

RESOLUTION NO.5162

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YORBA LINDA APPROVING TENTATIVE TRACT MAP 17928 – YORBA LINDA GARDENS, LLC, WITH CONDITIONS, AND THE MITIGATED NEGATIVE DECLARATION PREPARED THEREFOR

WHEREAS, an application for Tentative Tract Map 17928 was made by Yorba Linda Gardens, LLC, 12803 Schabarum Avenue, Irwindale, California 91706, to subdivide 7.08 acres of partially-developed property, presently addressed as 5225 and 5227 Highland Avenue, and further identified as APNs 343-561-08 & 09, into twelve (12) lots for single-family residential purposes, for an achieved residential density of ± 1.7 dwelling units per acre, for property located at the western terminus of Highland Avenue and southern terminus of Eureka Avenue south of Yorba Linda Boulevard, within the RE (Residential Estate) zone; and,

WHEREAS, notice of public hearing before the Planning Commission of the City of Yorba Linda concerning Tentative Tract Map 17928 was given in accordance with applicable law; and,

WHEREAS, on December 14, 2016, the Planning Commission held a public hearing pertaining to Tentative Tract Map 17928; and,

WHEREAS, city staff prepared a written report on this matter, a copy of which was provided to the applicant in accordance with Government Code Section 66452.3; and,

WHEREAS, after consideration of the staff report and all of the information, testimony, and evidence presented at the public hearing, the Yorba Linda Planning Commission does hereby find that with incorporation of those conditions attached hereto as Exhibit "A" and all mitigation measures described in the Mitigation Monitoring Program attached within the Mitigated Negative Declaration prepared in support of Tentative Tract Map 17928:

- (1) The proposed map will be consistent with the City's General Plan in that it is compatible with the objectives, policies, general land uses and programs specified in the General Plan, and will be consistent with all other aspects of the General Plan.
- (2) The design and improvement of the proposed subdivision as designated on the subject tentative map will be consistent with the City's General Plan in that it will be compatible with the objectives, policies, general land uses and programs specified in the General Plan, including:
 - (a) Street alignments, grades and widths;

- (b) Drainage and sanitary facilities and utilities, including alignments and grades thereof;
 - (c) Location and size of all required easements and rights-of-way;
 - (d) Lot size and configuration;
 - (e) Traffic access;
 - (f) Grading;
 - (g) Land to be dedicated for trail, park or recreational purposes; and
 - (h) Such other specific requirements in the plan and configuration of the entire subdivision as may be necessary to ensure conformity to or implementation of the General Plan.
- (3) The site is physically suitable for the type of development in that the infrastructure and utilities either already serve the site or can be readily expanded to serve the site, and there are no intractable topographical peculiarities associated with the physical character of the property that may prevent the development of twelve (12) single-family residential dwellings.
- (4) The site is physically suitable for the proposed single-family residential dwellings in that the applicant has submitted a conceptual building pads which illustrates that homes may be constructed on the site without adversely affecting the health, safety, or welfare of anyone who will utilize the development or anyone living within the surrounding community.
- (5) The design of the subdivision and type of improvements are not likely to cause serious public health problems in that the proposed subdivision will comply with all requirements and development standards prescribed within the Yorba Linda General Plan and Zoning Code.
- (6) The design of the subdivision and 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.
- (7) The discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the applicable California Regional Quality Control Board.
- (8) The design of the subdivision provides, to the extent feasible, for passive or natural heating or cooling opportunities in the subdivision in that each building's size, shape and design configuration permits the existing

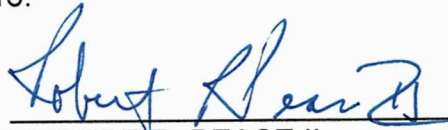
orientation of the planned development to take advantage of existing sun and shade opportunities.

- (9) The Planning Commission has considered the effect of the proposed map on the housing needs of the region in which the City is situated and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources, and finds that the proposed map does not detrimentally affect housing in the area, or place an undue burden on public service needs and available fiscal and environmental resources.
- (10) The Planning Commission certifies that it has independently reviewed and considered the Mitigated Negative Declaration prepared for this project, and that said Mitigated Negative Declaration, which the Planning Commission finds reflects the independent judgment of the City, has been taken into consideration by the Planning Commission in approving this project. The Planning Commission finds that this project will not have a significant effect on the environment and hereby approves the Mitigated Negative Declaration prepared therefor.
- (11) As this project involves no repeal, amendment, or adoption of all or any part of the land use planning policy documents as specified in Section 18.01.020 of the Yorba Linda Municipal Code, this project is exempt from the provisions of Chapter 18.01 of the Yorba Linda Municipal Code, also known as the "Yorba Linda Right-to-Vote Amendment."

