APPENDIX A:

INDEX OF APPLICABLE ZONING ORDINANCE CHAPTERS

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APPENDIX B:
LIST OF INVASIVE AND UNDESIRABLE PLANT SPECIES

1. **Vinca major** - Periwinkle. This species is highly invasive, particularly in riparian areas. It thrives in the moist, shaded habitats found along stream areas and will dominate the habitat along the banks. Its habitat value to animals is not known.

2. **Lonicera japonica 'Halliana'** - Hall's honeysuckle. Honeysuckle is a vining shrub that can be somewhat invasive. The cultivated Hall's honeysuckle is especially prone to escape from cultivation and invade natural habitats. Its habitat value to animals is probably similar to the native honeysuckle species (prohibited in peripheral zones only).

3. **Bromus mollis, B. rubens and Avena barbata** - Soft grass, red brome and wild oats. These grasses are non-native and highly invasive. The bromes are commonly referred to as foxtail grasses. Slender wild oats was deliberately introduced as forage for cattle and sheep by the Spanish. These grasses could be used for hydro-seeding since they naturally re-vegetate and dominate disturbed areas. In addition, red brome and slender wild oats tend to dominate the areas in which they are found and prohibit the growth of other plant species. Their habitat value to animals is limited (prohibited in peripheral zones only).

4. **Carprobroitus edulis** - Hottentot fig. Also commonly known as iceplant. This is a very invasive plant, and will dominate the vegetation in a given area. Particularly successful on slopes. It provides only limited habitat value.

5. **Koelaria pyrimidata** - Junegrass, commonly used for erosion control, tends to be somewhat invasive. It provides only limited habitat value.

6. **Cortaderia hubata** - Pampas grass. Highly invasive grass that will take over wetlands. Its habitat value is extremely limited.

7. **Senecio mikanioides** - German ivy. Not a true ivy, but a perennial vine. Very weedy, invasive plant in coastal California. It provides no real habitat value.

8. **Tamarix spp.** - Tamarisk. Tamarisk are water lovers and become quickly established along drainage courses. They are very difficult to eradicate.

9. **Arundo donax** - Giant reed. Extremely invasive and difficult to control, particularly along drainage courses. Its habitat value is extremely limited.

10. **Ricinus communis** - Castor bean. Extremely invasive; common in degraded wetland areas. Its habitat value is unknown.

11. Additional species determined undesirable by Orange County Fire Authority.
APPENDIX C:

OCFA FUEL MODIFICATION GUIDELINES:
AVAILABLE FROM COMMUNITY DEVELOPMENT DEPARTMENT
OR FROM ORANGE COUNTY FIRE AUTHORITY
APPENDIX D:

CURRENT

RESOLUTION OF APPROVAL

FOR PLAZA PACIFICA PROJECT

(PLANNING AREA 1)
RESOLUTION NO. 99-77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING FOURTH REVISED TENTATIVE TRACT MAP 13530, SITE PLAN PERMIT 98-123, SIGN EXCEPTION PERMIT 98-124, AND AMENDMENT TO CONCEPT PLAN 94-23 FOR THE PLAZA PACIFICA PROJECT

WHEREAS, Pacific Development Group, One Corporate Plaza, Newport Beach, CA 92658, has requested approval of Fourth Revised Tentative Tract Map 13530, Site Plan Permit 98-123, and Sign Exception Permit 98-124, consisting of a site plan and revised tentative map for Area 2 of Plaza Pacifica (eastern portion of commercial area) for a combination Lucky’s-Savon store plus shops and other commercial uses, and a sign program for the entire commercial area. The site is a portion of Planning Area 1 in the Rancho San Clemente Specific Plan, the legal description being Lots 1 and 20 of Tract 12124 and Lots 1, 2, and A of Tract 12125; and

WHEREAS, the City's Development Management Team has reviewed the subject applications for compliance with General Plan policies, the Rancho San Clemente Specific Plan, and other applicable City ordinances and policies; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) Guidelines, the City’s Planning Division completed an Initial Study for the above referenced project and determined that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because of the mitigation measures described in the Initial Study and included in the project. The Planning Division has accordingly recommended that the Planning Commission recommend City Council approval of the Mitigated Negative Declaration; and

WHEREAS, on June 1, 1999, the Planning Commission held a duly-noticed public hearing on the subject applications, considered evidence presented by the Development Management Team, City Staff, and other interested parties, and recommended approval of Fourth Revised Tentative Tract Map TT 13530, Site Plan Permit SPP 98-123, Sign Exception Permit SEP 98-124, and amendment to Concept Plan 94-23; and

WHEREAS, on July 21, 1999, the City Council held a duly-noticed public hearing on the subject applications, considered evidence presented by the City staff and other interested parties, and the recommendations of the Planning Commission.

NOW, THEREFORE, the City Council of the City of San Clemente hereby resolves as follows:

Section 1: Pursuant to CEQA Guidelines Section 15063, an Initial Study has been prepared for this project. After reviewing the Initial Study, the proposed Mitigated Negative Declaration, and all comments received during the public review process, the City Council hereby determines that the project will not have a significant impact on the environment and approves the Mitigated Negative Declaration. This determination reflects the independent judgment of the City Council of the City of San Clemente. The preceding records are retained in...
the Planning Division of the City of San Clemente. Also, pursuant to Title 14, California Code of Regulation Section 753.5(c)(1), the City Council has determined that, after considering the record as a whole, there is no evidence that the proposed project will have the potential for any adverse effect on wildlife resources of the habitat upon which the wildlife depends. Furthermore, on the basis of substantial evidence, the City Council hereby finds that any presumption of adverse impact has adequately been rebutted. Therefore, pursuant to Fish and Game Code Section 711.2 and Title 14, California Code of Regulations Section 753.5(a)(3), the project is not required to pay Fish and Game Department filing fees.

Section 2: The City Council finds and determines as follows with regard to Fourth Revised Tentative Tract Map 13530:

1. The tentative tract map, together with the provisions for design and improvements and the conditions attached hereto as Exhibit A, are compatible with the objectives, policies, general land uses and programs specified in the General Plan of the City of San Clemente and the Rancho San Clemente Specific Plan in that:
   
a. The map is consistent with the Land Use Element of the General Plan and the Rancho San Clemente Specific Plan in that the development intensities conform to those allowed by the General Plan and the Rancho San Clemente Specific Plan for Planning Area 1; specifically the floor area ratio (FAR) for the commercial portion is within the General Plan and Specific Plan maximum of 0.35 and the density of the residential portion is within the General Plan and Specific Plan maximum of 15 dwelling units per net acre, and;
   
b. The map is consistent with all other aspects of the General Plan and the Rancho San Clemente Specific Plan in that the map conforms to said Plans with respect to drainage and sanitary facilities and utilities, including all alignments and grades thereof; location and size of all required easements and right-of-way; lot size and configuration; traffic access; grading; in-lieu fees for park or recreational purposes; housing; and such other specific requirements in the plan and configuration of the entire subdivisions as may be necessary or convenient to ensure conformity to, or implementation of, the General Plan and Rancho San Clemente Specific Plan.

2. The site is physically suitable for the proposed type of development in that it complies with improvement and land use requirements of the General Plan and Rancho San Clemente Specific Plan.

3. The site is physically suitable for the proposed density of development in that it complies with the density requirements of the General Plan and Rancho San Clemente Specific Plan.

4. The design of the subdivision and the proposed improvements are not likely to cause significant environmental damage or substantially and avoidably injure fish or wildlife or other habitat in that the sites are not designated as significant vegetative or wildlife habitat areas.
5. The design of the subdivision and the types of improvements are not likely to cause serious public health problems in that an Initial Study was prepared for the project as required by CEQA, which indicates that, with mitigation, the project will not have a negative adverse impact on public health.

6. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivisions in that there are no easements acquired by the public at large for access through or use of property within the proposed subdivision.

7. The proposed map, together with the provisions for design and improvements, is consistent with the Subdivision Map Act and the City of San Clemente's Subdivision Ordinance in that the proposal creates a total of 162 single family lots, one residential lot to be subdivided at a later date, 19 commercial lots, and a number of undevelopable lettered lots on 141.7 acres.

8. The proposed map is consistent with the Subdivision Map Act in that it has, to the extent feasible, taken into consideration future passive or natural heating or cooling opportunities.

9. The proposed map, together with the conditions of approval regarding the National Pollutant Discharge Elimination System is consistent with the Subdivision Map Act with regard to water quality.

10. The proposed map is consistent with the Subdivision Map Act in that it has taken into consideration the housing needs of the region balanced with the need for public services.

Section 3: The City Council finds and determines as follows with regard to Site Plan Permit SPP 98-123:

1. The proposed development is permitted within the subject zone pursuant to the approval of a site plan permit and complies with all applicable provisions of the Zoning Code and the Rancho San Clemente Specific Plan, the goals, objectives, and policies of the San Clemente General Plan, and the purpose and intent of the zone in which the development is being proposed.

