Staff Report City of Loma Linda

From the Department of Community Development

PLANNING COMMISSION MEETING OF NOVEMBER 7, 2012

TO: PLANNING COMMISSION

FROM: KONRAD BOLOWICH, ASSISTANT CITY MANAGER
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: One Year Time Extension of Tentative Parcel Map No. 11-92 and Precise Plan of Design PPD No. 11-09

SUMMARY

The Applicant is requesting a one year time extension for the previously approved Precise Plan of Design to construct a new skilled nursing facility, which includes the construction of 46-unit (53-bed) which includes a secured memory care unit for up to 28 residents. The tentative parcel map would merge the existing project site with the adjacent parcel to the west to create one parcel totaling three acres. The project site is located at 25383 Cole Street in the Institutional Zone. These two applications were approved in conjunction with General Plan Amendment (GPA) No. 11-07 and Zone Change (ZC) No. 11-08.

BACKGROUND

On October 25, 2011, the City Council approved GPA No.11-07, ZC 11-08, PPD No. 11-09 and TPM No. 11-92 for the above mentioned project.

On October 5, 2011, the Planning Commission recommended approval of GPA No.11-07, ZC 11-08, PPD No. 11-09 and TPM No. 11-92 for the above mentioned project.

On September 17, 2012, the Applicant submitted a one-year time extension request.

On October 3, 2011, the Planning Commission continued the public hearing to the November 5, 2012 Commission to allow the applicant to address some outstanding issues.

ANALYSIS

The Applicant is requesting a one-year extension in order to obtain building permits for the above mentioned project. The Applicant has indicated that due to the economic downturn, they have been unable to proceed with the proposed project in a timely

manner. The Applicant has also indicated that the owners are in the final process of gathering funding and plan to proceed with plan submittal before the end of the year. The Applicant is not proposing to change the scope of the project. The approved conditions of approval allow the applicant to submit a request for a one-time extension not to exceed 12 months. Staff has included a copy of the Applicant's one-year time extension request (Exhibit C).

ENVIRONMENTAL

On December 13, 2011, the City Council adopted a Mitigated Negative Declaration (MND) for the project and approved PPD No. 11-09, TPM No. 11-92, GPA No. 11-07, and ZC No. 11-08. The request for a one-year time extension for PPD No. 11-09 and TPM No. 11-92 falls within the scope of the project MND and as such, no additional environmental review is required.

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of a one year time extension for PPD No. 11-09 and TPM No. 11-92 based on the analysis and original staff report and project findings (Exhibit B) and subject to the Revised Conditions of Approval (Exhibit B).

Report prepared by:

Guillermo Arreola
Associate Planner

EXHIBITS

A – October 25, 2011 City Council Staff Report
B – August 3, 2011 Planning Commission Staff Report, Findings and Site Plan
C – Revised Conditions of Approval
D – Applicant's Time Extension Request

City of Loma Linda Official Report

Rhodes Rigsby, Mayor
Ovidiu Popescu, Mayor pro tempore
Stan Brauer, Councilman
Ronald Dailey, Councilman
Phillip Dupper, Councilman

Approved/Continued/Denied
By City Council
Date _____

COUNCIL AGENDA: October 25, 2011

TO: City Council

VIA: T. Jarb Thaipejr, City Manager

FROM: Konrad Bolowich, Director

SUBJECT: GENERAL PLAN AMENDMENT (GPA) NO. 11-07, ZONE CHANGE (ZC) NO. 11-08, TENTATIVE PARCEL MAP (TPM) NO. 11-92 AND PRECISE PLAN OF DESIGN (PPD) NO. 11-09
A proposed expansion of an existing 83-bed skilled nursing facility. The project would include the construction of a 46 unit (53-bed) assisted living residence with a secured memory care unit for up to 28 residents. The proposed GPA would change the existing land use designation from High Density Residential to Healthcare, and the proposed zone change would change the existing zoning from Multiple-Family (R-3) to Institutional. The Parcel Map would merge the existing project site with the adjacent site to the west to create one parcel totaling three acres. The project site is located at 25383 Cole Street in a Multiple-Family Residence (R-3) Zone.

