

**TENTATIVE TRACT MAP NO. 0050-20  
MINOR SITE PLAN REVIEW NO. 1016-20  
ENVIRONMENTAL REVIEW NO. 1871-20**

**RESOLUTION NO. PC 17-20**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ORANGE RECOMMENDING CITY COUNCIL APPROVAL OF TENTATIVE TRACT MAP NO. 0050-20, MINOR SITE PLAN REVIEW NO. 1016-20, AND ENVIRONMENTAL REVIEW NO. 1871-20, TO SUBDIVIDE AN APPROXIMATELY 15.4-ACRE SITE INTO 22 SINGLE-FAMILY RESIDENTIAL LOTS ON 10.9 ACRES AND OPEN SPACE DEDICATION OF 4.5 ACRES ALONG THE SANTIAGO CREEK CORRIDOR, LOCATED ON THE SOUTH SIDE OF MABURY AVENUE BETWEEN ORANGE PARK BOULEVARD AND CANNON STREET, NORTH OF SANTIAGO CREEK**

**APPLICANT: MILAN REI X, LLC**

Moved by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_ that the following resolution be adopted:

**WHEREAS**, the Planning Commission has authority per Orange Municipal Code (OMC) Section 17.08.020 to review and take action on applications for a Tentative Tract Map, Minor Site Plan Review, and Environmental Documentation as described in the City's environmental review guidelines. OMC Section 17.08.020 establishes the Planning Commission's authority to review and make recommendations to the City Council on all of the applications for the subject project; and

**WHEREAS**, applications for Tentative Tract Map No. 0050-20, Minor Site Plan Review No. 1016-20, and Environmental Review No. 1871-20, were filed by Milan REI X, LLC in accordance with the provisions of the City of Orange Municipal Code; and

**WHEREAS**, Tentative Tract Map No. 0050-20, Minor Site Plan Review No. 1016-20, and Environmental Review No. 1871-20, filed by Milan REI X, LLC, were processed in the time and manner prescribed by state and local law; and

**WHEREAS**, the Trails at Santiago Creek Specific Plan Certified Environmental Impact Report No. 1857-18 (SCH No. 2017031020) addressing the development of 128 single family dwellings south of Santiago Creek, but in a planning area encompassing the proposed subdivision site considered the development of 40-50 single family residences on the subject site under EIR Alternative 1; and Environmental Review No. 1871-20 [Addendum No. 1 to the Trails at Santiago Creek Specific Plan Final Environmental Impact Report 1857-18 (SCH No. 2017031020)], was prepared to evaluate the physical environmental impacts of the project in conformance with the provisions of the California Environmental Quality Act (CEQA), Public Resources Code (PRC) Section 21000, et seq. and in conformance with the Local CEQA Guidelines; and

Attachment 1: PC Resolution 17-20  
Mabury/Santiago Creek subdivide  
Planning Commission 07/20/2020

**WHEREAS**, Environmental Review No. 1871-20 [Addendum No. 1 to the Trails at Santiago Creek Specific Plan Final Environmental Impact Report 1857-18 (SCH No. 2017031020)] was not required to be circulated for public review, in accordance with Section 15164 of the State CEQA Guidelines; and

**WHEREAS**, the City in 2019 approved General Plan Amendment No. 2018-0001, Zone Change No. 1286-18, and Development Agreement No. 0005-18, but General Plan Amendment No. 2018-0001 was the subject of a referendum filed with the City and now qualified for the November 2020 ballot, such that General Plan Amendment No. 2018-0001, Zone Change No. 1286-18, and Development Agreement No. 0005-18 are not currently legally effective, and accordingly Tentative Tract Map No. 0050-20 has been processed and is being considered pursuant to the City of Orange General Plan as it existed prior to the approval of General Plan Amendment No. 2018-0001; and

**WHEREAS**, the City intends and acknowledges that, if the City voters at the November 2020 election approve General Plan Amendment No. 2018-0001, such that General Plan Amendment No. 2018-0001, Zone Change No. 1286-18, and Development Agreement No. 0005-18 become legally effective, then by operation of law, including the plan consistency requirements of the Subdivision Map Act, the approval of Tentative Tract Map No. 0050-20 will no longer have any force or legal effect; and

**WHEREAS**, the City's interdepartmental Streamlined, Multi-Disciplined, Accelerated Review Team (SMART) considered the formal applications along with plans, technical reports, and Addendum on April 1, 2020 and again on June 17, 2020, recommending approval of the proposal to the Planning Commission, subject to conditions; and

**WHEREAS**, the Planning Commission conducted a duly advertised public meeting on July 20, 2020, at which time interested persons had an opportunity to testify either in support of or opposition to Tentative Tract Map No. 0050-20, Minor Site Plan Review No. 1016-20, and Environmental Review No. 1871-20 upon property described as in Attachment A as follows:

**SEE ATTACHMENT A**

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission recommends City Council approval of Tentative Tract Map No. 0050-20, Minor Site Plan Review No. 1016-20, and Environmental Review No. 1871-20, to subdivide an approximately 15.4 acre site into 22 single-family residential lots on 10.9 acres and open space dedication of 4.5 acres along the Santiago Creek corridor, located on the south side of Mabury Avenue between Orange Park Boulevard and Cannon Street, north of Santiago Creek, based on the following:

**SECTION 1 – ENVIRONMENTAL REVIEW**

Environmental Review No. 1871-20 [Addendum No. 1 to the Trails at Santiago Creek Specific Plan Certified Environmental Impact Report No. 1857-18 (SCH No. 2017031020)] was prepared to evaluate the potential environmental impacts of this project, in accordance with the provisions of the California Environmental Quality Act (CEQA), Public Resources Code (PRC) Section 21000, et seq. and in conformance with the Local CEQA Guidelines. Addendum No. 1 to the Certified EIR finds that the proposed project would not result in any new significant environmental

impacts or substantially increase the severity of environmental impacts beyond the levels disclosed in the Certified EIR and identified for Alternative 1 of that EIR. All mitigation measures included in Addendum No. 1 to the Certified EIR are consistent with and originate from the Certified EIR. There are no new mitigation measures for the proposed project.

