RESOLUTION NO. 14-02-18-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION AND CONDITIONALLY APPROVING A 32-LOT TENTATIVE TRACT SUBDIVISION FOR SINGLE-FAMILY DETACHED RESIDENTIAL HOMES, AND MODIFICATIONS TO AN EXISTING COMMERCIAL EQUESTRIAN FACILITY ON A 20.25 ACRE PROJECT SITE LOCATED AT 31000 AVENIDA SIEGA (ASSESSORS PARCEL NUMBERS: 664-041-07, 08, 09, & 10) (THE OAKS)

WHEREAS, Tim O'Grady of Davidson Communities Inc., 1302 Camino Del Mar, Del Mar, CA 92014, has requested approval of Tentative Tract Map (TTM) 17441, Architectural Control (AC) 13-003, Tree Removal Permit (TRP) 13-052, Grading Plan Modification (GPM) 13-002, Conditional Use Permit (CUP) 13-006, Zone Variance (ZV) 13-002 (collectively, the “Project”) to allow a 32-lot subdivision for single-family detached residential homes, and modifications to an existing commercial equestrian facility on a 20.25 acre Project site on property located at 31000 Avenida Siega (APNs 664-041-07, 08, 09, & 10), which is General Plan-designated 2.2 Medium Low Density and 1.0 General Open Space and classified as Open Space Recreation (RS-10,000) and Open Space Recreation on the Official Zoning Map; and,

WHEREAS, the Project has been processed pursuant to Section 9-2.301, Development Review of the Land Use Code; and,

WHEREAS, the Environmental Administrator having reviewed the initial study prepared pursuant to Section 15063 and 15064 of the CEQA Guidelines, has issued a mitigated negative declaration pursuant to Section 15070 of those guidelines; has caused a Notice of Mitigated Negative Declaration to be posted pursuant to Section 15072 of those guidelines, and has otherwise complied with all applicable provisions of the California Environmental Quality Act (1970); and all mitigation measures have been included herein; and,

WHEREAS, the Planning Commission has considered the Environmental Administrator's determination pursuant to Section 15074 of the California Environmental Quality Act (CEQA), has considered all Project environmental documentation and technical studies; and,

WHEREAS, the Planning Commission conducted a duly-noticed public hearing on January 14, 2014, pursuant to Title 9, Land Use Code, Section 9-2.302, City Council Policy 5, to consider public testimony on the Project and has considered all relevant public comments; and,
WHEREAS, after careful study, the Planning Commission recommended adoption of the Mitigated Negative Declaration and recommended a conditional approval of the Project, subject to an additional condition that Planning Commission review of the final landscape plan for the Ortega Highway frontage is required; and,

WHEREAS, the City Council conducted a duly-noticed public hearing on February 18, 2014, pursuant to Title 9, Land Use Code, Section 9-2.302, Notification Procedures to consider the Mitigated Negative Declaration pursuant to the California Environmental Quality Act Guidelines, and to consider public testimony on the Project.

NOW, THEREFORE, BE IT RESOLVED, by the City Council as follows:

SECTION 1. The above recitations are true and correct and are adopted as the findings of the City Council.

SECTION 2. With respect to the Mitigated Negative Declaration (MND), the City Council does hereby make the following findings as established by the California Environmental Quality Act (CEQA):

1. The City Council finds on the basis of the evidence presented and the whole record before it, including the initial study and MND, and comments received, that there is no substantial evidence that the Project, as mitigated, will have a significant effect on the environment; and,

2. The Mitigation Monitoring and Reporting Program (MMRP), a copy of which is attached hereto as Exhibit A and incorporated herein, will assure compliance with the mitigation measures during Project implementation; and,

3. The City Council further finds that the adoption of the MND reflects the City Council’s independent judgment and analysis; and,

4. The MND (including any revisions developed under 14 C.C.R § 15070(b)), all documents referenced in the MND, and the record of proceedings on which the City Council’s decision is based are located at City Hall for the City of San Juan Capistrano, located at 32400 Paseo Adelanto, San Juan Capistrano, California and the custodian of record of proceedings is the Development Services Department Administrative Specialist.

SECTION 2. The City Council hereby adopts the Mitigated Negative Declaration (MND), subject the Mitigation Monitoring and Reporting Program (MMRP) which is attached hereto as Exhibit A and incorporated herein. The Development Services Director shall cause to be filed with the County Clerk a Notice of Determination pursuant to CEQA Guideline § 15075(a).
SECTION 3. With respect to Tentative Tract Map 17441, the City Council does hereby make the following findings as established by Section 9-4.223 of Title 9, Land Use Code of the City of San Juan Capistrano:

1. The proposed map is consistent with the General Plan and any applicable specific plan or comprehensive development plan because the land uses proposed are explicitly allowed under the current General Plan land use designation of General Open Space and Medium Low Density;

2. The design or improvement of the proposed subdivision is consistent with the General Plan and any applicable specific plan or comprehensive development plan because the proposed subdivision has been designed to accommodate the Project design consistent with those policy and regulatory documents;

3. The site is physically suitable for the type of development because the General Plan land use designation would allow for the development of up to 35 lots/dwelling units and the applicant is proposing to develop 32 lots/units, and furthermore, the Title 9, Land Use Code would allow boarding a maximum of 236 horses and the applicant is proposing facilities to board a maximum of 50 horses, and as further specified under Section 8 of this resolution;

4. The site is physically suitable for the proposed density of development because the existing topography and infrastructure provides suitable conditions sufficient to accommodate the proposed improvements;

5. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the Mitigated Negative Declaration (MND) includes an assessment of the Project's potentially significant biological resource impacts and concludes the Project's impacts to such resources would be sufficiently mitigated through the proposed mitigation measures established by the Mitigation Monitoring Reporting Program (MMRP); and,

6. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision because the Project site is not encumbered with any public easements, and the Project would dedicate necessary public right-of-way for arterial highway improvements along the Ortega Highway (SR-74) frontage.

SECTION 4. With respect to Architectural Control 13-003, the City Council does hereby make the following findings as established by Section 9-2.313 of Title 9, Land Use Code of the City of San Juan Capistrano:

1. The proposed use and design of the Project complies with all applicable provisions of Title 9 of the San Juan Capistrano Municipal Code because the Project includes proposed site and architectural plans designed consistent with the City's adopted
Architectural Design Guidelines and the proposed development is in compliance with applicable development standards with the exception of those standards for which the applicant has requested a zone variance;

2. The proposed use and design of the Project is consistent with the goals, policies and objectives of the General Plan, including the Community Design Element, because the Project design is substantially consistent with the development standards of the Open Space Recreation and RS-10,000 zoning districts, and the applicable provisions of the City's Architectural Design Guidelines;

3. The site is adequate in size and shape to accommodate all yards, open spaces, setbacks, parking, access, and other features pertaining to the application, as established in the Open Space Recreation and RS-10,000 zoning districts, with the exception of those standards for which the applicant has requested a zone variance;

4. The character, scale and quality of the architecture, site design and landscaping are consistent with the adopted Architectural Design Guidelines of the City because the Project has been designed to incorporate architecture which relies on the use of varied roof lines, varied building massing, side entry garages, courtyards, trellises, dormers, varied color palettes and materials consistent with eclectic style encouraged for single family residential neighborhoods;

5. The site plan provides functional and safe vehicular, bicycle and pedestrian access and circulation because the Project features a private drive with gated access to both the equestrian facility and the residential neighborhood which allows for safe traffic access and flow consistent with Public Facility Standards maintained by the Public Works & Utilities Department;

6. The proposed use and design of the Project are compatible with the surrounding and proposed land uses and community character, including scale, intensity, massing, architectural design, landscape design, and other development characteristics because the Project design relies on the use of varied roof lines, varied building massing, and a color and materials board consistent with the design elements of an equestrian theme and is architecturally compatible with the adjacent equestrian facility.

SECTION 5. With respect to Tree Removal Permit 13-052, the City Council does hereby make the following findings as established by Section 9-2.346 of Title 9, Land Use Code of the City of San Juan Capistrano:

1. The trees proposed for removal are an unsuitable variety for the site in that the species is not a native variety, is not in keeping with the community character of San Juan Capistrano, is of an invasive species, or otherwise conflicts with the intent of this ordinance because several trees have been identified by a certified arborist as ornamental, non-native or invasive species;
2. Removal of certain trees will not have an adverse impact on adjacent properties or the general welfare in that removal will not adversely impact views, public streetscapes, or other aesthetic considerations because the applicant has proposed to preserve or relocate on-site several mature specimens, and the applicant has proposed to mitigate removals at a 1:1 ratio through replanting on the Project site or donation to public open space areas owned by the City; and,

3. Where appropriate, replacement trees have been proposed to maintain the urban forest canopy and the replacement trees are more appropriate to the site and to the planting area because the applicant has selected a plant palette consistent with the City's landscape standards that encourage the use of California native and friendly plants.

SECTION 6. With respect to Grading Plan Modification 13-002, the City Council does hereby make the following findings as established by Section 9-2.323 of Title 9, Land Use Code of the City of San Juan Capistrano:

1. The proposed grading modifications are consistent with the General Plan, Land Use Code, Design Guidelines, and applicable specific plan or comprehensive development plan, including but not limited to requirements for ridgeline protection, natural landform grading, minimizing use and height of retaining walls, and effective use of landscaping for erosion control and aesthetics because the Project incorporates landscaping and interior-facing retaining wall designs along the westerly property boundary with the Tierra Del Caballo neighborhood and along the Ortega Highway frontage which are visually-attractive and provide effective grade transitions;

2. The proposed grading modifications are generally consistent with the approved site plan, preliminary grading plan, landscape plan, grading standards, and design concepts of the original Project as approved by the reviewing authority because the Project would limit the use of retaining walls and would create building pad elevations that are close to the existing grade elevations of the Project site;

3. The proposed grading will remain consistent and compatible with immediately-adjacent lots or units, including but not limited to blending of slopes with adjacent property boundaries, rounding of slopes at both top and bottom to blend the grading into the existing terrain, and a design which harmonizes the design with the natural contours of the property and surrounding lots because the Project would incorporate limited use of retaining walls, particularly adjacent to the Tierra Del Caballo neighborhood, where several mature oak trees would be retained to soften views of these retaining walls, and the subject walls are designed and oriented to face the interior of the property, which is considered to be compatible with the adjacent properties;

4. The proposed modified grading plan shows the location of any proposed building footprints which shall meet all required minimum setbacks for building as defined in
the applicable zone district, and minimum setbacks from the tops and toes of slopes as defined by Section 9-4.313, Graded Slopes, of this title because the Project will include building footprints that meet applicable setbacks and design standards established in Title 9, Chapter 4 of the Land Use Code; and,

5. The proposed modified grading will not cause adverse impacts to other properties, including but not limited to potential impacts on hydrology, water quality, views, trail easements, or other aspects of development because the property sits at a lower elevation than Ortega Highway to the north and the Tierra Del Caballo neighborhood to the west and the Project will not substantially alter the existing grades to create adverse impacts on views, and the Project incorporates a Water Quality Management Plan which ensures that drainage will be appropriately treated to ensure compliance with City and State laws and policies, and the Project will maintain characteristics similar to existing conditions along the southern boundary adjacent to the multi-use trail.

