Full-time monitoring by a licensed archeologist shall be required during all grubbing grading and utility trenching activities where intact soils below the upper 2 feet of grade are disturbed. Native American tribal monitors (from groups indicated by the NAHC) shall be hired by the project proponent and should be on site during the grubbing, grading and utility trenching phases of the project. These monitors should also be on-site during any archaeological Phase 2 (testing) or Phase 3.

2. PUBLIC SAFETY DEPARTMENT

2.1 All conditions applicable to Tract 16811 shall apply to work done within the Tract under this or other PPD.

2.2 All construction shall meet the requirements of the editions of the *Uniform Building Code* (UBC)/California Building Code (CBC) and the *Uniform Fire Code* (UFC)/California Fire Code (CFC) as adopted and amended by the City of Loma Linda and legally in effect at the time of issuance of building permit.

2.3 Pursuant to UBC Section 904.2.2, as amended in Loma Linda Municipal Code (LLMC) Section 15.08.220, and as further modified herein, all future buildings to be constructed within the area of the tract shall be equipped with fully automatic fire sprinkler systems meeting the requirements of National Fire Protection Association (NFPA) 13D. 13D Section 4-6 shall be modified so as to provide additional sprinkler coverage beyond that specified in the standard, e.g., in garages, attached porches, additional small rooms and concealed spaces, etc. (specific language will be provided at time of plan check review).

2.4 Pursuant to UFC Section 1001.3, plans and specifications for the fire sprinkler systems shall be submitted to Fire Prevention for review and approval prior to installation.

2.5 A utility improvement plan showing the proposed locations for fire hydrants shall be submitted to Fire Prevention for review and approval as part of the plan review process (may be done in conjunction with Public Works Engineering plan review).

2.6 Parking shall be restricted (principally on or adjacent to street turns/corners at the intersections of streets A/C and B/C) as specified at time of Fire Prevention plan review, in order to provide for the movement and turning radius of emergency vehicles. Parking shall be prohibited on Street B due to the reduced street width.

2.7 The emergency access gate, to be located at the north end of street B, shall be electrically operated by a Knox key override switch and a radio operated controller (Click2Enter, or other approved equivalent). An approved 2-inch by 2-inch, blue, reflective marker shall be installed in the center of each side of the gate. The opening mechanism shall be provided with a provision for manual operation in case of power failure.

2.8 Building addresses shall be as assigned by the Public Safety Department upon submittal of a working copy of the Final Tract Map.

3. PUBLIC WORKS DEPARTMENT

3.1 Record a Final Map with the San Bernardino County Recorder pursuant to the provisions of the State Subdivision Map Act prior to issuance of all permits.

3.2 At the time of Final Tract Map submittal, include the following: Traverse calculations (sheets), copies of recorded maps and deeds used as reference and/or showing original land division, tie notes and bench marks referenced, and a current title report. The traverse calculation sheets to show error of closure. Inverse calculations will not be acceptable for plan check review.

3.3 Provide to the maximum extent practicable, for the recycling and reuse of construction and demolition debris. The City of Loma Linda C & D policy applies, a reuse/recycle plan is required with periodic disposal/recycle/reuse reports. A progress report is required prior to release of any temporary or final certificate of occupancy. A concrete washout area shall be provided and maintained.

3.4 Trash enclosures shall be sized to accommodate a recycle bin.

Soils/Geology/Grading

3.5 Submit grading plans, preliminary soils report and hydrology/hydraulic study to the Public Works Department for review and approval. The precise grading plan for the project must be approved prior to issuance of any building permits. NPDES regulations apply. A copy of your approved SWPPP and NOI issued by the State Water Resources Control Board shall be submitted to the Public Works Department.

3.6 Submit and obtain Public Works Department approval of an erosion/sediment control plan to minimize potential increases in erosion and sediment transport during short-term construction and long-term operational activity prior to issuance of any grading or building permits.

3.7 Dust control will be made a condition of the grading plans for this project.

3.8 Submit structural design and location for any required walls for review by the Building and Safety Department.

3.9 Submit geology report, prepared by a licensed engineering geologist, filed with and approved by the Public Works Department prior to recordation. Submit deposit to cover the costs of the review with the report. An additional deposit may be required or a refund issued when the costs do not match the deposit. Pay review costs in full prior to recordation of the Final Map.

3.10 Soil sampling and analysis of visibly stained soils will be conducted prior to any grading or earthmoving activities. Certification that this work has been completed by a licensed engineering geologist, filed with and approved by the Public Works Department, shall be provided prior to the issuance of any grading permits. Any soil that is determined to contain contaminants in hazardous concentrations will be properly treated and/or removed by a qualified hazardous waste company.

3.11 Submit original wet signed and stamped grading certifications from the soils engineer and the grading engineer, along with compaction reports to the Public Works Department.

3.12 Grading operations for the site will be conducted over the entire site to ensure that soil mixing and aeration to a depth of at least 4 feet below ground surface will occur.

3.13 The precise grading plan for the project must be approved by the City of Loma Linda prior to issuance of any building permits.

3.14 Submit final grade certifications, by the grading engineer, to the Public Works Department prior to issuance of any Certificate of Occupancy.

3.15 Obtain required permits prior to any construction within the City's right of way.

Street Improvements

3.16 Install or bond for all off-site improvements prior to recording the final map.

3.17 Construct full street improvements (including, but not limited to curb and gutter, asphalt concrete pavement, aggregate base, sidewalk, one drive approach per lot, and street lights) on all interior streets to the standards of the City of Loma Linda. The Director of Public Works /City Engineer shall approve street widths.

3.18 Street light locations are to be approved by the City of Loma Linda. Streetlights shall be installed and energized prior to release for occupancy for any houses.

3.19 Any streets damaged as a result of new services will be repaired as required by the Public Works Department prior to occupancy.

3.20 Provide adequate corner sight distance per Caltrans standards at intersection and submit verification to the Public Works Department as required in conjunction with plan checking of the street improvement plans.

3.21 Install street name signs and traffic control signs with locations and types approved by the Public Works Department prior to occupancy.

3.22 Submit a thorough evaluation of the structural road section, from a qualified soil engineer, to the Public Works Department. Include a recommended street structural section, designed for a service life of 20 years as outlined in Section 600 of the Caltrans Highway Design Manual. The minimum section is 3-1/2" A.C./6" C.A.B. for local streets and 4" A.C./6" C.A.B. for collector streets. The Public Works Department will provide the traffic index.

3.23 Design public improvements including sidewalk, drive approaches and handicap ramps in accordance with all requirements of the State of California Accessibility Standards, Title 24 California Administrative Code.

3.24 Slurry seal prior to final bond release or a cash payment made in lieu of slurry seal, after all houses are constructed.

3.25 The applicant shall pay a fair share amount for off site traffic improvements as determined in the project traffic study.

Dedication

3.26 Dedicate the following rights-of-way:
40 feet to centerline on Orange Avenue
38 feet to centerline on New Jersey Street

3.27 Public utility easements shall be dedicated to cover all utilities either by map or separate document.

3.28 Stripe and sign for bike lanes on roadways designated by the City for bike lanes.

3.29 "Record Revisions" shall be made to all plans to reflect the changes to the improvements as constructed.

3.30 Dedicate interior street rights-of-way and all necessary easements by Final Map or separate document.

3.31 All lettered lots including areas to be landscaped in front of project boundary walls or fences, within traffic medians, along project street frontages and on major slopes shall be annexed to the City's Landscape Maintenance District in accordance with City policy. The Homeowners Association will be responsible for maintenance of the areas within the tract.

3.32 Landscape Maintenance District annexation proceedings completed prior to final map approval.

3.33 Provide dedication of Right-of-way, including off-site to transition traffic and drainage flows from proposed to existing, to the City.

Hydrology/Drainage

3.34 All lots shall drain to streets. All additional drainage due to development shall be mitigated on-site, no cross lot drainage will be allowed unless suitable easements are provided. A Water Quality Management Plan is required to address on-site drainage construction and operation.

3.35 Prior to any construction activities, the project proponent will submit a proposed storm drain system designed to handle flows from the anticipated runoff created by this project to the City for review and approval.

3.36 Proposed development falls within those areas indicated as subject to flooding under the National Flood Insurance Program. This development will be subject to the provisions of that program, and the City's Flood Plain Ordinances.

3.37 Provide adequate City of Loma Linda Drainage Easements (minimum fifteen [15] feet wide) over the natural drainage courses and/or drainage facilities. Design easements to contain the 100-year frequency storm flow plus bulking and freeboard per approved City criteria.

3.38 Provide engineered plans for all drainage improvements, to the Public Works Department for approval prior to any construction activity.

3.39 A complete hydrology study and hydraulic calculations shall be submitted for review and approval by the Public Works Department.

3.40 All necessary precautions and preventive measures shall be in place in order to prevent material from being washed away by surface waters of blown by wind. These controls shall include at a minimum: Regular wetting of surface or other similar wind control method, installation of straw or fiber mats to prevent rain related erosion. Detention basin(s) or other appropriately sized barrier to surface flow must be installed at the discharge point(s) of drainage from the site. Any water collected from these controls shall be appropriately disposed of at a disposal site. These measures shall be added as general notes on the site plan and a statement added that the operator is responsible for ensuring that these measures continue to be effective during the duration of the project construction.

3.41 Appropriate controls shall be installed to prevent all materials from being tracked off-site by vehicles or other means. These controls may include gravel exits or wash-down areas. Any materials tracked off-site must be removed as soon as possible, nut no later than the end of the operation day. This material shall be disposed of at an appropriate disposal site. These measures shall be added as general notes on the site plan and a statement added that the operator is responsible for ensuring that these measures continue to be effective during the duration of the project construction.

Utilities

3.42 Sewage connection to be to the City of Loma Linda system.

3.43 City of Loma Linda to be water purveyor.

3.44 Provide all utility services to each lot, including sanitary sewers, water, electric power, cable, gas, and telephone. Each lot shall be separately metered. All utilities are to be underground.

3.45 All water use for planned domestic, fire lines, and irrigation shall all be metered separately.

3.46 Water mains shall be sized and installed as shown on approved utility plans for potable and non- potable service to the development. Submit plans for review and approval.

3.47 All fire hydrants and their distribution mains shall be made part of the Public System.

3.48 The developer/owner shall pay for the relocation of any power poles or other existing public utilities as necessary.

3.49 Water mains, fire hydrants, services and meters shall be sized and installed to City of Loma Linda standards and as shown on the approved utility plans for the development. These utilities shall be public and constructed within public right-of-way or public utility easements. Submit plans for review and approval.

3.50 Improvement plans are to include all connections and locations to the City mains for on-site irrigation, including all meter and backflow prevention devices.

Construction

3.51 Obtain a permit prior to any construction within the City's right-of-way.

3.52 Any abandoned wells on the property or similar structures shall be destroyed in a manner approved by the Public Works Department in accordance with the State of California Department of Health Services.

3.53 No commencement of public street work, except rough grading, until dedication for that street has been recorded.

3.54 All underground structures, except those desired to be retained, must be broken in, backfilled, and inspected before covering.

3.55 Comply with the requirements of the National Pollution Discharge Elimination System (NPDES) permit program, prior to the issuance of grading permit. A notice of intent issued by the State is required.

3.56 During construction of the proposed improvements, equipment shall be properly maintained offsite, any leaks or spills shall be promptly contained and properly disposed.

3.57 Comply with the prevailing City standards and requirements at the time of construction.

3.58 Provide, to the maximum extent practicable, for the recycling and reuse of existing materials. Coordinate with the Public Works Department to obtain a list of recyclable/reusable materials and recycling vendors. Provide a report of materials recycled/reused; report to include type of materials and quantities of materials recycled/reused.

3.59 Prior to construction of the proposed improvements, the project proponent will provide a traffic control plan that will describe in detail safe detours around the project construction site and provide temporary traffic control (i.e. flag person) during demolition debris transport and other construction related truck hauling activities.

3.60 The site shall be treated with water a minimum of twice per day, or other soil-stabilizing agent (approved by SCAQMD and RWQCB) daily to reduce PM_{10} emissions, in accordance with SCAQMD Rule 403.

3.61 New Jersey Street, Orange Avenue, and other proposed on-site streets shall be swept according to a schedule established by the City to reduce PM_{10} emissions associated with vehicle tracking of soil off-site. The site access haul road will be watered a minimum of twice daily. Timing may vary depending upon time of year of construction.

3.62 Grading operations shall be suspended when wind speeds exceed 25 mph to minimize PM_{10} emissions from the site during such episodes.

3.63 Vehicle speeds shall be restricted to less than 15 miles per hour on unpaved portions of the site.

4. CC & R'S

4.1 The applicant shall provide by CC&R's requiring owners to maintain the architecture and character of the buildings, and keep the properties in a neat, orderly, and well maintained manner prior to issuance of building permits.

4.2 The applicant shall be required to set up a Homeowners' Association (HOA).

4.3 Prior to approval of the final map, all organizational documents for the project including any deed restrictions, covenants, conditions, and restrictions shall be submitted to and approved by the Community Development Department and City Attorney's office. Costs for such review shall be borne by the subdivider. A copy of the final documents shall be submitted to the Community Development Department after their recordation. CC&Rs shall include but not be limited to the following provisions:

A. Since the City is interested in protecting the public health and safety and ensuring the quality and maintenance of common areas under control of a Homeowners' Association, the City shall be included as a party to the CC&Rs for enforcement purposes of those CC&R provisions in which the City has interest, as reflected by the following B through M. However, the City shall not be obligated to enforce the CC&Rs.

B. The requirement that Homeowners' Association bylaws be established.

C. Provisions for effective establishment, operation, management, use, repair and maintenance of all landscaped areas, walls and fences.

D. Membership in any Homeowners' Association shall be inseparable from ownership in individual dwelling units.

E. Architectural controls shall be provided and may include but not be limited to provisions regulating exterior finishes, roof materials, fences and walls, accessory structures such as patios, sunshades, trellises, gazebos, awnings, room additions, exterior mechanical equipment, television and radio antenna.

F. Maintenance standards shall be provided for applicable items listed in Section C above in CC&Rs. Examples of maintenance standards are shown below:

(1) All common area landscaping and private lawn areas visible from any public way shall be properly maintained such that they are evenly cut, evenly edged, free of bare or brown spots, free of debris and free of weeds above the level of the lawn. All planted areas other than lawns shall be free of weeds, dead vegetation and debris. All trees and shrubs shall be trimmed so they do not impede pedestrian traffic along the walkways. All trees shall also be root pruned to eliminate exposed surface roots and damage to sidewalks, driveways and structures.

(2) Common areas shall be maintained in such a manner as to avoid the reasonable determination of a duly authorized official of the

City that a public nuisance has been created by the absence of adequate maintenance such as to be detrimental to public health, safety or general welfare, or that such a condition of deterioration or disrepair cause harm or is materially detrimental to property values or improvements within the boundaries of the subdivision and Homeowners' Association, to surrounding property, or to property or improvements within the project.

