

RESOLUTION NO. 11296

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE APPROVING MAJOR SITE PLAN REVIEW NO. 1010-20, DESIGN REVIEW NO. 5007-20, TENTATIVE PARCEL MAP NO. 0018-20 AND A DENSITY BONUS HOUSING AGREEMENT WITH TWO AFFORDABLE HOUSING CONCESSIONS TO CONSTRUCT 61 INCOME-RESTRICTED WORKFORCE HOUSING UNITS AND ONE MANAGER UNIT IN A NEW MULTI-FAMILY COMPLEX LOCATED ON PROPERTY CURRENTLY ADDRESSED 637 W. STRUCK AVENUE

APPLICANT: C&C DEVELOPMENT, TODD COTTLE & ORANGE HOUSING DEVELOPMENT CORP, EUNICE BOBERT (IN PARTNERSHIP WITH THE CITY OF ORANGE)

WHEREAS, Major Site Plan Review (MJSP) No. 1010-20, Design Review No. 5007-20, Tentative Parcel Map (TPM) No. 0018-20 and, a Density Bonus Housing Agreement with two Affordable Housing Concessions were filed by C&C Development, Todd Cottle & Orange Housing Development Corp, Eunice Bobert in accordance with the provisions of the City of Orange Municipal Code (OMC); and

WHEREAS, MJSP No. 1010-20, Design Review No. 5007-20, TPM No. 0018-20 and, a Density Bonus Housing Agreement with two Affordable Housing Concessions were processed in the time and manner prescribed by state and local law; and

WHEREAS, the Density Bonus Housing Agreement is not being sought for an increase in density but the project is eligible to utilize Density Bonus concessions to allow an increase in building height to 35 feet from the 32 feet that would normally be required under the OMC without a Conditional Use Permit; to allow three stories, instead of the two stories that would normally be required under the OMC without a Conditional Use Permit; and to allow an eight foot high wall that would normally be limited to six feet; and

WHEREAS, on September 30, 2020, the Staff Review Committee reviewed MJSP No. 1010-20, Design Review No. 5007-20, TPM No. 0018-20, and a Density Bonus Housing Agreement with two Affordable Housing Concessions and deemed the application complete, thus recommending project approval; and

WHEREAS, on November 4, 2020, the Design Review Committee reviewed Design Review No. 5007-20, recommended by a vote of 5-0 that the application proceed with a recommendation for approval, and provided comments and recommended conditions for Planning Commission consideration; and

WHEREAS, the Planning Commission conducted one duly advertised public hearing on November 16, 2020 for the purpose of considering MJSP No. 1010-20, Design Review No. 5007-20, TPM No. 0018-20 and, a Density Bonus Housing Agreement with two Affordable Housing Concessions and recommended by a vote of 5-0 that the City Council approve the project subject to recommended conditions of approval.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Orange hereby approves MJSP No. 1010-20, Design Review No. 5007-20, TPM No. 0018-20 and, a Density Bonus Housing Agreement with two Affordable Housing Concessions to allow for the construction of 61 income-restricted workforce housing units and one manager unit in a new multi-family complex located on property currently addressed 637 W. Struck Avenue, based on the following findings:

SECTION 1 – FINDINGS

General Plan

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

The proposed project supports the goals of the existing General Plan Housing Element by encouraging the construction of affordable/income restricted housing for households of different income levels and energy conservation in residential construction. The project also promotes fair housing opportunities. The land use entitlements will restrict 20% (13) of the units for Low Income Households. However, the project will separately be subject to a regulatory agreement with the City, recorded against the property, reserving units for families that earn between 30% and 60% of area median income. The units will help the City achieve its Regional Housing Needs Assessment allocation goals, particularly in moderate to low income categories.

The proposed project supports the goals of the existing General Plan Land Use Element for the property which maintains a General Plan Land Use Designation of Public Facilities Max. 0.5 FAR and Institutions Max. 2.0 FAR (PFI) and a zoning designation of Public Institution (P-I). The Land Use Element also states that the PFI designation "Provides for several types of public, quasi-public and institutional land uses, including schools, colleges and universities, City and County facilities, hospitals, and major utility easements and properties. Includes service organizations and housing related to an institutional use, such as dormitories, employee housing, assisted living, convalescent homes, and skilled nursing facilities." The Zoning Ordinance lists supportive, transitional, and institution-related housing as a permitted accessory use. The provisions of the General Plan and Zoning Ordinance allow for housing, including income-restricted workforce housing, in the PFI General Plan Land Use District. The project consists of a community room, is located in proximity of a transitional housing provider, and is adjacent to a food kitchen serving a homeless population. It is anticipated that there will be institutional connectivity between the below-moderate income housing provided by the project and the surrounding population of persons with housing needs from the nearby Citrus Family Shelter and other organizations working with families at risk of homelessness.

Major Site Plan Review

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

There are no immediately connected residential neighborhoods in the project vicinity. The project utilizes architectural and landscape design that is appropriate for a multi-family residential community. Given that the site is isolated from other residential structures and is in an industrial area, the project will enhance area aesthetics. The project includes significant setbacks with its centralized core; utilizes appropriate building materials typical for or desired for a multi-family complex; provides an integrated landscape theme; uses landscaping to buffer the project from surrounding uses; provides for adequate on-site circulation and parking; and, has no significant impacts to surrounding uses.