SECTION 7. With respect to Conditional Use Permit 13-006, the City Council does hereby make the following findings as established by Section 9-2.317 of Title 9, Land Use Code of the City of San Juan Capistrano:

1. The proposed use and design are consistent with the maps and policies of the General Plan because the General Plan designates the property for residential and Open Space Recreation land uses as proposed by the Project;

2. The proposed use and design are consistent with the purpose, intent, and standards of the Land Use Code and any applicable specific plan or comprehensive development plan, except as otherwise approved because the Project would comply with the land use and development standards for the respective zoning designations with the exception of those standards for which the applicant has requested a zone variance;

3. The site for the proposed use is adequate in size and shape to accommodate all yards, open spaces, setbacks, walls and fences, parking and loading areas, fire and building code considerations, trash and recycling enclosures, and other features pertaining to the application, except those requirements identified in Section 8 of this Resolution, because the Project has been designed accordingly and as supported by comparable findings in this Resolution;

4. The proposed use and the on-going operation of the use(s) are compatible with abutting properties and the permitted uses thereof, and will not generate excessive light, noise, vibration, odors, visual blight, traffic, or other disturbances, nuisances, or hazards because adjoining residential uses to the west are of a similar character and the Project incorporates an intervening access drive and landscape buffer; and,

5. The site for the proposed use has adequate access and parking to support the use because access has been designed consistent with the City's Subdivision street
standards and as supported by the analysis, provides more than sufficient parking to accommodate the planned residential and equestrian land uses.

SECTION 8. With respect to Zone Variance 13-002, the City Council does hereby make the following findings as established by Section 9-2.351 of Title 9, Land Use Code of the City of San Juan Capistrano:

1. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, such that the strict application of this Code that would deprive such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification. The long, narrow shape of the property with the setback applied would create a substantially constrained building envelope that would be 150'-0" wide at the eastern end of the property and 50'-0" wide at the western end of the property, unable to accommodate the needed equestrian facilities/amenities which are essential to the facility operations. Further, significant existing improvements at the east end of the property limit area available to construct additional improvements. Lastly, preservation of existing mature trees limits the area available that can accommodate the construction of the proposed large fields and arenas. The strict application of the setback would limit the functionality of the equestrian facility that could be enjoyed by a property that was not constrained by a narrow lot configuration;

2. Granting of the variance or minor exception will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone district in which such property is situated because approval of the variance would not constitute a special privilege since other properties in the vicinity with an Open Space Recreation designation are not similarly constrained in their shape or configuration and would likely be able to construct similar improvements to those which are proposed;

3. Granting of the variance or minor exception will not result in development which is otherwise inconsistent with the provisions of the Land Use Code or the General Plan because the proposed commercial equestrian facility would be otherwise consistent with the Land Use Code and General Plan because it is explicitly identified as an allowable use and complies with all other standards identified, including allowable horse density, allowed by the Title 9, Land Use Code; and,

4. Granting the variance or minor exception will not be materially detrimental to the public health, safety, or welfare, or injurious to the properties or improvements in the vicinity and land use district in which the property is located because the Project has been designed as an equestrian-themed community which will incorporate design features that will create an appropriate buffer between the equestrian and residential land uses, including landscaping and fencing.

SECTION 9. The City Council hereby approves Tentative Tract Map (TTM) 17441, Architectural Control (AC) 13-003, Tree Removal Permit (TRP) 13-052, Grading Plan
Modification (GPM) 13-002, Conditional Use Permit (CUP) 13-006, Zone Variance (ZV) 13-002, each subject to those conditions of approval established by Exhibit B, attached hereto and incorporated herein.

SECTION 10. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Resolution is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Resolution or any part thereof. The City Council hereby declares that it would have adopted this Resolution and each section, subsection, subdivision, paragraph sentence, clause or phrase of this Resolution irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end the provisions of this Resolution are declared to be severable.

PROTEST OF FEES, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS: Pursuant to Government Code Section 66020, the applicant may protest the imposition of fees, dedications, reservations or other exactions imposed on this development Project by taking the necessary steps and following the procedures established by Sections 66020 through 66022 of the California Government Code.

PASSED, APPROVED, AND ADOPTED this 18th day of February 2014.

SAM ALLEVATO, MAYOR

ATTEST:

MARIA MORRIS, CITY CLERK
EXHIBIT A
CC RESOLUTION 14-02-18-XX
PC RESOLUTION 14-01-14-02

MITIGATION MONITORING & REPORTING PROGRAM (MMRP)

TTM 17441, THE OAKS
CITY OF SAN JUAN CAPISTRANO, CA

INTRODUCTION

The City of San Juan Capistrano has adopted this Mitigation Monitoring & Reporting Program (MMRP) in accordance with Public Resources Code (PRC) Section 21081.6 and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines. The purpose of the MMRP is to ensure that the proposed project complies with all applicable environmental mitigation and permitting requirements. Mitigation measures for the project have been adopted by the City's approving body in conjunction with either the certification of a Final Environmental Impact Report (EIR) or the adoption of a Mitigated Negative Declaration (MND). All adopted mitigation measures for the project are integrated into this MMRP.

Within this document, approved mitigation measures are organized and referenced by subject category (e.g. Aesthetics, Air Quality, Noise, Hydrology & Water Quality, etc.) and include those for all topical areas evaluated in the Draft Environmental Impact Report (DEIR) or the Mitigated Negative Declaration (MND) for the project. The mitigation measures include information on the method and timing of verification and the responsible party that will ensure that each measure is implemented.

Public Resources Code Section 21081.6 requires that the Lead Agency will monitor all mitigation measures established by the approved environmental determination so as to ensure that implementation occurs and associated impacts are mitigated. The City of San Juan Capistrano is the designated lead agency for this Mitigation Monitoring & Reporting Program and is responsible for the review of any monitoring reports, enforcement actions, and document disposition.
## Mitigation Monitoring & Reporting Program

### TTM 17441, The Oaks

<table>
<thead>
<tr>
<th>SC/MM NO.</th>
<th>MITIGATION MEASURE/STANDARD CONDITION</th>
<th>METHOD OF VERIFICATION</th>
<th>TIMING OF VERIFICATION</th>
<th>RESPONSIBLE PERSON</th>
<th>DATE COMPLETED &amp; INITIALS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Aesthetics</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SC A-1</td>
<td>Prior to issuance of a grading permit, the applicant/contractor shall prepare a Construction Staging Plan that identifies the location(s) of staging areas, including equipment and vehicle storage areas, stockpile areas, etc. These areas shall be located as far away from the existing view corridors/adjacent roadways as practical, as approved by the City. In addition, the Construction Staging Plan shall also identify the manner in which the staging and equipment storage would be screened (e.g., temporary fencing, landscaping, berms, or a combination of these and other methods) subject to the approval of the Development Services and Public Works Director, to ensure that the temporary visual impacts would be minimized within the viewshed.</td>
<td>Plan Check</td>
<td>Prior to Issuance of Grading Permit</td>
<td>Development Services Department</td>
<td></td>
</tr>
<tr>
<td>SC A-2</td>
<td>The proposed project shall comply with the goals, policies and standards of the San Juan Capistrano Architectural Design Guidelines and the Comprehensive Development Plan that promote &quot;high-quality&quot; urban design and aesthetic resource preservation through the City's design review process.</td>
<td>Plan Check</td>
<td>Prior to Issuance of Grading Permit</td>
<td>Development Services Department</td>
<td></td>
</tr>
<tr>
<td>SC A-3</td>
<td>All street, signage, landscape, and parking lot lighting sources shall be shielded and oriented, or provided with baffled luminaires so as to prevent lighting overspill into adjacent or nearby properties in violation of the Title 9, Land Use Code, Section 9.3.529, Lighting standards.</td>
<td>Plan Check</td>
<td>Prior to Issuance of Building Permit</td>
<td>Development Services Department</td>
<td></td>
</tr>
<tr>
<td>SC A-4</td>
<td>Prior to issuance of building permits, lighting &amp; photometric plan(s) shall be subject to City review and approval to assure that they comply with the City's lighting standards prescribed in Section 9.3-529 for permitted illumination within the parking areas and walkways as well as demonstrate that illumination does not create off-site light and glare, to the satisfaction of the Development Services Director or their designee.</td>
<td>Plan Check</td>
<td>Prior to Issuance of Building Permit</td>
<td>Development Services Department</td>
<td></td>
</tr>
<tr>
<td><strong>Air Quality</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| SC AQ-1  | In order to reduce diesel exhaust, the following reasonably available control measures shall be implemented during construction:  
  - Utilize well-tuned off-road construction equipment.  
  - Establish a preference for contractors using Tier 3 or cleaner heavy equipment. | Field Monitoring       | During Grading and Construction                | Building Division   |                          |
<table>
<thead>
<tr>
<th>SC/MM NO.</th>
<th>MITIGATION MEASURE/STANDARD CONDITION</th>
<th>METHOD OF VERIFICATION</th>
<th>TIMING OF VERIFICATION</th>
<th>RESPONSIBLE PERSON</th>
<th>DATE COMPLETED &amp; INITIALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>SC AQ-2</td>
<td>- Enforce 5-minute idling limits for both on-road trucks and off-road equipment.</td>
<td>Field Monitoring</td>
<td>During Grading and Construction</td>
<td>Building Division</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- In order to reduce fugitive dust, the following enhanced dust control measures shall be implemented during construction:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Apply soil stabilizers or moisten inactive disturbed areas.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Prepare and implement a high wind dust control plan.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Stabilize previously disturbed areas if subsequent construction is delayed.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Apply water three times daily, or non-toxic soil stabilizers according to manufacturers' specifications, to all unpaved parking or staging areas, unpaved road surfaces, and active construction areas.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Cover all stock piles with tarps at the end of each day or as needed.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Provide water spray during loading and unloading of earthen materials.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Minimize in-out traffic from construction zone.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Cover all trucks hauling dirt, sand, or loose material or require all trucks to maintain at least two feet of freeboard.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Sweep streets daily if visible soil material is carried out from the construction site.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SC AQ-3</td>
<td>- In order to reduce fugitive dust, the following enhanced dust control measures shall be implemented during equestrian facility operation:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Unpaved surfaces are either decomposed granite roadways or sand arenas that create little dust.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Dust formation is further suppressed by water spray on a regular basis.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Biological Resources**

| MM BR-1   | Prior to any permit issuance for grubbing, grading, tree trimming/removal or prior to engaging in such activities that would occur between the breeding season for native birds (February 15 through September 15), the project applicant shall retain the services of a qualified ornithologist to conduct an ornithological survey of the construction zone. The City | Plan Check | Prior to Issuance of Grading Permit | Development Services Department |                           |
Mitigation Monitoring & Reporting Program  
TTM 17441, The Oaks

<table>
<thead>
<tr>
<th>SC/MM NO.</th>
<th>MITIGATION MEASURE/STANDARD CONDITION</th>
<th>METHOD OF VERIFICATION</th>
<th>TIMING OF VERIFICATION</th>
<th>RESPONSIBLE PERSON</th>
<th>DATE COMPLETED &amp; INITIALS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>will require the developer to submit a copy of the executed contract for such services prior to the issuance of any grading permits. The ornithological survey shall occur not more than seven days prior to the initiation of those grading/construction activities. If the ornithologist detects any occupied nests of native birds within the construction zone or in close proximity to, they shall be mapped on construction plans and the project applicant will fence off the area(s) supporting bird nests with temporary construction fencing, providing a minimum buffer of 200 feet between the nest and limits of construction. (This buffer zone shall be at least 500 feet for raptors until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the project.) The construction crew will be instructed to avoid any activities in the zone until the bird nest(s) is/are no longer occupied, per a subsequent survey by the qualified ornithologist. Alternatively, the project applicant will consult as appropriate with the USFWS to discuss the potential loss of nests of native birds covered by the MBTA to obtain the appropriate permit from the USFWS.</td>
<td>Plan Check</td>
<td>Prior to Issuance of Grading Permit</td>
<td>Development Services Department</td>
<td></td>
</tr>
</tbody>
</table>

**Cultural Resources**

**MM CR-1**  
Prior to issuance of a grading permit, the applicant shall submit to the City documentation that a qualified archaeologist, defined as meeting the Secretary of the Interior's Standards for professional archaeology, has been retained to monitor the site clearing, grading and excavation activities. The name, qualification, and contact information for the archaeologist shall be provided to the City.

