



Agenda Item 6-S

Approvals:
City Manager [Signature]
Dept. Head [Signature]
Attorney [Signature]
Finance [Signature]

AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: November 7, 2018

Department: Community Development Department
Prepared By: Sheri Vander Dussen, Consultant

Subject: *RESCISSION OF CITY COUNCIL RESOLUTION NO. 10-29, ADOPTING AUTHORITATIVE CITATIONS FOR STANDARD CONDITIONS OF APPROVAL*

Fiscal Impact: None.

Summary: The City uses a list of standard conditions that apply generally to land use and development application approval. The conditions often contain citations to the authority authorizing them. The list of standard conditions is kept current by the Community Development Department, and has periodically been presented for updating and re-adoption by the Zoning Administrator, Planning Commission and City Council. Because this process is so cumbersome, the standard conditions have not been updated since 2010. In any event, each time they are employed, they are approved as specific conditions on an application approval. In some instances, staff has replaced approved standard conditions with non-standard conditions and designated them as such. This agenda item will delegate authority to the Director of Community Development to update and maintain the standard conditions of approval.

The Planning Commission held a study session on September 2 to discuss the revisions to the standard conditions. On October 17, 2018, the Planning Commission voted unanimously (6-0, with Commissioner Brown absent) to adopt Resolution PC 18-030, recommending that the City Council rescind Resolution 10-29 and authorize staff to promulgate standard conditions of approval. The Commission requested that informational updates to the conditions be provided to the Commission as they occur.

Background: In 2009, Citygate Management completed a report analyzing the Community Development Department, including the development review process. The City Council adopted the recommendations included in the report on March 16, 2010, and directed staff to implement said recommendations. These recommendations addressed a number of perceptions about the Community Development Department and other city departments involved in the development review process, as well as processes employed. Recommendation 6 addressed the need for the standard conditions to include citations to the authority granted by the City Council to impose such conditions. On June 1, 2010, the City Council adopted Resolution 10-29, establishing authoritative citations for the standard conditions. Most citations referred back to the San Clemente Municipal Code (SCMC); a few conditions were

recommended by the City Attorney's Office; and others were simply authorized by the City Council.

Discussion: Standard conditions of approval for development approvals are widely used in communities. The use of such conditions simplifies the review of development applications, streamlines the preparation of resolutions, and allows applicants to understand potential obligations before applications are even submitted. Designation as a "standard condition" does not mean each condition is imposed on every application. Relevant standard conditions are applied to each case when staff is drafting a resolution approving an application. In addition, staff often proposes "custom" conditions necessary to address potential negative impacts the proposed use may have on surrounding properties, improve aesthetics, address operational concerns, etc. The draft conditions of approval, including any standard conditions employed, are presented to the approval authority for final action.

The Citygate Management report found that some applicants perceived that staff was overstepping its authority when drafting conditions, and therefore recommended that the standard conditions be revised to include authoritative references from the Council. The use of such authoritative references is not a common practice that can be extremely cumbersome as state and City law enabling conditions is changed, renumbered, and updated. Conditions of approval may only be imposed on discretionary applications. The final decision as to whether to impose any condition, whether or not it is a standard condition, is not made by staff, but by the Zoning Administrator, Planning Commission or City Council. Therefore, checks and balances already exist in the system to ensure that inappropriate conditions are not applied to development cases. Applicants always have the ability to inquire about whether a condition is derived from a legislative or project-specific source and to contest the application of any condition during a public hearing. Therefore, staff recommends that the practice of including authoritative citations in the standard conditions be dropped.

Some communities do have the Planning Commission or City Council approve standard conditions, which requires regular consideration and updating by those bodies. Any revisions to the standard conditions must also be approved by the same body. However, other cities allow the Community Development Director to maintain the standard conditions. This system is more efficient in that it allows the Director to modify the list of standard conditions when necessary to respond to direction from the Planning Commission, revisions to state laws, or other concerns. The City Council, Planning Commission, or Zoning Administrator can still recommend changes to the standard conditions. Again, final decisions about which conditions to impose, and how they are worded, are made by hearing bodies, not staff.

The Community Development Department has worked with all departments involved in the development review process to update the standard conditions of approval. The revised conditions carry forward many of the existing conditions, but there have been some changes:

- The conditions have been organized by the time in the process at which they must be satisfied. This approach has been successfully employed in other communities and has been embraced in those communities by applicants as well as staff. Conditions have also been updated as appropriate.
- A new condition requires all applicants to comply with all applicable provisions of the SCMC, adopted ordinances, and state laws. This condition will allow the City to enforce all relevant laws and to consider revocation of a conditional use permit if an applicant fails to comply with a law that is not a specific condition of approval. As a result, conditions referencing compliance with specific provisions of the SCMC have generally been eliminated. The exception is that existing conditions imposed by the Utilities and Public Works Departments have been carried forward, as the Public Works Director believes that applicants benefit from the "road map" these conditions create for applicants. These conditions are also written in language that is easier to understand than language contained within the Municipal Code. The Planning Commission agreed to this practice.
- Conditions often imposed by Utilities and Code Compliance have been added as standard conditions.

Recommended**Action:**

STAFF RECOMMENDS THAT the City Council rescind Resolution No. 10-29 eliminating the need to include authoritative citations in the standard conditions and authorizing the Director of Community Development to update and maintain standard conditions of approval that may be applied to land use applications.

Attachments:

1. Resolution No. 10-29
2. Resolution rescinding Resolution No. 10-29 and authorizing staff promulgation of standard conditions of approval
3. Planning Commission Resolution PC 18-030
4. Draft Revised Standard Conditions

Notification:

Notification was not required pursuant to the San Clemente Municipal Code.

ATTACHMENT 1

RESOLUTION NO. 10-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING AUTHORITATIVE CITATIONS FOR THE COMMUNITY DEVELOPMENT DEPARTMENT'S STANDARD CONDITIONS OF APPROVAL RELATED TO THE DEVELOPMENT REVIEW PROCESS

WHEREAS, on February 6, 2010, the Citygate Management Review report was presented to the City Council for discussion purposes; and

WHEREAS, on March 16, 2010, the recommendations of the Citygate Management Review report were adopted by the City Council and direction was given to implement said recommendations; and

WHEREAS, the Citygate Management Review report outlined Recommendation No. 6 which requires the Community Development Department to update the standard Conditions of Approval to provide links/citations to Council granted authority in writing for all Conditions of Approval related to the Development Review process; and

WHEREAS, the Community Development Department has determined that there are 10 Conditions of Approval that do not have specific citations and require Council authority as illustrated in Exhibit 1 attached hereto; and

WHEREAS, the Community Development Department has 160 standard Conditions of Approval that are applied to the development review process as illustrated in Exhibit 2 of attached hereto; and

WHEREAS, the City's Executive Development Management Team discussed the updated Conditions of Approval and the accompanying code citations for consistency with the Citygate Management Review report; and

WHEREAS, on June 1, 2010, the City Council at a public meeting considered and discussed the updated Conditions of Approval presented by City staff.

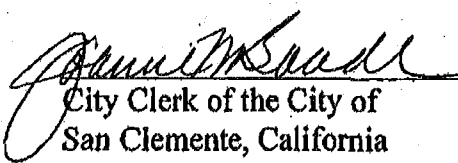
NOW THEREFORE, the City Council of the City of San Clemente hereby resolves as follows:

Section 1: The City Clerk shall certify to passage and adoption of this resolution and enter it into the book of original resolutions.

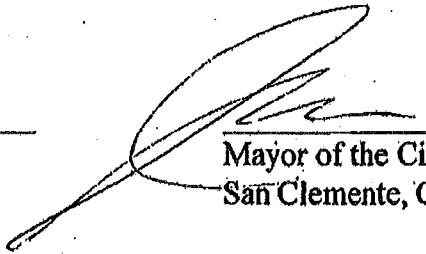
Section 2: The City Council of the City of San Clemente hereby adopts Resolution No. _____ officially establishing authoritative citations for the Community Development Department's standard Conditions of Approval attached hereto as Exhibit 1 and 2.

PASSED AND ADOPTED this 1st day of June, 2010.

ATTEST:



City Clerk of the City of
San Clemente, California



Mayor of the City of
San Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) §
CITY OF SAN CLEMENTE)

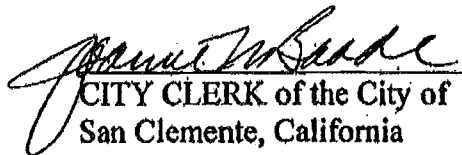
I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. 10-29 was adopted at a regular meeting of the City Council of the City of San Clemente held on the 1st day of June, 2010, by the following vote:

AYES: ANDERSON, BAKER, DONCHAK, EGGLESTON, MAYOR DAHL

NOES: NONE

ABSENT: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this 7TH day of JUNE, 2010.



CITY CLERK of the City of
San Clemente, California

Approved as to form:

/s/ Jeff Goldfarb

City Attorney

EXHIBIT 1**CONDITIONS OF APPROVAL WITH NO SPECIFIC CITATIONS**

- #1. The applicant or the property owner or other holder of the right to the development entitlement(s) or permit(s) approved by the City for the project, if different from the applicant (herein, collectively, the "Indemnitor") shall indemnify, defend, and hold harmless the City of San Clemente and its elected city council, its appointed boards, commissions, and committees, and its officials, employees, and agents (herein, collectively, the "Indemnitees") from and against any and all claims, liabilities, losses, fines, penalties, and expenses, including without limitation litigation expenses and attorney's fees, arising out of either (i) the City's approval of the project, including without limitation any judicial or administrative proceeding initiated or maintained by any person or entity challenging the validity or enforceability of any City permit or approval relating to the project, any condition of approval imposed by City on such permit or approval, and any finding or determination made and any other action taken by any of the Indemnitees in conjunction with such permit or approval, including without limitation any action taken pursuant to the California Environmental Quality Act ("CEQA"), or (ii) the acts, omissions, or operations of the Indemnitor and the directors, officers, members, partners, employees, agents, contractors, and subcontractors of each person or entity comprising the Indemnitor with respect to the ownership, planning, design, construction, and maintenance of the project and the property for which the project is being approved. The City shall notify the Indemnitor of any claim, lawsuit, or other judicial or administrative proceeding (herein, an "Action") within the scope of this indemnity obligation and request that the Indemnitor defend such Action with legal counsel reasonably satisfactory to the City. If the Indemnitor fails to so defend the Action, the City shall have the right but not the obligation to do so and, if it does, the Indemnitor shall promptly pay the City's full cost thereof. Notwithstanding the foregoing, the indemnity obligation under clause (ii) of the first sentence of this condition shall not apply to the extent the claim arises out of the willful misconduct or the sole active negligence of the City. [Citation - City Attorney Legal Directive] (P.lng.) _____
- #2. Thirty (30) days after project approval, the owner or designee shall submit written consent to all of these imposed conditions of approval to the Community Development Director or designee. [Citation - City Attorney Legal Directive] (P.lng.) _____

- #19. Prior to final tract/parcel map approval, the owner or designee shall submit to the City Attorney for review the form of (i) grant deed and (ii) purchase and sale agreement (or applicable portions thereof) to be used in connection with the applicant's sale of the units/lots to individual buyers. Said grant deed and purchase agreement shall include disclosures, approved by the City Attorney or designee, that indicate the existence, operations, characteristics, and potential exposure to nuisance/objectable odors/risk of upset/hazards of the following: *[Citation - City Attorney Legal Directive]*
 (Plng.) _____

(delete or add as appropriate)

- Prima Deshecha Landfill
- TRW
- United States Marine Corps, Camp Pendleton
- San Onofre Nuclear Generating Station
- Ford Aerospace
- Fire hazard due to wildland exposure (Fire - FP16)
- The Forster Ranch ridgeline trail and connections
- Orange County Flood Control Channel
- City of San Clemente Wastewater Treatment Plant;
- Owens-Illinois Sand and Gravel Operation;
- Foothill South Transportation Corridor

- #20. Prior to final tract/parcel map approval, the owner or designee shall submit Covenants, Conditions & Restrictions (CC&R's) for review by the Community Development Department, and review & approval by the City Attorney or designee, that shall provide for the following items: *[Citation - City Attorney Legal Directive]*

- A. Creation of an Association 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, irrigation systems, landscaped areas, walls, driveways, parking areas, trash areas, structures, private accesses and drainage. All drainage and other improvements within the interior of the subdivision designated as private shall remain private and shall be maintained by the Association. In addition, the CC&R's shall indicate all other areas to be owned and maintained by the Association and that maintenance of all private drainage facilities shall be in conformance with NPDES requirements. Notwithstanding the foregoing, for projects consisting of four units or less, the CC&R's may provide for the maintenance described above by a mechanism other than the creation of an Association. (Plng.) _____ (Fire) _____

- B. Within 15 days after the establishment of the Association, the owner or designee shall furnish the Board or Officers of the Association a copy of the approved parcel map, a copy of the approved site and fencing plan, copies of all approved

landscaping plans, a complete set of construction plans for the units, and approved plans indicating the locations and characteristics of all major project components, utilities, and related data (collectively, the "Approved Plans"). For projects consisting of four units or less, where the owner has elected not to create an Association, the CC&R's shall provide that the owner or designee shall provide copies of all of the Approved Plans to the purchaser of each individual unit at the close of escrow. (Plng.) _____

C. Following recordation of the final parcel map, the Association shall submit to the Community Development Department for distribution to the Fire and Beaches, Parks and Recreation Departments and, shall resubmit annually, a list of all current Officers of the Property Owner Association (this condition applicable only if an Association is created). (Plng.) _____

D. Proposed amendments to any of the CC&R's shall be submitted for review to the Community Development Director or designee, and shall be approved by the Community Development Director and the City Attorney prior to the amendments being valid. In the event a proposed amendment materially alters any of the provisions required by the City to be included in the CC&R's, the Community Development Director may require the proposed amendment to be approved by the City Council. (Plng.) _____

E. A statement indicating that the City is deemed to be an express third party beneficiary of the CC&R's and has the right, but not the obligation, to enforce any of the provisions of the CC&R's (Plng.) _____

F. 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 respect to the NPDES program (this condition applicable only if an Association is created). (Eng.) _____

** Subsections G, H & I of Condition #20 already have code citations*

#21. Prior to final tract/parcel map approval, the owner or designee shall pay or reimburse (as determined by the City Planner) the City all costs associated with City Attorney review of the project CC&R's, Disclosure Statements, and any other applicable documents. [Citation - City Attorney Directive, Planning Division Fee Schedule] (Plng.) _____

- #26. Prior to the final tract/parcel map approval, 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 the resolution will be of no force or effect unless such written consent is submitted to the City. *[Citation – City Attorney Legal Directive]* (Plng.) _____
- #66. Prior to issuance of grading permits, the owner or designee shall be responsible for providing an electronic copy of the zone change boundary map for updating the City's Precise Zoning Map in a manner satisfactory to the City Planner or designee. *[Citation – No Specific Citation]* (Plng.) _____
- #81. 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 that is licensed to do surveying or land surveyor has certified that the forms for the building foundations conform to the required front, side and rear setbacks and are in conformance to the approved plans. *[Citation – No Specific Citation]* (Bldg.) _____
- #82. 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 that is licensed to do surveying or land surveyor has certified that the height of all structures are in conformance to the approved plans. *[Citation – No Specific Citation]* (Bldg.) _____
- #105. 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 designee, showing "as built" of grading, trails, and irrigation intended for City Maintenance. *[Citation – No Specific Citation]* (BP&R) _____