2. The site is suitable for the type and intensity of development that is proposed in that it complies with the type and intensity requirements of the General Plan and Rancho San Clemente Specific Plan with regard to the commercial portion of the project.

3. As conditioned, the proposed development will not be detrimental to the public health, safety, or welfare, or materially injurious to properties and improvements in the vicinity in that the commercial land use is consistent with the General Plan and Rancho San Clemente Specific Plan and with the existing and planned land uses on surrounding properties.

4. As conditioned, the proposed development will not be unsightly or create disharmony with its locale and surroundings in that the commercial site, landscaping,
architectural, and other plans have been reviewed to ensure design quality and consistency with applicable City ordinances and policies relating to design and visual standards.

5. As conditioned, the proposed development will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or location in that the commercial development is consistent with the General Plan, Zoning Ordinance, and Rancho San Clemente Specific Plan relating to land use, development standards, and other applicable regulations and policies.

Section 4: The City Council finds and determines as follows with regard to Sign Exception Permit SEP 98-124:

1. There are unique or unusual circumstances relating to the size of the site or business, shape of the site or business, location and orientation of the site or business, proximity to street frontage or length of street frontage that do not allow the site or business to achieve the goals and objectives of the San Clemente Zoning Ordinance for adequate business identification in that the large size and long frontage of the site and the 130-foot+ setback from Avenida Pico requires development of a special sign program in order to achieve adequate identification.

2. The sign exception permit is not contrary to the intent of the General Plan or the Rancho San Clemente Specific Plan in that it provides a program for attractive controlled signage throughout the Plaza Pacifica commercial center in accordance with the policies of the Urban Design Element and other applicable elements of the General Plan.

3. The sign exception permit is not a grant of special privileges inconsistent with the limitations of other similarly-situated properties in that projects of this size also have or are eligible for special sign programs and that such sign programs, in return for the granted flexibility regarding size and number of signs, provide more stringent controls on their materials, construction, and appearance than is normally imposed by City regulations on signs not covered by such programs.

4. The sign exception permit will not create a traffic or safety hazard and will not adversely impact surrounding properties by increasing light, glare, or noise in that all signs will be set back from all intersections in order to preserve traffic sight lines, all signage will be placed at least 400 feet from the nearest residential lot, and building identification signs will face away from such residential areas.

Section 5: The City Council finds and determines that, per Subsection 503-F of the Rancho San Clemente Specific Plan, amended Concept Plan 94-23, consisting of: (1) Fourth Revised Tentative Tract Map 13350, (2) the approved commercial area site plans, including the site plan approved on January 7, 1998 and supplemented by the present plan for Phase 2 (SPP 98-123), and (3) the previously-approved residential site plans, is consistent with the Rancho San Clemente Specific Plan and the General Plan in that said plans conform to the Specific and
General Plan requirements for comprehensive planning of the entire Rancho San Clemente Planning Area 1.

Section 6: The City Council hereby takes the following actions:

1. Adopts the Mitigated Negative Declaration as attached to the July 21, 1999 staff report distributed to the City Council;

2. Approves Fourth Revised Tentative Tract Map 13530, subject to the conditions specified in Exhibit “A” attached hereto;

3. Approves Site Plan Permit SPP 98-123, subject to the conditions specified in Exhibit “A” attached hereto;

4. Approves Sign Exception Permit SEP 98-124, subject to the conditions specified in Exhibit “A” attached hereto;

5. Approves Amended Concept Plan 94-23 to replace the Concept Plan approved on January 7, 1998 with the most recently approved combination of tentative map and commercial and residential site plans, including previous approvals still in effect, plus the present Fourth Revised Tentative Tract Map 13350 and the site plan for Phase 2 of the commercial area (SPP 98-123);

PASSED AND ADOPTED this 21st day of July, 1999.

__________________________
Mayor of the City of
San Clemente, California

ATTEST:

__________________________
CITY CLERK of the City of
San Clemente, California

[SIGNED COPY AVAILABLE AT CITY CLERK’S OFFICE]
I, MYRNA ERWAY, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. 99-77 was adopted at a regular meeting of the City Council of the City of San Clemente held on the 21st day of July, 1999, by the following vote:

AYES:
NOES:
ABSENT:

_________________________
CITY CLERK of the City of  
San Clemente, California

Approved as to form:

_________________________________________
City Attorney
EXHIBIT A:
CONDITIONS OF APPROVAL FOR
FOURTH REVISED TENTATIVE TRACT MAP 13530,
SITE PLAN PERMIT 98-123, SIGN EXCEPTION PERMIT 98-124
AND PREVIOUSLY-ADOPTED CONDITIONAL USE PERMIT 94-56

Notes:
• An asterisk (*) denotes a standard condition of approval.
• Bold type (other than headings) denotes additions or wording changes from the previous approval resolution.
• A strikethrough means a condition deleted because it has already been satisfied or is no longer applicable.

GENERAL CONDITIONS

1*. The owner or designee shall develop the approved project in substantial conformance with Fourth Revised Tentative Tract 13530, Site Plan Permit 98-123 Sign Exception Permit 98-124 and previously-adopted Conditional Use Permit 94-56 (allowing sale of alcoholic beverages), and associated elevations, material sample boards, and preliminary landscape plan approved by the City Council, except as modified by these Conditions of Approval. (Plng.)

2*. Signage is not part of this review. Any signage for this shopping center, theaters, offices or other uses shall require the owner or designee to submit for review and obtain approval of a Master Sign Program in accordance with the City's Sign Ordinance. All signs within the commercial portion of the project shall conform to the Sign Program approved per Sign Exception Permit 98-124. (Plng.)

3*. Within two years after the approval date of this Fourth Revised Tentative Tract 13530, unless an extension is granted as provided in Chapter 35 of the Code of the City of San Clemente and Section 66452.6 of the Government Code of the State of California (Subdivision Map Act), the owner or designee shall submit for review and shall obtain the approval of the City Council for, a final map or multiple final maps prepared by a registered civil engineer. The final map(s) shall be subject to all pertinent requirements of the Subdivision Map Act and shall conform to the approved tentative tract map, City standards, and all other applicable approved plans, codes, ordinances, statutes and regulations. (Plng.)

4*. The owner or designee shall defend, indemnify and hold harmless the City of San Clemente, its agents, officers and employees from any claim, action or proceeding against the City of San Clemente, its agents, officers or employees to attack, set aside, void or annul an approval of the City of San Clemente concerning Tentative Tract 13530 and associated approvals, when such claim, action or proceeding is brought within the time period provided under Government Code Section 66499.37. The City shall notify the owner or designee of any claim, action or proceeding and the City shall cooperate fully in the defense of the above. (Plng.)
5*. The owner or designee shall not pave any street under which cable TV conduit is to be placed without actual notice to Cox Communications or their successor in interest, for the installation of cable conduit. Notice shall be sent to Cox Communications, General Manager, at the company’s current headquarters address in Orange County.

**Sale of Alcoholic Beverages**

6*. The sale of alcoholic beverages for off-site consumption shall be limited to the commercial area and shall be limited to the hours of 7 a.m. to 11 p.m. Sunday through Thursday and from 7 a.m. to 12:00 a.m. on Friday and Saturday. Any proposed increase in the hours of operation shall require an amendment to this conditional use permit. Any sale of alcoholic beverages in connection with the sale of motor vehicle fuel shall require a separate conditional use permit. (Plng.)

7*. The owner or designee shall obey all rules, regulations and conditions imposed upon the project through, but not limited to, the Alcoholic Beverage Commission (ABC) and relevant State laws. Prior to any sale of the ABC license, the owner or designee shall notify the Community Development Department of the sale. (Plng.)

8*. Conditional Use Permit No. 94-56 shall become null and void if the first use (i.e. business) selling alcoholic beverages is not established within two years from the date of this resolution. Since the sale of alcoholic beverages does not require the issuance of a building permit, the first use shall not be deemed to have been established until the date the use becomes operational and/or opens for business within the commercial center.

The use shall be deemed to have lapsed and Conditional Use Permit 94-56 shall be deemed to have expired one year after the date the use ceases operation and/or the business closes at such location.

The owner or designee shall have the right to request an extension of Conditional Use Permit 94-56 if said request is made and filed with the Planning Division prior to the expiration date as set forth herein. The request shall be subject to review and approval by the Planning Commission. (Plng.)