**MM CR-2**  
A qualified archaeologist, defined as meeting the Secretary of the Interior's Standards for professional archaeology, shall be present at pre-construction meetings to advise construction contractors about the sensitive nature of cultural resources, as well as monitoring requirements. A qualified monitor (defined as an individual with a Bachelor's Degree in anthropology with archaeological monitoring experience or equivalent), supervised by the qualified archaeologist, shall observe all construction activities that result in grading, and/or excavating more than 18-inches below the original ground surface, including on- and off-site utility and roadway improvements. Should non-human cultural resources be discovered, the monitor shall have the

**DATE**

**METHOD OF TIMING OF RESPONSIBLE DATE COMPLETED & INITIALS**

**VERIFICATION VERIFICATION PERSON**

**METHOD**

**OF**

**TIMING**

**VERIFICATION**

**RESPONSIBLE**

**PERSON**

**DATE COMPLETED**

**& INITIALS**
**Mitigation Monitoring & Reporting Program**  
**TTM 17441, The Oaks**

<table>
<thead>
<tr>
<th>SC/MM NO.</th>
<th>MITIGATION MEASURE/STANDARD CONDITION</th>
<th>METHOD OF VERIFICATION</th>
<th>TIMING OF VERIFICATION</th>
<th>RESPONSIBLE PERSON</th>
<th>DATE COMPLETED &amp; INITIALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>MM CR-3</td>
<td>Power to temporarily halt or divert construction activities until the qualified archaeologist can determine if the resources are significant. All archaeological resources unearthed by construction activities shall be evaluated in accordance with CEQA and City Policy 601. If they are determined to be significant, the archaeologist will be allowed to recover the resources under CEQA procedures to be curated by the City or qualified Orange County facility. In the event that human remains are discovered, construction activities shall be halted or diverted until the provisions of §7050.5 of the Health and Safety Code and §5097.98 of the Public Resources Code have been implemented.</td>
<td>Field Monitoring</td>
<td>During Grading</td>
<td>Development Services Department</td>
<td></td>
</tr>
<tr>
<td>MM CR-4</td>
<td>A Native American monitor shall observe all excavating and/or trenching more than 18-inches below the original ground surface, including on- and off-site utility and roadway improvements. The Native American monitor shall consult with the archaeological monitor regarding objects and remains encountered during grading that may be considered sacred or important. In the event that evidence of human remains is discovered, the Native American monitor shall verify that the archaeologist has notified the Coroner. Prior to issuance of a grading permit, the applicant shall submit to the City documentation that a qualified paleontologist, defined as a paleontologist of the List of Certified Paleontologist for Orange County, has been retained to monitor site clearing, grading, and excavation activities. The name, qualifications and contact information for the archaeologist shall be provided.</td>
<td>Plan Check</td>
<td>Prior to Issuance of Grading Permit</td>
<td>Development Services Department</td>
<td></td>
</tr>
</tbody>
</table>
### Mitigation Monitoring & Reporting Program

**TTM 17441. The Oaks**

<table>
<thead>
<tr>
<th>SC/MM NO.</th>
<th>MITIGATION MEASURE/STANDARD CONDITION</th>
<th>METHOD OF VERIFICATION</th>
<th>TIMING OF VERIFICATION</th>
<th>RESPONSIBLE PERSON</th>
<th>DATE COMPLETED &amp; INITIALS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Bachelor's Degree in geology with paleontological monitoring experience or equivalent</strong>, supervised by the qualified paleontologist, shall observe construction activities that result in grading, and/or excavating more than 18-inches below the original ground surface, including on- and off-site utility and roadway improvements. Should paleontological resources be discovered, the monitor shall have the power to temporarily halt or divert construction activities until the qualified paleontologist can determine if the resources are significant. If they are determined to be significant, the paleontologist will be allowed to recover the resources to be curated by the City or qualified Orange County facility.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Water Quality

**Prior to issuance of a grading permit, the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) and provide evidence that an NPDES Notice of Intent (NOI) has been filed with the State Water Resources Control Board (SWRCB). In addition to the SWPPP, a Water Quality Management Plan (WQMP) shall be prepared and submitted to the City of San Juan Capistrano's City Engineer for approval. During Construction and following completion of development, the recommendations presented in the City of San Juan Capistrano's approved Final WQMP shall be implemented and complied with to ensure that all potential impacts to water quality will be reduced to a less than significant level and all applicable local and state water quality requirements complied with by the project owner.**

**Prior to issuance of a grading permit, the applicant shall repair the damaged 24" corrugated metal pipe that is part of the existing drainage system along the main outlet (Line A) to San Juan Creek.**

### Noise

**Noise sources associated with construction, repairs, remodeling, or the grading of any real property, shall be exempt from the provisions of the City's noise code if conducted from 7:00 a.m. to 6:00 p.m. on Monday through Friday, or from 8:30 a.m. to 4:30 p.m. on Saturday. Construction is prohibited at any time on Sunday or a Federal holiday.**

**Equipment will use available noise suppression devices and properly maintained mufflers. Construction noise will be reduced by using quiet**
Mitigation Monitoring & Reporting Program
TTM 17441, The Oaks

<table>
<thead>
<tr>
<th>SC/MM NO.</th>
<th>MITIGATION MEASURE/STANDARD CONDITION</th>
<th>METHOD OF VERIFICATION</th>
<th>TIMING OF VERIFICATION</th>
<th>RESPONSIBLE PERSON</th>
<th>DATE COMPLETED &amp; INITIALS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>or &quot;new technology&quot;, equipment, particularly the quieting of exhaust noises by use of improved mufflers where feasible. All internal combustion engines used at the Project site will be equipped with the type of muffler recommended by the vehicle manufacturer. In addition, all equipment will be maintained in good mechanical condition so as to minimize noise created by faulty or poorly maintained engine, drive-train and other components.</td>
<td></td>
<td></td>
<td>Building Department</td>
<td></td>
</tr>
<tr>
<td>SC N-3</td>
<td>During all site preparation, grading and construction, contractors shall minimize the staging of construction equipment and unnecessary idling of equipment in the vicinity of residential land uses.</td>
<td>Field Monitoring</td>
<td>During Grading and Construction</td>
<td>Construction Site Supervisor/ Building Department</td>
<td></td>
</tr>
<tr>
<td>SC N-4</td>
<td>The equipment staging area will be situated so as to provide the greatest distance separation between construction-related noise sources and noise-sensitive receptors nearest the Project site during all Project construction.</td>
<td>Field Monitoring</td>
<td>During Grading and Construction</td>
<td>Construction Site Supervisor/ Building Department</td>
<td></td>
</tr>
<tr>
<td>SC N-5</td>
<td>Notification will be given to residences within 300 feet of planned construction activities thirty (30) days prior to commencement of demolition activity, and will include a brief description of the project, the overall duration of the various construction stages, noise abatement measures that will be taken, and the name and phone number of the construction site supervisor or his designee to report any violation of a noise or mitigation standard.</td>
<td>Plan Check</td>
<td>Thirty Days Prior to Demolition Activity</td>
<td>Construction Site Supervisor/ Building Department</td>
<td></td>
</tr>
</tbody>
</table>
GENERAL CONDITIONS:

1 The subject project proposes to develop a 32 lot residential subdivision and modify an existing commercial equestrian facility located at 31000 Avenida Siega, generally located east of the southern terminus of Avenida Siega, and south of Ortega Highway approximately 3,400 feet west of La Pata Avenue (Assessor’s Parcel Numbers: 664-041-07, 08, 09, & 10). This project approval is based on and subject to the application materials prepared by RBF Consulting dated and revised to October 23, 2013 including site plan(s), building elevation(s), floor plan(s), preliminary landscape plan(s), preliminary grading plan(s), tree removal plan(s), and any other plans. These plans and the proposed use of the project site are hereby incorporated by reference into this approval as submitted and conditioned herein, and shall not be further altered unless reviewed and approved by the affected city departments. Minor modifications to this project approval may be approved by the Development Services Director pursuant to Section 9-2.303, Administrative approvals of Title 9, Land Use Code.

2 Approval of this application does not relieve the applicant from complying with other applicable Federal, State, County or City regulations or requirements.

3 All plans, specifications, studies, reports, calculations, maps, notes, legal documents, and designs shall be prepared, stamped and signed, if required, only by those individuals legally authorized to do so.

4 Legal Defense. The applicant/subdivider, its agents, and assignees shall defend, indemnify and hold harmless the City of San Juan Capistrano, its elected and appointed officials and employees, and its contract consultants, from any claim, action or proceeding to attack, set aside, void, or annul any land use approval associated with this project, including but not limited to environmental impact report requirements under CEQA, rezoning approvals, subdivision map approvals, or other applicable City Municipal Code Title 9 land use approvals. Upon notice provided by City to the applicant/subdivider, its agents, or assignees, of service of such claims or actions, the project proponent, its agents, and assignees, shall immediately act to provide an appropriate defense to such claims or actions. The applicant/subdivider shall consult with the City Attorney regarding appropriate defense counsel in the event of the filing of such claims or actions.
Mitigation Monitoring Program. This project shall comply with the Mitigation Monitoring Program adopted in conjunction with the approval of the California Environmental Quality Act (CEQA) determination prepared for the project. (DSD)

Architectural Design Guidelines. The proposed project shall comply with the goals, policies and standards of the San Juan Capistrano Architectural Design Guidelines that promote “high-quality” urban design and aesthetic resource preservation through the City’s design review process.

Lighting Standards. All street, signage, landscape, and parking lot lighting sources shall be shielded and oriented, or provided with baffled luminaires so as to prevent lighting overspill into adjacent or nearby properties in violation of the Title 9, Land Use Code, Section 9-3.529, Lighting standards. (DSD)

Landscape Installation. Within six (6) months after the issuance of certificate of occupancy for the primary residence/structure, the applicant/owner shall have completed installation of all landscape improvements consistent with the Homeowners Association-approved landscape plan. Furthermore, the applicant/owner shall maintain a palette on the property, consistent with the City-approved CC&Rs (as specified below in Condition 1.23 (o)), and the use of invasive plant species shall be expressly prohibited. Landscaping shall consist of at least one street tree per residential lot. (DSD)

Tree Removal. The applicant shall provide 1 replacement tree for every tree removed from the project site. The requirement to provide replacement trees can be satisfied through a combination of on-site planting and donation of trees to other City-Open Space areas. The City may require the replacement tree donations for off-site locations up to 18 months after the issuance of the final Certificate of Occupancy.

Equestrian Boarding. Overnight boarding shall be limited to a maximum of 50 horses. Any request to increase the allowable density shall require approval of a modification of the Conditional Use Permit in accordance with Municipal Code Section 9-3.515 Equestrian Standards. (DSD)

1. THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO APPROVAL OF ANY FINAL MAP & IN ACCORDANCE WITH THE SUBDIVISION IMPROVEMENT AGREEMENT:

ENGINEERING CONDITIONS:

1.1 In-lieu Park Fees and Private Park. Prior to approval of each final map, the applicant/subdivider shall pay a park in-lieu fee in accordance with the provisions of Section 9-4.519, Parkland and Section 9-5.107, Parkland in-lieu fee of the Municipal Code for the lots in that final map.

