

Attachment 2

Revised Conditions of Approval

PPD No. 10-78

June 1, 2011

REVISED CONDITIONS OF APPROVAL
Time Extension for PRECISE PLAN OF DESIGN (PPD) NO. 10-78
(Planning Commission – June 1, 2011)

COMMUNITY DEVELOPMENT DEPARTMENT

1. Within one year of this approval, the Precise Plan of Design shall be exercised or the permit/approval shall become null and void. In addition, if after commencement of construction, work is discontinued for a period of one year, the permit/approval shall become null and void.

PROJECT:

Time Extension for Precise Plan of Design No. 10-78

EXPIRATION DATE:

September 14, 2012

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 instrumentality thereof, or any of its officers, officials, employees, or agents.
3. Construction shall be in substantial conformance with the plan(s) approved by the City Council. 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 refiling 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 developer shall register with the Crime Free Multi-Housing Program which closely works with San Bernardino County Sheriff's Department personnel to address crime prevention.
 6. **Mitigation Measure.** The applicant shall pay a fair share contribution in the amount of \$8,000 to off set signalization of Poplar Street and Redlands Boulevard (based on traffic signal costs of \$250,000).
 7. **Mitigation Measure.** All Development Impact fees shall be paid to the City of Loma Linda prior to the issuance of building permits. Any increase in fees shall be paid prior to issuance of Certificate of Occupancy.
 8. **Mitigation Measure.** Prior to issuance of building permits, the developer shall pay school impact fees as required by the Redlands Unified School District.
 9. 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.
 10. Approval of PPD No. 10-78 is contingent upon the applicant and property owners signing and returning the Revised Conditions of Approval.
 11. 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.
 12. The project applicant shall revise the landscape plan to include more trees on the south side of the buildings. In addition, the plan shall be revised to include bushes and shrubs along the interior property lines to a height of 36-inches for purposes of screening and protecting adjacent properties from the glare of vehicle headlights.
 13. The project proponent shall work with staff to meet the minimum LEED criteria to achieve Silver LEED certification to the extent feasible for this project.
 14. 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.
 15. **Mitigation Measure.** The contractor shall utilize (as much as possible) pre-coated building materials and coating transfer or spray equipment with high transfer efficiency,

such as high volume, low pressure (HVLP) spray method, or manual coating applications such as paint brush, hand roller, trowel, dauber, rag, or sponge.

16. **Mitigation Measure.** The contractor shall utilize water-based or low VOC coating as well as the following conditions as required by SCAQMD:
 - a. Use Super-Compliant VOC paints whenever possible.
 - b. If feasible, avoid painting during peak smog season: July, August, and September.
 - c. Recycle leftover paint. Take any leftover paint to a household hazardous waste center; do not mix leftover water-based and oil-based paints.
 - d. Keep lids closed on all paint containers when not in use to prevent VOC emissions and excessive odors.
 - e. For water-based paints, clean up with water only. Whenever possible, do not rinse the clean-up water down the drain or pour it directly into the ground or the storm drain. Set aside the can of clean-up water and take it to a hazardous waste center (www.cleanup.org).
 - f. Recycle the empty paint can.
 - g. Look for non-solvent containing stripping products.
 - h. Use Compliant Low-VOC cleaning solvents to clean paint application equipment.
 - i. Keep all paint and solvent laden rags in sealed containers to prevent VOC emissions.

17. **Mitigation Measure.** The project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities:
 - a. The project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading activity on the site. Portions of the site that are actively being graded shall be watered regularly to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.
 - b. The project proponent shall ensure that all disturbed areas are treated to prevent erosion until the site is constructed upon.
 - c. The project proponent shall ensure that landscaped areas are installed as soon as possible to reduce the potential for wind erosion.
 - d. The project proponent shall ensure that all grading activities are suspended during first and second stage ozone episodes or when winds exceed 25 miles per hour.

18. **Mitigation Measure.** To reduce emissions, all equipment used in grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.

19. **Mitigation Measure.** The project proponent shall ensure that existing power sources are utilized where feasible via temporary power poles to avoid on-site power generation during construction.

20. **Mitigation Measure.** The project proponent shall ensure that construction personnel are informed of ride sharing and transit opportunities.

21. **Mitigation Measure.** All buildings on the project site shall conform to energy use guidelines in Title 24 of the California Administrative Code.