**CONDITIONS TO BE SATISFIED PRIOR TO FINAL TRACT MAP APPROVAL**

**Planning**

9*. Prior to the first final tract map approval or building permit, the owner or designee shall submit written consent to all of these imposed conditions to the Community Development Director or designee. The owner or designee understands that this resolution of approval will be of no force or effect unless such written consent is submitted to the City. The owner reserves the right to apply for a Development Agreement to be approved by the City Council, which would modify these conditions of approval accordingly. (Plng.)
10. Prior to the approval of any final tract map for the theater complex, if any, the owner or designee shall submit for Community Development Director approval, revised development plans for the complex. Said plans shall incorporate the following revisions:

   A. Augmentation of tree planting, overall landscaping, and pedestrian amenities along the main drive aisle in front of the store fronts to create a “grand boulevard” appearance.
   B. Detailed large-scale plans for both the theater plaza, if any, and the main entry plaza in front of Building 5A showing details of water features, enriched paving, pedestrian amenities, landscaping, and other features.
   C. Refinements and additions to the theater facade, the rear elevations of Major “4” and the other commercial buildings opposite the new PUD residential area, and the flat-roofed tower elements.
   D. Revisions to access and internal circulation system in response to comments from the City’s Engineering Division to ensure safe and workable circulation such as, but not limited to, adequate turning radii for trucks, redesign of entry “D” as a main entry, landscaping limitations to maintain sight distances, provision of bus turnouts, and provision of 35-foot curb radii arterial street intersection.
   E. Revisions to the pedestrian access and internal circulation system to ensure convenient and pedestrian-friendly access from surrounding streets and through the parking lot to the stores. Walkways shall be placed: (1) alongside all entry drives, and (2) through the parking lot within medians placed between adjacent rows of parking stalls.

   The preceding plans shall be approved by the Community Development Director. If the Director finds that the revisions do not conform to direction given by the Planning Commission during review of the project, he shall refer the relevant plans to the Planning Commission for review. (Plng.)

11. Prior to the first final tract map approval or building permit for residential use, the owner or designee shall submit for review and approval by the Director of Community Development, an Affordable Housing Implementation Plan which provides for the following: (Plng.)

   A. The number of affordable units required shall be 14% of the number of residential dwelling units to be constructed in Rancho San Clemente Planning Area 1.
   B. The Plan shall indicate that the required number of affordable dwelling units shall be provided on-site, off-site, or by the payment of in-lieu fees as prescribed by the Housing Element of the General Plan, and that the plan will be approved prior to issuance of buildings permits for any residential units.

CC&R’s

12. Prior to each final tract map approval or building permit, the owner or designee shall submit to the Community Development Department and shall obtain the approval of the City Attorney or designee of the Covenants, Conditions and Restrictions (CC&R’s) for the

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“*” = standard condition of approval. Bold type (other than headings) = wording changes or additions from the previous approval resolution. **Strikethrough** = a condition deleted because it has already been satisfied or is no longer applicable.
residential development and the commercial development which shall provide for the following:

A. Creation of at least two separate Master Associations and/or a Sub-associations (residential and commercial) for the purpose of providing for control over the uniformity of boundary fencing, and the perpetual maintenance responsibility of areas including, but not limited to, all common areas, open space, slopes, fuel modification zones, private medians and greenbelts, arterial highway parkway landscaping, irrigation systems, landscaped areas, walls, private streets, street lights, drainage, and weed abatement of the public right-of-way for Vista Pacifica through the off-site open space. All streets, drainage, street lights, street signage and striping improvements within the interior of the residential subdivision designated as private and all commercial streets, drainage, street lights, signage, striping, driveways, accessways and parking areas designated as private shall remain private and shall be maintained by a Master Association and/or Sub-association, or such other provision for maintenance which may be subsequently approved by the City Council. In addition, the CC&R’s shall indicate all other areas to be owned and maintained by the Master Association and/or Sub-association and that maintenance of all private drainage facilities shall be in conformance with NPDES requirements. (Eng.)

B. Within 15 days of the establishment of the homeowners association and/or the commercial property owners association, the owner or designee is required to furnish the Board or Officers of each association a copy of each approved tract map, a copy of the approved site and fencing plan, copies of all approved landscaping plans, a complete set of construction plans for the various residential model types, and approved plans indicating the locations and characteristics of all major project components, utilities, and related data. (Plng.)

C. Following recordation of each final tract map, each Master Association of this tract shall submit to the Community Development Department, for distribution to the Fire and Beaches, Parks and Recreation Departments, and shall re-submit annually, a list of all current Property Owner Association officers of the Association. (Plng.)

D. The establishment of setback and height requirements for residential additions and accessory structures conforming with the development standards as set forth in the most-recently approved site plan and in City ordinances, including the restriction that no single story structure shall be converted to a two-story structure. (Plng.)

E. A statement indicating that open space shall be retained by deed restriction as designated open space in perpetuity and maintained by a Master Association and/or the sub-association, and that no development or encroachment shall be permitted within the designated open space, unless approved by the Director of Community Development in accordance with Condition No. 28 below. (Plng.)
F. A statement indicating that proposed amendments to the CC&R's shall be submitted for review to the Community Development Director or designee, and shall be approved by the City Attorney prior to the amendments being valid. (Plng.)

G. A statement indicating that the City has the right, but not the obligation, to enforce any of the provisions of the CC&R's. (Plng.)

H. Agreement by and between the owner or designee and Association, that storm drain facilities shall be inspected regularly as follows:

1) Open channels and catch basins inspected annually before storm season and removal of debris as necessary.
2) Underground drainage facilities over 38” in diameter shall be inspected every 2 years.
3) All facilities shall have debris and sediment removed either manually or by mechanical methods. Flushing shall be used in emergency situations only. (Eng.)

I. Agreement by the owner or designee and Association that on an annual basis in the month of June, reports will be furnished to the City in compliance with the reporting requirements of codes and ordinances adopted by the City with for NPDES. (Eng.)

J. The CC&R's shall contain fire prevention and defense provisions including: a) a fire lane map; b) provisions which prohibit parking in fire lanes and a method of enforcement; and c) provisions for maintenance of fuel modification zones. Also, a method for keeping fire protection access easements unobstructed shall be included. The approval of the Fire Chief shall be required for any modifications such as speed bumps, control gates, or parking changes. (Fire)

K. The CC&R’s shall provide for the maintenance of Street “B” from Street Y to Avenida La Pata and the storm drain from Street “B” to the MO2 box culvert by the existing residential master homeowners association. (Eng.)

L. The PUD residential area may annex into the residential master homeowner association, or may form a separate homeowner association with provisions for contribution to the maintenance of Street “B” to the satisfaction of the City. (Plng.)

Buyer Notification

13.* Prior to each final residential tract map approval or building permit, the owner or designee shall submit for review, and shall obtain the approval of the City Attorney or designee for, a buyer's notification disclosure form to be given to all potential buyers of the lots/units, which indicates the existence, operations, characteristics, and hazards of the following:

- Prima Deshecha Landfill
- TRW
- United States Marine Corps, Camp Pendleton
- San Onofre Nuclear Generating Station

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- Ford Aerospace
- Fire hazard due to wildland exposure
- The Forster Ranch ridgeline trail and connections
- **The Foothill Corridor “BX” alternative alignment**
- **The future extension of Avenida Vista Hermosa to Avenida Pico**

A place for the buyers' written acknowledgment of these factors shall be provided on the disclosure forms.

**Fees**

14.* The following fees shall be paid:

A. Prior to each final tract map approval or building permit, the owner or designee shall pay all applicable subdivision and final map fees for that map, which may include, but are not limited to, City Attorney CC&R review, park acquisition and development, water and sewer connection, drainage, SDG&E street light energizing fee and any fees approved by City Council.

B. Prior to approval of the first final map, the owner or designee shall pay a reclaimed water fee to the City for the use of the Avenida Pico reclaimed water line. This fee shall be in an amount equal to the applicant’s fair share of the cost of the water line as determined by the City Council.

**Final Map Requirements**

15.* Prior to each final tract map approval or building permit within the residential portion of this tentative tract map, the owner or designee shall indicate on the final map that all residential streets, drainage, street lights, street signage and striping improvements within the interior of this subdivision are private and shall be maintained by the Master Association and/or Sub-association, or such other provision for maintenance which may be subsequently approved by the City Council.

16.* Prior to each final tract map approval, the owner or designee shall indicate on the final map, the location of all easements for open space and trails, storm drain improvements, public street lights, utilities, reciprocal access, slopes, and landscaping. All drainage easements shall be a minimum of 15 feet wide. No drainage facilities accepted for dedication or maintenance by the City shall be located within any existing or proposed slopes. Facilities less than 54-inch RCP within private streets will not be accepted by the City. No improvements will be allowed to be constructed within any easements to be accepted by the City, without approval of an Encroachment Permit. A Hold Harmless agreement approved by the City Attorney shall be required for all approved encroachments into the public right-of-way.

17.* Prior to recordation of each final tract map or building permit, the owner or designee shall submit for review, and shall obtain the approval of the County Surveyor for, a digitized tract map pursuant to Orange County Ordinance No. 3809 of January 28, 1991. The owner or

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designee shall pay for all costs of said digital submittals, including supplying digital copies to the City in DFX format of the final, County Surveyor-approved digital map. (Eng.)

18. Prior to each final map approval or building permit, the lot identification shall be adjusted so that all non-buildable lots are identified by letters and buildable lots are identified by numbers to the satisfaction of the City Engineer. (Eng.)

19. Prior to final tract map approval or building permit for any commercial portion of the tentative tract map, reciprocal parking and access easements shall be prepared for recordation by the property owner on the final map, in a manner meeting the approval of the City Attorney, for all land within T.T. 13530 designated as commercial. Title to the land covered by such a reciprocal parking and access easement shall remain with the property owner or property owners association. The purpose of the easement shall be specifically stated in the recording document as being for the purpose of the preservation of access and parking availability as defined by the City and the State Subdivision Map Act. (Eng.)