## **SECTION 2 – FINDINGS**

### **General Plan**

1. *The project must be consistent with the goals and policies stated within the City's General Plan.*

The project achieves multiple goals of the City's General Plan. The project transforms an underutilized residentially zoned property with a single-family residential development that integrates with adjacent residential uses, through the use of landscaped setbacks, development of compatible housing product, and lot size. The project will provide a circulation system that will minimize adverse effects on local residential neighborhoods and encourage pedestrian, equestrian and bicycle circulation with the installation of internal streets with sidewalks, relocation and dedication of the Santiago Creek Trail to the City of Orange, furthering completion of the final segment of that trail. The project supports the goals of the City's Housing Element by bringing forward housing that increases the inventory of housing in the community.

The sidewalk and trail improvements included in the project address the goals of the Circulation and Mobility Element by facilitating pedestrian and equestrian activity and implementing the Master Plan of Trails by the dedication of a segment of trail to the City for inclusion in the final segment of the Santiago Creek Trail that is presently under design. The project also provides housing in proximity to the Santiago Creek recreational (equestrian and bicycle) trail, making the trail readily accessible to residents.

### **Tentative Tract Map**

1. *The proposed division of land complies with all requirements of the Subdivision Map Act and Title 16, Subdivisions, of the Orange Municipal Code, and all other resolutions and ordinances of this City, including, but not limited to, requirements concerning area, improvements and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, public safety facilities and environmental protection.*

The proposed Tentative Tract Map complies with the requirements of the Subdivision Map Act, Title 16, Subdivisions of the Orange Municipal Code, and all other resolutions and ordinances of this City. The Tentative Tract Map proposes to subdivide an approximately 15.4-acre site into 22 single-family residential lots on 10.9 acres and open space dedication of 4.5 acres along the Santiago Creek corridor. Lot sizes will range from 8,315 to 18,821 square feet, which will be consistent with the residential development standards of the Single Family Residential, 8000 square feet minimum lot size (R-1-8) zone, and will be similar to or larger than the lot sizes of the existing residential neighborhoods to the north. Vehicle access to the site will be provided on the south side of Mabury Avenue at the intersection of Yellowstone Boulevard by way of new private streets within the development. Twelve dwelling units will have frontage and garage access off Mabury Avenue, while the remaining units will have access off the private streets.

The project site generally slopes to the south towards Santiago Creek. Steeper areas to the south and west will be stabilized and equipped with drainage systems designed to reduce erosion and promote efficient drainage. Earthwork will consist of grading the individual lots to create buildable pads, and the majority of the earthwork will take place along the southwestern side of the site to create a 2:1 slope which meets current grading standards.

The existing Santiago Creek equestrian trail will be re-located and constructed as a recreational (equestrian and bike) trail, between the proposed single family lots and the creek edge. The new recreational trail will be dedicated to the City and conform to City of Orange standards.

Site planning requirements related to area, improvements and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, public safety facilities and environmental protection have been addressed either via project design components shown on the proposed plans or through conditions of approval. Therefore, the project meets this finding.

### **Minor Site Plan**

1. *The project design is compatible with surrounding development and neighborhoods.*

The project transforms a underutilized residentially zoned property with a single-family residential development that integrates with adjacent residential uses to the north, through the use of landscaped setbacks, development of compatible housing product, and lot size. The relocation of the existing equestrian trail and construction of a new recreational (bicycle and equestrian) trail encourages a linkage between the project and surrounding uses, trails, and regional parks.

2. *The project conforms to City development standards and any applicable special design guidelines or specific plan requirements.*

The proposed subdivision conforms to City development standards for residential districts. Proposed lot sizes will range from 8,315 to 18,821 square feet, which complies with the minimum 8,000 square feet lot size requirement in the R-1-8 zone. The lot sizes will also be similar to or larger than the lot sizes in the single-family residential neighborhoods to the north. The project site is not subject to any City design guidelines or specific plan requirements. The site is not located within the boundaries of the Orange Park Acres Plan or East Orange General Plan.

3. *The project provides for safe and adequate vehicular and pedestrian circulation, both on- and off-site.*

Vehicular access points have been designed to ensure safe circulation conditions. Vehicle access to the site will be provided on the south side of Mabury Avenue at the intersection of Yellowstone Boulevard. Two new private streets within the development ("A" Street and "B" Street) will share a single access point from Mabury Avenue and each will terminate in a cul-de-sac. Twelve dwelling units will have frontage and garage access off Mabury Avenue, while the remaining units will have access off "A" Street and "B" Street.

The project incorporates streetscape improvements that reinforce the quality and safety of pedestrians. Pedestrian circulation in the project area is provided by public sidewalks located on the north and south sides of Mabury Avenue. Sidewalks will also be provided within the project interior on both sides of "A" Street and "B" Street.