NOW, THEREFORE, BE IT RESOLVED that the Yorba Linda Planning Commission does hereby approve Tentative Tract Map 17928, subject to the conditions of approval shown on Exhibit "A" attached to this Resolution, which by reference are incorporated herein.

BE IT FURTHER RESOLVED that the Yorba Linda Planning Commission does hereby approve the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program prepared in support of Tentative Tract Map 17928, and which is by reference incorporated herein.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Yorba Linda on December 14, 2016.



ROBERT R. PEASE II
CHAIRMAN

TO WIT:

I HEREBY CERTIFY that the foregoing Resolution was duly adopted at a regular meeting of the Yorba Linda Planning Commission on December 14, 2016, and carried by the following roll call vote:

AYES:	5	COMMISSIONERS: BROWN, DARNELL, LYONS, MOLE, PEASE
NOES:	0	COMMISSIONERS: NONE
ABSENT:	0	COMMISSIONERS: NONE



DAVID BRANTLEY, AICP
SECRETARY TO THE PLANNING COMMISSION

EXHIBIT "A"
CONDITIONS OF APPROVAL FOR TENTATIVE TRACT MAP 17928 –
YORBA LINDA GARDENS, LLC

- Eng. 1. The applicant shall obtain an encroachment permit for all work within the City right of way.
2. Best Management Practices (BMPs) shall be used during construction in accordance with the Construction Runoff Guidance Manual for Contractors, Project Owners, and Developers to prevent pollutants, construction materials, and soil from entering the storm drain.
3. All lots fronting on an arterial or collector street and siding onto a local street shall take vehicular access from the local street.
4. **Prior to grading permit/building permit**, the proposed improvements shall comply with the California Building Code latest edition. Drainage and structural setbacks to slopes shall comply with the minimum requirements.
5. **Prior to grading permit/building permit**, the applicant shall apply for and obtain a transportation permit that identifies the disposition of all imported or exported soil and a haul route. The applicant shall demonstrate that the imported soil is clean and suitable for the intended use and exported soil complies OCFA and OC Environment Health Department. A geotechnical analysis may be required.
6. **Prior to grading permit/building permit**, masonry or concrete retaining walls shall be designed to have waterproofing applied to the retaining side of the wall, subdrain, and subdrain outlets. The subdrain

outlets detail shall be indicated on the retaining wall plan and grading plan. Storm water runoff shall be conveyed away from the retaining wall or mitigated with a drainage system.

7. **Prior to grading permit**, a complete final hydrology and hydraulic study shall be prepared by a qualified engineer to the satisfaction of the City Engineer.
8. **Prior to grading permit**, an Emergency overflow is required at all sump locations. Slopes shall be armored or a drainage conveyance facility shall be designed where emergency overflow is proposed.
9. **Prior to grading permit**, grading of the project may be performed in phases subject to an approved grading phase plan. Each grading phase shall have a standalone rough grading plan, hydrology and hydraulics analysis, and grading security to the satisfaction of the City Engineer.
10. **Prior to grading permit**, individual lot drainage shall be designed to convey flows to an acceptable drainage system or outlet to the street or by other lot drainage design to the satisfaction of the City Engineer.
11. **Prior to grading permit**, a soils report shall be prepared by a qualified engineer to the satisfaction of the City Engineer.
12. **Prior to grading permit**, any grading required outside of the project boundaries will require either slope easements or right-of-entry/permission to grade letters from the adjacent property owners.
13. **Prior to grading permit**, applicant shall submit sewer and water plans to the Yorba Linda Water District for determination of the Terms and Conditions for Water and/or Sewer Service.
14. **Prior to grading permit**, drainage facilities that discharge onto adjacent properties shall be designed in such a manner as to convey storm surface water as it historically crosses said property line in its natural state or a drainage acceptance instrument may be obtained from the downstream property owner if the historic drainage flow is altered in an adverse manner.
15. **Prior to grading permit**, an erosion control plan shall be submitted at the time of Grading Plan review and be accepted by the City Engineer. Best Management Practices (BMPs) shall be used during construction to prevent construction materials and soil from entering the storm drain.