RECOMMENDATION

The Planning Commission recommends that the City Council take the following actions:

1. Adopt the Mitigated Negative Declaration (Attachment A-3);

2. Approve General Plan Amendment No. 11-07 and Zone Change No. 11-08 based on the Findings (Attachment A); and,

3. Approve Tentative Parcel Map No. 11-92 and Precise Plan of Design No. 11-09 based on the Findings, and subject to the Conditions of Approval (Attachment A-4)

EXHIBIT – A

BACKGROUND

On January 13, 2011, representatives from Chancellor Healthcare of California submitted an application with the required forms, plans, and mailing labels for the above referenced project. On January 27, 2011, the Administrative Review Committee (ARC) reviewed the project and deemed the project complete for processing pursuant to the California Permit Streamlining Act. However, there were several items that the applicant was required to address prior to the public hearings. One such item was the submittal of a Parcel Map application and the other was the completion of an Initial Study. The submittal of the application and the completion the Initial Study was done on July 14, 2011.

On August 3, 2011, the Planning Commission reviewed the project and requested that the applicant address specific design concerns that include parking location, lighting, architecture and sun control. The applicant worked closely with staff to address the concerns of the Planning Commission. On October 5, 2011, the Planning Commission reviewed the revised project plans and forwarded a recommendation of approval to the City Council.

ANALYSIS

Project Description and Location

The proposal to develop a 46-unit (53-bed) assisted living residence will be in compliance with the Healthcare Land Use and Institutional zoning requirements. The 0.98 acre project site is located on the south side of Cole Street adjacent to the existing Linda Valley Villa assisted living facility.

A detailed project description and analysis are available in the August 3, 2011 Planning Commission Staff Report (Attachment A).

Public Comments

During the public review and hearing, the City received oral comments from the public that were in support of the proposed project.

ENVIRONMENTAL

The project is subject to the California Environmental Quality Act (CEQA) and an Initial Study was prepared to address the potential environmental impacts of the project. Staff previously posted a Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration of Environmental Impact for the project. The mandatory 20-day public review period was open from July 14, 2011 to August 3, 2011. No written or oral comments were received during the public review period. A copy of the NOI/IS is available in Attachment A-3).

FINANCIAL IMPACT

The financial impact of the assisted living facility on the City is not completely known at this time. However, the proposed construction will require the payment of approximately $250,000 in Development Impact Fees to the City in addition to Building and Construction Plan Check and Permit fees.

Respectfully submitted,

Allan Penaflorida
Assistant Planner

ATTACHMENTS

A. Planning Commission Staff Report (August 3, 2011)
   Attachments:
   1. Site Location Map
   2. Project Plans
   3. NOI/Initial Study (Mitigated Negative Declaration)
   4. Conditions of Approval

B. Revised Project Plans

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Staff Report City of Loma Linda

From the Department of Community Development

PLANNING COMMISSION MEETING OF AUGUST 3, 2011

TO: PLANNING COMMISSION

FROM: KONRAD BOLOWICH
DIRECTOR

SUBJECT: GENERAL PLAN AMENDMENT (GPA) NO. 11-07, ZONE CHANGE (ZC) NO. 11-08, TENTATIVE PARCEL MAP (TPM) NO. 11-92 AND PRECISE PLAN OF DESIGN (PPD) NO. 11-09 :

SUMMARY

A proposed expansion of an existing 83-bed skilled nursing facility. The project would include the construction of a 46 unit (53-bed) assisted living residence with a secured memory care unit for up to 28 residents. The proposed GPA would change the existing land use designation from High Density Residential to Healthcare, and the proposed zone change would change the existing zoning from Multiple-Family (R-3) to Institutional. The Parcel Map would merge the existing project site with the adjacent site to the west to create one parcel totaling three acres. The project site is located at 25383 Cole Street in a Multiple-Family Residence (R-3) Zone (see Attachment A, Site Location Map).

RECOMMENDATION

The recommendation is that the Planning Commission takes the following actions:

1. Adopt the Mitigated Negative Declaration (Attachment B); and,
2. Approve General Plan Amendment No.11-07, Zone Change No. 11-08 and Tentative Parcel Map (TPM) No. 11-92 based on the Findings, and
3. Approve Precise Plan of Design No. 11-09, based on the findings and subject to the attached Conditions of Approval (Attachment C).