G. Residents shall not store or park any non-motorized vehicles, trailers regardless of length, or motorized vehicles that exceed 7 feet high, 7 feet wide or 20 feet long in any parking or driveway area except for purpose of loading, unloading, making deliveries or emergency repairs except that the Homeowners' Association may adopt rules and regulations to authorize exceptions.

H. The Homeowners' Association is responsible for monitoring and enforcing any and all parking regulations as they apply to private property. Individual property owners shall park vehicles in garage spaces. Storage of personal items may occur in the garages only to the extent that vehicles may still be able to be parked within the required garage spaces.

I. All utility services serving the site shall be installed and maintained underground as depicted on the site plan.

J. The Homeowners' Association shall be required to file the names, addresses, and telephone numbers of at least one member of the Association Board and where applicable, a Manager of the project before January 1st of each year with the City of Loma Linda Community Development Department for the purpose of contacting the association in the case of emergency or in those cases where the City has an interest in CC&R violations.

K. Perimeter project block walls to be constructed on private property shall be maintained and replaced, if necessary by a Homeowners' Association. This shall not preclude a Homeowners' Association from assessing charges to individual property owner for structural damage to the wall or fence.

L. No amendment to alter, modify, terminate or change the Homeowners' Association's obligation to maintain the common areas and the project perimeter wall or other CC&R provisions in which the city has an interest, as noted above, or to alter, modify, terminate or change the City's right to enforce maintenance of the common areas and maintenance of the project perimeter wall, shall be effective without the prior written approval of the City of Loma Linda Community Development Department.

M. Maintenance of all manufactured slopes on individual numbered lots shall be the responsibility of the individual property owners.

5. FEES/PERMITS/BONDING

5.1 Within forty-eight (48) hours of approval of the subject project, the applicant shall deliver to the Community Development Department, check or money order made payable to the **COUNTY OF SAN BERNARDINO** in the amount of $35.00 (*thirty five dollars*) to enable the City to file the appropriate environmental documentation for the project. If within such forty-eight (48) hour period that applicant has not delivered to the Community Development Department the above-noted check, the statute of limitations for any interested party to challenge the environmental determination under the provisions of the California Environmental Quality Act could be significantly lengthened.

5.2 Pay appropriate fees for plan check, inspection, GIS map plan update, and microfilming and storage of maps and plans, and other required fees.

5.3 Development Impact fees shall be paid to the City of Loma Linda prior to the issuance of building permits.

5.4 The developer shall pay park in lieu fees to offset the potential effect of new development upon existing recreational facilities and/or allow for the construction or expansion of such facilities for use by future residents.

5.5 Fire Station and Fire Equipment Development Impact Fees shall be assessed to the project at the rates established for Single-Family Residential development in the City's Resolution "Establishing A Schedule Of Development Impact Fees To Finance Capital Facilities Necessitated By New Development" legally in effect at the time of issuance of building permit. Pursuant to LLMC Chapter 3.28, plan check and inspection fees shall be collected at the rates established by City Manager's Executive Order.

5.6 Submit proof of payment from the City of San Bernardino for sewer capacity fees and Redlands Unified School District to the Community Development Department prior to the issuance of any building permits.

5.7 Bond all required road, drainage, grading, water, sewer, and landscaping improvements in accordance with City Development Code unless constructed and approved prior to recordation of Final Map. No commencement of public street work until the dedication for that street has been recorded. No releasing of a deposit posted for erosion control and monumentation prior to completion of all on-site construction.

5.8 All studies required within these conditions require a deposit to cover the cost of the review of the studies. Additional deposits may be required or a refund issued when the costs do not match the deposits.

Attachment C

Development Agreement

(Not included – refer to Attachment H, Ordinance)

Attachment D

October 6, 2004 Planning Commission
Staff Report & meeting minutes

Staff Report City of Loma Linda

From the Department of Community Development

PLANNING COMMISSION MEETING OF OCTOBER 6, 2004

TO: PLANNING COMMISSION

FROM: DEBORAH WOLDRUFF, AICP
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: GENERAL PLAN AMENDMENT (GPA) NO. 04-03, ZONE CHANGE (ZC) NO. 04-03, TENTATIVE TRACT MAP (TTM) NO. 16811, PRECISE PLAN OF DESIGN (PPD) NO. 04-04, AND DEVELOPMENT AGREEMENT – A PROPOSAL TO CHANGE THE GENERAL PLAN LAND USE PLAN AND ZONING MAPS FROM PROFESSIONAL OFFICE AND ADMINISTRATIVE PROFESSIONAL TO MIXED-USE AND PLANNED COMMUNITY TO ACCOMMODATE A 30-LOT SUBDIVISION ON APPROXIMATELY 3.0 ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF ORANGE AVENUE AND NEW JERSEY STREET. THE PROJECT INCLUDES REQUESTS FOR APPROVAL OF THE PROPOSED HOUSING DESIGNS AND A DEVELOPMENT AGREEMENT TO ADDRESS THE CITY'S AFFORDABLE HOUSING REQUIREMENTS.

SUMMARY

The project proposes to change the General Plan Land Use Plan and Zoning Maps from Professional Office and Administrative Professional to Mixed-Use and Planned Community to accommodate a 30-lot subdivision on approximately 3.0 acres of land located at the southwest corner of Orange Avenue and New Jersey Street. The project includes requests for approval of the proposed housing designs and a Development Agreement to address the city's affordable housing requirements. Additionally, the project involves demolishing the existing residence and accessory structure at 26657 Orange Avenue (see Attachment A, Site Location Map).

Copies of the Tentative Tract Map, Proposed Plans, and Landscape Plans are included in Attachments B, C, and D, respectively.

RECOMMENDATION

Staff recommends that the Planning Commission recommend the following actions to the City Council:

1. Adopt the Mitigated Negative Declaration (Attachment E);
2. Approve and adopt General Plan Amendment No. 04-03 and Zone Change No. 04-03, based on the Findings;
3. Approve Tentative Tract Map No. 16811 and Precise Plan of Design No. 04-04 based on the Findings, and subject to the attached Conditions of Approval (Attachment F); and,
4. Approve the Development Agreement (Attachment G).

PERTINENT DATA

Owner/Applicant:	Roger Peter Porter/Terry Smith
General Plan:	Office Professional (OP)
Zoning:	Administrative Professional (AP)
Site:	The rectangular, 3.0-acre project site is located on the south west corner of Orange Avenue at New Jersey Street.
Topography:	Relatively flat
Vegetation:	No natural vegetation
Special Features:	The project site was once an orange grove, and includes a single-family residence and wooden accessory structure.

EXISTING SETTING AND BACKGROUND

Existing Setting

The project site is located on the east side of town in a future study area of the Historic Mission Overlay District. In the past, the land has been used for agricultural purposes consisting mostly of citrus groves. The property contains an existing residence, addressed as 26657 Orange Avenue (circa 1952) and accessory structure. An older single-family residence sits across the street from the site at the southeast corner of Orange Avenue at New Jersey Street. Remnants of the old irrigation lines that relate to its historic use still exist on the southern boundary of the project. Surrounding land uses include an existing church to the south, the future location of a 296-unit apartment complex to the west and orange groves to the north and east across Orange Avenue and New Jersey Street.

Background

The project was presented to the Historic Commission in a public hearing on August 2, 2004 to consider the Certificate of Appropriateness for the project. The Historic

Commission did not recommend approval of the Certificate of Appropriateness to the City Council for the project, which includes the demolition of the two structures. The Historic Commission felt that the project is too dense for the historic area and that it does not comply with the intent of the Historic Mission Overlay District.

ENVIRONMENTAL EVALUATION

On September 16, 2004, a Notice of Intent (NOI) to adopt a Mitigated Negative Declaration and Initial Study were prepared and released for public review. The California Environmental Quality Act (CEQA) mandatory 20-day public review began on September 17, 2004 and ends on October 6, 2004. The Initial Study evaluates the potential impacts of the project and identifies appropriate mitigation measures. All of the potential impacts that were identified in the Initial Study can be mitigated to below a level of significance. The mitigation measures are included as project Conditions of Approval. Therefore, the project can be approved with a Mitigated Negative Declaration in accordance with the requirements of CEQA.

ANALYSIS

Project Description

The General Plan and Zoning Map amendments are to accommodate a residential project that includes the subdivision of 30 residential lots on approximately 3.0 acres. The average lot size is 2,400 square feet and the project density is approximately 10.94 units per acre. The site design includes a central park, which creates a main focal point for the development. The tract is accessed from both Orange Avenue and New Jersey Street. Interior streets are 28-feet wide with sidewalks, and 25-feet wide without sidewalks, and guest parking is provided. The existing row of California Fan Palms located along New Jersey Street will be maintained and incorporated into the project design.

General Plan And Zoning Map Amendments

The project includes a request to amend the General Plan and Zoning Maps from Office Professional and Administrative Professional (AP) to Mixed Use and Planned Community (PC), respectively. A Planned Community document (Attachment H) has been provided, which outlines the goals, objectives, policies and development standards for the site as required for the establishment of the PC zone. The project is consistent with General Plan Goal No. 6 in that it will provide adequate housing in diverse types and styles in a variety of locations for all economic segments of the community. The project is also consistent with Policy No. 5.b., which calls for planned residential developments where dwelling units – individually owned, leased, or rented – are clustered in various styles and arrangements that have large open areas held and used in common by all occupants of the project. It should also be noted that the project is consistent with the proposed General Plan Mixed-Use designation (Area G), which would allow a mix of uses, including residential uses, in a horizontal pattern.

Economic Feasibility Studies that have been prepared for this project and other projects in the surrounding area indicate that professional and administrative office uses and industrial uses are not likely to be attracted to the site. This is because the property is not considered a prime location on a busy arterial or intersection. Additionally, the site is adjacent to an existing church and the future site of the Barton Vineyard Project, a large apartment complex that will be under construction within the next few months. The economic study that was prepared for the Barton Vineyard Project (The Concord Group, January 23, 2003) indicates that commercial development on the 17-acre site is not feasible until there is a buildup of residential growth within a two-mile radius.

For the reasons stated, it appears that the establishment of residential uses on the subject property would be more successful and compatible with the surrounding uses. A Preliminary Economic Assessment was also prepared for this site by The Concord Group (see Attachment I). Based on the preceding, staff feels that the requested zone change is appropriate and that the project is consistent with the existing and draft General Plans.

Precise Plan Of Design (PPD)

The Planning Commission encourages that residential development projects include certain neighborhood characteristics as follows:

- A variety of architectural styles to ensure that the tract will blend in with the existing housing. Housing styles and sizes should be varied to provide for the needs of future residents.
- Tree-lined streets should be designed to make them more conducive to walking, fitness, and quality of life.
- Walkways should be designed to encourage neighbors to get to know each other.
- Place trees and landscaping in areas where they would have the most impact on energy conservation.

In addition to the neighborhood characteristics mentioned above, the Planning Commission has also encouraged development to incorporate design criteria which includes the following:

- All corner lots should be side loaded lots, where the front door is not facing the same frontage as the driveway;
- Incorporate energy conservation and heat reduction measures such as color and material of the roofs, house orientation and landscaping;
- Provide a housing product that would include quality design of four-sided architectural style. This would mean continuing the proposed styles to all four sides of the structure which is typical for custom homes;
- Using the traditional materials for these different types of architecture is important in simulating the overall variety of true traditional styles proposed;
- Garages placed behind the living areas of the house or the porch/courtyard;

- Garage locations should conform to the placement of garages from the time period associated with the historic architectural styles of Mission Road when garages were relegated to the rear of the yard and did not usually face the street;
- Design the homes with garages located toward the back of the residence;
- Porches on the front elevation are encouraged;
- Provide front loaded porches, large setbacks, alley loaded plans for projects fronting Mission Road;
- Provide a variety of massing of the homes;
- Provide a pedestrian walkway out to the sidewalk from the entry;
- Provide Mature Trees within the tract; and,
- Provide a pedestrian walkway to the side yard where the refuse containers are stored.

House Designs

Both front and rear loaded units are proposed for the project site. There are two architectural treatments for each of the five floor plans. Due to the lot size, all the homes are two-story (Attachment C). The architectural style is a modern adaptation of the Spanish Revival style found in traditional styles of architecture historic to the area. Each plan offers three bedrooms, three bathrooms and a three-car garage. Each of the ten plans has a separate color and material palettes.

The A, B, E models have front loaded garages. The B and E models are very similar but the B model has a 3.5-foot offset on the left elevation for the kitchen and dining room area. Living space in the units range from 1,523 to 1,594 square feet. The model also has a ribbon driveway with turf instead of a solid concrete. The 18 units that make up the A, B, E models are plotted on the slightly larger lot size. Additionally, three E Model units will face onto Orange Avenue. The remaining fifteen will face onto to the new interior private streets.

The 12 C and D model units are all alley-loaded and will take access off of Street B (see plan sheet 1A). Since these are alley-loaded products, no backyard spaces are provided. The front door on four of the units faces the park and the other eight units front onto New Jersey Street. The front yard areas of the twelve units will be fenced with a three-foot high decorative wall. Living space in the C and D models will range from 1,336 to 1,396 square feet.

The units will be finished with a traditional stucco exterior. Window treatments include divided windows (with windowpanes), shutters and window surrounds to enhance the character of styles. The roof materials and the earth tone color palettes for the most part are appropriate for the architectural style. The styles and colors are representative of the area and provide individual character to the different house plans.

Porches are provided on all the units except the three D-1 units and the three D-2 units. D-1 is designed without a porch and D-2 is designed with a turret style entry feature. Porch columns are finished with stucco or wood.

Landscape Design

Some of the species mentioned on the landscape plans include citrus trees, Chinese Pistache Trees, Sycamore Trees, Mexican Fan Palms, Star Jasmine, Day Lily and Bird of Paradise to name a few. This will ensure a colorful look to the landscaping within the Mission Grove project (see Attachment D). In addition, the landscape plans include the design and location of walls, fences, decorative pavement, park treatments, etc. The developer will landscape the front yard, parkway, exterior side yard and rear yard area in front of the side yard fence and adjacent to alleys for the rear-loaded units. Common areas, street frontages, front yard and exterior side yards, parks, and trails will also be landscaped by the developer and maintained by the Homeowner's Association (HOA) with an underlying Landscape Maintenance District (LMD). Each unit will be provided with a street tree in the front yard parkway. Depending on the size and configuration of the housing products, the applicant proposes two citrus trees in rear and front yards.

The 9,000 square foot park offers passive and active recreational amenities, which includes benches, picnic tables, barbecues and playground equipment with safety surfacing. The park site does not provide the required park space for the development at a ratio of 5.0 acres per 1000 people and as such, the applicant will be required to pay a proportional amount of the Park Development Impact fee.

