



LAND USE SERVICES DEPARTMENT
PLANNING DIVISION
PLANNING COMMISSION STAFF REPORT

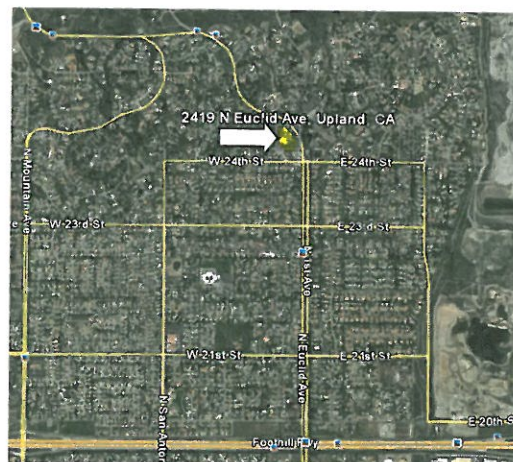


HEARING DATE: October 4, 2012

AGENDA ITEM #2

Project Description

APN: 1003-231-05, 33, 34 & 35
APPLICANT: OAKMONT SENIOR LIVING, LLC
C/O BILL MABRY
COMMUNITY: UPLAND – SAN ANTONIO HEIGHTS/
SECOND SUPERVISORIAL DISTRICT
LOCATION: 2415-2419 EUCLID AVENUE (WEST SIDE);
APPROX. 198' NORTH OF 24TH STREET
PROJECT NO: P201200187(CF)(P201200194 & P201200195)
(OAKMONT SENIOR ASSISTED LIVING)
CONTRACT
STAFF: GUS ROMO
REP(S): BRELJE & RACE CONSULTING ENGINEERS C/O
THOMAS JONES
PROPOSAL: CONDITIONAL USE PERMIT TO CONSTRUCT A 75,226
SQ.FT. 80-UNIT SENIOR ASSISTED LIVING FACILITY
ON 3.28 ACRES WITH A MAJOR VARIANCE TO
INCREASE FLOOR AREA RATIO FROM 0.3 TO 0.53



69 Hearing Notices Sent On: Sept. 21, 2012
P.C. Field Inspection Date: Sept. 12, 2012

Report Prepared By: Gus Romo, RPG, Inc.
Inspected By: Commissioner Allard

SITE INFORMATION:

Parcel Size: 3.28 acres
Terrain: Generally flat; gently sloping
Vegetation: Currently developed with vacant retail building and asphalt parking lot occupied with unmaintained parking lot landscaping & seasonal weeds

SURROUNDING LAND DESCRIPTION:

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
SITE	Vacant supermarket & parking lot	CN (Neighborhood Commercial)
North	Restaurant, offices & single-family homes	CO (Office Commercial) & RS-14M (Single-Family Residential–14k min. lot size)
South	Gasoline service station, fire station & single-family homes	CN (Neighborhood Commercial) & RS-10M (Single-Family Residential–10k min. lot size)
East	Church & single-family homes	RS-14M (Single-Family Res.–14k min. lot size)
West	Restaurant, offices & single-family homes	CO (Office Commercial) & RS-14M (Single-Family Residential–14k min. lot size)

City Sphere of Influence:
Water Service:
Sewer Service

AGENCY

City of Upland
City of Upland
City of Upland

COMMENT

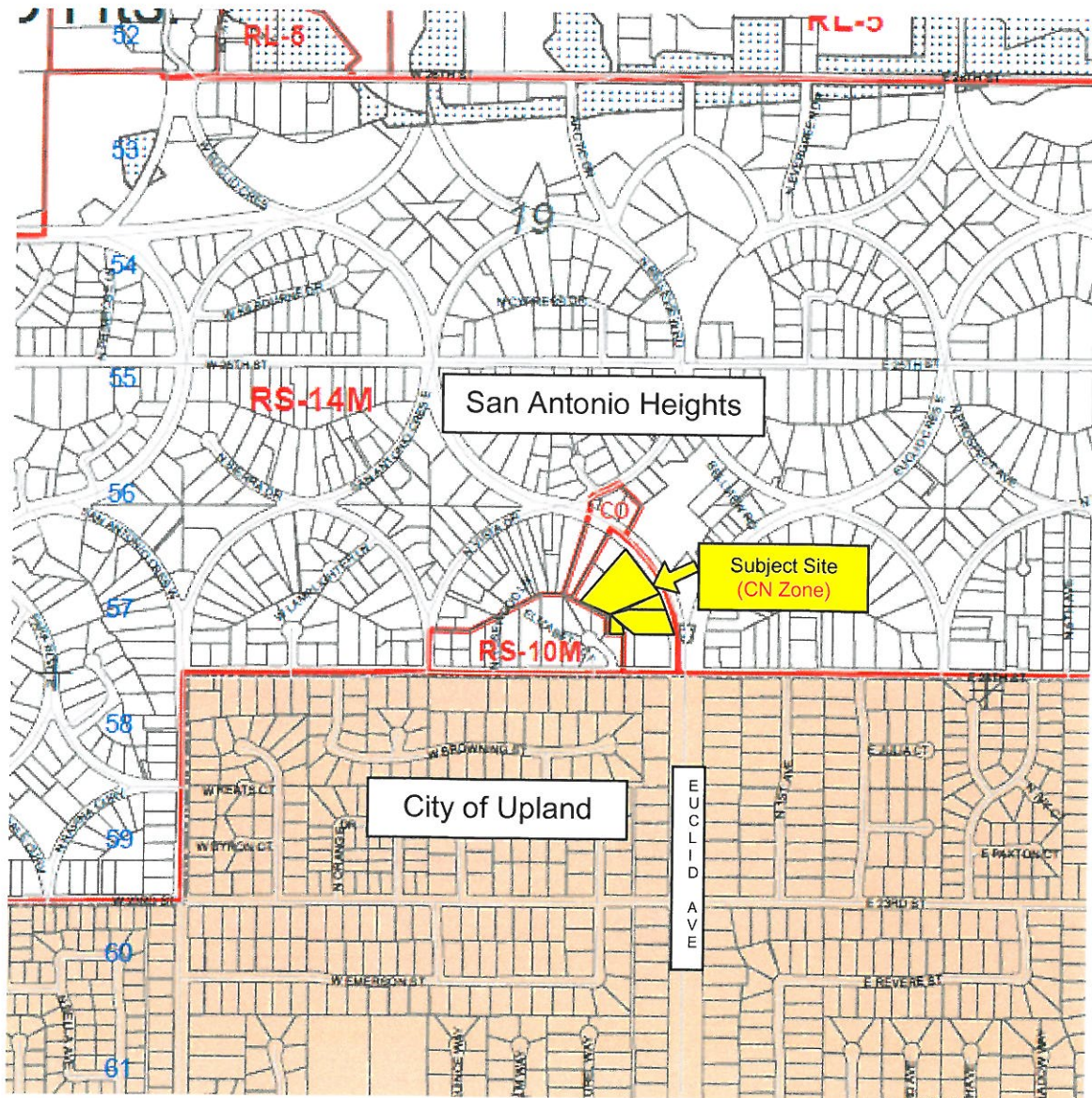
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STAFF RECOMMENDATION: That the Planning Commission **APPROVE** the Conditional Use Permit and Major Variance subject to the attached Conditions of Approval, **ADOPT** the Findings, and **FILE** a Notice of Exemption.¹

¹ In accordance with Section 86.08.010 of the Development Code, the action taken by the Planning Commission may be appealed to the Board of Supervisors within ten (10) calendar days after the Commission hearing.

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Site Location & Zoning



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Existing Site Photos

View from Euclid Avenue on South End of Site



View from Euclid Avenue on North End of Site



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Photo Simulation of New Facility from Euclid Avenue North Entry



SUMMARY

The applicant, Oakmont Senior Living, LLC, is proposing a new 75,226 square-foot, two-story senior assisted living facility on a 3.28-acre site currently occupied by a vacant supermarket and parking lot. The site presently consists of four parcels, which are proposed to be merged into one to accommodate the development. Pursuant to the Development Code, Section 82.05.040, Table 82-11, the proposed land use, a Social Care Facility of seven (7) or more residents, is permitted subject to approval of a Conditional Use Permit (CUP). A variance is also requested to allow an increase in Floor Area Ratio (F.A.R.) from 0.3 to 1 (allowing 42,863 square feet of floor area) to 0.53 to 1 (allowing 75,226 square feet of floor area).

The applicant is proposing to re-develop the entire property with the new residential care facility. The development consists of 80 congregate care units for seniors, ranging from 397 to 1,192 square feet in area, indoor dining and activity rooms, 42 parking spaces, walkways, and garden areas with benches and gazebos. The facility is intended for seniors 60 years of age and older who may require living assistance.