PERTINENT DATA

Applicant:	Chancellor Health Care of California
General Plan:	High Density Residential
Zoning:	Multiple-Family Residential (R-3)
Site:	0.98 acre rectangular lot
Topography:	Relatively flat

EXHIBIT – B

Vegetation:	Partially landscaped with trees and grass
Special Features:	Project site located adjacent to the Loma Linda Veterans Hospital

BACKGROUND AND EXISTING SETTING

Background

On January 13, 2011, representatives from Chancellor Healthcare of California submitted a PPD application with the required forms, plans, and mailing labels for the above referenced project. On January 27, 2011, the Administrative Review Committee (ARC) reviewed the project and deemed the project complete for processing pursuant to the California Permit Streamlining Act. However, there were several items that the applicant was required to address prior to the public hearings. One such item was the submittal of a Parcel Map application and the other was the completion of an Initial Study. The submittal of the application and the completion the Initial Study was done on July 14, 2011.

Existing Setting

The project area is adjacent to the two acre skilled nursing facility (Linda Valley Care Center). The site is currently vacant with minimal landscaping. The site is bounded by Cole Street to the north, the Loma Linda Veterans Hospital to the south, an existing multiple-family residential development to the east and the existing skilled nursing facility to the west.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) STATUS

On July 14, 2011, a Notice of Intent (NOI) to adopt a Mitigated Negative Declaration was prepared and issued for public review. The mandatory CEQA public review began on July 14, 2011 and ends on August 3, 2011. The Initial Study discusses potential impact categories and appropriate mitigation measures. All of the potential impacts that were identified in the Initial Study can be mitigated to a level of insignificance. The mitigation measures are included as conditions of project approval. Therefore, the project can be approved with a Mitigated Negative Declaration in accordance with the requirements of CEQA. No comments on the environmental documents have been received to date.

Public Comments

Public hearing notices for this project were posted and mailed to property owners and occupants within 300 feet of the project site on July 21, 2011. As of this Report, the City has received no written or oral comments on the project.

ANALYSIS

Project Description

The project proposes to construct a new 46-unit (53-bed) assisted living residence with a designated secured memory care unit for up to 28 residents with Alzheimer's disease and related dementia. The two-story, 34,308 square-foot structure will be constructed in the contemporary style that incorporates Craftsman style elements such as gabled roofs, exposed brick chimneys, and a covered porte cochere. The assisted living units vary between a studio (nearly 400 square feet in size) and a one-bedroom (over 500 square feet in size). Alzheimer's units are located on the first floor and have approximately 400 square feet of living area. The structure will also contain the various facilities associated with assisted living residences such as activity and exercise rooms, a laundry room, kitchen and dinning room, staff lounge and office space.

The new project will provide 12 on-site parking spaces (including two accessible) in addition to the 74 spaces for the existing site for a combined total of 86 spaces. According to the Loma Linda Municipal Code (LLMC) Section 17.14.070 nursing homes are required to provide one parking space for each two beds. The proposed project will have 53 beds in addition to the existing 83-bed facility which requires a minimum of 68 sparking spaces. The project meets and exceeds the parking requirements for the proposed use.

The site is 124 feet wide and has an approximate depth of 345 feet. Landscaping will be provided on three sides (along the north, east and west) of the building and partially on the south side. The landscaping will incorporate medium sized palm trees (in addition to the existing trees) along the northern section of the property. A variety of trees (Purple Leaf Plum and Hong Kong Orchid) and shrubs (Oleander, Rosemary, Aloe Vera etc.) will flank the west side of the building. The site also proposes designated garden areas for the patients on the east side of the building. These gardens will incorporate a similar landscape scheme that is proposed for the site.

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 Very High Density to Healthcare would allow for a more contiguous land use designation for proposed site and the adjacent

sites. Policy 2.2.4.3 (b) of the General Plan encourages associated healthcare facilities and services to be located within close proximity of each other. The proposed project is an expansion of an existing use (of the adjacent assisted living facility). In addition the intent of the Very High Density designation is to allow for uses such as multi-family residential development up to twenty (20) units per acre, which would make it inconsistent with the proposed use.

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 assisted living facility would be compatible with the existing care facility to the west and Veterans Hospital to the south. The General Plan amendment and the assisted living facility provide a viable option for the care the aging demographic of Loma Linda residents. The proposed project also improves the existing condition of the site and would not 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 project site is currently being used as an employee parking lot for the adjacent care center. The propose 53-bed facility is an expansion of an existing facility. The intent of the proposed amendment is to continue the assisted living and care use on the subject property. The amendment will allow adjacent parcels to the south and west to be contiguous.