Site Design and Architecture

The Spanish Revival style enhances the overall character of the neighborhood by creating variety and visual interest for each unit. The proposed architecture is similar to the historic architecture of the area and is compatible with the Historic Mission Overlay District. The architectural features are continuous on all four sides of each unit. The tree-lined streets, park and walkways compliment the architecture and provide a sense of connectivity throughout the project.

The applicant is proposing no streetlights for the interior of the project. Instead, street lighting will be generated from light fixtures on the front or rear of the units. However, the project will be included in the City's Street Lighting District for the frontages along Orange Avenue and New Jersey Street.

Recommended Modifications

In order to address concerns about the project, staff would like to see the following items modified:

1. Color Palette:

   The proposed color schemes, specifically the wall base color, should be modified to create more of a contrasting difference between the base colors for the following schemes:

   a. Plan A2 and Plan E2;
   b. Plan B2 and Plan D2;

c. Plan B1 and Plan C1;
d. Plan A2 and Plan B2;
e. Plan A1 and Plan E1

The proposed trim and stucco colors are very close in hue and should be more contrasting. Condition No. 1.16 requires that the colors and materials be approved by the Community Development Department. Staff will work with the applicant to ensure more contrast between the color schemes.

2. <u>Four sided architecture:</u>

- Where appropriate and where space permits, the applicant shall provide shutters on all larger windows for more visual interest. Modified elevations shall be reviewed and approved by the Community Development Department. Condition 1.20 has been added to require this modification.

- The Plan A2 model illustrating arched windows at the front elevations shall incorporate similar windows on the sides and rear elevation. Condition 1.21 has been added to require this modification.

- The Plan B1 & B2 models shall be enhanced with three windows on the second floor. This would involve the master bedroom closet and the closet and bathroom of bedroom 2, respectively. Condition 1.22 has been added to require this modification.

- The front of the Plan B2 model shall be enhanced with a decorative architectural element that can continue to the side elevations. Condition 1.23 has been added to require this modification.

- The Plan C1 model shall incorporate a taller, arched window over the staircase shown on the left elevation. Windows shall be added to the master bathroom and bathroom 2 on the second floor elevation to address the blank wall appearance. Condition 1.24 has been added to require this modification.
- The Plan C2 model shall incorporate a larger window over the staircase on the left elevation. Condition 1.25 has been added to require this modification.

- The Plan D1 & D2 model shall incorporate a second window in the master bedroom on the right elevation and a second window over the staircase to address the blank appearance at the rear elevation. Condition 1.26 has been added to require this modification.

- The Plan C & D models shall incorporate a brick veneer wainscoting accent at the rear adjacent to the alleys and wrap around to the front of the fence line on the side elevation. Condition 1.27 has been added to require this modification.

3. Porch columns:

   Wooden porch columns where provided, shall include both 6-inch and 8-inch sizes. Condition 1.28 has been added to require this modification.

4. Porches:

   The Planning Commission prefers to see deep porches on new residential projects. Due to the small lot size, porch depth is limited to six feet. All models with the exception of Plan D1 and Plan D2 are designed without a porch. With this in mind, the applicant shall provide a larger front stoop or paved area at the front of Plan D1 and D2 to allow room for benches and potted plants to promote an outdoor gathering area. Condition 1.29 has been added to require this modification.

5. Garage Doors:

   The Planning Commission prefers to see a variety of garage door types on new residential projects. The applicant shall work with staff to provide a variety of garage doors that are more in keeping with the design of the architecture. The top panel shall include panel lights. Condition 1.30 has been added to require this modification.

6. Mailbox Kiosk:

   The mailbox kiosks shall be architecturally enhanced. The final mailbox architectural details indicating color and exterior treatment shall be included in the working drawings, subject to review and approval of the Community Development Department and prior to issuance of permits for the production homes. Condition 1.31 has been added to require this modification.

The modifications are included in the Conditions of Approval and can be implemented by staff through the plan check review process.

Street Design

The Public Safety Department has reviewed the proposed map and provided additional conditions of approval to compensate for the narrower streets and alleys. The conditions include additional fire sprinkler requirements for the residences. The proposed street width is adequate to allow for emergency vehicles and apparatus. Condition 2.6 states that no parking will be permitted in the alley on Street B. No parking will be allowed on or adjacent to street turns/corners at the intersections of streets A/C, and B/C. Condition 2.7 will require the north end of Street B, next to Orange Avenue be affixed with an emergency access gate.

Traffic Issues

Public Works Department has reviewed the Traffic Study prepared by Norman Suker & Associates, Inc. and concurs with the recommended mitigation measures, which

includes contributing to the fair share costs for the focused intersection of California Street at Redlands Boulevard and California Street at Orange Avenue/Mission Road to improve the traffic congestion under peak hours. This intersection was identified in the Traffic Impact Analysis as having a cumulative impact during peak hours due to the existing traffic and the addition of the project traffic and future traffic from development proposed in the general vicinity.

Homeowner's Association

The proposed tract and future residential community is required to establish a Homeowners Association (HOA) and to develop and record appropriate Covenants, Conditions and Restrictions (CC&R's). The HOA will maintain the street frontages, front yards, exterior side yards, park space, recreational amenities, and common areas.

Development Agreement

The proposed project is located in the Redevelopment Agency Project Area and as such, affordable housing is required of the builder. The developer has the option is to provide fifteen percent of the units as affordable or to pay an in-lieu fee to assist in the production of future, affordable housing units throughout the City. The applicant has chosen the option to pay the in-lieu fee (see Attachment G).

Loma Linda Connected Communities Program (LLCCP)

A Condition of Approval includes the requirement that the proposed project be pre-wired for coaxial, cable, and fiber optic installation in each unit as per the LLCCP policy. The LLCCP ensures that residences are equipped with links to meet the latest communications/technological advances. Units that are pre-wired in this manner are commonly referred to as "smart homes". The added technology has many advantages including increased marketability of the units.

Historic Preservation Issues

The Archaeological Report by CRM TECH dated August 27, 2004 addresses indicates that neither the Orange Avenue residence nor the accessory structure is historically significant. As such, the two structures may be demolished. However, the Report does recommend that the palm trees along New Jersey Street be incorporated into the project design.

At their meeting on August 2, 2004, the Historic Commission voted not to recommend approval of the Certificate of Appropriateness to the City Council for the project. The Historic Commission felt that the project is too dense for the historic area and that it does not comply with the intent of the Historic Mission Overlay District (HMOD). On this issue, staff does not agree with the Historical Commission because the site is on the far eastern edge of the district area and nothing on the site was found to be significant. The only notable features on the site are the row of palm trees along New Jersey Street, which have been incorporated into the project design.

Loma Linda Municipal Code (LLMC) Chapter 17.82, HMOD, Section 10 states that all new development projects and/or new uses of existing properties shall be subject to the PC zoning as part of a specific plan or master development plan. The PPD proposed for this project satisfies the requirement for a master development plan. This section of the ordinance goes on to state the following:

> *The density/intensity, lot size, lot width, lot coverage, setbacks, building separations, building height, and uniform sign programs for new developments in the Overlay District shall be established through the specific plan or master development plan processes. Development standards shall vary based on the proximity of a proposed development project to a historical and/or cultural resource(s) or the presence of a historical and/or cultural resource(s) within a project site.*

The ordinance also stipulates that the Historical Commission shall provide recommendations regarding the appropriateness of proposed deviations (from the ordinance) based on the potential impacts to historic resources located in or adjacent to the project. As previously stated, the subject property is at the far eastern edge of the district and is not in close proximity to any historical resources listed on Table 1 of the Mission Road Historic District, Final Report, (May 22, 2004, The Dangermond Group). For the reasons stated, staff will recommend that the City Council approve the Certificate of Appropriateness for the project.

FINDINGS

General Plan Text and Map Amendment Findings

An amendment to the General Plan may be adopted only if all of the following findings are made:

1. *The proposed amendment is internally consistent with the General Plan;*

   Changing the land use designation from Office Professional to Mixed Use would allow for a variety of residential types of development. The Mixed Use General Plan designation is consistent with the Mixed Use, Area G designation included in the draft General Plan. The property is located on a City block that will be a horizontal mix of uses including an apartment complex, church, small lot residential subdivision, and commercial retail and service uses. The intent of the Mixed Use designation is to allow for a variety of uses such as residential, commercial, institutional and light industrial. The designation is also intended to provide some flexibility of land use to meet market demands.

   As previously stated, the project is consistent with the existing General Plan, specifically Goal 6., and Policy 5.b., and also with the draft General Plan Mixed-Use designation, Area G.

2. *The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;*

The proposed amendment and associated development project would not be detrimental to the public in that the proposed residential community would be compatible with the approved multi family residential community to the west, and the existing church adjacent to the south. The General Plan amendment and the residential subdivision would provide housing opportunities in a unique residential development that would improve the existing condition of the site. As such, neither the amendment nor associated development would be detrimental to the public interest, health, safety, convenience, or welfare of the City.

3. *The proposed amendment would maintain the appropriate balance of land uses within the City; and,*

   The balance of land uses in the City will not be adversely affected by the proposed amendment. As previously stated, the Draft General Plan designates the site as Mixed-Use Area G. The intent of the Mixed-Use designation is to allow for a variety of uses such as residential, commercial, institutional and light industrial in a horizontal pattern.

4. *In the case of an amendment to the General Plan Land Use Map, the subject parcel(s) is physically suitable (including, but limited to, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation and the anticipated land use development.*

   The amendment site will have access from Orange Avenue and New Jersey Street. The adjacent properties on the block are transitioning from agricultural uses to multi-family residential, commercial, and institutional uses. All public utilities are available to the site and can be provided for future site occupants. The proposed residential use is compatible with the neighborhood and will be suitable for the growing area.

<u>Zone Change Findings</u>

Changes to the zoning ordinance and map are considered legislative acts and do not require findings. State law does require that the zoning be consistent with the General Plan. The proposed PC zone district for residential development is consistent with the Mixed-Use designation proposed in the draft General Plan. A Preliminary Market Feasibility Study, prepared for the site, and other Market Feasibility Studies prepared for projects in the area indicate that the existing General Plan designation of Professional Office and Zoning of Administrative Professional are not appropriate for the site. The Mixed-Use designation would allow residential uses with densities ranging from 13.1 to 20 dwelling units per acre. The project proposes a density that is lower than 13.1 dwelling units per acre. As stated above, the site is suitable for residential development under the PC zone and would not cause substantial environmental damage or be detrimental to the public welfare.

Tentative Tract Map Findings

1. *That the proposed map is consistent with the applicable general plan and zoning designations.*

The project includes a General Plan Amendment and Zone Change to Mixed-Use and Planned Community, respectively. The text created for the Draft General Plan Mixed-Use Area G designation is proposed for this project. Approval of the proposed amendments will ensure consistency with the General Plan and zoning.

2. *The design or improvement of the proposed subdivision is consistent with the applicable general plan and zoning designations.*

   The project design complies with the proposed Mixed Use designation and the LLMC Chapter 17.70 Planned Community District zone. The subdivision and housing product design will provide the necessary improvements that will enhance the site and surrounding neighborhood.

3. *The site is physically suitable for the type of development proposed.*

   The project will not disrupt or divide the physical arrangement in the immediate vicinity of the site. The project includes the removal of the house and accessory structure on Orange Avenue. The use of land for offices is not economically viable and development of single-family residences will be compatible with the approved residential area to the west and the existing church to the south. The project will not result in impacts to the established community.

4. *The site is physically suitable for the proposed density of development.*

   The project is compatible with the surrounding residential uses to the west and existing church to the south. The proposed density of 10 dwelling units per acre is less than the allowable density of the proposed Mixed-Use Area G designation.

5. *The design of the subdivision is not likely to cause substantial environmental damage or substantially and unavoidably injure fish and wildlife or their habitat.*

   There is no natural vegetation and no wildlife present on site. There is no undisturbed area remaining on the three-acre site. Therefore, development of the site will not cause any substantial environmental damage or substantially and unavoidably injure fish and wildlife or their habitat. There is no riparian or wetland habitat on site.

6. *The design of the subdivision is not likely to cause serious public health problems.*

   The design of the subdivision and the end use of the residential tract will not cause any serious public health problems. The Mitigated Negative Declaration does not identify any impacts that could cause serious public health problems.

7. *The design of the subdivision will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.*

   Access to the site is provided from Orange Avenue and New Jersey Street. Full access is allowed without impeding the through traffic. Access for emergency

vehicles is adequate with a minimum of 28-foot wide streets and 25-foot wide alleys. The design of the proposed subdivision does not conflict with any easements.

COMMENTS

There have been no comments from outside agencies. Public notices for this project were posted and mailed to parcel owners within 300 feet of the project site on September 16, 2004. To date, the department has received one written comment in opposition to the project from a resident of the Bryn Mawr area south of Barton Road (Attachment J). Implementation of the Conditions of Approval (Attachment F) will ensure that the project complies with all applicable City standards and requirements, and is compatible with the surrounding neighborhood. Comments received from other City departments have been addressed through revisions to the project design and Conditions of Approval. Copies of all public comments are maintained in the file for Tentative Tract Map No. 16811.

CONCLUSION

Based on the analysis, the proposed project is consistent with the existing and draft General Plans. The project meets Goal No. 6 and Policy No. 5.b. in the existing General Plan, which call for diverse types and styles of housing to meet the needs of Loma Linda's residents. The Mixed-Use designation and PC zoning will accommodate the establishment of the residential use. The Tentative Tract Map conforms to the City's Subdivision and zoning regulations. The project is compatible with the approved multi-family residential project to the west and the existing church to the south.

Approval of the Development Agreement will enable the project to comply with the City's affordable housing requirements and will provide much needed housing opportunities in the Loma Linda market.

The Historical Commission voted not to recommend to the City Council the approval of the Certificate of Appropriateness for the project. The Commission felt that the project is too dense for the historic area and that it does not comply with the intent of the HMOD. Staff does not agree with the Historical Commission because the site is on the far eastern edge of the district area and the site was not found to be significant. The Spanish Revival architectural style, site layout with residential units fronting on New Jersey Street, and incorporation of the historic row of palms into the site design respects the historical significance of the area.

The project is in compliance with CEQA and the Mitigation Measures listed in the Initial Study (Attachment E) will reduce any potential environmental impacts to below a level of significance. The Mitigation Measures have been made part of the Conditions of Approval (Attachment F).

Report prepared by:

Raul Colunga,
Assistant Planner

ATTACHMENTS

A. Site Location Map
B. Tentative Tract Map
C. Proposed Plans
D. Landscape Plans
E. Mitigated Negative Declaration (NOI/Initial Study)
F. Conditions of Approval
G. Development Agreement
H. Planned Community Document
I. Preliminary Economic Assessment (The Concord Group, September 28, 2004)
J. Letter of opposition dated September 26, 2004

I:\Project Files\TRACT MAPS\TT 16811-mission grove\PC 10-06-04 sr.doc

Umeda commented that to develop that piece of property it would seem that Lane Street would need to be connected to Lilac Street.