1.2 Street and Development Names. Prior to approval of each final map, the applicant shall submit to the City’s Development Services Director for review, and shall obtain approval of, the name of the development or developments and the names of all proposed streets within the tentative tract’s boundaries. The Director shall confirm that said development names and street names do not duplicate existing
State of California Subdivision Map Act and the City of San Juan Capistrano Municipal Code, except as authorized by the City Council and/or Planning Commission. (PW)

1.4 Payment of Fees and Posting of Sureties. Prior to approval of each final map the applicant/subdivider shall fulfill all applicable engineering fee requirements in accordance with the City Municipal Code, as last revised, the City Water Schedules of Rates and Charges, as last revised, and post securities to insure satisfaction performance of proposed improvements, including but not limited to, on-site and off-site grading, drainage, landscape and irrigation, erosion and sediment control, sewer, water, street and all appurtenant improvements. (PW&UD)

1.5 Hydraulic/hydrology Report. When submitting grading plans for review and approval, the applicant/subdivider shall submit to the City Engineer for review, and shall obtain approval of, a Storm Runoff Management Plan prepared by a Registered Civil Engineer. The Management Plan shall show existing and proposed facilities, provide for acceptance of historic drainage from adjacent upstream properties, show hydraulic and hydrology studies and calculations and the methods of draining on-site and tributary areas without exceeding the capacity of any impacted street or facility and without affecting existing downstream drainage system. Said study shall be consistent with the City’s Master Drainage Plan and in accordance with all applicable City regulations and Orange County Public Facilities & Resources Department (PF&RD) design criteria, and standards. The plan shall also take into consideration the Hydromodification requirements by the San Diego Regional Water Quality Control Board, affecting the 0.1x 2 year up to the 10 year storm, and the City’s policy of Q25 post development cannot exceed Q25 pre-development. In addition, applicant shall show where will storms larger than a 25 year storm overflow. This report shall be submitted in electronic format (pdf) and 3 hard copies.(PW)

1.6 Soils/Geology. Applicant shall submit to the City Engineer, Building Official and Utilities Environmental as attachment to the conceptual Water Quality Management Plan, required to be submitted and approved prior to the project being placed on the agenda for the Planning Commission for review and approval, the applicant/subdivider shall submit to the City Engineer and Building Official for their review, and shall obtain approval of, a Soils Report/Geotechnical Feasibility Study prepared by a Registered Geologist and Soils Engineer to determine the seismic safety and soils stability of all proposed development improvements for the project and any affected adjacent properties and to provide preliminary pavement sections and substructure bedding/backfill recommendations. (PW)

1.7 Wastewater Study. Prior to approval of the first final map, the applicant/subdivider shall submit to the City Engineer and the Utilities Engineer for review and shall obtain approval of, a Wastewater Feasibility Study, prepared by a Registered Civil Engineer, which evaluates the proposed development project and mitigates its anticipated impact on the existing Wastewater facilities system. Said study shall be consistent with the City’s Master Plan of Wastewater Facilities and the Special Provisions for the Construction of Sanitary Sewers. Any deviation from these requirements shall be subject to City Engineer and the Utilities Engineer review
1.8 Grading Plans. Prior to approval of the first final map, the applicant/subdivider shall submit to the City Engineer and the Development Services Director for City review and approval, a mass grading plan for the entire project site or separate mass grading plans. Such plan(s) shall be in substantial conformance with the grading concept shown on the approved tentative map.

Following City approval of the mass grading plan(s), and prior to approval of each final map, the applicant/subdivider shall submit to the City Engineer and Building Official for their review, and shall obtain approval of, final grading plans prepared by a Registered Civil Engineer consistent with the approved mass grading plan. These plans shall show, at minimum, the limits of grading, the drainage, retention/detention basins, sewer, water, water quality BMP exhibit as approved in the final Water Quality Management Plan, trails, parkways, streets and all appurtenant improvements and easements. The extent of the topography shall be extended sufficiently beyond the tract’s boundaries to determine the geological and drainage impacts to adjacent properties. The elevations shall correspond with the Orange County benchmark datum. All drainage must be conveyed to the street or a City approved drainage facility. A copy of the approved Final Water Quality Management Plan, WQMP, shall be submitted with the grading plans. (Final WQMP must be approved prior to submittal of the grading plans for review and approval).

All grading plans shall be subject to review by a third-party geotechnical consultant retained by the City to ensure geotechnical stability to the satisfaction of the City Engineer. (DSD & PW&UD)

The Applicant shall design and install a storm water detention system, which requires that the Applicant “compare the pre-development (naturally occurring) and post-project flow rates and durations using a continuous simulation hydrologic model such as US EPA’s Hydrograph Simulation Program-Fortran (HSPF)” (page 46 of San Diego Regional Water Quality Control Board Order No. R9-2009-0002) and design a storm water detention system for approval by the City Engineer meeting the following requirements:

a. For flow rates from 10 percent of the 2-year storm event to the 5-year storm event, the post-project peak flows shall not exceed the pre-development (naturally occurring) peak flows; and

b. For flow rates from the 5-year storm event to the 10-year storm event, the post-project peak flows may exceed pre-development (naturally occurring) flows up to 10 percent for a 1-year frequency interval.

The Applicant has provided a Preliminary Water Quality Management Plan. The results of the sizing calculations for the storm water detentions system provided in these documents appear to meet the requirements of Order No. R9-2009-0002; however, a final Water Quality Management Plan must be prepared by the Applicant and is subject to approval by the City Engineer.
Irrigation runoff is effectively prohibited from all landscaped areas on this project per San Diego Regional Water Quality Control Board Order No. R9-2009-0002; therefore, the Applicant shall design the site using a combination of low flow drainage diversion structures designed to re-route all landscape irrigation runoff from reaching the City’s municipal separate storm sewer system. Acceptable low flow drainage diversion structures include dry wells and landscaped-ponding areas subject to approval by the Orange County Vector Control District.

1.9 Drainage Barrier Between Slopes and Streets. Prior to approval of each final map, the grading and street improvement plans shall show that all street sections located within 20 feet or less from the toe of a slope of 10 feet or more in height are protected from underground water seepage by provision of a positive drainage barrier system, at the applicant/subdivider’s cost, in accordance with City Standard Drawing No. 350. Any exception shall be subject to review and approval by the City Engineer. (PW)

Erosion & Sediment Control Plans. As part of the grading plans submittal, the applicant/subdivider shall submit to the City Engineer and Building Official for their review, and shall obtain approval of, Erosion/Sediment Control Plans and programs, prepared by a Registered Civil Engineer, for the regulation and control of pollutant run-off by using Best Management Practices (BMPs). These plans shall show all temporary and permanent erosion control devices, effective planting of graded slopes, practical accessibility for maintenance purposes and proper precautions and fences to prevent public trespass onto certain areas where impounded water may create a hazardous condition. The Applicant/owner shall be responsible for obtaining all required permits from the California Regional Water Quality Control Board. The Applicant will be required to obtain a permit under the General Construction Permit and prepare a State Water Pollution Prevention Plan. Evidence that proper clearances have been obtained from the California Regional Water Quality Control Board shall be given to the City prior to issuance of any grading permits. Erosion Control shall be implemented during construction year-round. (PW&UD)

1.10 Water Quality Management Plan.

a. Prior to submittal of grading plans for review and approval, applicant/owner shall submit for review and approval a final water quality management plan, WQMP, identifying post construction best management practices per the City’s stormwater ordinance and the San Diego Regional Water Quality Control Board’s latest NPDES permit. The applicant shall use the City’s WQMP template, and for reference use the County of Orange WQMP technical guidance document and the South Orange County Hydromodification Model (SOCHM) and its guidance manual.

b. Prior to the issuance of a certificate of occupancy permit, the Applicant/owner shall furnish a recorded copy of a Maintenance Agreement outlining post construction Best Management Practices (BMP’s) in accordance with the County of Orange Drainage Area Management Plan Appendix for New Development.
1.11 **Drainage Improvement Plans.** Prior to approval of each final map, the applicant/subdivider shall submit to the City Engineer for review and shall obtain approval of Drainage Improvement Plans specific to the project, which reflect consistency with the City's Drainage Master Plan. These plans shall show locations of all existing and proposed facilities.

Detention/retention basins shall be designed to accommodate the 100-year storm flow with engineered secondary overflow devices. A secondary overflow shall be also provided for storm drain systems designed with sump conditions to preclude flooding of private properties. Storm drain junction structures and catch basins shall be provided with access manholes as deemed necessary by the City Engineer. All drainage must be conveyed to the street or a City approved drainage facility.

All on-site drainage system shall be private and it will be the responsibility of the owner/ HOA to provide regular maintenance.

If an existing downstream drainage facility, whether it is a storm drain pipe, an open drainage channel, or an inlet basin, is inadequate or does not meet current City standards or, in the opinion of the City Engineer, is unsafe to properly carry the existing discharge and the proposed discharge generated by this project, the applicant/subdivider shall then, at applicant/subdivider cost, design and implement alternative methods of improvement for properly conveying such discharge, free of debris, in a manner acceptable to the City Engineer. Any deviation from these requirements shall be subject to City Engineer review and approval. Every proposed drainage system shall be placed within its proper easement and appropriately dedicated.

The base of all slopes over ten feet in height located within 20 feet of a street section or which are adjacent to residential lots shall be provided with toe drains or other drainage devices approved by the City Engineer, in order to prevent water, mud or debris from damaging or flowing onto such streets or lots. (PW)

1.12 **Public Facility Easements to be in Lettered Lots Maintained by HOA.** Prior to approval of each final map, the applicant/subdivider shall demonstrate to the satisfaction of the City Engineer that public facilities, such as drainage, sewer, and water, are designed to be located within the right-of-way. Any deviation shall require prior authorization from the City Engineer and the Utilities Engineer. If facilities are proposed in easements, said easements shall be placed in lettered lots and their surfaces shall be maintained by the Homeowner's Association. Any exception shall be subject to review and approval by the City Engineer and the Utilities Engineer. (PW&UD)

1.13 **Connection to Public Drains must be Documented and Filed.** Prior to approval of each final map, the applicant/subdivider shall demonstrate to the satisfaction of the City Engineer that any proposed connections to existing public drainage system, from on-site drains, must be approved by the City Engineer. (PW)

1.14 **Dry Utilities (Electric, Telephone, Cable TV, Gas).** Prior to approval of each final map, the applicant/subdivider shall submit to the City Engineer for review, and
shall obtain approval of, Electrical, Gas, Telephone and Cable Television installation plans to ensure compatibility with existing and proposed improvements. All utility facilities shall be underground. Vaults, transformers, junction boxes, or any similar devices shall not be permitted above ground; or the developer may provide a cash deposit in lieu of undergrounding utilities with the deposit amount subject to the discretion of the City Engineer. Any deviation from these requirements shall be subject to prior City Engineer review and approval. (PW)

1.15 Sewer and Water Plans. Prior to approval of each final map, the applicant/subdivider shall submit to the City Engineer and the Utilities Engineer for review, and shall obtain approval of, sewer and water plans prepared by a Registered Civil Engineer. These plans shall be specific to the project and shall reflect consistency with the City's Sewer and Water Master Plans, City standards, specifications and codes, and the City water standards and water specifications. The sewer plans shall indicate that all proposed sewer manholes shall be lined with polyurethane, or equal approved material, at the applicant/subdivider's cost to the satisfaction of the City Engineer. Any deviation from these requirements shall be subject to prior City Engineer review and approval. (PW&UD)

1.16 Street Improvement Plans. Prior to approval of each final map, the applicant/subdivider shall submit to the City Engineer for review, and shall obtain approval of, street improvement plans prepared by a Registered Civil Engineer. These plans shall show all existing and proposed improvements including, but not limited to, traffic calming devices, striping, signage, signalization, storm drain, sewer, water and all related appurtenances. The street improvement plans shall conform to the following requirements: (PW)

a. Major Entry Street. All landscaped areas, including the center median and parkways, shall be maintained by the master homeowners association, and provisions for such maintenance shall be provided in the Covenants Conditions & Restrictions (CC&Rs). Any deviation or exception to this condition shall require the City Engineer's review and approval.

c. Local Streets. All local streets within the project shall have a minimum width from edge of pavement of 28 feet where parking is permitted on one side of the street or 20 feet where parking is prohibited. Parking shall only be allowed on one side only.