22. **Mitigation Measure.** The operator shall maintain and effectively utilize and schedule on-site equipment in order to minimize exhaust emissions from truck idling.
23. **Mitigation Measure.** The operator shall comply with all existing and future CARB and SCAQMD regulations related to diesel-fueled trucks, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment.
24. **Mitigation Measure.** Should paleontological resources be uncovered during grading, a qualified vertebrate paleontologist shall be contracted to perform a field survey to determine and record any nonrenewable paleontological resources found on-site. The paleontologist will determine the significance, and make recommendations for appropriate mitigation measures in compliance with the guidelines of the California Environmental Quality Act.
25. **Mitigation Measure.** In the event that human remains are encountered during grading, all provisions of state law requiring notification of the County Coroner, contacting the Native American Heritage Commission, and consultation with the most likely descendant, shall be followed.
26. **Mitigation Measure.** 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 crust 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.
 - h. The contractor shall use lean – NOx catalyst for all on and off road diesel vehicles.
 - i. The contractor shall use coating and solvents with a volatile organic compound (VOC) content lower than required under Rule 1113.
 - j. The developer/contractor shall use building materials that do not require painting.
 - k. The developer/contractor shall use pre-painted construction materials where feasible.
27. **Mitigation Measure.** Should paleontological resources be uncovered during grading, a qualified vertebrate paleontologist shall be contracted to perform a field survey to determine and record any nonrenewable paleontological resources found on-site. The paleontologist will determine the significance, and make recommendations for appropriate mitigation measures in compliance with the guidelines of the California Environmental Quality Act.
28. **Mitigation Measure.** In the event that human remains are encountered during grading, all provisions of state law requiring notification of the County Coroner, contacting the Native American Heritage Commission, and consultation with the most likely descendant, shall be followed.

29. 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.
30. 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.
31. 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.
32. The applicant shall, if possible, preserve and reuse the existing trees on site. The applicant shall also provide an arborist report and obtain a tree removal permit from the city prior to any tree removals.
33. 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.
34. All windows shall be double-paned and shall should be rated Low E or comparable to those in the Poplar Street Apartments and Loma Linda Commons projects.
35. 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.

REDEVELOPMENT AGENCY - AFFORDABLE HOUSING REQUIREMENTS

36. Applicant shall maintain project as an affordable rental housing project. The ongoing operation of the project as affordable rental housing is a condition of development approval and shall run with the land. As an affordable housing project there will be approximately one hundred and fifty-two (152) dwelling units, which will be developed in two (2) separate phases. Each Phase shall be maintained as rental units available at "Affordable Rents" (as provided under Health and Safety Code Sections 50052.5 and 50053) Phase 1 will comprise of 83 dwelling units approximately nine (9) dwelling units shall be maintained as rental units available at Affordable Rents to Extremely Low Income Households (as defined by Health and Safety Code Section 50106)(the "Extremely Low Income Units"), approximately fifty-four (54) dwelling units shall be maintained as rental units available at Affordable Rents (as defined per above) to Very Low Income Households (as defined by Health and Safety Code Section 50105) and approximately eighteen (18) dwelling units shall be maintained as rental units available at Affordable Rents (as defined per above) to Lower Income Households (as defined by Health and Safety Code Section 50079.5) (the "Very Low Income Units" and, together with the Extremely Low Income Units and the Lower Income Units, the "Required Affordable Units"). The remaining two (2) units will not be income restricted and will serve as on-site staff units. The exact breakdown of affordable units shall be as set forth in a City regulatory agreement (see condition [36]) and an agreement with the Loma

Linda Redevelopment Agency (see condition [37]). The Required Affordable Units shall be so restricted for a minimum of 55 years, or, if greater, that period provided under an agreement with the Loma Linda Redevelopment Agency (see condition [37]). The foregoing constitutes a condition of development approval and shall run with the land. Phase 2 will comprise of 69 dwelling units and the affordability of the units will be determined by the type of financing (9% or 4% CTCAC) available for the development at a later date. However, it is anticipated and CBH agrees that sixty-eight (68) dwelling units will be maintained as rental units available at "Affordable Rents" (as provided under Health and Safety Code Sections 50052.5 and 50053) and maintained as rental units available at Affordable Rents (as defined per above) to Lower Income Households (as defined by Health and Safety Code Section 50079.5. There will be one (1) non-income restricted on-site staff unit.