EXHIBIT 2

CITY OF SAN CLEMENTE

Standard Conditions of Approval

Updated – May 3, 2010

Conditions of Approval

Updated: May 3, 2010

GENERAL CONDITIONS

1. The applicant or the property owner or other holder of the right to the development entitlement(s) or permit(s) approved by the City for the project, if different from the applicant (herein, collectively, the "Indemnitor") shall indemnify, defend, and hold harmless the City of San Clemente and its elected city council, its appointed boards, commissions, and committees, and its officials, employees, and agents (herein, collectively, the "Indemnitees") from and against any and all claims, liabilities, losses, fines, penalties, and expenses, including without limitation litigation expenses and attorney's fees, arising out of either (i) the City's approval of the project, including without limitation any judicial or administrative proceeding initiated or maintained by any person or entity challenging the validity or enforceability of any City permit or approval relating to the project, any condition of approval imposed by City on such permit or approval, and any finding or determination made and any other action taken by any of the Indemnitees in conjunction with such permit or approval, including without limitation any action taken pursuant to the California Environmental Quality Act ("CEQA"), or (ii) the acts, omissions, or operations of the Indemnitor and the directors, officers, members, partners, employees, agents, contractors, and subcontractors of each person or entity comprising the Indemnitor with respect to the ownership, planning, design, construction, and maintenance of the project and the property for which the project is being approved. The City shall notify the Indemnitor of any claim, lawsuit, or other judicial or administrative proceeding (herein, an "Action") within the scope of this indemnity obligation and request that the Indemnitor defend such Action with legal counsel reasonably satisfactory to the City. If the Indemnitor fails to so defend the Action, the City shall have the right but not the obligation to do so and, if it does, the Indemnitor shall promptly pay the City's full cost thereof. Notwithstanding the foregoing, the indemnity obligation under clause (ii) of the first sentence of this condition shall not apply to the extent the claim arises out of the willful misconduct or the sole active negligence of the City. *[Citation – City Attorney Legal Directive]* (PIng.)_____
2. Thirty (30) days after project approval, the owner or designee shall submit written consent to all of these imposed conditions of approval to the Community Development Director or designee. *[Citation – City Attorney Legal Directive]* (PIng.)_____

California Environmental Quality Act (CEQA)

3. This project is approved subject to the provisions of a(n) _____ (choose one) Negative Declaration/Mitigated Negative Declaration/Environmental Impact Report (EIR). Within forty-eight (48) hours of final approval for this project, the owner or designee shall deliver to the Planning Division a check payable to the

County Clerk in the amount of forty-three dollars (\$43.00) for the County administration fee. This will enable the City to file the Notice of Determination. [Citation - Public Resources Code Section 21152 & California Code of Regulations, Title 14, Section 15075 (CEQA)] (PIng.)_____

4. This project shall be subject to the mitigation measures adopted with the _____ (delete one) Mitigated Negative Declaration or Environmental Impact Report prepared for the project and included with these conditions of approval as Attachment _____ to Resolution _____ [Citation - California Code of Regulations, Title 14, Section 15074 (CEQA)] (PIng.)_____

Alcohol

5. The sale of beer and wine/alcohol for on-site/off-site consumption shall be limited to the hours of (insert permitted hours)_____. Any proposed change in the hours of operation shall require an amendment to this Conditional Use Permit. [Citation - Division 9 (Alcoholic Beverages), Section 25631 to 25633 of Business & Professions Code, State of California] (PIng.)_____
6. 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. Revocation of, or sale of said ABC license to another person at another location, shall render this Use Permit null and void. Prior to any sale of the ABC license, the owner or designee shall notify the Community Development Department of the sale. [Citation - Division 9 (Alcoholic Beverages), Business and Professions Code, State of California] (PIng.)_____
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. Revocation of, or sale of said ABC license to another person at another location, shall render any City approved CUP for alcohol service at the subject property null and void. Prior to any sale of the ABC license, the owner or designee shall notify the Community Development Department of the sale. [Citation - Division 9 (Alcoholic Beverages), Business and Professions Code, State of California] (PIng.)_____

8. The owner or designee shall be responsible for ensuring that all employees receive "Responsible Alcoholic Beverage Service" training as offered through programs established by the Orange County Health Care Agency and Alcoholic Beverage Control of the State of California. Evidence of such training and the training records of all employees shall be maintained on-site during business hours, and made available for inspection upon request. *[Citation - Section 17.16.070.K of the of the SCMC]* (Plng.)_____

9. The on-site sale and indoor consumption of alcohol use shall be deemed to have lapsed, and (application type and number) _____ shall be deemed to have expired, ninety (90) days after the date the on-site sale and indoor and outdoor consumption of beer and wine ceases operation and/or the business closes at such location. *[Citation - Section 17.12.150(C) of the SCMC]* (Plng.)_____

Cable TV

10. 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 the following address: Cox Communications, General Manager, 29947 Avenida de Las Banderas, Rancho Santa Margarita, CA 92688. *[Citation - Title 5, Chapter 5.24 of the SCMC]* (Eng.)_____

Double-Detector Check (Also see 'Prior to Building Permit' Landscape Condition)

11. An approved double-detector check backflow assembly shall be installed on any/all fire lines above ground and as near to the point of connection to the potable water system as practical, given functional and aesthetic considerations. An isolation valve shall be installed on any/all fire lines at the point of connection to the water main. *[Citation - Section 13.04.350.D of the SCMC]* ■(Util.) _____ (Plng.)_____

12. An approved reduced pressure principal backflow assembly shall be installed on any/all potable water systems, and any/all irrigation systems, above ground, directly after each water meter as practical, and at a minimum height of 12" from the bottom of each assembly to ground level. *[Citation - Section 13.04.350.D of the SCMC]* ■ (Util.)_____

ExpirationTentative Maps:

13. Within two (2) years after the approval date of Tentative Tract/Parcel Map No. _____, unless an extension is granted as provided in Section 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 file a substantially complete submittal for review and approval by the City 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/parcel map, City standards, and all other applicable approved plans, codes, ordinances, statutes and regulations.
[Citation - Section 16.12.100.A of the SCMC] (PIng.) _____

Projects Requiring a Building Permit:

14. _____ (Application type and number) shall become null and void if the use is not commenced within one (1) year from the date of the approval thereof. Since the use requires the issuance of a building permit, the use shall not be deemed to have commenced until the date that the building permit is issued for the development. *[Citation - Section 17.12.150.A.1 of the SCMC]* (PIng.) _____

A use shall be deemed to have lapsed, and (application type and number) _____ shall be deemed to have expired, when a building permit has been issued and construction has not been completed and the building permit has expired in accordance with applicable sections of the Uniform Building Code, as amended.
[Citation - Section 17.12.150.C.1 of the SCMC] (PIng.) _____

15. The owner or designee shall have the right to request an extension of (application type and number) _____ 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 final decision making authority that ultimately approved or conditionally approved the original application. *[Citation - Section 17.12.160 of the SCMC]* (PIng.) _____

Projects Not Requiring a Building Permit:

16. _____ (application type and number) shall become null and void if the use is not commenced within one (1) year from the date of the approval thereof. The use shall be deemed to have commenced on the date the use becomes legally operational, including issuance of a Certificate of Occupancy from the City of San Clemente. *[Citation - Section 17.12.150.A.1 of the SCMC]* (PIng.) _____

A use shall be deemed to have lapsed, and (application type and number) _____ shall be deemed to have expired, one year after the date the use ceases operation and/or the business closes at such location. [Citation - Section 17.12.150.C.2 of the SCMC] (PIng.)_____

The owner or designee shall have the right to request an extension of (application type and number) _____ 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 final decision making authority that ultimately approved or conditionally approved the original application. [Citation - Section 17.12.160 of the SCMC] (PIng.)_____

Signs

17. Signage is not part of this review. Any signage for this proposed development shall require the owner or designee to submit for review and obtain approval of a Sign Permit or Master Sign Program in accordance with the City's Sign Ordinance. [Citation - Section 17.16.240.D& 17.16.250.D of the SCMC] (PIng.)_____

CONDITIONS TO BE SATISFIED PRIOR TO FINAL TRACT/PARCEL MAP APPROVAL

Affordable Housing

18. Prior to final tract/parcel map approval, 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: [Citation - Inclusionary Housing Program, Section 17.24.120 of the SCMC] (PIng.)_____
- A. The number of affordable units required shall be consistent with the Housing Element of the City's General Plan.
- 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.

Buyer Notification

- 19. Prior to final tract/parcel map approval, the owner or designee shall submit to the City Attorney for review the form of (i) grant deed and (ii) purchase and sale agreement (or applicable portions thereof) to be used in connection with the applicant's sale of the units/lots to individual buyers. Said grant deed and purchase agreement shall include disclosures, approved by the City Attorney or designee, that indicate the existence, operations, characteristics, and potential exposure to nuisance/objectionable odors/risk of upset/hazards of the following:
 [Citation – City Attorney Legal Directive] (PIng.) _____

(delete or add as appropriate)

- Prima Deshecha Landfill
- TRW
- United States Marine Corps, Camp Pendleton
- San Onofre Nuclear Generating Station
- Ford Aerospace
- Fire hazard due to wildland exposure (Fire - FP16)
- The Forster Ranch ridgeline trail and connections
- Orange County Flood Control Channel
- City of San Clemente Wastewater Treatment Plant;
- Owens-Illinois Sand and Gravel Operation;
- Foothill South Transportation Corridor

Covenants, Conditions & Restriction's (CC&R's)

- 20. Prior to final tract/parcel map approval, the owner or designee shall submit Covenants, Conditions & Restrictions (CC&R's) for review by the Community Development Department, and review & approval by the City Attorney or designee, that shall provide for the following items: [Citation – City Attorney Legal Directive]
 - A. Creation of an Association 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, irrigation systems, landscaped areas, walls, driveways, parking areas, trash areas, structures, private accesses and drainage. All drainage and other improvements within the interior of the subdivision designated as private shall remain private and shall be maintained by the Association. In addition, the CC&R's shall indicate all other areas to be owned and maintained by the Association and that maintenance of all private drainage facilities shall be in conformance with NPDES requirements. Notwithstanding the foregoing, for projects consisting of four units or less,

Conditions of Approval

Updated: May 3, 2010

the CC&R's may provide for the maintenance described above by a mechanism other than the creation of an Association.

(Png.) _____ (Fire) _____

- B. Within 15 days after the establishment of the Association, the owner or designee shall furnish the Board or Officers of the Association a copy of the approved parcel map, a copy of the approved site and fencing plan, copies of all approved landscaping plans, a complete set of construction plans for the units, and approved plans indicating the locations and characteristics of all major project components, utilities, and related data (collectively, the "Approved Plans"). For projects consisting of four units or less, where the owner has elected not to create an Association, the CC&R's shall provide that the owner or designee shall provide copies of all of the Approved Plans to the purchaser of each individual unit at the close of escrow. (Png.) _____
- C. Following recordation of the final parcel map, the Association shall submit to the Community Development Department for distribution to the Fire and Beaches, Parks and Recreation Departments and, shall resubmit annually, a list of all current Officers of the Property Owner Association (this condition applicable only if an Association is created). (Png.) _____
- D. Proposed amendments to any of the CC&R's shall be submitted for review to the Community Development Director or designee, and shall be approved by the Community Development Director and the City Attorney prior to the amendments being valid. In the event a proposed amendment materially alters any of the provisions required by the City to be included in the CC&R's, the Community Development Director may require the proposed amendment to be approved by the City Council. (Png.) _____
- E. A statement indicating that the City is deemed to be an express third party beneficiary of the CC&R's and has the right, but not the obligation, to enforce any of the provisions of the CC&R's (Png.) _____
- F. 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 respect to the NPDES program (this condition applicable only if an Association is created). (Eng.) _____
- G. A statement indicating City of San Clemente may enter the common Areas at any time for the purpose of administering and enforcing compliance by all Members with (a) any permit issued to the City of San Clemente by the

San Diego Regional Water Quality Control Board, as such permit may be amended from time to time, and (b) all NPDES requirements. [Citation - Section 13.40 of the SCMC] (Eng.) _____

- H. The CC&R's shall contain fire prevention and defense provisions including a fire lane map, provisions that prohibit parking in fire lanes, and a method of enforcement. Also, a method for keeping fire protection access easements unobstructed shall be included. The approval of the Chief of Fire Protection Services shall be required for any modifications such as control gates, or parking changes. [Citation - Service Codes: 2.12 of the OCFA] (Fire) _____
- I. Agreement by and between the owner or designee and Association, that storm drain facilities shall be inspected regularly as follows: [Citation - Section 13.40 of the SCMC]. (Eng.) _____
- 1) Open channels, catch basins and pipelines inspected annually before storm season and removal of debris as necessary.
 - 2) All facilities shall have debris and sediment removed either manually or by mechanical methods. Flushing shall be used in emergency situations only.
21. Prior to final tract/parcel map approval, the owner or designee shall pay or reimburse (as determined by the City Planner) the City all costs associated with City Attorney review of the project CC&R's, Disclosure Statements, and any other applicable documents. [Citation - City Attorney Directive, Planning Division Fee Schedule] (PIng.) _____
22. Prior to final tract/parcel map approval, the owner or designee shall pay all applicable development and final map fees, which may include, but are not limited to, City Attorney CC&R's review, park acquisition and development, water and sewer connection, drainage, grading, traffic, soils and hydrology review, plan check deposit (minimum plan check deposit shall be \$5,000). [Citation - Fee Resolution No. 08-81] (Eng.) _____

Coastal Commission

23. Prior to final tract/parcel map approval, the owner or designee shall demonstrate to the satisfaction of the City Planner or designee that approval by the California Coastal Commission has been obtained for the tentative tract/parcel map. [Citation - Section 17.56.050 of the SCMC & Division 20, Public Resources Code] (PIng.) _____

Condominium Conversion

- 24. Prior to final tract/parcel map approval for the condominium conversion, the owner or designee shall provide to each existing tenant the following: *[Citation - Section 16.40.010 of the SCMC* (Plng.) _____

 - A. Ten (10) days written notification by mail that an application for a public report will be, or has been, submitted to the Department of Real Estate, and that such report will be available on request.
 - B. Written notification by mail of the intention to convert 180 days prior to the termination of tenancy due to the conversion.
 - C. Notice of an exclusive right to contract for the purchase of the tenant's respective unit upon the same terms and conditions that such unit will be initially offered to the general public, or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report, unless the tenant gives prior written notice of the intent to not exercise the right.

- 25. Prior to final tract/parcel map approval, the owner or designee shall give written notice, as prescribed below, in compliance with Section 66452.8 of the Government Code of the State of California (Subdivision Map Act), of the intention to convert to condominiums to any prospective tenant prior to the acceptance of any rent or deposit. The written notice shall be as follows: *[Citation - Section 66452.8 of the Government Code of the State of California]* (Plng.) _____

"To the prospective occupant(s) of _____ (Address): The owners of this building at _____ (Address) have filed a tentative map with the City of San Clemente, in the County of Orange, to convert this building to a condominium project. No units may be sold in this building unless the conversion is approved by the City of San Clemente in the County of Orange and until after a public report is issued by the Department of Real Estate. If you become a tenant of this building, you shall be given notice of each hearing for which notice is required pursuant to Sections 66451.3 and 66452.5 of the Government Code and you have the right to appear and the right to be heard at any such hearing.