16. **Prior to grading permit**, grading of the subject property shall be in compliance with the Grading Ordinance and to the satisfaction of the City Engineer. A grading plan shall be submitted for review and accepted by the City Engineer. Grading shall be in significant conformance to the Tentative Tract Map and the proposed grading as approved by the Planning Commission.
17. **Prior to grading permit**, Surety shall be posted to the satisfaction of the City Engineer and the City Attorney guaranteeing completion of grading within the project.
18. **Prior to grading permit**, a Water Quality Management Plan shall be submitted with the grading plan for review and accepted by the City Engineer. Best Management Practices (BMPs) shall be used during construction to prevent construction materials and soil from entering the storm drain. All costs associated with the review, installation and/or maintenance of the plan and project-related BMPs shall be the responsibility of the applicant.
19. **Prior to grading permit**, the applicant shall furnish a Maintenance Agreement outlining the post-construction Best Management Practices (BMPs) for review and accepted by the City Engineer.
20. **Prior to grading permit**, the applicant shall comply with the National Pollution Discharge Elimination System (NPDES) permit from the California Regional Water Quality Control Board (Santa Ana Region).
21. **Prior to grading permit**, the applicant shall file any required documents, including but not necessarily limited to the notice of intent, BMP maintenance agreement, and comply with permits from the California Regional Water Quality Control Board.
22. **Prior to grading permit**, the applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) for review and accepted by the City Engineer describing the construction phase Best Management Practices (BMPs) to ensure compliance with the NPDES General Permit for storm water discharges associated with construction activity.
23. **Prior to building permit**, a rough grade certificate, final rough grade report, and individual lot compaction tests shall be provided by a licensed Civil Engineer and Geotechnical Engineer.
24. **Prior to building permit**, the proposed improvements shall comply with sight distance design requirements of OCPW standard plan 1117 and City Zoning Ordinance 18.26 vision triangle. Substandard sight distance shall be mitigated to the satisfaction of the City Engineer.

25. **Prior to building permit**, If applicable and at the applicant's discretion, a street lighting plan indicating location, size and type of existing and proposed street lighting shall be prepared by the applicant and submitted along with the improvement plans for review and accepted by the City Traffic Engineer.
26. **Prior to building permit**, access for service trucks shall be provided across prepared surfaces suitable for continuous heavy truck usage, as determined by the City Engineer.
27. **Prior to building permit**, all proposed utilities within the project shall be installed underground in accordance with current utility engineering practices. Existing aerial utilities shall be removed and/or placed underground.
28. **Prior to building permit**, applicant is responsible to insure that a minimum 2-inch PVC conduit or smaller, if approved by the appropriate utility companies and the City Engineer, is installed in the open common trench.
29. **Prior to building permit**, applicant shall provide a free trench to the CATV operator and give said operator reasonable notice of when open trench is available.
30. **Prior to building permit**, driveways in excess of 75 feet in length, or excessively sloped and/or curved more than 45 degrees shall incorporate "hammerhead" turnaround spaces near the garage to the satisfaction of the City Traffic Engineer.
31. **Prior to building permit**, private roads shall comply with the requirements of Orange County Fire Authority - Fire Master Plans for Commercial and Residential Development, Guideline B-09. Private road structural sections shall be based on recommendations of a soils engineer, and approved by the City Engineer.
32. **Prior to building permit**, residential driveways shall be a minimum width of 20 feet. No driveway shall be more than 32 feet in width. No more than two residences shall take access via a single residential driveway. Private or public road standards shall be applied when three or more residences share a single access.
33. **Prior to building permit**, sectional garage doors with automatic openers shall be required where face of garage is less than eighteen feet (18') from the back of sidewalk or back of curb when sidewalks are not provided.