The project height and three stories are compatible given the central location of the buildings on the property and the surrounding larger scale industrial buildings. The site is also physically divided from the east by an active railroad right-of-way. Similar projects have been constructed with very similar bulk, scale, and architectural relief as the proposed buildings and those projects have transitioned well from surrounding land uses. Typically, higher density residential products back up to commercial and industrial uses as a transitional use and it is not unusual to see a stepping up of building heights from those uses, as is the case with this project. Furthermore, the size of the lot lends itself to a higher density product that smaller lots do not typically enjoy due to land area dedicated to setbacks and parking area. The bulk and scale of the proposed buildings also enable the project to better realize its affordable housing goals.

The appearance of the storage building will not be prominently visible to the public since it is positioned between an industrially used building and an active railroad right-of-way.

3. *Major Site Plan approval shall be granted if the project conforms to City development standards and any applicable special design guidelines or specific plan requirements.*

With the applied concessions, the site plan conforms to all City Development Standards of the Public Institution (P-I) zone. There are no special design guidelines or specific plans for this area.

Without the applied concessions, the plan would not comply with the P-I zone Development Standards for building height and number of stories or wall height; however, these items are allowed as concessions under the Density Bonus provisions of OMC Chapter 17.15 for an affordable housing project.

4. *Major Site Plan approval shall be granted if the project provides for safe and adequate vehicular and pedestrian circulation, both on- and off-site.*

The project would take access exclusively from the cul-de-sac terminus of W. Struck Avenue and would have a looping private street, verified to accommodate emergency vehicle response, around the complex. A pedestrian gate with a disabled path of access

occurs at the entry gate. Low intensity of vehicular traffic occurs towards the terminus of this street.

5. *Major Site Plan approval shall be granted if City services are available and adequate to serve the project.*

City services are adequate to provide services for the proposed project. Fire, police, library, and other City department impact fees are provided as a function of building permit fees. In addition to the recreational amenities that are provided on-site, the applicant shall pay the park in-lieu fees to off-set park impacts from the estimated increase on population.

6. *Major Site Plan approval shall be granted if the project has been designed to fully mitigate or substantially minimize adverse environmental effects.*

No adverse environmental effects were identified resulting from project implementation. The project was reviewed against the criteria for a Categorical Exemption. The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guideline 15332 (Class 32 – Infill Development Projects) because the project meets the following criteria:

- a. With the allowed density bonus, the project is consistent with the existing General Plan designations, General Plan policies and, applicable zoning designations and regulations.
- b. The project is in the City on a site less than five acres and is substantially surrounded by urban uses.
- c. The project site has no value as habitat for endangered, rare or threatened species.
- d. The project has been evaluated for significant effects relating to traffic, noise, air quality, and water quality and no significant effects have been identified.
- e. The site would be adequately served by all required utilities and public services.

The project would not trigger any exceptions of State CEQA Guidelines 15300.2 based on location, cumulative impacts, significant effects, location near a scenic highway, location on a hazardous waste site, or causing substantial adverse change to a historical resource because the project is not on an environmentally sensitive site, does not contribute to cumulative impacts, will not have a significant effect on the environment, is not near a scenic highway, is not on a hazardous waste site, and is not a historical resources site. No environmental public review is required.

Supplemental justification for the categorical exemption is based upon the preliminary drainage analysis, preliminary geotechnical investigation, preliminary water quality management plan, greenhouse gas analysis, noise analysis, air quality report, and traffic generation letter prepared for this project.

Design Review

7. *The project design upholds community aesthetics through the use of an internally*

consistent, integrated design theme and is consistent with all adopted specific plans, applicable design standards, and their required findings (OMC 17.10.07.G.3).

The project utilizes architectural and landscape design that is appropriate for a multi-family residential community. Given that the site is isolated from other residential structures and is in an industrial area, the project will enhance area aesthetics. The project includes significant setbacks with its centralized core; utilizes appropriate building materials typical for or desired for a multi-family complex; provides an integrated landscape theme; uses landscaping to buffer the project from surrounding uses; provides for adequate on-site circulation and parking; and, has no significant impacts to surrounding uses.

The project height and three stories are compatible given the central location of the buildings on the property and the surrounding larger scale industrial buildings. The site is also physically divided from the east by an active railroad right-of-way. Similar projects have been constructed with very similar bulk, scale, and architectural relief as the proposed buildings and those projects have transitioned well from surrounding land uses. Typically, higher density residential products back up to commercial and industrial uses as a transitional use and it is not unusual to see a stepping up of building heights from those uses, as is the case with this project.

The residential character of the project is preserved amidst the industrial setting in that the three story buildings exhibit rectangular shapes with vertical and horizontal architectural relief via three tiers of indentation, recesses into patio and balcony areas, and varied roof heights with alternating orientation capping the stacked balconies. Lower patios, upper patios, and stairwell entrances incorporate arched openings. Stucco is proposed as the exterior material of all the buildings. The whole of the buildings would be a white-hued color with brown accent trim bands on balconies, stairway walls, and the top and bottom of window surrounds. Faux shutters are proposed in a bluish hue in columns of some units. Wrought iron is utilized as a decorative element on balconies and at the top of stair landings. The long ends of buildings have a central upper floor pop out in a brown hue with closed faux shutters in a bluish hue.

The appearance of the storage building will not be prominently visible to the public since it is positioned between an industrially used building and an active railroad right-of-way.

There are no specific plans or design standards applicable to this site.