d. Catch Basins and Gutters. For street sections with grades less than or equal to five percent, the maximum distance between catch basins shall not exceed one 1000 feet. For streets sections with grades greater than five percent, the maximum distance between catch basins shall not exceed 750 feet. Catch basins shall be designed so that there is no driveway within 20 feet upstream of the catch basin and such that the basin will function as anticipated. Cross gutters shall not be allowed at street intersections if a storm drain is within 300 feet. Any deviation shall require the City Engineer's review and approval.

e. Design Speeds for Streets. Street improvement plans shall be designed per City standards. Streets shall be designed for a minimum design speed of 25 miles per hour (mph) and sight distances of 35 mph at all intersections, and
shall be designed to the satisfaction of the City Engineer.

f. **Pedestrian Path.** A decomposed granite pedestrian path shall be provided on one side of the street from Avenida Siega to the residential entry gate, consistent with the approval by the City Engineer.

g. **No Obstructions in Sidewalks.** There shall be no obstruction in any sidewalk or parkway which reduces the width to less than four feet, in compliance with the American with Disabilities Act (ADA) requirements.

h. **Potential Gated Entries.** Streets that may serve as potential gated entries shall be designed wide enough and in accordance with Municipal Codes 8-13.101 et seq. to accommodate such improvements in conformance with City standards. The minimum number of lanes at the call box, entering into the project, is two with a combined minimum width of 24 feet. The minimum number of lanes at the call box, exiting the project, may be one with a minimum width of 14 feet. The design of the radius/turn-around shall be wide enough to handle large turning radius delivery vehicles. The minimum distance, from the projection of the cross-street curb face to the call box shall be a minimum 100 feet. Any deviation to these requirements shall require a special authorization from the City Engineer.

i. **Street Lights.** If street lights are proposed at a later date, Mission Bell fixtures on marbelite poles shall be installed. The final lighting plan shall be subject to review and approval by the City Engineer.

____ 1.17 **Traffic Improvement Plans.** Prior to approval of the first final map, the applicant/subdivider shall submit to the City Engineer for review, and shall obtain approval of, traffic improvement plans for all streets within the subdivision and "A" Street prepared by a Registered Traffic Engineer. These plans shall show the striping, signage, signalization and all related appurtenances. Accompanying Traffic Control Plans shall be required prior to commencement of any street improvement work. Any exception or deviation to the above requirements shall be subject to review and approval by the City Engineer. (PW)

____ 1.18 **Tentative Map Compliance and Closure Calculations.** Prior to approval of each final map, the applicant/subdivider shall submit to the City Engineer for review, and shall obtain approval of, a final map in substantial compliance with the approved tentative map. Said map shall be accompanied with traverse closure calculations, a plotted American Land Title Association (ALTA) survey and an updated Title Search Report. Any exception or deviation to the above requirements shall be subject to review and approval by the City Engineer. (PW)

____ 1.19 **Homeowners Association-Maintained Improvements.** Prior to approval of each final map, the applicant/subdivider shall indicate on the final map that all improvements, including but not limited to, streets, drainage, street lights, street signage, striping improvements, the water quality best management practices identified in the Water Quality Management Plan (WQMP), parks, graded slopes, landscaping, and irrigation facilities within the interior of the subdivision designated as private, shall be maintained by the master association and/or sub-association or
shall make other provisions for maintenance to be approved by the City. Graded perimeter slopes, fuel modification areas and natural open space are shown aggregated as a single lot on the tentative map. To facilitate maintenance and disposition of these categories of open area, graded perimeter slopes and fuel modification areas shall be placed in separate lettered lots from natural open space areas on the final map(s). In addition, an open space easement covering the entire natural open space area shall be dedicated to the City on the final map(s), at no cost to the City, for preservation of open space with no obligation to the City for maintenance or liability. (PW)

1.20 Landscape Maintenance. The applicant/subdivider shall indicate on the final map that the parkway landscape areas along the Ortega Highway (SR-74) frontage shall maintained by the master association and/or sub-association or shall make other provisions for maintenance to be approved by the City. (PW)

1.21 Dedications and Maintenance Responsibility. Prior to approval of each final map, the applicant/subdivider shall indicate on the final map, to the satisfaction of the City Engineer, all appropriate dedication and access rights, stating their purposes and their maintenance responsibilities. (PW&UD)

1.22 Trail and Bikeway Dedications. Prior to approval of each final map, the applicant/subdivider shall design to City trail standards, improve, and dedicate, at no cost to the City, the trails listed below and shall show the easement dedications on the final map. Any deviation from the trail requirements shall be subject to prior review and approval by the City Engineer. (PW)

Trails shall be improved and easements dedicated to the City for all public hiking, equestrian and bicycle trails located within parcels belonging to the HOA or within parcels which are privately owned. Trails within existing or proposed City-owned parcels and/or open space do not require separate trail easements. Said dedicated trails shall include:

- Class 1 Paved Bike Tail
- Multi-Use Hiking/Biking/Equestrian Trail (Unpaved)

The applicant/subdivider shall construct all street and trail improvements within the preceding dedications in accordance with the applicable City Standards and Trail Design Manual or to the satisfaction of the City Engineer, subject to the limitations imposed by outside agencies for habitat preservation and/or by mitigation requirements, as approved by the City Engineer. The bike trail shall be constructed adjacent to San Juan Creek and shall include a minimum of a 3’ wide bio-swale, or other design feature as approved by the City Engineer to provide separation from the multi-use trail.

1.23 CC&Rs. Prior to approval of each final map, the applicant/subdivider shall submit for review, and shall obtain the approval of, the Development Services Director, City Engineer, Public Works Director, and City Attorney, a set of Covenants, Conditions and Restrictions (CC&Rs). Said CC&Rs shall be recorded with the final map and shall include, but not be limited to, the following:
a. Creation of a Homeowner Association and/or a Sub-Association for the purpose of providing for control over the uniformity of boundary fencing, and the perpetual maintenance responsibility of areas including, but not limited to, all common areas, open space, project entries, slopes, fuel modification zones, private medians and greenbelts, private parks, irrigation systems, landscaped areas, walls, driveways, parking areas, structures, private streets, street lights, drainage facilities, and all other areas to be owned and maintained by the Homeowner Association and/or Sub-association. All improvements, including but not limited to, streets, drainage, any potential future street lights, street signage, striping improvements, parks, graded slopes, landscaping, and irrigation facilities within the interior of the subdivision designated as private shall remain private and shall be maintained by the Homeowner Association and/or Sub-association, or shall make other provision for maintenance, as approved by the City Council. (PW)

c. The establishment of setback and height requirements for additions and accessory structures conforming to the development standards of the RS-10,000 zoning district and the San Juan Capistrano Land Use Code. (DSD)

d. A statement indicating that open space (as provided in the lettered lots on the tentative map) shall be retained as indicated on the final map by the Homeowners Association, or other entity approved by the City, as designated open space with no structures allowed in perpetuity except for those that are non-habitable, such as entry monuments, mailboxes, etc., at the discretion of the Development Services Director, and maintained by a Homeowner Association and/or the Sub-association or other entity approved by the City, and that no development or encroachment shall be permitted within the designated open space, except as permitted in Title 9 Land Use Code. (DSD)

e. A statement indicating that proposed amendments to any of the CC&Rs shall be submitted for review to the Development Services Director and that, if the Director determines that the amendment affects any project conditions of approval or other City regulations or requirements, the amendment will then require City Council approval prior to the amendment becoming valid. (DSD)

f. OCFA prevention and defense provisions including: 1) a OCFA lane map, if required by the OCFA Chief; 2) provisions which prohibit parking in OCFA lanes and a method of enforcement; 3) provisions for maintenance of fuel modification zones including the removal of all dead and dying vegetation and the inspection and correction of any deficiencies in the irrigation system three times a year; 4) a method for keeping OCFA protection access easements unobstructed; and 5) a requirement for approval of the OCFA Chief for modifications such as installation of speed humps or bumps, control gate changes, or parking changes. (OCFA)

g. Criteria for maintenance of and prohibition of building construction within private drainage facility easements, slopes and fuel modification zones within the project by the HOA. (PW)

h. A Soils Subsidence Remediation Program consistent with the Title 9, Chapter

i. Provisions for maintenance by the homeowners association of the water quality best management practices identified in the Water Quality Management Plan (WQMP), of all private drainage facilities, including retention/detention basins, that are made a part of the National Pollutant Discharge Elimination System (NPDES) permit issued by the City, and for inspection of open channels and catch basins annually. In addition, a provision shall be included which establishes a separate fund for the sole purpose of maintaining such facilities. Further, the detention basin at the entrance to the property shall not be eliminated without prior City approval. The basin is required under the San Diego Regional Board NPDES permit R9-2009-02, under hydromodification requirements. Maintenance of the basin is a legal obligation of the approved Water Quality Management Plan. (PW&UD)

k. A provision that requires City approval of any amendment to the CC&Rs that will, in any manner, affect the maintenance, function, or integrity of NPDES facilities. (PW)

l. A statement indicating that by July 1st of every year, annual fiscal year reports will be furnished to the City in compliance with the reporting requirements of codes and ordinances adopted by the City with respect to the NPDES program. (PW)

m. A provision requiring that all landscape contractors maintain landscaping so as to prevent improper pruning/trimming or ornamental maintenance of any California native plants, and providing an enforceable penalty which the HOA may impose on the landscape contractor/homeowner for violation of this provision including but not limited to replacement of plant material with comparably sized new plant material. (PW&UD)

m. A provision that the homeowners association (HOA) would be responsible for the cost of replacing any enhanced paving or stamped-concrete removed by the City for the purpose of maintaining, replacing, repairing, or otherwise conducting work on underground utilities including but not limited to waterlines, sanitary sewer lines, and storm drainage lines within the proposed private streets. (PW&UD)

o. A provision that the homeowners association (HOA) will require that prior to completing any landscape improvements on the property, the applicant/owner shall submit a preliminary landscape plan to the homeowners association's Architectural Review Board for review and approval and shall meet the following standards:

- The preliminary landscape plan for the front yard and side yards visible from the street shall be limited to the use of the plant palette included in the Preliminary Landscape Plan approved by the City. The CC&Rs shall list all species approved by the City.
p. A provision that all lot owners shall maintain a landscaping within the property's front yard and within the side yards visible from the street that is consistent with the approved landscape palette and that failure of any lot owner to comply with these landscape provisions shall be deemed a violation of the Conditions, Covenants & Restrictions (CC&Rs) and shall be punishable accordingly under the violations & penalties section of the CC&Rs.