The project will include the relocation of the existing Santiago Creek Trail and construction of a recreational (equestrian and bicycle) trail through the development site between the proposed single-family lots and the creek edge. The new recreational trail will be accessible to the sidewalk on “A“ Street and would rejoin the existing trail and sidewalk along Mabury Avenue at the northeastern and northwestern boundaries of the project site.

With adoption of Conditions of Approval and mitigation measures included in the Certified EIR, the proposed project provides for safe and adequate circulation.

4. *City services are available and adequate to serve the project.*

As evaluated in Addendum No. 1 to the Certified EIR, the proposed project will result in less than significant impacts to police, fire, recreation and or park services. The project incorporates design features and conditions of approval that address Code requirements and building and infrastructure systems that maximize safety and ensure adequate utility services to the site. The applicant will be subject to payment of impact fees associated with schools, parks, libraries, sewer, and Sanitation District fees.

5. *The project has been designed to fully mitigate or substantially minimize adverse environmental effects.*

The proposed project includes project design features that minimize potential adverse impacts to Transportation/Traffic, Air Quality, Cultural Resources, Tribal Cultural Resources, Geology/Soils, and Noise. All mitigation measures included in Addendum No. 1 to the Certified EIR are consistent with and originate from the Certified EIR. There are no new mitigation measures proposed for the future development of 22 detached single-family residential units.

### **SECTION 3– CONDITIONS OF APPROVAL**

BE IT FURTHER RESOLVED that the following conditions are imposed with approval:

#### **General:**

1. The project shall comply with all applicable Mitigation Measures included within the Trails at Santiago Creek Specific Plan Certified Environmental Review No. 1857-18 (SCH No. 2017031020) and its associated Mitigation Monitoring Report and as identified within Addendum No. 1 to the Certified EIR.
2. The project shall conform in substance and be maintained in general conformance with plans labeled Attachment 8 (date stamped received July 1, 2020) including any modifications required by conditions of approval, and as recommended for approval by the Planning Commission. Any future expansion in area or in the nature of the use approved by Tentative Tract Map No. 0050-20, Minor Site Plan Review No. 1016-20, and Environmental Review No. 1871-20 shall require an application for a new or amended Tentative Tract Map and Site Plan Review.
3. Within two days of final approval of this project, the applicant shall deliver to the Planning Division a cashier’s check payable to the Orange County Clerk in an amount required to fulfill the fee requirements of Fish and Game Code Section 711.4(d) (2) and the County administrative fee, to enable the City to file the Notice of Determination required under Public Resources Code 21152 14 Cal. Code Regulations 15075. If it is determined that there

will be no impact upon wildlife resources, the fee shall be as required based on the current fee schedule.

4. The applicant agrees to indemnify, hold harmless, and defend the City, its officers, agents and employees from any and all liability or claims that may be brought against the City arising out of its approval of this permits, save and except that caused by the City's active negligence. The City shall promptly notify the applicant of any such claim, action, or proceedings and shall cooperate fully in the defense.
5. The applicant shall comply with all federal, state, and local laws, including all City regulations. Violation of any of those laws in connection with the use may be cause for revocation of this permit.
6. Tentative Tract Map No. 0050-20, Minor Site Plan Review No. 1016-20, and Environmental Review No. 1871-20 shall become void if not vested within two years from the date of approval. Time extensions may be granted for up to one year, pursuant to OMC Section 17.08.060.
7. The Final Tract Map shall be recorded within 24 months after tentative approval and satisfaction of all conditions of approval including the construction of all public and private infrastructure or providing securities for the construction thereof.
8. Any modifications to the plans including, but not limited to, the landscaping and parking as a result of other Department requirements such as Building Codes, water quality, Fire, or Police shall be submitted for review and approval to the Community Development Director or designee. Should the modifications be considered substantial, the modifications shall be reviewed and approved by the Planning Commission.
9. Except as otherwise provided herein, this project is approved as a precise plan. After any application has been approved, if changes are proposed regarding the location or alteration of any use or structure, a changed plan may be submitted to the Community Development Director for approval. If the Community Development Director determines that the proposed change complies with the provisions and the spirit and intent of the approval action, and that the action would have been the same for the changed plan as for the approved plan, the Community Development Director may approve the changed plan without requiring a new public hearing.
10. The project approval includes certain fees and/or other exactions. Pursuant to Government Code Section 66020, these conditions or requirements constitute written notice of the fees and/or exactions. The applicant is hereby notified that the ninety (90) day protest period commencing from the date of approval of the project has begun. If the applicant fails to file a protest regarding these conditions or requirements, the applicant is legally barred from later challenging such exactions per Government Code Section 66020.
11. These conditions shall be reprinted on the Final Tract Map plan prior to approval of the Final Tract Map.
12. Building permits shall be obtained for all construction work, as required by the City of Orange, Community Development Department's Building Division. Failure to obtain the required building permits may be cause for revocation of this entitlement.