Concessions/Incentives

8. *The application for concessions and incentives meets the threshold requirements of the definition of concessions and incentives set forth in Section 17.15.020, in particular, they result in identifiable, financially sufficient, and actual cost reduction for the housing development.*

The additional building height, third story, and additional wall height will allow the development to provide superior design for the units on the site without compromising site design. Granting of the concessions will enable the project to forgo Conditional Use Permit

and Variance application costs, which would then relate to a cost reduction for entitlements costs associated with overall housing development costs. The increased wall heights for the project are also anticipated to deter criminal activities inside the apartment complex, which would lower security costs, enabling long-term cost reduction for the housing development.

9. *The incentives and concessions are required in order to provide for affordable housing costs or for affordable rents for the lower income density bonus units proposed by the applicant.*

The concessions will keep project entitlement costs lower and are likely to reduce security costs which will further the affordability of project.

10. *The incentives and concessions do not have any specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health, safety or the physical environment. The concessions do not require mitigation to avoid any adverse impact and the concessions help make the housing development affordable to low- and moderate-income households.*

No adverse environmental effects were identified resulting from project implementation. The project was reviewed against the criteria for a Categorical Exemption. The proposed project is categorically exempt from the provisions of CEQA per State CEQA Guideline 15332 (Class 32 – In-fill Development Projects) because the project meets the following criteria:

- a. With the allowed density bonus, the project is consistent with the existing General Plan designations, General Plan policies and, applicable zoning designations and regulations.
- b. The project is in the City on a site less than five acres and is substantially surrounded by urban uses.
- c. The project site has no value as habitat for endangered, rare or threatened species.
- d. The project has been evaluated for significant effects relating to traffic, noise, air quality, and water quality and no significant effects have been identified.
- e. The site would be adequately served by all required utilities and public services.

The concessions do not require mitigation of any kind and facilitate making the project affordable to low-and moderate-income households as stated in findings 8 and 9.

11. *The incentives and concessions would not have an adverse impact on any real property that is listed in the California Register of Historical Resources.*

No listed properties exist on the site. Hence, no impact would result.

12. *The incentives and concessions would not have an adverse effect on any real property that qualifies for inclusion in a local, state or federal listing of historically significant resources. An adverse effect is found when a project eligible for a density bonus may alter,*

directly or indirectly, any of the characteristics of any real property that qualifies for inclusion in a local, state or federal listing of historically significant resources in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

Neither the site nor any site or building in the vicinity is identified as eligible for inclusion as a significant resource per the City's most recent historical site survey. There are no on-site buildings.

SECTION 2 – ENVIRONMENTAL REVIEW

Categorical Exemption: The proposed project is categorically exempt from the provisions of CEQA per State CEQA Guideline 15332 (Class 32 – Infill Development Projects) because the project meets the following criteria:

- a. With the allowed density bonus, the project is consistent with the existing General Plan designations, General Plan policies and, applicable zoning designations and regulations.
- b. The project is in the City on a site less than five acres and is substantially surrounded by urban uses.
- c. The project site has no value as habitat for endangered, rare or threatened species.
- d. The project has been evaluated for significant effects relating to traffic, noise, air quality, and water quality and no significant effects have been identified.
- e. The site would be adequately served by all required utilities and public services.

The project would not trigger any exceptions of State CEQA Guideline 15300.2 based on location, cumulative impacts, significant effects, location near a scenic highway, location on a hazardous waste site, or causing substantial adverse change to a historical resource because the project is not on an environmentally sensitive site, does not contribute to cumulative impacts, will not have a significant effect on the environment, is not near a scenic highway, is not on a hazardous waste site, and is not a historical resources site. No environmental public review is required.

Supplemental justification for the categorical exemption is based upon the preliminary drainage analysis, preliminary geotechnical investigation, preliminary water quality management plan, greenhouse gas analysis, noise analysis, air quality report, and traffic generation letter prepared for this project.

SECTION 3– CONDITIONS OF APPROVAL

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

1. The project shall conform in substance and be maintained in general conformance with plans and exhibits date stamped January 12, 2021, including any modifications required by conditions of approval, and as approved by the Planning Commission. Any future expansion in area or in the nature and operation of the use approved by MJSP No. 1010-20, Design

Review No. 5007-20, and TPM No. 0018-20 shall require an application for a new or amended entitlement as applicable by the OMC.

2. 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.
3. 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.
4. MJSP No. 1010-20, Design Review No. 5007-20, and TPM No. 0018-20 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.
5. 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.
6. 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.
7. In conjunction with the operation of the residential complex, should parking issues arise on the site or the surrounding neighborhood, the applicant shall work with the Community Development Department to resolve any issues. If such issues are not resolved to the City's satisfaction, the Major Site Plan shall be presented to the Planning Commission for their consideration of further conditions or modifications.
8. Prior to building permit issuance, the applicant shall pay any outstanding monies due to the City for Planning Division entitlement activities related to this project.
9. Prior to building permit issuance, the applicant shall identify the precise location of any existing walls proposed for demolition. If the location of the existing wall slated for demolition is wholly or partially upon an adjacent property, the applicant shall secure the property owner(s) approval to demolish and replace the wall. The applicant will be responsible for any site repairs to walls damaged through demolition activity.
10. Prior to the issuance of any permits, the applicant shall provide all final electronic files, including plans, for the project to the Community Development Department.
11. Prior to the issuance of Certificate of Occupancy, a deed restriction shall be placed on the property for a period of 55 years to ensure that the apartments will be rented to those who qualify for low and very low income housing. This use reservation period shall begin on the date that the Certificate of Occupancy is granted for the affordable units.
12. Prior to the issuance of Certificate of Occupancy, the Community Development Director or designee shall review and approve the general apartment lease form to ensure that the

conditions of approval which affects the residents are added to the lease form. The Community Development Director shall review and approve of any subsequent lease forms changes.