**Reports: Soils and Geologic, Hydrology**

20.* Prior to each final tract map approval or building permit, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for, a soils and geologic report prepared by a registered geologist and soil engineer which conforms to City standards and all other applicable codes, ordinances, statutes and regulations. (Eng.)

21.* Prior to the first final tract map approval or building permit, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for, a hydrology study prepared by a registered civil engineer to determine the sizes and locations of all on-site drainage facilities in accordance with all applicable City regulations and drainage standards. (Eng.)

**Improvement Plans Required**

22.* Prior to each final tract map approval or building permit, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for the following improvement plans prepared by a registered civil engineer (for the property within the boundary of each final map and the related off-sites as determined by the City Engineer): (Eng.)

A. A grading plan which shows grading, drainage, trails, and street improvements. The minimum gradient of streets in this development shall be 1.0%. All drainage must be conveyed to the street or a City-approved drainage facility. Said grading plans shall include recommendations for mitigation of any landslides identified in the geologic report, slope stabilization, or other geologic hazards.

B. A street light improvement plan indicating existing and/or proposed improvements, including, but not limited to, street signage; public and private street name sign locations; striping; street light locations, sizes, wattage and height; and service points, designed per City standards. The plans shall provide for 200 ft. spacing of
street lights, in addition to street lights being placed at the end of each cul-de-sac and at each street intersection.

23. Prior to each final tract map approval or building permit, the owner or designee shall submit street improvement plans for all public and private streets and arterial highway segments as deemed necessary by the City Engineer or designee to provide adequate access, including but not limited to the following provisions:

A. All traffic pavement markings (i.e., legends, turn pockets, limit lines, arrows and letters), when used to control an arterial or collector street intersection shall be installed with alkyd thermoplastic no less than 125 millimeters thick.

B. All centerline striping and lane line striping for all streets shall be installed with 250 V.O.C. paint; water base traffic paint shall not be allowed. All centerline striping on arterial and collector streets shall include the installation of two-way raised pavement markers (R.P.M's). Spacing of R.P.M.'s shall be per OCEMA standards.

C. All traffic pavement markings (i.e., legends, turn pockets, limit lines, arrows and letters), when used to control residential streets and intersections, shall be installed with 250 V.O.C. paint; water base traffic paint shall not be allowed.

D. All streets, sidewalks, curbs, gutters, storm drains, signage, and street lights, private and public, are designed and shall be constructed in accordance with City standards. Except for Streets X and Y, residential streets shall be designed to have the minimum allowable pavement width, a 4.5-foot wide landscaped parkway adjacent to curb (to be maintained by the homeowners association), and a four foot sidewalk. The section for Camino Vera Cruz shall be designed to the satisfaction of the Community Development Director. Streets shall be the following curb to curb and right-of-way widths, but in no case less than Subdivision Code standards:

- Streets "A", "C", "E", and "F" 36'/54' (Palacio, Sonrisa, and Maravilla)
- Street "B" 40'/58' (Onda)
- Street "D" 28'/48' (Marbrisa)
- Street "G" Incoming - 30' and 18', Outgoing - 30' and 18'
- Street "X" and "Y" To be determined upon review of future subdivision.
- Camino Vera Cruz 70'/86' (IN DEVELOPED AREA)
- Camino Vera Cruz 70'/95' (THROUGH OPEN SPACE)

E. Sidewalks shall be installed on both sides of all streets, except for “D” Street and vehicular entrances to the commercial center unless otherwise approved by the City Engineer. “D” Street shall have an eight-foot wide landscaped parkway adjacent to the curb on both sides of the street and a four-foot wide sidewalk on one side only.

F. Signalized entrances off of Avenida Pico shall have a street entry section with 8 ft. sidewalks on each side, 24 ft. curb to curb each for egress and ingress, and an 8 ft.
center median. Internal private sidewalks may be five feet wide in the commercial areas. All entrance configurations shall be approved by the City Engineer. [superseded by sub-condition “Q” following]

G. Improvement plans shall include the total proposed public street curb miles in terms of lineal feet; total proposed storm drain pipe by size, lineal footage and by maintenance responsibility assignment (i.e., City, private, County); and total numbers of street lights proposed by wattage type and by maintenance responsibility assignment (i.e., public, private, SDG&E).

H. Improvement plans shall include an enriched pavement entrance at all major entrances to private development areas as determined by the City Engineer or designee to be constructed within the private street right-of-way and maintained by the homeowners or property owners association, along with a plan for signs designating private streets at the corner of these entrances. Lane configuration and traffic striping of all entrances and exits to the shopping center shall be designed to the satisfaction of the City Engineer.

I. No intersecting drives shall be allowed within 150 feet of the curb line of public streets at entrances into the commercial area.

J. Improvement plans shall provide for dual left turn lanes from Pico at Vera Cruz and from Pico at the south west entrance (Entry B) into the commercial center as each of those phases develops. Right-of-way (R.O.W.) sufficient to accommodate an auxiliary free flow right turn lane at the east end of the development, on Pico, shall be dedicated prior to the first final map recordation. In addition, R.O.W. sufficient to accommodate a right turn pocket for turns from La Pata onto Pico shall be dedicated prior to recordation of the first final map recorded under the Fourth Revised Tentative Map.

K. Without any requirement on behalf of owner or designee to remove or relocate any improvements within the R.O.W., owner or designee shall, as part of Phase I Improvements and prior to issuance of any building permits, include mass grading as may be required for installation at a later date of an auxiliary free flow right turn lane at the East end of the development, on Pico.

L. Final design of streets “X” and “Y” leading to the PUD residential area shall be determined upon submission of a tentative map to subdivide said residential area.

M. A median break shall be provided at the intersection of street "B" and Avenida La Pata without the requirement of a traffic signal at this intersection.

N. The gated entry design on Street G shall provide 50 feet of setback from Vera Cruz, and a turnaround meeting City standards. Plans for all streets shall be submitted to and approved by the Fire Chief. Gates shall only be allowed as shown on the Tentative Map or approved Site Plan. Plans shall show construction details for access gates, fire lanes, locations of red curbing and signage, include sectional views
and indicate the width measured flow line to flow line. All fire apparatus
turnarounds shall be clearly marked. Contact the O.C. Fire Authority Development
Review Section at 714-744-0403 for Guidelines.

O. Bus bays shall be provided at locations approved by the OCTA and the City
Engineer in accordance with OCTA standards. Bus bays shall be constructed with
each phase of improvements. Any necessary right-of-way for the bus bays shall be
dedicated on the final map as required by the City Engineer.

P. The retaining wall along street “B” (Via Onda) shall be designed as a segmented
wall. The final design and landscape treatment of the wall shall be to the satisfaction
of the City Engineer and the Community Development Director or their designees.

Q. Entry ramps A, B and C shall be a minimum of 24 feet wide each way, both
incoming and outgoing curb-to-curb, with an eight-foot wide curb-to-curb median,
and a 13-foot wide landscaped parkway on both sides containing 5-foot wide
sidewalks separated from the curb. Sidewalks shall extend alongside the entry
driveways into the site, and then through the parking lot to the storefronts. Entry
Ramp D shall have a minimum 35-foot radius curb return and shall be a
minimum 40 feet wide for the first 60 feet from the entrance and a minimum 30
feet wide thereafter.

24. Dedications and Abandonments: (Eng.)

A. Within 60 days of City Council approval of Tentative Tract 13530 and prior to the
issuance of any grading or building permits, the owner or designee shall provide
irrevocable offers of dedication to the City for the on-site segments of Avenida Vista
Hermosa and Camino Vera Cruz by separate instruments. The owner or designee shall
include in the offers the easements necessary to construct the roads.

B. Within 30 days after approval of Revised Tentative Tract 13530, the owner of designee
shall submit an application and fees for the abandonment of Street “B” from Street Y to
Avenida La Pata and the storm drain from Street “B” to the MO2 box culvert. (Eng.)

25. Except as noted below, prior to the first final tract map approval or building permit,
the owner or designee shall submit for review and obtain the approval of the City
Engineer, improvement plans and geotechnical reports for the construction of
Camino Vera Cruz from Avenida Pico to the boundary of Tentative Tract 15093.
The plans shall include horizontal and vertical alignment for Ave. Vista Hermosa at
its intersection with Camino Vera Cruz. (Eng.)

In lieu of submitting street, structural, utility and signal plans for review and obtaining
approval of them by the City Engineer for the segment of Camino Vera Cruz crossing the
MO2 concrete box culvert prior to the first final tract map or building permit, the owner or
designee shall enter into an agreement with the City. The improvement agreement will
include the requirements and schedule for the completion of plans, provisions if plans are

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not produced, and bonding for 125% of the estimated cost of construction of this segment of roadway, structures, landscaping, utilities, and traffic signals. This agreement will also include the remaining portions of Camino Vera Cruz to be constructed by the owner. (Eng.)