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BACKGROUND

Oakmont Senior Living (Oakmont) is a nationally recognized builder of senior communities. Oakmont has designed and built 34 retirement communities on the West Coast, including continuing care retirement communities and independent living, assisted living, and memory care communities. Oakmont works with Integral Senior Living, a specialized senior living management provider, to manage the needs of each Oakmont community. Each facility is considered an RCFE, “Residential Care Facility for the Elderly”, licensed by the State Department of Social Services, Community Care Licensing Division. Specifically, the proposed facility is categorized under Title 22, Division 6, Chapter 8 of the State’s Government Code as a 24 hour/7 day per week facility for seniors over 60 years of age requiring daily living assistance with meal preparation, medication reminders, bathing and grooming, ambulatory assistance, and other such assistance necessary for daily living.

PROJECT PROPOSAL

The project proposes the demolition of a 41,957 square-foot abandoned supermarket and removal of parking lot improvements to accommodate the new 75,226 square-foot two-story residential facility and associated improvements. Although the new building will be two stories in height, it is proposed at a height of 26 feet, which is just over the existing single-story building height of 24 feet.

ANALYSIS

The project meets all of the County Development Code’s standards with the exception of Floor Area Ratio (F.A.R.) for which a variance is being sought. The variance is analyzed in this section of the staff report along with other pertinent factors identified by staff and the general public in no significant order:

1. Land Use Compatibility
2. Development Standards Compliance
3. Social Care Facilities Standards
4. Variance
5. Lot Merger
6. Building Design/Elevations
7. Floor Plans
8. Exterior Design/Parking & Landscaping
9. Amenities
10. Traffic
11. Environmental Determination
12. City of Upland Comments

1. Land Use Compatibility. The site is located in the San Antonio Heights community within the City of Upland’s sphere of influence and fronts onto Euclid Avenue. The zoning of the site is CN, “Neighborhood Commercial”. The adjacent properties along Euclid Avenue are zoned CN and CO, “Office Commercial”. Properties to the rear of the site and further south and north of the site are zoned RS, “Single-Family Residential”, with minimum lot sizes of 10,000 and 14,000 square feet. Based on the existing composition of the neighborhood, the proposed facility is compatible with both the existing residential uses as well as the commercial and office uses.

The site has been designed and conditions of approval have been included to ensure compatibility and prevent any impacts to surrounding properties.

2. Development Standards Compliance

Table 1. Development Standards Compliance

Development Standard	Project Proposal	Code Requirement
Front Yard Setback	50 feet	25 feet min.
Side Yard Setback	21 & 41 feet, respectively	10 feet min. ²
Rear Yard Setback	55 feet	10 feet min. ³
Lot Coverage	28%	80% max.
Floor Area Ratio (F.A.R.)	0.53 to 1	0.3 to 1 max. ⁴
Building Height	26.5 feet (32 feet for mid lobby area; 36 feet for tower ⁵)	35 feet max.
Landscaping	37%	20% min.
Parking	42 spaces	1 space/3 residents of the max. resident capacity (126) = 42

3. Social Care Facilities Standards (SBCDC Chapter 84.23). In addition to the aforementioned development standards, social care facilities are required to abide by the standards of Chapter 84.23 of the San Bernardino County Development Code. These standards pertain to separation requirements from similar facilities; required perimeter walls, landscaping, and outdoor lighting; sign restrictions; noise restrictions for outdoor activities; applicable health and safety regulations, and required permits and licenses. The project design conforms to these requirements, which are also incorporated in the conditions of approval.

4. Variance. A variance is being requested to allow an increase in F.A.R. from 0.3 to 0.53. The increase in F.A.R. will accommodate the proposed 80 units and associated activity rooms in a 75,226 square-foot two-story structure versus the 41,274 square-foot current limitation. Since the variation is greater than 10% of the standard, approval of a Major Variance by the Planning Commission is required as opposed to a Minor Variance, which could be approved administratively. In either case, the Development Code requires certain findings in order to support the approval of a variance. These findings have been made and included together with the CUP findings in the attached Exhibit A.

The following factors in support of the variance request have been considered and integrated with the required findings:

1. Floor Area Ratio restrictions are intended to keep structures in non-residential zones from overshadowing or having other impacts on their surroundings. The CN zone, in which the site is located, carries a very low F.A.R. allowance (0.3 to 1) due to the fact that CN zones are typically surrounded by residentially zoned property that can be impacted by large commercial structures. However, the proposed use is residential in

² Only required on one side yard to provide for emergency access; when adjacent lot is not commercial or industrial, side yard setback is only required on that side of the lot.

³ Only required when adjacent property is not commercial or industrial.

⁴ Major Variance application submitted to allow additional F.A.R.

⁵ Exceptions allowed for architectural features, such as tower elements, up to 50% of max. bldg. height.

nature and functions more like a multi-family complex than a commercial site. The primary reason for the increased floor area is to provide the assisted living amenities that are necessary for the residents' daily care and recreation.

2. The County Development Code does not include F.A.R. standards in residential zones nor is this common practice in other jurisdictions. Instead, residential zones rely on density and lot coverage standards due to the expectation that setbacks, height, and parking standards mitigate potential massing impacts. In this case, the project's lot coverage is well under the maximum allowed by the Development Code (i.e., 28% vs. 80%), and the structure meets the height requirements of the CN zone (i.e., 26 feet vs. 35 feet). Even if the floor area were to be decreased to the code allowance of 0.3 to 1, the structure could be constructed with the identical footprint and building height. As such, there would be no visible difference in the project's appearance from the surrounding neighborhood.
3. The F.A.R. for the CN zone presumes the need for parking intended for commercial uses, which require a higher parking ratio. A typical retail building at the maximum allowable F.A.R. of 0.3 would be parked at one space per 250 square feet of gross floor area, resulting in 165 required parking spaces. The proposed assisted living facility, on the other hand, requires only 42 parking spaces even at the higher F.A.R. of 0.53.
4. The building has been designed to be compatible with the surrounding single-family residential neighborhood. Structure walls and heights are varied and articulated to mitigate any compatibility and shadowing concerns on adjacent properties. In addition, the landscaping exceeds the minimum code standards and has been designed to blend in with the existing residential uses and street frontages.

5. Lot Merger. The existing abandoned supermarket and parking lot currently sit on four parcels. A lot merger is necessary to consolidate the four parcels into one to accommodate the new development. The merger will create a 3.28-acre parcel. If the project is approved, the lot merger is required by the conditions of approval to be completed prior to issuance of building permits.

6. Building Design/Elevations. The proposed two-story structure is designed to be compatible with the existing neighborhood. The architecture reflects an "Old World Tuscan" style using multi-colored s-tile roofing, copper gutters, and two-toned cement plaster walls. Windows and doors are designed with stone or stucco trim accents. Wood shutters and wrought iron railings have been incorporated to add another layer of detail around select openings. Stone pavers and patterned colored concrete accentuate the building entries and common outdoor spaces. In addition, timber posts and beams form trellises to provide shade and shadow lines to the building elevations.

To soften the building height, break up the mass, and provide a visual improvement over the existing grocery store block design, the building is designed with articulated facades on all four sides. This brings the size of the structure back to a more human scale, which further addresses any compatibility concerns with surrounding single-family residential structures.

7. Floor Plans. The interior of the building is also proposed to add to the luxurious feel of the project. The building will be designed with tile flooring, antique furnishings, granite countertops, exposed ceiling beams, chandeliers, hardwood molding, and artwork reflective of the architecture.

Per the applicant, the entire development is designed to meet the special needs of the elderly, many of whom have mobility limitations. The units will be located close to the common areas so that residents are close to the amenities. The units are also designed with everything in easy reach of the resident. Wall mounted electrical outlets will be placed higher than normal for ease of reach, and faucets will have lever controls. Each unit will have an alarm system that is monitored 24 hours per day at a central station within the building. Common halls will have rest areas with seating at regular intervals and substantial reinforced chair trim that doubles for walking support. In addition, the elevator will meet the medical emergency requirements of the State of California, and the front entry will consist of automatic doors.

8. Exterior Design/Parking & Landscaping. According to the applicant, the design of the building was driven by two concerns: 1) to take advantage of the unique characteristics of the project location, including the local climate, and the surrounding community; and 2) to provide a safe, interactive, and comfortable living space for elderly residents. The building is laid out in a manner that provides residents with a variety of spaces to occupy, from an enclosed garden courtyard in the middle of the building to pedestrian paths, sitting areas, and a gazebo for shade encircling the exterior of the building. A dining terrace is designed along the front of the building while more contemplative activities can occur in the private gardens located in the rear of the building.

Cast-stone fountains and reflecting pools with porcelain tile borders will be part of the exterior landscape features found throughout the complex to further showcase the architecture. A series of outdoor spaces that begin at the sidewalk and culminate in a porte-cochere with a pedestrian archway leading to the building entry have been designed to identify the building as a prominent part of the community as viewed from the street.

