



**Attachment 2**  
**Conditions of Approval**  
**PA170040**

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**1** **BASIC/ZONING REGULATIONS** **PA170040**

This approval constitutes approval of the proposed project only to the extent that the project complies with the Orange County Zoning Code and any other applicable zoning regulations. Approval does not include any action or finding as to compliance or approval of the project regarding any other applicable ordinance, regulation or requirement.

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**2** **BASIC/TIME LIMIT** **PA170040**

This approval is valid for a period of 36 months from the date of final determination. If the use approved by this action is not established within such period of time, this approval shall be terminated and shall thereafter be null and void. **However, the time limit in this condition shall not apply if the applicant has secured a statutory (e.g., Development Agreement) or common law vested right to proceed with the project.**

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**3** **BASIC/PRECISE PLAN** **PA170040**

Except as otherwise provided herein, this permit is approved as a precise plan. If the applicant proposes changes regarding the location or alteration of any use or structure, the applicant shall submit a changed plan to the Director, OC Planning, for approval. If the Director, OC Planning, determines that the proposed change complies with the provisions and the spirit and intent of the original approval action, and that the action would have been the same for the changed plan as for the approved plot plan, he may approve the changed plan without requiring a new public hearing.

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**4** **BASIC/COMPLIANCE** **PA170040**

Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Orange County Zoning Administrator.

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**5** **INDEMNIFICATION** **PA170040**

Applicant shall, at its own expense, defend, indemnify and hold harmless the County of Orange, its officers, agents and employees from any claim, action or proceeding against the County, its officers, agents or employees to attack, set aside, void, or annul any approval of the application or related decision, or the adoption of any environmental documents, findings or other environmental determination, by the County of Orange, its Board of Supervisors, Planning Commission, Zoning Administrator, Subdivision Committee, Director of OC Public Works, or Deputy Director of OC Development Services concerning this application. The County may, at its sole discretion, participate in the defense of any action, at the applicant's expense, but such participation shall not relieve applicant of his/her obligations under this condition. Applicant shall reimburse the County for any court costs and attorney's fees that the County may be required to pay as a result of such action. If litigation is filed challenging the Project, the County may, at its sole discretion, require the Applicant to post a bond, enter

into an escrow agreement, obtain an irrevocable letter of credit from a qualified financial institution, or provide other security, to the satisfaction of the County, in anticipation of litigation and possible attorney's fee awards.

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6 **BASIC/APPEAL EXACTIONS** **PA170040**

Pursuant to Government Code Section 66020, the applicant is hereby informed that the 90-day approval period in which the applicant may protest the fees, dedications, reservations or other exactions imposed on this project through the conditions of approval has begun.

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7 **EFFECTIVE DATE** **PA170040**

Prior to the issuance of any grading permit, the North Tustin Specific Plan Amendment and Development Agreement approved as a component of PA170040 shall be in full force and effect.

8 **ADDENDUM TO FINAL EIR NO. 607** **PA170040**

The following Mitigation Measures, Project Design Features and Standard Conditions, identified by Addendum to Final EIR No. 607, shall be applicable to the Amended Project:

**MITIGATION MEASURES**

**MM 6-1** Prior to issuance of grading permits, the construction contractor shall demonstrate to the County of Orange Manager, Building Services, that the construction contractor shall utilize off-road construction equipment that conforms to Tier 3 of the United States Environmental Protection Agency, or higher emissions standards. Prior to construction, the construction contractor shall be made aware of this requirement prior to the start of construction activities. Use of Tier 3 or higher off-road construction equipment shall be stated on all grading plans. The construction contractor shall maintain a list of all operating equipment in use on the Project site. The construction equipment list shall state the makes, models, and numbers of construction equipment onsite.

**MM 6-2** Prior to issuance of grading permits, the construction contractor shall demonstrate to the County of Orange Manager, Building Services, that all construction equipment has been maintained and tuned. During the construction period, the construction contractor shall properly maintain and tune all construction equipment to minimize noise emissions.