Commissioner Sakala commented that the project did not fit in with the existing neighborhood and that her suggestions were to lower the density, make the all home detached and provide better quality architecture.

Commissioner Neff stated that he did not agree with the high density and was also concerned about the increase in traffic. He added that he opposed the development and added that the applicant should revise the project to better address the concerns of the residents and to design a more appropriate project.

Commissioner Umeda suggested that the applicant be given direction to include the suggested changes and to show respect for the existing neighborhood by designing a project that would consist of single-story houses that would provide for a much lower density.

Chair Rosenbaum summarized the Commission's concerns. She stated that the Planning Commission had reached a consensus on lowering the density of the project so that it resembled the existing neighborhood, and the other issue concerned the street closure. A discussion ensued. Associate Engineer Peterson stated that opening the street would improve circulation and shorten response times for emergency vehicles. He added that State Street was not part of the project and it would not be appropriate for the applicant to make State Street a cul-de-sac, as he would have to go onto private property.

The discussion concluded and Commissioner Umeda suggested that the Commission approach the Redevelopment Agency to discuss all the issues brought out during the meeting.

> **Motion by Umeda, seconded by Neff, and carried by a vote of 4-0 to continue the project to the Regular Meeting of November 3, 2004 to allow the Planning Commission additional time to study the project and to approach the Redevelopment Agency Chairman to the discuss the property and to allow the applicant to revise the project to include the suggested changes.**

Commissioner Christianson returned to the meeting

PC-04-52 - GENERAL PLAN AMENDMENT (GPA) NO. 04-03, ZONE CHANGE (ZC) NO. 04-03, TENTATIVE TRACT MAP (TTM) NO. 16811, AND PRECISE PLAN OF DESIGN (PPD) NO. 04-04 AND A DEVELOPMENT AGREEMENT (ROGER PORTER)- A proposal to change the General Plan Land Use Plan and Zoning Maps from Professional Office and Administrative Professional to Mixed-Use and Planned Community to accommodate a 30-lot subdivision on approximately 3.0 acres of land located at the southwest corner of Orange Avenue and New Jersey Street. The project includes requests for approval of the proposed site design and housing products, and a Development Agreement to address the Redevelopment Agency's affordable housing requirements.

Assistant Planner Colunga presented the staff report. He explained that the applicants, Roger Peter Porter and Terry Smith were proposing the Mission Grove development on the southwest corner of Orange Avenue at New Jersey Street, which is located in the Historic Mission Overlay District.

Assistant Planner Colunga reported that the applicants, Mr. Roger Peter Porter and Mr. Terry Smith proposed to develop the approximately 3.0 acre property on the southwest corner of Orange Avenue at New Jersey Street located in the Historic Mission Overlay District. He added that the site was mostly vacant with the exception of a vacated 1950's single-family residence at 26657 Orange Avenue, which would require demolition. Mr. Colunga explained that the issue of the demolition went before the Historical Commission on August 2, 2004, which recommended that a Certificate of Appropriateness not be approved by the City Council because they felt that the project was too dense and did not comply with the Historic Mission Overlay District. He added that the Archaeological Report by CRM TECH indicated that neither the Orange Avenue residence nor the accessory structure were historically significant. Mr. Colunga stated that the most prominent feature of the site was a row of California Fan Palms located along New Jersey Street, and these would be incorporated into the project development.

Mr. Colunga explained that the applicants requested a General Plan Amendment and Zoning Map Amendment from Professional Office and Administrative Professional to Mixed-Use and Planned Community to allow for a variety of uses such as residential, commercial, institutional and light industrial and designation was also intended to provide some flexibility of land use to meet market demands. He added that a Planned Community Document was required to determine site-specific development standards. He continued to say that an Economic Feasibility Studies had been prepared for this project and other projects in the surrounding area indicated that professional and administrative office uses and industrial uses were not likely to be attracted to the site. Therefore, it appeared that a residential use would be more appropriate on the subject property.

Assistant Planner Colunga reported that the applicants, Mr. Roger Peter Porter and Mr. Terry Smith proposed to develop the approximately 3.0 acre property on the southwest corner of Orange Avenue at New Jersey Street located in the Historic Mission Overlay District. He added that the site was mostly vacant with the exception of a vacated 1950's single-family residence at 26657 Orange Avenue, which would require demolition. Mr. Colunga explained that the issue of the demolition went before the Historical Commission on August 2, 2004, which recommended that a Certificate of Appropriateness not be approved by the City Council because they felt that the project was too dense and did not comply with the Historic Mission Overlay District. He added that the Archaeological Report by CRM TECH indicated that neither the Orange Avenue residence nor the accessory structure were historically significant. Mr. Colunga stated that the most prominent feature of the site was a row of California Fan Palms located along New Jersey Street, and these would be incorporated into the project development.

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Mr. Colunga described Tentative Tract Map 16811 as follows:

- A subdivision of a 3.0-acre property into 30 single-family lots;

- Density of 10.94 du/ac, which was below the density proposed in the Draft General Plan;
- Average lot size of 2,420 square feet - Lots range from 2,400 to 6,700 square feet;
- Private community with three new streets - Lot size and setbacks included in the PC document;
- Street A and C with street width of 28 feet. No parking allowed on Street B where the street width is 25 feet;
- A crash gate is proposed at the north end of Street B, as well as a vehicle turnaround; Public Safety has reviewed the project and provided additional comments to compensate for the narrower streets and alley;
- Twelve guest parking spaces are provided along Street A;
- The project will have a 9,000 square foot park with Amenities that include benches, picnic tables, BBQ's and playground equipment.

Mr. Colunga stated that the project requested approval for the housing design:

- Five designs with two variations of each plan for a total of 10 different units;
- Two types of products, front-loaded and rear loaded. Plan A and B with a ribbon driveway with turf instead of the traditional driveway;
- Eighteen Plan 18 A, B, and E units;
- All three-bedroom, three baths and two car garages;
- Living space for the A, B, and E units from 1,500 to 1,600 square feet;
- Twelve Plan C and D units with rear-loaded floor plan along Street B;
- Four units will face the park and eight units will face onto New Jersey Street;
- A three-foot decorative wall is proposed at the front property line;
- Porches on all units except for Plan D. Plan D-1 has no porch and Plan D-2 designed with a turret style entry;
- Plan E - front loaded units with a small backyard space.

Staff has provided recommended modifications that cover several issues. They include:

- Addition of windows and other elements to the elevations to ensure four-sided architecture.
- Variation of porch styles
- Additional design amenities to the garage doors and;
- Issues with design as related to the mailbox kiosk.

Chair Rosenbaum opened the public comment period at 9:50 p.m.

Mr. John D. Shumway, The Concord Group, 130 Newport Center Drive, Newport Beach CA stated that he supported the zone change from commercial to residential. He explained that his firm was asked to look at the site as a commercial property and it was determined that the site lacked the visibility and that traffic would most likely travel on California Street and Barton Road He added that because the property was only 3.0 acres the site would not attract commercial development and possibilities would be limited.

Mary Lynn Cooke, 25340 Mead Street, informed the Commission that Doree Morgan had asked her to speak on her behalf because she had to leave. Ms. Cooke presented Ms. Morgan's comments stating that the project had not been approved at the Historical Commission and that Ms. Morgan opposed the project. Ms. Cooke added that Ms. Morgan would provide her comments in writing.

Roger P. Porter, 3837 E. 7th Street, Long Beach, CA, co-developer with Terry Smith and architect on the project stated that he had reviewed staff's recommendations and was ready to work with staff to make the project work.

Terry Smith, 18627 Brookhurst Street, Fountain Valley, CA, stated that this project would be his third project in Loma Linda bringing the total number of houses built to 56 homes mostly attached units. He commented that those projects fitted the needs of the targeted segment of the community, doctors, nurses, students, retirees, teachers and business owners who were interested in this type of product.

Hugo Chinchay, 26382 Antonio Circle, Loma Linda wanted to clarify the statements contained in letters he had received from the surrounding churches indicating their interest in having the project done. He continued to say that he had a list of clients, all professionals, which included students, doctors, nurses, etc, exceeded the proposed number of houses to be built.

Mary L. Cooke, 25340 Mead Street, Loma Linda, commented on the following:

- The feasibility study by Mr. Shumway of the Concord Group, stating that there was a lack of visibility for commercial uses at the present time but that might change in the future because of plans to redirect Mission Road to Orange Street would make Orange Street the gateway to the Mission Historical Overlay District.
- The Spanos project at the west end of the street would provide some visibility from the apartment residents and stated that she doubted that the other parcel that The Spanos Group had sold as commercial would be able to develop any time soon.
- She suggested that the designation for that area be changed to Administrative and Office in light of the possible surgical hospital project proposed at Barton Road and Nevada Street.

Jay Gallant, 26284 Cresthaven Court, Loma Linda commented that Loma Linda had a need for commercial development and stated that the designation should remain as commercial.

Chair Rosenbaum closed the public comment period at 10:14 p.m.

Commissioner Christianson commented that he could not support the project because of issues of density, traffic and the Historic Mission Overlay District and stated that the zoning should not be changed. He added that the Historical Commission had not given the project its approval and that he was supportive of their decision.

Vice Chair Neff commented that he supported a residential use for the area especially because of the presence of the churches. He continued to state that he was a proponent of the higher density because of the property's location and the great need for affordable housing for young professionals. Mr. Neff reminded the Commission that the discussions at the Draft General Plan public hearings were not finished and a decision on the future designation of the area had not been taken.

Chair Rosenbaum asked if the Planning Commission was not bound to make a decision on the project regardless of the discussion regarding Draft General Plan. Mr. Holdaway commented that with regards to applications that come before the Planning Commission, the Commission might take an action that would be consistent with the existing General Plan or amend the General Plan as proposed to bring it into conformity with the amended General Plan.

Commission Sakala commented that there was no guarantee that if these houses were built that the purchasers would be from Loma Linda or work in Loma Linda. She stated that she supported keeping the commercial designation for the property.

Commercial Umeda stated that it was difficult to decide what was appropriate for the property because a residential development would be isolated with no connection to any other residential neighborhood. He added that he was concerned about changing the zoning to residential from commercial based on the proposal and would not support residential development. He agreed with Commissioner Neff regarding the fact that no policy decision had yet to be made in regards to the General Plan.

Commissioner Neff clarified that he was not opposed to the change to the residential zoning but his suggestion was to wait until a decision regarding the zoning for the area at the Draft General Plan discussion at the October 20, 2004 meeting.

> **Motion by Christianson, seconded by Umeda, and unanimously approved to continue Item E. 3 General Plan Amendment (GPA) NO. 04-03, Zone Change (ZC) NO. 04-03, Tentative Tract Map (TTM) NO. 16811, and Precise Plan Of Design (PPD) NO. 04-04 and a Development Agreement to a Special Meeting on November 17, 2004.**

Commissioner Sakala and Vice Chair Neff were appointed to work the applicant and make changes that would reflect any policy decision that would be made at the October 20, 2004 meeting.

A discussion ensued which resulted in Item E.2 – General Plan Amendment (GPA) No. 03-002, Zone Change (ZC) No. 03-002, Tentative Tract Map (TTM) No. 15738, Precise Plan Of Design (PPD) No. 04-08 and a Development Agreement being reopened.

> **Motion by Sakala, seconded by Umeda, and unanimously carried to reconsider prior action for Item E.2, General Plan Amendment (GPA) No. 03-002, Zone Change (ZC) No. 03-002, Tentative Tract Map (TTM) No. 15738, Precise Plan Of Design (PPD) No. 04-08 and a Development Agreement.**
>
> **Motion by Umeda, seconded by Neff, and carried by a vote of 4-0, Commissioner Christianson having recused himself, to continue General Plan Amendment (GPA) No. 03-002, Zone Change (ZC) No. 03-002, Tentative Tract Map (TTM) No. 15738, Precise Plan Of Design (PPD) No. 04-08 and a Development Agreement to a Special meeting on October 27, 2004.**

Staff was directed to re-notice the public hearing for this item.

PC-04-53 - APPROVAL OF MINUTES – Minutes of the Adjourned Regular meeting of May 19, 2004.

> **Motion by Christianson, seconded by Neff, and unanimously carried to approve the Minutes Adjourned Regular meeting of May 19, 2004, as presented by staff.**

REPORTS BY THE PLANNING COMMISSIONERS

Attachment E

Applicant's letter requesting appeal

ROGER PETER PORTER, ARCHITECT, INC.
ROGER PETER PORTER ARCHITECT, A.I.A.

3837 EAST 7TH STREET
LONG BEACH, CALIFORNIA 90804
TELEPHONE (562) 434-8414 EXT 14
FACSIMILE (562) 439-9483
EMAIL Rppbj@aol.com

JAN 5

December 30, 2004

Members of the City Council
for the City of Loma Linda
25541 Barton Road
Loma Linda, CA 42354

Reference: Mission Grove Project
Southwest corner of New Jersey Street and Orange Avenue

Dear City Council Members:

We request the following items; General Plan Amendment (GP) No. 04-03, Zone Change (ZC) No. 04-03, Tentative Tract Map 16811 (TT) No. 04-02 and Precise Plan of Design (PPD) No. 04-04 to be continued until such time that the City Council approves the adoption of the General Plan Update.

Sincerely,

Roger Peter Porter
Architect, A.I.A.

Attachment F

Project plans

Attachment G

Resolution

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA, AMENDING THE LAND USE ELEMENT OF THE ADOPTED GENERAL PLAN (GPA NO. 04-03)

WHEREAS, the City of Loma Linda has adopted a Land Use Element of the General Plan in accordance with State Planning and Zoning law; and

WHEREAS, the Applicant has requested a General Plan Amendment from Professional Office to Medium High Density Residential (9-13 dwelling units per acre) designation on the southwest corner of Orange Avenue at New Jersey Street for approximately three (3) acres; and

WHEREAS, the General Plan Amendment request is accompanied by a Tentative Tract request to subdivide 3 acres into 30 single-family lots; and

WHEREAS, the City Council finds that the General Plan Amendment would be consistent with general goals and objectives of the Land Use Element Policies and other elements of the General Plan, and would allow appropriate land uses for the subject site based on its location, topography and surrounding land uses and its compatibility with other portions of the Land Use Element in the vicinity; and

WHEREAS, the public hearings have been held as provided by law, and other formalities required by law for amending the General Plan have been met; and

WHEREAS, said amendment was reviewed by the Planning Commission at a duly noticed public hearing and denied; and

WHEREAS, the applicant appealed the Planning Commission's decision to the City Council; and

WHEREAS, the City Council has reviewed and adopted a Mitigated Negative Declaration of Environmental Impact based on a determination that potential impacts can be mitigated to a level of insignificance pursuant to conditions of approval;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Loma Linda that the adopted land Use Element of the General Plan has hereinbefore been amended per Exhibit "A" attached hereto and made a part hereof, in the following manner:

> That area generally described as approximately three (3) acres located on the southwest corner of Orange Avenue at New Jersey Street AMENDING THE GENERAL PLAN FROM PROFESSIONAL OFFICE TO MEDIUM HIGH DENSITY RESIDENTIAL (9-13) DWELLING UNITS PER ACRE).