The parking lot consists of 42 parking spaces separated into two areas and heavily landscaped to break up the asphalt and keep the focus on the building design and landscape/walkway improvements. Per Chapter 83.11 (Parking and Loading Standards), Table 83-15, of the Development Code, one parking space is required for every three (3) residents of the maximum licensed resident capacity for social care facilities. As such, the maximum number of residents that can be accommodated in this facility is 126. The applicant anticipates a total of 100 residents.

9. Amenities. As a fully licensed residential care community, residents will receive health-conscious meals in the dining room, housekeeping services, 24/7 staff assistance, an emergency response system, and health screening. The dining room and exhibition kitchen is proposed to be operated like a restaurant, with breakfast served from 7:00am to 9:30am, lunch from 11:30am to 1:30pm, and dinner from 5:00pm to 8:00pm.

The facility will provide private and formal dining rooms, a café, entertainment and activity rooms, a beauty salon, a library, an outside courtyard, resident gardens, a private surround-sound theater, and an in-house fitness center. Activities will include guest lectures, concerts, fitness instruction, and other recreational activities customary of assisted living.

Progressive care needs of the residents will be addressed by providing high-acuity assisted living in their individual units. This will allow residents to stay in their chosen unit as they progress in age. Per the applicant, the majority of residents are in their early to late 80's at move-in. Therefore, they typically utilize a variety of assisted living services. It is anticipated there will be residents who do not need high acuity assisted living initially, but as they age, the additional assistance they may require will be provided. In addition, memory care will be offered in a specifically designed area of the complex for residents with Alzheimer's or Dementia.

For the residents' transportation needs, the facility will provide a town car and driver along with a bus. Residents will have access to shops, doctor appointments, and community activities. In addition, a grounds manager will also be provided to ensure the property is maintained 24 hours per day. The number of employees on site will range from a high of 10 to 13 during the day to a low of 2 to 4 at night with a total of four shifts. It is anticipated the facility will employ approximately 37 workers.

10. Traffic. During the public review period, a local resident inquired about the traffic impacts of the residential care facility. Staff explained that the daily trips generated by the new use would be substantially less than the retail use occupying the property as well as any other retail use that could potentially be developed. Furthermore, improvements to Euclid Avenue have been conditioned, including additional dedication and widening.

The following trip generation analysis table was prepared by the applicant's traffic engineer, Crane Transportation Group, using the traffic engineering profession's standard source of trip rate data: *Trip Generation – An ITE Informational Report*, 8th Edition, by the Institute of Transportation Engineers, 2008.

Table 2. Gross Trip Generation Comparison

USE	SIZE OR # UNITS	DAILY 2-WAY TRIPS		AM PEAK HOUR VOLUMES				PM PEAK HOUR VOLUMES			
		RATE	VOL	IN		OUT		IN		OUT	
				RATE	VOL	RATE	VOL	RATE	VOL	RATE	VOL
Assisted Living Facility	80 units	2.66	214	.09	7	.05	4	.10	8	.12	10
Shopping Center	41,000 SQ.FT.	*	3804	**	56	**	35	***	172	***	178
Supermarket	41,000 SQ.FT.	102.24	4192	2.19	90	1.40	58	5.36	220	5.14	211

* $\ln(T) = .65 (\ln(X) + 5.83)$

** $\ln(T) = .59 \ln(X) + 2.32$ (61% in/39% out)

*** $\ln(T) = .67 \ln(X) + 3.37$ (49% in/51% out)

\ln = Natural Log

T = Trips

X = Size in 1,000 SQ.FT.

As shown in Table 2, the proposed 80-bed facility would be expected to generate 214 daily two-way trips (107 in & 107 out), with 7 inbound and 4 outbound trips during the AM peak hour, and 8 inbound and 10 outbound trips during the PM peak hour. In comparison, both a shopping center and supermarket create significantly higher gross trips. A shopping center would have about 3,800 daily two-way trips, 56 inbound and 35 outbound AM peak hour trips, with 172 inbound and 178 outbound PM peak hour trips. A supermarket would be expected to be even higher, with about 4,200 daily two-way trips, 90 inbound and 58 outbound AM peak hour trips, and 220 inbound and 211 outbound PM peak hour trips.

As evidenced in this traffic assessment, the assisted living facility would be expected to have about 5% of the daily, 7 to 12% of the AM peak hour, and 4 to 5% of the PM peak hour traffic of either a shopping center or a supermarket.

11. Environmental Determination: The project has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to the general rule, Section 15061(b)(3), which states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The site has been previously developed and is presently occupied by an abandoned supermarket and parking lot. All utility connections and public services exist to adequately serve the new development, and the project has been conditioned to provide on and off-site improvements. Therefore, if the Project is approved, a Notice of Exemption will be filed.

12. City of Upland Comments: The City of Upland Planning staff discussed the project with staff and inquired about the environmental assessment. Upon being told that a CEQA exemption is proposed in compliance with CEQA guidelines, Upland City staff requested information regarding potential traffic impacts. A copy of the trip generation data provided as part of this staff report was emailed to the City of Upland Planning and Traffic Engineering staff to document the comparison of the project traffic to the traffic of permitted commercial uses for the site. After reviewing the requested traffic information, Upland staff stated they had no further comments.

CONCLUSION

Based upon the findings of fact, overall building layout and design, project compliance with the County's development standards, and applicant acceptance of the conditions of approval, it is staff's opinion that the proposed assisted living facility will be a substantial improvement to the neighborhood and, therefore, merits approval.

RECOMMENDATION: That the Planning Commission:

- 1) **ADOPT** the Findings as attached to the Staff Report (Exhibit A);
- 2) **APPROVE** the Conditional Use Permit and Major Variance, subject to the attached conditions of approval (Exhibit B); and
- 3) **FILE** a Notice of Exemption in compliance with the California Environmental Quality Act.

ATTACHMENTS:

- | | |
|------------|-----------------------------------------------------------------------------|
| Exhibit A: | Findings |
| Exhibit B: | Conditions of Approval |
| Exhibit C: | Surrounding Property Owner and/or Stakeholder Comments |
| Exhibit D: | Architectural Plans (Site Plans, Floor Plans, Elevations, Landscaping Plan) |

EXHIBIT A

FINDINGS

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CONDITIONAL USE PERMIT & VARIANCE FINDINGS

CUP FINDINGS: Conditional Use Permit to establish a 75,226 square-foot, two-story senior assisted living facility on a 3.28-acre site.

1. The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, open space, setbacks, walls and fences, yards, and other required features pertaining to the application. The 3.28-acre site is currently occupied by an abandoned 42,000 square-foot supermarket and a parking lot that covers 70 percent of the site. The project meets or exceeds all of the development standards of the Development Code with the exception of the Floor Area Ratio requirements for which a variance is being sought.
2. The site for the proposed use has adequate access, which means that the site design and proposed conditions of approval provide for the streets surrounding the site to be improved fully to provide legal and physical access to the site. The project is located within a fully developed site and has two points of public access. The proposal has been reviewed by all applicable County departments, including Public Works, and has been cleared with conditions of approval. One condition will require additional right-of way dedication and improvements to Euclid Avenue to meet the ultimate right-of-way design standards. As such, the development will provide adequate and necessary legal and physical access to the project site.
3. The proposed use will not have a substantial adverse effect on abutting properties or the allowed use of the abutting properties, meaning the use will not generate excessive noise, traffic, vibration, lighting, glare, or other disturbance. The proposed senior housing facility and project improvements have been designed with the surrounding residential neighborhood in mind. The proposed architecture reflects an “Old World Tuscan” style using multi-colored s-tile roofing, copper gutters, and two-toned cement plaster walls to compliment the neighborhood. Heavy landscaping and decorative perimeter block walls have been incorporated into the design. The building has been set back and articulated to prevent shadowing onto adjacent properties, in a manner that will mitigate any privacy concerns from surrounding residences. In addition, the project meets all of the Social Care Facilities Standards of the San Bernardino County Development Code (Chapter 84.23) as they pertain to separation requirements from similar facilities; required perimeter walls, landscaping, and outdoor lighting; sign restrictions; noise restrictions for outdoor activities; applicable health and safety regulations, and required permits and licenses.
4. The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the County General Plan and any applicable Community or Specific Plan. The proposed housing type, project design, and overall improvements are consistent with the County General Plan. The Project specifically implements the following General Plan Goals:

Goal LU 1: The County will have a compatible and harmonious arrangement of land uses by providing a type and mix of functionally well-integrated land uses that are fiscally viable and meet general social and economic needs of the residents.

Goal H 9: Because of the various lifestyles and population characteristics of the County's residents, a variety and balance of housing types and densities will be provided, through the General Plan, to require that all new planning area or specific plan studies provide housing types and densities commensurate with demonstrated lifestyles, projected needs, and population characteristics of the individual planning area.