37. The density awarded for the project includes density bonuses and other incentives made available, pursuant to the California Government Code, Title 7, Chapter 4.3 ("Density Bonuses and Other Incentives"). Applicant agrees and acknowledges that Applicant has agreed to control rents for the Required Affordable Units in exchange for the incentives granted by the City.
38. Applicant shall enter into an agreement with City, in form prepared by the City Attorney, to be recorded, which sets forth with greater particularity the requirements of conditions [34] and [35] hereof; provided that such conditions shall be effective without regard to whether any such agreement is entered into or recorded. The covenants provided under such an agreement, and as set forth in [34] and [35] hereof, are not to be subordinated.
39. Applicant shall enter into a disposition and development agreement or similar transactional agreement (DDA) with the Loma Linda Redevelopment Agency (Agency) prior to issuance of building or construction permits and, if earlier, prior to disposition of the subject property to Applicant. The DDA will provide for the ground lease of property by the Agency. The DDA will provide that the project be maintained as an affordable rental housing project. As an affordable housing project, Phase 1 will have approximately nine (9) dwelling units which shall be maintained as rental units available at "Affordable Rents" (as provided under Health and Safety Code Sections 50052.5 and 50053) to Extremely Low Income Households (as defined by Health and Safety Code Section 50106)(the "Extremely Low Income Units"), approximately fifty-four (54) dwelling units shall be maintained as rental units available at Affordable Rents to Very Low Income Households (as defined by Health and Safety Code Section 50105)(the "Very Low Income Units"), and approximately eighteen (18) dwelling units shall be maintained as rental units available at Affordable Rents (as defined per above) to Lower Income Households (as defined by Health and Safety Code Section 50079.5)(the "Lower Income Units" and, together with the Extremely Low Income Units and the Very Low Income Units, the "Required Affordable Units"). The exact breakdown of affordable units shall be as set forth in the DDA. The Required Affordable Units shall be so restricted for a minimum of 55 years, or, if greater, that period provided under the DDA. Phase 2 will comprise of 69 dwelling units and the affordability of the units will be determined by the type of financing (9% or 4% CTCAC) available for the development at a later date. However, it is anticipated and CBH agrees that sixty-eight (68) dwelling units will be maintained as rental units available at "Affordable Rents" (as provided under Health and Safety Code Sections 50052.5 and 50053) and maintained as rental units available at Affordable Rents (as defined per above) to Lower Income Households (as defined by Health and Safety Code Section 50079.5. There will be one (1) non-income restricted

on-site staff unit. The foregoing constitutes a condition of development approval and shall run with the land.

41. The project will be a senior housing project, occupied by senior households. "Senior Household" means a household where at least one (1) person in each residence is 55 years of age or older and who intends to reside in the unit as his or her primary residence on a permanent basis, and any other person residing in the unit as a "qualified permanent resident" or a "permitted health care resident" as provided in California Civil Code Section 51, et seq., or in the Federal Fair Housing Act, 42 U.S.C. Section 3607, and any other applicable federal, state or local laws and regulations governing the use and occupancy of the project ("Senior Housing Project").

NOTE: Conditions Nos. 36 through 39 may be adjusted for four (4%) percent financing if the Loma Linda Redevelopment Agency and applicant agree on a final phasing plan as part of the approved DDA.