13. Grading operations shall be restricted to Monday through Friday between the hours of 7:30 a.m. and 5:00 p.m., with limited grading as necessary permitted on Saturdays between the hours of 8:00 a.m. and 4:30 p.m.
14. All other construction activities shall conform to the City's Noise Ordinance, OMC Section 8.24, and shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Saturday. No construction activity will be permitted on Sundays and Federal holidays.
15. The Migratory Bird Treaty Act (MBTA) governs the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests. The trees that would be removed as part of the project have the potential to provide suitable nesting opportunities for nesting birds. To comply with the MBTA, in the event that vegetation and tree removal should occur between January 15 and September 1 (nesting season), the project applicant shall retain a qualified biologist to conduct a nesting bird survey no more than three days prior to commencement of construction activities. The biologist conducting the clearance survey shall document the negative results if no active bird nests are observed on the project site or within the vicinity during the clearance survey with brief letter report, submitted to the City of Orange Community Development Department prior to construction, indicating that no impacts to active bird nests would occur before construction can proceed. If an active avian nest is discovered during the pre-construction clearance survey, construction activities shall stay outside of a 300-foot buffer around the active nest. For listed and raptor species, this buffer shall be 500 feet. A biological monitor shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity, pursuant to the MBTA. Prior to the commencement of grading or construction activities and the issuance of any permits, results of the pre-construction survey and any subsequent monitoring shall be provided to the City of Orange Community Development Department, California Department of Fish and Wildlife and other appropriate agencies.

**Prior to Building Plan Check Submittal:**

16. Plans submitted for building plan check shall comply with the California Building Code as amended by the City and as frequently amended and in effect at the time of application for building permit.
17. Plans submitted for building plan check shall comply with the California Fire Code as amended by the City and as frequently amended and in effect at the time of application for building permit.
18. Prior to the first building plan check, the property owner/developer shall submit plans consistent with the Land Use Application requirements for required entitlements for the development of the individual lots to the Planning Division for review and approval through the proper entitlement process.
19. Plans submitted for building plan check shall comply with the California Fire Code as amended by the City and as frequently amended and in effect at the time of application for Building Permit.
20. Plans submitted for building plan check shall employ a natural surveillance design concept to keep potential criminals and their targets under observation. This includes adjusting building orientation, windows, entrances and exits, parking lots, walkways, and other features to promote casual or more formal oversight of low surveillance areas.

21. Plans submitted for building plan check shall employ a natural access control design strategy directed at decreasing crime opportunity by denying access to targets and creating a perception of risk to offenders. It is also used to prevent public access to private areas. Examples include using landscaping to control access to graffiti-prone walls, limiting the number of entrances and exits for better control, and reducing public pathways through private areas. CPTED discourages a “fortress mentality” but recognizes that high-value targets require the application of more traditional security measures.
22. Plans submitted for building plan check shall employ territorial reinforcement design concepts that include attributes that express concerned ownership, including pavement treatments, behavior-regulating signage, public art, fencing, and the continual maintenance of grounds, landscaping, and structures.
23. Plans submitted for building plan check shall incorporate proper design features that support maintenance of the property, including graffiti resistant surfaces, vandal-proof lighting and landscaping selected for easy maintenance.
24. Plans submitted for building plan check shall employ design features that will help increase visibility in the area of the trail. The reduction of visibility will be even greater after homes are constructed on this site. Open fencing should be used in all areas of the trails. Lighting the trails during darkness should deter criminal and unwanted activity and provide a sense of security for desired human activity. Illumination levels of the trails shall be of at least .50 foot-candles at the ground level. Lighting devices shall be protected by weather and vandalism resistant covers. Landscaping shall not interfere with the visibility of the trail, the lighting or create ambush points. The design of the recreational trail shall express a strong sense of ownership for the future development of homes for this site.
25. Plans submitted for building plan check shall show that the water improvement plans are consistent with the fire suppression plans and or fire master plan. The applicant’s consultant preparing the water improvement plans shall coordinate their plans with the consultant preparing the fire suppression plans and/or fire master plan so that their designs concur.
26. Plans submitted for building plan check shall show that the minimum separation requirements are met and that each of the various designer’s plan sets match. The applicant’s consultant preparing the improvement and utility plans shall coordinate their plans with the consultants preparing the landscape, architectural, surface water quality management, fire master and/or fire suppression plans so that their designs are consistent.

**Prior to Approval of Landscape Plans:**

27. Prior to approval of landscape plans, the applicant shall review the approved Water Quality management Plan and ensure the proposed landscape plans are consistent with the project grading plans and show the proposed structural storm water treatment Best Management Practices, such as bioretention planters, drywells, permeable pavers, and any other proposed surface water quality BMP’s incorporated into the project.
28. In conjunction with the filing of a Land Use Application for the development of the residential units, the applicant/residential project proponent shall identify and assess opportunities to incorporate the existing trees that line Mabury Avenue into the project. Ingress/egress (driveway entries) of properties that line Mabury Avenue shall be identified on future plan sets showing any existing trees that are to be protected in place.