5. There is supporting infrastructure, existing or available, consistent with the intensity of the development, to accommodate the proposed project without significantly lowering service levels. The site is presently developed with a 42,000 square-foot abandoned supermarket and parking lot improvements. Therefore, all utilities and public services to continue to serve the site are available. All applicable service providers, including the San Bernardino County Fire Department, have cleared the project and/or provided standard conditions of approval.
6. The lawful conditions stated in the approval are deemed reasonable and necessary to protect the overall public health, safety and general welfare because the conditions of approval include measures to reduce air quality and other potential impacts and enforce performance standards.
7. The design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities. The development has been designed with green building measures in mind. Solar paneling, tankless water heaters, water-savings devices, light and ventilation energy-saving practices, and other passive or natural heating and cooling opportunities will be implemented.
8. The project has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to the general rule, Section 15061(b)(3), which states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The site has been previously developed and is presently occupied by an abandoned supermarket and parking lot. All utilities connections and public services exist to adequately serve the new development and the project has been conditioned to provide on and off-site improvements. Therefore, if the Project is approved, a Notice of Exemption will be filed.

VARIANCE FINDINGS: Major Variance to allow an increase in Floor Area Ratio (F.A.R.) from 0.3 to 1 to 0.53 to 1.

1. The granting of the Variance will not be materially detrimental to other properties or land uses in the area and will not substantially interfere with the present or future ability to use solar energy systems. The proposed use will be developed on a site previously

occupied by an abandoned supermarket with a similar building height. Being that the proposed use is residential in nature, it is more compatible with the surrounding land uses and less impacting to the environment than if the existing commercial building were to be remodeled and re-occupied. The building has been designed to fit within a single-family neighborhood with varied structure walls and heights as well as building articulation to mitigate any compatibility concerns, including shadowing unto adjacent properties. In addition, there is nothing to preclude the use from using solar energy systems now or in the future.

2. There are exceptional or extraordinary circumstances or conditions applicable to the subject property or to the intended use that do not apply to other properties. The project is residential in nature but allowed in a commercial zone due to its social care classification. The surrounding residential development, on the other hand, is not subject to F.A.R. restrictions but only lot coverage and height restrictions. The project is well under the maximum lot coverage allowed by the County's Code (28% vs. 80%) and the structure meets the height requirements of the CN zone (26 feet vs. 35 feet). As such, the massing is compatible with the neighborhood. Further, even if the floor area were to be reduced to the code allowance of 0.3 to 1, the structure could be constructed with the identical footprint and building height. As such, there would be no visible difference in the project's appearance from the surrounding neighborhood.
3. The strict application of the land use zoning district deprives the subject property of privileges enjoyed by other properties in the vicinity or in the same land use district. As stated in Finding No. 2, the surrounding residential development is not subject to F.A.R. restrictions but only density, lot coverage and height restrictions. The project is well under the maximum lot coverage allowed by the County's Code (28% vs. 80%) and the structure meets the height requirements of the CN zone (26 feet vs. 35 feet). As such, other residential properties in the vicinity could theoretically enjoy a higher F.A.R. than would be allowed for the subject property, and strict application of the F.A.R. standard would unnecessarily limit the potential development of congregate care housing with associated amenities, which is permitted in the CN zone subject to approval of a CUP. Further, the F.A.R. for the CN zone presumes the need for parking intended for commercial uses, which require a higher parking ratio. A typical retail building at the maximum allowable F.A.R. of 0.3 would be parked at one space per 250 square feet of gross floor area, resulting in 165 required parking spaces. The proposed assisted living facility, on the other hand, requires only 42 parking spaces even at the higher F.A.R. of 0.53.
4. The granting of the Variance is compatible with the maps, objectives, policies, programs, and general land uses specified in the General Plan and any applicable specific plan. The Project specifically implements General Plan Housing Element Goal H 9: Because of the various lifestyles and population characteristics of the County's residents, a variety and balance of housing types and densities will be provided, through the General Plan, to require that all new planning area or specific plan studies provide housing types and densities commensurate with demonstrated lifestyles, projected needs, and population characteristics of the individual planning area.

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EXHIBIT B

CONDITIONS OF APPROVAL

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CONDITIONS OF APPROVAL

**CONDITIONAL USE PERMIT P201200187(CF)
 (ASSOCIATED CASE FILE P201200194 & P201200195)
 CONDITIONAL USE PERMIT FOR A
 75,226 SF SENIOR ASSISTED LIVING FACILITY,
 VARIANCE FOR F.A.R. INCREASE FROM 0.3:1 TO 0.53:1,
 AND LOT MERGER OF FOUR (4) PARCELS INTO ONE**

**Oakmont Senior Living, LLC
 Residential Care Facility for the Elderly (Assisted Living)
 2419 North Euclid Avenue, Upland CA 91784**

**GENERAL REQUIREMENTS
PROCEDURAL OR OPERATIONAL CONDITIONS**

LAND USE SERVICES DEPARTMENT – Current Planning Division (909) 387-4115

1. Project Approval Description & Location. This project is approved to be constructed and operated in compliance with the following conditions of approval, the approved site plan and any other required and approved displays (e.g. landscape plan & elevations) and/or reports. The Project entails approval of a Conditional Use Permit and Lot Merger.

Conditional Use Permit P201200187(CF)(P201200194) approves a social care use at 2419 N. Euclid Avenue (Second Supervisorial District; San Antonio Heights Community; City of Upland Sphere of Influence; approx. 198' north of 24th Street) within a new 75,226 square-foot, two-story assisted living facility for seniors over 60 years of age and Major Variance for an increase in Floor Area Ratio from 0.3:1 to 0.53:1, as identified on the stamped-approved plans. In addition, Lot Merger P201200195 approves the merger of four parcels into one to accommodate the proposed development. The site has a gross area of 3.28 acres. Parking approved for the facility is based upon the above land use description and Conditional Use Permit analysis. A copy of these conditions shall be provided to any future owner or tenant. APN: 1003-231-05, 33, 34 & 35 and Project No: P201200187/CF - Combo (P201200194/CUP & VAR; P201200195/LM).

2. Zoning Standards – Valley Region CN. The project site is located in the Valley Region/Neighborhood Commercial (CN) General Plan/Zoning District and is in compliance with all applicable development standards as noted in Table 1 below, with the exception of the Floor Area Ratio (F.A.R.) requirements. However, a Major Variance to increase the F.A.R. from 0.3:1 to 0.53:1 has been approved as part of this CUP request.

Table 1. Development Standards Compliance

Development Standard	Project Proposal	Code Requirement
Front Yard Setback	50 feet	25 feet min.
Side Yard Setback	21 & 41 feet, respectively	10 feet min. ¹
Rear Yard Setback	55 feet	10 feet min. ²
Lot Coverage	28%	80% max.
Floor Area Ratio (F.A.R.)	0.53 to 1	0.3 to 1 max. ³
Building Height	26.5 feet (32 feet for mid lobby area; 36 feet for tower)	35 feet max. ⁴
Landscaping	37%	20% min.
Parking	42 spaces (126 resident potential)	33 spaces (1 space/3 residents of the maximum licensed resident capacity; 100 residents anticipated)

3. Applicant and any future operator shall comply with the Social Care Facilities Standards of SBCDC Chapter 84.23) at all times. These standards pertain to separation requirements from similar facilities; required perimeter walls, landscaping, and outdoor lighting; sign restrictions; noise restrictions for outdoor activities; applicable health and safety regulations, and obtainment of required permits and licenses.
4. Revisions. Any proposed change to the approved use/activity on the site; or any increase in the developed area of the site or expansion or modification to the approved facilities, including changes to structures building locations, elevations, signs, parking allocation, landscaping, lighting, allowable number of occupants, (clients and/or employees); or a proposed change in the conditions of approval, including operational restrictions from those shown either on the approved site plan and/or in the conditions of approval shall require that an additional land use application be submitted to County Planning for review and approval.
5. Indemnification. In compliance with San Bernardino County Development Code Section 81.01.070, the applicant shall agree, to defend, indemnify, and hold harmless the County or its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, an advisory agency, appeal

¹ Only required on one side yard to provide for emergency access; when adjacent lot is not commercial or industrial, side yard setback is only required on that side of the lot.

² Only required when adjacent property is not commercial or industrial.

³ Major Variance application submitted to allow additional F.A.R.

⁴ Exceptions allowed for architectural features, such as tower elements, up to 50% of max. bldg. height (SBCDC Section 83.02.040).

board or legislative body concerning the map or permit or any other action relating to or arising out of County approval. In the alternative the applicant may agree to relinquish such approval. Any condition of approval imposed in compliance with the County Development Code shall include a requirement that the County acts reasonably to promptly notify the applicant of any claim, action, or proceeding and that the County cooperates fully in the defense. The applicant shall reimburse the County, its agents, officers, or employees for all expenses resulting from such actions, including any court costs and attorney's fees which the County, its agents, officers or employees may be required by a court to pay as a result of such action. The County may at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of their obligations under this condition to reimburse the County, its agents, officers, or employees for all expenses.