Signature of Owner or Owner's Agent

Date

I have received this notice on _____
Date

Prospective Tenant's Signature"

Failure of the owner or designee to give such written notice shall require that, at least 30 days prior to the termination of tenancy due to the conversion, the owner or designee shall, for each tenant who does not purchase his or her respective unit, complete the following:

- A. Provide a list of alternative rental housing units available within a radius of twenty five miles which are similar to the tenant's existing living conditions and comparable to the current rent paid for the existing rental unit.
- B. Pay each tenant's compensation for moving expenses and an amount to cover the first month's rent for the new location not to exceed _____.

Written Consent

- 26. Prior to the final tract/parcel map approval, 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 the resolution will be of no force or effect unless such written consent is submitted to the City. *[Citation - City Attorney Legal Directive]* (Plng.) _____

Reports - Soils and Geologic, Hydrology

- 27. Prior to final tract/parcel map approval, 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/or geotechnical engineer which conforms to City standards and all other applicable codes, ordinances and regulations. *[Citation - Section 16.12.050.B of the SCMC]* (Eng.) _____
- 28. Prior to final tract map/parcel approval, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for a hydrology and hydraulic study prepared by a registered civil engineer to determine the sizes and locations of all on-site drainage facilities including modification to off-site downstream facilities in accordance with all applicable City regulations and standards. *[Citation - Section 16.12.050.H of the SCMC]* (Eng.) _____

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Final Map Requirements

29. Prior to final tract/parcel map approval, the owner or designee shall indicate on the final map that all streets, drainage, storm drains, 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. *[Citation - Section 16.36.030 of the SCMC]* (Eng.) _____

Easements

30. Prior to final tract/parcel map approval, the owner or designee shall indicate on the final map, the location of all easements for open space, trails, storm drains, public street lights, utilities, reciprocal access, slopes, and landscaping. All drainage easements shall be a minimum of 15 feet. No drainage facilities accepted for dedication or maintenance by the City shall be located within slopes. Improvements may not 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 encroachments into the public ROW. *[Citation - Section 16.28.030.B of the SCMC]* (Eng.) _____
31. Prior to final tract/parcel map approval, the owner or designee shall demonstrate to the satisfaction of the City Engineer or designee, that quitclaims in favor of the City have been obtained from all persons having any interest 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. *[Citation - Section 13.04.500.A, B & C of the SCMC]* (Eng.) _____
32. Prior to final tract/parcel map approval, reciprocal parking and access easements shall be prepared for recordation by the property owner in a manner meeting the approval of the City Attorney. The purpose of the easement shall be specifically stated in the recording document as being for the preservation of access and parking availability in accordance with City Ordinances and the State Subdivision Map Act. *[Citation - Title 16 & Section 17.64 of the SCMC]* (Eng.) _____

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Improvement Plans Required**Grading:**

33. Prior to final tract/parcel map approval, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for a grading plan, prepared by a registered civil engineer, which shows grading, drainage, trails, and street improvements. [Citation - Section 16.12.050.C, E, F, G, J & K of the SCMC] (Eng.)_____

NPDES:

34. Prior to final tract/parcel map approval or issuance of grading permits, the owner or designee shall submit for review and shall obtain approval by the City Engineer or designee, plans for the regulation and control of pollutant run-off by using Best Management Practices (BMP's). The owner or designee shall demonstrate to the satisfaction of the City Engineer or designee that the project meets all requirements of the National Pollutant Discharge Elimination System (NPDES), Federal, State, San Diego Regional Water Quality Control Board, County and City guidelines and regulations, in order to control pollutant run-off and shall provide evidence satisfactory to the City Engineer or his designee that the required NPDES permits has been obtained. [Citation - Section 13.40 of the SCMC] (Eng.)_____
35. Prior to final tract/parcel map approval or issuance of grading permits, the owner or designee shall submit for review a project binder containing the following documents: [Citation - Section 13.40.055 of the SCMC] (Eng.)_____
- A. If the project is greater than 1 acre, a Notice of Intent (NOI) for coverage under the General Construction Storm Water Permit must be filed with the State Water Resources Control Board (refer to <http://www.waterboards.ca.gov/stormwtr/construction.html>) and a copy of the NOI, a WDID number and a copy of the Storm Water Pollution Prevention Plan (SWPPP) must be filed with the City;
- B. If the site is determined to be a "Priority Project" (as defined by the Orange County Municipal Storm Water Permit - refer to the following web address at http://www.waterboards.ca.gov/sandiego/programs/oc_stormwater.html), a final Water Quality Management Plan (WQMP) must be recorded with the Orange County Recorder's Office and filed with the City; and
- C. If a site is determined to be a "Non-Priority Project," a final Non-Priority Project Checklist must be filed with the City.

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Streets:

36. Prior to final tract/parcel map approval the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for street improvement plans, prepared by a registered civil engineer, 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: *[Citation – Section 16.28, Design Standards of the SCMC]*
(Eng.) _____

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 water base traffic paint or alkyd thermoplastic no less than 125 millimeters thick. All centerline striping on arterial and collector streets shall include the installation of two-way R.P.M.'s. Spacing of R.P.M.'s shall be per City 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 water base traffic paint or alkyd thermoplastic no less than 125 millimeters thick.

D. All streets, sidewalks, curbs, gutters, storm drains, catch basins, slope drains, sewer lines, landscaping, striping improvements, signage, and street lights, private and public, shall be designed and constructed in accordance with City standards.

E. Streets shall be the following curb-to-curb and Right-of-Way widths:
Street "A" _____ / _____

F. Sidewalks shall be installed on _____ side(s) of _____ street(s).

G. Provide traffic study for review and approval by the City Traffic Engineer. The report shall include, but not be limited to, studies of Average Daily Trips (ADT) and Level of Service (LOS).

H. 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,

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County); and total numbers of street lights proposed by wattage type and by maintenance responsibility assignment (i.e., public, private, SDG&E).

- I. Improvement plans shall include enriched pavement at all major entrances to private development areas, including a plan for signs designating private streets at the corner of these entrances. Enhanced paving is to be constructed within the private street right-of-way and maintained by the homeowners or property owners association.
- J. Plans for all streets shall be submitted to and approved by the Fire chief. The plans shall show fire lanes, locations of red curbing and signage. A drawing of the proposed signage with the height, stroke, and color of lettering, and contrasting background color shall be provided. Plans shall also include sectional views, and indicate the width measured flow line to flow line. All proposed fire apparatus turnarounds shall be clearly marked.
- K. Bus bays shall be provided at locations approved by the OCTA and the City Engineer in accordance with OCTA standards. Any necessary right-of-way for the bus bays shall be dedicated on the final map as required by the City Engineer. All bus bays shall be concrete.
- L. Place any site specific street improvement requirements here.
37. Prior to final tract/parcel map approval, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee, 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 placed at the end of each cul-de-sac and at each street intersection. *[Citation – Section 16.32.010.B of the SCMC]*.
(Eng.) _____
38. Prior to final tract/parcel map approval, the owner or designee shall provide irrevocable offers of dedication to the City for _____ by separate instrument. The owner or designee shall include in the offers the easements necessary to construct the roads. *[Citation – Section 16.28.010.B & 16.36.020 of the SCMC]*
(Eng.) _____

- 39. Prior to final tract/parcel map approval, the owner or designee shall execute an agreement with the City of San Clemente to provide for the owner's participation in a signalization and/or modification to existing signals at the following intersections: *[Citation – Section 16.28 of the SCMC]* (Eng.) _____

Intersection A: _____ & _____

- 40. Prior to Final Map approval, the owner or designee shall indicate on the Final Map, location of all easements for open space, trails, storm drains and storm drain maintenance access, public street lights, utilities, reciprocal access, emergency access, slopes and slope maintenance access, and landscaping. *[Citation – Section 16.28.030.A&B (partial) of the SCMC]* (Eng.) _____
- 41. Prior to Final Map approval, except at the locations shown on the Final Map, vehicular and pedestrian access rights shall be irrevocably offered to the City by the owner on the Final Map, in manner meeting the approval of the City Engineer. *[Citation – Section 16.28.010.D of the SCMC]* (Eng.) _____
- 42. Prior to Final Map approval, the owner shall dedicate corner cut-offs for the street right of way at all street intersections on the Final Map, in a manner meeting the approval of the City Engineer. *[Citation – Section 16.28.010.K of the SCMC]* (Eng.) _____
- 43. Prior to final tract/parcel map approval, all improvement plans must be submitted (along with a plan check deposit in an amount determined by the City Engineer) for review and approval by the City Engineer. This includes but not necessarily limited to grading, improvements, water, sewer, storm drain, traffic signal, signing and striping, street lights and landscaping and irrigation plans. *[Citation – Section 16.32.010.B of the SCMC]* (Eng.) _____

Open Space and Public Trails

- 44. Prior to final tract/parcel map approval, 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 Tentative Tract No. _____ 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. *[Citation – Chapter 8.0 (Parks and Recreation) of the San Clemente General Plan and Sections 16.36& 17.44 of the SCMC]* (Eng.) _____

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45. Prior to final tract/parcel map approval, the owner or designee shall provide for an irrevocable offer of dedication of a public trail easement, and/or grading, improvement, and maintenance of a recreation trail located at _____ in a manner acceptable to the City Engineer and Director of Beaches, Parks, and Recreation or designees. The City shall maintain the trail when the dedication is completed.
[Citation - Section 16.36.070 of the SCMC] (B,P,&R) _____ (Eng.) _____

Drainage

46. Prior to final tract/parcel map approval, the owner or designee shall clearly call out on the improvement plans that all storm drain systems within the private streets are private systems and are privately maintained. [Citation - Section 16.32.010.G of the SCMC] (Eng.) _____
47. Prior to final tract/parcel map approval 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: [Citation - Section 16.32.010.G of the SCMC] (Eng.) _____
- A. All storm drain junction structures shall be provided with access manholes.
 - B. Terrace drains shall be sloped in such a manner to avoid vertical connecting "V" drains where feasible, and placed to minimize their visual impact.
 - C. All storm water shall be conveyed directly to an approved storm drain system. No storm water shall be allowed to sheet flow over the sidewalks or driveway approaches.

Water and Reclaimed Water

48. Prior to final tract/parcel map approval 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).
[Citation - Section 16.32.010.E of the SCMC] (Eng.) _____
49. Prior to final tract/parcel map approval, the owner or designee shall submit for review and shall obtain the approval of the City Engineer or designee for 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: [Citation – Section 16.32.010.E of the SCMC] (Eng.)_____

- A. Indicate a service system which provides, or allows for, independent water metering.
- B. All development allowed pursuant to this tentative tract map shall provide design features that conserve water, such as low-flush toilets and low-flow faucets; hot water re-circulating systems; drinking fountains with self-closing valves, and public flush valve-operated water closets with 1.75 gallon flush.
- C. All water meters shall be tapped into the public water main and be located in the public ROW.
- D. A double detector check shall be installed at the transition from public to private for water systems.
- E. All reclaimed service lines shall have meters at the public ROW.
- F. Place site specific water improvement plan requirements here.

Sewer

50. Prior to final tract/parcel map approval 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. [Citation – Section 16.32.010.F of the SCMC] (Eng.)_____

51. Prior to final tract/parcel map approval, the owner or designee, shall submit an application to apportion existing sewer capacity from Sewer Assessment District 85-1 to this final map. If sewer capacity is deficient for this final map, the owner shall purchase the deficient amount of sewer capacity in order to meet the sewer capacity requirements of Sewer Assessment District 85-1. [Citation – Sewer Assessment District 85-1] (Eng.)_____

Utilities

52. Prior to final tract/parcel map approval 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: [Citation – Section 16.28 of the SCMC] (Eng.)_____

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- A. All public utilities shall be constructed within dedicated public ROW's and/or easements.
- B. All utility mains shall be placed in the streets and are to be directed to _____, unless otherwise approved by the City Engineer. The utilities shall remain in the Public Right-of-Way of _____. Public utilities shall not be placed in slopes unless otherwise approved by the City Engineer.
- C. Individual units shall have separate utility connections. All services shall comply with the standards of the City or the applicable agency or utility company.

Financial Security

- 53. Prior to final tract/parcel map approval, the owner or designee shall provide separate improvement bonds or irrevocable letters of credit, as determined by the City Engineer, for 100% of each estimated improvement cost, as prepared by a registered civil engineer as required 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; sidewalks; signage; trail improvements; street lights; sewer lines; water lines; storm drains; 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 or irrevocable letters of credit for 100% of the above estimated improvement costs, as determined by the City Engineer or designee. [Citation – Section 16.32.020.D of the SCMC] (Eng.) _____
- 54. Prior to final tract/parcel map approval, the owner or designee shall provide an irrevocable demand payment letter of credit, Certificate of Deposit or a cash deposit in a form and amount acceptable to the City Engineer for each signalization improvements and enter into an agreement with the City stipulating the timing of installation of each new signal or signal improvement. [Citation – Section 16.32.020.D of the SCMC] (Eng.) _____

CONDITIONS TO BE SATISFIED PRIOR TO RECORDATION OF FINAL MAP

- 55. Prior to recordation of the final tract/parcel map, the owner or designee shall submit for review, and shall obtain the approval of the County Surveyor for a digitized tract/parcel map pursuant to Ordinance No. 3809 of the County of Orange dated January 28, 1991. The owner or designee shall pay for all costs of said digital submittals, including supplying digital copies to the City of the final,

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County Surveyor-approved digital map in DXF format. [Citation - Ordinance No. 3809 of the County of Orange] (Eng.) _____

CONDITIONS TO BE SATISFIED PRIOR TO ISSUANCE OF GRADING PERMITS

Grading

56. Prior to issuance of any grading permits, the City Engineer shall determine that development of the site shall conform to 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. [Citation - Section 16.36.160 of the SCMC] (Eng.) _____
57. 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. [Citation - Section 16.36.160 of the SCMC] (Eng.) _____ (Plng.) _____
58. Prior to issuance of grading permits, water quality basin plans shall be submitted for review and approval by the City, the plans shall be prepared by a Registered Civil Engineer. In addition landscape plans for the basin shall be submitted for review and approval by the City, the plans shall be prepared by a specialized consultant in the design and landscaping of such basins. [Citation - Section 16.36.160 of the SCMC] (Eng.) _____ (Plng.) _____
59. Prior to issuance of rough grading permits, rough grading plans shall be submitted to and approved by the City Engineer or designee. Said plans shall include provisions for: [Citation - Section 15.36 of the SCMC] (Eng.) _____
- A. Stockpiling of topsoil for placement on finished slopes.
 - B. Erosion and siltation control.
 - C. Dust control.
 - D. Planting of vegetation on all exposed slopes as required by the Grading Ordinance.
 - E. Temporary sedimentation basins and sandbagging if necessary
60. 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. [Citation – Section 15.36 of the SCMC] (Eng.)_____

61. Prior to issuance of a grading permit, the owner or designee shall submit 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. [Citation – National Flood Insurance Act of 1968] (Eng.)_____

Abandonments

62. Grading and building permits shall not be issued until the City receives a copy of the recorded abandonment from the County of Orange. In addition, prior to the issuance of grading and building permits, the owner or designee shall provide evidence to the satisfaction of the City Engineer or designee of recordation of any and all easements required as a condition of this abandonment. [Citation – Section 12.20.010.A/B of the SCMC] (Eng.)_____

Landscape Plans

63. Prior to issuance of grading and/or building permits, the owner or designee shall submit for review and approval by the Community Development Director and Director, Beaches, Parks and Recreation or designees, a detailed landscape and irrigation plan incorporating drought tolerant plants, for medians, parkways, public trails, fuel modification areas, common areas, and slopes, and other landscaped areas, prepared by a registered landscape architect, and in compliance with all pertinent requirements including, but not limited to guidelines contained in the City's Master Landscape Plan of Scenic Corridors. [Citation – Section 17.68.020.B.2 of the SCMC] (Png.)_____ (B,P&R)_____

64. The following standards shall apply for all landscape plans specific to parkways, unless otherwise approved for private residential streets: [Citation – Section 17.68 of the SCMC & Master Landscape Plan for Scenic Corridors] (Eng.)_____ (Png.)_____

- A. All parkway trees shall maintain the minimum following distances from improvements:

- 10'0" from water, sewer and storm drain lines.
- 5'0" from hardscape (curbs, sidewalks, street lights, utility boxes, fire hydrants, P.I.V.'s, F.D.C., etc.) except for tree wells.
- 15'0" from drive approaches.
- 25'0" from curb return at street intersections.