26. Prior to the first final tract map approval or building permit, the owner or designee shall submit for review and approval, landscape plans prepared by registered landscape architects in accordance with Condition No. 44, for slopes associated with Camino Vera Cruz and provide for their irrigation and maintenance by the property owners association for the portion of the road within the tract boundary. Landscape plans for slopes along Camino Vera Cruz outside the tract boundary, within the open space, shall designate native landscape plants to be irrigated and maintained by the owner or designee until such plant material is established and no longer in need of irrigation and maintenance as determined by the City Engineer and the Director of Beaches, Parks, and Recreation. (Eng.) (BP & R)

27. Prior to each final tract map approval or building permit, owner shall submit for review and obtain approval of the City Engineer, improvement plans for traffic signals associated with each final map. The signals for which improvement plans are required for new construction include the following:

- Avenida Pico and Camino Vera Cruz
- Avenida Pico and westerly project entrance (Entry B)
- Avenida Pico and easterly project entrance (Entry C)
- Camino Vera Cruz and commercial project entrance (Entry A)
- Camino Vera Cruz and Street "G"

Where determined safe and appropriate by the City traffic engineer, certain of the above signals shall include “protective/permisive” left-turn phasing.

Traffic signal improvements for Pico and Vera Cruz shall be built and approved by the City Engineer prior to completion and acceptance of mass grading for Phase I. Traffic signal improvements for Pico and the southerly project entrance shall be built and approved when project entrance “B” is built. All traffic signal improvements shall be secured by surety bond, in an amount acceptable to the City Engineer, with the approval of each phase of the final map with which they are associated. Signal improvements shall be constructed when warrants are met for the following intersections, except that when street improvements are made at the intersections, all signal conduit and other appurtenances that could later cause a street cut to be made shall be installed at the time the original street improvements are made:

- Avenida Pico and project entrance “C”.
- Camino Vera Cruz and Street “G”

Upon buildout of the commercial center or five years from October 2, 1996, whichever comes first, if warrants for the above intersections have not been met, and at the request of the owner or designee, the requirement to hold securities may be reviewed by the City Council. Pico/Amanecer traffic signal improvements are not required, due to Lot "Q" being
non-buildable. No access shall be permitted to Avenida Pico from the lot at the northwest corner of Pico and Vera Cruz. (Eng.)

Open Space and Public Trails

28. Prior to each final tract map approval or building permit, irrevocable offers of dedication for open space easements shall be prepared for recordation by the property owner on the final map, in a manner meeting the approval of the City Attorney, for all land within T.T. 13530 which is designated as open space. Title to the land covered by such an open space easement shall remain with the property owner or applicable homeowners association. The purpose of the easement shall be specifically stated in the recording document as being for the purpose of the preservation of said area in permanent open space as defined by the City. (Eng.)

29. Prior to final tract map approval, the owner or designee shall enter into an agreement with the City to provide for an irrevocable offer of dedication of a public trail easement, and/or grading, improvement, and maintenance of a recreation trail connection to the public north/south ridgeline recreation trail required by the Forster Ranch Specific Plan in a manner acceptable to the City Engineer and Director of Beaches, Parks, and Recreation or designees. The City shall maintain the trail when and if dedication is completed. (B,P, & R)(Eng.)

Drainage

30.* Prior to the first final tract map approval or building permit and the installation of water, sewer and storm drain lines, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee, for routing to the Utilities Manager or designee, 1”=200' plans prepared by a registered civil engineer showing all existing and proposed water services, sewer laterals and mains (including gate valves, pressure reducing stations, reservoirs, lift stations, pressure zones, fire hydrants, manholes, pipe sizes, pipe types and any other related appurtenances). (Eng.)

31. Prior to each final tract map approval or revised grading permit, the owner or designee shall submit for review and shall obtain the approval of the City Engineer or designee, drainage improvement plans prepared by a registered civil engineer which provide for the following: (Eng.)

A. All storm drain junction structures shall be provided with access manholes.

B. Any storm drain extending beyond the project boundary shall be privately maintained. An access/construction easement shall be obtained from off-site property owners for grading, fuel modification and installation of storm drains across the project boundary.

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C. Terrace drains shall be sloped in such a manner to avoid vertical connecting "V" drains. Down drains will be curved and aligned to be hidden or screened when viewed from the most prominent public locations

**Water and Reclaimed Water**

32. Prior to each final tract map approval or building permit, the owner or designee shall submit for review and shall obtain the approval of the City Engineer or designee, water and reclaimed water improvement plans specific to the project, prepared by a registered civil engineer, which reflect consistency with the City's Water and Reclaimed Water Master Plans and standards. Said plan shall provide for the following:

A. Indicate a service system which provides, or allows for, independent water metering.

B. Turnouts to loop upper zone water systems shall be constructed off of the City's water main at Avenida La Pata. A PRV station as required by the City Engineer shall be installed at Street B and Avenida La Pata and at the residential street connection of Street "A" to Camino Vera Cruz. Water mains shall be constructed with Phase I and shall be looped from Street "A" to Street "B" in a manner satisfactory to the City engineer to provide service to irrigation meters for landscape irrigation of all slopes.

C. All development allowed pursuant to this tentative tract map shall provide design features that conserve water, such as controlled irrigation systems which employ drip irrigation, soil moisture sensors, and automatic systems that minimize runoff and evaporation, landscaping that emphasizes drought tolerant species, low-flush toilets and low-flow faucets, hot water recirculating systems, drinking fountains with self-closing valves, public flush valve operated water closets with maximum 1.75 gallon flush; and use of mulch on top of soil to improve water holding capacity of public- and/or common-landscaped areas.

D. All water meters shall be tapped into the public water main and be located in the public R.O.W.

E. A double detector check shall be installed at the transition from public to private for water systems.

F. A 16-inch water line shall be installed in Avenida Camino Vera Cruz. The City will enter into an agreement with the owner for reimbursement of the over-sizing cost for an 8-inch to 16-inch diameter from the connection in Pico to the point where the owner stops construction of Camino Vera Cruz. The owner or designee shall enter into a reimbursement agreement with the City prior to construction of the water line.

G. Construction of a 16-inch reclaimed water line in Camino Vera Cruz using pipe material approved by the City Engineer for landscape irrigation using reclaimed water. All infrastructure requirements necessary to make the reclaimed system operable for this development shall be installed and paid for by the owner or his

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designee. Until reclaimed water is available to the development, the development shall be connected to the potable water system at the owner or designee's expense. The owner or designee shall enter into a reimbursement agreement with the City for the cost of over-sizing this reclaimed water line from 8-inch to 16-inch diameter prior to construction of the reclaimed water line. The City shall reimburse for the oversize pipe cost immediately upon completion and final acceptance of the reclaimed water line by the City. Reimbursement shall cover cost of PVC to ductile iron pipe and oversizing.

H. All reclaimed service lines shall have backflow preventers and meters at the public R.O.W.

I. PVC pipe will be accepted for waterline construction associated with this project, for all water mains up to and including 12-inch. All mains above 12-inch shall be ductile iron.

33.* Prior to final tract map approval or building permit, the owner or designee shall quitclaim in favor of the City any interest in the property the owner has in existing rights of way for pipelines for the conveyance of water, and for all rights to all underground water. The owner or designee shall convey the right to all underground water, but without right of entry to the surface thereof, to the City. The owner or designee shall cause no easements to be granted nor recorded over any portion of the property shown on the submitted record map between the tentative map approval date by the Planning Commission and the recording date of the final or record map by the County Recorder. (Eng.)

Sewer

34.* Prior to each final tract map approval or building permit, the owner or designee shall submit for review and shall obtain the approval of the City Engineer or designee, wastewater improvement plans specific to the project, prepared by a registered civil engineer, which reflect consistency with the City's Sewer Master Plan and standards. Said plan shall provide for the following: (Eng.)

A. Sewer mains shall be extra strength VCP sewer pipe.

B. Sewer manholes shall be located in the public right-of-way at the property boundary for transition from public to private maintenance. The manholes shall be public.

C. Sewer mains shall be laid in a straight line between manholes.

D. Distance between sewer manholes shall be a maximum of 350 feet and all manholes shall be lined with PVC liners.

E. All manhole covers shall be Alhambra foundry heavy duty traffic covers or equal as approved by the City Engineer or his designee.
35. Prior to any final tract map approval or building permit, the owner or designee shall submit an application to apportion existing sewer capacity from Sewer Assessment District 85-1 to the lots included in the final tract map. In the event that sewer capacity is deficient for any final tract map within the project, the owner shall purchase the deficient amount of sewer capacity in order to meet the sewer capacity requirements of Sewer Assessment District 85-1. The City Engineer currently projects that the owner will be short approximately 10,000 gallons per day of sewer capacity. In non-residential areas, the owner is creating separate lots for the building pads only. The City Engineer will determine the sewer capacity requirements based upon the total building pad lot area and parking lots and other portions of numbered lots within the non-residential area. All sewer capacity and assessments within the non-residential area shall be apportioned to each building pad lot including that building pad lot's share of parking facilities based upon the ratio of square footage of the buildable lot to the total square footage of all buildable lots.  