6. Continuous Effect/Revocation. All of the conditions of this project are continuously in effect throughout the operative life of the project for the use approved. Failure of the property owner, tenant, applicant, developer or any operator to comply with any or all of the conditions at any time may result in the County pursuing an enforcement action that may include a public hearing and revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner or other party to correct the non-complying situation.
7. Expiration. This Conditional Use Permit approval shall expire and become void if it is not "exercised" within three (3) years of the effective date of this approval, unless an Extension of Time is granted. The permit is deemed "exercised" when either 1) the permittee has commenced actual construction or alteration under a validly issued Building Permit, or 2) the permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a Building Permit [SBCC 86.06.060]. Occupancy of completed structures and operation of the approved exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs:
 - a. Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and a final inspection is approved.
 - b. The land use is determined by the County to be abandoned or non-conforming.
 - c. The land use is determined to be not operating in compliance with either of these conditions of approval, the County Code, or other applicable laws, ordinances or regulations and the violation is not corrected and the land use is revoked.

PLEASE NOTE: This will be the ONLY notice given of the expiration date. The property owner is responsible for initiation of any extension request and the granting an extension is a discretionary action.

8. Extension of Time. Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three (3) years beyond the current expiration date. An Extension of Time may be granted upon a successful review of an Extension of Time application, which includes a justification of the delay in construction, a plan of action for completion and submittal of the appropriate fee, not less than 30 days prior to the expiration date.
9. Project Account. The Job Costing System (JCS) account number is P201200187. This is an actual cost project with a deposit account to which hourly charges are assessed. The developer shall maintain a positive account balance at all times. A minimum balance of \$3,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use. There shall be sufficient funds remaining in the account to properly fund file closure and any other required post-occupancy review and inspection (e.g. landscape performance).
10. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
11. Condition Compliance. In order to obtain construction permits for grading, building, final inspection and tenant occupancy for each approved building, the developer shall process a Condition Compliance Release Form (CCRF) for each respective building and/or phase of the development through County Planning in accordance with the directions stated in the Approval letter. County Planning shall release their holds on each phase of development by providing to County Building and Safety the following:
 - a. Grading Permits - a copy of the signed CCRF for grading/land disturbance and two "red" stamped and signed approved copies of the grading plans.
 - b. Building Permits - a copy of the signed CCRF for building permits and three "red" stamped and signed approved copies of the final approved site plan.
 - c. Final Inspection - a copy of the signed CCRF for final inspection of each respective building, after an on-site compliance inspection by County Planning.
 - d. Tenant Occupancy - a copy of the signed CCRF for tenant occupancy of each respective building, after an on-site compliance inspection by County Planning.

12. Additional Permits. The property owner, developer, and land use operator are all responsible to ascertain and comply with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies as are applicable to the development and operation of the approved land use and project site. These include:

- a. FEDERAL: Army Corps of Engineers (ACOE), US Fish and Wildlife (USFW), USFS, FAA;
- b. STATE: Regional Water Quality Control Board (RWQCB) – Santa Ana Region, South Coast Air Quality Management District (AQMD), State Fish and Game (CDFG), CalTrans, State Fire Marshall;
- c. COUNTY: Land Use Services-Building and Safety/Code Enforcement, County Fire; Public Health-Environmental Health Services (DEHS), Public Works, AND;
- d. LOCAL: County Special Districts (Street Lighting and franchise); City of Redlands (Water and Sewer), LAFCO, San Bernardino International Airport Authority (Avigation Easement)

13. Continuous Maintenance. The project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly Inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:

- a. Annual maintenance and repair inspections shall be conducted for all structures, fencing/walls, walks, parking lots, driveways, and signs to assure proper structural, electrical and mechanical safety and a properly operating irrigation system.
- b. Graffiti and debris shall be removed immediately with weekly maintenance.
- c. Landscaping shall be maintained in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying.
- d. Erosion control measures shall be maintained to reduce water run-off, siltation, and promote slope stability.
- e. Architectural controls shall be enforced by the property owner to maintain compatibility of theme, materials, unfaded colors, building mass, size and height.
- f. External Storage, loading, recycling and trash storage areas shall be kept neat and orderly and fully screened from public view. Outside storage shall not exceed the height of the screening walls.

- g. Metal Storage Containers are NOT allowed in loading areas or other areas unless specifically approved by this or subsequent land use approvals.
 - h. Screening shall be visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.
 - i. Signage. All on-site signs, including posted area signs (e.g. "No Trespassing") shall be maintained in a clean readable condition at all times and all graffiti and vandalism shall be removed and repaired on a regular basis. On-site signs shall conform with Chapter 83.13 Sign Regulations and Table 83-28 of the County Development Code as well as the sign provisions for social care services within Chapter 84.23. All illuminated signs shall be internally illuminated.
 - j. Parking and Circulation Maintenance. On-site parking and circulation requirements, including surfaces, all markings and traffic/directional signs shall be maintained in an unfaded condition as identified on the approved site plan. Any modification to parking and access layout requires County Planning review and approval. The markings and signs shall be clearly defined, unfaded and legible, these include parking spaces, disable space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps "No Parking" "Carpool" and "Fire Lane" designations.
 - k. Fire Lanes. All markings required by the Fire Department including "No Parking" designations, and "Fire Lane" designations shall be clearly defined and shall be maintained in good condition at all times.
14. Lighting & Signs. The glare from any on-site luminous source, including on-site lighting shall not exceed one-half (0.5) foot-candle at property line. This does not include any required streetlights. All illuminated signs shall be internally illuminated.
15. Signs. Signs are not a part of this approval. Monument sign shown on architectural drawings is conceptual. Any future freestanding sign proposed must be treated with anti-graffiti coating.
16. Clear Sight Triangle. Signs and other structures located within the clear sight triangle, shall comply with the height and location requirements specified by the County Development Code or as otherwise required by County Traffic.
17. Street Lighting Plan. A street lighting plan shall be submitted for review and approval. Street lights shall be upgraded to current County standards and shall be approved by the City of Upland.
18. Rooftop Equipment. All rooftop equipment shall be incorporated into the building architecture and designed so as to not be visible from any surrounding property.

19. Decorative Entry Pavers. All driveway entries shall be decorated with color-stamped concrete or decorative pavers a minimum of eight (8) feet in width. This improvement shall be shown on the landscape plans to be submitted for review and approval.

20. In lieu of wheel stops, all walkways and planters abutting parking spaces shall be extended an additional two (2 feet) from the minimum width requirement.

LAND USE SERVICES DEPARTMENT - Code Enforcement Division (909) 387-4044

21. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the property owner shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees.

22. Weed Abatement. The applicant shall comply with San Bernardino County weed abatement regulations and periodically clear the site of all non-complying vegetation.

ENVIRONMENTAL HEALTH SERVICES. – Water, Waste Water and Land Use Program (909) 387-4655

23. Water Verification. Water purveyor shall be the City of Upland. As a project with a current active water connection, a copy of the water bill with project address shall be provided and shall reference the Case File Number and Assessor's Parcel Number.

24. Wastewater Verification. Method of sewage disposal shall be the City of Upland. Applicant shall procure a verification letter from the City of Upland. This letter shall state whether or not sewer connection and service shall be made available to the project by the City of Upland and shall reference the Case File Number and Assessor's Parcel Number.

25. Water and Sewer Annexation. Submit verification of annexation to DEHS for any project that requires water or sewer connection outside a purveyor's jurisdiction. For information, contact LAFCO at: 909-387-5866.

26. Preliminary Acoustical Analysis. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 87.0905(b). The purpose is to evaluate potential, future, on-site and/or adjacent, off-site noise sources. If preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit

information/analysis to DEHS for review and approval. For information and acoustical checklist, contact DEHS at (909) 387-4655.

27. Plans for food establishments shall be reviewed by DEHS (i.e., applicant shall contact DEHS to determine if cafeteria applies). For information, call DEHS/Plan Check at (909) 884-4056.

28. Noise Level. Noise level shall be maintained at or below County Standards, Development Code Section 87.0905(b). For information, call DEHS/Land Use at (800) 442-4323.

29. Refuse Storage/Disposal. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least **1** time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least at least **2** times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq. For information, call DEHS/Local Enforcement Agency (LEA) at (909) 387-4655.

30. RWQCB Clearance. If necessary, written clearance shall be obtained from the designated California Regional Water Quality Control Board (listed below) and a copy forwarded to the Division of Environmental Health Services.

Santa Ana Region, 3737 Main St., Suite 500, Riverside, CA 92501-3339, 909-782-4130.

PUBLIC WORKS - Land Development Division- Drainage (909) 387-8145

31. Infrequent Flood Hazards. The site may be subject to infrequent flood hazards by reasons of overflow, erosion and debris deposition in the event of a major storm.

32. FEMA Flood Zone. The project is located within Flood Zone X-shaded according to FEMA Panel Number 7870H dated 08/28/2008 and will require the building pad to be elevated 1 foot above natural highest adjacent ground in compliance with SBC regulations.