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.*

   Access to the site is from Cole Street and with the creation of one contiguous parcel the site will have an additional access point from the existing parcel to the west. The surrounding area is largely developed with residential and healthcare uses. All public utilities are available to the site and can be provided for future site occupants. The healthcare use is compatible with the existing facilities to the south and west.

Zone Change Findings

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. A General Plan map amendment is included as part of the proposed application.

The proposed Institutional (I) zoning for assisted living development is consistent with the attached text for the proposed General Plan Land Use designation of Healthcare. As stated above, the site is suitable for assisted living development under the Institutional zone and the project would not cause substantial environmental damage or be detrimental to the public welfare. The change in zoning involves deleting the Multiple-Family Residence (R-3) designation.

Tentative Parcel Map Findings

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

   The proposed parcel map is consistent with the General Plan land use designation for Healthcare and zoning designation of Institutional (I). The project site will be used for a proposed 53-bed assisted living facility which is permissible under the proposed zoning guidelines. As previously stated, this is a proposed expansion of an existing use only.

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

   The proposed use will be consistent with the General Plan and the Loma Linda Municipal Code. The site will be developed according to the development criteria prescribed in the Institutional zone.

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

   The site is designed to meet the specific development criteria of the LLMC. The proposed use on the site will be similar to the uses of the adjacent parcels.

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

   The proposed project is not considered a typical residential use. The project site will be developed and be consistent with the proposed Institutional Zone.

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 or wildlife present or undisturbed area remaining on the project parcel. The parcel is currently being utilized as a parking lot for the adjacent assisted living facility. Therefore, the design of the proposed parcel map would not cause any substantial environmental damage or substantially and unavoidably injure fish and wildlife or their habitat.

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

   The design of the site will be in accordance of the General Plan and LLMC. The approval of the parcel map will not cause serious public health problems. The public health, safety and general welfare would be protected with the implementation of the project plans and Conditions of Approval for this project.

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 parcel is from Cole Street. The proposed and existing access points are adequate for emergency vehicles and large fire apparatus. The design of the proposed parcel does not conflict with any easements such as those created for irrigation or the conveyance of utilities.

Precise Plan of Design Findings

According to LLMC Section 17.30.290, Precise Plan of Design (PPD), Application Procedure, PPD applications shall be processed using the procedure for a variance (as outlined in LLMC Section 17.30.030 through 17.30.060) but excluding the grounds (or findings). As such, no specific findings are required. However, LLMC Section 17.30.280, states the following:

> "If a PPD would substantially depreciate property values in the vicinity or would unreasonably interfere with the use or enjoyment of property in the vicinity by the occupants thereof for lawful purposes or would adversely affect the public peace, health, safety or general welfare to a degree greater than that generally permitted by this title, such plan shall be rejected or shall be so modified or conditioned before adoption as to remove the said objections."

In an effort to ensure that the foregoing project is consistent with the General Plan, compliant with the zoning and other City requirements, compatible with the surrounding area, and appropriate for the site, staff and the City Attorney have opted to apply the Conditional Use Permit Findings in LLMC §17.30.210 to this project, as follows:

1. *That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this title.*

   As previously mentioned, the proposed assisted living development meets the development requirements of the Institutional (I) Zone. All public utilities are

available to the site. Additionally, the proposed project will provide development and amenities to the existing neighborhood.

2. *That the said use is necessary or desirable for the development of the community, is in harmony with the various elements and objectives of the general plan, and is not detrimental to existing uses specifically permitted in the zone in which the proposed use is to be located.*

   The proposed use is consistent with the existing General Plan Guiding Policy No. 2.2.4.3 which requires the promotion of health care facilities that are conveniently located and well designed to aid patients and to make a positive visual contribution to the community in general. The proposed use will also be consistent with the requirements of the LLMC.

3. *That the site for the intended use is adequate in size and shape to accommodate said use and all of the yards, setbacks, walls, or fences, landscaping and other features required in order to adjust said use to those existing or permitted future uses on land in the neighborhood.*

   The subject parcel is adequate in size and shape to accommodate the proposed use. The project will be developed on an existing .98-acre site. The lot coverage of the new facility will be approximately 41 percent (Institution Zone allows up to 50 percent of lot coverage) of the overall site. And as previously stated, the project meets the development requirements for Institutional Zones. Therefore, the project site can accommodate the proposed use which will be compatible with the existing and future land uses.