13. Prior to final inspection, a copy of the tenant lease agreement template shall be provided to the Community Development Department and the lease agreement template shall include a notification of the industrial nature of the project surroundings with the potential for noise, dust, vibration, and odors that may result from surrounding industrial and railroad activity.
14. Prior to the issuance of a building permit, the applicant shall record a Density Bonus Housing Agreement on the parcel(s) designated for the construction of the affordable units. The Density Bonus Housing Agreement shall provide for the following conditions governing the use of the affordable housing units during the use restriction period:
 - a. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies and maintaining the affordable units for qualified tenants.
 - b. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with Chapter 17.15 of the Zoning Ordinance.
 - c. Provisions requiring owners to submit an annual report to the city, which includes the name, address and income of each person occupying each affordable unit, and which identifies the bedroom size and monthly rent or cost of each affordable unit.
 - d. Determination of Rent. A maximum rent schedule shall be submitted to the Community Development Department prior to the issuance of a Certificate of Occupancy for the affordable units, and updated annually on the anniversary date of occupancy.
 - e. Deposit amount. Total move-in costs for eligible tenants occupying affordable units shall be limited to first month's rent plus a security/cleaning deposit not to exceed one month's rent.
 - f. Upward Mobility Allowance. When a tenant occupying an affordable unit no longer qualifies under the income requirements, verified through the monitoring program required as part of the Density Bonus Housing Agreement, that tenant may then be charged market rate rent. If this occurs, any currently vacant unit of similar type to the affordable unit in question shall then be designated as an affordable unit, and the owner shall immediately attempt to secure tenants in accordance with this chapter. The owner is required to maintain at all times during the use restriction the minimum number of affordable units identified in the Density Bonus Housing Agreement.
 - g. Subletting of Affordable Units. No subletting of designated affordable units shall be allowed unless the following conditions are met:
 - i. Written permission is obtained from the Community Development Director
 - ii. The sublessee qualifies as a very low or lower income household.
 - iii. The rent collected shall not exceed the maximum affordable rent.
15. The applicant shall implement all industry standard measures related to potential archeological, including tribal, and paleontological finds, and human remains. The City shall be notified immediately of any finds and work shall cease until the City is satisfied with a plan for the final disposition of any finds.
16. The Fire Department notes provided to the project applicant shall be provided within the plans submitted for Building Plan Check. However, the plans shall comply with current Fire Codes regardless of the codes quoted in the notes provided in the letter.
17. At the time of building permit issuance, a copy of the fire master plan shall be provided to the Fire Department in PDF format minimum print size of 8 ½" x 11" and maximum 11" x 17".

18. Prior to the issuance of a building or grading plan, approved plans shall show that onsite Fire Department access has a recorded easement and shall be reviewed by the Fire Department prior to approval and recordation.
19. Prior to issuance of a grading permit, the Tentative Parcel Map shall show an easement for the looping “ring road” around project for various infrastructure and services, including fire, police, trash collection, etc.
20. The applicant shall not grant an easement(s) over any property subject to a requirement of easement, dedication, or irrevocable offer of dedication to the City, unless such easements are expressly made subordinate to the easements or dedication rights of the City. Prior to granting any such easements, the applicant shall furnish a copy of the proposed easement to the Community Development Director, Water Division Manager, and Public Works Director for review and approval. Further, a copy of the approved easement shall be furnished to the Community Development Director, Water Division Manager and Public Works Director prior to the issuance of any certificate of use and occupancy.
21. A Tentative Parcel Map shall be approved prior to building permit issuance. As a condition of Tentative Parcel Map approval, a storm drain easement acceptable to the City Engineer shall be shown at the railroad interface of the project.
22. Prior to Tentative Parcel Map approval, an easement shall be shown for reciprocal access between Lots 2 and 3 so that access to property currently utilized by Mary’s Kitchen may occur. This condition may be cancelled or modified with authorization from the City Manager.
23. Prior to issuance of a grading permit, the Tentative Parcel Map shall show the north half of Struck Avenue from Batavia easterly to the cul-de-sac to be reserved/set aside to complete the full street right-of-way for street and services. This condition may be cancelled or modified with authorization from the City Manager.
24. Prior to issuance of a grading permit, the Tentative Parcel Map shall show a minimum 15-foot wide easement for proposed Lot 2 and Lot 3 for the existing storm drain line.
25. CC&Rs or reciprocal access and drainage agreement(s) shall be recorded prior to or at the same time as the first final map.
26. Prior to recordation of the Final Parcel Map, plans provided for building and grading plan check shall show that the sewer main is extended to the full frontage of the property. The manhole at the upstream end shall be prepared for any future extension. The extended sewer main shall be dedicated to City.
27. The sanitary sewer system connecting from the buildings to public mainline shall be private and maintained by the property owner. Plans submitted for building and grading plan check shall provide a statement to this effect.
28. Plans submitted for grading permit plan check shall detail all of the locations where retaining walls will be constructed, including height and engineering for each wall. 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 three 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 in building plan check and will be reviewed and permitted by the City Building Division.
29. Prior to building foundation construction, a Certificate Letter of Line and Grade shall be submitted to Public Works Construction Inspector demonstrating that the site grading and pad elevation are completed according to the grading plan.
30. The building closest to the street frontage shall have the lowest address number.

