Attachment 2

Planning Commission Staff Report
Dated July 12, 2006

TTM 17795/PPD 06-03/
DA 06-01

September 12, 2006

Staff Report City of Loma Linda

From the Department of Community Development

PLANNING COMMISSION MEETING OF JULY 12, 2006

TO: PLANNING COMMISSION

FROM: DEBORAH WOLDRUFF, AICP, DIRECTOR,
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: **TENTATIVE TRACT MAP NO. 06-02 (17795), PRECISE PLAN OF DESIGN NO. 06-03 AND DEVELOPMENT AGREEMENT NO. 06-01**

SUMMARY

The project is a request to subdivide a 2.18 acre site with an existing residence into a 13 unit, two story condominium project. The subject site is located on the west side of Lind Avenue, south of Court Street and bordering San Timoteo Creek Channel in the Medium Density General Plan land use designation and the Multiple Family Residence (R-3) zone.

A copy of the June 28, 2006 Planning Commission Staff Report was previously distributed to the Planning Commission and is referenced herein as Attachment 1.

RECOMMENDATION

The recommendation is that the Planning Commission recommends the following actions to the City Council:

1. Adopt the Mitigated Negative Declaration (Attachment C of Attachment 1);

2. Approve Tentative Tract Map No. 17795 and Precise Plan of Design No. 06-03 based on the Findings, and subject to the Revised Conditions of Approval (Attachment 2); and,

3. Approve Development Agreement No. 06-01.

BACKGROUND

On June 28, 2006, the Planning Commission continued the project to July 12, 2006 to provide adequate time to revise the plans to meet the side-yard setback requirement, provide a pedestrian path to the open space area, provide a single-story unit option, and provide a new elevation that depicts the proposed duplex units.

The applicant has withdrawn both the original request for Zone Change No. 06-02 and Variance No. 06-05. Neither of these applications are necessary with the redesign and reconfiguration of the project to address the setback issue.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) STATUS

Copies of the NOI and Initial Study are attached to the Planning Commission Staff report dated June 28, 2006 (refer to Attachment A). One written comment was received on May 10, 2006 from Steve and Neva Feenstra (property owners of 10632 Lind Avenue). Their concerns are regarding street improvements and potential traffic increases on Lind Avenue. No additional comments on the environmental documents have been received as of the date of this Staff Report.

ANALYSIS

Side-yard setback issue:

At the June 28, 2006 Planning Commission meeting, the Commission reviewed a variance request to reduce the side-yard setback from a 10 feet to six feet based on the shape and lot dimensions of 240 feet by 430 feet. The commission discussed the issue with the applicant and the applicant felt that a redesign may address the issue. The applicant has reconfigured the site plan to meet the minimum side-yard setback of 10 feet for a two story structure.

Pedestrian path to open space issue:

The Commission required a defined pedestrian pathway into the open space park area to the rear of the project site. The applicant has revised the site plan to eliminate one parking space in order to provide a pedestrian pathway into the open space with landscaping. The project exceeds the minimum parking requirement by eight parking spaces and therefore, the development of pedestrian pathway will not affect the overall parking requirement.

Single story option:

The commission is sensitive to the character of the existing neighborhood and requested more options in square footage and single-story structures. The applicant redesigned the structures to reflect the concerns of the Commission and proposed the following breakdown of the project.

Plan	No. of Units	Bed	Bath	Square footage	Story	Options
A	6	3	3	1,701	2	Den
B	2	2	3	1,360	2	N/A
C	2	4	3	2,025	2	N/A
D	2	4	3.5	1,900	2	N/A
E	1	2	2	2,000	1	N/A

As indicated above, there are two 1,360 square foot units and one single-story unit incorporated into the project. All the units provide a living room, kitchen, dining room, laundry room, and ground floor bathroom. Units A, B, D, and E all provide fireplaces.

New duplex elevation plan

The Commission requested elevation plans that depict the duplex architecture from all four sides to better visualize the finished product. The applicant has provided the elevation plans that depict the architecture as proposed.