4. *That the site or the proposed use related to streets and highways is properly designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use.*

   The project site has access from Cole Street, which can accommodate the type and quantity of traffic generated by this use. A total of 86 parking spaces are proposed to accommodate the proposed expansion. Based on the focused traffic study by Kunzman Associates Inc.(May 2011), the proposed use would generate approximately 122 vehicle trips per day which would not exceed the level of service (LOL) standards established by the County's Congestion Management Plan (CMP). And according to the study, the development of the project would not degrade the existing LOL at the project site's access intersection.

5. *That the conditions set forth in the permit and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare.*

The public health, safety and general welfare will be protected with the implementation of the Conditions of Approval for this Precise Plan of Design to insure compatibility with the surrounding uses and neighborhood.

CONCLUSION

Staff recommends approval of the project because it will be in compliance with the General Plan and the LLMC Code requirements. The applicant has worked closely with staff and has made every effort possible to provide the most appropriate layout, design, and architecture for this project. The assisted living 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.

Respectfully submitted,

Allan Penaflorida
Assistant Planner

ATTACHMENTS

A. Site Location Map
B. Mitigated Negative Declaration (NOI/Initial Study)
C. Conditions of Approval
D. Project Plans

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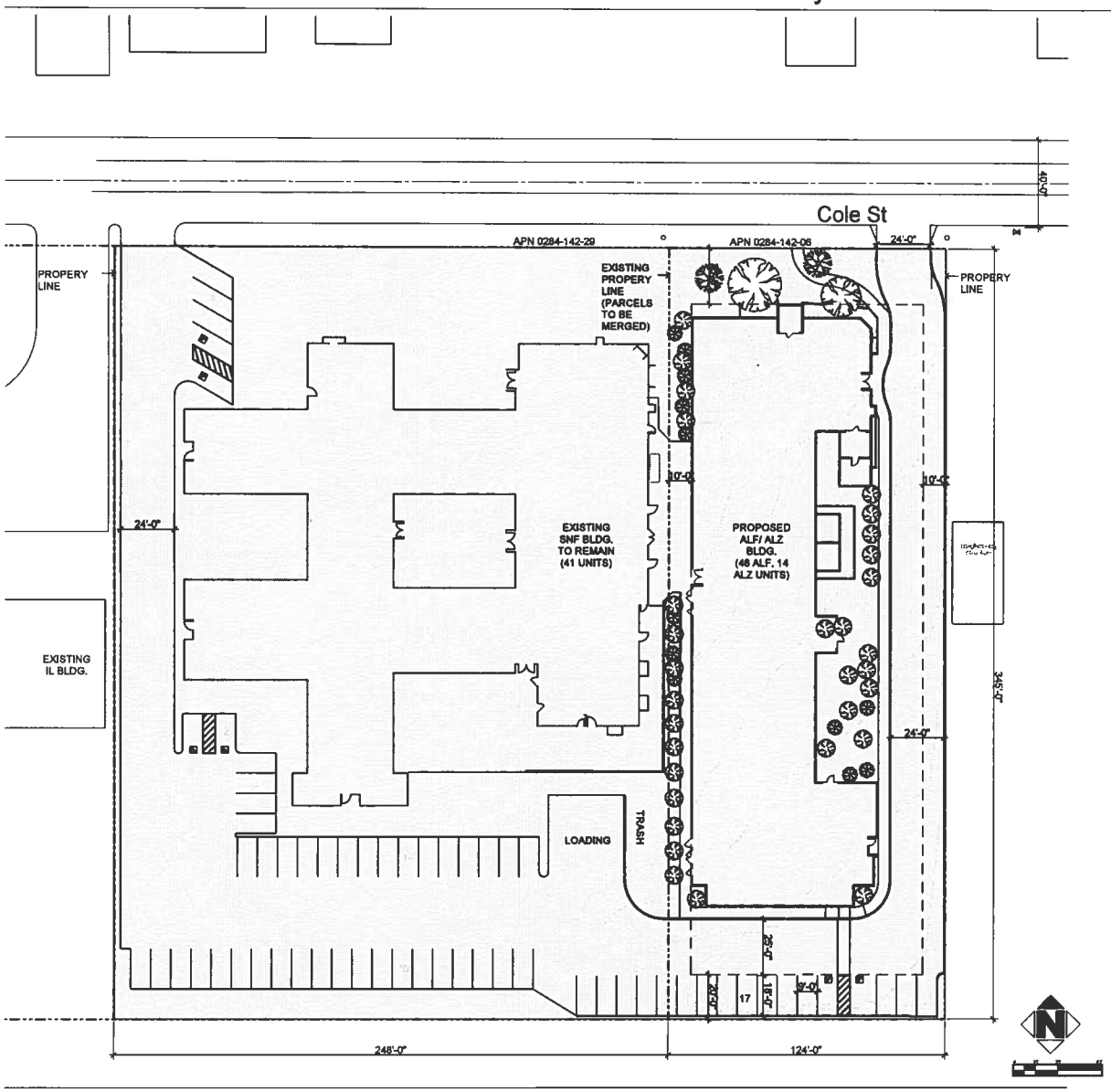
Linda Valley Remodel and Expansion