34. **Prior to building permit**, street improvement plans prepared on standard size sheets by a licensed Civil Engineer shall be submitted for review and accepted by the City Engineer. Standard plan check and inspection fees shall be paid by the applicant.
35. **Prior to building permit**, street striping and signing plans shall be prepared by the applicant to the satisfaction of the City Engineer and included with the initial submittal of the improvement plans.
36. **Prior to building permit**, the City Engineer and Building Official will not authorize the issuance of any or all building permits unless and until in the City Engineer's opinion, traffic to be generated may be accommodated adequately on surrounding thoroughfares due to the completion of improvements, adverse affects of a natural event, or for the protection of public health, safety, and welfare.
37. **Prior to building permit**, the development shall participate in the Eastern Transportation Corridor Fee Program at the established rate.
38. **Prior to building permit**, the precise location of new or relocated monument signs shall be subject to the final review and accepted by the City Traffic Engineer.
39. **Prior to building permit**, this project is applicable to the requirements of the Growth Management Plan (GMP), and shall be subject to payment of Traffic Impact Mitigation (Measure M) fee and as established by the Development Mitigation Program.
40. **Prior to building permit**, utility plans shall be subject to review and accepted by the Community Development Director and City Engineer. The City shall have the right to comment, modify, approve or disapprove the utility plan for each utility.
41. **Prior to map recordation**, all provisions of Title 17 (Subdivisions) of the Yorba Linda Municipal Code shall be met as they relate to the division of land.
42. **Prior to map recordation**, A 14' irrevocable offer of dedication for public trail easements for segments 9 and 11 of the General Plan Trails Component shall be dedicated to the City of Yorba Linda and shown on the final map, to the satisfaction of the City Engineer. Trail widths of less than 14 feet may be considered to the satisfaction of the Parks and Recreation Director.
43. **Prior to map recordation**, A 28' half width road easement shall be reserved for Eureka Avenue (Private Street Lot "A-1"), from the

constructed with a minimum of 20' of street improvements within the existing 25' access easement to the satisfaction of the City Engineer.

62. **Prior to occupancy**, Eureka Avenue (Private Street Lot "A-1"), from the northerly tract boundary to the southerly begin curb return (BCR) of the tract private street (Lot "A-2"), east of the Eureka Avenue street centerline, shall be constructed with 20' of improvements within a 28' half width road easement per OCPW Std. Plan 1107 to the satisfaction of the City Engineer.
63. **Prior to occupancy**, The tract Private Street (Lot "A-2") shall be constructed with 36' of improvements within a 52' road easement per OCPW Std. Plan 1107 to the satisfaction of the City Engineer.
64. **Prior to occupancy**, A 28' half width cul-de-sac per OCPW Std. Plan 1113 shall be graded on Highland Avenue to the satisfaction of the City Engineer.
65. **Prior to occupancy**, all required street striping and traffic/parking regulatory signing shall be installed to the satisfaction of the City Traffic Engineer.
66. **Prior to occupancy**, the cul-de-sac of the Private Street (Lot "A-2") shall be signed No Parking Fire Lane per OCFA requirements.
67. **Prior to occupancy**, A 14' public trail for segments 9 and 11 of the General Plan Trails Component shall be constructed with native soil to 90% compaction. Trail widths of less than 14 feet may be considered to the satisfaction of the Parks and Recreation Director.
68. **Prior to occupancy**, water supply facilities shall be designed and constructed to the specifications of the Yorba Linda Water District and the City Engineer and dedicated to the Yorba Linda Water District with all incidental fees paid by the applicant.
69. **Prior to occupancy**, sewer facilities shall be designed and constructed to the specifications of the Yorba Linda Water District by the applicant to the satisfaction of the City Engineer and/or the Yorba Linda Water District.
70. **Prior to occupancy**, At the applicant's discretion to install street lights, street lighting shall be installed by the applicant per the equipment and illumination standards of the City and Southern California Edison Company. A street light plan shall be prepared by the applicant and included with the initial submittal of the improvement plans. A 36 month advance energy charge deposit to SCE is required at the time of the street light authorization.