31. For Buildings B and C, not in clear sight from the street, an illuminated address sign shall be placed in the front prior to Certificate of Occupancy.
32. Prior to building permit issuance, the applicant shall submit and receive City approval of a reciprocal access and drainage (agreement to accept surface water) agreement between the parcels. Subsequently, the document must be recorded against the properties on the Final Parcel Map.
33. Prior to the issuance of a building permit, the applicant shall submit plans satisfactory to the Subdivision Division for the installation of sidewalk, curb and gutter, along the entirety of the Struck Avenue cul-de sac. All sidewalks shall be designed to City standards. Transverse slope must not exceed two percent. This condition may be waived or modified by the Director of Public Works.
34. The surveyor or engineer preparing the map shall submit to the Public Works Department a digital graphics file containing such information and data and in such format as shall be acceptable to the Public Works Director.
35. If determined necessary by the City, a letter of consent, in a form approved by the City, suitable for recording, shall be obtained from the upstream and/or downstream property owners permitting drainage diversion and/or unnatural concentrations.
36. Prior to Final Parcel Map approval, the plans shall show that the applicant has dedicated to the City the right to enter private streets, if applicable, for maintenance of public utilities, emergency access, trash collection, etc.
37. Prior to building permit issuance, the applicant shall prepare a traffic management plan to temporarily route (street) traffic while utility improvements are being conducted in the public right-of-way.
38. The applicant shall prepare a construction traffic management plan for City review and approval by the Public Works Director prior to issuance of any street encroachment permit. At a minimum, this plan shall include a construction schedule identifying expected dates and times of lane closures.
39. 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.
40. Prior to approval of the water improvement plan, the applicant shall furnish a dedicated and graded 15-foot minimum unencumbered access and utility easement that will be contiguous to an existing City right-of-way and/or easements as determined by the Water Division for all existing City water facilities that will remain and all proposed City water facilities, including main meters, detector checks and fire hydrants. The applicant shall enter into a Grant of Easement and Agreement with the City as approved by the Water Division.
41. A water demand calculation shall be submitted at the time plans are submitted for building plan check.
42. Plans submitted for building plan check shall demonstrate if the project will use existing water services or will be upgrading the services. All unused services shall be abandoned per Water Division standards. If existing service will be reused, an approved backflow prevention device shall be installed behind the meter within the nearest soft-scape. There shall be a three foot minimum clearance maintained around the backflow prevention devices for testing and maintenance purposes.

43. Plans submitted for building plans check shall show all existing domestic, fire, and landscaping services as well as all existing backflow prevention devices on the plans.
44. Plans submitted for building and grading plan check shall show that the existing public water line running through the property shall be relocated into the Public Works Corporation Yard.
45. Plans submitted for building, grading, and water plan check shall show that the water services to 517 W Struck Avenue (Mary's Kitchen) will be reconnected to the relocated water main.
46. Plans submitted for building plan check and final inspection must demonstrate that installation of water meters shall be in accordance with the Water Division Standard plans.
47. Permanent signs, awnings, surface water quality features such as but not limited to infiltration planters, basins, pervious pavement or other structures shall not be permitted to be installed over City water mains, laterals, services, meters and fire hydrants. Plans submitted for plan check must demonstrate compliance with this condition.
48. Plans submitted for building, and water plan check shall show that installation of sewer mains and storm drains in the vicinity of new and/or existing water mains shall be done in accordance with the Water Division Standard plans and in accordance with the California State Health Department requirements for materials and horizontal and vertical separation. The most restrictive City/State requirements shall take precedence.
49. Plans submitted for building and water plan check shall show that an eight-foot minimum clearance shall occur between City water mains and signs, trees or other substantial shrubs, bushes or plants.
50. Plans submitted for building and water plan check shall show that a separate service occurs for domestic use, irrigation use and fire service. All services shall show a separate backflow prevention device.
51. Landscape planting materials shall be comprehensively identified on landscape plans submitted for building plan check.
52. The applicant may substitute split face block for slump stone block for the site perimeter walls and, if the substitute is chosen, it shall be documented on plans submitted for building plan check.
53. Plans submitted for building plan check shall show that wheel stops are utilized at walkway interfaces.
54. Plans submitted for building plan check shall demonstrate an accurate tree count.
55. Landscape plans submitted for building plan check shall be reviewed by the Fire Department to ensure that trees will not conflict with the fire truck turning radius. Should a conflict be identified, alternate tree selection shall be coordinated with the City's Senior Landscape Coordinator.
56. The applicant shall submit a shade tree analysis for the courtyard trees with landscape plans submitted for building plan check. Should alternate tree selection be merited, the tree selection shall be approved by the City's Senior Landscape Coordinator. The proposed Carrot Wood trees may be replaced with London plane trees.
57. Landscape plans approved in building plan check may include a replacement planting for the Agave Americana if a suitable replacement is approved by the City's Senior Landscape Coordinator.

In addition to the above conditions, procedural conditions contained in Attachment A are approved by the City Council.

ADOPTED this ____ day of _____, 2021

Mark A. Murphy, Mayor, City of Orange

ATTEST:

Pamela Coleman, City Clerk, City of Orange

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF ORANGE)

I, PAMELA COLEMAN, City Clerk of the City of Orange, California, do hereby certify that the foregoing Resolution was duly and regularly adopted by the City Council of the City of Orange at a regular meeting thereof held on the ____ day of _____, 2021, by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

Pamela Coleman, City Clerk, City of Orange

Attachment A

Procedural conditions:

The following provisions are applicable to this project. They do not constitute a complete list of requirements, and other code provisions may apply to the project.