- B. 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.
- C. Minimum parkway tree size shall be 15-gallon for canopy trees and ten-foot (10') Brown Trunk Height (BTH) for palms.
- D. Parkway trees shall be planted at 30-foot intervals in commercial and 25-foot intervals in residential areas.
- E. Residential corner lots shall include a minimum of two (2) trees along the side yard parkway.

Water

- 65. Prior to issuance of grading or permits, the owner or designee shall obtain confirmation 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. [Citation – Section 13.04 of the SCMC] (Eng.)_____

Zoning Map

- 66. Prior to issuance of grading permits, the owner or designee shall be responsible for providing an electronic copy of the zone change boundary map for updating the City's Precise Zoning Map in a manner satisfactory to the City Planner or designee. [Citation – No Specific Citation] (Png.)_____

Noise

- 67. Prior to issuance of grading permits, a sound attenuation plan shall be submitted to and approved by the City Engineer. 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 (Community Noise Equivalent Level) in outdoor living areas and an indoor standard of 45 Db CNEL in all habitable rooms. Evidence prepared by a County-

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certified acoustical consultant that these standards will be satisfied in a manner consistent with applicable City Ordinances shall be submitted as follows:

- A. An acoustical analysis report shall be submitted to the Building Division for approval. The report shall describe, in detail, the exterior noise environment and 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. [Citation - Implementation Program I-14.4 of the General Plan, Noise Element & California Building Code Section 12 - Section 1207] (Bldg.)_____
- B. Prior to the issuance of any grading permits, the owner or designee shall provide evidence acceptable to the City Engineer that: [Citation - Title 15, Section 15.36 (Excavations and Grading) of the SCMC] (Eng.)_____
- 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.
 - 4) 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.

Underground Storage Tanks

68. Prior to the installation of underground storage tanks, the owner or designee shall submit plans for review and approval by the City Building Official, the Orange County Fire Authority (OCFA), the South Coast Air Quality Management District (SCAQMD), and the Orange County Health Care Agency, Environmental Health Division (OCHCA). [Citation - Title 8, Section 8.16; Title 15, Section 15.08, CCR Title 23, Division 3, Section 16 of the SCMC] (Bldg.)_____

CONDITIONS TO BE SATISFIED PRIOR TO ISSUANCE OF BUILDING PERMITS

69. 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. *[Citation – City Quality Insurance Program]* (Plng.) _____ (Bldg.) _____

Written Consent

70. Prior to the issuance of any permits, 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 the resolution will be of no force or effect, nor shall permits be issued, unless such written consent is submitted to the City. *[Citation – City Attorney Legal Directive]* (Plng.) _____

Street Names and Addresses

71. Prior to issuance of building permits, the owner or designee shall submit for review, and shall obtain the approval of the City Planner or their designee for all street names and addresses associated with the project. *[Citation – Section 15.24 of the SCMC]* (Plng.) _____

Spanish Style Architecture

72. Prior to issuance of building permits, the owner or designee shall submit for review and obtain approval of the City Planner or designee for plans indicating the following: (Plng.) _____

- A. Two-piece clay tile roofing shall be used with booster tiles on the edges and ridges and random mortar packing. The mortar shall be packed on 100 percent of the tiles in the first two rows of tiles and along any rake and ridgeline, and shall be packed on 25 percent of the tiles on the remaining field. Mortar packing shall serve as bird stops at the roof edges. The thickness of pack shall be determined by the City Planner or designee. *[Citation – City of San Clemente Design Guidelines, November 1991]*
- B. Stucco walls with a ‘steel, hand trowel’ (no machine application), smooth Mission finish and slight undulations (applied during brown coat) and bull-nosed corners and edges, including archways (applied during lathe), with no control/expansion joints. *[Citation – City of San Clemente Design Guidelines, November 1991]*

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Roof Equipment

73. 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 surrounding areas. Additional screening devices may be required in conjunction with tenant improvements if deemed necessary by the Director of Community Development. [Citation - Section 17.24.050.C.2 of the SCMC] (PIng.) _____

Shared Parking

74. Prior to the issuance of building permits, the owner or designee shall submit for review, and shall obtain the approval of the City Attorney or designee for, a shared parking agreement between the subject property owner and the owner of an adjacent property within 300 feet of the subject property, for the exclusive use of (specify number) _____ off-site parking spaces during the following hours: _____, or as otherwise determined by the City Planner or designee. The shared parking agreement shall restrict the use of the land on which the off-site parking is located for the duration of the use for which that parking is provided. Following approval of the agreement by the City Attorney or designee, the owner or designee shall have the parking agreement recorded with the County of Orange; prior to the issuance of the first permit, the owner or designee shall furnish a copy of the recorded agreement to the Community Development Department. [Citation - Section 17.24.050.C.2 of the SCMC] (PIng.) _____

Coastal Commission

75. Prior to the issuance of building permits, the owner or designee shall demonstrate to the satisfaction of the City Planner or designee that approval by the California Coastal Commission has been obtained for the project. [Citation - Division 20 of the Public Resources Code & Section 17.56.050 of the SCMC] (PIng.) _____

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Noise

76. 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 have been incorporated into the project. [Citation - General Plan, Noise Element: Implementation Program I-14.4 & California Building Code, Section 12 - Section 1207] (Bldg.)_____

General

77. Prior to the issuance of building permits, the owner or designee shall submit plans that identify the intended use of each building or portion of building and obtain approval of the Building Official. [Citation - SCMC Title 15, Section 15.08] (Bldg.)_____
78. 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, Grading Code, Transportation Demand Ordinance, Water Quality Ordinance, Title 24 of the California Code of Regulations as adopted by the City including, but not limited to the California Administrative, Building, Electrical, Plumbing, Mechanical, Energy, and Fire Codes. [Citation - SCMC Title 8, Section 8.16; Fire Code, Title 15, Building and Construction, Sections 15.08, 15.12, 15.16, 15.20; Title 16, Subdivisions; & Title 17, Zoning] (Bldg.)_____
79. Prior to the 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, Regional Circulation Financing and Phasing Program (RCFPP), park acquisition and development, water and sewer connection, drainage, Public Facility Construction transportation corridor, Avenida La Pata Supplemental Road Fee and school fees, etc. [Citation - SCMC Title 15, Building and Construction, Sections 15.52, 15.56, 15.60, 15.64, 15.68, 15.72]. (Bldg.)_____
80. Prior to issuance of building permits, the owner or designee shall submit a copy of the City Engineer approved soils and geologic report, prepared by a registered geologist and/or soil engineer, which conforms to City standards and all other applicable codes, ordinances, statutes and regulations. The soils report shall accompany the building plans, engineering calculations, and reports. [Section 15.36.160 of the SCMC] (Bldg.)_____
81. 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

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- designee that a registered civil engineer that is licensed to do surveying or land surveyor has certified that the forms for the building foundations conform to the required front, side and rear setbacks and are in conformance to the approved plans. *[Citation – No Specific Citation]* (Bldg.)_____
82. 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 that is licensed to do surveying or land surveyor has certified that the height of all structures are in conformance to the approved plans. *[Citation – No Specific Citation]* (Bldg.)_____
83. Prior to the issuance of building permits, the owner or designee shall submit for review, and shall obtain the approval of the City Building Official or designee for, plans indicating the location and type of unit address lighting to be installed, and the location of doors and window locks. *[Citation – Section 15.24 & 15.28 of the SCMC]* (Bldg.)_____
84. 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 (*this condition is for projects not subject to the RCFPP*). *[Citation – Section 15.60.050.A of the SCMC]* (Eng.)_____
85. 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 (*This condition is for projects subject to the RCFPP*). *[Citation – Section 15.60.050.A of the SCMC]* (Eng.)_____
86. Prior to issuance of building permits, 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 the "as-built" plans, prepared by a registered civil engineer, have been submitted and approved by the City Engineer or designee. *[Chapter 16.32 of the SCMC]* (Eng.)_____

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National Pollutant Discharge Elimination System (NPDES)

87. Prior to issuance of any permit, 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. If final guidelines are not in place, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for, plans for the regulation and control of pollutant run-off by using Best Management Practices (BMP's).
[Citation – Section 13.40 of the SMC] (Eng.) _____

CONDITIONS TO BE SATISFIED PRIOR TO CERTIFICATES OF OCCUPANCY

88. Prior to the issuance Certificates of Occupancy, the owner or designee shall demonstrate to the satisfaction of the City Planner or designee that all exterior lighting is designed, arranged, directed or shielded per the approved plans, and in such a manner as to contain direct illumination on site, thereby preventing excess illumination onto adjoining site(s) and/or street(s). [Citation – Section 17.24.130 of the SMC] (Plng.) _____
89. Prior to issuance of certificates of occupancy, the owner or designee shall demonstrate to the satisfaction of the City Planner or designee that the stucco on the entire structure is a smooth finish with slight undulations, painted the approved color. [Citation – City of San Clemente Design Guidelines, November 1991] (Plng.) _____
90. Prior to issuance of certificates of occupancy, the owner or designee shall demonstrate to the satisfaction of the City Building Official or designee that the project has been constructed in conformance with the approved sets of plans and all applicable, codes, ordinances, and standards. [Citation – Appendix 1, Section 110 of the California Building Code] (Bldg.) _____
91. Prior to issuance of Certificates of Occupancy and/or acceptance of improvements by the City Engineer or designee, the owner or designee shall submit "as-built" plans prepared by a registered civil engineer for streets, traffic signals, street lights, sewer, water, storm drains, street signs, striping, traffic markings, painted curbs and all other required improvements. [Citation – Section 16.28 of the SMC] (Eng.) _____

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92. Prior to issuance of Certificates of Occupancy, 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 above, and as needed for future interconnection with adjacent intersections per the City Engineer or designee's direction, in accordance with the submitted and approved street improvement plans. Estimated costs for this work shall be deducted from any cash-in-lieu payments (financial security) required for corresponding signals as a condition of approval of this tentative map. [Citation – Section 16.28 of the SCMC] (Eng.) _____

Maintenance

93. Prior to issuance of certificates of occupancy, 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 and informational signs constructed of high intensity sheeting and .080 aluminum, traffic pavement markings controlling arterial, collector and residential street intersections, centerline and lane line striping, and curb painting. [Citation – Title 12 of the SCMC] (Eng.) _____
94. Prior to issuance of certificates of occupancy, the owner or designee shall demonstrate to the satisfaction of the City Engineer and City Maintenance Manager or their designees that all street improvements have been completed and accepted and that any damage to new or existing street right-of-way during construction have been repaired/replaced. [Citation – Title 12 of the SCMC] (Eng.) _____ (Maint.) _____

Landscape- Beaches, Parks, and Recreation

95. Prior to issuance of certificates of occupancy, 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 landscape plans. [Citation – City of San Clemente Master Landscape Plan for Scenic Corridors, May 1992] (B,P&R) _____
96. Prior to issuance of certificates of occupancy, 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 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. [Citation – Master Landscape Plan for Scenic Corridors, May 1992] (Plng.) _____ (B,P&R) _____

CONDITIONS TO BE SATISFIED PRIOR TO RELEASE OF FINANCIAL SECURITY

- 97. 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. Also, the owner or designee shall insure that all catch basins have filter basket inserts. *[Citation - Title 13.34 of the SCMC]* (Eng.)_____

- 98. 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. *[Citation - Section 13.30 of the SCMC]* (Eng.)_____

- 99. Prior to release of financial security, the owner or designee shall demonstrate to the satisfaction of the City Engineer or designee that all survey monuments damaged or destroyed are restored. "Corner Records" shall be prepared for submission to the City Engineering Division and for filing with the County Surveyor's Office in compliance with AB 1414. All restorations of survey monuments shall be certified by the Registered Civil Engineer or Land Surveyor in accordance with Section 8771 of the Business and Professions Code. *[Citation - State of California, Assembly Bill 1414 & Title 16 of the SCMC]* (Eng.)_____

- 100. Prior to release of financial security, the owner or designee shall submit the following items, certified by a Registered Civil Engineer, to the Engineering Division: *[Citation - Section 16.16 of the SCMC]* (Eng.)_____
 - A. All construction improvement plans in digitized format (DXF file format).
 - B. Original mylars of all improvement plans corrected and certified by the engineer of record to be "As Built".
 - C. Duplicate mylars of the recorded Final Map.
 - D. Original mylars of all improvements and utilities at a scale of 1"=40', or at an appropriate scale to be determined by the City Engineer or designee.

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101. Prior to release of financial securities, the owner or designee shall submit to the City on 8 1/2" x 11" sheet Centerline and Intersections Monument Ties signed and wet stamped by a Registered Engineer or Surveyor. [Citation - Section 16.16 of the SCMC] (Eng.) _____
102. Prior to release of financial securities, the owner or designee shall provide a warranty bond in an amount of 25% of the faithful performance bond for each improvement accepted by the City. This warranty bond shall remain in place for one year from the date of acceptance of the improvement. [Citation - Section 16.32.020.D.3 of the SCMC] (Eng.) _____
103. 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, to verify system performance in accordance with design specifications [Citation - Section 13.24.120 of the SCMC] (Eng.) _____
104. Prior to the release of performance bonds, the owner or designee shall execute an agreement, to the satisfaction of the Community Development Director and the Beaches, Parks and Recreation Director or their designees, with the City which designates responsibility for maintenance and irrigation of parkway trees, shrubs and ground cover within the public right-of-way. The City or designee shall be responsible for maintaining all medians within the public right-of-way, and shall prune and keep disease-free all parkway trees within the public right-of-way. The owner or designee, or the homeowners' association or designee, shall be responsible for watering all parkway trees, shrubs and ground cover within the public right-of-way, and shall trim and otherwise maintain parkway shrubs and ground cover. [Citation - Section 12.24 of the SCMC] Png. _____ (B,P&R) _____
105. 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 designee, showing "as built" of grading, trails, and irrigation intended for City Maintenance. [Citation - Checking with Tim Shaw] (BP&R) _____

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ORANGE COUNTY FIRE AUTHORITY (OCFA) CONDITIONS

OCFA Conditions of Approval are arranged by development category and not phase of development.