Linda Valley Care Center



SHEET INDEX

A1 Title Sheet & Site Plan
A2 Preliminary Landscape Plan
A3 Preliminary Parcel Map
A4 Preliminary Grading Plan
A5 Preliminary Utility Plan
A6 Exterior Elevations
A7 Proposed First Floor Plan
A8 Proposed Second Floor Plan

PROJECT DATA

UNIT MIX

Unit Name	Unit Type	Beds	Qty	Area (SF)	Total (SF)
A-0A	ASSISTED LIVING - STUDIO	1	18	396	6,344
A-0B	ASSISTED LIVING - STUDIO	1	2	381	762
A-1A	ASSISTED LIVING - 1 BED	1	11	522	5,740
A-1A1	ASSISTED LIVING - 1 BED	1	1	528	528
A-1B	ASSISTED LIVING - 1 BED	1	2	544	1,088
Z-2A	ALZHEIMER - 2 BED	2	14	396	5,551
		60	46		20,009 sq ft

SITE DATA:

NOTE: PARCEL MAP WILL MERGE LOT 18 WITH LOT 19 TO THE WEST. THE PROPOSED NEW DEVELOPMENT WILL ADD THE ASSISTED LIVING & ALZHEIMERS COMPONENT THE CLIENT IS CURRENTLY MISSING.

ADDRESS: 25383 Cole St Loma Linda, CA. 92354
APN: 0284-142-29, 0284-142-06

PROJECT SCOPE: NEW 46 UNIT/60 BED RESIDENCE, WITH 32 UNITS/ 32 BEDS FOR ASSISTED LIVING AND 14 UNIT/28 BED SECURED MEMORY CARE UNIT.
EXISTING ZONING: R-3,
EXISTING GENERAL PLAN: MED. RESIDENTIAL

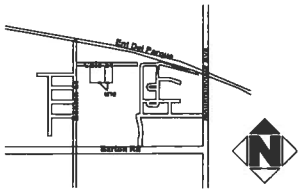
OCCUPANCY GROUP: R-2.1
CONSTRUCTION TYPE: Type V-A

BUILDING FOOTPRINT	17,761 S.F.
BUILDING GROSS AREA	34,921 S.F.
SITE AREA	42,780 S.F. (.98 A.C.)
DRIVEWAYS/PARKING *(CONTIGOUS AREAS)*	12,680 S.F.
LOT COVERAGE	41% (60% MAX.)
DENSITY	2.4 (4.5 MAX)

PARKING: (44 SPACES REQUIRED FOR BOTH BUILDINGS TOTAL)

NEW ONSITE	12 SPACES (INCLUDING 2 H.C.)
EXISTING SITE	50 SPACES (INCLUDING 4 H.C.)
TOTAL PARKING PROVIDED	62 SPACES (INCLUDING 6 H.C.)