General Conditions:

1. Building permits shall be obtained for all construction work, as required by the Building Division. Failure to obtain the required building permits will be cause for revocation of this design review permit.
2. These conditions shall be reprinted on the first or second page of the construction documents when submitting to the Building Department for the plan check process.
3. Applicant, or any subsequent owner, shall be responsible to maintain the property to a level deemed adequate by the Community Development Director and Community Services Department. This includes, but is not limited to, the buildings, carports, landscape, on-site recreational facilities, trash areas, signage, utilities, property walls, and gates.
4. Landscaping shall be maintained not to interfere with lighting or addressing.
5. Proposed landscape areas within a parking lot shall be distributed throughout the parking area, and shall be maintained in a neat and healthy condition. Should plant material die, the property owner shall replace at the earliest time with similar plant material.
6. 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.
7. In conjunction with construction, all activity will 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.
8. Within two (2) 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 file a Notice of Exemption.
9. Any graffiti shall be removed within 72 hours from the time the City Notice of Violation is received by the applicant/property owner.
10. The applicant at all times shall provide the required number of parking spaces based on the uses on the site.
11. All loading areas and the trash enclosure shall be maintained and kept clean and free of debris.
12. The term "applicant" shall refer to the entity that requests approval of this action or any successor in interest to this approval.
13. Subsequent modifications to the approved architecture and color scheme 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 by the Planning Commission.
14. The property owner shall maintain in good condition, all on-site driveways where heavy-duty trucks would travel; such that there are no roadway imperfections, including potholes.

15. 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 Public Works Department of the new person(s) or entity responsible for maintenance of the BMPs.

Prior to Grading Permit Issuance:

16. Plans submitted for building and grading permit plan check shall show that all private ways conform to Engineering Standard Plan 108.
17. Plans submitted for building and grading permit plan check shall show that all driveway approaches/aprons shall conform to ADA standards for wheelchair access conforming to Public Works Standard Plans 115 and 116, including driveway aprons that do not conform to current ADA standards.
18. Plans submitted for grading plan check shall show an unobstructed pedestrian access way of 5 feet width will be maintained at all time for the sidewalk. The unobstructed access shall increase to 6 feet when there is no planting strip between the sidewalk and the street curb.
19. Prior to the issuance of any grading permit, any soil imported or exported from the project boundaries shall require a Haul Permit from Public Works Traffic Division.
20. Upon submittal of grading plan for plan check, the applicant shall a deposit to cover plan check and inspection services related to the grading activities.
21. Any grading outside of the owner's property boundary shall require the applicant to either obtain a temporary construction easements or permission by adjacent property owners in a form suitable to the Public Works Director.
22. Trash receptacle locations and details shall be included on the Grading Plan. The trash storage area shall be constructed per Public Works Standard Plan 409.
23. Prior to grading permit issuance, all sewer and storm drain lines shall be shown on the Grading Plan. Other utility lines, such as water lines, may also be shown on Grading Plan for reference.
24. Plans submitted for grading permit shall show all structural BMPs for water quality purposes. Water quality features shown on the Grading Plan must match the WQMP.
25. Prior to grading permit issuance, the applicant shall prepare an improvement plan for any public improvements, and submit the plans for review and approval with the Public Works Department. All applicable plan check and permit fees shall be paid by the applicant, as established at the time the plan is submitted.
26. Prior to the issuance of a grading permit, the applicant shall prepare a final geotechnical and soils classification report to the satisfaction of the Building Official and Public Works Director.
27. The applicant shall submit a grading plan 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. Prior to the issuance of a grading permit, the applicant may be required to include Phased Erosion and Sediment Control Plans, Site Demolition Plan, and Utility Plan as parts of the grading plan.
28. The applicant shall pay all applicable fees to cover plan check and inspection services related to the grading activities.
29. Prior to grading permit issuance, the applicant shall prepare a dust control plan for review and approval by the Public Works Director.
30. The applicant, in coordination with the contractor, shall ensure that grading and construction activities comply with the following requirements:

- a. All construction vehicles or equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers;
 - b. All operations shall comply with City ordinances with respect to hours of construction activity to minimize noise impacts;
 - c. During construction, best efforts shall be made to locate stockpiling and/or vehicle staging areas as far as practicable from surrounding residences.
31. Rough grading shall be completed to the satisfaction of the City Engineer/Public Works Director and the graded site shall be released by the City Engineer/Public Works Director for construction.
32. Prior to the issuance of any grading permits 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.
33. Prior to the issuance of a grading permit (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.
34. Prior to the issuance of any grading permit, 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, and post security in a form and amount acceptable to the City Engineer and/or Water Division to ensure construction of said improvements.