Commercial Projects:**Fire Hydrants**

[Citation - Service Codes: 2.12 (Emergency Access & Fire Hydrant Location) 2.30 & 2.31 (Underground Fire Protection)]

106. Prior to the issuance of any building permits, the applicant shall submit a fire hydrant location plan to the Fire Chief for review and approval. (Fire)_____

107. Prior to the issuance of a building permit, the applicant shall submit evidence of the on-site fire hydrant system to the Fire Chief and indicate whether it is public or private. If the system is private, it shall be reviewed and approved by the Fire Chief prior to building permit issuance, and the applicant shall make provisions for the repair and maintenance of the system in a manner meeting the approval of the Fire Chief. Please contact the OCFA at (714) 744-0499 or visit the OCFA website for a copy of the "Guidelines for Private Fire Hydrant &/or Sprinkler Underground Piping." (Fire)_____

108. Prior to the issuance of any certificate of use and occupancy, all fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the Fire Chief, and must be maintained in good condition by the property owner. Please contact the OCFA at (714) 744-0499 or visit the OCFA website for a copy of the "Guideline for Installation of Blue Dot Hydrant Markers." (Fire)_____

Water Availability

[Citation - Service Code: 2.12 (Emergency Access & Fire Hydrant Location)]

109. Prior to the issuance of any building permits, the applicant shall provide evidence of adequate fire flow. The "Orange County Fire Authority Water Availability for Fire Protection" form shall be signed by the applicable water district and submitted to the Fire Chief for approval. If sufficient water to meet fire flow requirements is not available an automatic fire extinguishing system may be required in each structure affected. (Fire)_____

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Automatic Fire Sprinkler Systems

[Citation - Service Codes: 2.18-2.26 (Commercial Fire Sprinklers), 2.27-2.28 (Residential Fire Sprinklers)]

110. Prior to the issuance of a building permit, the applicant shall submit plans for any required automatic fire sprinkler system in any structure to the Fire Chief for review and approval. Please contact the OCFA at (714) 744-0499 to request a copy of the "Orange County Fire Authority Notes for New NFPA 13 Commercial Sprinkler Systems." (Fire)_____
111. Prior to the issuance of a certificate of use and occupancy, this system shall be operational in a manner meeting the approval of the Fire Chief. (Fire)_____

Fire Access Roads

[Citation - Service Code: 2.12 (Emergency Access & Fire Hydrant Locations)]

112. Prior to the issuance of any building permits, the applicant shall obtain approval of the Fire Chief for all fire protection access roads to within 150 feet of all portions of the exterior of every structure on site. Please contact the OCFA at (714) 744-0499 or visit the OCFA website to obtain a copy of the "Guidelines for Emergency Access." (Fire)_____
113. Prior to the issuance of a building permit, the applicant shall submit and obtain approval of the Fire Chief and City Staff of plans for all public or private access roads, streets and courts. The plans shall include plan and sectional views and indicate the grade and width of the access road measured flow-line to flow-line. When a dead-end street exceeds 150 feet or when otherwise required, a clearly marked fire apparatus access turnaround must be provided and approved by the Fire Chief. Applicable CC&R'S' or other approved documents shall contain provisions which prohibit obstructions such as speed bumps/humps, control gates or other modifications within said easement or access road unless prior approval of the Fire Chief is granted. Please call OCFA at (714) 744-0499 or visit the OCFA website to obtain a copy of the "Guidelines for Emergency Access." (Fire)_____
114. A note shall be placed on the fire protection access easement plan indicating that all street/road signs shall be designed and maintained to be either internally or externally illuminated in a manner meeting approval of the Fire Chief. (Fire)_____

Fire Lane Markings

[Citation - Service Code: 2.12 (Fire Lane Markings)]

115. Prior to the issuance of any building permits, the applicant shall submit plans and obtain approval from the Fire Chief for fire lanes on required fire access roads less

than 36 feet in width. The plans shall indicate the locations of red curbs and signage and include a detail of the proposed signage including the height, stroke and colors of the lettering and its contrasting background. Please contact the OCFA at (714) 744-0499 or visit the OCFA website to obtain a copy of the "Guidelines for Emergency Access Roadways and Fire Lane Requirements."

(Fire) _____

116. Prior to the issuance of any certificate of use and occupancy, the fire lanes shall be installed in accordance with the approved fire lane plan. The CC&R'S or other approved documents shall contain a fire lane map, provisions which prohibit parking in the fire lanes and a method of enforcement.

(Fire) _____

Fire Hazard Notification

[Citation - Service Codes 2.7.1 (Parcel Map & Tract Map Review)]

117. Prior to the issuance of a building permit, the applicant shall place a note on the plan meeting the approval of the fire chief that all requirements for development and construction within a "Special Fire Protection Area/Very High Fire Hazard Severity Zone," including increased street widths, Class A roof assemblies, fire sprinklers, etc. will be met. Please Contact the OCFA at (714) 744-0499 or visit the OCFA website to obtain a copy of the "Guidelines for Development within Special Fire Protection Areas and Instructions for Request for Exclusion from SFPA."

(Fire) _____

Fuel Modification

[Citation - Service Codes: 2.9 & 2.10 (Conceptual and Precise Fuel Modification)]

118. Prior to the issuance of a preliminary grading permit, the applicant shall obtain approval from the Fire Chief in consultation with the City Staff for a conceptual fuel modification plan and program. Please contact the OCFA at (714) 744-0499 or visit the OCFA website to obtain a copy of the "Guideline for Fuel Modification Plans and Maintenance."

(Fire) _____

119. Prior to the issuance of a precise grading permit, the applicant shall obtain approval from the Fire Chief in consultation with the City Staff for a precise fuel modification plan and program. The plan shall indicate the proposed means of modifying vegetation to reduce the risk to structures. Please contact the OCFA at (714) 744-0499 or visit the OCFA website to obtain a copy of the "Guideline for Fuel Modification Plans and Maintenance."

(Fire) _____

120. Prior to the issuance of a building permit, the developer, under the supervision of the Fire Chief, shall have completed the portion of the approved fuel modification

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plan determined to be necessary before the introduction of any combustible materials into the project area. Approval shall be subject to an on-site inspection. (Fire)_____

121. Prior to the issuance of any certificate of use and occupancy, the fuel modification shall be installed and completed under the supervision of the Fire Chief with an approved plant pallet. The CC&R'S or other approved documents shall contain provisions for maintaining the fuel modification zones, including the removal of all dead and dying vegetation. The fuel modification zones shall be subject to triennial inspections. (Fire)_____

Access Gates

[Citation - Service Code: 2.13 (Vehicular Emergency Access Gate Review)]

122. Prior to the issuance of a building permit, the applicant shall obtain the approval from the Fire Chief for the construction of any gate across required fire department access roads. Please contact the OCFA at (714) 744-0499 or visit the OCFA website to obtain a copy of the "Guidelines for Design and Installation of Emergency Access Gates and Barriers." (Fire)_____

Combustible Construction Letter

[Citation - No specific OCFA Service Code (Usually Received with 2.12)]

123. Prior to the issuance of a building permit for combustible construction, the builder shall submit a letter on company letterhead stating that water for fire-fighting purposes and all-weather fire protection access roads shall be in place and operational before any combustible material is placed on site. *Building permits will not be issued without OCFA approval obtained as a result of an on-site inspection.* Please contact the OCFA at (714) 744-0499 to obtain a copy of the standard combustible construction letter. (Fire)_____

Hazardous Materials

[Citation - Service Code: 2.39 (Hazardous Materials Review)]

124. Prior to the issuance of a building permit, the applicant shall submit to the Fire Chief a list of all hazardous, flammable and combustible liquids, solids or gases to be stored, used or handled on site. These materials shall be classified according to the Uniform Fire Code and a document submitted to the Fire Chief with a summary sheet listing the totals for storage and use for each hazard class. Please contact the OCFA at (714) 744-0499 or visit the OCFA website to obtain a copy of the "Guideline for Completing Chemical Classification Packets." (Fire)_____

125. Prior to the issuance of a building permit, the applicant shall complete and submit to the Fire Chief a copy of a "Hazardous Materials Disclosure Chemical Inventory and Business Emergency Plan" packet. Please contact the OCFA Hazardous Materials Services Section at (714) 744-0463 to obtain a copy of the packet.
(Fire)_____

Combustible Gas Mitigation

[Citation - Service Code: 2.48 (Gas Mitigation Review)]

126. Prior to the issuance of any building permit, the applicant shall submit and obtain the approval of the Fire Chief for a combustible gas/methane assessment and mitigation plan. Please contact the OCFA at (714) 744-0499 or visit the OCFA website to obtain a copy of the "Guideline for Combustible Soil Gas Hazard Mitigation."
(Fire)_____

Building Use Letter

[Citation - No OCFA Service Code (Submit upon Request)]

127. Prior to the issuance of any building permits, the applicant shall submit a detailed letter of intended use for each building on site to the Fire Chief for review and approval.
(Fire)_____

Architectural Building Plans

[Citation - Service Codes: 2.51- 2.57 (New Construction Architectural Review)]

128. Prior to the issuance of a building permit, the applicant shall submit architectural plans for the review and approval of the Fire Chief if required per the "Orange County Fire Authority Plan Submittal Criteria Form." Please contact the OCFA at (714) 744-0499 for a copy of the Site/Architectural Notes to be placed on the plans prior to submittal.
(Fire)_____

Fire Alarm System

[Citation - Service Codes: 2.36-2.38 (Fire Alarm & Fire Sprinkler Monitoring Reviews)]

129. Prior to the issuance of a building permit, plans for the fire alarm system shall be submitted to the Fire Chief for review and approval. Please contact the OCFA at (714) 744-0499 or visit the OCFA website to obtain a copy of the "Guideline for New and Existing Fire Alarm Systems."
(Fire)_____
130. This system shall be operational prior to the issuance of a certificate of use and occupancy.
(Fire)_____

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Storage Tanks*[Citation - Service Codes: 2.41 & 2.42 (Underground & Aboveground Storage Tank Installation)]*

131. Prior to the issuance of a building permit or installation of an aboveground or an underground tank, plans shall be submitted to the Fire Chief for review and approval. Please contact the OCFA at (714) 744-0499 or visit the OCFA website to obtain a copy of "Guidelines for Private Use Dispensing of Motor Vehicle Fuel from Protected or Multi-Hazard Aboveground Storage Tanks," or "Guidelines for the Installation and Modification of Underground Storage Tanks at Fuel Dispensing Stations."
(Fire)_____

Residential Projects:**Fire Hydrants***[Citation - Service Codes: 2.12 (Emergency Access & Fire Hydrant Location) 2.29 & 2.30 (Underground Fire Protection)]*

132. Prior to the recordation of a subdivision map or the issuance of any grading or building permits, the applicant shall submit a fire hydrant location plan to the Fire Chief for review and approval.
(Fire)_____
133. Prior to the issuance of a building permit, the applicant shall submit evidence of the on-site fire hydrant system to the Fire Chief and indicate whether it is public or private. If the system is private, it shall be reviewed and approved by the Fire Chief prior to building permit issuance, and the applicant shall make provisions for the repair and maintenance of the system in a manner meeting the approval of the Fire Chief. Please contact the OCFA at (714) 744-0499 or visit the OCFA website for a copy of the "Guidelines for Private Fire Hydrant &/or Sprinkler Underground Piping."
(Fire)_____
134. Prior to the issuance of any certificate of use and occupancy, all fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the Fire Chief, and must be maintained in good condition by the property owner. Please contact the OCFA at (714) 744-0499 or visit the OCFA website for a copy of the "Guideline for Installation of Blue Dot Hydrant Markers."
(Fire)_____

Water Availability*[Citation - Service Code: 2.12 (Emergency Access & Fire Hydrant Location)]*

135. Prior to the recordation of a subdivision map or the issuance of any grading or building permits, the applicant shall provide evidence of adequate fire flow. The

“Orange County Fire Authority Water Availability for Fire Protection” form shall be signed by the applicable water district and submitted to the Fire Chief for approval. If sufficient water to meet fire flow requirements is not available an automatic fire extinguishing system may be required in each structure affected.

(Fire)_____

Automatic Fire Sprinkler Systems

[Citation - Service Codes: 2.27-2.28 (Residential Fire Sprinklers)]

136. Prior to the recordation of a subdivision map, a note shall be placed on the map stating that all residential structures exceeding _____ square feet (per amendment) and all structures exceeding fire department access requirements shall be protected by an automatic fire sprinkler system in a manner meeting the approval of the Fire Chief.

(Fire)_____

137. Prior to the issuance of a building permit, the applicant shall submit plans for any required automatic fire sprinkler system in any structure to the Fire Chief for review and approval. Please contact the OCFA at (714) 744-0499 for additional information.

(Fire)_____

138. Prior to the issuance of a certificate of use and occupancy, this system shall be operational in a manner meeting the approval of the Fire Chief.

(Fire)_____

Fire Access Roads

[Citation - Service Code: 2.12 Emergency Access & Fire Hydrant Locations]

139. Prior to the recordation of a subdivision map, a second point of fire department access is required when the total dwelling units exceed 150.

(Fire)_____

140. Prior to the recordation of a subdivision map or the issuance of any grading or building permits, the applicant shall obtain approval of the Fire Chief for all fire protection access roads to within 150 feet of all portions of the exterior of every structure on site. Please contact the OCFA at (714) 744-0499 or visit the OCFA website to obtain a copy of the “Guidelines for Emergency Access, or Bulletin number 08-99, “Fire Department Access Requirements for A Single Family Residence.”

(Fire)_____

141. Prior to the issuance of a precise grading permit or building permit, the applicant shall submit and obtain approval of the Fire Chief and City Staff of plans for all public or private access roads, streets and courts. The plans shall include plan and sectional views and indicate the grade and width of the access road measured flow-line to flow-line. When a dead-end street exceeds 150 feet or when otherwise required, a clearly marked fire apparatus access turnaround must be provided and

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approved by the Fire Chief. Applicable CC&R's or other approved documents shall contain provisions which prohibit obstructions such as speed bumps/humps, control gates or other modifications within said easement or access road unless prior approval of the Fire Chief is granted. Please contact the OCFA at (714) 744-0499 or visit the OCFA website to obtain a copy of the "Guidelines for Emergency Access."
(Fire)_____

142. A note shall be placed on the fire protection access easement plan indicating that all street/road signs shall be designed and maintained to be either internally or externally illuminated in a manner meeting approval of the Fire Chief. (Fire)_____

Fire Lane Markings*[Citation - Service Code: 2.12 (Fire Lane Markings)]*

143. Prior to the issuance of any grading or building permits, the applicant shall submit plans and obtain approval from the Fire Chief for fire lanes on required fire access roads less than 36 feet in width. The plans shall indicate the locations of red curbs and signage and include a detail of the proposed signage including the height, stroke and colors of the lettering and its contrasting background. Please contact the OCFA at (714) 744-0499 or visit the OCFA website to obtain a copy of the "Guidelines for Emergency Access Roadways and Fire Lane Requirements," or Bulletin 06-99, "Fire Lane Requirements on Private & Public Streets within Residential Developments."
(Fire)_____

144. Prior to the issuance of any certificate of use and occupancy, the fire lanes shall be installed in accordance with the approved fire lane plan. The CC&R's or other approved documents shall contain a fire lane map, provisions prohibiting parking in the fire lanes, and an enforcement method.
(Fire)_____

Traffic Signal Preemption Devices*[Citation - Section 10.12 of the SCMC]*

145. Prior to the recordation of the applicable subdivision map as determined by the Fire Chief in consultation with the City Staff, the subdivider shall enter into an agreement with the County for the installation of traffic signal preemption equipment for the surrounding controlled intersections. This agreement shall be accompanied by financial security.
(Fire)_____

Fire Hazard Notification*[Citation - Service Codes 2.7.1 (Parcel Map & Tract Map Review)]*

146. State Responsibility Areas. Prior to the recordation of a subdivision map, the subdivider shall place a note on the map meeting the approval of the Fire Chief

that the property is in a "(High/Very High) Fire Hazard Area" due to wildland exposure based on State SRA maps. (Fire)_____