33. Tributary Drainage. Adequate provisions should be made to intercept and conduct the tributary off site-on site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties at the time the site is developed.

34. Additional Drainage Requirements. In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
35. Continuous BMP Maintenance. The property owner/"developer" is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved Water Quality Management Plan (WQMP) for the project. This includes but is not limited to, filter material replacement and sediment removal, as required to assure peak performance of all BMPs. Furthermore, such maintenance activity will require compliance with all Local, State, or Federal laws and regulations, including those pertaining to confined space and waste disposal methods in effect at the time such maintenance occurs.
36. BMP Enforcement. In the event the property owner/"developer" (including any successors or assigns) fails to accomplish the necessary BMP maintenance within five (5) days of being given written notice by County Public Works, then the County shall cause any required maintenance to be done. The entire cost and expense of the required maintenance shall be charged to the property owner and/or "developer", including administrative costs, attorney's fees and interest thereon at the rate authorized by the County Code from the date of the original notice to the date the expense is paid in full.

PUBLIC WORKS / Land Development Division – Road Section (909) 387-8145

37. Road Standards. All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans for each building phase.
38. Access. The property currently has temporary full turning movement access to Euclid Avenue. The County reserves the right in the future to construct and/or install a raised median on Euclid Avenue or other appropriate safety measures/traffic control devices for the purposes of protecting public health and safety, which could result in the property having only right-in and right-out access to Euclid Avenue.

PUBLIC WORKS -Solid Waste Division (909) 386-8701

39. Recycling Storage Capacity. The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of AB 2176.

40. Mandatory Commercial Recycling. Beginning July 1, 2012, all businesses defined to include a commercial or public entity that generates 4 or more cubic yards of commercial solid waste a week or is a multi-family residential dwelling of 5 units or more shall arrange for recycling services. The County is required to monitor business recycling and will require the business to provide recycling information. This requirement is to assist the County in compliance with the recycling requirements of AB 341.

COUNTY FIRE DEPARTMENT – Community Safety Division (909) 386-8465

41. Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein ("Fire Department"). Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department. [F01].
42. Additional Requirements. In addition to the Fire requirements stated herein, other on-site and off-site improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office. [F01A].
43. Fire Protection. Fire protection features shall meet the requirements stated in the written agreement between County Fire and the City of Upland Fire Department.
44. Access. The development shall have a minimum of two (2) points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. Standard 902.2.1
45. Multi-Story Road Access Width. Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height. [F41]
46. Building Plans. Not less than three (3) complete sets of Building Plans shall be submitted to the Fire Department for review and approval. [F42]
47. Turnaround. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of forty five (45) foot radius for all turns. In the FS1, FS2 or FS-3 Fire Safety Overlay District areas, there are additional requirements. Standard 902.2.1 [F43]

48. Access - 150+ feet. Roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire Department. These shall be extended to within one hundred fifty (150) feet of and shall give reasonable access to all portions of the exterior walls of the first story of any building. Standard 902.2.1 [F45]
49. Water System Commercial. A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. All fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel-ways) and no more than three hundred [300] feet from any portion of a structure. [F54]
50. Fire Sprinkler-NFPA #13. An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The plans (minimum 1/8" scale) shall include hydraulic calculations and manufacture's specification sheets. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal. Standard 101.1 [F59]
51. Fire Alarm. A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. Standard 1007.1.1FA. [F62A]
52. Hood And Duct Suppression. An automatic hood and duct fire extinguishing system is required. A Fire Department approved designer/installer shall submit three (3) sets of detailed plans (minimum 1/8" scale) with manufactures' specification sheets to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. [F65]
53. Commercial Addressing. Commercial and industrial developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum six (6) inches in height and with a three quarter (3/4) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. Standard 901.4.4 [F82]

54. Key Box. An approved Fire Department key box is required. The key box shall be provided with a tamper switch and shall be monitored by a Fire Department approved central monitoring service. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock. Standard 902.4 [F85]
55. Fire Extinguishers. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. [F88]
56. Fire Lanes. The applicant shall submit a fire lane plan to the Fire Department for review and approval. Fire lane curbs shall be painted red. The "No Parking, Fire Lane" signs shall be installed on public/private roads in accordance with the approved plan. Standard 901.4 [F93]
57. Fire department access shall be provided on at least three sides of the structure. This access shall include areas free of landscaping for ground ladder or truck company operations. All other landscaping shall provide a minimum of 13'-6" vertical clearance.
58. A class I standpipe installed per the fire code and NFPA 14 2007 edition is required.

**PRIOR TO ISSUANCE OF GRADING PERMITS OR
ANY LAND DISTURBING ACTIVITY
THE FOLLOWING SHALL BE COMPLETED**

LAND USE SERVICES DEPARTMENT - Building and Safety Division (909) 387-4226

59. Grading Plans. Grading plans shall be submitted to Building and Safety Division for review and approval prior to grading/land disturbance.
60. Geology Report. When earthwork quantities exceed 5,000 cubic yards, an engineering geology report shall be submitted to the Building and Safety Division for review and approval prior to the issuance of grading permits.
61. Soils Report. When earthwork quantities exceed 5,000 cubic yards, a geotechnical (soil) report shall be submitted to Building and Safety Division for review and approval prior to issuance of a grading permit.
62. NPDES. An NPDES permit-Notice of Intent (NOI) is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics.
63. WDID. Prior to permit issuance, construction projects involving one or more acres shall be accompanied by a copy of the Regional Board permit letter with the WDID#. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.

LAND USE SERVICES DEPARTMENT – Current Planning Division (909) 387-4115

64. Grading Plan. A copy of the final grading plan, shall be submitted to the satisfaction of County Current Planning staff and shall include the following:
 - a. Fill material quantities shall not exceed thirty (30) feet in depth.
 - b. Manufactured slopes shall not exceed ten (10) feet in height, where natural terrain slope is 10% or less. The toe and crest of any slope in excess of ten (10) feet in height shall be rounded and gradually adjusted to the angle of the natural terrain.
 - c. Off-site grading easements shall be obtained where necessary and copies shall be submitted to County Planning prior to grading.
 - d. Any areas to be graded and remain undeveloped after construction shall be revegetated according to the approved landscape plans as soon as possible, but no later than ninety (90) days after the cessation of grading activities.
 - e. Landscape design and plant selection in areas directly adjacent to open space shall conform to the surrounding native vegetation. The use of

native trees and shrub species should match those present on and adjacent to the site.

65. Construction Security Lighting. During construction, on-site security measures shall include the provision of low-level security lighting. Additional measures may include the provision of private security personnel during hours when construction activities are not being performed and/or the securing of all machinery and related equipment.

COUNTY FIRE DEPARTMENT – Community Safety (909) 386-8465

66. Inspection by Fire Department. Permission to occupy or use the building (Certification of Occupancy or Shell Release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for "fire final". [F03]
67. FS-3. The County General Plan designates this property as being within the Fire Safety Review Area 3 (three) and all future construction shall adhere to all applicable standards and requirements of this overlay district. [F04C]
68. Water System. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix IIIA of the Uniform Fire Code. [F-05]
69. Fire Flow Test. Your submittal did not include a flow test report to establish whether the public water supply is capable of meeting your project fire flow demand. You will be required to either produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied or you must install an approved fire sprinkler system. This requirement shall be completed prior to combination inspection by Building and Safety. [F05B]

PUBLIC WORKS - Land Development Engineering - Drainage (909) 387-8145

70. Drainage Facility Design. A Registered Civil Engineer shall investigate and design adequate drainage facilities to intercept and conduct the off-site and on-site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$520 deposit for drainage review will be collected upon submittal to the Land Development Division.
71. Drainage Easements. Adequate San Bernardino County Drainage Easements (minimum fifteen [15] feet wide) shall be provided over the natural drainage

courses, drainage facilities/or concentration of runoff from the site to where it dewateres onto private property.

72. FEMA Flood Zone. The project is located within Flood Zone X-shaded according to FEMA Panel Number 7870H dated 08/28/2008 and will require the building pad to be elevated 1 foot above natural highest adjacent ground in compliance with SBC regulations. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.

73. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.

74. Grading Plans. Grading Plans shall be submitted for review and approval obtained. A \$520 deposit for grading plan review will be collected upon submittal to the Land Development Division.

75. WQMP. A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained. A \$2,500 deposit for WQMP review will be collected upon submittal to the Land Development Division. Copies of the WQMP guidance and template can be found at:

http://www.sbcounty.gov/dpw/land/environmental_mgmt.asp.

76. WQMP Inspection Fee. The developer shall deposit an inspection fee for WQMP in the amount of \$3,600 to the Land Development Division.