Public Comments

The public comments received prior to the June 28, 2006 Planning Commission meeting were previously distributed as an attachment to the earlier Staff Report (Attachment A). As of the writing of this report, no additional written comments have been received in opposition or in favor of the project.

CONCLUSION

All elements of the project are consistent with the existing and draft General Plans. The project is also in compliance with the R-3 zoning regulations and findings have been made to support staff's recommendation for approval. The applicant has worked closely with staff and has made every effort possible to address the Planning Commission's concerns and to provide the most appropriate revised layout, design, and architecture for this project. The multi-family residential (condominium) use is compatible with the existing and future uses in the surrounding area. The Draft NOI/Initial Study was prepared pursuant to CEQA and the CEQA Guidelines and mitigation measures have been incorporated into the project as Conditions of Approval.

Report prepared by:

H. P. Kang
Senior Planner

CITY OF LOMA LINDA
PLANNING COMMISSION

APPROVED DENIED
CONTINUED
TO: Aug 2, 2006
AT THE MEETING OF:
July 12, 2006
BY: Jocelyne Larsen
PLANNING COMMISSION SECRETARY

ATTACHMENTS

1. Planning Commission Staff Report dated June 28, 2006 (Previously distributed)
   A. Vicinity Map
   B. Project Plans
   C. Mitigated Negative Declaration (NOI/Initial Study)
   D. Conditions of Approval
   E. Letter from Steve and Neva Feenstra
2. Revised Project Plans (Separate cover)
3. Revised Conditions of Approval

CONDITIONS OF APPROVAL

TENTATIVE TRACT MAP NO. 17795
PRECISE PLAN OF DESIGN (PPD) NO. 06-03
(Revised)
July 12, 2006

COMMUNITY DEVELOPMENT DEPARTMENT

General

1. Within two years of this approval, the Tentative Tract Map shall be exercised or the permit/approval shall become null and void. These subdivisions shall be granted an extension of time for up to the ten (10) year term of the Development Agreement.

PROJECT:	EXPIRATION DATE:
Tentative Tract Map No. 17795	**July 12, 2008**
Precise Plan of Design No. 06-07	**July 12, 2008**

2. The Owner shall indemnify, protect, defend, and hold harmless the City, and any agency or instrumentality thereof, and officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, Owner shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against another governmental entity in which Owner's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend such governmental entity. City shall promptly notify the Owner of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the Owner shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentally thereof, or any of its officers, officials, employees, or agents.

3. Construction shall be in substantial conformance with the plan(s) approved by the Planning Commission. Minor modification to the plan(s) shall be subject to approval by the Director through a minor administrative variation process. Any modification that exceeds 10% of the following allowable measurable design/site considerations shall require the refilling of the original application and a subsequent hearing by the appropriate hearing review authority if applicable:

a. On-site circulation and parking, loading and landscaping;
b. Placement and/or height of walls, fence and structures;
c. Reconfiguration of architectural features, including colors, and/or modification of finished materials that do not alter or compromise the previously approved theme; and,
d. A reduction in density or intensity of a developmental project.

4. No vacant, relocated, altered, repaired or hereafter erected structure shall be occupied or no change of use of land or structure(s) shall be inaugurated, or no new business commenced as authorized by this permit until a Certificate of Occupancy has been issued by the Building Division. A Temporary Certificate of Occupancy may be issued by the Building Division subject to the conditions imposed on the use, provided that a deposit is filed with the Community Development Department prior to the issuance of the Certificate, if necessary. The deposit or security shall guarantee the faithful performance and completion of all terms, conditions, and performance standards imposed on the intended use by this permit.

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

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

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

8. Approval of TTM 17795, PPD No. 06-03, VAR 06-05 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.

9. The applicant 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 (including custom single-family residences). 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. Please contact Information Systems Supervisor at (909) 799-2897 for further information.