Prior to Building Permit Issuance:

35. The following fees shall be paid prior to building permit issuance or in timing otherwise agreed to by the City Council:
 - a. The applicant shall pay school district fees, unless Orange Unified School District (OUSD) provides written notification to the City that fees have been satisfied.
 - b. Transportation fees shall be paid, as applicable to the Foothill/Eastern Bridge and Thoroughfare program.
 - c. The applicant shall provide to the Community Services Director documentation that provisions related to parkland dedication have been satisfied either through dedication and improvement of parkland or payment of fees.
 - d. Library fees shall be paid.
 - e. Fire facility fees shall be paid.
 - f. Police facility fees shall be paid.
 - g. Sanitation district fees shall be paid.
 - h. The applicant shall pay all plan check and building permit fees, including all applicable fire plan check and inspection fees.
36. All required parking spaces shall be shown on construction documents as doubled striped to City standards at the time of approval.
37. The applicant shall obtain approval from the Planning Division for any and all signage associated with the proposed project.
38. The applicant shall demonstrate to the satisfaction of the Community Development Director that new mechanical equipment screening shall be installed that architecturally matches the building.
39. The applicant shall demonstrate to the satisfaction of the Community Development Director that all mechanical and air conditioning equipment shall be shielded and screened from view from adjacent streets and properties. The screening shall be integrated architecturally with the building.
40. A lighting plan shall be submitted for review and approval during building plan check for any exterior lighting of common areas or parking areas. The lighting plan shall be designed to confine all direct lighting to the property in a manner meeting the approval of the Community Development Director.
41. The applicant shall prepare a final landscaping and irrigation plan consistent with the grading plans, site plans, and the conceptual landscaping plan as proposed for the project for the review and approval of the Community Development Director and Community Services Director.
42. The final landscape plan shall be reviewed and approved by the Public Works Director when landscaping is proposed within the public right-of-way and/or the project is constructing Storm Water Quality BMPs in landscaped areas.
43. The final landscape plan shall be reviewed and approved by the Fire Department if landscaping is proposed in areas subject to Fire Department jurisdiction, which may include, but is not limited to, fuel modification areas.
44. Final 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.

45. The final landscape plan shall include a note that a fully automated irrigation system will be provided.
46. City required irrigation and landscape inspection notes shall be placed on the final landscape plan, to the satisfaction of the Community Services Director.
47. Plans 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.
48. In regard to the design of Fire Department Connections (FDC), the following shall be implemented on the fire master plan submitted at time of building plan check:
 - a. The FDC shall not be affixed to the building;
 - b. The FDC shall be located at least 40 feet away from the building;
 - c. The FDC shall be located on the address side of the building;
 - d. The FDC shall be located within 40 feet of a hydrant on the same side of the street as the hydrant;
 - e. The FDC shall not provide pressure on the on-site hydrants.
49. The fire master plan shall show that all fire hydrants shall have a blue reflective pavement marker indicating the fire hydrant location on the street or drive per the City of Orange Standard as approved by the Fire Chief.
50. 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.
51. Plans shall continue to demonstrate security and design measures that employ Defensible Space concepts shall be utilized in development and construction plans. 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 and landscaping.
52. Plans shall show that the address number of each building shall be illuminated during the hours of darkness so that it shall be easily visible from the street. The numerals in these numbers shall be no less than six inches in height and be of a color contrasting to the background. In addition, any business which affords vehicular access to the rear through any driveway, alleyway or parking lot shall also display the same numbers on the rear of the building.
53. Plans shall include a photometric plan showing that a minimum of one foot candle shall be maintained on all surfaces of the parking lot, from dusk until the termination of business every operating day. The applicant shall ensure that lighting on the site shall be directed, controlled, and screened in such a manner so as to refrain from shining directly on surrounding properties.
54. Plans shall show that group or gang mailboxes shall be located in an area having high volume of activity within the respective development.
55. If there are CC&Rs, they 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&Rs by the City Attorney, Public Works Director and the Community Development Director at City's hourly billing rate
56. The applicant shall submit and receive approval from the Community Development Director for a Waste Reduction Plan. The applicant shall coordinate with the City's recycling coordinator to develop a plan to employ measures to reduce the amount of construction generated waste.

57. The applicant shall be responsible for any utility relocation or undergrounding necessitated by the project. Plans must show any necessary utility relocation or undergrounding.
58. The applicant shall file any required right-of-way dedication with Public Works Department.
59. The site grading and utility plans shall clearly show the disabled person access ramps at the project entrance curbs. The applicant shall be responsible for ensuring that the disabled person access ramps at the project entrance curbs are installed according to City standards prior to issuance of a Certificate of Occupancy.
60. Plans shall show that the sole driveway approach shall comply with City Engineering Standard Plan 115, Commercial Driveway Apron (type II). The driveway approach on (street) shall comply with Standard Plan 115, Commercial Driveway Apron (type I).
61. The applicant shall review the approved 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.
62. Construction documents shall show a minimum twenty-foot separation from the public water system facilities to the proposed/existing buildings and structures per the City of Orange Standard Location Of Undergrounding Utilities Standard and as approved by the Water Division.
63. Plans shall demonstrate that permanent signs, awnings, surface water quality features such as but not limited to infiltration planters, basins, pervious pavement or other structures are not installed over City water mains, laterals, services, meters and fire hydrants.
64. Plans shall show that an eight-foot minimum clearance occurs between City water mains and signs, trees or other substantial shrubs, bushes or plants.
65. Plans shall show that a three-foot clearance around backflow prevention devices will be maintained.
66. The applicant shall be responsible for the installation and/or relocation of the proposed or existing public water system facilities to a location and of a design per the improvement plans approved by the Water Division.
67. Prior to City approval of the landscape plans in building plan check, the applicant shall review the approved WQMP and ensure the proposed landscape plans are consistent with the project grading plans. The plans must show the proposed storm water treatment BMPs such as bioretention planters, drywells, permeable pavers, and any other proposed surface water quality BMPs.
68. The Water Division shall approve the type and location of landscaping and fire service (backflow prevention) device for proposed City services.
69. 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.
70. 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.
71. 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.