1.24 **Construction Cost Estimates.** Prior to approval of each final map, the applicant/subdivider shall submit to the City Engineer and the Utilities Engineer for review, and shall obtain approval of, an estimate of quantities and construction costs prepared by a Registered Civil Engineer of all proposed improvements associated with this development. Said estimates shall include, but not be limited to, the costs for construction of all street improvements, signing and striping, traffic signals, street lights, on-site and off-site storm drains, water, sewer, landscape and irrigation system, recreational trails, and the setting of survey monuments and centerline ties. Any exception to or deviation from this condition shall be subject to review and approval by the City Engineer and the Utilities Engineer. (PW&UD)

1.25 **Bonding and Securities.** Prior to approval of each final map, the applicant/subdivider shall execute a Subdivision Improvement Agreement with the City and shall provide performance bonds/securities for 100 percent of each estimated improvement cost, as prepared by a Registered Civil Engineer and approved by the City Engineer and the Utilities Engineer and City Attorney for improvements including, but not limited to, street improvements, signing, signalization, striping and street lights; storm drains, sewer, water, recreational trails, landscaping and irrigation in rights-of-way, private slopes, and open space. In addition, the applicant/subdivider shall provide labor and materials bonds/securities for 100 percent of the above estimated improvement costs, as determined by the City Engineer. An additional bond, as determined by the City Engineer and the Public Works and Utilities Director, shall be required for street maintenance purposes to insure the conditions of all local residential streets within the subdivision are acceptable to the City Engineer and to all affected HOAs until the last house is completed. (PW)

1.26 **Soils Subsidence Remediation Program.** Prior to approval of the first final map, the applicant/subdivider shall comply with the provisions of the Municipal Code's "Soils Subsidence Remediation Program" to the satisfaction of the City Engineer. Said program shall include the formation of a Geological Hazard Abatement District, for any catastrophic soil displacement. The program shall also include the incorporation into the Conditions, Covenants and Restrictions (CC&Rs) of the Master Homeowners Association or sub-associations, the remediation to surficial soil displacement, as required by separate condition herein. (PW)
1.27 Submission of Digital Map. Prior to recordation of each final map, the applicant/subdivider shall submit for review, and shall obtain approval from the Orange County surveyor, of a digitized map pursuant to Orange County Ordinance 3809 of January 28, 1991. The applicant/subdivider shall pay for all cost of said digital submittal, including supplying digital copies to the City, of the final County Surveyor approved digital map in DXF format. In addition, the applicant/subdivider shall provide the City with digitized copies of all improvement (as-built) plans. (PW&UD)

1.28 Fair-Share Circulation Improvement Participation. In accordance with a schedule in the Subdivision Improvement Agreement, to be executed in conjunction with City approval of the first final map, the applicant/subdivider shall pay for the project’s pro-rata share of the cost of the design and construction of the street and intersection improvements to their ultimate respective widths and configurations in accordance with the City of San Juan Capistrano’s Master Plan of Streets and Highways, including any applicable right-of-way acquisition, based on the proportion of traffic generated by the project, as determined in a City-approved traffic study. Any exception to, or deviation from this condition shall be subject to review and approval by the City Engineer. (PW)

1.29 Off-Site Circulation Improvement Requirements. In accordance with a schedule in the Subdivision Improvement Agreement, to be executed in conjunction with City approval of the first final map, the applicant/subdivider shall design and construct and be 100 percent responsible for the cost of the off-site improvements established in the Mitigation Monitoring Reporting Program (MMRP) to their ultimate standard configurations in accordance with the City of San Juan Capistrano Master Plan of Streets and Highways and to the satisfaction the City Engineer. The applicant/subdivider shall provide performance bonds/securities for 100 percent of each estimated improvement cost as prepared by a Registered Civil Engineer and approved by the City Engineer and City Attorney. In addition, the applicant/subdivider shall provide labor and materials bonds/securities for 100 percent of the above estimated improvement costs as determined by the City Engineer. All easements, right-of-way acquisitions, dedications and permits needed from any agency to accommodate said improvements listed below shall be processed by the applicant/subdivider at no cost to the City. Any exception to or deviation from this condition shall be subject to review and approval by the City Engineer. (PW)

1.30 Off-Site Circulation Improvement Requirements Subject to Partial Reimbursement. Except as otherwise set out in accordance with a schedule in the Subdivision Improvement Agreement to be executed in conjunction with City approval of the first final map, the applicant/subdivider shall design and construct and be initially responsible for all the cost of certain off-site improvements established in the Mitigation Monitoring Reporting Program (MMRP) to their ultimate standard configurations in accordance with the City of San Juan Capistrano Master Plan of Streets and Highways and to the satisfaction the City Engineer. All easements, right-of-way acquisitions, dedications and permits needed from any agency to accommodate said improvements listed below shall be processed by the applicant/subdivider at no initial cost to the City. The City, upon a written request from the applicant/subdivider, will enter into a reimbursement agreement to
partially repay the applicant/subdivider in accordance with the provisions of the Capistrano Circulation Financing Program (CCFP). However, if any of these improvements are constructed by another party, the applicant/subdivider shall pay for the project's pro-rata "fair share" of the cost of the design and construction of the street, intersection and traffic signal improvements to their ultimate respective widths and configurations in accordance with the City of San Juan Capistrano's Master Plan of Streets and Highways, including any applicable right-of-way acquisition, base on the proportion of traffic generated by the project, as determined in a City-approved traffic study.

The applicant/subdivider shall provide performance bonds/securities for 100 percent of each estimated improvement cost as prepared by a Registered Civil Engineer and approved by the City Engineer and City Attorney. In addition, the applicant/subdivider shall provide labor and materials bonds/securities for 100 percent of the above estimated improvement costs, as determined by the City Engineer. Any exception to or deviation from this condition shall be subject to review and approval by the City Engineer. (PW)

1.31 Ortega Highway Frontage. The Ortega Highway (SR-71) Frontage Improvement's Fair-Share Circulation Improvement Participation and Requirements shall be as follows:

a. In lieu of widening Ortega Highway (SR-74) along the Oaks development frontage, a cash deposit in the amount of $500,000, or other amount as approved by the City Engineer, shall be provided by the applicant/subdivider.

b. The applicant shall dedicate, at no cost, an 8' wide easement (open space Lot "H") adjacent to the existing Caltrans right-of-way along Ortega Highway frontage to the City for parkway landscaping purposes. The southerly edge of the easement shall be measured 50' from the center line of Ortega Highway.

c. Future conveyance of approximately 7' of right-of-way by the State to the City will result in about a 15' wide parkway (ultimate condition). The Homeowner's Association established shall be clearly denoted as the responsible party for the maintenance of landscaping and related appurtenances within this ultimate 15' wide parkway.

WATER INFRASTRUCTURE CONDITIONS:

1.32 Water Improvement Agreement. Prior to approval of each final map, the applicant/subdivider shall execute a Water Improvement Agreement with the City including a Water Improvement Phasing Plan, shall pay all applicable Water Development Charges as last revised, and shall post the required securities in compliance with City water standard specifications. (Utilities)

1.33 OCFA Flow Demands. Prior to approval of each final map, the applicant/subdivider shall obtain from the Orange County Fire Authority (OCFA) the required OCFA
flow demands and OCFA protection requirements to serve the development within that final map and shall provide evidence of satisfactory OCFA flow. (Utilities)

1.34 Dedication of Water Facilities. Prior to approval of each applicable final map, the applicant/subdivider shall dedicate on the final map, at no cost to the City, all public water facilities, water rights and the required easements to the City for project improvements. (Utilities)

1.35 Sewer and Water Plans. Prior to approval of each final map, the applicant/subdivider shall submit to the City Engineer and the Utilities Engineer for review, and shall obtain approval of, sewer and water plans prepared by a Registered Civil Engineer. These plans shall include, but shall not be limited to, the following water requirements: (Utilities)

Sewer Improvements
a. Sewer Development Agreement - The Developer will enter into a Development Reimbursement Agreement with the City to intercept the flow in the existing line from G7-148_G7-149 and construct a larger and deeper sewer line in the development street along west side of the development until the flow returns to the City's existing structure at SS-G7-196. The Development Agreement will provide credit to the City for the segment of planned sewer line no longer required because of the line relocation.

b. Provide as sewer invert at a maximum elevation as determined by the Utilities Engineer and easement at the north east end of the property to serve future sewer at the property to the east (Reata Park and Event Center).

OCFA PROTECTION CONDITIONS:

1.36 Secured Fire Protection Agreement. Prior to approval of the first final map, the applicant/subdivider shall submit evidence of a Secured Fire Protection Agreement with the Orange County Fire Authority (OCFA) to mitigate adverse cumulative impacts of the project on the OCFA. Such an agreement may include participation on a pro rata basis in funding capital improvements necessary to establish adequate OCFA protection facilities to serve the project. (OCFA)

1.37 Fire Protection Area Notation. Prior to approval of each final map, the applicant/subdivider shall place a note on the map or site plan meeting the approval of the OCFA Chief that all requirements for development and construction within a "Fire Protection Area", including increased street widths, Class A roof assemblies, fire sprinklers, etc. will be met. (OCFA)

1.38 Fuel Modification Plan. Prior to approval of each final map, the applicant/subdivider shall obtain approval from the OCFA Chief, in consultation with City staff, for a conceptual fuel modification plan and program. (OCFA)

1.39 Sprinkler Notation. Prior to approval of each final map, the applicant/subdivider shall include a note on the map stating that all residential structures and all structures exceeding OCFA access requirements shall be protected by an
automatic fire sprinkler system in a manner meeting the approval of the OCFA Chief. (OCFA)

1.40 Traffic Signal Pre-emption Equipment. Prior to approval of the applicable final maps, as determined by the OCFA Chief in consultation with City staff, the subdivider shall enter into an agreement with the County for the installation of traffic signal preemption equipment for the surrounding controlled intersections. This agreement shall be accompanied by financial security. (OCFA)

2. THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO ISSUANCE OF ANY GRADING AND/OR RIGHT-OF-WAY IMPROVEMENT PERMIT(S), OR IN ACCORDANCE WITH THE WATER IMPROVEMENT AGREEMENT:

2.1 Permits Required. Prior to the commencement of any grading or construction activity not provided for in previously-approved permits, a permit shall be required. All improvement work, whether performed on-site or off-site, shall require a permit to ensure the integrity and safety of all existing and proposed improvements affected by construction activities. (PW)

2.2 Caltrans Permit. The applicant / subdivider shall process and obtain a permit from Caltrans to perform parkway grading and construction of frontage improvements within Caltrans' right-of-way as part of subdivision improvements. Frontage improvements shall include landscaping & irrigation, a temporary 5' wide decomposed granite (DG) pathway, erosion control / soil stabilization measures, and related appurtenances.

2.3 Mylar of Final Map. Prior to issuance of grading and right-of-way improvement permits subsequent to final map recordation, the applicant/subdivider shall submit to the City Engineer a reproducible copy/mylar of the project's recorded final map. The applicant shall also submit for review, and shall obtain approval of, the Orange County surveyor of a digital Map pursuant to Orange County Ordinance 3809 of January 28, 1991: the applicant shall pay for all costs of said digital submittal, including supplying digital copies to the City of the final County Surveyor-approved digital map in DXF format. All Digital Submissions shall conform to the latest edition of the City of San Juan Capistrano Digital Submission Standards. (PW)

2.4 Recycling/Reduce Debris Act of 1989 (CIWMA). Prior to issuance of grading and right-of-way improvement permits, the applicant/subdivider shall submit to the City Engineer for review, and shall obtain approval of, a program complying with the requirements of the California Integrated Waste Management Act of 1989 to reduce construction and demolition debris through recycling. (PW)

2.5 NPDES Industrial Permit for Grading. Prior to issuance of mass grading and right-of-way improvement permits, the applicant/subdivider shall submit a Notice of Intent (NOI) to the California State Water Resource Control Board for coverage under the State National Pollutant Discharge Elimination System Program (NPDES) General Permit for storm water discharges associated with development/construction activity in excess of one acre of land. Evidence that this requirement has been met shall be submitted to the City Engineer. Applicant shall comply with all requirements of the Construction General Permit, including the
development and implementation of a Storm Water Pollution Prevention Plan, SWPPP. (PW)

2.6 Grading Access and Haul Route Plan. Prior to issuance of mass grading and right-of-way improvement permits, the applicant/subdivider shall submit to the City Engineer for review, and shall obtain approval of: (PW)

   a. An on-site plan showing location of the access point, for the earth moving and grading equipments and for workers vehicles entering and exiting the site. All construction related deliveries and activities shall access the site from Ortega Highway and Avenida Siega only.

   b. An off-site haul route plan for soil importation/exportation circulation and for heavy construction related deliveries. The haul route plan shall specify the dates and times and headways for hauling activities in compliance with all applicable City standards. The City Engineer may require a security deposit in conjunction with approval of the haul route plan.