BE IT FURTHER RESOLVED that those exhibits comprising the General Plan shall be amended to show the change in land use as above mentioned, and that the City Clerk shall maintain three copies of the amended General Plan available for loan to the public.

PASSED, APPROVED AND ADOPTED this 12th day of April 2005 by the following vote:

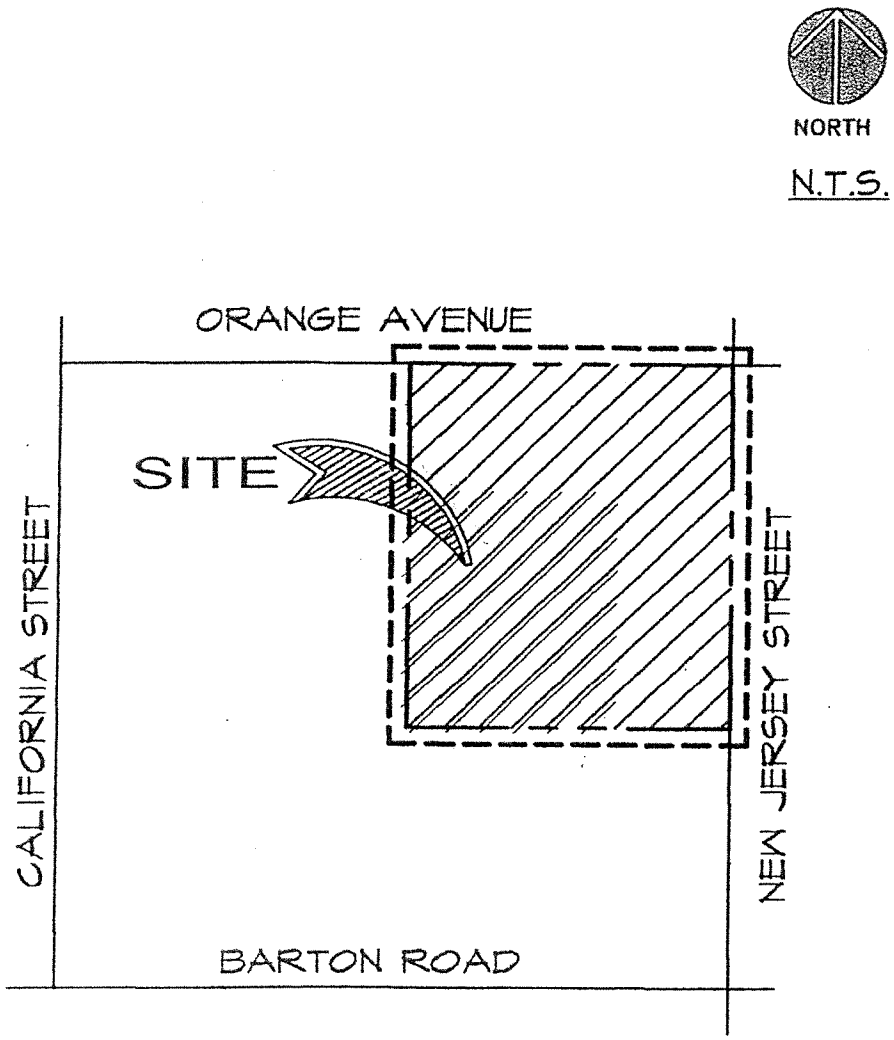
Ayes:
Noes:
Abstain:
Absent:

_____
Floyd Petersen, Mayor pro tempore

ATTEST:

_____
Pamela Byrnes-O'Camb, City Clerk

EXHIBIT "A"


NORTH
N.T.S.
ORANGE AVENUE
SITE
CALIFORNIA STREET
NEW JERSEY STREET
BARTON ROAD

Attachment H

Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOMA LINDA FROM ADMINISTRATIVE PROFESSIONAL (AP) TO MIXED USE/PLANNED COMMUNITY (PC) FOR THAT AREA ON THE SOUTHWEST CORNER OF ORANGE AVENUE AT NEW JERSEY STREET (Zone Change 04-03)

Section 1. Adoption of Ordinance: The City Council of the City of Loma Linda, California, does hereby ordain as follows:

Section 2. Statement of Intent: It is the purpose of the Ordinance to amend various zoning designations in this City and adopt a revised Zoning Map.

Section 3. Amendment of Zoning Designation: The zoning of the City of Loma Linda is hereby amended to change the following described property within the City of Loma Linda from Administrative Professional (AP) to Mixed Use/Planned Community (PC) zoning per Exhibit "A" attached hereto and made a part hereof:

> That property generally described as approximately 3 acres lying on the southwest corner of Orange Avenue at New Jersey Street.

Said property shall be subject to the provisions of the development plan approved by the Planning Commission and City Council and PC zoning text per Exhibit "B" attached hereto and made a part hereof.

Section 4. Validity. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such holding or holdings shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 5. Posting. Prior to the expiration of fifteen (15) days from its passage, the City Clerk shall cause this Ordinance to be posted pursuant to law in three (3) public places designated for such purpose by the City Council.

This Ordinance was introduced at the regular meeting of the City Council of the City of Loma Linda, California, held on the _ day of _____ 2005, and was adopted on the _____ day of _____ 2005 by the following vote to wit:

Ayes:

Noes:

Abstain:

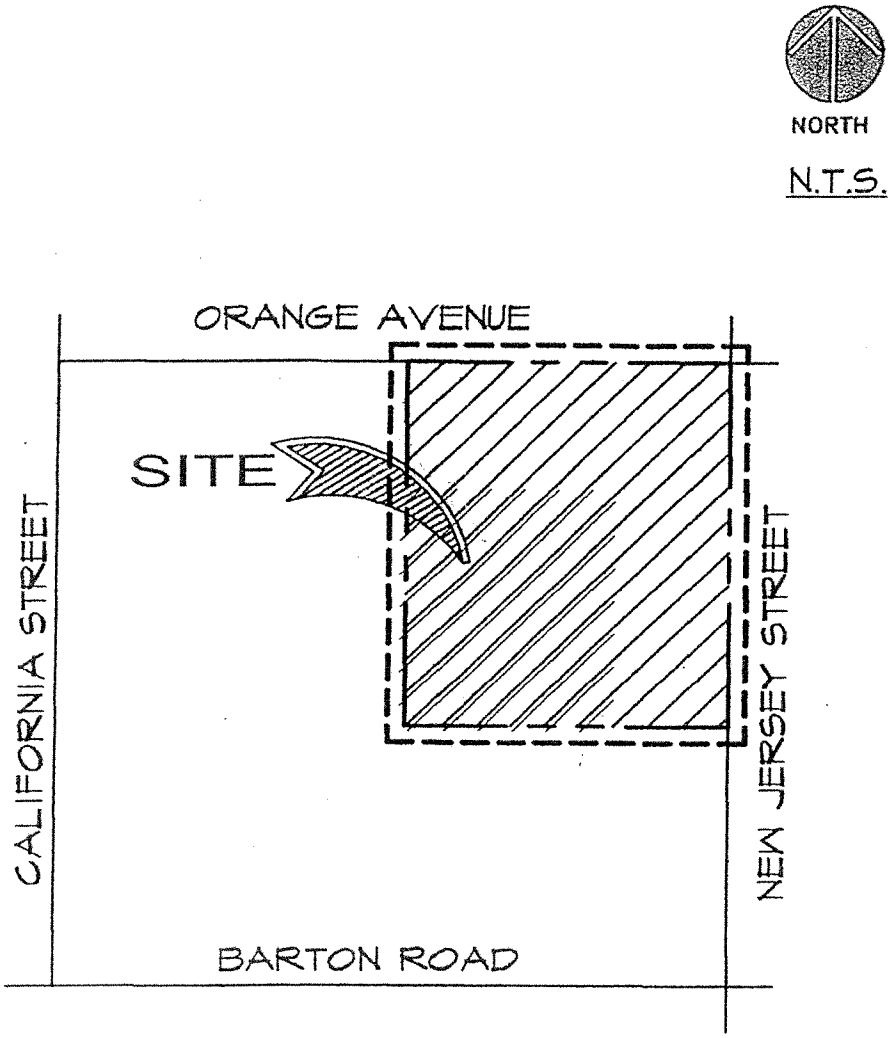
Absent:

_____
Floyd Petersen, Mayor pro tempore

Attest:

_____
Pamela Byrnes-O'Camb, City Clerk

EXHIBIT "A"


NORTH
N.T.S.
ORANGE AVENUE
SITE
CALIFORNIA STREET
NEW JERSEY STREET
BARTON ROAD

DEVELOPMENT PLAN

PROJECT:

MISSION GROVE

(TENTATIVE MAP NO. 16811)

DEVELOPER:

MISSION GROVE L.L.C. INC.
3837 E. 7TH STREET
LONG BEACH, CA 90804

Project Description:

Mission Grove consists of thirty detached homes on 2.74 acres. The final plans have been a result of many revisions and adjustments during the past fourteen months.

1. Site area: 3.31 acres before street dedication, 2.74 acres after street dedication. Street dedications are 33'-0" on Orange Avenue and 35'-0" on New Jersey Street.

2. Homes: 30 detached, 3 bedrooms, 3 full bathrooms, double garage.

3. Average Lot Size: 2,402 sq. ft.

4. Average Lot Coverage: 49.8%

5. Density: 10.94 per acre (below the allowable density).

6. Area of recreation space: 9,162 sq. ft.

7. Guest Parking: 12 spaces.

8. Architectural Design: Spanish revival.

Project Location:

1. Site Location:
   a. Southwest corner of New Jersey Street & Orange Avenue in the mix use General Plan designation "G".

2. Surrounding Property:
   a. South: Existing church, parking lot, and large multi-purpose building.
   b. East: Existing Citrus Grove.
   c. West: Existing Citrus Grove.
   d. North: Existing Citrus Grove.

3. Vicinity:
   a. Existing single family dwellings and apartment complex on Orange Avenue, east (200-500 yards) of New Jersey Street. The apartment complex is in the county corridor and the residential development is in the city of Redlands.

Governance:

Mission Grove will be a private community controlled by C.C. & R.S. and homeowners' association confirming to the California Department of real estate regulations.

Development Standards:

1. Approximate open space (Site) is 62%.
2. Approximate landscape area is 35%.
3. Recreation area is 9,162 sq. ft.
4. Average lot coverage is 49.8%.
5. Average lot area is 2,402 sq. ft.
6. Average rear yard area is 575 sq. ft.
7. Maximum dwelling height is 25'-0".
8. Side yards are 5'-0".
9. Typical house description:
   a. 3 bedrooms.
   b. 3 full bathrooms.
   c. 2 car garage.
   d. 1 bedroom with full bath on first floor.
   e. Front porch on all but 6 homes.
   f. Spanish tile roofing.
   g. Divided lite windows.
   h. Ornamentation detailing around windows and columns.
10. Five floor plans and ten different elevations.
11. Average floor area is 1,479 sq. ft.
12. Single garage doors with varying design. Garage door are recessed for shadow line effect.

Project Goals:

Build a neighborhood that provides a safe, healthy living environment, fulfills the objects of the Loma Linda Planning guidelines for community development, and is compatible with adjacent land use.

1. Fulfill a need for first time home buyers, by selling entry level homes.

2. Buyer profile to be working force people. Working force people defined as the people who work, live and cater to the businesses of Loma Linda.

3. Provide a neighborhood environment by incorporating:
   a. Central recreation park with:
      - Toddlers and small children play area, special play equipment and surface.
      - Picnic – barbeque areas are for families and community gatherings.
      - Large open lawn area for games and activity by children teenagers and adults.
      - All front yards of all lots to be part of the Developer's landscape plan.
   b. Extensive landscaping:
      - Plant over 100 trees.
      - Preserve the existing palm trees on New Jersey Street.
      - Preserve three mature trees on the west property line.
      - Plant lawns in all parkways between curb and sidewalks. Parkways will be part of the public and private streets.
      - Eliminate concrete driveways and provide wheel strips with planting between.
   c. Incorporate on site sidewalks to encourage walking with-in the development.
   d. All homes except 6 will have front porches to enhance a friendly neighborhood appearance. Some homes will have second floor balconies.
   e. Rear yards for social gathering are provided on all houses except model C and D. Front yard gatherings will be provided on C and D models in form of a paved patio area.
   f. The 3'-0" perimeter walls on Orange Avenue and New Jersey Street are low, vine covered walls, with custom iron gates.
   g. "B" Street lighting will be provided by exterior decorative lighting, in place of street lights. Illumination will be designed by Lighting Alliance, Inc.

4. Develop a contextual residential project that will have lasting quality and pride of ownership.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA APPROVING AND ADOPTING THE DEVELOPMENT AGREEMENT BETWEEN LOMA LINDA MISSION GROVE, LLC AND THE CITY OF LOMA LINDA

WHEREAS, Government Code Sections 65864 through 68569.5 provide the statutory authority for development agreements between municipalities and persons owning real property interest in the City; and

WHEREAS, the City has received an application to consider a development agreement and proceedings have been taken in accordance with City's rules and regulations, including, without limitation, a public hearing on the application by the Planning Commission and by the City Council; and

WHEREAS, notice of the City Council's intention to consider adoption of a development agreement has been given as provided by law; and

WHEREAS, the City has completed the preparation of an Initial Study and Mitigated Negative Declaration ("MND") in accordance with the California Environmental Quality Act, Public Resources Code sections 21000 et seq. ("CEQA") and its implementing regulations contained in Title 14 of the California Code of Regulations, sections 15000 et seq. (the "CEQA Guidelines"), and has made the MND available to the public and to all interested agencies for review and comment, as required by CEQA; and

WHEREAS, the City has considered all comments and correspondence, if any, received in response to the MND, and the findings and conclusions made by the City pursuant to this Ordinance are based upon all of the oral and written evidence presented to it and taken as a whole.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMA LINDA DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS. The City Council finds that the provisions of the development agreement are consistent with the General Plan and the Zoning Ordinance of the City of Loma Linda.

SECTION 2. APPROVAL OF DEVELOPMENT AGREEMENT. The City Council hereby approves and adopts the "Development Agreement between Loma Linda Mission Grove, LLC and the City of Loma Linda" attached as Exhibit "A" and incorporated by reference. The City Manager and City Clerk of the City of Loma Linda are hereby authorized and directed to execute and attest, respectively, the Agreement on behalf of the City of Loma Linda.

SECTION 3. CEQA. The City hereby finds and ordains that:

A. The MND reflects the independent judgment of the City.

B. There is no evidence that the approval and implementation of the Development Agreement, together with the mitigation measures incorporated pursuant to the MND, will have the potential to cause an adverse effect on wildlife resources or the habitat on which such wildlife

depends, and the City finds, on the basis of the substantial evidence in the record, that the presumption of adverse effect set forth in 14 Cal. Code of Regs. § 753.5(d) does not apply.