10. The Loma Linda Connected Communities Hub structure shall be completed prior to occupancy.

11. This permit or approval is subject to all the applicable provisions of the Loma Linda Municipal Code, Title 17 in effect at the time of approval, and includes development standards and requirements relating to: dust and dirt control during construction and grading activities; emission control of fumes, vapors, gases, and noise control; odor control; screening; signs, off-street parking and off-street transformers, boxes, ducts or meter cabinets shall be architecturally screened by wall or structural element, blending with the building design and include landscaping when on the ground.

12. The applicant shall implement SCAQMD Rule 403 and standard construction practices during all operations capable of generating fugitive dust, which will include but not be limited to the use of best available control measures and reasonably available control measures such as:

    a. Water active grading areas and staging areas at least twice daily as needed;
    b. Ensure spray bars on all processing equipment are in good operating condition;
    c. Apply water or soil stabilizers to form curst on inactive construction areas and unpaved work areas;
    d. Suspend grading activities when wind gusts exceed 25 mph;
    e. Sweep public paved roads if visible soil material is carried off-site;
    f. Enforce on-site speed limits on unpaved surface to 15 mph; and,
    g. Discontinue construction activities during Stage 1 smog episodes.

13. To meet the City's affordable housing requirement, the proposed project is subject to an approved Development Agreement between the applicant and the Loma Linda Redevelopment Agency. Please contact Pam O'Camb, City Clerk and Redevelopment Agency Secretary at (909) 799-2819 for further information.

14. **The applicant shall provide the future affordable unit buyers a written notice in a form approved by the City attorney identifying the strict guidelines in regards to the future sale of affordable units per Redevelopment Agency requirements. (Added by PC on June 28, 2006)**

15. All construction activities shall cease if historic and/or archaeological resources are discovered during grading and/or excavation and removal of the existing foundation materials until a qualified archaeologist is called to the site to complete an evaluation of site and said resources.

16. The applicant shall provide a concrete pad area for the individual trash cans and recyclables within the individual fenced areas of the rear yard.

17. The applicant/developer shall note on the final plans that a six-foot-high chain-link fence shall be installed around the site prior to the building construction

stage. Gated entrances shall be permitted along the perimeter of the site for construction vehicles.

18. The applicant/developer shall provide a variety of garage and front doors that are more in keeping with the design of the architecture. The top panel shall include panel windows.

Landscaping

19. The applicant/developer 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.

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

21. The block wall along the north, west and east boundaries shall be a decorative block wall or split face block wall. The south walls shall be constructed with a tubular fencing with stone pilasters.

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

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

24. The applicant/developer shall provide landscaping for the front-yard, exterior side-yard for each dwelling unit and shall also provide landscaping for all the common areas.

Noise

25. During construction of the site, the project shall comply with Section 9.20 (Prohibited Noises) of the Loma Linda Municipal Code and due to the sensitive receptors on-site and in the surrounding neighborhoods, construction activities shall be further restricted to cease between the hours of 6:00 p.m. to 7:00 a.m.

26. All windows shall be double paned.

27. Entry doors, sliding glass doors, and French doors shall 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 shall be used at double doors to ensure an airtight seal.

28. The interior noise standard *of 45 dBA* shall 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.

FIRE DEPARTMENT

~~28. All construction shall meet the requirements of the editions of the California Building Code (CBC) and the 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.~~ ***(Deleted by PC on June 28, 2006)***

~~29. Pursuant to CBC Section 904.2.2, as amended in Loma Linda Municipal Code (LLMC) Section 15.08.220, and CFC Section 1003.2.2.3, as amended in LLMC Section 15.28.250, all new buildings and additions shall be equipped with automatic fire sprinkler systems meeting the requirements of UBC Standard No. 9-1 (NFPA 13). Systems shall be supplied by the existing on-site water system. Pursuant to UFC Section 1001.3, plans and specifications for the fire sprinkler system shall be submitted to Fire Prevention for review and approval prior to installation.~~ ***(Deleted by PC on June 28, 2006)***

~~30. Fire Department Impact Fees shall be assessed according to the rate legally in effect at the time of building permit issuance. Pursuant to LLMC Chapter 3.28, plan check and inspection fees shall be collected at the rates established by the City Manager's Executive Order.~~ ***(Deleted by PC on June 28, 2006)***