**MM 6-3** Prior to issuance of grading permits, the construction contractor shall demonstrate to the County of Orange Manager, Building Services, that during the construction period, the construction contractor shall apply nontoxic chemical soil stabilizers to reduce wind erosion on all disturbed areas and exposed ground surfaces.

**MM 6-4** Prior to issuance of grading permits, the construction contractor shall demonstrate to the County of Orange Manager, Building Services, that during the construction period, the construction contractor shall water exposed ground surfaces and disturbed areas a minimum of every three hours on the construction site and a minimum of three times per day during all construction activities.

**MM 6-5** Prior to issuance of grading permits, the construction contractor shall demonstrate to the County of Orange Manager, Building Services, that during the construction period, the construction contractor shall ensure that a minimum 24-inch freeboard on trucks hauling dirt, sand, soil, or other loose materials is maintained and/or tarp materials with a fabric cover or other suitable means.

**MM 7-1** Prior to the approval of final building plans, the applicant shall demonstrate that the interior noise levels in habitable rooms shall not exceed 45 dBA CNEL, as defined by Title 24, Part 2, of the California Building Code through installation of Sound Transmission Class (STC) windows and doors, with an STC-rating of 25 (STC-25), on windows and/or doors for the eastern façade of the main senior living community building facing Newport Avenue.

**MM 7-2** Prior to issuance of grading permits, the construction contractor shall demonstrate to the County of Orange Manager, Building Services, that the construction contractor shall not operate jackhammers, loaded trucks, and large off-road construction equipment that generate equivalent levels of vibration as a large dozer as based on the Federal Transit Administration's Transit Noise and Vibration Impact Assessment study (2006), within 15 feet of the western boundary line and within 10 feet of the southern boundary line of the Project in order to minimize vibration impacts from construction to nearby vibration sensitive structures.

**MM 7-3** Prior to issuance of grading permits, the construction contractor shall demonstrate to the County of Orange Manager, Building Services, that, all construction equipment has been maintained and tuned. During the construction period, the construction contractor shall properly maintain and tune all construction equipment to minimize noise emissions.

**MM 7-4** Prior to issuance of grading permits, the construction contractor shall demonstrate to the County of Orange Manager, Building Services, that all equipment has been fitted with air intake silencers and engine shrouds no less effective than as originally equipped by the manufacturer to minimize noise emissions.

**MM 7-5** Prior to issuance of grading permits, the construction contractor shall demonstrate to the County of Orange Manager, Building Services, that the construction contractor shall locate all stationary noise sources (e.g., generators, compressors, staging areas) as far from noise-sensitive receptors (property line) as is feasible.

**MM 7-6** Prior to the issuance of grading permits, Project Applicant shall contract with a certified acoustical engineer to oversee the installation of sound blankets at the boundaries of the Project site. The construction contractor shall install, under the direction of the certified acoustical engineer, temporary sound blankets a minimum of eight feet tall with a Sound Transmission Class (STC) rating of 18 or higher at the northern, southern, and western boundary of the Project site prior to grading activities and shall be maintained until the completion of the exterior of the main community building. Sound blankets would reduce noise by 5 to 8 dBA (FHWA 2006). If a masonry block wall with a minimum height of six feet is erected along the northern, southern, and western boundary of the Project site, the sound blankets at each corresponding side may be removed once the walls are fully constructed.

**MM 7-7** Prior to issuance of grading permits, the construction contractor shall demonstrate to the County of Orange Manager, Building Services, that during the construction period, material delivery, soil haul trucks, and equipment servicing shall be restricted to the hours of 7:00 AM to 8:00 PM as set forth in the Codified Ordinances of the County of Orange, Title 4, Division 6, Noise Control, Article 1, Section 4-6-7.

**MM 9-1** Prior to the issuance of a grading permit, construction plans shall be evaluated by the County of Orange to determine if there will be ground disturbance greater than six feet below the surface. If earthmoving is shallower than six feet, no mitigation is required. If earthmoving is greater than six feet, then MM 9-2 applies.