C. There is no substantial evidence in light of the whole record that the approval and implementation of the Development Agreement, with the mitigation measures incorporated therein, would have a significant effect on the environment.

D. The City hereby approves and adopts the MND and directs staff to:

(1) Prepare and file a Certificate of Fee Exemption with the California Department of Fish and Game pursuant to 14 California Code of Regulations section 753.5; and

(2) Prepare and file a Notice of Determination with the Clerk of the County of San Bernardino and the Office of Planning and Research pursuant to 14 California Code of Regulations section 15075; and

(3) Keep a copy of the MND and all documents referenced therein at the City offices and available for public review.

SECTION 4. RECORDATION. The City Clerk is directed to transmit the development agreement to the County Recorder for recordation no later than ten (10) days after the adoption of this ordinance.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 6. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Loma Linda and to cause publication once in The Sun, the official newspaper of the City of Loma Linda, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _____ _____, 2005, and adopted as an ordinance of the City of Loma Linda at a regular meeting of the City Council held on _____, 2005 by the following vote:

Ayes:
Noes
Absent:
Abstain:

_____
Floyd Petersen, Mayor pro tempore

_____
Pamela Byrnes-O'Camb, City Clerk

RECORDING REQUEST BY, AND
WHEN RECORDED, MAIL TO:

City Clerk
City of Loma Linda
25541 Barton Road
Loma Linda, CA 92354

EXEMPT FROM FILING FEES. CAL. GOV'T CODE § 6103

(Space above this line for Recorder's use)

DEVELOPMENT AGREEMENT

BETWEEN

LOMA LINDA MISSION GROVE, LLC

AND

THE CITY OF LOMA LINDA

(Pursuant to California Government Code Sections 65864 – 65869.5 and City of Loma Linda Ordinance No. ____)

June___, 2004

Tentative Tract No. 16811-TT

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DEVELOPMENT AGREEMENT NO.

This Development Agreement (hereinafter "**Agreement**") is entered into effective as of the date approved by the City of Loma (hereinafter the "**Effective Date**") by the **CITY OF LOMA LINDA** (hereinafter "**City**"), and **LOMA LINDA MISSION GROVE, LLC**, a California limited liability company (hereinafter "**Owner**"):

RECITALS

WHEREAS, Owner owns property located in the eastern part of the City consisting of the property generally located near the southwest corner of the intersection of Orange Avenue and New Jersey Street in the City of Loma Linda, also referred to as A.P.N. 0292-162-10, which property (the "Property") consists of approximately 2.8 acres. The Property is described on **Exhibit "A"** attached and made a part of this Agreement by this reference; and

WHEREAS, Owner proposes to redevelop (or to cause to be redeveloped) the Property as a single family residential subdivision consisting of approximately thirty (30) houses (the "**Project**"); and

WHEREAS, the Project has received approval for a mitigated negative declaration, general plan amendment, zone change, and tentative tract map as well as a precise plan of design, Owner has applied to City for a subdivision map and this Agreement (the "**Entitlements**"); and

WHEREAS, City is authorized to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property, pursuant to Section 65864, et seq., of the Government Code; and

WHEREAS, Owner has requested City to enter into a development agreement and proceedings have been taken in accordance with the rules and regulations of City; and

WHEREAS, by electing to enter into this Agreement, City shall bind future City Councils of City by the obligations specified herein and limit the future exercise of certain governmental and proprietary powers of City; and

WHEREAS, the terms and conditions of this Agreement have undergone extensive review by City staff, the Planning Commission and the City Council and have been found to be fair, just and reasonable; and

WHEREAS, the best interests of the citizens of City and the public health, safety and welfare will be served by entering into this Agreement; and

WHEREAS, all actions taken and approvals given by City have been duly taken or approved in accordance with all applicable legal requirements for notice, public hearings, findings, votes, and other procedural matters; and

WHEREAS, this Agreement will eliminate uncertainty in planning and provide for the orderly development of the property subject to this Agreement, ensure progressive installation of necessary public and private improvements, provide for public services appropriate to the

development of Owner's development project, and generally serve the purposes for which development agreements under Sections 65864, et seq. of the Government Code are intended; and

WHEREAS, on _____, 2004, the Planning Commission of the City of Loma Linda (the "Planning Commission"), after giving notice pursuant to Government Code Sections 65854, 65854.5 and 65856, held a public hearing on Owner's application for this Agreement. On _____, 2004, the City Council of the City of Loma Linda (the "City Council"), after providing public notice as required by law, similarly held a public hearing to consider Owner's application for this Agreement; and

WHEREAS, the Planning Commission and the City Council have found that this Agreement and the Project contemplated hereby are consistent with the General Plan, the approved tentative map, related project approvals and all other applicable plans, rules, regulations and official policies of City; and

WHEREAS, in accordance with the requirements of CEQA (Public Resources Code Sections 21000 et seq.), appropriate studies, analyses, reports or documents were prepared and considered by the Planning Commission and the City Council. After the Planning Commission and the City Council made appropriate findings, the City Council certified, by Minute Order No. LL-2004-____ adopted on _____, 2004, a Mitigated Negative Declaration (the "Environmental Clearance") for the Project in compliance with CEQA; and

WHEREAS, on _____, 2004, the City Council adopted Ordinance No. ____ approving this Agreement with Owner.

COVENANTS

NOW, THEREFORE, in consideration of the above recitals and of the mutual covenants hereinafter contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. DEFINITIONS.

1.1 Definitions. The following terms when used in this Agreement shall be defined as follows:

1.1.1 "Agreement" means this Development Agreement.

1.1.2 "City" means the City of Loma Linda, a political subdivision of the State of California.

1.1.3 "City Council" means the City Council of the City of Loma Linda.

1.1.4 "Development" means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of infrastructure and public facilities related to the Project whether located within or outside the Property; the construction of residential dwelling units, buildings and structures; and the installation of landscaping. "Development" does not include the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.1.5 "Development Approvals" means all permits and other entitlements for use subject to approval or issuance by City in connection with development of the Property including, but not limited to:

(a) General Plan;

(b) Tentative and final subdivision and parcel maps;

(c) Conditional use permits, precise plans of design, variances, site plot plans;

(d) Zoning amendments;

(e) Grading and building permits;

(f) Street and utility improvement permits.

1.1.6 "Development Exaction" means any requirement of City in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of fees in order to lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests. The term "Development Exaction" or "Exaction" shall not include City administrative, permit processing or other City-wide imposed development fees to cover the estimated or actual costs to City of processing applications for Development Approvals, Subsequent Development Approvals, or costs associated with preparation or implementation of this Development Agreement or for monitoring compliance with any Development Approvals which may be granted or issued pursuant to this Agreement.

1.1.7 "Development Plan" means the Development Approvals and the Land Use Regulations applicable to development of the Property, including but not limited to the Environmental Clearance and Tentative Tract Map No. 16811-TT.

1.1.8 "Effective Date" means the date this Agreement is approved by the City.

1.1.9 "Existing Development Approvals" means all Development Approvals approved or issued prior to the Effective Date and all other Approvals which are a matter of public record on the Effective Date.

1.1.10 "Existing Land Use Regulations" means all Land Use Regulations in effect on the Effective Date and all other Development Regulations which are a matter of public record on the Effective Date.

1.1.11 "Land Use Regulations" means all ordinances, resolutions, codes, rules, regulations and official policies of City governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, the maximum height and size of proposed buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the Property. "Land Use Regulations" does not include any City ordinance, resolution, code, rule, regulation or official policy, governing:

(a) The conduct of businesses, professions, and occupations;

(b) Taxes and assessments;

(c) The control and abatement of nuisances;

(d) The granting of encroachment permits and the conveyance of rights and interests which provide for the use of or the entry upon public property;

(e) The exercise of the power of eminent domain.

1.1.12 "Owner" means the persons and entities listed as Owner on page 1 of this Agreement and their successors in interest to all or any part of the Property.

1.1.13 "Mortgagee" means a mortgagee of a mortgage, a beneficiary under a deed of trust or any other security-device lender, and their successors and assigns.

1.1.14 "Project" means the development of the Property contemplated by the Development Plan as defined herein as such Plan may be further defined, enhanced or modified pursuant to the provisions of this Agreement.

1.1.15 "Property" means the real property described on **Exhibit "A"** to this Agreement and made a part herein by this reference.

1.1.16 "Subsequent Development Approvals" means all Development Approvals required subsequent to the Effective Date in connection with development of the Property.

1.1.17 "Subsequent Land Use Regulations" means any Land Use Regulations adopted and effective after the Effective Date of this Agreement.

2. GENERAL PROVISIONS.

2.1 Binding Effect of Agreement. The Property is hereby made subject to this Agreement. Development of the Property is hereby authorized and shall be carried out in accordance with the terms of this Agreement.

2.2 Ownership of Property. Owner represents and covenants that it is the Owner of the fee simple title to the Property.

2.3 Term. The term of this Agreement shall commence on the Effective Date and shall continue for a period of seven (7) years thereafter unless this term is modified or extended pursuant to the provisions of this Agreement.

2.4 Assignment.

2.4.1 Right to Assign. Owner shall have the right to sell, transfer or assign the Property in whole or in part (provided that no such partial transfer shall violate the Subdivision Map Act, Government Code Section 66410, et seq.) to any person, partnership, joint venture, firm or corporation at any time during the term of this Agreement; provided, however, that any such sale, transfer or assignment shall include the assignment and assumption of the rights, duties and

obligations arising under or from this Agreement as applied to the Property in whole or in part and be made in compliance with the following conditions precedent:

(a) No sale, transfer or assignment of any right or interest under this Agreement shall be made unless made together with the sale, transfer or assignment of all or a part of the Property;

(b) Concurrent with any such sale, transfer or assignment, or within fifteen (15) business days thereafter, Owner shall notify City, in writing, of such sale, transfer or assignment and shall provide City with an executed agreement, in a form reasonably acceptable to City, by the purchaser, transferee or assignee and providing therein that the purchaser, transferee or assignee expressly and unconditionally assumes all the duties and obligations of Owner under this Agreement which apply to the Property in whole or in part being sold, transferred or assigned.

2.4.2 Termination of Agreement With Respect to Individual Lots Upon Sale to Public and Completion of Construction. The provisions of Subsection 2.4.1 shall not apply to the sale or lease (for a period longer than one year) of any lot which has been finally subdivided and is individually (and not in "bulk") sold or leased to a member of the public or other ultimate user. Notwithstanding any other provisions of this Agreement, this Agreement shall terminate with respect to any lot and such lot shall be released and shall no longer be subject to this Agreement without the execution or recordation of any further document upon satisfaction of all of the following conditions:

(a) The lot has been finally subdivided and individually (and not in "bulk") sold or leased (for a period longer than one year) to a member of the public or other ultimate user; and,

(b) A Certificate of Occupancy has been issued for a building on the lot.

2.5 Amendment or Cancellation of Agreement. This Agreement may be amended or canceled in whole or in part only by written consent of all parties in the manner provided for in Government Code Section 65868.

2.6 Termination. This Agreement shall be deemed terminated and of no further effect upon the occurrence of any of the following events:

(a) Expiration of the stated term of this Agreement as set forth in Section 2.3.

(b) Completion of a referendum proceeding or entry of a final judgment setting aside, voiding or annulling the adoption of the ordinance approving this Agreement.

(c) Completion of the Project in accordance with the terms of this Agreement including issuance of all required occupancy permits and acceptance by City or applicable public agency of all required dedications.

Termination of this Agreement shall not constitute termination of any other land use entitlements approved for the Property prior to the Entitlements approved in connection with this Agreement. Upon the termination of this Agreement, no party shall have any further right or obligation hereunder except with respect to any obligation to have been performed prior to such

termination or with respect to any default in the performance of the provisions of this Agreement which has occurred prior to such termination.

2.7 Notices.

(a) As used in this Agreement, "notice" includes, but is not limited to, the communication of notice, request, demand, approval, statement, report, acceptance, consent, waiver, appointment or other communication required or permitted hereunder.

(b) All notices shall be in writing and shall be considered given either: (i) when delivered in person to the recipient named below, or (ii) on the date of delivery shown on the return receipt, after deposit in the United States mail in a sealed envelope as either registered or certified mail with return receipt requested, postage and postal charges prepaid, and addressed to the recipient named below. All notices shall be addressed as follows:

If to City:

City of Loma Linda
Attn: City Clerk
25541 Barton Road
Loma Linda, CA 92354
Facsimile: (909) 799-2890

With copies to:

Stradling Yocca Carlson & Rauth
Attention: Mark J. Huebsch, Esq.
660 Newport Center Drive, Suite 1600
Newport Beach, CA 92660
Facsimile: (949) 725-4100

and

Director of the Community Development Department
City of Loma Linda
25541 Barton Road
Loma Linda, CA 92354
Facsimile: (909) 799-2894

If to Owner:

Loma Linda Mission Grove, LLC
Attn: Terry Smith
18627 Brookhurst Street #349
Fountain Valley, CA 92708
Facsimile: (714) 968-8488
Telephone: (714) 968-0426

(c) Either party may, by notice given at any time, require subsequent notices to be given to another person or entity, whether a party or an officer or representative

of a party, or to a different address, or both. Notices given before actual receipt of notice of change shall not be invalidated by the change.

3. DEVELOPMENT OF THE PROPERTY.

3.1 Right to Develop. Subject to the terms of this Agreement including the Reservations of Authority, Owner shall have a vested right to develop the Property in accordance with, and to the extent of, the Development Plan. The City shall issue all Subsequent Development Approvals required to complete the Project as contemplated by the Development Plan and consistent with the Entitlements. Except as otherwise provided in this Agreement, the permitted uses of the Property, the density and intensity of use, the maximum height and size of proposed buildings, and provisions for reservation of dedication of land for public purposes shall be those set forth in the Development Plan.

3.2 Subsequent Development Approvals. This Agreement shall not prevent City, in acting on Subsequent Development Approvals, from applying Subsequent Land Use Regulations which do not conflict with the Development Plan, nor shall this Agreement prevent City from denying or conditionally approving any Subsequent Development Approval on the basis of the Existing Land Use Regulations or any Subsequent Land Use Regulations not in conflict with the Development Plan.

3.3 Timing of Development. The parties acknowledge that Owner cannot at this time predict when or the rate at which phases of the Property will be developed. Such decisions depend upon numerous factors which are not within the control of Owner, such as market orientation and demand, interest rates, absorption, completion and other similar factors. Because the California Supreme Court held in Pardee Construction Co. v. City of Camarillo (1984) 37 Cal. 3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that Owner shall have the right to develop the Property in such order and at such rate and at such time as Owner deems appropriate within the exercise of its subjective business judgment, subject only to any timing or phasing requirements set forth in the Development Plan.

3.4 [Intentionally Omitted.]