**Prior to Grading Permit Issuance:**

29. Prior to rough grading permit issuance, the developer/builder shall receive stamped approval of a Conceptual or Precise Fuel Modification Plan from the City of Orange Fire Department.
30. Prior to rough grading permit issuance, the following information relative to fire apparatus access roadways shall be included on the Fire Master Plan:
  - a. Signage/markings shall meet standards contained in the Fire Master Plan Guidelines.
  - b. Provide a letter or statement, wet-stamped and signed by a registered engineer on the plans certifying that any new roadway meets the 68,000 pound all weather requirement.
31. Prior to rough grading permit issuance, trees planted along the fire access roadway and/or firefighter required walkway shall not impede the required minimum 5'-0" walkway width or the required fire apparatus vertical clearance of 13'-6". The trees should be a type that the natural growth pattern would allow the required vertical clearance without reliance on regular maintenance of the tree canopies.
32. Prior to rough grading permit issuance, a Precise Fuel Modification Plan and report are required to be submitted to ensure that tract design will accommodate fuel modification requirements for the ultimate lot buildout condition. A Precise Fuel modification plan proposal for the tract is required based on current layout of the site. Refer to the Orange City Fire Department Fuel Modification and Vegetation Management Guideline:
  - a. The fuel modification plans shall meet the criteria set forth in the Fuel Modification Section under Conceptual (section 1) and Precise (section 2) of the guideline.
  - b. No fuel modification zones shall be designated on private properties. All elements of the fuel modification areas shall be designated on common lettered lots and shall include provisions for the maintenance of all such elements for perpetuity.
  - c. The maintenance and access easements shall be shown as lettered lots on the tract map. Along with access to, and, clear width 12-foot wide emergency and maintenance access gates to the fuel modification areas.
  - d. Prior to recordation of tract map, easement agreements and CC&Rs shall be reviewed and approved by the City Attorney and Fire Department.
33. Prior to rough grading permit issuance, all fuel modification zones are required to be in the common area to be maintained by the homeowners association. The A zone is required to be a minimum 20' and the remaining zones B-D are prescriptive 50 feet each. Zones B-D distances may be reduced with justification based on the fire behavior analysis results as well as any proposed alternate materials and methods. The conceptual Fuel Modification plan must clearly indicate:
  - Delineation of the zones beginning outside of the private property lines,
  - Statement of condition that precise Fuel Modification plan must be submitted and approved by Fire prior to submitting for grading,
  - Show location of emergency and maintenance access gates per Orange City Fire Vegetation Management Guideline (attached),
  - General description of existing area 300 feet beyond the development property lines in all directions,

- Prior to submitting for grading plan check an emergency and maintenance access easement agreement shall be reviewed by the Fire Department and City Attorney and be recorded,
  - Prior to submitting for grading plan check, the CC&Rs shall be reviewed by the Fire Department and City Attorney and be recorded.
34. Prior to rough grading permit issuance, plans prepared for plan check shall be per Development Services guidelines and requirements. Please see to the following link: <https://www.cityoforange.org/DocumentCenter/View/735/Plans-Preparation-Guidelines-and-Checklists-PDF>
  35. Prior to rough grading permit issuance, the Preliminary Hydrology Report and Sewer Capacity Analysis shall be reviewed and approved by the Public Works Department.
  36. Prior to rough grading permit issuance, a geotechnical report shall be submitted with the grading plans for review.
  37. Prior to rough grading permit issuance, a grading plan shall be submitted in compliance with City standards for review and approval by the Public Works Director. All grading and improvements on the subject property shall be made in accordance with the Manual of Grading and Standard Plans and Specifications to the satisfaction of the Public Works Director. The applicant may be required to include Phased Erosion and Sediment Control Plans, a Site Demolition Plan, and a Utility Plan as part of the grading plan submittal.
  38. Prior to rough grading permit issuance, a preliminary/conceptual landscape site plan shall be provided that describes the design intent for the project, including the common areas, proposed trail, and interphase with the surrounding environment.
  39. Prior to rough grading permit issuance, a landscape plan shall be submitted. The landscape plan shall indicate the location of all existing trees, and which trees will be relocated and/or removed. The project shall adhere to the City of Orange Municipal Code and shall acquire a tree removal permit.
  40. Prior to rough grading permit issuance, the proposed sewer system, including lift station, and street lighting system shall be private. Ownership and maintenance of the foregoing improvements shall be by the Homeowners Association.
  41. Prior to rough grading permit issuance, the applicant shall construct all public and/or private improvements to the satisfaction of the Water Division. The applicant may be required to enter into an agreement with the City of Orange, and post security in a form and amount acceptable to the City Engineer and/or Water Division to ensure construction of said improvements.
  42. Prior to any grading permit issuance, the applicant shall submit a Priority Project WQMP for review and approval to the Public Works Department that:
    - a. Prioritizes the use of Low Impact Development principles as follows: preserves natural features; minimizes runoff and reduces impervious surfaces; and utilizes infiltration of runoff as the method of pollutant treatment. Infiltration BMPs to be considered include the use of permeable materials such as concrete and concrete pavers, infiltration trenches, infiltration planters, and other infiltration BMPs as applicable,