PUBLIC WORKS -Solid Waste Division (909) 386-8968

77. C&D Plan-Part 1. The developer shall prepare, submit, and obtain approval from Solid Waste Management Division (SWMD) of a "Construction Waste Management Recycling Plan (C&D Plan), Part 1. The C&D Plan shall list the types and volumes of solid waste materials expected to be generated from grading and construction. The Plan shall include options to divert from landfill disposal materials for reuse or recycling by a minimum of 50% of total volume.

Upon completion of construction, the developer shall complete "SWMD's C&D Plan Part 2". This summary shall provide documentation of diversion of materials including but not limited to receipts or letters documenting material types and weights from diversion facilities or certification reuse of materials on site.

PUBLIC HEALTH DEPT. – Div. Environmental Health Services (DEHS) (909) 387-4666

78. Vector Survey. The project area has a high probability of containing and breeding vectors. Prior to grading vegetation and/or demolition of any structures. DEHS Vector Control Section will determine the need for vector survey and any required control programs. A vector clearance letter shall be submitted to DEHS/Land Use. For information, contact Vector Control at (909) 388-4600.

**PRIOR TO ISSUANCE OF BUILDING PERMITS
THE FOLLOWING SHALL BE COMPLETED**

LAND USE SERVICES DEPARTMENT - Building and Safety Division (909) 387-4226

79. Lot Merger. The lot merger must be completed and recorded prior to issuance of any building permit.
80. Building Plans. Any building, sign, or structure to be constructed or located on site will require professionally prepared plans approved by the Building and Safety Division.
81. Wall, Fence, Trash Enclosure Plans. Submit plans for separate building permits for any required walls, retaining walls or trash enclosures. Submit plans for all greater than six feet (6') in height and any walls required by Planning.
82. Disabled Access. Provide a path of travel from the disabled person accessible parking spaces up to the primary entrance of each accessible building or area.

LAND USE SERVICES DEPARTMENT – Current Planning Division (909) 387-4115

83. Landscape and Irrigation Plan. The developer shall submit and obtain approval from County Planning and County Public Works of four (4) copies of a Landscape and Irrigation Plan prepared by a registered landscape architect showing compliance with Chapter 83.10, Landscaping Standards, and Section 83.11.080, Landscape Requirements for Parking Areas, of the County Development Code. The plan shall indicate the location of all existing and proposed landscape materials. The installation details for the permanent irrigation system shall be shown on a separate sheet. The landscape and irrigation plans shall detail and adhere to the following requirements:
 - a. Minimum Land Area. The minimum landscaping required for this project is twenty percent (20%) of the net land area. Only landscape areas five feet (5') or wider shall be considered in calculating the minimum landscaping requirement. The landscape plan shall provide at minimum the equivalent of one tree for every thirty (30) linear feet of building in addition to those required for parking areas and streets. Wall expanses shall be protected from graffiti by adjacent plantings of shrubs and vines.
 - b. Plan Contents. The plans shall show the size, type, number, planting specifications and locations of all existing and proposed plant material. Landscaping shall promote erosion control, reduce water consumption and increase slope stability. Where possible, the plan shall utilize indigenous landscaping or locally adaptable drought-tolerant cultivars, trees and turf capable of surviving the local climate and soil conditions with a minimum of

supplemental water maintenance once established. The plan shall also detail the location and design of all hardscape elements such as patterned brick decorative rock or other surface treatments proposed for entry drives and walkways. The detail of proposed walls and fences shall be shown with elevations. Any additional landscape elements such as boulders, water features, outside furniture and other fixtures shall be shown. Maximum corner sight distance shall be shown for all trees, walls, and other objects at intersections of driveways and roadways.

- c. Irrigation Plans – Professionally Prepared. Irrigation plans shall be prepared by a landscape professional to design an efficient irrigation system, which minimizes water loss (runoff/ evaporation) and maximizes water delivery to reach plant roots. The irrigation plans shall indicate: 1) consumption in gallons per minute (GPM) 2) static pounds per square inch (psi) on the delivery side of the service backflow device and 3) the GPM and psi of the irrigation system located on the longest distance from the delivery service. The plans shall include the following:
 - i. Drip, bubbler or other non-aerial water serving methods
 - ii. Timers and moisture sensors for controlled application.
 - iii. All mainline connections, backflow valves and other mainline inline devices shall be the same size or larger than the delivery service connection.
 - iv. Suitable temporary irrigation methods may be substituted upon written approval by County Planning for drought/fire resistant plantings.
- d. Screening. Voltage boxes, mailboxes, trash enclosures, maintenance structures, backflow devices, automatic controls, air conditioning/heating units, etc., shall be screened with landscaping and/or decorative walls and fencing. All walls visible to the public shall be decorative and incorporate features such as tree planter wells, columns, or other features.
- e. Parking areas. Parking areas shall be densely screened with landscaping or walls to a minimum of three feet high to defuse headlights. The view from surrounding streets of any loading and outside storage areas shall be fully screened with a combination of screenwalls, fencing and dense landscaping.
 - i. Walls. All walls must be clearly shown on the landscape plans and shall be specifically approved by County Planning prior to construction. Show the location, elevation and materials proposed for use on all walls, including retaining walls. Retaining walls shall

not exceed ten (10) feet in height. All walls required by this approval shall require building permits.

- ii. Wall Screening. Where landscaping is used to screen or cover walls/fences it shall achieve 90% coverage within three (3) years of building occupancy. Failure to accomplish this objective shall require additional corrective measures, as determined by County Code Enforcement and extension of the required Special Use Permit.
- iii. Refuse Areas. A six (6) foot high masonry wall shall be constructed around all refuse collection areas and shall be sized to hold a minimum of two dumpsters (trash and recycling). Trash enclosures shall have solid wood or metal doors. Trash enclosures shall be covered with a rainproof roof to prevent pollution of storm water. Graffiti shall be discouraged through landscaping with shrubs and vines along masonry walls.

84. Water Efficient Landscaping. Prior to approval of landscape plans, the County Planning Division shall verify that the landscape design reflects the efficiency requirements of the County and State water efficient landscape requirements, including installation of water efficient irrigation, water efficient plant design, 99 percent turf reduction, and use of recycled water in irrigation.

85. Underground Utilities. All existing and new utilities of 12KV or less within the project and along Euclid Avenue shall be installed underground.

86. Lighting Plan. The developer shall submit a Lighting Plan showing compliance with Chapter 83.07, Glare and Outdoor Lighting, to the satisfaction of County Planning.

87. Signs. The applicant must submit separate sign plans for review and approval in compliance with Chapter 83.13, Sign Regulations, of the County Development Code for any signs proposed.

88. Parcel Merger. The parcel merger must be recorded and evidence provided to the Planning Division prior to issuance of building permits.

89. Street Lighting Plan. A street lighting plan shall be submitted for review and approval prior to building permit issuance.

LAND USE SERVICES DEPARTMENT - Code Enforcement Division (909) 387-4044

90. Sign Registration. Prior to installation of any freestanding, wall, roof, projecting or monument sign, an approved sign registration application and plot plan are required.

PUBLIC WORKS - Land Development Division- Road Section (909) 387-8218

91. Road Dedication/Improvement. The developer shall submit for review and obtain approval from the County Public Works of the following dedications, plans and permits for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California. These shall be submitted to the Department of Public Works (DPW), located at 825 E. Third Street, San Bernardino CA 92415-0835. Phone: (909) 387-8145.

Euclid Avenue (Major Highway – 104')

- Road Dedication. A two-foot (2') grant of easement is required to provide a half-width right-of-way of 52'.
- Street Improvements. Design curb and gutter with match up paving 40 feet from centerline.
- Sidewalks. Design sidewalks per County Standard 109 type C.
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129, and located per Standard 130.

92. Road Design. Road sections within and/or bordering the project site shall be designed and constructed to Valley Road Standards of San Bernardino County, and to the policies and requirements of the County Department of Public Works and in accordance with the Master Plan of Highways.vgdcvgdvc

93. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction.

94. Utilities. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County.

95. Encroachment Permits. Prior to installation of road and drainage improvements, a permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8039, as well as other agencies prior to work within their jurisdiction.

96. Soils Testing. Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to San Bernardino County and a written report shall be submitted to the Transportation Operations Division, Permits Section of County Public Works, prior to any placement of base materials and/or paving.

97. Open Roads/Cash Deposit. Existing County roads, which will require reconstruction, shall remain open for traffic at all times, with adequate detours, during actual construction. A cash deposit shall be made to cover the cost of grading and paving prior to issuance of road encroachment permit. Upon completion of the road and drainage improvement to the satisfaction of the Department of Public Works, the cash deposit may be refunded.
98. Transitional Improvements. Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.
99. Street Gradients. Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of County Public Works confirming the adequacy of the grade.