(Eng.)

36. Prior to final tract map approval or building permit, the owner or designee shall submit for review and shall obtain the approval of the City Engineer or designee, a Utilities Master Plan prepared by a registered civil engineer. The plan shall provide for the following:

A. All public utilities shall be constructed within dedicated public R.O.W.'s; no easements will be accepted by the City through the private commercial areas or landscaped areas in this project.

B. All commercial on-site utilities shall be private.

C. All existing public easements where public utilities are proposed to be relocated shall be relocated within new easements offered for dedication on the final map. Old easements shall be vacated prior to the issuance of a building permit for the lots involved in the relocation. There shall be no new utility easements other than for the purpose of relocating existing utilities.

D. All utility mains serving the residential area shall be placed in the streets and are to be directed to Avenida La Pata and Camino Vera Cruz unless otherwise approved by the City Engineer. The utilities shall remain in the Public right-of-way of Avenida La Pata and/or Camino Vera Cruz to connections at or near Pico. Public utilities shall not be placed in slopes unless otherwise approved by the City Engineer.

Public Safety

37.* Prior to final tract map approval or building permit, the owner or designee shall submit for review, and shall obtain the approval of the Fire Chief or designee, for water improvement plans indicating water system design, location of valves, and fire hydrant locations.  

(Fire)

Financial Security and Phasing of Improvements

38. Prior to the first final tract map approval or building permit, the owner or designee shall provide construction phasing plans which outline the improvements required by the City...
Engineer and the Community Development Director for each final tract map to be recorded. Each final tract map shall include all public and private improvements required by the City Engineer to guarantee that the phase can operate independent of the remaining unconstructed infrastructure, including but not limited to, access, circulation, trails, signalization, utilities, parking facilities, lighting, landscaping and irrigation improvements.

Phase I shall include the mass grading of the entire project site as depicted on the tentative tract map, including the grading associated with the construction of a Class I Bike Trail, construction of Vera Cruz from Avenida Pico to the boundary of tentative tract 15093, with sufficient slope landscaping and irrigation to provide adequate erosion control as approved by the City Engineer. Widening and construction of dual left turn lanes from Avenida Pico to Vera Cruz, and signalization construction at the intersection of Avenida Pico and Vera Cruz are to be included in Phase I.

Permanent slope landscaping shall be installed with each phased final tract map including irrigation and appurtenances. Permanent slope landscaping for the manufactured slopes along Vera Cruz shall be included with the first final tract map. Traffic signals required in Condition 27 shall be designed and conduits placed with each appropriate phase.

The owner or designee shall be responsible to grade and construct Camino Vera Cruz from Avenida Pico to the boundary of tentative tract 15093, at their own cost, without any reimbursement. The owner is relieved from constructing Avenida Vista Hermosa within their tract boundary.

39. Prior to each final tract map approval or building permit, the owner or designee shall enter into an agreement providing for the construction of the necessary public and private improvement necessary for each phase as described in Condition 38. With each final map, the owner or designee shall provide separate improvement bonds for 100% of each estimated improvement cost, as prepared by a registered civil engineer and approved by the City Attorney and the City Engineer or their designees, for each, but not limited to, the following: rough grading; precise grading; street improvements; trail improvements; street lights; sewer; water; storm drain; erosion control; landscaping in rights of way, private slopes and open space; and off-site street repair. In addition, the owner or designee shall provide separate labor and material bonds for 50% of the above-estimated improvements costs, as determined by the City Engineer or designee.

40. Prior to issuance of the first residential building permit, the owner or designee shall provide an irrevocable demand payment letter of credit, or other financial security instrument approved by the City Attorney, in the amount of $650,000.00 and in a form acceptable to the City Manager, to secure performance of the phasing of development as required by Condition No. 58 below. If the owner or designee fails to obtain commercial building permits and inspections, in accordance with Phase A of Condition No. 58 within 2 years of October 2, 1996, the City will draw upon the letter of credit in the amount of $162,500.00, thereby unconditionally releasing the 61st through the 80th residential building permit. If the owner or designee fails to obtain commercial building permits and inspections in accordance with Phase B of condition No. 58 within 2.5 years of October 2, 1996, the City will draw upon the letter of credit in additional amount of $162,500.00, thereby unconditionally

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releasing the 81st through the 100th residential building permit. If the owner or designee fails to obtain commercial building permits and inspections in accordance with Phase C of Condition No. 58 within 3 years of October 2, 1996, the City will draw upon the letter of credit an additional amount of $162,500.00, thereby unconditionally releasing the 101st through the 120th residential building permit. If the owner or designee fails to obtain commercial building permits and inspections in accordance with Phase D of Condition No. 58 within 3.5 years of October 2, 1996, the City will draw upon the letter of credit an additional amount of $162,500.00, thereby unconditionally releasing the 120th through the 162nd residential building permit. (Eng.) (Bldg.)

**CONDITIONS TO BE SATISFIED PRIOR TO RECORDATION**

41.* Prior to recordation of each final tract map, the owner or designee shall submit for review, and obtain the approval of the County Surveyor for, a digitized tract/parcel map pursuant to Orange County Ordinance No. 3809. The owner or designee shall pay for all costs of said digital submittals, including supplying digital copies to the City of the final County Surveyor-approved digital map in DXF format. (Eng.)

**CONDITIONS TO BE SATISFIED PRIOR TO GRADING PERMITS**

42. Prior to issuance of grading permits, $50,000.00 shall be paid to the City in addition to all normal required permit fees. If the theater complex is not built within two years of October 2, 1996, another $50,000 shall be paid to the City. After two years from October 2, 1996 has elapsed, no further building permits will be issued and no final maps approved unless the second $50,000 is received by the City or the theater complex is built. (Eng.)

43.* Prior to issuance of grading and building permits, the owner or designee shall ascertain from the City Engineer or designee that the City’s water supply is adequate to accommodate the anticipated water demands of this project. If an adequate water supply is not available, grading and building permits shall not be issued. Approval of this project does not guarantee that potable water will be available for the project at the time of permit application. (Eng.)

**Landscape Plans**

44. Prior to August 22, 1996, the owner or designee shall submit for review, and shall obtain the approval of the Community Development Director or designee and Fire Chief in conjunction with the Director, Beaches, Parks and Recreation by Sept 15, 1996, for a detailed landscape and irrigation plan for on- and off-site landscaping, including, but not limited to, medians, parkways, public trails, fuel modification areas, and sloped areas, prepared by a registered landscape architect, and in compliance with all pertinent requirements including, but not limited to guidelines contained in Concept Plan Amendment 94-23 and the City’s Master Landscape Plan of Scenic Corridors. Contact the Wildland Fire Defense Planning Section at 744-0498 and/or the Orange County Fire Authority Development Review Section at 744-0477 for fuel modification requirements. The deadline

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for approval of landscape plans for medians may be extended by the Community Development Director. (Plng.)

45. All landscape irrigation systems shall be designed using the City's reclaimed water standards. In the event reclaimed water is not available at the time the system is put into operation, the system may be connected to the potable water system. When reclaimed water is available, the system shall be converted to reclaimed service. The owner or designee shall install reclaimed water service lines to the meter locations for future connection when reclaimed water is available. (Eng.)

**NPDES**

46.* Prior to final tract map approval or approval of the improvement plans, the owner or designee shall demonstrate to the satisfaction of the City Engineer or designee that the project meets all requirements of the Orange County National Pollutant Discharge Elimination System (NPDES) Storm Drain Program, and Federal, State, County and City guidelines and regulations, in order to control pollutant run-off. The owner or designee shall provide evidence satisfactory to the City Engineer that an NPDES permit has been obtained. The owner or designee shall submit for review, and shall obtain the approval of the City Engineer or his designee for, plans for the regulation and control of pollutant run-off by using Best Management Practices (BMP’s). (Eng.)

47.* Prior to issuance of grading permits, the owner or designee shall provide the City of San Clemente with evidence of a certified General Construction Activity Storm Water Permit (GCASWP), a Notice of Intent (NOI) filed with the California State Water Resources Control Board, or a certified executed copy of an application for an individual permit to the California State Water Resources Control Board. (Eng.)

**Zoning Map**

48.* Prior to issuance of any permits, the owner or designee shall be responsible for updating the City's mylar Precise Zoning Map by integrating the recorded map into the appropriate sheet(s) of the Zoning Map in a manner satisfactory to the City Planner or designee. (Plng.)

**Noise**

49.* All residential lots and dwellings shall be sound attenuated against present and projected noise, which shall be the sum of all noise impacting the project, so as not to exceed an exterior standard of 65 dB CNEL in outdoor living areas and an indoor standard of 45 dB CNEL in all habitable rooms. Evidence prepared by a County-certified acoustical consultant that these standards will be satisfied in a manner consistent with applicable zoning regulations shall be submitted as follows:

A. Prior to Council approval of any final map for residential development or prior to the issuance of a grading permit, at the sole discretion of the Community Development Director, an acoustical analysis report shall be submitted to the Building Division for approval. The report shall describe, in detail, the exterior noise environment and

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preliminary mitigation measures. Acoustical design features to achieve interior noise standards may be included in the report in which case it may also satisfy ‘B’ below.