~~31. A fire lane shall be designated on the main driveway as approved and accepted by the Loma Linda Fire Department regulations.~~ ***(Deleted by PC on June 28, 2006)***

29. All construction and site development shall meet the requirements of the editions of the California Building Code (CBC)/Uniform Building Code (UBC) and the California Fire Code (CFC)/Uniform Fire Code (UFC) as adopted and amended by the City of Loma Linda and legally in effect at the time of issuance of building permit. (Added by PC on June28, 2206)

PUBLIC WORKS

30. The applicant/developer shall 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.

31. At the time of Final Tract Map submittal, the applicant/developer shall 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 are not acceptable for plan check review.

Soils/Geology/Grading

32. The applicant/developer shall implement the recommendation of the feasibility Soils Investigation Report by Cal Land Engineering, Inc. dated October 21, 2005.

33. The applicant/developer shall 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 shall be approved prior to issuance of any building permits. A copy of the approved SWPPP and NOI issued by the State Water Resources Control Board shall be submitted to the Public Works Department. The applicant/developer shall comply with the requirements of the National Pollution Discharge Elimination System (NPDES) permit program, prior to the issuance of grading permit.

34. The applicant/developer shall 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.

35. Dust control shall be made a condition of the grading plans for this project.

36. The applicant/developer shall submit structural design and location for any required walls for review by the Building and Safety Department.

37. Soil sampling and analysis of visibly stained soils shall 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 shall be properly treated and/or removed by a qualified hazardous waste company.

38. The applicant/developer shall 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.

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

40. The applicant/developer shall submit final grade certifications, by the grading engineer, to the Public Works Department prior to issuance of any Certificate of Occupancy.

Street Improvements

41. The applicant/developer shall install or bond for all off-site improvements prior to recording the final map.

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

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

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

45. The applicant/developer shall 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.

Dedication

46. The applicant shall dedicate the ultimate right-of-way street width to the City.

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

Hydrology/Drainage

48. 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.

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

50. The applicant/developer shall provide engineered plans for all drainage improvements, to the Public Works Department for approval prior to any construction activity.

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

52. 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.

53. 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, 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

54. Sewage system shall be provided by City of Loma Linda.

55. City of Loma Linda shall be the water purveyor. Project shall be served by a master meter with backflow protection system in place.

56. The applicant/developer shall 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.

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

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

59. 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.

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

61. The applicant shall provide a storm drain system connecting to the San Timoteo Channel prior to issuance of Certificate of Occupancy. Storm drain may be oversized with City contribution.

Construction

62. No commencement of public street work shall be permitted, except rough grading, until dedication for that street has been recorded. The applicant/developer shall obtain a permit prior to any construction within the City's right-of-way.

63. 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.

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

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

66. The applicant/developer shall comply with the prevailing City standards and requirements at the time of construction.

67. The applicant/developer shall 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.

68. 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.

69. Lind 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 shall be watered a minimum of twice daily. Timing may vary depending upon time of year of construction.

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

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

CC & R'S

72. 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.

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

74. All HOA requirements and fees shall be disclosed to future homebuyers prior to transfer of property. Disclosure documents shall be provided to the Community Development and Public Works Departments prior to issuance of permits for any temporary sales office.

75. 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 applicant/developer. 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. Because 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 Right-of-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.

FEES/PERMITS/BONDING

76. 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.

77. The applicant/developer shall pay appropriate fees for plan check, inspection, GIS map plan update, and microfilming and storage of maps and plans, and other required fees.

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

~~79. 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.~~ ***(Deleted by PC on June 28, 2006)***

79. Fire station and fire equipment development impact fees shall be assessed at the rates established by City Resolution. Pursuant to LLMC Chapter 3.28, fire plan check and inspection fees shall be collected at the rates established by City Manager's Executive Order. (Added by PC on June 28, 2006)

80. The applicant/developer shall 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.

81. The applicant/developer shall 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 shall be permitted prior to completion of all on-site construction.

82. 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 exceed the deposits.

End of Conditions