3.5 Changes and Amendments. The parties acknowledge that refinement and further development of the Project may require Subsequent Development Approvals and may demonstrate that changes are appropriate and mutually desirable in the Existing Development Approvals. In the event Owner finds that a change in the Existing Development Approvals is necessary or appropriate, Owner shall apply for a Subsequent Development Approval to effectuate such change and City shall process and act on such application in accordance with the Existing Land Use Regulations, except as otherwise provided by this Agreement including the Reservations of Authority. Unless otherwise required by law, as determined in City's reasonable discretion, a change to the Existing Development Approvals shall be deemed "minor" and not require an amendment to this Agreement provided such change does not:

(a) Alter the permitted uses of the Property as a whole; or

(b) Increase the density or intensity of use of the Property as a whole; or

(c) Increase the maximum height and size of permitted buildings; or

(d) Delete a requirement for the reservation or dedication of land for public purposes within the Property as a whole; or

(e) Constitute a project requiring a subsequent or environmental impact report pursuant to Section 21166 of the Public Resources Code.

3.6 Fiber Optic Network Installation. If, and to the extent, Owner constructs and/or installs a fiber optic network ("**the Network**") throughout all or a portion of the Project, Owner shall be subject to the following terms and conditions:

(a) The Network shall be installed exclusively in easements dedicated to the City and/or dedicated for public utility compatible uses and purposes. To the extent that Owner installs the Network, or any portion thereof, in locations which have not been dedicated to the City and/or dedicated for public utility compatible uses and purposes, it shall provide a dedicated easement to the City coterminous with the location of the Network.

(b) The property in which the Network, or any portion thereof, is located shall be deemed "public rights-of-way" within the meaning of Section 621 of the Cable Communications Policy Act of 1984, as amended.

(c) Owner shall join Underground Alert and provide proper notification pursuant thereto in the event of any excavation relating to the Network.

(d) Owner shall install, at its sole expense, a separate conduit of no less than three (3) inches in diameter in all locations where the Network is located which separate conduit shall be dedicated to the City for its exclusive use (the "**City Conduit**"). Owner shall, in addition, install and dedicate sufficient connection points, manholes, potholes, and other appurtenances as designated by the City in writing to allow the City to reasonably access and utilize the City Conduit.

(e) Owner shall install and dedicate to the City, at its sole cost, twelve (12) strands of unactivated dark fiber throughout the entirety of the Network for remote water meter reading purposes and other municipal purposes (the "**City Fiber**"). The City Fiber shall be connected to all residential units and business establishments located within the Project and shall be accessible to the City from a central location to be designated by the City in writing.

(f) In the event that the Owner, or any successor or assignee thereof, intends to provide or does provide any form of video services on the Network, it shall apply for and obtain, prior to the provision of such video services a cable television franchise from the City and shall be bound by the City's cable television ordinance in effect at said time. Owner agrees not to provide, or allow to be provided, any form of video services on the Network prior to obtaining a cable television franchise from the City.

(g) In the event that Owner, or any successor or assignee thereof, intends to provide or does provide any services which are not video services on the Network, it shall comply with the City's telecommunications ordinance in effect at said time. Owner, its

successors and assigns, agrees to be bound by any current or future telecommunications ordinance and agrees not to provide, or allow to be provided, any form of non-video services upon the Network without complying with the telecommunications ordinance, and the provisions thereof, including but not limited to, the payment of a franchise fee or license fee to the extent required by the telecommunications ordinance.

3.7 Reservations of Authority.

3.7.1 Limitations, Reservations and Exceptions. Notwithstanding any other provision of this Agreement, the following Subsequent Land Use Regulations shall apply to the development of the Property.

(a) Processing fees and charges imposed by City to cover the estimated actual costs to City of processing applications for Development Approvals or for monitoring compliance with any Development Approvals granted or issued.

(b) Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure.

(c) Regulations governing construction standards and specifications including, without limitation, the Uniform Building, Plumbing, Mechanical, Electrical, and Fire Codes as adopted and amended by the City of Loma Linda.

(d) Regulations which may be in conflict with the Development Plan but which are reasonably necessary to protect the public health and safety. To the extent possible, any such regulations shall be applied and construed so as to provide Owner with the rights and assurances provided under this Agreement.

(e) Regulations which are not in conflict with the Development Plan. Any regulation, whether adopted by initiative or otherwise, imposing a development moratorium or limiting the rate or timing of development of the Property shall be deemed to conflict with the Development Plan and shall therefore not be applicable to the Development of the Property.

3.7.2 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date of this Agreement, prevent or preclude compliance with one or more of the provisions of this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations, provided, however, that this Agreement shall remain in full force and effect to the extent such laws or regulations do not render such remaining provisions impractical to enforce.

3.8 Referenda and Moratorium. It is the express intent of City and Owner that as of the date of this Agreement, this Agreement is a legally binding contract which shall, to the extent permitted by law, prevail over the provisions of any subsequently enacted moratorium, statute, ordinance, limitation or other measure, whether or not enacted by City, or by voter initiative or referendum, and whether or not such initiative, moratorium, referendum, statute, ordinance, limitation or other measure relates, in whole or in part, to the rate, timing, sequencing or phasing of

the development or construction of all or part of the Project or the Development Plan or affects Development Approvals which are issued by City.

In the event any initiative, moratorium, referendum, statute, ordinance, limitation or other measure is enacted subsequent to the Effective Date that would otherwise modify the development rights vested pursuant to this Agreement, Owner reserves the right to challenge any such enactment in a court of law should it become necessary to protect the development rights vested in Owner pursuant to the terms and conditions of this Agreement. Should any initiative or referendum be enacted which would preclude or make not feasible construction of all or any part of the Project, and should such enactment be determined by a court of competent jurisdiction to invalidate or prevail over all or any part of this Agreement, Owner shall have no recourse against City for any damage Owner might sustain as a result thereof so long as the City did not participate in nor support any such initiative or referendum, except City shall provide for and timely implement an equitable program to reimburse Owner for unused fees and for an equitable reimbursement for Public Improvements or fees theretofore made but not required by the extent of development as of the date of the enactment.

3.9 Exactions. All further applications for Development Approvals contemplated by this Agreement, or made in connection with the development, construction, use or operation of the Project hereunder, shall be processed in accordance with the Existing Rules and the standards, terms and conditions of this Agreement, except that (a) City shall not impose thereunder any further Exactions other than those called for under the Existing Approvals and/or as permitted under the provisions of this Agreement, and (b) such applications and Development Approvals thereunder shall not result in the imposition upon Owner of any additional requirements, other than those already imposed pursuant to the Development Approvals, or otherwise permitted under the provisions of this Agreement.

3.10 Tentative Subdivision Map Extension. Tentative subdivision map(s), heretofore or hereafter approved in connection with development of the Property, shall be granted an extension of time for up to the seven (7) year term of this Agreement.

3.11 City Fees.

3.11.1 Payment of Fees. Owner shall pay all City administrative, permit processing and other city-wide imposed development fees in accordance with the master City Fees Schedule in effect at the time fees are paid.

4. PUBLIC BENEFITS.

4.1 Intent. The parties acknowledge and agree that development of the Property will result in substantial public needs which will not be fully met by the Development Plan and further acknowledge and agree that this Agreement confers substantial private benefits on Owner which should be balanced by commensurate public benefits. Accordingly, the parties intend to provide consideration to the public to balance that private benefit conferred on Owner by providing more fully for the satisfaction of the public needs resulting from the Project.

4.2 Development Agreement Fee. Owner agrees to pay to City in connection with each residential dwelling built within the Project the corresponding amounts as set forth in **Exhibit "C"**, including escalation, as a Development Agreement Fee; Exhibit "C" is attached and made a part of

this Agreement by this reference ("Development Agreement Fee Schedule"). The Development Agreement Fee shall be paid, on a per-unit basis as shown at Exhibit "C", within two (2) business days after final building inspection or if certificate(s) of occupancy are issued, then concurrent with issuance of such certificate(s).

4.3 Street Names. All streets and public facilities located in the Development shall require approval by the City Department of Community Development.

5. REVIEW FOR COMPLIANCE.

5.1 Periodic Review. The Director of the Community Development Department shall review this Agreement on or before the first anniversary of the Effective Date, in order to ascertain the good faith compliance by Owner with the terms of the Agreement. Owner shall submit a Monitoring Report, in a form acceptable to the Director of the Community Development Department, within thirty (30) days after written notice from the Director of the Community Development Department.

5.2 Procedure.

(a) During either a periodic review or a special review, Owner shall be required to demonstrate good faith compliance with the terms of the Agreement. The burden of proof on this issue shall be on Owner.

(b) Upon completion of a periodic review, the Director of the Community Development Department shall submit a report to the City Council setting forth the evidence concerning good faith compliance by Owner with the terms of this Agreement and his or her recommended finding on that issue.

(c) If the City Council finds on the basis of substantial evidence that Owner has complied in good faith with the terms and conditions of this Agreement, the review shall be concluded.

(d) If the City Council makes a preliminary finding that Owner has not complied in good faith with the terms and conditions of this Agreement, the City Council may modify or terminate this Agreement as provided in Section 5.3 and Section 5.4. Notice of default as provided under Section 6.3(b) of this Agreement shall be given to Owner prior to or concurrent with, proceedings under Section 5.3 and Section 5.4 or Section 6.5.

5.3 Proceedings Upon Modifications or Termination. If, upon a finding under Section 6.2, City determines to proceed with modification or termination of this Agreement, City shall give written notice to Owner of its intention so to do. The notice shall be given at least ten (10) calendar days prior to the scheduled hearing and shall contain:

(a) The time and place of the hearing; and

(b) A statement as to whether or not City proposes to terminate or to modify the Agreement; and

(c) Such other information as is reasonably necessary to inform Owner of the nature of the proceeding.

5.4 Hearing on Modification or Termination. At the time and place set for the hearing on modification or termination, Owner shall be given an opportunity to be heard. Owner shall be required to demonstrate good faith compliance with the terms and conditions of this Agreement. If the City Council finds, based upon substantial evidence, that Owner has not complied in good faith with the terms or conditions of the Agreement, the City Council may terminate this Agreement or modify this Agreement and impose such conditions as are reasonably necessary to protect the interests of the City. The decision of the City Council shall be final, subject only to judicial review pursuant to Section 1094.5 of the California Code of Civil Procedure.

5.5 Certificate of Agreement Compliance. If, at the conclusion of a Periodic Review, Owner is found to be in compliance with this Agreement, City shall, upon request by Owner, issue a Certificate of Agreement Compliance ("Certificate") to Owner stating that after the most recent Periodic Review and based upon the information known or made to the Director of the Community Development Department and the City Council that (1) this Agreement remains in effect and (2) Owner is not in default. The Certificate shall be in recordable form, shall contain information necessary to communicate constructive record notice of the finding of compliance. Owner may record the Certificate with the County Recorder.

6. DEFAULT AND REMEDIES.

6.1 Enforcement. Unless amended or canceled as herein provided, this Agreement is enforceable by any party to it notwithstanding a change in the applicable general or specific plan, zoning, subdivision, or building regulations adopted by the City which otherwise would alter or amend the rules, regulations, or policies governing permitted uses of the Property, density, design, improvement, and construction standards and specifications applicable to the Development Plan.

6.2 Events of Default. A party to this Agreement is in default under this Agreement upon the happening of one or more of the following events or conditions:

(a) If a warranty, representation or statement made or furnished by Owner to City or City to Owner is false or proves to have been false in any material respect when it was made;

(b) A finding and determination by City or Owner that upon the basis of substantial evidence the City or Owner has not complied in good faith with one or more of the terms or conditions of this Agreement.

6.3 Procedure Upon Default.

(a) Upon the occurrence of an event of default, the non-defaulting party may terminate or modify this Agreement in accordance with the procedures set fort in Subsection 6.3(b) below.

(b) The party claiming default shall provide written notice to the other party specifying the event of default and the steps the other party must take to cure the default. If, within thirty (30) days after the effective date of such notice, the other party does not commence all steps reasonably necessary to bring itself into compliance as required and thereafter diligently pursue such steps to completion, then the other party shall be deemed to be in default under the terms of this Agreement.

(c) All other remedies at law or in equity which are not otherwise provided for in this Agreement or in City's regulations governing development agreements are available to the parties to pursue in the event there is a breach.

6.4 Owner's Default. In the event of any default by Owner, in addition to any other remedies which may be available to City, whether legal or equitable, City shall be entitled to retain any fees, grants, dedications or improvements to public property which it may have received prior to Owner's default without recourse from Owner or its successors or assigns.

6.5 Indemnity. Owner shall indemnify and hold City, its officers agents and employees and independent contractors free and harmless from any claims or liability based or asserted upon any act or omission of Owner, its officers, agents, employees, subcontractors and independent contractors for property damage, bodily injury, or death (Owner's employees included) or any other element or damage of any kind or nature, relating to or in any way connected with or arising from the activities provided in this Agreement. Owner shall defend, at its expense, including payment of attorneys' fees, City, its officers, agents, employees and independent contractors in any legal action based upon such alleged acts or omissions. City may in its discretion participate in the defense of any such legal action.

6.6 Environmental Indemnity. Owner shall defend, indemnify and hold City, its officers, agents, employees, and independent contractors free and harmless from any claims or liability based upon or arising from the presence of any Hazardous Substance on any of the Property located in the Project. As used herein, "Hazardous Substance" shall mean any "hazardous substances," "toxic substance," "hazardous waste," or "hazardous material" as defined in one or more Environmental Laws, whether now in existence or hereinafter enacted; provided, however, that "Hazardous Substance" shall (i) include petroleum and petroleum products (other than naturally occurring crude oil and gas) and (ii) include radioactive substances which are not naturally occurring, and (iii) include any friable or non-friable asbestos or asbestos-containing material contained in or affixed to a structure existing on the Property or otherwise located in, on or about the Property as of the date of this Agreement. As used herein, "Environmental Laws" shall mean any and all federal, state, municipal and local laws, statutes, ordinances, rules, and regulations which are in effect as of the date of this Agreement, or any and all federal, or state laws, statutes, rules and regulations which may hereafter be enacted and which apply to the Property or any part thereof, pertaining to the use, generation, storage, disposal, release, treatment or removal of any Hazardous Substances, including without limitation, the Comprehensive Environmental Response Compensation Liability Act of 1980, 42 U.S.C. Sections 9601, et seq., the Resource Conservation and Recovery Act of 1976, 42 U.S.C. Sections 6901, et seq., ("RCRA"), the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq., the Clean Water Act, 33 U.S.C. Section 1251, et seq., and California Health and Safety Code Section 25100, et seq. Owner acquired the Property pursuant to a Real Property Purchase and Sales Agreement entered into with the Southwestern California Conference of Seventh Day Adventists ("Prior Owner") as the Seller dated as of _____, 2004 ("**the Purchase Agreement**"). To the extent that Owner is or may be entitled to defense or indemnification from Prior Owner in connection with the presence of any such Hazardous Substances on the Property as provided in the Purchase Agreement, Owner shall assert any such defenses or indemnification rights on behalf of City, its officers, agents, employees, and independent contractors, or assign such rights to City, at City's option. However, Owner's obligation to defend, indemnify and hold harmless City and its officers, employees, agents or independent contractors from any claims or liability in connection with or arising from the presence of any Hazardous Substance on the Property or any portion thereof shall not be in any way limited or eliminated by the terms of the Purchase Agreement,

and Owner's obligation hereunder shall survive the termination of this Development Agreement, no matter how caused. Notwithstanding anything herein to the contrary, Owner shall have no obligation to indemnify the City as herein provided with respect to any Hazardous Substances which are proven by Owner to have been first brought onto the Property subsequent to the sale by the Owner of the Property, or the affected portions thereof.