B. Prior to the issuance of any grading permits, the landowner shall provide evidence acceptable to the City Engineer that:

1) All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with operating and maintained mufflers.

2) All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).

3) Stockpiling and/or vehicle-storage areas shall be located as far as practicable and out of view from dwellings.

C. The City of San Clemente Noise Ordinance, limiting the hours of construction to between 7:00 a.m. and 6:00 p.m., shall be enforced for areas in the City.

Grading

50. Prior to issuance of grading permits, the owner or designee shall provide a letter from the Orange County Flood Control District approving grading within the District’s easement and over the concrete box storm drain and submit structural calculations to the City proving, to the satisfaction of the City Engineer, that there is no adverse impact. (Eng.)

51.* Prior to issuance of rough grading permits, final landscape and grading plans shall include provisions for amending soils per the agronomist and landscape architect’s reports submitted to the City for review and approval, in addition to an erosion, siltation, and dust control plan to be approved by the City Engineer. The plan shall include measures such as planting of vegetation on all exposed slopes within 90 days of certification and/or prior to October 15 as required by the Grading Ordinance, temporary sedimentation basins and sandbagging, if necessary, and a water and compaction program. The plan shall ensure that discharge of surface runoff from the project during construction activities will not result in increased erosion or siltation immediately downstream of the property. (Eng.)

52.* Prior to issuance of grading permits, the City Engineer shall determine that the development of the site shall conform to the general recommendations presented in the geotechnical studies, including specifications for site preparation, landslide treatment, treatment of cut and fill, slope stability, soils engineering, and surface and subsurface drainage, and recommendations for further study. (Eng.)

53.* Prior to issuance of grading permits, the owner or designee shall submit for review, and obtain the approval of the City Engineer or designee, a precise grading plan as required by the City Grading Manual and Ordinance. (Eng.)

54.* A qualified archaeologist and paleontologist, approved by the City Planner, shall attend any pre-grade meetings and monitor grading operations. If artifacts or fossils are discovered, the archaeologist or paleontologist shall be empowered to divert or redirect grading in the
vicinity of the remains in order to evaluate and salvage exposed prehistoric artifacts and/or fossils. (Eng.)

55. Prior to issuance of grading permits, the limits of grading shown on the tentative map must be verified by the soils engineer. The owner or designee shall not be allowed to go beyond the limits as shown on the tentative map, unless approved by the Director of Community Development. (Plng.)

CONDITIONS TO BE SATISFIED PRIOR TO BUILDING PERMITS

**Planning**

56. Prior to issuance of any commercial building permits, the owner or designee shall submit for review and obtain the approval of the Director of Community Development or designee, for architectural and landscape treatment for walls which are intended to be common in the future, but will be end walls until the next adjacent phase is developed. Such walls shall be treated in a manner consistent with the architectural details in Concept Plan Amendment 94-23. (Plng.)

57.* Prior to issuance of any commercial building permits, the owner or designee shall submit for review and obtain approval of the Director of Community Development or designee plans indicating that the height of any roof mounted equipment shall not exceed the height of the parapet wall intended to screen the equipment, and the equipment will be painted in such a manner as to cause the equipment to blend with the roof when viewed from the residential area behind the commercial center. Additional screening devices may be required in conjunction with tenant improvements if deemed necessary by the Director of Community Development. (Plng.)

58. Prior to issuance of building permits for the 31st through the 60th residential units, except those which may be required for Phase I infrastructure, all Phase I infrastructure identified in Condition 38 above shall be constructed to the satisfaction of the City Engineer. When Phase I has been constructed to the satisfaction of the City Engineer, residential building permits No. 31 through 60 will be issued. (Bldg.)

In addition to this requirement, building permits for the 61st through the 162nd residential unit shall be issued according to the following:

**Phase A:** After issuance of building permits and foundation inspections for at least 50,000 square feet of commercial floor area in addition to the theater complex, or upon the City's draw of $162,500.00 from the letter of credit, or other approved financial security instrument, 20 additional residential building permits will be issued.**

**Phase B:** After issuance of building permits and foundation inspections for at least 100,000 square feet of commercial floor area in addition to the theater complex and final inspection of at least 50,000 square feet of commercial

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floor area in addition to the theater complex, or upon the City's draw of $162,500.00 from the letter of credit, or other approved financial security instrument, 20 additional residential building permits will be issued.**

Phase C: After issuance of building permits and foundation inspections for at least 150,000 square feet of commercial floor area in addition to the theater complex and final inspection of at least 100,000 square feet of commercial floor area in addition to the theater complex, or upon the City's draw of $162,500.00 from the letter of credit, or other approved financial security instrument, 20 additional residential building permits will be issued.**

Phase D: After completion and final inspection of the main plaza area and 150,000 square feet of commercial floor area in addition to the theater complex, or upon the City's draw of $162,500.00 from the letter of credit, 42 additional residential building permits will be issued. The main plaza area completion may be substituted for any of the above three phases.**

**Owners may request that the City draw money to satisfy this condition. In the event of such an owner request, the City shall draw money from the L.O.C or other approved financial security instrument.

59. Prior to issuance of residential building permits, the Site Plan shall be revised to note that automatic roll-up garage doors shall be provided. (Plng.)

Building

60.* Prior to issuance of any building permits, an acoustical analysis report describing the acoustical design features of the structures required to satisfy the exterior and interior noise standards shall be submitted to the Building Division for approval along with satisfactory evidence which indicates that sound attenuation measures specified in the approved acoustical report(s) have been incorporated into the design of the project. (Bldg.)

61.* Prior to the issuance of building permits, the owner or designee shall include within the first four pages of the working drawings a list of all conditions of approval imposed by the final approval for the project. (Bldg.)

62.* Building permits shall not be issued unless the project complies with all applicable codes, ordinances, and statutes including, but not limited to, the Zoning Ordinance, the Uniform Fire Code, Security Ordinance, Transportation Demand Ordinance, Title 24 of the California Administrative Code, the Bates Bill, and the Uniform Building Code as adopted by the City.

Along the edge of the site which is exposed to natural open space where wildland fire hazard cannot be mitigated through fuel modification, the building elevation mix shall include only those approved elevations which comply with the Bates Bill and associated City Ordinances.

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Prior to issuance of building permits, the applicant shall submit revised rear elevations to the Planning Commission Design Sub-Committee demonstrating that the rear elevations are sufficiently varied and offer adequate architectural detail and that the roof tile color is adequately varied. The Design Review Sub-Committee shall review the elevations and make a recommendation to the City Planner who shall use his discretion to approve or deny the revised elevations. If denied, the plans shall be returned to the applicant who may revise and resubmit them to the City Planner for approval. (Bldg.)

63*. Prior to issuance of building permits, the owner or designee shall pay all applicable development fees in effect at the time, which may include, but are not limited to, RCFPP, park acquisition and development, public safety, transportation corridor and school fees, etc. (Bldg.)

64.* Prior to the Building Division's approval to pour foundations, the owner or designee shall submit evidence to the satisfaction of the City Building Official or designee that a registered civil engineer or land surveyor has certified that the forms for the building foundations conform to the front, side and rear setbacks and the pad elevations are in conformance to the approved plans. (Bldg.)

65.* Prior to the Building Division's approval of the framing inspection, the owner or designee shall submit evidence to the satisfaction of the City Building Official or designee that a registered civil engineer, land surveyor, or architect has certified that the height of all structures are in conformance to the approved plans. (Bldg)

**Engineering**

66.* Prior to issuance of building permits, final tract maps for the affected areas shall have been approved by the City Council and submitted to the County for recordation. (Eng.)

67.* This project shall be subject to all provisions of the City Regional Circulation Funding and Phasing Program (RCFPP). Building permits shall not be issued until the City Engineer or designee has certified that the arterial street network intended to serve this project can accommodate the anticipated trip generation of the project within the acceptable level of service standards. Approval of this project does not guarantee that traffic capacity will be available for the project at the time of permit application. (Eng.)

68.* Prior to issuance of building permits for residential property, issuance of certificates of occupancy for commercial property, or as otherwise authorized by the City Engineer or designee, the owner or designee shall demonstrate to the satisfaction of the City Engineer or designee that all water, sewer and/or storm drain facility improvements necessary to serve the development have been completed in accordance with the approved plans, and that any "as-built" plans, prepared by a registered civil engineer, have been submitted and approved by the City Engineer or designee. (Eng.)
**Public Safety**

69.* Prior to issuance of building permits, the owner or designee shall submit for review, and shall obtain the approval of the Fire Chief and Chief of Police Services or designees and the City Planner or their designees, all street names and addresses. (Plng.)(Sheriff)(Fire)

70.* Prior to issuance of building permits, the following fire safety conditions shall be satisfied: (Fire)

A. Water Availability: An Orange County Fire Authority Water Availability Form shall be submitted to and approved by the Plan Review Section of the Orange County Fire Authority.