VICINITY MAP



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IPA IRWIN PARTNERS ARCHITECTS
248 Pocher Avenue, Suite B-3 Costa Mesa CA 92626
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ARCHITECTURE PLANNING CONSULTING

Linda Valley Care Center
Chancellor Health Care Inc.
Linda Valley Care Center
25383 Cole St
Loma Linda, CA. 92354

Title Sheet & Site Plan
A1

PROJECT NO: 08019
PLOT DATE: 6/7/2011

CONDITIONS OF APPROVAL

(GPA NO. 11-07, ZC NO. 11-08, TPM NO. 11-92 AND PPD NO. 11-09)

COMMUNITY DEVELOPMENT DEPARTMENT

General

1. Within one year of this approval, the Precise Plan of Design shall be exercised by substantial construction 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:	**EXPIRATION DATE:**
TPM NO. 11-92 AND PPD NO. 11-09	

2. The review authority may, upon application being filed 30 days prior to the expiration date and for good cause, grant a one-time extension not to exceed 12 months. The review authority shall ensure that the project complies with all current Development Code provisions.

3. 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, Redevelopment Agency (RDA), their affiliates officers, agents and employees from any claim, action or proceeding against the City of Loma Linda. The applicant further agrees to reimburse the City and RDA of any costs and attorneys fees, which the City or RDA 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.

4. 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, fences 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 development project.

5. 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.

6. 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 other forms of air pollution; glare control; exterior lighting design and control; noise control; odor control; screening; signs, off-street parking and off-street loading; and, vibration control. Screening and sign regulations compliance are important considerations to the developer because they will delay the issuance of a Certificate of Occupancy until compliance is met. Any exterior structural equipment, or utility 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.

7. All construction shall meet the requirements of the latest adopted California Building Code (CBC) as adopted and amended by the City of Loma Linda and legally in effect at the time of issuance of any Building Permit(s).

8. Signs are not approved as a part of this permit. Prior to establishing any new signs, the applicant shall submit an application, and receive approval, for a sign permit from the Planning Division (pursuant to LLMC, Chapter 17.18) and building permit for construction of the signs from the Building Division, as applicable.

9. Mitigation Measure. Prior to issuance of a Certificate of Occupancy, the applicant shall submit a photometric plan and final lighting plan to the City showing the exact locations of light poles and the proposed orientation and shielding of the fixtures to prevent light and/or glare to existing residences to the east and north.

10. The developer shall require that all construction equipment activities be restricted to occur only between the hours of 7:00 a.m. to 6:00 p.m. weekdays and Sundays. Construction activities shall not occur on Saturdays or Holidays.

11. The developer shall locate construction staging areas as far from existing noise-sensitive land uses as feasible.

12. Mitigation Measure. The construction schedule shall include a three-week (at a minimum) coating schedule.

13. 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:

    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 all grading activities are suspended during first and second stage ozone episodes or when winds exceed 25 miles per hour.

14. 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.

15. 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.

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

17. Mitigation Measure. The operator shall maintain and effectively utilize and schedule on-site equipment in order to minimize exhaust emissions from truck idling.

18. Mitigation Measure. All Development Impact fees shall be paid to the City of Loma Linda prior to the issuance of any Building and/or Construction Permits.

19. Prior to issuance of any Building and/or Construction Permits, the applicant shall submit to the Community Development Department proof of payment or waiver from

both the City of San Bernardino for sewer capacity fees and Redlands Unified School District for school impact fees.

20. The applicant to pay all required development impact fees to cover 100 percent of the pro rata share of the estimated cost of public infrastructure, facilities, and services.

21. 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.

22. The project shall comply with the City Art in Public Places Ordinance (LLMC Chapter 17.26), which establishes grounds for compliance for new enterprises to facilitate public art. The establishment of artistic assets will be financed and/or constructed by the development community as part of the development requirements.

23. 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 professional will be able to find, determine the significance, and make recommendations for appropriate mitigation measures in compliance with the guidelines of the California Environmental Quality Act.

24. Mitigation Measure If human remains of any kind are found during excavation and construction activities, all activities must cease immediately and the San Bernardino County Coroner and a qualified archaeologist must be notified. The Coroner will examine the remains and determine the next appropriate action based on his or her findings. If the coroner determines the remains to be of Native American origin, he or she will notify the Native American Heritage Commission. The Native American Heritage Commission will then identify the most likely descendants to be consulted regarding treatment and/or reburial of the remains. If a most likely descendant cannot be identified, or the most likely descendant fails to make a recommendation regarding the treatment of the remains within 48 hours after gaining access to them, the contractor shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

25. Mitigation Measure. A qualified archaeological monitor will be retained during grading of the site if remains of prehistoric, historic, or paleontological origin are unearthed. They shall be handled in accordance with current standards and

guidelines to ensure adequate identification, recordation, and/or recovery of potentially significant human remains.