71. **Prior to occupancy**, all slopes greater than three feet in height shall be landscaped.
72. **Prior to paving**, all proposed gas mains and services shall be installed within the proposed streets.
73. **Prior to paving**, all street structural sections shall be submitted to, and approved by the City Engineer. Interim street structural sections that are constructed without the final course shall be sized for the anticipated vehicular loads and duration.
74. **Prior to improvement security release**, all catch basins and public access points that cross or abut an open channel shall be marked with a water quality message in accordance with City Standards.
- Bldg. 75. **Prior to final inspection by the Building Division**, developer shall contact Orange County Fire Authority (OCFA) to request final inspection of on and off-site fire-related improvements. Final site inspection must be requested by contacting Inspection Scheduling OCFA at (714) 744-0567. Developer shall provide proof of compliance with all OCFA conditions of approval to the Building Division **prior to issuance of occupancy certificates and final release of occupancy**.
76. Developer is hereby notified that utility release will be authorized by the Building Official only after the project is determined complete in accordance with the approved plans, and when all other department and agency approvals and conditions have been met.
77. Class A fire-rated roofing material shall be provided for all buildings. In addition, roofing material must be installed to meet high wind velocity (110 mph) and exposure "C" standards.
78. This project shall be subject to applicable school fees, the payment of which shall be documented to the satisfaction of the Building Official **prior to the issuance of building permits**.
79. Applicant shall contact the California Department of Conservation, Division of Oil and Gas and Geothermal Resources (DOGGR) and report findings to the Building Division early on and prior to issuance of a building permit.
80. When project/development is within an area of current or former oil production, applicant shall prepare and submit to the Building Division complete, self-contained professional reports (with conclusive results) addressing oil well abandonment, venting, testing, and agency permits and clearances. Some of the involved agencies are: State Department of Conservation, Division of Oil, Gas and Geothermal Resources

(DOGGR), Orange County Fire Authority (OCFA) and Orange County Health Care Agency (OCHCA). Reports shall be submitted to the Building Division three months before submittal of working drawings for plan check.

81. All structures shall be designed in accordance with seismic requirements for Seismic Zone 4 and wind loading based on a velocity of 110 mph and exposure "C" standards of the latest adopted edition of the California Building Code.
82. Existing structures proposed to be demolished shall be removed to the satisfaction of the Building Official. City Council review and approval is required **prior to issuance of a demolition permit.**
83. Existing septic tanks, drywells, and/or cesspools shall be identified, removed, and filled to the satisfaction of the Building Official **prior to any demolition of structures, grading, or construction of new structures.**
84. All existing oil wells proposed to be abandoned shall be removed, plugged, and capped in conformance with the California Department of Conservation, Division of Oil, Gas and Geothermal Resources, and with Chapter 15.36 of the Municipal Code as enforced by the Building Official.
85. No property line, wall, fence or other permanent structure shall be created or constructed within 10 feet of an abandoned oil well.
86. All walls and fences constructed by the developer at side or rear property lines shall meet the minimum standards for pool enclosures as specified by Chapter 15.32 of the Yorba Linda Municipal Code.
87. Applicant shall satisfy all requirements of the Orange County Fire Authority **prior to issuance of building permits**, or, at the discretion of the Building Official, **prior to final inspection and release of occupancy.** Contact Orange County Fire Authority at (714) 744-0499 for requirements.
88. Development shall comply with the latest adopted California Building Code, California Building Security Code, California Mechanical Code, California Plumbing Code, The National Electrical Code, State Building Standards Title 24, and all other applicable codes.
89. As the subject property is within the DOGGR field boundary, a methane investigation is required, which may require mitigation.

90. All new homes within the project shall include residential fire sprinklers to the satisfaction of the Building Official and OCFA.
- Plng. 91. Design of the final map shall be in substantial conformance to the tentative design as approved by the Planning Commission to the satisfaction of the City Engineer and Community Development Director. Any revisions to the revised tentative map shall be submitted for the review and approval of the Community Development Director prior to recordation of the final map.
92. Pad elevations on the final grading plan cannot deviate more than $\pm$ one foot ($\pm$ 1') from the grades shown on the tentative map as approved by the Planning Commission. Any grade changes greater than the $\pm$ 1-foot shall necessitate the grading plan being submitted for the review and approval of the Community Development Director to determine consistency with the tentative tract map approval prior to the issuance of the grading permit.
93. Developer is responsible for the prewiring of all dwelling units with commercial CATV grade coaxial cable.
94. Developer shall provide the CATV operator access and cooperation for the purpose of laying cable and connecting the CATV system for the purpose of complying with the service requirements of the franchise agreement.
95. A copy of Covenants, Conditions, and Restrictions (CC & R's) and Articles of Incorporation of the Homeowners' Association shall be submitted for review and approval by the City Attorney and Community Development Director prior to recordation. Copies of the final CC & R's and the final map shall be placed on file with the Community Development Director.
96. Street names shall be approved by the Community Development Director **prior to recordation of the final tract map**. Suggested street names and alternatives shall be submitted in writing to the Community Development Director for approval. Phonic similarity with existing street names should be avoided.
97. Air conditioner condenser pads shall be shown on the plot plan, and shall maintain Zoning Code separation requirements from an adjacent dwelling.
98. All roof appurtenances and mechanical equipment, including but not limited to HVAC units, shall be screened from public view and sound

buffered from adjacent properties to the satisfaction of the Community Development Director and Building Official.