- 147. SFPA/VHFHSZ Area Notification. Prior to the recordation of any final tract map, the subdivider shall place a note on the map meeting the approval of the Fire Chief that the property is in a "Special Fire Protection Area/Very High Fire Hazard Severity Zone" and must meet all requirements for development within the area or file for an exclusion with the Fire Chief. (Fire)_____
- 148. Prior to the issuance of a building permit, the applicant shall place a note on the map meeting the approval of the fire chief that all requirements for development and construction within a "Special Fire Protection Area/Very High Fire Hazard Severity Zone," including increased street widths, Class A roof assemblies, fire sprinklers, etc. will be met. Please Contact the OCFA at (714) 744-0499 or visit the OCFA website to obtain a copy of the "Guidelines for Development within Special Fire Protection Areas and Instructions for Request for Exclusion from SFPA." (Fire)_____
- 149. Prior to recordation of any final tract map, the subdivider shall place a note on the map meeting the approval of the Fire Chief that the property is "Conditionally Excluded" from a "Special Fire Protection Area/Very High Fire Hazard Severity Zone" and must meet all conditions of exclusion as required by the Fire Chief. (Fire)_____

Fuel Modification

[Citation - Service Codes: 2.9 & 2.10 (Conceptual and Precise Fuel Modification)]

- 150. Prior to the recordation of a subdivision map or the issuance of a preliminary grading permit, the applicant shall obtain approval from the Fire Chief in consultation with the City Staff for a conceptual fuel modification plan and program. Please contact the OCFA at (714) 744-0499 or visit the OCFA website to obtain a copy of the "Guideline for Fuel Modification Plans and Maintenance." (Fire)_____
- 151. Prior to the issuance of a precise grading permit, the applicant shall obtain approval from the Fire Chief in consultation with the City Staff for a precise fuel modification plan and program. The plan shall indicate the proposed means of modifying vegetation to reduce the risk to structures. Please contact the OCFA at (714) 744-0499 or visit the OCFA website to obtain a copy of the "Guideline for Fuel Modification Plans and Maintenance." (Fire)_____
- 152. Prior to the issuance of a building permit, the developer, under the supervision of the Fire Chief, shall have completed the portion of the approved fuel modification

Conditions of Approval

Updated: May 3, 2010

plan determined to be necessary before the introduction of any combustible materials into the project area. Approval shall be subject to an on-site inspection.
(Fire)_____

153. Prior to the issuance of any certificate of use and occupancy, the fuel modification shall be installed and completed under the supervision of the Fire Chief with an approved plant pallet. The CC&R's or other approved documents shall contain provisions for maintaining the fuel modification zones, including the removal of all dead and dying vegetation. The fuel modification zones shall be subject to triennial inspections.
(Fire)_____

Access Gates

[Citation - Service Code: 2.13 (Vehicular Emergency Access Gate Review)]

154. Prior to the issuance of any grading permits, the applicant shall obtain the approval from the Fire Chief for the construction of any gate across required fire department access roads. Please contact the OCFA at (714) 744-0499 or visit the OCFA website to obtain a copy of the "Guidelines for Design and Installation of Emergency Access Gates and Barriers."
(Fire)_____

Combustible Construction Letter

[Citation - No specific OCFA Service Code (Usually Received with 2.12)]

155. Prior to the issuance of a building permit for combustible construction, the builder shall submit a letter on company letterhead stating that water for fire-fighting purposes and all-weather fire protection access roads shall be in place and operational before any combustible material is placed on site. Building permits will not be issued without OCFA approval obtained as a result of an on-site inspection - Please contact the OCFA at (714) 744-0499 to obtain a copy of the standard combustible construction letter.
(Fire)_____

Combustible Gas Mitigation

[Citation - Service Code: 2.39 (Hazardous Materials Review)]

156. Prior to the issuance of any grading permit, the applicant shall submit and obtain the approval of the Fire Chief for a combustible gas/methane assessment and mitigation plan. Please contact the OCFA at (714) 744-0499 or visit the OCFA website to obtain a copy of the "Guideline for Combustible Soil Gas Hazard Mitigation."
(Fire)_____

Architectural Building Plans

[Citation - Service Codes: 2.14-2.17 (New Construction Architectural Review)]

157. Prior to the issuance of a building permit, the applicant shall submit architectural plans for the review and approval of the Fire Chief if required per the "Orange County Fire Authority Plan Submittal Criteria Form." Please contact the OCFA at (714) 744-0499 for a copy of the Site/Architectural Notes to be placed on the plans prior to submittal. (Fire)_____

Fire Alarm System

[Citation - Service Codes: 2.36-2.38 (Fire Alarm & Fire Sprinkler Monitoring Reviews)]

158. Prior to the issuance of a building permit, plans for the fire alarm system shall be submitted to the Fire Chief for review and approval. Please contact the OCFA at (714) 744-0499 or visit the OCFA website to obtain a copy of the "Guideline for New and Existing Fire Alarm Systems." (Fire)_____
159. This system shall be operational prior to the issuance of a certificate of use and occupancy. (Fire)_____

Storage Tanks

[Citation - Service Code: 2.42 (Aboveground Storage Tank Installation)]

160. Prior to the issuance of a building permit or installation of an aboveground tank, plans shall be submitted to the Fire Chief for review and approval. Please contact the OCFA at (714) 744-0499 for additional information. (Fire)_____

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RESCINDING RESOLUTION NO. 10-29 PROVIDING FOR THE COMMUNITY DEVELOPMENT DEPARTMENT'S MAINTENANCE OF STANDARD CONDITIONS OF APPROVAL RELATING TO THE DEVELOPMENT REVIEW PROCESS

WHEREAS, on February 6, 2010, the Citygate Management Review report was presented to the City Council for discussion purposes; and

WHEREAS, on March 16, 2010, the recommendations of the Citygate Management review report were adopted by the City Council and direction was given to implement said recommendations; and

WHEREAS, Recommendation 6 of the Citygate Management Report called for the standard conditions to be revised to include links/citations to authority granted by the City Council to impose such conditions; and

WHEREAS, the City Council adopted Resolution 10-29 at its meeting of June 1, 2010, to establish authoritative citations for standard conditions of approval employed by the Community Development Department in the development review process; and

WHEREAS, the standard conditions have not been revised since 2010, despite numerous changes in the city's General Plan, various specific plans, state laws and city policies; and

WHEREAS, the use of standard conditions enhances the efficiency of the city's development review process by streamlining the preparation of resolutions and eliminating the need to consider the language employed in commonly used conditions; and

WHEREAS, the use of standard conditions enhances customer service by allowing developers and property owners to anticipate commonly applied conditions of approval prior to submitting applications; and

WHEREAS, the Planning Commission has expressed its preference to avoid imposing conditions of approval that reiterate provisions of the Municipal Code and state laws; and

WHEREAS, the Director of Community Development has collaborated with other City departments to revise the standard conditions of approval to better address current issues and concerns; and

WHEREAS, the use of authoritative citations in standard conditions of approval is not common practice; and

WHEREAS, conditions of approval are imposed by bodies granted the authority to approve discretionary land use applications by the San Clemente Municipal Code, including the Zoning Administrator, Planning Commission and City Council; and

WHEREAS, the approval bodies have the ability to delete or modify any condition of approval recommended by staff, including standard conditions; and

WHEREAS, the need for the City Council to approve authoritative citations for standard conditions of approval is no longer necessary; and

WHEREAS, the Planning Commission of the City of San Clemente held a study session to discuss the proposed changes to the process to adopt and amend standard conditions on September 5, 2018, and at its meeting of October 17, 2018, unanimously adopted Resolution PC 18-030, recommending that the City Council rescind Resolution No. 10-29 and authorize staff to promulgate standard conditions of approval.

NOW, THEREFORE, The City Council of the City of San Clemente does hereby resolve as follows:

Section 1. Incorporation of Recitals.

The City Council hereby finds that all of the facts in the Recitals are true and correct and are incorporated and adopted as findings of the City Council as if fully set forth in this resolution.

Section 2. Resolution No. 10-29, adopted by the City Council on June 1, 2010 to establish authoritative citations for standard conditions of approval related to the City's development review process is hereby rescinded in its entirety.

Section 3. The Director of Community Development is hereby authorized to maintain and promulgate standard conditions of approval related to the development review process.

Section 4. The standard conditions of approval need not contain citations to the authority on which they are based.

Section 5. Certification.

The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

RESOLUTION NO.

Page 3

APPROVED AND ADOPTED this _____ day of _____, 2018.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San Clemente,
California

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

Approved as to form:

City Attorney

RESOLUTION NO. 18-030

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL RESCIND RESOLUTION NO. 10-29 AND ALLOW THE COMMUNITY DEVELOPMENT DEPARTMENT TO MAINTAIN STANDARD CONDITIONS OF APPROVAL RELATING TO THE DEVELOPMENT REVIEW PROCESS

WHEREAS, on February 6, 2010, the Citygate Management Review report was presented to the City Council for discussion purposes; and

WHEREAS, on March 16, 2010, the recommendations of the Citygate Management review report were adopted by the City Council and direction was given to implement said recommendations; and

WHEREAS, Recommendation 6 of the Citygate Management Report called for the standard conditions to be revised to include links/citations to authority granted by the City Council to impose such conditions; and

WHEREAS, the City Council adopted Resolution 10-29 at its meeting of June 1, 2010, to establish authoritative citations for standard conditions of approval employed by the Community Development Department in the development review process; and

WHEREAS, the standard conditions have not been revised since 2010, despite numerous changes in the city's General Plan, various specific plans, state laws and city policies; and

WHEREAS, the use of standard conditions enhances the efficiency of the city's development review process by streamlining the preparation of resolutions and eliminating the need to consider the language employed in commonly used conditions; and

WHEREAS, the use of standard conditions enhances customer service by allowing developers and property owners to anticipate commonly applied conditions of approval prior to submitting applications; and

WHEREAS, the Community Development Department has collaborated with other City departments to revise the standard conditions of approval to better address current issues and concerns; and

WHEREAS, the use of authoritative citations in standard conditions of approval is not common practice; and

WHEREAS, conditions of approval are imposed by bodies granted the authority to approve discretionary land use applications by the San Clemente Municipal Code, including the Zoning Administrator, Planning Commission and City Council; and

WHEREAS, the approval bodies have the ability to delete or modify any condition of approval recommended by staff, including standard conditions; and

WHEREAS, the need for the City Council to approve authoritative citations for standard conditions of approval is no longer necessary; and

WHEREAS, on October 17, 2018, the Planning Commission of the City of San Clemente at a public meeting considered written and oral comments, and facts and evidence presented by City staff and other interested parties.

NOW, THEREFORE, The Planning Commission of the City of San Clemente does hereby resolve as follows:

Section 1. Incorporation of Recitals.

The Planning Commission hereby finds that all of the facts in the Recitals are true and correct and are incorporated and adopted as findings of the Planning Commission as if fully set forth in this resolution.

Section 2. The Planning Commission recommends that Resolution No. 10-29, adopted by the City Council on June 1, 2010 to establish authoritative citations for standard conditions of approval related to the City's development review process, be rescinded by the City Council in its entirety.

Section 3. The Planning Commission recommends that the City Council authorize the Director of Community Development to maintain and promulgate standard conditions of approval related to the development review process.

Section 4. The Planning Commission recommends that the City Council determine that the standard conditions of approval need not contain citations to the authority on which they are based.

PASSED AND ADOPTED at a regular meeting of the City of San Clemente Planning Commission on October 17, 2018.

Chair

CERTIFICATION:

I HEREBY CERTIFY this Resolution was adopted at a regular meeting of the City of San Clemente Planning Commission on October 17, 2018, carried by the following roll call vote:

AYES: **COMMISSIONERS:** Crandell, Ruehlin, Blackwell, Wu, Talley, Brown, Kuczynski

NOES: **COMMISSIONERS:**

ABSTAIN: **COMMISSIONERS:**

ABSENT: **COMMISSIONERS:**

Secretary of the Planning Commission

ATTACHMENT 4

DRAFT REVISED STANDARD CONDITIONS

Presented to City Council on November 7, 2018

1.0 GENERAL CONDITIONS OF APPROVAL

1.1 Within 30 days of approval of this application, the applicant shall submit to the City Planner a signed acknowledgement concurring with all conditions of approval on a form to be provided by the City. Failure to submit this acknowledgement may be grounds to revoke this approval. Planning

1.2 The applicant shall defend, indemnify, and hold harmless the City of San Clemente and its officers, employees, and agents from and against any claim, action, proceeding, fines, damages, expenses, and attorneys' fees, against the City, its officers, employees, or agents to attack, set aside, void, or annul any approval or condition of approval of the City concerning this project, including but not limited to any approval or condition of approval of the City Council, Planning Commission, or City Planner. Applicant shall pay all costs, The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter. If the applicant fails to so defend the matter, the City shall have the right, at its own option, to do so and, if it does, the applicant shall promptly pay the City's full cost of the defense. Planning

1.3 Use and development of this property shall be in substantial conformance with the approved plans, material boards and other applicable information submitted with this application, and with these conditions of approval. Planning

1.4 The applicant shall comply with all applicable current and future provisions of the San Clemente Municipal Code, adopted ordinances, and state laws. All

1.5 Use of the subject property shall conform to all occupancy requirements, including posting of signs related to the maximum occupancy limitations. Code Comp

2.0 PRIOR TO APPROVAL OF A FINAL MAP

2.1 The final map shall indicate that all streets, drainage, storm drains, street lights, street signage and striping improvements within the interior of Public Works

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. (SCMC Section 16.36.030)

- 2.2 Prior to recordation of the final map, the applicant shall submit to the City Engineer evidence that the County Surveyor has approved a digitized tract/parcel map pursuant to Orange County Ordinance No. 3809 dated January 28, 1991. 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. Public Works

Buyer Notification

- 2.3 The applicant shall submit to the City Planner, and the City Attorney's Office shall approve, a buyer's notification disclosure form, to be given to all potential buyers of the lots/units, which indicates the existence, operations, characteristics, and potential exposure to nuisance/objectionable odors/risk of upset/hazards of the following: Planning
(delete or add as appropriate)

- Prima Deshecha Landfill
- TRW
- United States Marine Corps, Camp Pendleton
- San Onofre Nuclear Generating Station
- Ford Aerospace
- Fire hazard due to wildland exposure (Fire - FP16)
- The Forster Ranch ridgeline trail and connections
- Orange County Flood Control Channel
- City of San Clemente Wastewater Treatment Plant
- Owens-Illinois Sand and Gravel Operation

Coastal Commission Approval

- 2.4 The California Coastal Commission shall have approved the Tentative Map. Planning

Condominium Conversion

- 2.5 The applicant shall demonstrate to the satisfaction of the City Planner that each existing tenant has received the following notices: Planning
- A. Ten days' written notification by mail that an application for a public report will be, or has been, submitted to the Department of Real Estate, and that such report will be available on request.
 - B. Written notification by mail of the intention to convert 180 days

prior to the termination of tenancy due to the conversion.

- C. Notice of an exclusive right to contract for the purchase of the tenant's respective unit upon the same terms and conditions that such unit will be initially offered to the general public, or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report, unless the tenant gives prior written notice of the intent to not exercise the right.

Covenants, Conditions & Restrictions (CC&Rs)

- 2.6 The applicant shall submit to the City Planner, and the City Planner, City Engineer, Fire Chief and City Attorney's Office shall approve, Covenants, Conditions and Restrictions (CC&R's) which shall include the following provisions:

Planning
Public
Works
Fire

- A. Creation of a Master Association and/or a Sub-association 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, (delete or add as appropriate) all common areas, open space, slopes, fuel modification zones, private medians and greenbelts, arterial highway parkway landscaping, irrigation systems, landscaped areas, walls, driveways, parking areas, trash areas, structures, private streets, street lights, and drainage. All streets, drainage, street lights, street signage and striping improvements within the interior of the subdivision designated as private shall remain 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. 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.
- 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.
- C. Following recordation of each final tract map, each Master Association of this tract shall submit to the City Planner, 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.