26. Mitigation Measure. At a minimum of 30 days prior to any grading, the City shall notify the tribal councils of the San Manuel and Morongo Bands of Mission Indians of proposed grading activities, and arrange for Native American participation if requested by the tribal councils.

27. The project shall comply with all non-exempt provisions of Measure V and shall pay the full amount or any recalculated development impact fees, including traffic impact fees, prior to occupancy.

Landscaping

28. 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.

29. Final landscape and irrigation plans shall be in substantial conformance with the approved conceptual landscape plan and these conditions of approval. Any and all fencing shall be illustrated on the final landscape plan.

30. Landscape plans shall depict the utility laterals, concrete improvements, and tree locations. Any modifications to the landscape plans shall be reviewed and approved by the Public Works and Community Development Departments prior to issuance of permits.

31. The applicant, property owner, and/or business operator shall maintain the property and landscaping in a clean and orderly manner and all dead and dying plants shall be replaced with similar or equivalent type and size of vegetation.

32. Mitigation Measure. Should the relocation or removal of any tree be required, the applicant shall submit an Arborist Report prior to site disturbance. Any removal or replacement of trees shall be in accordance with the City's Tree Preservation Ordinance.

FIRE DEPARTMENT

33. All construction shall meet the requirements of the editions of the 2010 California Building Code (CBC) and the 2010 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.

34. Pursuant to CFC Section 903, as amended in Loma Linda Municipal Code (LLMC) Sections 15.28.230-450, the building 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) 799-2859.

35. 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.

36. The applicant shall meet the Fire Departments requirements regarding emergency access to the site. The site circulation shall meet the performance requirements of all emergency vehicles.

37. The developer shall submit a Utility Improvement Plan showing the location of fire hydrants for review and approval by the Fire Department.

PUBLIC WORKS DEPARTMENT

38. The developer shall submit an engineered grading plan for proposed project.

39. All utilities shall be underground. The City of Loma Linda shall be the sewer purveyor.

40. The applicant shall comply with all of the Public Works Department requirements for recycling prior to issuance of a Certificate of Occupancy.

41. All public improvement plans shall be submitted to the Public Works Department for review and approval.

42. Any damage to existing improvements as a result of this project shall be repaired by the applicant to the satisfaction of the City Engineer.

43. An approved parcel map is required for the consolidation of the associated parcels. This process shall be completed prior to the issuance of the construction/building permit.

44. Prior to issuance of grading permits, the applicant shall submit to the City Engineer a Notice of Intent (NOI) to comply with obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit from the State Water Resources Control Board. Evidence that this has been obtained (i.e., a copy of the Waste Dischargers Identification Number) shall be

submitted to the City Engineer for coverage under the NPDES General Construction Permit.

45. Mitigation Measure. The project proponent shall comply with City adopted policies regarding the reduction of construction and demolition (C&D) materials.

46. Mitigation Measure. The project proponent shall design an on-site retention/detention basin to accommodate on-site storm water. The retension/detension basin may be temporary so that at the time the City's storm water system is extended the basin can be removed.

_____ _____
Applicant signature Date

_____ _____
Owner signature

End of Conditions

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IRWIN PARTNERS ARCHITECTS

September 17, 2012

City of Loma Linda
Community Development Department
Planning Department
25541 Barton Road
Loma Linda, CA 92354
909.799.2830

Mr. Konrad Bolowich, Director
Mr. Guillermo Arreola, Associate Planner

Re: Linda Valley – Residential Care Facility
25383 Cole Street
Loma Linda, CA 92354
Job #: 08019.00

GPA # 11-07, ZC # 11-08, TPM # 11-92, & PPD # 11-09

Mr. Bolowich & Mr. Arreola:

On behalf of the Owners, we would like to make a request for an extension to this project and its approvals. Due to the economic times this need for an extension is necessary, as the Owner begins his final process of gathering funding and plans to proceed with this project (construction documents & plan check submission) before the end of the year.

Respectfully,

IRWIN PARTNERS ARCHITECTS

Jack Kaufman
Project Architect

JK/cll

DATA\2008\08019\GOVERNMENT\09019 L EXTENSION 09-17-12.DOC

Exhibit-D

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