99. No equipment shall be located on the sloped, externally visible portion of the roof of the structure.
100. All signs shall be in conformance with Chapter 18.24 (Signs) of the Yorba Linda Zoning Code.
101. The applicant shall pay a Park and Recreation Fee at the established rate for each new dwelling unit within the tract **prior to issuance of a building permit.**
102. All standards and restrictions contained within the Yorba Linda "Guidelines and Specifications for Landscape Development" shall be reflected in landscape plans to the satisfaction of the City Landscape Architect.
103. Street trees 15-gallon size or larger shall be installed. Species, location and planting details shall be approved by the City Landscape Architect.
104. Split-rail fencing 4-feet high, per City standards, shall be installed along equestrian trails to the satisfaction of the City Engineer.
105. Design Review approval shall be accomplished **prior to issuance of building permits.** In accordance with standard procedures of the City for public notification, public notice for the Design Review shall be provided to all property owners within 300 feet of the project site. Additionally, at the time of public notice for the Design Review,
106. The developer shall have the following items on permanent and prominent display in the sales office where applicable:
 - a. A copy of the approved and recorded tract map;
 - b. A copy of the approved Design Review plot plans;
 - c. A copy of the approved landscape architecture plans;
 - d. A copy of the approved residential parking plan;
 - e. A current Yorba Linda General Plan land use map;
 - f. A current Yorba Linda Zoning Map;
 - g. A noise display board including the site plan and noise study
 - h. A map showing private and public equestrian trails;
 - i. A map showing the boundaries of those area to be maintained by the Landscape Maintenance Assessment District;
 - j. A statement regarding estimated partial first tax year and full second year tax levies attributable to special bond issue taxes levied by the Yorba Linda Water District;

- k. A statement regarding estimated partial first tax year and full second year tax levies attributable to the Landscape Maintenance Assessment District;
- l. Fuel modification program maps;
- m. Seismic fault zone information and map describing known fault data;
- n. A statement regarding special fire protection areas due to wildland exposure;
- o. Applicable Codes, Covenants and Restrictions (CC & R's);
- p. Copies (blank) of statements or other disclosures required to be endorsed by the purchaser of a lot or home within tract as required by the City of Yorba Linda;
- q. A statement regarding limitation of vehicular access rights due to dedications to the City;
- r. A statement regarding the requirement to construct landscape planting and irrigation and permanently maintain landscape development in the required front yard setback area; and,
- s. A statement regarding current Zoning Ordinance limitations on parking of vehicles in front yard area;
- t. A statement advising homeowners to contact the Yorba Linda Community Development Department prior to any additional on-site construction, i.e., pools, patios, fences, retaining walls, storage or utility structures, air conditioning or solar installations, etc.
- u. A statement regarding any irrevocable offers of dedication of equestrian trail easements;
- v. A map of all existing and abandoned oil wells on and within 500 feet of the project site; and,

107. The developer is required to obtain and submit to the Building Division **prior to finaling of building permits** the following signed statement by the purchasers of homes within the tract disclosing that the subject property and surrounding area is zoned to allow equestrian use, there are existing equestrian and other agricultural uses on neighboring residential properties, and there is a public equestrian trail on portions of or adjacent to the subject property:

"In purchasing property described as *[insert lot and tract number]*, on *[insert date]*, I/we have read the Covenants, Conditions and Restrictions and understand that said tract is subject to a mutual reciprocal easement for the purpose of allowing equestrian traffic and maintenance vehicles to gain access, the subject property and surrounding area is zoned to allow equestrian/agricultural/pastoral use, and there are existing equestrian and other agricultural uses on neighboring residential properties adjacent to the subject

tract.

Signed: [Purchaser]
Name: " _____"

108. The developer is required to obtain and submit to the Building Division **prior to finaling of building permits** the following signed statement by the purchasers of properties within 50 feet of an abandoned oil well:

"In purchasing property described as *[insert lot and tract number]*, on *[insert date]*, I/we understand that said lot contains or is located within 50 feet of an abandoned oil well and that no permanent wall or structure may be constructed within a 10-foot radius of the extended shaft line of said well.