- D. A statement indicating that open space (as provided in Lots _____) 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.
- E. A statement indicating that proposed amendments to any of the CC&R's shall be submitted for review to the City Planner, and shall be approved by the City Attorney's Office, prior to the amendments being valid.
- F. A statement indicating that the City has the right, but not the obligation, to enforce any of the provisions of the CC&R's.
- G. A statement indicating that storm drain facilities shall be inspected regularly as follows:
 - 1) Open channels, catch basins and pipelines inspected annually before storm season and removal of debris as necessary.
 - 2) All facilities shall have debris and sediment removed either manually or by mechanical methods. Flushing shall be used in emergency situations only.
- H. A statement obligating the Association(s) to provide to the City Engineer annual reports in the month of June in compliance with the reporting requirements of codes and ordinances adopted by the City with respect to the NPDES program.
- I. Identification of all 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 including the removal of all dead and dying vegetation and the inspection and correction of any deficiencies in the irrigation system three times a year; and a method for keeping fire protection access easements unobstructed. A statement shall acknowledge that approval of the Chief of Fire Protection Services shall be required for any modifications such as speed bumps, control gates, or parking changes.

2.7 The applicant shall reimburse the City all costs associated with review of the project CC&Rs, Disclosure Statements, and any other applicable documents by the City Attorney's Office.

Planning

Easements

- 2.8 The final map shall depict the location of all easements for open space, trails, water and sewer easements, storm drains and storm drain maintenance access, public street lights, utilities, reciprocal access, emergency access, slopes and slope maintenance, and landscaping. All drainage easements shall be a minimum of 15 feet. No drainage facilities accepted for dedication or maintenance by the City shall be located within slopes. (SCMC Section 16.28.030) Public Works
- 2.9 The applicant shall demonstrate to the satisfaction of the City Engineer that quitclaims in favor of the City have been obtained from all persons having any interest in existing rights of way for pipelines for the conveyance of water, and for all rights to all underground water. The right to all underground water, but without right of entry to the surface thereof, shall be conveyed to the City. No easements shall be granted nor recorded over any portion of the property shown on the submitted record map between the date the tentative map is approved by the Planning Commission and the date the final or record map is recorded by the County Recorder. (SCMC Section 13.04.500) Public Works
- 2.10 The applicant shall submit to the City Engineer, and the City Attorney's Office shall approve, reciprocal parking and access easements. The recording document shall specifically state the purposes of the easements to be the preservation of access and parking availability in accordance with City Ordinances and the State Subdivision Map Act. (SCMC Section 17.64) Public Works

Financial Security

- 2.11 The applicant shall submit, and the City Engineer shall approve, separate improvement bonds or irrevocable letters of credit for 100% of the estimated cost of each improvement cost, as prepared by a registered civil engineer, including, but not limited to, the following improvements: rough grading; precise grading; street improvements; sidewalks; signage; trail improvements; street lights; sewer lines; water lines; storm drains; 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 or irrevocable letters of credit for 100% of the above estimated improvement costs, as determined by the City Engineer or designee. (SCMC Section 16.32.020) Public Works
- 2.12 The applicant shall submit, and the City Engineer shall approve, an irrevocable demand payment letter of credit, Certificate of Deposit or a Public Works

cash deposit for each signalization improvements and enter into an agreement with the City stipulating the timing of installation of each new signal or signal improvement. (SCMC Section 16.32.020)

Improvement Plans

2.13 The applicant shall submit, and the City Engineer and Fire Chief shall approve, street improvement plans, prepared by a registered civil engineer, 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:

Public
Works
OCFA

- 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 water base traffic paint or alkyd thermoplastic no less than 125 millimeters thick. All centerline striping on arterial and collector streets shall include the installation of two-way R.P.M.'s. Spacing of R.P.M.'s shall be per City 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 water base traffic paint or alkyd thermoplastic no less than 125 millimeters thick.
- D. All streets, sidewalks, curbs, gutters, storm drains, catch basins, slope drains, sewer lines, landscaping, striping improvements, signage, and street lights, private and public, shall be designed and constructed in accordance with City standards.
- E. Streets shall be the following curb-to-curb and Right-of-Way widths:
Street "A" _____ / _____
Sidewalks shall be installed on _____ side(s) of _____ street(s).
- F. 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).
- G. Improvement plans shall include enriched pavement at all major entrances to private development areas, including a plan for signs designating private streets at the corner of these entrances. Enhanced paving is to be constructed within the private street right-of-way and maintained by the homeowners or property

owners association.

- H. The plans shall show fire lanes, locations of red curbing and signage. A drawing of the proposed signage with the height, stroke, and color of lettering, and contrasting background color shall be provided. Plans shall also include sectional views, and indicate the width measured flow line to flow line. All proposed fire apparatus turnarounds shall be clearly marked.
- I. Bus bays shall be provided at locations approved by the OCTA and the City Engineer in accordance with OCTA standards. Any necessary right-of-way for the bus bays shall be dedicated on the final map as required by the City Engineer. All bus bays shall be concrete.
- J. *Place any site specific street improvement requirements here.*
(SCMC Chapter 16.28)

- 2.14 The applicant shall submit, and the City Engineer shall approve, 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 placed at the end of each cul-de-sac and at each street intersection.
(SCMC Section 16.32.010) Public Works

- 2.15 The applicant shall submit, and the City Engineer shall approve, drainage improvement plans prepared by a registered civil engineer which provide for the following: Public Works
 - A. All storm drain junction structures shall be provided with access manholes.
 - B. Terrace drains shall be sloped in such a manner to avoid vertical connecting "V" drains where feasible, and placed to minimize their visual impact.
 - C. All storm water shall be conveyed directly to an approved storm drain system. No storm water shall be allowed to sheet flow over the sidewalks or driveway approaches.
(SCMC Section 16.32.010)

- 2.16 The improvement plans shall clearly call out that all storm drain systems within the private streets are private systems and are privately maintained. (SCMC Section 16.32.010) Public Works

- 2.17 The applicant shall submit, and the City Engineer shall approve, water and reclaimed water improvement plans, prepared by a registered civil engineer, which reflect consistency with the City's Water and Reclaimed Public Works

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. All water meters shall be tapped into the public water main and be located in the public ROW.
- C. A double detector check shall be installed at the transition from public to private for water systems.
- D. All reclaimed service lines shall have meters at the public ROW.
- E. *Place site specific water improvement plan requirements here.*

(SCMC Section 16.32.010)

- 2.18 The applicant shall submit, and the City Engineer shall approve, 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. (SCMC Section 16.32.101) Public Works

- 2.19 The applicant shall submit, and the City Engineer shall approve, an application to apportion existing sewer capacity from Sewer Assessment District 85-1 to this final map. If sewer capacity is deficient for this final map, the owner shall purchase the deficient amount of sewer capacity in order to meet the sewer capacity requirements of Sewer Assessment District 85-1. Public Works

- 2.20 The applicant shall submit, and the Utilities Director shall approve, a Utilities Master Plan prepared by a registered civil engineer. The plan shall provide for the following: Utilities
 - A. All public utilities shall be constructed within dedicated public ROW's and/or easements.
 - B. All utility mains shall be placed in the streets and are to be directed to _____, unless otherwise approved by the City Engineer. The utilities shall remain in the Public Right-of-Way of _____. Public utilities shall not be placed in slopes unless otherwise approved by the City Engineer.
 - C. Individual units shall have separate utility connections. All services shall comply with the standards of the City or the applicable agency or utility company.

- 2.21 The applicant shall submit, and the City Engineer and Utilities Director shall approve, plans prepared by a registered civil engineer at a scale of 1"=200' that depict all existing and proposed water services, sewer laterals and mains (including gate valves, pressure reducing stations, Public Works
Utilities

reservoirs, lift stations, pressure zones, fire hydrants, manholes, pipe sizes, pipe types and any other related appurtenances).
(SCMC Section 16.32.202)

- | | | |
|------|--|-----------------|
| 2.22 | All improvement plans must be submitted (along with a plan check deposit in an amount determined by the City Engineer) for review and approval by the City Engineer. These plans include, but are not necessarily limited to, grading, improvements, water, sewer, storm drain, traffic signal, signing and striping, street lights and landscaping and irrigation plans. (SCMC Section 16.32.010) | Public
Works |
| 2.23 | The applicant shall submit, and the City Engineer shall approve, a grading plan, prepared by a registered civil engineer, which shows grading, drainage, trails, and street improvements. (SCMC Section 16.12.050) | Public
Works |
| 2.24 | Unless otherwise approved by the City Engineer, the owner shall provide independent water meters and separate services for each unit in the common area. All water meters shall be located in the public right of way or as otherwise approved by the City Engineer. (SCMC Section 16.32.010) | Public
Works |

NPDES

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|------|---|-----------------|
| 2.25 | The applicant shall submit, and the City Engineer shall approve, plans for the regulation and control of pollutant run-off by using Best Management Practices (BMPs). The plans shall demonstrate that the project meets all requirements of the National Pollutant Discharge Elimination System (NPDES), Federal, State, San Diego Regional Water Quality Control Board, County and City guidelines and regulations, in order to control pollutant run-off. (SCMC Chapter 13.40) | Public
Works |
| 2.26 | The applicant shall demonstrate to the City Engineer that the required NPDES permits have been obtained. | Public
Works |
| 2.27 | The applicant shall submit, and the City Engineer shall approve, a project binder containing the following documents:
A. If the project is greater than 1 acre, a Notice of Intent (NOI) for coverage under the General Construction Storm Water Permit must be filed with the State Water Resources Control Board (refer to https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html) and a copy of the NOI, a WDID number and a copy of the Storm Water Pollution Prevention Plan (SWPPP) must be filed with the City; | Public
Works |

- B. If the site is determined to be a "Priority Project" (as defined by the San Diego Regional Water Quality Control Board Municipal Separate Storm Sewer Systems Permit – refer to the following web address at https://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/), a final Water Quality Management Plan (WQMP) must be recorded with the Orange County Recorder's Office and filed with the City; and
- C. If a site is determined to be a "Non-Priority Project," a final Non-Priority Project Checklist must be filed with the City.
(SCMC Section 13.40.055)

Open Space and Public Trails

- 2.28 Irrevocable offers of dedication for open space easements shall be prepared for recordation on the final map, in a manner meeting the approval of the City Attorney, for all land within this tentative map 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 preservation of said area in permanent open space as defined by the City. (SCMC Section 16.32.101) Public Works

- 2.29 The applicant shall provide for an irrevocable offer of dedication of a public trail easement, and/or grading, improvement, and maintenance of a recreation trail located _____ in a manner acceptable to the City Engineer and Beaches, Parks, and Recreation Manager. The City shall maintain the trail when the dedication is completed. (SCMC Section 16.36.070) Public Works, BP&R

Reports

- 2.30 The applicant shall submit, and the City Engineer shall approve, a soils and geologic report prepared by a registered geologist and/or geotechnical engineer which conforms to City standards and all other applicable codes, ordinances and regulations. (SCMC Section 16.12.050) Public Works

- 2.31 The applicant shall submit, and the City Engineer shall approve, a hydrology and hydraulic study prepared by a registered civil engineer to determine the sizes and locations of all on-site drainage facilities including modification to off-site downstream facilities in accordance with all applicable City regulations and standards. (SCMC Section 16.12.050) Public Works

Streets

2.32 A separate instrument providing irrevocable offers of dedication to the City for _____ shall be submitted to, and approved by, the City Engineer. The offers shall include the easements necessary to construct the roads. (SCMC Section 16.36.020) Public Works

2.33 The applicant shall execute an agreement with the City of San Clemente to guarantee participation in signalization and/or modification to existing signals at the following intersections: Public Works

Intersection A: _____ & _____
(SCMC Chapter 16.28)

2.34 Except at the locations shown on the Final Map, vehicular and pedestrian access rights shall be irrevocably offered to the City in a manner meeting the approval of the City Engineer. (SCMC Section 16.28.010) Public Works

2.35 The owner shall dedicate corner cut-offs for the street right of way at all street intersections on the Final Map, in a manner meeting the approval of the City Engineer. (SCMC Section 16.28.010) Public Works

3.0 PRIOR TO ISSUANCE OF GRADING PERMITS

3.1 The working drawings shall include within the first four pages a list of all conditions of approval included in this resolution. Planning

3.2 The City Engineer shall determine that development of the site shall conform to 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. (SCMC Chapter 15.36) Public Works

3.3 The limits of grading shown on the tentative map must be verified by the soils engineer. Grading shall not be allowed to go beyond the limits as shown on the tentative map, unless approved by the Director of Community Development. (SCMC Chapter 15.36) Public Works

- 3.4 Rough grading plans shall be submitted to and approved by the City Engineer. Said plans shall include provisions for: Public Works
- A. Stockpiling of topsoil for placement on finished slopes.
 - B. Erosion and siltation control.
 - C. Dust control.
 - D. Planting of vegetation on all exposed slopes as required by the Grading Ordinance.
 - E. Temporary sedimentation basins and sandbagging if necessary (SCMC Chapter 15.36)

- 3.5 The applicant shall submit, and the City Engineer shall approve, a precise grading plan as required by the City Grading Manual and Ordinance. (SCMC Chapter 15.36) Public Works

- 3.6 The applicant shall submit, and the City Engineer shall approve, 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. Public Works

Abandonments

- 3.7 The applicant shall submit to the City Engineer a copy of the recorded abandonment from the County of Orange, as well as evidence of recordation of any easements required as a condition of this abandonment. (SCMC Section 12.20.010) Public Works

Addressing and Street Names

- 3.8 The applicant shall submit, and the City Planner shall approve, a plan depicting all street names and addresses for all of the buildings and facilities within the project. Planning

Financial Security

- 3.9 The applicant shall provide separate improvement surety, bonds, or irrevocable letters of credit, as determined by the City Engineer, for 100% of each estimated improvement cost, as prepared by a registered civil engineer as approved by City Engineer, for the following applicable items: grading improvements; frontage improvements; sidewalks; sewer lines; water lines; onsite storm drains; and erosion control. In addition, the owner shall provide separate labor and material surety for 100% of the above estimated improvement costs, as determined by the City Engineer or designee. (SCMC Chapter 15.36) Public Works

Improvements

- 3.10 The applicant shall submit, and the City Engineer shall approve, frontage improvement plans. The applicant shall be responsible for the construction of all required frontage improvements as approved by the City Engineer including but not limited to the following:
- A. Sidewalk, including construction of compliant sidewalk around drive approach or other obstructions to meet current City standards (2% cross fall) when adequate right-of-way exists. Since the street right-of-way is approximately ___ feet behind the curbface, a sidewalk easement is/is not anticipated to be required to be granted to the City. Said sidewalk easement shall be submitted to, and approved by, the City Engineer.
 - B. Insert other required frontage improvements here (SCMC Chapter 15.36 and Sections 12.08.010, and 12.24.050)

Landscape Plans

- 3.11 The applicant shall submit, and the City Planner and Beaches, Parks and Recreation Manager shall have approved, a detailed landscape and irrigation plan incorporating drought tolerant plants, for medians, parkways, public trails, fuel modification areas, common areas, and slopes, and other landscaped areas, prepared by a registered landscape architect, and in compliance with all pertinent requirements including, but not limited to guidelines contained in the City's Master Landscape Plan of Scenic Corridors. (SCMC Section 17.68.020)
- Planning
BPR
- 3.12 The following standards shall apply for all landscape plans specific to parkways, unless otherwise approved for private residential streets:
- A. All parkway trees shall maintain the following distances from improvements:
 - a. 10'0" from water, sewer and storm drain lines.
 - b. 5'0" from hardscape (curbs, sidewalks, street lights, utility boxes, fire hydrants, P.I.V.s, F.D.C., etc.) except for tree wells.
 - c. 15'0" from drive approaches.
 - d. 25'0" from curb return at street intersections.
 - B. 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
- Public
Works
Planning

lines to the meter locations for future connection when reclaimed water is available.