FIRE DEPARTMENT

42. All construction shall meet the requirements of the editions of California Building Code (CBC) and California Fire Code (CFC)/International Fire Code (IFC) as adopted and amended by the City of Loma Linda and legally in effect at the time of issuance of building permit.
43. Pursuant to CFC Section 903, as amended in Loma Linda Municipal Code (LLMC) Sections 15.28.230-450, the building(s) shall be equipped with automatic fire sprinkler system(s). Pursuant to CFC Section 901.2, plans and specifications for the fire sprinkler system(s) shall be submitted to Fire Prevention for review and approval prior to installation. Fire flow test data for fire sprinkler calculations must be current within the last 6 months. Request flow test data from Loma Linda Fire Prevention at (909) 799-2858.
44. The project shall obtain Fire Department approval for the location of PIVs and FDC during the Fire and Building Plan Check process.
45. The applicant shall submit deferred fire alarm plans to the Fire Marshal for review and approval during the project construction phase.
46. On-site civil engineering improvement plans shall be submitted to Fire Prevention for review and approval prior to construction. Plans shall show the proposed locations for water mains and fire hydrants; driveways, drive aisles and access roadways for fire apparatus.
47. The site address shall be as assigned by the Fire Marshal in a separate document, following approval of the project, and upon submittal of a working copy of the final approved site plan.
48. The applicant shall provide the Fire Department with 24 hour access to the site via Knox Boxes or other means as approved by the Fire Marshal.
49. The project site plan shall be revised to include an unobstructed fire lane of 26 feet to allow aerial apparatus operations (CFC Section D105.1, D105.2, and D105.3).
50. The project shall meet all fire flow requirements (currently under investigation).

51. The project shall meet all required access radii with clearance notes into and around the entire project.

PUBLIC WORKS

52. The applicant shall provide for recycling and trash removal as approved by the franchise hauler. As necessary, the applicant shall provide additional trash enclosures throughout the site for the convenience of the tenants and the franchise hauler.
53. **Mitigation Measure.** The project proponent shall comply with City adopted policies and ordinances regarding construction and demolition (C&D) materials.
54. A Final Parcel Map shall be required for parcel consolidation and recordation shall be accomplished prior to issuance of any building or construction permits.
55. All waste to be disposed of in accordance with local, state and federal regulations. The contractor to contract with a local waste hauler or ensure that waste containers are emptied weekly. Waste containers cannot be washed out on-site.
56. The applicant/developer shall submit grading plans, preliminary soils report SWPPP, WQMP and hydrology/hydraulic study to the Public Works Department for review and approval.
57. The applicant/developer shall comply with the requirements of the National Pollution Discharge Elimination System (NPDES) permit program.
58. Dust control shall be by watering or other mitigation as approved by city engineer.
59. The precise grading plan for the project shall be approved by the City of Loma Linda prior to issuance of any building permits.
60. 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.
61. Any streets damaged as a result of new services shall be repaired as required by the Public Works Department prior to occupancy.
62. The applicant/developer shall submit off-site improvement plans to the Public Works Department for approval. This includes water sewer, storm drain, streets and street lights, landscape and irrigation and LMD plans, if any.
63. The applicant shall dedicate the ultimate right-of-way street width to the City.
64. Public utility easements shall be dedicated to cover all utilities either by map or separate document.
65. City of Loma Linda shall be the water purveyor and sewer.
66. The developer/owner shall pay for the relocation of any power poles or other existing public utilities as necessary.

67. 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.
68. 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.
69. The applicant/developer shall comply with the prevailing City standards and requirements at the time of construction.
70. Within forty-eight (48) hours of approval of the subject project, the applicant shall deliver a payment 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.
71. All Development Impact fees shall be paid to the City of Loma Linda prior to the issuance of building permits. Any increase in fees shall be paid prior to issuance of Certificate of Occupancy.

The applicant has read and understands the project Conditions of Approval and agrees to implement as stated herein.

Applicant signature

Date

Owner signature

Date

End of Conditions

Attachment 3

Time Extension Letter of Request

PPD No. 10-78

June 1, 2011

**Corporation for Better Housing
15303 Ventura Blvd., Suite 1100
Sherman Oaks, CA 91403
(o) 818-905-2430 ~ (f) 818-905-2440**

April 8, 2011

Mr. Konrad Bolowich
25541 Barton Road
Loma Linda, CA 92354

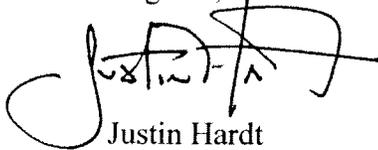
Re: Precise Plan of Design (PPD) No 10-78 – Request for Extension of Approvals

Dear Mr. Bolowich:

Please consider this letter as our formal request for a one-year Extension of Time (EOT) for the approvals regarding the abovementioned project. The project has not commenced due to several factors which Corporation for Better Housing is working on with the City.

If you have any questions, please contact us at 818-905-2430.

Regards,

A handwritten signature in black ink, appearing to read 'Justin Hardt', with a large, stylized flourish extending to the left.

Justin Hardt
Project Manager