Signed: [Purchaser]
Name: " _____"

109. The developer shall confirm compliance with disclosure-related conditions of approval in writing to the Community Development Director **prior to opening of the sales office**.
110. The CC & Rs for Tentative Tract Map 17928 shall not restrict the keeping of equine and cleft-hoofed animals, except for those restrictions contained in Chapter 18.16 of the Yorba Linda Zoning Code.
111. Developer is encouraged to offer a hot water recirculating system in all new residential subdivisions as an option to any buyer purchasing a home **prior to construction**.
112. Mailboxes shall be designed, installed and located by the developer to the satisfaction of the Community Development Director.
113. Pre-cast fireplaces shall not be allowed on exterior walls.
114. Trails shall be plotted on the final tract map, landscape architecture plans, grading plan, and Design Review site plan.
115. The cover sheet of the building construction drawings shall include a blue line print of the City's conditions of approval and shall be attached to each set of plans submitted for City approval.
116. **Prior to removal of any existing property line fencing**, applicant shall coordinate with the adjoining property owners to secure pets and

ensure that temporary pool-safe barriers are erected, as applicable, in accordance with the requirements of the Building Division to the satisfaction of the Community Development Director.

117. Approval of this request shall not excuse compliance with all other applicable City ordinances and development standards in effect at this time.
118. Any approved technical drawings and/or specifications that will be changed, altered, or in any other way affected as a result of the City Council approval of this project shall be revised and resubmitted for review and approval by the applicable City department.
119. The applicant shall agree and consent in writing within 60 days to the conditions of approval as adopted by the City Council.
120. The applicant shall comply with the procedures as established by the City to implement monitoring and reporting programs, for mitigation measures required as conditions of the project in order to avoid significant effects on the environment as required by AB 3180. The actual method of monitoring shall be determined by the City **prior to issuance of building permits**.
121. The approval of Tentative Tract Map 17928 is granted for two (2) years from the date of approval by the Planning Commission, and shall become null and void upon expiration of said two year period, unless building permits have been issued or a time extension is requested in writing **prior to that date**.

Special Conditions:

- PIng.
122. Tentative Tract Map 17928 is for a twelve (12) single-family residential lot subdivision community. Any modification to the tentative map shall require subsequent approval of a revised tentative map as determined by the Community Development Director.
 123. Design Review approval shall be accomplished **prior to issuance of building permits**. In accordance with standard procedures of the City for public notification, public notice for the Design Review shall be provided to all property owners within 300 feet of the project site. Additionally, at the time of public notice for the Design Review, the applicant shall provide "story poles" to represent the proposed location, mass, and height of the planned residence on each to the lots subject to design review.

124. Where feasible, a six foot (6') high decorative tract perimeter wall shall be installed by the developer. The design and location of said wall shall be approved in conjunction with the Design Review submittal for the proposed new homes.
125. The developer shall fully disclose in writing to the purchaser at the time of entering escrow those requirements and obligations remaining outstanding or otherwise incomplete, including (but not limited to) streets, utilities, drainage, grading, walls, landscape planting and irrigation, and structure. Such written disclosure shall be limited to those subjects covered by these conditions of approval.
126. The gating of access to the proposed project is not granted as a part of this approval. Any future proposal to provide gated access shall require subsequent review and approval of a conditional use permit by the Planning Commission, and shall be to the satisfaction of the City Traffic Engineer and the Orange County Fire Authority.
127. All standard conditions, design features and mitigation measures described within the Mitigated Negative Declaration prepared for Tentative Tract Map 17928 are incorporated herein by reference, and shall apply to Tentative Tract Map 17928 to the satisfaction of the Community Development Director.
128. The applicant shall defend, indemnify, and hold harmless the City of Yorba Linda, its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the subject application by the City, its legislative body, advisory agencies or administrative officers. The City will promptly notify the applicant of any such claim, action or proceeding against the City and the applicant will either undertake defense of the matter and pay the City's associated legal costs, or will advance funds to pay for defense of the matter by the City Attorney.
129. The developer shall offer a fair mutual maintenance agreement regarding the portion of Eureka Avenue just north of Blair Drive, between the property owner(s) for Lot(s) 1-9 of Tract Map 13847, and other property owners taking access off of Eureka Avenue north of Blair Drive, to the satisfaction of the City Attorney and City Engineer **prior to recordation of the final tract map**. Failure of property owners of property not a part of this tentative map to enter into said mutual maintenance agreement shall not be construed as grounds for the voiding of this map.
130. The developer accepts the approval of Tentative Tract Map 17928 with the understanding that the City of Yorba Linda is opposed to the land

based financing of any and all public facilities or development fees required by the City or any other public agency. The developer therefore agrees that it shall not pursue with the City or any other public agency the creation of a community facilities district or any other land based financing for public facilities or development fees in connection with this project. The developer represents that it will inform any successor developer of developer's understanding of the City's prohibition and developer's agreement not to pursue such public financing. As with all the conditions of approval contained herein, this condition shall apply to developer and its successors and assigns.

