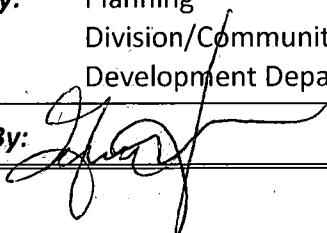




POLICY AND PROCEDURE

Subject: Covenants, Conditions and Restrictions (CC&R) Process	Index: Administrative Number: 102-9
Effective Date: September 1, 2011	Prepared By: Planning Division/Community Development Department
Supersedes: None	Approved By: 

1.0 PURPOSE:

To provide a procedure for the purpose of coordinating the responsibilities of the Planning and Engineering Divisions regarding the method necessary to process CC&R's within the two divisions.

2.0 ORGANIZATIONS AFFECTED:

City of San Clemente Planning and Engineering Divisions.

3.0 DIVISION RESPONSIBILITIES:

- During the discretionary review process of all subdivision maps, Engineering and Planning staff will include a standard condition of approval that requires the review and approval of CC&R's before acceptance of the final map and recordation of the CC&R's prior to release of financial security.
- After the Tentative Map approval, the Case Planner will explain to the applicant the City process for the review and recordation of CC&R's. For subdivisions of four or less units, the Case Planner will provide the applicant a copy of the CC&R template prepared by the City Attorney.
- The applicant is to submit the draft copy of the CC&R's to the Planning Division and provide a minimum deposit for four units or less is \$1,000. For projects of more than four units a minimum deposit of \$2,000 will be required. At the discretion of the City Planner, a larger deposit may be required for more complex subdivisions. This deposit shall be separate from any other deposits submitted to the City for review of the development or tract/parcel map.
- The Case Planner fills out a Request for City Attorney Services form for the approval of the Community Development Director. The City Attorney Services request will include the "not to exceed" deposit amount and a request that the City Attorney's

office notify the City Planning Division once City Attorney time and material charges expend 85% of deposit amount.

- After the City Attorney receives the draft CC&R's, they will complete a cursory review and determine whether there is sufficient deposit to cover their review time. If the Attorney determines there are complexities or problems with the draft CC&R's that will likely require more review time than budgeted, they will inform the Case Planner. In such cases the City Planner may then request a larger deposit. Note: Even though the Attorney concludes the deposit is adequate, there may be situations that arise where an additional deposit needs to be requested.
- The City Attorney's Office will monitor their time and notify the Case Planner when billing reaches 85% of the deposit. The City Attorney will cease review when their billing reaches the deposit amount. The City Planner will determine the amount of additional deposit necessary to complete the review. The Case Planner will notify the applicant that an additional deposit is required and notify the City Attorney once the deposit is submitted so the review may continue.
- After approval of the CC&R's, the City Attorney's Office will email the approval letter to the City Planning Administrative Staff, Case Planner and the Engineering Development Review section.
- Approved CC&R's shall be recorded with the County of Orange by the applicant.
- The Engineering Division shall not release the financial security for the tract/parcel map until receipt of the recorded CC&R's and verification with the Planning Division that that there is no outstanding balance on the deposit account.
- The recorded CC&R's will be included with the Engineer Division's map file and scanned for future reference purposes. The hard copy of the recorded CC&R's will be discarded.