PUBLIC WORKS - Traffic (909) 387-8186

100. This project falls within the Regional Transportation Facilities Mitigation Plan for the Upland Subarea. This fee shall be paid by a cashier's check to the Department of Public Works Business Office. The fee assessed will be based on the applicable rates at the time of application for a building permit. These fees are subject to change however the current Regional Transportation Fee Plan can be found at the following website:
http://www.sbcounty.gov/dpw/transportation/transportation_planning.asp

PUBLIC WORKS-Surveyor (909) 387-8149

101. If any activity on this project will disturb any land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed surveyor or registered civil engineer authorized to practice land surveying prior to commencement of any activity with the potential to disturb said monumentation, and a corner record record or record of survey of the references shall be filed with the County Surveyor (Section 8771(b) Business and Professions Code).
102. The following conditions shall apply where the monuments of record cannot be located and the boundary must be determined for construction purposes. Record of Survey/Corner Record shall be filed in for: 1) Legal descriptions or construction staking based upon a field survey of the boundary or building setbacks; 2) Monuments set to mark the property lines; or Pursuant to applicable sections of the Business and Professions Code.

**PRIOR TO FINAL INSPECTION OR OCCUPANCY
THE FOLLOWING SHALL BE COMPLETED**

LAND USE SERVICES DEPARTMENT - Building and Safety Division (909) 387-4226

103. Van Accessible Parking. Provide van accessible parking spaces for the disabled. One in every eight accessible spaces, but not less than one, shall be served by an accessible aisle 96 inches wide and shall be designated van accessible. ***The words “NO PARKING” shall be painted on the ground within each eight-foot loading area as specified in the California Building Code.***

LAND USE SERVICES DEPARTMENT – Current Planning Division (909) 387-4115

104. Landscaping Surety. Surety in a form and manner determined acceptable to County Counsel and the Land Use Services Director shall be required for all landscape planting and irrigation systems to insure that the landscaping remains in a healthy thriving condition for a minimum of three (3) full years and that the irrigation system continues to function properly for a minimum of three (3) full years. As a minimum this surety shall be in an amount equal to 120% of the cost estimate by a licensed landscape architect and must include material and labor for each landscaped area. Failure to accomplish the screening and other landscape objectives listed in the landscaping conditions for this proposed use shall require additional/replacement plantings or other corrective measures as determined necessary by County Code Enforcement. Also the requirement for the Special Use Permit shall be extended and continue until such time as the objective has been accomplished to the satisfaction of County Code Enforcement and sustained for one year.
105. Landscaping Installed. All landscaping and all walls/fencing, walking paths, etc. as delineated on the approved landscape plan shall be installed.
106. Screen Dumpsters. All trash receptacles shall be screened from public view and shall have a waterproof roof.

LAND USE SERVICES DEPARTMENT - Code Enforcement Division (909) 387-4044

107. Special Use Permit - Landscaping. The developer shall submit an application with the appropriate fees and obtain approval of a Special Use Permit for the confirmation inspections and administration of the surety to guarantee the installation, proper maintenance, and survival of the required landscaping.

PUBLIC WORKS - Land Development Engineering – Drainage Section (909) 387- 8145

108. Drainage and WQMP Improvements. All required drainage and WQMP improvements, for each building (phase), shall be completed by the applicant, inspected and approved by County Public Works.
109. WQMP Final File. An electronic file of the final and approved WQMP, for each building (phase), shall be submitted to the Land Development Division, Drainage Section.

PUBLIC WORKS - Land Development Engineering – Road Section (909) 387- 8145

110. Road Improvements. All required on-site and off-site improvements required for each building (phase), shall be completed by the applicant, inspected and approved by County Public Works.
111. Structural Section Testing. A thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer, shall be submitted to County Public Works.
112. Parkway Planting. Trees, irrigation systems, and landscaping required to be installed on the public right-of-way within this-project area shall be approved by County Public Works, maintained by other than the County Public Works Department and Current Planning, and shall be Maintained by the adjacent property owner or other County-approved entity.

PUBLIC WORKS -Solid Waste Division (909) 386-8968

113. C&D Plan- Part 2. The developer shall complete SWMD's C&D Plan Part 2. This summary shall provide documentation of diversion materials including but not limited to receipts or letters from diversion facilities or certification reuse of materials on site. The C&D Plan-Part 2 shall provide evidence to the satisfaction of County Solid Waste that demonstrates that the project has diverted from landfill disposal materials for reuse or recycling by a minimum of 50% of total volume of all construction waste.

SPECIAL DISTRICTS (909) 387-5940

114. Street Lighting installed. All required streetlights shall be installed and operating to the satisfaction of the Special Districts Department. Contact Pamela Vandervoort at (909) 387-5940.

END OF CONDITIONS 10/04/12 – Gus Romo, Contract Planner

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EXHIBIT C

SURROUNDING PROPERTY OWNER AND/OR STAKEHOLDER COMMENTS

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**COMMENTS RECEIVED ON
OAKMONT SENIOR ASSISTED LIVING FACILITY
FROM
SURROUNDING PROPERTY OWNERS
AND/OR STAKEHOLDERS
(5 pages)**

>-----Original Message-----

>From: nelsons2459@roadrunner.com [mailto:nelsons2459@roadrunner.com]

>Sent: Wednesday, September 05, 2012 6:54 PM

>To: Bill Mabry

>Subject: Support of Oakmont Senior Living

>

>Hi Bill,

>I am support of your plans to construct Oakmont Senior Living facility. I know I am anxious for your project to get underway. The Heights needs this type of living facility and I welcome your plans.

>

>Thanks,

>Tina Nelson

>Founding Member,

>San Antonio Heights Association

From: Betty Jo Garrison [mailto:bettygigi@verizon.net]
Sent: Thursday, September 06, 2012 11:59 AM
To: Bill Mabry
Subject: Planned Facility in San Antonio Heights

Oh, I am so appreciative of the possibility of having a senior living facility in San Antonio Heights.

To us older citizens, it would allow us to have a senior facility, with the fire department and paramedic services just across the street, two churches just up the street, a restaurant and dry cleaners next door - all within the wonderful neighborhood in which we currently live.

I hope and pray this facility will be up and operating soon.

Betty Jo Garrison
Secretary, Board of Directors
San Antonio Heights Association

--

From: Michael Holzman [mailto:Mike.Holzman@cumbreinc.com]
Sent: Thursday, September 06, 2012 10:30 AM
To: Bill Mabry
Subject: Albertson's property - San Antonio Heights

Bill,

I am a board member of the San Antonio Heights Association and have lived in the heights since 2005. I am very excited about the planned development of the old Albertson's property and the building of the Oakmont Senior Living Facility.

For several years the property has been in a state of disrepair and is a constant reminder of the economic downturn and lack of commercial investment in our community. It will be great to have such a flagship property at the gateway to our neighborhood.

I fully support your efforts and if there is anything I can do to promote this project, please let me know.

Michael

Michael J. Holzman, ARM | Vice President / COO
Cumbre Insurance Services | Lic. 0708981
3333 Concourses, Suite 5100. | Ontario, CA 91764
909.484.2456 ext 103 | 909.484.2491 Fax | mike.holzman@cumbreinc.com
[Office](#) | [Website](#) | [Facebook](#) | [Twitter](#)

FW: Oakmont Senior Living Facility support

From: Bill Mabry <bill.mabry@oakmontsl.com>
To: 'Gus Romo'
Subject: FW: Oakmont Senior Living Facility support
Date: Sep 11, 2012 3:59 PM

William Mabry
Partner, Project Development
Oakmont Senior living LLC.
220 Concourse Blvd.
Santa Rosa, Ca. 95403
707 535 3208
bill.mabry@oakmontsl.com

From: John Navarro [mailto:johnlnavarro@aol.com]
Sent: Saturday, September 08, 2012 6:19 PM
To: Bill Mabry
Subject: Oakmont Senior Living Facility
Mr. Mabry,

You have my support. My name is John Navarro and am a member of the San Antonio Heights Association Board. We are long time residents of San Antonio Heights, with family ties dating back to 1921. We support the development of the Oakmont Senior Living Facility. The development of the abandoned Albertson's market would be a vast improvement to the Heights.

Respectfully,
John Navarro

From: Russ Parker [mailto:johnrussellparker@gmail.com] **On Behalf Of** Russ Parker
Sent: Wednesday, September 19, 2012 10:23 AM
To: Bill Mabry
Subject: RE: oakmont project

Bill:

The pastors and staff at Life Bible Fellowship Church are excited to welcome Oakmont Senior Living to the neighborhood. We are pleased that the property across the street from our church will be used to house seniors and provide a service to families in our area. We are also excited that the land use is not going to some other type of usage – such as storage lockers or other industrial purposes we had heard were potential options. We look forward to welcoming our new neighbors and establishing a partnership and friendship with the staff and residents of Oakmont Senior Living.

Sincerely,

Russ Parker

Pastor of Administration

Life Bible Fellowship Church

909.981.4848 ext 226

EXHIBIT D

ARCHITECTURAL PLANS (SITE PLANS, FLOOR PLANS, ELEVATIONS, LANDSCAPING PLAN)

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