72. 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.
73. Plans submitted during 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.
74. Plans submitted during 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 Water Improvement Plan Approval:

75. Prior to approval of the water improvement plan, plans shall show that installation of sewer mains and storm drains in the vicinity of new and/or existing water mains shall be done in accordance with the Water Division standard plans and in accordance with the California State Health Department requirements for materials and horizontal and vertical separation. The most restrictive City/State requirements shall take precedence.
76. To meet the required fire flow demands, commercial and industrial areas with 6-inch diameter water mains or smaller shall be upgraded to 10 or 12-inch diameter water mains. Similarly, in residential areas, 4-inch diameter water mains shall be upgraded to 8-inch diameter water mains. This requirement shall be demonstrated on plans submitted for water improvement plan check.
77. The applicant shall satisfy all water main connection, plan check, and inspections charges as determined by the Water Division.
78. The applicant shall satisfy all water construction bond requirements for the installation of the public water system improvements as determined by the Water Division.

Prior to Work in the Public Right-of-Way:

79. Prior to conducting any construction within the public right-of-way or for public utility easements, Encroachment Permits shall be obtained, including for sidewalk and driveway construction and utility main and lateral construction.

Prior to Demolition or Construction:

80. The applicant shall obtain a Grading Permit from Public Works Department prior to start of any site demolition, clearing and grubbing, and grading.
81. At least fourteen calendar days prior to commencing construction, 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.

Prior to Final Inspection:

82. The project shall demonstrate that a separate service will exist for domestic use, irrigation use and fire service. All services will require a backflow prevention device.

Prior to Issuance of a Certificate of Occupancy:

83. All parking lot and landscaping improvements shall be completed according to the approved plans and to the satisfaction of the Community Development Director.
84. Glare from any new or remodeled lighting on the premises 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 or cause illumination in residential districts in excess of 0.5 foot-candles. The applicant shall contact the Orange Police Crime Prevention Bureau and set an appointment on-site to test all lighting to ensure it meets OMC standards.
85. OMC Section 17.15.070.C requires that the maximum rent schedule be submitted to the Community Development Department prior to the issuance of an occupancy permit. This shall be updated annually on the anniversary of occupancy
86. A final acoustical report shall be prepared and approved by the City, showing that dwelling units have been sound attenuated for interior and exterior standards. Evidence prepared by a state certified acoustical consultant shall be submitted to the Building Official describing the acoustical design features of the structures required to satisfy the exterior and interior noise standards and that sound attenuation measures have been incorporated into the design of the project. The applicant shall show all freestanding acoustical barriers on the project's plot plan illustrating height, location, and construction in a manner approved by the Building Official.
87. Certification from the Landscape Architect of record shall be filed that final landscaping was completed in compliance with approved landscape and irrigation plan. City staff shall inspect and approve the plan.
88. The applicant shall schedule a light reading inspection with the Crime Prevention Bureau. The lighting shall be tested and confirmed to determine if the lighting meets or exceeds the exterior boundary standards. The applicant shall use shielding so as to ensure that the light standards meet the requirements of OMC Section 17.12.030 for the areas beyond the property's exterior boundaries; light spillage or pollution to surrounding residential areas shall not exceed a maintained minimum of 0.5 foot-candle.
89. Monuments shall be set based on a field survey.
90. The applicant shall submit "will serve" letters from the applicable water and sewer districts.
91. Certification shall be filed with the Public Works Department that all final grading is in compliance with the approved grading plan and City standards, to the satisfaction of the Public Works Director.
92. Utilities serving the development, such as electric, cable television, street lighting and communications shall be installed underground, completed and approved by the appropriate utility provider.
93. Any utilities or easements constructed to serve the project or requiring relocation shall be completed and accepted by the affected agency and the City.
94. The applicant shall demonstrate the following to the Public Works Department:
 - a. That all structural and treatment control 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.

95. Prior to the issuance of certificates 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.
96. The applicant shall be responsible for the installation of necessary fire hydrants and fire services as approved by the Fire Department and Water Division.
97. The applicant shall furnish and install individual pressure regulators on new services where the incoming pressure exceeds eighty-pounds per square inch.
98. 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.
99. The applicant shall remove unused driveway approaches and restored them to full height curb and gutter, including any sidewalk restoration at the driveway apron.
100. Prior to recordation of final map or building final inspection, the applicant shall repair any cracked, uneven, or damaged public sidewalk, curb and gutter along property frontage.

Prior to Final Map Recordation:

101. A Monument Bond deposit shall insure completion of the field survey.
102. The final map shall detail all easements, public or private, that will be abandoned, dedicated to the City, created and/or maintained in-place.
103. The applicant shall cause to be prepared a final map in substantial compliance with the Tentative Parcel Map and conditions of approval, to the satisfaction of the Public Works Director.
104. The applicant shall pay any applicable fees for the processing of the final map, as established at the time the map is filed.
105. The final map shall detail all easements, public or private, that will be abandoned, dedicated to the City, created and/or maintained in-place.
106. The applicant shall furnish access and utility easements to meet City standards to be dedicated to the City.
107. If the project includes CC&Rs, a copy of the project's CC&Rs shall be provided to the Public Works Department for review and approval that includes requirements for maintenance and funding of the project's structural and treatment water quality BMPs as approved by the City in the project's WQMP. The Final Parcel Map and CC&Rs shall be recorded (model homes excluded) prior to issuance of building permits or sale or lease of any parcels.