2.7 Mitigation of Drainage and Grading Problems. Prior to issuance of grading and right-of-way improvement permits, the applicant/subdivider shall adhere to the following conditions during the entire grading and construction operation: (PW)

   a. If any drainage problem is anticipated or occurs during construction, the applicant/subdivider shall provide and implement a solution acceptable to the City Engineer, at no cost to the City, and shall submit a recorded instrument to insure the durability of the solution.

   b. Any grading work beyond the limits of grading shown on the approved grading plans shall require a written approval from the City Engineering and Building Director and shall be subject to a supplemental Geotechnical Soils Report and additional fees.

   c. The Grading Plans shall reflect the construction of a temporary swale on the south side of Ortega Highway along the property frontage and within Caltrans right-of-way in conjunction with a storm drain inlet to channel surface run-off to the proposed off-site storm drain system.

2.8 Construction Phasing and Mitigation Program. Prior to issuance of grading and right-of-way improvement permits, the applicant/subdivider shall pay a cash deposit for restoration and cleanup purposes in an amount to be determined by the Building official, and shall prepare and adhere to a Construction Phasing and Mitigation program, approved by the Development Services Director and Building Official containing, but not limited to, the following controls: (PW & DSD)

   a. Grading:

      1. Haul route for the movement of on and off-site of heavy earth-moving equipment.
2. Location of assembly and storage/service areas for heavy earth-moving equipment and limits of hours of operation.

3. Control of worker access to site, including hours of work, limits on noise sources, and dust and soil import/export.

4. Compliance with environmental mitigation measures, including stockpiles and dust impacts.

5. A schedule and the method of performing the grading, stockpiling and construction of all improvements in each phase.

b. Enforcement:

1. The Development Services Director and Public Works and Utilities Director may modify the Construction Phasing and Mitigation Program as they deem necessary if on-site observations indicate that construction activities are creating a nuisance to adjacent property.

2. The applicant/subdivider shall hire a project enforcement person approved by the Engineering and Building Director to ensure compliance with the Construction Phasing and Mitigation Program.

3. Violation of the City-approved “Construction Phasing and Mitigation Program” shall be subject to enforcement action pursuant to Section 9-1.201, Violations and Penalties of the Title 9, Land Use Code.

2.9 **Capistrano Circulation Fee Program (CCFP).** Except as otherwise set out in accordance with a schedule in the Subdivision Improvement Agreement to be executed in conjunction with City approval of the first final map, the applicant/subdivider shall pay fees, in the amount prescribed by the City Council at the time of issuance, as required by the CCFP at issuance of building permits. (PW)

2.10 **Construction Staging Plan.** Prior to issuance of a grading permit, the applicant/contractor shall prepare a Construction Staging Plan that identifies the location(s) of staging areas, including equipment and vehicle storage areas, stockpile areas, etc. These areas shall be located as far away from the existing view corridors, adjacent roadways, existing residential development as practical, as approved by the City. In addition, the Construction Staging Plan shall also identify the manner in which the staging and equipment storage would be screened (e.g., temporary fencing, landscaping, berms, or a combination of these and other methods) subject to the approval of the Public Works Director, to ensure that the temporary visual impacts would be minimized within the viewshed and existing residential development. (DSD & PW)

2.11 **Biological Monitoring.** Prior to any permit issuance for grubbing, grading, tree trimming/removal or prior to engaging in such activities that would occur between the breeding season for native birds (February 15 through September 15), the project applicant shall retain the services of a qualified ornithologist to conduct an
ornithological survey of the construction zone. The City will require the developer to submit a copy of the executed contract for such services prior to the issuance of any grading permits. The ornithological survey shall occur not more than seven days prior to the initiation of those grading/construction activities. If the ornithologist detects any occupied nests of native birds within the construction zone or in close proximity to, they shall be mapped on construction plans and the project applicant will fence off the area(s) supporting bird nests with temporary construction fencing, providing a minimum buffer of 200 feet between the nest and limits of construction. (This buffer zone shall be at least 500 feet for raptors until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the project.) The construction crew will be instructed to avoid any activities in the zone until the bird nest(s) is/are no longer occupied, per a subsequent survey by the qualified ornithologist. Alternatively, the project applicant will consult as appropriate with the USFWS to discuss the potential loss of nests of native birds covered by the MBTA to obtain the appropriate permit from the USFWS. (DSD)

2.12 **Archaeological Monitoring. Prior to issuance of a grading permit, the applicant shall submit to the City an executed contract with a qualified archaeologist (RPA member and/or County of Orange-qualified), defined as meeting the Secretary of the Interior’s Standards for professional archaeology, who has been retained to monitor the site clearing, grading and excavation activities. The name, qualification, and contact information for the archaeologist shall be provided to the City. (DSD)

2.13 **Paleontological Monitoring. Prior to issuance of a grading permit, the applicant shall submit to the City documentation that a qualified paleontologist, defined as a paleontologist of the List of Certified Paleontologist for Orange County, has been retained to monitor site clearing, grading, and excavation activities. The name, qualifications and contact information for the archaeologist shall be provided. A qualified paleontologist, defined as a paleontologist of the List of Certified Paleontologists of Orange County, shall be present at pre-construction meetings to advise construction contractors about the sensitive nature of paleontological resources, as well as monitoring requirements. After observing the specific soil conditions of the proposed project during initial ground disturbance, the qualified paleontologist shall determine the amount of full- or part-time required for the project. A qualified monitor (defined as an individual with a Bachelor’s Degree in geology with paleontological monitoring experience or equivalent), supervised by the qualified paleontologist, shall observe construction activities that result in grading, and/or excavating more than 18-inches below the original ground surface, including on- and off-site utility and roadway improvements. Should paleontological resources be discovered, the monitor shall have the power to temporarily halt or divert construction activities until the qualified paleontologist can determine if the resources are significant. If they are determined to be significant, the paleontologist will be allowed to recover the resources to be curated by the City or qualified Orange County facility. (DSD)

2.14 Repair Damaged Storm Drain. Prior to issuance of a grading permit, the applicant shall repair the damaged 24” corrugated metal pipe that is part of the existing stormwater drainage system along the main outlet (Line A) to San Juan Creek (as
shown on the "Existing Condition Hydrology Map" in the Hydrology and Hydraulics report prepared by RBF Consulting on September 27, 2013. (PW & UD-ENV)

**WATER INFRASTRUCTURE CONDITIONS:**

2.15 Design of Water Facilities. Prior to approval of grading permits, the applicant/subdivider shall design all domestic and non-domestic water facilities in compliance with City water standard specifications. If a water improvement phasing plan is to be implemented, the phasing plan shall be submitted with the improvement plans to the City Engineer and the Utilities Engineer for approval. (Utilities)

**OCFA PROTECTION CONDITIONS:**

2.16 Fire Hydrant Location. Prior to issuance of a precise grading permit, the applicant/subdivider shall submit a fire hydrant location plan to the OCFA Chief for review and approval. (OCFA)

2.17 Fire Access Roads. Prior to issuance of a precise grading permit, the applicant/subdivider shall submit and obtain approval of the OCFA Chief and City Staff of plans for fire protection access roads to within 150 feet of all portions of the exterior of every structure on the site, unless exempted from this requirement by the OCFA Chief in consideration of the provision of alternate measures, such as the installation of fire sprinklers. The plans shall include plan and sectional views and indicate the grade and width of the access road measured flow-line to flow-line. When a dead-end street exceeds 150 feet or when otherwise required, a clearly marked fire apparatus access turnaround shall be provided and approved by the OCFA Chief. (OCFA)

2.18 Fire Lanes. Prior to issuance of a precise grading permit, the applicant/subdivider shall submit and obtain approval of the OCFA Chief and City Staff of plans for fire lanes on required fire access roads less than thirty-six feet (36'-0") in width. The plans shall indicate the locations of red curbs and signage and include a detail of the proposed signage, including the height, stroke and colors of the lettering and its contrasting background. (OCFA)

2.19 Conceptual Fuel Modification Plan. Prior to issuance of a precise grading permit, the applicant/subdivider shall obtain approval from the OCFA Chief, in consultation with City staff, for a conceptual fuel modification plan and program. The plan shall indicate the proposed means of modifying vegetation to reduce the risk to structures. (OCFA)

2.20 Fire Road Access Gates. Prior to issuance of a precise grading permit, the applicant/subdivider shall obtain approval from the OCFA Chief for the construction of any gate across required fire access roads. (OCFA)
3. THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO ISSUANCE OF ANY RESIDENTIAL BUILDING PERMIT(S), OR IN ACCORDANCE WITH THE WATER IMPROVEMENT AGREEMENT:

3.1 Demolition. Notification will be given to residences within 300 feet of planned construction activities thirty (30) days prior to commencement of demolition activity, and will include a brief description of the project, the overall duration of the various construction stages, noise abatement measures that will be taken, and the name and phone number of the construction site supervisor or his designee to report any violation of a noise or mitigation standard. (DSD-B&S)

3.2 Development Plans. Prior to issuance of the first building permit for each development phase, the applicant/subdivider shall submit development plans to the Development Services Director for City review and approval. Plans to be reviewed shall be as applicable to the particular development phase under review and, in general, shall include grading plans (unless previously approved by the City), preliminary site, park plans (if applicable to the development phase), architectural elevations, wall/fence plans, project entry and gate plans, sample material boards, and other plans as specified by the Development Services Director. (DSD)

3.3 Lighting Plans. Prior to issuance of building permits, lighting & photometric plan(s) shall be subject to City review and approval to assure that they comply with the City’s lighting standards prescribed in Section 9.3-529 for permitted illumination within the parking areas and walkways as well as demonstrate that illumination does not create off-site light and glare, to the satisfaction of the Development Services Director and the City Engineer. (PW & DSD)

3.4 Landscape Plans. Prior to the issuance of the first residential building permit, the applicant shall submit and secure Planning Commission approval of a final landscape plan for the Ortega Highway frontage area.

3.5 Maintenance Road and Barrier. Prior to issuance of a building permit for the first home within the project (other than model homes), a paved maintenance road and barrier shall be constructed by the applicant/subdivider to the satisfaction of and in accordance with plans approved by the City Engineer. (PW)

3.6 Access Road to City Open Space. Prior to issuance of a building permit for the first home within the project (other than model homes), a minimum 20-foot wide all-weather access road shall be constructed by the applicant/subdivider to the satisfaction of and in accordance with plans approved by the City Engineer. (PW)

3.7 Sound Wall. Applicant / sub-divider shall construct a sound wall on private property in accordance with mitigation measures of the CEQA documents for this development purposes.

WATER INFRASTRUCTURE CONDITIONS:

3.8 Water Availability. Prior to the issuance of any building or grading permits by the Development Services Department, the applicant / developer shall consult with the
Public Works & Utilities Department-Utilities Division to determine the availability of water for their project and will secure a final "will serve" water capacity allocation.

3.9 Completion of Water Facilities. Prior to issuance of building permits for each building phase, the applicant/subdivider shall complete the construction of all domestic and non-domestic water facilities as indicated, in compliance to City water standard specifications, unless otherwise provided in the Water Improvement Phasing Plan, and shall comply with the provisions below. Any exception to, or deviation from this condition shall be subject to review and approval by the Utilities Engineer. (Utilities)

1. The water line system shall be looped with two points of connection to the external import system using a 3-way valve configuration. One connection will be in Ortega Highway at the north east end of the project, the second can be at the north west end, or in Avenida Siega. The two points of connection may be made to the water main in Avenida Siega by constructing a parallel water main in the development entrance road up to the turn-around and loop the water system in the development streets.