- b. Incorporates the applicable Site Design, Routine Source, Structural Control and Low Impact BMPs as defined in the Model Water Quality Management Plan and Technical Guidance Document,
  - c. Maintains the hydrologic characteristics of the site by matching time of concentration, runoff, velocity, volume and hydrograph for a 2-year storm event,
  - d. Minimizes the potential increase in downstream erosion and avoids downstream impacts to physical structures, aquatic and riparian habitat,
  - e. Generally describes the long-term operation and maintenance requirements for structural and Treatment Control BMPs,
  - f. Identifies the entity or employees that will be responsible for long-term operation, maintenance, repair and or replacement of the structural and Treatment Control BMPs and the training that qualifies them to operate and maintain the BMPs,
  - g. Describes the mechanism for funding the long-term operation and maintenance of all structural and Treatment Control BMPs,
  - h. Includes a copy of the forms to be used in conducting maintenance and inspection activities,
  - i. Meets recordkeeping requirements (forms to be kept for 5 years).
  - j. Includes a copy of the form to be submitted annually by the project owner to the Public Works Department that certifies that the project's structural and treatment BMPs are being inspected and maintained in accordance with the project's WQMP.
43. Prior to any grading permit issuance (including grubbing, clearing, or paving permits), the applicant shall demonstrate that coverage has been obtained under the State's General Permit for Stormwater Discharges Associated with Construction Activity (Construction General Permit for all projects with soil disturbance greater than 1 acre) by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing. A copy of the current SWPPP required by the General Permit shall be kept at the project site and be available for review by City representatives upon request.
  44. The contractor shall obtain a grading permit from the Public Works Department prior to start of any site clearing and grubbing, or grading.
  45. Prior to importing or exporting any soil, the applicant shall obtain a Transportation Permit issued by the Public Works Department, Traffic Division.
  46. Prior to any grading permit issuance, the applicant shall submit a deposit to cover plan check and inspection services related to the grading activities.
  47. Any grading outside of the owner's boundary shall require the applicant to either obtain temporary construction easements or permission by adjacent property owners in a form suitable to the Public Works Director, prior to any grading permit issuance.
  48. Prior to any grading permit issuance, a Traffic Control Plan that addresses any proposed street restrictions during construction shall be submitted to Public Works for review.

49. Prior to any grading permit issuance, the applicant shall coordinate with all regulatory and other entities for permitting requirements including Army Corps of Engineers, U.S. and State Fish and Wildlife Service, Orange County Flood Control District, Santa Ana Regional Water Quality Control Board, Metropolitan Water District, etc.
50. Prior to any grading permit issuance, the applicant shall obtain Encroachment Permits for all work within public right-of-way and public utility easements, including sidewalk and driveway construction and utility main and lateral construction.
51. Prior to any grading permit issuance, an approval by the City Council is required prior to import or export of soil exceeding 30,000 cubic yards. A dirt haul route shall be approved by the City Council and the travel path is subjected to pavement deterioration evaluation.
52. Prior to any grading permit issuance, the applicant shall obtain a permit from the Orange County Flood Control District (OCFD) for any direct storm water discharge into the OCFD channels.
53. Prior to precise grading permit issuance, the Fire Master Plan shall show the locations of all existing public and proposed public or private fire hydrants within 600 feet accessible path of all proposed buildings.
  - a. The spacing and number of fire hydrants shall be in accordance with CFC Section 507 and CFC Appendix C.
  - b. Provide the available fire flow for the fire hydrants nearest to the proposed structures fronting the street, to confirm the ability and demonstrate compliance with the requirements of CFC Appendix B, applicable Table B105.1; report can be obtained from Water Department.
  - c. Additional fire hydrants, at the cost of the developer, may be required after the requested information is reviewed for CFC compliance.
54. Prior to precise grading permit issuance, the applicant shall provide a master meter with approved backflow device to serve private on-site domestic water.
55. If a fire service is required for private on-site hydrants, a separate dedicated master meter with approved backflow device shall be required to serve private hydrants, prior to precise grading permit issuance.
56. Prior to precise grading permit issuance and prior to approval of a water improvement plan, the applicant shall satisfy all water main connection, plan check, and inspections charges as determined by the Water Division.
57. Prior to precise grading permit issuance, the applicant's civil engineer shall prepare and provide product material submittals consistent with the water improvement plans for all proposed public water system facilities to the Water Division per the City of Orange General Water Construction Notes for review and approval at least fourteen calendar days prior to commencing construction.
58. All improvements, including street sections, structural pavement sections, sidewalk, driveway aprons, sidewalk access ramps, storm drain, sewer, water, lighting, etc, shall comply with the City of Orange Standard Plans and Specifications.
59. All public infrastructures, including street sections, sidewalks, driveway aprons, and utilities shall comply with City of Orange Standard Plans and Specifications.

60. All driveway approaches shall conform to ADA standards for wheelchair access conforming to Public Works Standard Plans 115 and 116.
61. The applicant shall provide adequate wheelchair accessibility around driveway aprons that do not conform to current ADA standards.
62. The applicant shall be required to install new streetlights, or upgrade existing streetlights along public and private streets as required by City of Orange Traffic Division. Contact Jimmy Rocha @ (714) 532-6477 or [jrocha@cityoforange.org](mailto:jrocha@cityoforange.org).
63. Prior to precise grading permit issuance, the grading plan shall detail all of the locations where retaining walls will be constructed. Geometric detail of retaining walls shall be shown on the grading plan, including material type, dimensions, backfill, and subdrains. A building permit is also required for retaining walls over 4 feet in height measured from the bottom of the footing to the top of the wall prior to construction. Structural details and design calculations shall be submitted as a separate document and will be reviewed and permitted by the City Building Division.
64. The applicant shall show all sewer and storm drain lines on the Grading Plan. Other utility lines, such as water lines, may also be shown on Grading Plan for reference.
65. The applicant shall show all structural BMPs for water quality purposes on the grading plan. Water quality features shown on the grading plan must match the WQMP.
66. The proposed finish floor elevations shall have a 1-foot freeboard based on the back of sidewalk.
67. The recreational trail design shall be coordinated with Eduardo Lopez, Senior Civil Engineer at (714) 744-5527 or [elopez@cityoforange.org](mailto:elopez@cityoforange.org), and Don Equitz, Senior Landscape Coordinator at (714) 532-6464 or [dequitz@cityoforange.org](mailto:dequitz@cityoforange.org).
68. The applicant shall dedicate an easement to the City, a minimum 25-foot wide swath for an equestrian and bicycle recreational trail. The easement dedication shall be made prior to final tract map approval by a separate easement document as necessary.
69. The recreational trail dedications adjacent to the proposed tract, including connectivity to the existing trail on the south side of Mabury Avenue shall be coordinated with the Community Services Department, Don Equitz, Senior Landscape Coordinator at (714) 532-6464 or [dequitz@cityoforange.org](mailto:dequitz@cityoforange.org).