131. Applicant shall provide to the Planning Division, **prior to issuance of building permits**, an electronic copy of the final plans approved by the Planning Commission. The copy shall be provided on a CD-ROM in ".pdf" format.
132. All tubular steel fencing within Tentative Tract Map 17928 shall be designed to prevent rust and provide the greatest degree of longevity and durability feasible to the satisfaction of the Community Development Director.
133. As an infill development site, construction will be occurring within a noise-sensitive environment. In accordance with Municipal Code requirements, any construction or maintenance activity on real property which may disturb the peace and comfort of the inhabitants of the neighborhood or comfortable enjoyment of life and property is prohibited between the hours of 8:00 PM and 7:00 AM on weekdays and 5:00 PM and 8:00 AM on Saturday, or any time on Sunday or a federal holiday, unless said work is of an emergency nature or a prior permit has been obtained from the Community Development Director. Applicant shall rigorously adhere to this Municipal Code requirement during the construction phases of the project to the satisfaction of the Community Development Director.
134. As a means of ensuring that construction related impacts to surrounding neighboring residential uses is minimized to the greatest extent feasible, applicant shall prepare a Construction Management Plan for review and approval by the Community Development Director prior to issuance of building permits. Plan shall include, but not be limited to, provisions for mitigating noise and dust impacts to neighboring properties during construction, coordination of common boundary work, securing of pools and pets, etc.
135. Prior to issuance of approval for site common area lighting (i.e., street lighting), applicant shall submit a lighting plan to the Community Development Director for review and approval. Lighting fixtures shall be designed and located such that light disturbance will not be imposed on

neighboring residential properties. Photometric levels at residential property lines shall not exceed 0.2 footcandle.

136. The equestrian/multipurpose trails shall be constructed by the applicant per the Tentative Tract Map. The trail shall be constructed per City of Yorba Linda Landscape Development Standard Detail 202. Where possible, a Plastic Equestrian Fence shall be constructed on both sides of the trail per Standard Detail 204a, to the satisfaction of the City Engineer.
- YLWD 137. The proposed project shall require connection to the District's water system when the lot is developed or subdivided.
138. The Developer shall be required to connect to existing District owned water facilities in a manner acceptable to the District. Developer shall contact the District to initiate an application to construct the required connection(s). The project shall be subject to the requirements specified in the following "Facility Construction Requirements" section.
139. Developer shall construct an extension of the District's existing water main to serve the proposed site. Said extension shall be constructed in accordance with the District's standard drawings and specifications.
140. Developer must make an application with the District for water service. Terms and Conditions shall be established and approved by the District's Board of Directors.
141. The proposed project shall require connection to the District's sewer system when the lot is developed or subdivided.
142. The Developer shall be required to modify or connect to existing District owned sewer facilities in a manner acceptable to the District. Developer shall contact the District to initiate an application to construct the required modifications/connections. The project shall be subject to the requirements specified in the following "Facility Construction Requirements" section.
143. Developer shall construct an extension of the District's existing sewer main to serve the proposed site. Said extension shall front the project site in its entirety and be constructed in accordance with the District's standard drawings and specifications.
144. Developer must make an application with the District for sewer service. Terms and Conditions shall be established and approved by the District's Board of Directors.

OCFA 145. Plan Submittal: The applicant or responsible party shall submit the plan(s) listed below to the Orange County Fire Authority for review. Approval shall be obtained on each plan prior to the event specified.

Prior to issuance of a grading permit:

- Methane investigation/mitigation (PR170-PR176)
- fire master plan (service code PR145)

Prior to issuance of a building permit:

- fire sprinkler system (service code PR400)

Specific submittal requirements may vary from those listed above depending on actual project conditions identified or present during design development, review, construction, inspection, or occupancy. Standard notes, guidelines, submittal instructions, and other information related to plans reviewed by the OCFA may be found by visiting www.ocfa.org and clicking on "Planning & Development."

-The End-