B. Traffic Signal Pre-emption Devices: Prior to the issuance of building permits, the subdivider shall enter into an agreement with the City for the installation of traffic signal pre-emption equipment.

C. Street Markings: the applicant shall submit and obtain approval from the Fire Chief for street improvement plans with fire lanes shown. The plans shall indicate the locations of red curbing and signage. A drawing of the proposed signage with the height, stroke and color of lettering and the contrasting background color shall be submitted to and approved by the Fire Chief.

D. Hazardous Materials Classification for Site Planning: The applicant shall submit to the Fire Chief a list of the quantities of all hazardous, flammable and combustible materials, liquids or gases. These liquids and materials are to be classified according to the "Orange County Fire Authority Chemical Classification Handout". The submittal shall provide a summary sheet listing each hazard class, the total quantity of chemicals stored per class and the total quantity of chemicals used in that class. All forms of materials are to be converted to units of measure in pounds, gallons and cubic feet. In addition, the applicant shall contact the Orange County Fire Authority Hazardous Materials Disclosure Office at 714-744-0463 to obtain a "Hazardous Materials Business Information and Chemical Inventory Packet". This shall be completed and submitted to the Fire Chief before the issuance of any building permits.

E. Fire Sprinkler System: Prior to the issuance of any building permits on those lot(s)/parcel(s) determined applicable by the Fire Chief, plans for the automatic fire sprinkler system shall be submitted to and approved by the Fire Chief prior to installation. This system shall be operational prior to the issuance of a certificate of use and occupancy.

F. Building Plans: The applicant shall submit building plans for the review and approval of the Fire Chief. The applicant shall include information on the plans required by the Fire Chief. The Orange County Fire Authority Plans
Review Section shall be contacted at 714-744-0403 for the Fire Safety Site/Architectural Notes to be placed on the plans.

CONDITIONS TO BE SATISFIED PRIOR TO CERTIFICATES OF OCCUPANCY

Engineering

71. Prior to issuance of certificates of occupancy for each phase, all improvements required for that phase shall be constructed to the satisfaction of the City Engineer. Construction of Phase One improvements in accordance with Condition No. 38 shall be constructed to the satisfaction of the City Engineer prior to any certificates of occupancy. (Eng.)

72.* Prior to issuance of the first Certificate of Occupancy and/or acceptance of improvements for each map phase by the City Engineer or designee, the owner or designee shall submit "as-built" plans prepared by a registered civil engineer, depicting all street signage and signage placements, traffic markings and painted curbing, unless otherwise approved by the City Engineer. (Eng.)

73. Prior to the issuance of any Certificates of Occupancy for each map phase, the owner or designee shall install all underground traffic signal conduit, including, but not limited to, signal, phone, power and loop detector, and other appurtenances, including, but not limited to, pull boxes needed for future traffic signal construction at the intersections listed in these conditions and to interconnect with adjacent intersections, per the City Engineer or designee's direction, in accordance with the approved street improvement plans.

Maintenance

74.* Prior to issuance of certificates of occupancy for each phase, the owner or designee shall demonstrate to the satisfaction of the City Engineer or designee that the following have been installed per the approved improvement plans: public and/or private street name signs, regulatory signs constructed of high intensity sheeting, traffic pavement markings controlling arterial, collector and residential street intersections, centerline and lane line striping, and curb painting. (Eng.)(Maint.)

75.* Prior to issuance of certificates of occupancy for each phase, the owner or designee shall demonstrate, to the satisfaction of the City Engineer and City Maintenance Manager or their designees, that all street surfaces, curbs, gutters, and/or sidewalks damaged during construction have been repaired/replaced. (Maint.)

Beaches, Parks, and Recreation

76.* Prior to issuance of certificate of occupancy for each phase, the owner or designee shall demonstrate to the satisfaction of the Beaches, Parks and Recreation Director or designee that parkway trees have been planted and staked according to the submitted and approved

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parkway tree installation plans. The following standards shall apply unless otherwise approved for private residential streets:

A. Minimum parkway tree size shall be 15-gallon for canopy trees and ten foot (10') brown trunk height (BTH) for palms.

B. Trees shall be planted at thirty-foot intervals in common areas, or one per residential lot frontage.

C. All parkway trees shall maintain the following distances from improvements:
   1) 10'0" from water, sewer and storm drain lines.
   2) 5'0" from hardscape (curbs, sidewalks, street lights, utility boxes, fire hydrants, P.I.V.’s, F.D.C., etc.)
   3) 15'0" from drive approaches.
   4) 25'0" from curb return at street intersections. (BP&R)

77. Prior to issuance of any certificates of occupancy, the owner or designee shall grade and improve a recreational trail connection from Public Street "A" to a point where it can be connected to the proposed Forster Ranch ridgeline trail in a manner acceptable to the Director of Beaches, Parks, and Recreation. (BP&R)

78.* Prior to issuance of certificates of occupancy for each phase, the owner or designee shall submit a letter, signed by a registered landscape architect, to the Community Development Director or designee, stating that all materials for all landscaped areas and fuel modification areas have been installed in accordance with the approved plans, and shall demonstrate to the satisfaction of the Community Development Director or designee, in consultation with the Beaches, Parks and Recreation Director or designee, that all landscaped areas have been landscaped per the approved landscape plans. (BP&R)

**Public Safety**

79.* Prior to issuance of certificates of occupancy for each phase, the following fire safety conditions shall be satisfied: (Fire)

A. The owner or designee shall demonstrate to the satisfaction of the Fire Chief or designee that the project complies with all applicable provisions of the Uniform Fire Code, as amended and Ordinance No. 962. The building/structure shall have been constructed in conformance with the approved set(s) of plans.

B. Where required, prior to installation, plans for fire alarm systems shall be submitted to and approved by the Fire Chief. This system shall be operational prior to the issuance of a certificate of occupancy.

C. The approved fire lane marking plan shall be implemented and the CC&R’s shall contain a fire lane map and provisions which prohibit parking in the fire lanes, including a method of enforcement.
D. **Prior to installation, plans for an approved fire-suppression system for the protection of commercial-type cooking equipment shall be submitted to the Fire Chief for review and approval.**

80.* Prior to issuance of certificates of occupancy for each phase, all fire hydrants shall have a blue reflective pavement marker installed on the street, indicating its location per the Orange County Fire Department standard. These markers shall be maintained in good condition by the Property Owners Association.

81.* Prior to issuance of certificates of occupancy for each phase, the owner or designee shall demonstrate to the satisfaction of the Chief of Police Services or designee that the project complies with all applicable provisions of Section 770 of the City's Security Ordinance. (Sheriff)

**CONDITIONS TO BE SATISFIED PRIOR TO RELEASE OF FINANCIAL SECURITY**

82. Prior to the release of financial security for grading, Camino Vera Cruz and Street "B" shall be temporarily fenced and gated as required by the City Engineer. (Eng.)

83.* Prior to release of financial security, the owner or designee shall have completed the stenciling of all catch basins and/or storm drain inlets with labels 3" high in black letters, on either the top of the curb or the curb face adjacent to the inlet "NO DUMPING - DRAINS TO OCEAN". These markers shall be maintained in good condition by the Property Owners Association. (Eng.)

84.* Prior to the acceptance of improvements and release of financial security, the owner or designee shall submit the following "as-built" items, certified by a registered civil engineer, to the Engineering Division. All construction improvement "as-built" plans submitted to the City for review and approval shall be in digitized format (DXF file format) as requested by the City:

A. Duplicate mylars of the recorded final tract map.
B. A 1" = 200' scale topographic mylar showing finished contours of the tract at a contour interval of five feet.
C. Mylar sheets at a scale of 1"=40', or at an appropriate scale to be determined by the City Engineer or designee, showing water, sewer, storm drain facilities, final grading and street improvements;
D. A 1" = 200' scale mylar showing all "as-built" water, sewer and storm drain facilities for utility maintenance purposes. (Eng.)

85.* Prior to the release of financial security, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for, a videotape, filmed in the presence of a City staff representative, of all sewer and drainage improvements. The videotape shall become the property of the City. (Eng.)

86.* Prior to the release of financial security, all water and sewer systems, e.g. pump stations, generators, reservoirs, PRV's, etc. shall be fully tested, in the presence of a City Staff representative, to verify system performance in accordance with design specifications. (Util.)

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87. Prior to the release of financial security, the owner or designee shall submit mylar sheets at a scale of 1"=20' or 1"=40', or at an appropriate scale to be determined by the Beaches, Parks and Recreation Director or his/her designee, showing "as built" of grading intended for City Maintenance. (BP&R)

88. Prior to the release of financial security, the owner or designee shall submit to the City Engineer or designee for review and approval, all documentation required by the Federal Emergency Management Agency (FEMA) for revision of the Flood Insurance Rate Map (FIRM) and pay all preliminary and subsequent fees as required by FEMA for the property located within the 100-year flood hazard area. (Eng.)
RANCHO SAN CLEMENTE
SPECIFIC PLAN