**Prior to Building Permit Issuance:**

70. The proposed buildings will be required to be protected by an automatic fire sprinkler system installed in accordance with NFPA 13D.
71. All architectural, civil, and landscape drawings shall be coordinated such that information relative to fire access roadway widths, required vertical clearances, and location of fire protection devices (backflow devices and fire hydrants) are shown in a similar manner.
72. All construction documents shall show that all structures comply with the requirements of OMC Chapter 15.52 (Building Security Standards) which includes, but is not limited to: hardware, doors, windows, and lighting. Specifications, details, or security notes may be used to convey compliance.

73. All residential dwellings shall display a street number in a prominent location on the street side of the residence in such a position that the number is easily visible to approaching emergency vehicles. The numerals shall be no less than four inches in height and shall be of a contrasting color to the background to which they are attached. These numerals shall be illuminated during the hours of darkness.
74. All security and design measures that employ Defensible Space concepts shall be utilized in development and construction plans as described in the City of Orange Building Security Guidelines. These measures incorporate the concepts of Crime Prevention through Environmental Design (CPTED), which involves consideration such as placement and orientation of structures, access and visibility of common areas, placement of doors, windows, addressing, lighting, and landscaping.
75. Prior to building permit issuance for each parcel, the applicant shall pay all applicable development fees, including but not limited to: City sewer connection, Orange County Sanitation District Connection Fee, Transportation System Improvement Program, Fire Facility, Police Facility, Park Acquisition, Sanitation District, and School District, as required.
76. All landscaping plans for the project shall be designed to comply with the City's Water Efficient Landscape Guidelines as described in Section IX et al of the City of Orange Landscape Standards and Specifications.
77. Prior to building permit issuance, the final landscape plan shall be reviewed and approved by the Orange Fire Department if landscaping is proposed in areas subject to Fire Department jurisdiction, which may include, but is not limited to, fuel modification areas.
78. Prior to the first building permit issuance, construction plans shall show that all structures shall comply with the requirements of Orange Municipal Code (OMC), Chapter 15.52 Building Security Standards, which relates to the use of specific hardware, doors, windows, lighting, etc. Architectural drawings shall include sections of the Ordinance that apply under "Security Notes". An "Approved Products List 1/17" of hardware, windows, etc. is available upon request.
79. Prior to building permit issuance, the applicant shall review the approved Water Quality Management Plan (WQMP) and grading plan to ensure the structure's downspouts or drainage outlet locations are consistent with those documents. Copies of the building or architectural plans specifically showing the downspouts and drainage outlets shall be submitted to the Public Works Department for review.
80. Prior to building permit issuance, the applicant shall submit improvement plans to the Water Division for review and approval for any new fire hydrants, domestic water services, fire services, landscape services, and any other proposed improvements or relocations affecting the public water system facilities.
81. Prior to building permit issuance, the Water Division shall approve the type and location of landscaping and fire service (backflow prevention) device for proposed City services.
82. Prior to building permit issuance, construction documents shall show a minimum twenty-foot (20') separation from the public water system facilities to the proposed/existing buildings and structures per the City of Orange Standard Location Of Underground Utilities Standard and as approved by the Water Division.

83. Prior to building permit issuance, construction documents shall show that the installation of sewer mains in the vicinity of water mains is done per the Department of Public Works Water Division Standard No. 113 and will be approved by the Water Division.
84. Prior to building permit issuance, construction documents shall show that a six foot minimum horizontal clearance and a one foot minimum vertical clearance would be maintained between City water mains, laterals, services, meters, fire hydrants and all other utilities except sewer. The Water Division shall review and approve the construction documents.
85. Prior to building permit issuance, construction documents shall show that an eight-foot minimum clearance is provided between City water mains, laterals, services, meters, fire hydrants, signs, or trees or other substantial shrubs and plants as required by the Water Division. The Water Division shall review and approve the construction documents.
86. Prior to building permit issuance, construction documents shall show that permanent signs, awning, surface water quality management features or other structures are not built over water mains, laterals, services, meters, or fire hydrants as required by the Water Division.
87. Prior to building permit issuance, construction documents shall show that each building will be metered separately unless otherwise approved by the Water Division.
88. Prior to building permit issuance for the first phase of work, the applicant shall be responsible for obtaining approval all of the necessary encroachment permits from affected agencies for all public water construction work.
89. Prior to the issuance of building permits or sale or lease of any parcels, the final map and CC&R's shall be recorded.
90. Prior to building permit issuance, the applicant shall submit an address number request, including an addressing plan, to the Public Works Department for review and approval.
91. Prior to building foundation construction, a Certificate Letter of Line and Grade shall be submitted to the Public Works Construction Inspector demonstrating that the site grading and pad elevation are completed according to the grading plan.
92. Prior to building permit issuance, lots having reduced street frontage flag lot configurations shall have additional illuminated monument addressing at the street.