7. MORTGAGEE PROTECTION.

The parties hereto agree that this Agreement shall not prevent or limit Owner, in any manner, at Owner's sole discretion, from encumbering the Property or any portion thereof or any improvement thereon by any mortgage, deed of trust or other security device securing financing with respect to the Property. City acknowledges that the lenders providing such financing may require certain Agreement interpretations and modifications and agrees upon request, from time to time, to meet with Owner with representatives of such lenders to negotiate in good faith any such request for interpretation or modification. City will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement. Any mortgagee of the Property shall be entitled to the following rights and privileges:

(a) Neither entering into this Agreement nor a breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any mortgage on the Property made in good faith and for value, unless otherwise required by law.

(b) The Mortgagee of any mortgage or deed of trust encumbering the Property, or any part thereof, which Mortgagee has submitted a request in writing to the City in the manner specified herein for giving notices, shall be entitled to receive written notification from City or any default by Owner in the performance of Owner's obligations under this Agreement.

(c) If City timely receives a request from a Mortgagee requesting a copy of any notice of default given to Owner under the terms of this Agreement, City shall provide a copy of that notice to the Mortgagee within ten (10) days of sending the notice of default to Owner. The Mortgagee shall have the right, but not the obligation, to cure the default during the remaining cure period allowed such party under this Agreement.

(d) Any Mortgagee who comes into possession of the Property, or any part thereof, pursuant to foreclosure of the mortgage or deed of trust, or deed in lieu of such foreclosure, shall take the Property, or part thereof, subject to the terms of this Agreement. Notwithstanding any other provision of this Agreement to the contrary, no Mortgagee shall have any obligation or duty under this Agreement to perform any of Owner's obligations or other affirmative covenants of Owner hereunder, or to guarantee such performance; provided, however, that to the extent that any covenant to be performed by Owner is a condition precedent to the performance of a covenant by City, the performance thereof shall continue to be a condition precedent to City's performance hereunder, and further provided that any sale, transfer or assignment by any Mortgagee in possession shall be subject to the provisions of Section 2.4 of this Agreement.

8. MISCELLANEOUS PROVISIONS.

8.1 Recordation of Agreement. This Agreement and any amendment or cancellation thereof shall be recorded with the County Recorder by the City Clerk within the period required by Section 65868.5 of the Government Code.

8.2 Entire Agreement. This Agreement sets forth and contains the entire understanding and agreement of the parties, and there are no oral or written representations, understandings, or ancillary covenants, undertakings or agreements which are not contained or expressly referred to herein. No testimony or evidence of any such representations, understandings or covenants shall be admissible in any proceeding of any kind or nature to interpret or determine the terms or conditions of this Agreement.

8.3 Severability. If any terms, provisions, covenants or conditions of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provisions of Development of the Property set forth in Section 3 and the Public Benefits set forth in Section 4 of this Agreement, including the payment of the fees set forth therein, are essential elements of this Agreement and City and Owner would not have entered into this Agreement but for such provisions and if determined to be invalid, void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

8.4 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed by interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

8.5 Section Headings. All section headings and subheadings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

8.6 Singular and Plural. As used herein, the singular of any word includes the plural.

8.7 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

8.8 Waiver. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Agreement thereafter.

8.9 No Third Party Beneficiaries. This Agreement is made and entered into for the sole protection and benefit of the parties and their successors and assigns. No other person shall have any right of action based upon any provision of this Agreement.

8.10 Force Majeure. Neither party shall be deemed to be in default where failure or delay in performance of any of its obligations under this Agreement is caused by floods, earthquakes, other Acts of God, fires, wars, riots or similar hostilities, strikes and other labor difficulties beyond the party's control (including the party's employment force), government regulations, court actions (such as restraining orders or injunctions), or other causes beyond the party's control. If any such events shall occur, the term of this Agreement and the time for performance by either party of any of its obligations hereunder may be extended by the written agreement of the parties for the period of time that such events prevented such performance, provided that the terms of this Agreement shall not be extended tinder any circumstances for more than two (2) years as a result of any such force majeure event.

8.11 Mutual Covenants. The covenants contained herein are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the party benefited thereby of the covenants to be performed by such benefited party.

8.12 Successors in Interest. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement. All provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land. Each covenant to do or refrain from doing some act hereunder with regard to development of the Property: (a) is for the benefit of and is a burden upon every portion of the Property; (b) runs with the Property and each portion thereof; and, (c) is binding upon each party and each successor in interest during ownership of the Property or any portion thereof.

8.13 Counterparts. This Agreement may be executed by the parties in counterparts, which counterparts shall be construed together and have the same effect as if all of the parties had executed the same instrument.

8.14 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of San Bernardino, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

8.15 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project is a private development, that neither party is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. No partnership, joint venture or other association of any kind is formed by this Agreement. The only relationship between City and Owner is that of a government entity regulating the development of private property and the Owner of such property.

8.16 Further Actions and Instruments. Each of the parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Upon the request of either party at any time, the other party shall promptly execute, with acknowledgment or affidavit if reasonably required, and file or record such required instruments and writings and take any actions as may be reasonably necessary under the terms of this Agreement to carry out the intent and to fulfill the provisions of this Agreement or to evidence or consummate the transactions contemplated by this Agreement.

8.17 Authority to Execute. The person(s) executing this Agreement on behalf of Owner warrants and represents that he, she or they has/have the authority to execute this Agreement on behalf of his, her or their corporation, partnership or business entity and warrants and represents that he, she or they has/have the authority to bind Owner to the performance of its obligations hereunder.

8.18 Cooperation. City agrees that it shall accept for processing and promptly take action on all applications, provided they are in a proper form and acceptable for required processing, for discretionary permits, tract or parcel maps, or other land use entitlements for development of the Project in accordance with the provisions of this Agreement. City shall cooperate with Owner in providing expeditious review of any such applications, permits or land use entitlements and, upon request and payment of any costs and/or extra fees associated therewith by Owner, City shall assign such review to Project planner(s), building inspector(s), other staff personnel and/or contract planning or engineering consultants as required to insure the expeditious review, processing and completion of the Project.

[Signature page follows]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year set forth below.

Dated: _____

THE CITY OF LOMA LINDA, a municipal corporation of the State of California

By: _____
Mayor

"CITY"

ATTEST:

_____
Pamela Byrnes O'Camb. City Clerk

APPROVED AS TO FORM:

_____
Stradling Yocca Carlson & Rauth
By: Mark J. Huebsch, Esq.

LOMA LINDA MISSION GROVE, LLC, a California limited liability company

By: _____
Its: Managing Member

By: _____
Its: Managing Member

"OWNER"

ALL SIGNATURES ARE TO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC

STATE OF CALIFORNIA)
) ss.
COUNTY OF _____)

On _____, before me, _____, Notary Public,
(Print Name of Notary Public)

personally appeared _____

☐ personally known to me

-or-

☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

_____
Signature Of Notary

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

☐ Individual
☐ Corporate Officer

_____
Title(s)

☐ Partner(s) ☐ Limited
☐ General

☐ Attorney-In-Fact
☐ Trustee(s)
☐ Guardian/Conservator
☐ Other: _____

Signer is representing:
Name Of Person(s) Or Entity(ies)

_____

_____

DESCRIPTION OF ATTACHED DOCUMENT

_____
Title Or Type Of Document

_____
Number Of Pages

_____
Date Of Documents

_____
Signer(s) Other Than Named Above

STATE OF CALIFORNIA)
) ss.
COUNTY OF _____)

On _____, before me, _____, Notary Public,
(Print Name of Notary Public)

personally appeared _____

☐ personally known to me

-or-

☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

_____
Signature Of Notary

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CAPACITY CLAIMED BY SIGNER

☐ Individual
☐ Corporate Officer

_____
Title(s)

☐ Partner(s) ☐ Limited
☐ General

☐ Attorney-In-Fact
☐ Trustee(s)
☐ Guardian/Conservator
☐ Other: _____

Signer is representing:
Name Of Person(s) Or Entity(ies)

_____

_____

DESCRIPTION OF ATTACHED DOCUMENT

_____
Title Or Type Of Document

_____
Number Of Pages

_____
Date Of Documents

_____
Signer(s) Other Than Named Above

EXHIBIT "A"

DESCRIPTION OF PROPERTY

ALL THAT PORTION OF BLOCK 1, BARTON RANCH, AS PER PLAT RECORDED IN BOOK 6 OF MAPS, PAGE 19, RECORDS OF SAID COUNTY, AND ALSO SHOWN ON MAP ON BLOCK 1, BARTON RANCH, AS PER PLAT RECORDED IN BOOK 4 OF RECORDS OF SURVEYS, PAGE 65, RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

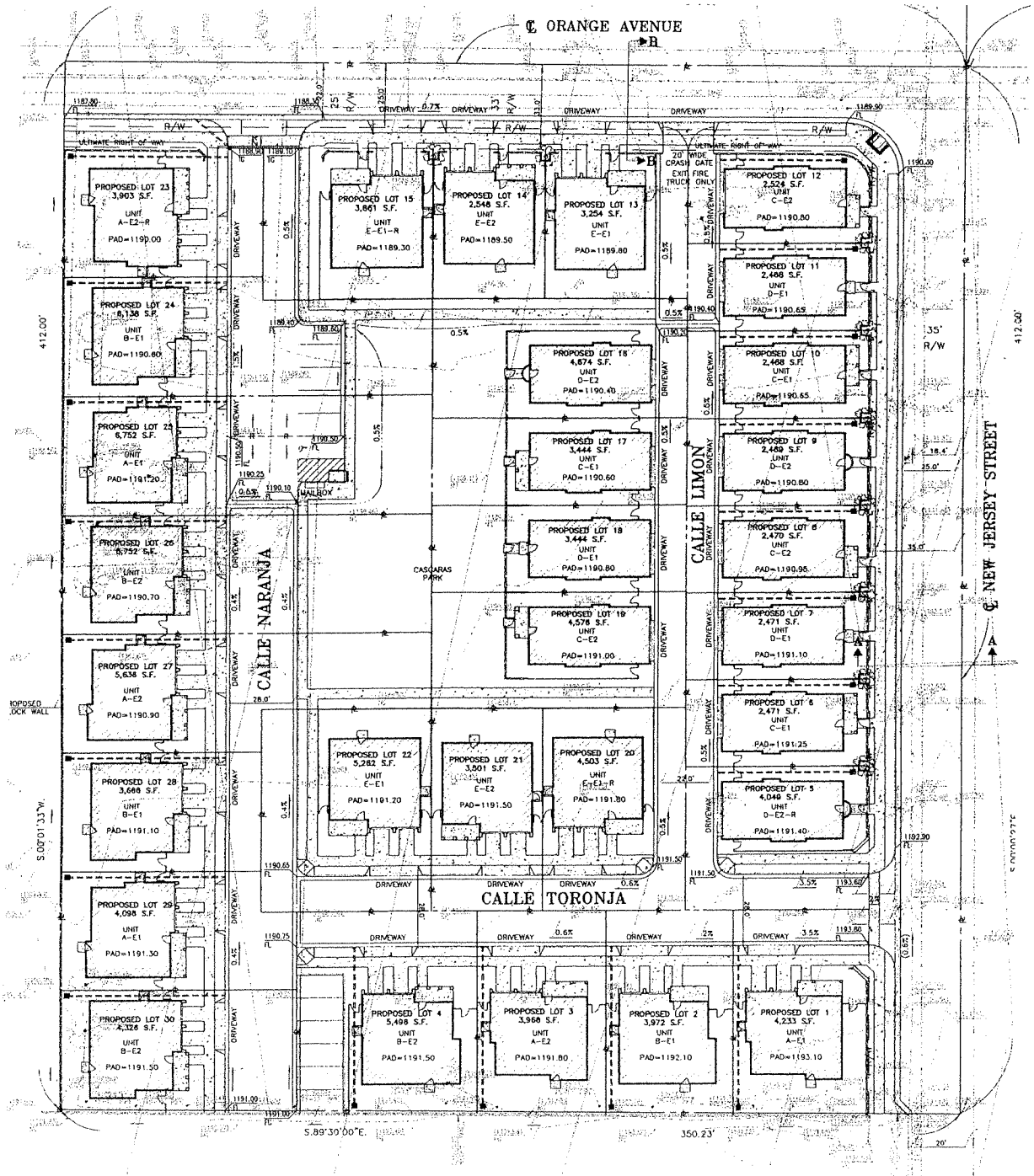
BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF NEW JERSEY STREET AND ORANGE AVENUE; THENCE NORTH 89 DEGREES 30' WEST 615 FEET ALONG THE SAID CENTER LINE OF ORANGE AVENUE; THENCE SOUTH 412 FEET; THENCE SOUTH 89 DEGREES 30' EAST 615.24 FEET PARALLEL TO THE SAID CENTER LINE OF ORANGE AVENUE TO THE CENTER LINE OF NEW JERSEY STREET; THENCE NORTH 0 DEGREES 02' WEST 412 FEET ALONG THE SAID CENTER LINE OF NEW JERSEY STREET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE WEST 265 FEET THEREOF DEEDED TO RAYMOND T. CURTIS ET UX, BY DEED DATED JULY 23, 1952 AND RECORDED AUGUST 1, 1952, IN BOOK 2994, PAGE 273, OFFICIAL RECORDS.

Assessor's Parcel No.: 0292-162-10-0-000

EXHIBIT "B"

LAND USE MAP



APPROXIMATE EARTHWORK QUANTITIES

FILL : 3,800 C.Y. CUT : 800 C.Y. IMPORT : 3,000 C.Y.

LAND AREA

119,395 SQUARE FEET

2.741 ACRES

DOCSOC/1038634v2/22792-0004

EXHIBIT "C"

DEVELOPMENT AGREEMENT FEE SCHEDULE[1]

Number of bedrooms	Per unit affordable payment fee[2]
1-4 br	$3,492
5 br	$4,334
6 br	$4,690
7 or more br	$4,780

[1] All amounts set forth shall increase three percent (3%) as of the first anniversary of the Effective Date and each anniversary thereafter.

[2] Amounts shown are based upon 30-unit development. If the number of units is modified, higher per unit fees may apply based upon a schedule maintained by the City on file with the City Clerk.