- C. Minimum parkway tree size shall be 15-gallon for canopy trees and ten foot (10') brown trunk height (BTH) for palms.
- D. Trees shall be planted at thirty-foot intervals in commercial or residential parkway areas, or a minimum of one per residential lot frontage.
- E. Residential corner lots shall include a minimum of two trees along the side yard parkway. (SCMC Chapter 17.68)

Noise

- 3.13 The applicant shall demonstrate to the satisfaction of the City Engineer that the following standards shall be satisfied:
 - A. All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with operating and maintained mufflers.
 - B. All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).
 - C. Stockpiling and/or vehicle-storage areas shall be located as far as practicable and out of view from dwellings.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. (SCMC Chapter 15.36)

Public
Works

NPDES

- 3.14 The applicant shall demonstrate to the satisfaction of the City Engineer or designee that the project meets all requirements of the San Diego Regional Water Quality Control Board National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Permit, and Federal, State, County and City guidelines and regulations, in order to control pollutant run-off. (SCMC Chapter 13.40)
- 3.15 The applicant shall demonstrate to the City Engineer that the required NPDES permits have been obtained. (SCMC Chapter 13.40)
- 3.16 The applicant shall submit, and the City Engineer shall approve, a project binder containing the following documents:
 - A. If the project is greater than 1 acre, a Notice of Intent (NOI) for coverage under the General Construction Storm Water Permit must be filed with the State Water Resources Control Board (refer to https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html) and a copy of the NOI, a WDID number and a

Public
Works

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Works

copy of the Storm Water Pollution Prevention Plan (SWPPP) must be filed with the City;

- B. If the site is determined to be a "Priority Project" (as defined by the San Diego Regional Water Quality Control Board Municipal Separate Storm Sewer Systems Permit – refer to the following web address at https://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/), a final Water Quality Management Plan (WQMP) must be recorded with the Orange County Recorder's Office and filed with the City; and
 - C. If a site is determined to be a "Non-Priority Project," a final Non-Priority Project Checklist must be filed with the City.
- (SCMC Chapter 15.36)

Water Quality Basins

- 3.17 The applicant shall submit, and the City Engineer shall approve, plans for the water quality basins. The plans shall be prepared by a Registered Civil Engineer. (SCMC Chapter 15.36) Public Works
- 3.18 The applicant shall submit, and the City Planner shall approve, landscape plans for the water quality basins required by Condition 3.17. The plans shall be prepared by a consultant that specializes in the design and landscaping of such basins. Planning
Public Works

Water Supply

- 3.19 The applicant shall obtain confirmation from the City 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. Utilities

4.0 PRIOR TO ISSUANCE OF BUILDING PERMITS

- 4.1 The working drawings shall include within the first four pages a list of all conditions of approval included in this resolution. Planning

Affordable Housing

- 4.2 The applicant shall submit, and the Director of Community Development shall approve, an Affordable Housing Implementation Plan which includes all of the required pursuant to Section 17.24.120 of the SCMC. Planning

"As Built" plans

- 4.3 The applicant 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 the "as-built" plans, prepared by a registered civil engineer, have been submitted and approved by the City Engineer. (SCMC Chapter 16.32) Public Works

Coastal Commission Approval

- 4.4 The applicant shall demonstrate to the City Planner that the project has secured approval from the California Coastal Commission.

Noise

- 4.5 Prior to the issuance of building permits for each structure or tenant improvement, other than a parking structure, the applicant shall submit, and the City Planner shall approve, a final acoustical report. The report shall demonstrate that the development will be sound attenuated against present and projected noise levels including stationary, roadway, aircraft, helicopter, and railroad noise to meet City interior and exterior noise standards. The report shall be accompanied by a list identifying the sheet(s) of the building plans that include required sound attenuation measures. Planning
- 4.6 The applicant shall demonstrate to the satisfaction of the Building Official that the plans include all sound attenuation measures specified in the acoustical report required by Conditions 3.13 and 4.5. Building

NPDES

- 4.7 The applicant shall demonstrate to the satisfaction of the City Engineer or designee that the project meets all requirements of the San Diego Regional Water Quality Control Board National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Permit, and Federal, State, County and City guidelines and regulations, in order to control pollutant run-off. (SCMC Chapter 13.40) Public Works

Security Plan

- 4.8 The applicant shall submit, and the Code Compliance Manager and the Orange County Sheriff's Department shall approve, a security plan for Code Comp

this business. The security plan shall address the following issues: overnight parking of vehicles; patrols of parking lots; and private security within the building. *(May be modified as needed to meet the needs of the particular application)*

OCSD

Shared Parking

- 4.9 The applicant shall submit to the City Planner, the City Attorney's Office shall approve, and the applicant shall have recorded, a shared parking agreement between the subject property owner and the owner of an adjacent property within 300 feet of the subject property, for the exclusive use of (specify number) ____ off-site parking spaces during the following hours: _____, or as otherwise determined by the City Planner based on the operational characteristics of the approved use. The shared parking agreement shall restrict the use of the land on which the off-site parking is located for the duration of the use for which that parking is provided.

Planning

Utilities

- 4.10 If the project pertains to a Food Service Establishment (FSE), the applicant shall submit, and the City Utilities Director shall approve, plans depicting the Fats, Oils, and Greases (FOG) controls, with the plans and design approved by the Orange County Health Care Agency.
- 4.11 The applicant shall submit, and the City Engineer shall approve, plans depicting the installation of an approved double-detector check backflow assembly on any/all fire lines above ground and as near to the point of connection to the potable water system as practical, given functional and aesthetic considerations. An isolation valve shall be installed on any/all fire lines at the point of connection to the water main. (SCMC Section 13.04.350)
- 4.12 The applicant shall submit, and the City Engineer shall approve, plans depicting the installation of an approved reduced pressure principal backflow assembly on any/all potable water systems, and any/all irrigation systems, above ground, directly after each water meter as practical, and at a minimum height of 12" from the bottom of each assembly to ground level. (SCMC Section 13.04.350)

5.0 PRIOR TO FINAL INSPECTION

Engineering

5.1 Prior to acceptance of improvements by the City Engineer, the owner shall submit "as-built" plans prepared by a registered civil engineer for streets, traffic signals, street lights, sewer, water, storm drains, street signs, striping, traffic markings, painted curbs and all other required improvements. (SCMC Chapter 16.28) Public Works

5.2 The applicant shall demonstrate to the satisfaction of the City Engineer that all underground traffic signal conduit, including but not limited to, signal phone, power and loop detector, and other appurtenances, including but not limit to, pull boxes, that are needed for future traffic signal construction at the intersections listed in Condition 2.33, and as needed for future interconnection with adjacent intersections per the City Engineer's direction, in accordance with the submitted and approved street improvements plans. Estimated costs for this work shall be deducted from any cash-in-lieu payments (financial security) required for corresponding signals a condition of approval of this tentative map. (SCMC Chapter 16:28) Public Works

5.3 The applicant shall demonstrate to the satisfaction of the City Engineer that the following improvements have been installed per the approved improvement plans: Public and/or private street name signs; regulator and information signs construction of high intensity sheeting and .080 aluminum; traffic pavement markings controlling arterial, collector and residential street intersections; centerline and lane striping; and curb painting. (SCMC Title 12) Public Works

5.4 The applicant shall demonstrate to the satisfaction of the City Engineer and City Maintenance Manager that all street improvements have been completed and accepted and that any damage to new or existing street right-of-way during construction has been repaired/replaced. (SCMC Title 12) Public Works

Landscaping

5.5 The applicant shall submit, and the City Planner shall approve, a letter from a registered landscape architect confirming that landscaping and irrigation have been installed in accordance with the approved plans. Planning

5.6 The applicant shall submit, and the Beaches, Parks and Recreation Manager shall approve, a letter from a registered landscape architect BPR

confirming that parkway trees have been planted and staked according to the approved landscape plans.

Lighting

- 5.7 The applicant shall submit, and the City Planner shall approve, a letter from the preparer of the lighting plans confirming that all lighting has been installed in accordance with the approved plans, and that the lighting conforms to all standards set forth in the Municipal Code. Planning

Surveys

- 5.8 Prior to approval to pour foundations, the applicant shall submit, and the City Planner and Building Official shall approve, a survey prepared by a registered civil engineer that is licensed to do surveying or a land surveyor confirming that the building foundations conform to the required setbacks as set forth on the approved plans. Planning Building
- 5.9 Prior to approval of the framing inspection, the applicant shall submit, and the City Planner and Building Official shall approve, a survey prepared by a registered civil engineer that is licensed to do surveying or a land surveyor confirming that the height of all structures conforms to the dimensions set forth on the approved plans. Planning Building

6.0 PRIOR TO RELEASE OF FINANCIAL SECURITY

- 6.1 All catch basins and/or storm drain inlets shall be stenciled/marked on either the top of the curb or the curb face adjacent to the inlet "NO DUMPING - DRAINS TO OCEAN." All catch basins shall have filter basket inserts that capture litter and debris down to 5 mm in size. (SCMC Chapter 13.34) Utilities
- 6.2 The applicant shall submit, and the City Engineer shall approve, a videotape, filmed in the presence of a representative of the Public Works Department, of all sewer and drainage improvements. The videotape shall become the property of the City. (SCMC Chapter 13.30) Public Works
- 6.3 The applicant shall demonstrate to the satisfaction of the City Engineer that all survey monuments damaged or destroyed are restored. "Corner Records" shall be prepared for submission to the City Engineering Division and for filing with the County Surveyor's Office in compliance with AB 1414. All restorations of survey monuments shall be certified Public Works

by the Registered Civil Engineer or Land Surveyor in accordance with Section 877.1 of the Business and Professions Code. (SCMC Title 16)

- 6.4 The applicant shall submit the following items, certified by a Registered Civil Engineer, to the Engineering Division: Public Works
- A. All construction improvement plans in digitized format (DXF file format).
 - B. Original mylars of all improvement plans corrected and certified by the engineer of record to be "As Built".
 - C. Duplicate mylars of the recorded Final Map.
 - D. Original mylars of all improvements and utilities at a scale of 1"=40', or at an appropriate scale to be determined by the City Engineer.
- (SCMC Chapter 16.16)
- 6.5 The applicant shall submit to the City Engineer on 8 ½" x 11" sheet(s) Centerline and Intersections Monument Ties signed and wet stamped by a Registered Engineer or Surveyor. (SCMC Chapter 16.16) Public Works
- 6.6 The applicant shall provide a warranty bond in an amount of 25% of the faithful performance bond for each improvement accepted by the City. This warranty bond shall remain in place for one year from the date of acceptance of the improvement. (SCMC Section 16.32.020) Public Works
- 6.7 The waste debris enclosure shall be of appropriate size to accommodate bins for recyclable materials, organic waste (food and landscape trimmings) and trash. For residential projects, all waste bins must be substantially hidden from view from any public street or alley. (SCMC Chapter 8.28) Utilities
- 6.8 All water and sewer systems, e.g. pump stations, generators, reservoirs, PRV's, etc., shall be fully tested, in the presence of a representative of the Utilities Department, to verify system performance in accordance with design specifications. (SCMC Section 13.24.120) Utilities
- 6.9 The applicant shall submit, and the City Engineer and City Planner shall approve, an agreement which designates responsibility for maintenance and irrigation of parkway trees, shrubs and ground cover within the public right-of-way. The City or designee shall be responsible for maintaining all medians within the public right-of-way, and shall prune and keep disease-free all parkway trees within the public right-of-way. The owner or designee, or the homeowners' association or designee, shall be responsible for watering all parkway trees, shrubs and ground Public Works
Planning

cover within the public right-of-way, and shall trim and otherwise maintain parkway shrubs and ground cover. (Section 12.24 of the SCMC)

- 6.10 The applicant shall submit mylar sheets at a scale of 1"=20' or 1"=40', or at an appropriate scale to be determined by the City Engineer, showing "as built" of grading, trails, and irrigation intended for City Maintenance. Public Works

7.0 OPERATIONAL CONDITIONS OF APPROVAL

Business License

- 7.1 A City Discharge Permit must be obtained prior to issuance of a business license or any discharge to the City sanitary sewer system. (SCMC Chapter 13.24) Utilities

- 7.2 If the project pertains to commercial, industrial or manufacturing use that may discharge high-strength commercial sewage to the City sanitary sewage system, with between five hundred one (501) and nine hundred (900) milligrams of BOD per liter, the applicant shall submit, and the Utilities Manager shall approve, plans that have been approved by the South Orange County Wastewater Authority (SOCWA) Pretreatment Inspector. Upon approval of design a City Discharge Permit must be obtained prior to issuance of a business license or any discharge to the City sanitary sewer system. (SCMC Chapter 13.24) Utilities

Businesses Selling Alcoholic Beverages

- 7.3 The sale of beer and wine/alcoholic beverages for on-site/off-site consumption shall be limited to the hours of _____ Planning

- 7.4 All employees shall receive Responsible Alcoholic Beverage Service training as offered through programs established by the Orange County Health Care Agency and Alcoholic Beverage Control of the State of California. Training shall be provided as soon as practical following the hire date of each employee. Evidence of such training shall be maintained on-site during business hours, and made available for inspection by any city official upon request. (SCMC Section 17.16.070) Code Comp

- 7.5 The service and consumption of alcoholic beverages shall only be permitted in conjunction with hot food service, with same hot foods prepared on site. The hot foods shall be available at all times that alcoholic beverages are being served. Code Comp

7.6 A manager shall be on the premises at all times, and available to respond to issues raised by representatives from the Orange County Sheriff's Department, Orange County Fire Authority, or City of San Clemente Code Compliance, during the hours of operation when alcohol service, live entertainment, and/or dancing are occurring. Code Comp

7.7 These conditions of approval shall be posted in a conspicuous location clearly visible to employees to ensure they are informed of and adhere to requirements and policies for all operations of the business, including but not limited to any live entertainment, dancing activity, or alcohol service, when applicable. Code Comp

Businesses Providing Live Entertainment

7.8 Live entertainment may only consist of live and recorded music. Code Comp

7.9 All exterior windows and doors shall remain closed when live entertainment is being conducted. Code Comp

7.10 Speakers shall be directed away from doors and windows at all times. Code Comp

7.11 A minimum of two security personnel shall be on site at all times while live entertainment and/or dancing activities are conducted. Security personnel shall be stationed at the front door, rear door, and within the building during operating hours. All security personnel shall be readily identifiable by wearing a shirt or jacket at all times while on the property containing the word "security" in 2 inch or larger letters. Code Comp

7.12 The property and all surrounding properties shall be inspected following each live entertainment and/or dancing activity and all debris shall be removed to the extent permitted by the owners of those properties. Code Comp

Commercial Recreation

7.13 All commercial recreation activities are to occur indoors. Doors and windows shall remain closed at all times during the operating hours of the commercial recreation use. Code Comp

Storm Drain Markers

7.14 The storm drain markers required pursuant to Condition 6.1 shall be maintained in good condition by the applicant. Utilities