**Prior to Construction:**

93. The property owner shall maintain in good condition, all on-site driveways where heavy-duty trucks would travel.

**Prior to Final Map Recordation:**

94. Prior to final map recordation, the Fire Master Plan and Tentative Tract Map shall be revised to include current adopted code references and information.
95. Prior to final map recordation, the final Tentative Tract Map shall include the location(s) of the proposed water quality structural BMP's.
96. Prior to final map recordation, a copy of the project's CC& R's shall be provided to the Public Works Department for review and approval that includes requirements for the maintenance and funding of the project's structural and treatment water quality best management practices as approved by the City in the project's WQMP.

97. Prior to grading permit final, the applicant/developer shall make the necessary improvements to the relocated 10-foot equestrian recreational trail, within the 25-foot wide swath for an equestrian and bicycle recreational trail.
98. Prior to final map recordation, the project's CC& R's shall be provided for review and approval that includes requirements for the maintenance of the equestrian and bicycle recreational trail by the Homeowners Association (HOA).
99. Prior to final map recordation, street lighting systems on interior streets shall be shown on the Tentative Tract Map.
100. Prior to final map recordation, street easements shall be granted to the City of Orange for emergency vehicular access, trash collection and public utilities and shall be shown on the Tentative Tract Map.
101. Prior to final map recordation, monuments shall be set based on a field survey.
102. The CC&R's shall be subject to a joint review by the Community Development Director, Public Works Director, and City Attorney. The applicant shall be required to pay for the review of the CC&R's by the City Attorney, Public Works Director and the Community Development Director at City's hourly billing rate, prior to final map recordation.
103. The CC&R's or reciprocal access and drainage agreement shall be recorded prior to or at the same time as the first final map.
104. All landscaping shall include the installation of root barriers on the sidewalk side of trees, or where conditions warrant, the installation of Deep Root boxes as directed by the Community Services Department, prior to final map recordation.

**Prior to Issuance of a Certificate of Occupancy:**

105. Any new lighting on the premise shall be installed in such a way to direct, control, and screen the lighting to prevent off site light spillage onto adjoining properties and shall not be a nuisance to any point beyond the exterior boundaries of the property. Prior to issuance of a Certificate of Occupancy, the applicant shall contact the Orange Police Crime Prevention Bureau and set an appointment on-site to test all lighting to ensure it meets Orange Municipal Code standards.
106. Prior to the issuance of certificates for use of occupancy, the applicant shall demonstrate the following to the Public Works Department:
  - a. That all structural and treatment control best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with the approved plans and specifications,
  - b. That the applicant is prepared to implement all non-structural BMPs described in the Project WQMP,
  - c. That an adequate number of copies of the project's approved final Project WQMP are available for the future occupiers.
107. Prior to the issuance of certificates for use of occupancy or final signoff by the Public Works Department, the applicant shall demonstrate to the satisfaction of Public Works, that the preparer of the WQMP has reviewed the BMP maintenance requirements in Section V of the



- WQMP with the responsible person and that a copy of the WQMP has been provided to that person. A certification letter from the WQMP preparer may be used to satisfy this condition.
108. Prior to issuance of a certificate of occupancy for each parcel, all landscaping improvements shall be completed to the satisfaction of the Community Service Director and the Community Development Director.
  109. Prior to issuance of a certificate of occupancy, the applicant shall be responsible for the installation of necessary fire hydrants and fire services as approved by the Fire Department and Water Division.
  110. Prior to issuance of a certificate of occupancy, the applicant shall furnish and install individual pressure regulators on new services where the incoming pressure exceeds eighty-pounds per square inch.
  111. Prior to the issuance of a certificate of occupancy, the applicant shall furnish two keys, key cards, and/or remote operated keys to the Water Division for locked entrances in order to provide necessary access to public water system facilities within the locked area, unless otherwise approved by the Water Division.
  112. Utilities serving the development, such as electric, cable television, street lighting and communication shall be installed underground, completed and approved by the appropriate utility provider, prior to the issuance of a certificate of occupancy.
  113. Prior to issuance of a certificate of occupancy, connections at water main shall be made with a tee fitting and three valves. The location of mainline valves will be coordinated during plan review.
  114. Prior to issuance of a certificate of occupancy, a monument bond deposit shall be required to insure completion of field survey.
  115. The applicant shall remove unused driveway approaches and restore them to full height curb and gutter, including any sidewalk restoration at the driveway apron, prior to issuance of a certificate of occupancy.
  116. Cracked, uneven, or damaged public sidewalks, curbs and gutters along property frontages shall be repaired, prior to issuance of a certificate of occupancy.
  117. Prior to issuance of a certificate of occupancy, the applicant shall be required to install street trees along public and private streets as required by City of Orange Public Works Department.
  118. Prior to the issuance of a certificate of occupancy, the sanitary sewer system connecting from the buildings to the public mainline shall be private and maintained by the property owner.

**Upon Transfer of Ownership:**

119. The project applicant shall maintain all structural, treatment and low impact development BMPs at the frequency specified in the approved WQMP. Upon transfer of ownership or management responsibilities for the project site, the applicant shall notify the City of Orange Public Works Department of the new person(s) or entity responsible for maintenance of the BMPs.

I hereby certify that the foregoing resolution was adopted on July 20, 2020, by the Planning Commission of the City of Orange by the following vote:

AYES:

NOES:

RECUSE:

ABSENT:

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Dave Simpson, Planning Commission Chair

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Date