2. The water line shall NOT pass under any of the entry way improvements such as monument signs, patterned stamped concrete, guard houses, and within a tree ultimate canopy area. In a case a where an exception is made, allowing a water line to be constructed under any of said improvements, the homeowner association (HOA), though a CC&R, will be responsible for the cost of replacing the aforementioned aboveground improvements removed by the City for the purpose of maintaining, replacing, or otherwise conducting work on the water line. In the event that in the future monument signs, patterned concrete, or structures are constructed over water facilities the HOA, through a CC&R, will be responsible for the cost of replacing the aforementioned above ground improvements removed by the City for the purpose of maintaining, replacing, or otherwise conducting work on the water line.

3. The water line shall be instlled under asphalt, standard 4-inch thick plain sidewalks, or small ground cover type plants.

4. The function and integrity of the existing private line will be maintained.

5. An 8-inch stub out shall be installed to run to the eastern property line, at the north east corner of the development for a future connection to the adjacent property (Reata Park and Event Center).

6. Point of connection to the future recycled water line and irrigation meter shall be in Avenida Siega close to entrance road to the development or as otherwise determined by the Utilities Engineer.

OCFA PROTECTION CONDITIONS:

3.10 Fuel Modification. Prior to the issuance of a building permit, the applicant/subdivider, under the supervision of the OCFA Chief, shall complete the portion of the approved fuel modification plan determined to be necessary before the introduction of any combustible materials into the project area. Approval shall be subject to an on-site inspection. (OCFA)
3.11 Confirmation Letter. Prior to the issuance of a building permit, the applicant/subdivider shall submit a letter on company letterhead stating that water for fire-fighting purposes and all-weather fire protection access roads shall be in place and operational before any combustible material is placed on site. Building permits will not be issued without OCFA approval obtained as a result of an on-site inspection. (OCFA)

3.12 Hazardous Materials. If any hazardous materials are to be used or stored on site, prior to the issuance of a building permit, the applicant/subdivider shall complete and submit to the OCFA Chief a copy of a "Hazardous Materials Disclosure Chemical Inventory and Business Emergency Plan" packet. (OCFA)

3.13 Fire Sprinklers. Prior to the issuance of a building permit, the applicant/subdivider shall submit plans for any required automatic fire sprinkler system in all structures to the OCFA Chief for review and approval. (OCFA)

4. DURING CONSTRUCTION, FOLLOWING ISSUANCE OF ANY GRADING & BUILDING PERMITS AND PRIOR TO ISSUANCE OF ANY OCCUPANCY PERMITS:

4.1 Archaeological Monitoring. A qualified archaeologist, defined as meeting the Secretary of the Interior's Standards for professional archaeology (RPA member and/or County of Orange-qualified), shall be present at pre-construction meetings to advise construction contractors about the sensitive nature of cultural resources, as well as monitoring requirements. A qualified monitor (defined as an individual with a Bachelor's Degree in anthropology with archaeological monitoring experience or equivalent), supervised by the qualified archeologist, shall observe all construction activities that result in grading, and/or excavating more than 18-inches below the original ground surface, including on- and off-site utility and roadway improvements. Should non-human cultural resources be discovered, the monitor shall have the power to temporarily halt or divert construction activities until the qualified archaeologist can determine if the resources are significant. All archaeological resources unearthed by construction activities shall be evaluated in accordance with CEQA and City Council Policy 601. If they are determined to be significant, the archaeologist will be allowed to recover the resources under CEQA procedures to be curated by the City or qualified Orange County facility. (DSD)

4.2 Native American Monitoring. A Native American monitor shall observe all excavating and/or trenching more than 18-inches below the original ground surface, including on-site and off-site utility and roadway improvements. The Native American monitor shall consult with the archaeological monitor regarding objects and remains encountered during grading that may be considered sacred or important. In the event that evidence of human remains is discovered, the Native American monitor shall verify that the archaeologist has notified the Coroner. In the event that human remains are discovered, construction activities shall be halted or diverted until the provisions of §7050.5 of the Health and Safety Code and §5097.98 of the Public Resources Code have been implemented. (DSD)

4.3 Construction Hours. Noise sources associated with construction, repairs, remodeling, or the grading of any real property, shall be exempt from the provisions of the City's noise code if conducted from 7:00 a.m. to 6:00 p.m. on
Monday through Friday, or from 8:30 a.m. to 4:30 p.m. on Saturday. Construction is prohibited at any time on Sunday or a Federal holiday. (DSD-B&S)

4.4 Construction Noise. Equipment will use available noise suppression devices and properly maintained mufflers. Construction noise will be reduced by using quiet or “new technology”, equipment, particularly the quieting of exhaust noises by use of improved mufflers where feasible. All internal combustion engines used at the Project site will be equipped with the type of muffler recommended by the vehicle manufacturer. In addition, all equipment will be maintained in good mechanical condition so as to minimize noise created by faulty or poorly maintained engine, drive-train and other components. (DSD-B&S)

4.5 Equipment Staging. During all site preparation, grading and construction, contractors shall minimize the staging of construction equipment and unnecessary idling of equipment in the vicinity of residential land uses. (DSD-B&S)

4.6 Staging Area. The equipment staging area will be situated so as to provide the greatest distance separation between construction-related noise sources and noise-sensitive receptors nearest the Project site during all Project construction. (DSD-B&S)

4.7 The project developer will:

- Assure the use of well-tuned, off-road construction equipment
- Hire contractors using Tier 3 or cleaner heavy equipment.
- Enforce 5-minute idling limits for all diesel construction equipment including both on-road trucks and off-road equipment. (DSD B&S)

During Construction, the project developer will assure that the project contractors:

- Cease grading when average wind speeds exceed 25 mph.
- Stabilize disturbed areas if subsequent construction is delayed.
- Apply water three times daily, or non-toxic soil stabilizers according to manufacturers’ specifications, to all unpaved parking or staging areas, unpaved road surfaces, and active construction areas and inactive disturbed areas.
- Cover all stock piles with tarps at the end of each day or more frequently, as needed.
- Provide water spray during loading and unloading of earthen materials.
- Minimize in-out traffic from construction zone.
- Cover all trucks hauling dirt, sand, or loose material or require all trucks to maintain at least two feet of freeboard.
• Sweep streets daily if visible soil material is carried out from the construction site.

• Install and maintain a stabilized construction entrance/exit to minimize dirt, mud and debris from being tracked onto the public right-of-way.

• Unpaved surfaces are either decomposed granite roadways or sand arenas that create little dust.

• Dust formation is further suppressed by water spray on a regular basis.

5. THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO ISSUANCE OF ANY CERTIFICATE(S) OF OCCUPANCY:

5.1 Filing of Property Corner Survey Records. Prior to issuance of a certificate of occupancy for the first home within the project (other than model homes), the applicant/subdivider's surveyor shall file the appropriate property corner survey records with the County Surveyor and show written confirmation indicating compliance with the County Recorder, as required by Section 8771 of the Business and Professions Code. (PW)

5.2 Completion of All Improvements to the City's Satisfaction. Prior to issuance of a certificate of occupancy for the first home within the project (other than model homes), the applicant/subdivider shall complete, to the satisfaction of the City Engineer and Utilities Engineer, all facility improvements required of this development and necessary to serve the development in accordance with the City approved Construction Phasing and Mitigation Program, the approved plan, and approved exceptions. (PW&UD)

5.3 Installation of Landscaping. Prior to issuance of a certificate of occupancy for the first home within each development phase (other than model homes), the applicant/subdivider shall submit a letter to the Development Services Director, signed by a Registered Landscape Architect, stating that all materials for all landscaped common areas have been installed in accordance with the approved plans for each development phase, and shall demonstrate to the satisfaction of the Development Services Director that all landscaped areas have been landscaped per the approved landscape plans. (DSD)

5.4 Water Quality Management Plan. Applicant shall provide a certification by its registered civil engineer that all improvements identified in the Water Quality Management Plan have been installed per plan and have been cleaned following construction completion and are operational. Submit certification letter to the City's Environmental Division.

5.5 Affordable Housing Requirement. The applicant/subdivider shall meet the General Plan Housing Element's affordable housing requirement by either (1) prior to the issuance of a "Certificate of Occupancy" for each market rate dwelling unit, paying an in-lieu housing fee to the City pursuant to Section 9-5.103, "Housing in-lieu fee"
of Title 9, Land Use Code in effect at that time; or, (2) prior to the issuance of the 1st building permit for a market rate dwelling unit, providing for the development of a minimum of three (3) affordable housing units subject to a City-approved and recorded Affordability Agreement restricting the rental and/or sale of such units to qualifying "low income" and/or "moderate income" households for a period of not less than thirty (30) years. The applicant/subdivider shall be responsible for securing the required planning application approvals for the development of such affordable housing. (DSD)

**OCFA PROTECTION CONDITIONS:**

5.6 **Hydrant "Blue Dots".** Prior to the issuance of a certificate of use and occupancy, the applicant/subdivider shall install blue reflective pavement markers on streets, as approved by the OCFA Chief, to mark the location of all fire hydrants. (OCFA)

5.7 **Completion of Fuel Modification.** Prior to the issuance of a certificate of use and occupancy, the applicant/subdivider shall implement and complete the fuel modification plan under the supervision of the OCFA Chief with an approved plant pallet. The fuel modification zones shall be subject to triennial inspections. (OCFA)

5.8 **Completion of Sprinkler System.** Prior to the issuance of a certificate of use and occupancy, the applicant/subdivider shall demonstrate that any required sprinkler system is operational in a manner meeting the approval of the OCFA Chief. (OCFA)

**6. THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO ACCEPTANCE OF IMPROVEMENTS AND RELEASE OF SURETY/PERFORMANCE SECURITIES:**

6.1 **Provide As-Built Mylars.** Prior to acceptance of the works of improvements and release of performance securities, the applicant/subdivider shall submit to the City Engineer and Utilities Engineer for review, and shall obtain approval of, the reproducible as-built mylar plans of all on-site and off-site improvement works completed and accepted. Said plans shall be prepared by a Registered Civil Engineer. Also, the applicant/subdivider shall submit digital copies of all as-built plans in accordance with the latest edition of the "City of San Juan Capistrano Digital Submission Standards." (PW&UD)

6.2 **Videotape of Sewers and Storm Drain Pipes.** Prior to acceptance of improvements and release of performance securities, the applicant/subdivider shall submit to the City Engineer and Utilities Engineer for review, and shall obtain approval of, a videotape, filmed in the presence of a City Staff representative/inspector, of all sewer and drainage improvements. The videotape shall become the property of the City. (PW&UD)
6.3 Monumentation and Corner Records. Prior to acceptance of improvements and release of performance securities, the applicant/subdivider's surveyor shall set all required monumentation and re-establish any damaged or destroyed monumentation during construction. Monumentation, street centerline ties and appropriate corner records shall be submitted to the City Engineer and filed with the County Surveyor in compliance with AB 1414 and Sec. 8771 of the Business and Professions Code. (PW)

WATER INFRASTRUCTURE CONDITIONS:

6.4 Mylar Record Drawings. Prior to the acceptance of water improvements and release of performance securities, the applicant shall submit to the City Engineer and the Utilities Engineer for review, and shall obtain approval of, reproducible "record drawing" mylar plans that call out any deviations from the approved signed plans of all the domestic water system, non-domestic water system, and the landscape irrigation system. These record drawings shall also be submitted to the City in digital format in accordance with the latest edition of the City of San Juan Capistrano Digital Submission Standards. (PW&UD)

**Denotes Mitigation Measure in accordance with the California Environmental Quality Act.

Responsible Departments/Agencies:
DSD: Development Services Department
  DSD-B&S: DSD Building & Safety Division
  PW&U: Public Works & Utilities Department
PWD: Public Works Division, Engineering
  UD: Utilities Division, Engineering
  UD-ENV: Utilities Division-Environmental,
  OCFA: Orange County Fire Authority

Applicant Acceptance of Conditions of Approval:

Signature of (name & title) Date