**MM 9-2** Prior to the issuance of any grading permit for ground disturbance greater than six feet below the surface, the applicant shall provide written evidence to the County of Orange Manager, Building Services, that applicant has retained a County-certified archaeologist, to observe grading activities greater than six feet in depth and salvage and catalogue archaeological resources as necessary. The archaeologist shall be present at the pre-grade conference, shall establish procedures for archaeological resource surveillance, and shall establish, in cooperation with the applicant, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts as appropriate. If the archaeological resources are found to be significant, the archaeological observer shall determine appropriate actions, in cooperation with the project applicant, for exploration and/or salvage. Prior to the release of the grading bond the applicant shall obtain approval of the archaeologist's follow-up report from the Manager of OC Parks in consultation with Manager, Building Services. The report shall include the period of inspection, an analysis of any artifacts found and the present repository of the artifacts. Applicant shall prepare excavated material to the point of identification. Applicant shall offer excavated finds for curatorial purposes to the County of Orange, or its designee, on a first refusal basis. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager of OC Parks in consultation with Manager, Building Services. Applicant shall pay curatorial fees if an applicable fee program has been adopted by the Board of Supervisors, and such fee program is in effect at the time of presentation of the materials to the County

of Orange or its designee, all in a manner meeting the approval of the Manager of OC Parks in consultation with Manager, Building Services.

**MM 9-3** Prior to the issuance of any grading permit for ground disturbance greater than six feet below the surface, the project applicant shall provide written evidence to the County of Orange Manager, Building Services, that applicant has retained a County certified paleontologist to observe grading activities greater than six feet in depth and salvage and catalogue fossils as necessary. The paleontologist shall be present at the pre-grade conference, shall establish procedures for paleontological resource surveillance, and shall establish, in cooperation with the applicant, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of the fossils. If the paleontological resources are found to be significant, the paleontologist shall determine appropriate actions, in cooperation with the applicant, which ensure proper exploration and/or salvage. Prior to the release of the grading bond the applicant shall submit the paleontologist's follow up report for approval by the Manager of OC Parks in consultation with Manager, Building Services. The report shall include the period of inspection, a catalogue and analysis of the fossils found, and the present repository of the fossils. Applicant shall prepare excavated material to the point of identification. The applicant shall offer excavated finds for curatorial purposes to the County of Orange, or its designee, on a first refusal basis. These actions, as well as final mitigation and disposition of the resources, shall be subject to approval by OC Parks. Applicant shall pay curatorial fees if an applicable fee program has been adopted by the Board of Supervisors, and such fee program is in effect at the time of presentation of the materials to the County of Orange or its designee, all in a manner meeting the approval of the Manager of OC Parks in consultation with Manager, Building Services.

**MM 11-1** Prior to issuance of grading permits, the construction contractor shall demonstrate to the County of Orange Manager, Building Services, that the removal of the one aboveground storage tank (ASTs) from the project site shall be completed in accordance with the current regulatory guidelines prior to residential development.

**MM 11-2** Prior to issuance of grading permits, the construction contractor shall demonstrate to the County of Orange Manager, Building Services, that the stained soil beneath the tractor and any additional contaminated soil, to the extent discovered through site investigation required by the Phase 1 ESA, shall be separated and, as necessary, remediated during site grading and disposed of in accordance with current regulatory guidelines.

#### **PROJECT DESIGN FEATURES**

**PDF 3-1** The proposed project includes an onsite detention facility (or facilities) with a minimum storage capacity of 0.51 acre-feet that would retain excess stormwater runoff before it exits the site through the 18-inch reinforced concrete pipe.

**PDF 5-1** The senior citizen residential community shall provide a free shuttle service to transport residents to scheduled medical appointments, grocery, pharmacy, department stores and restaurants within a 20-mile radius.

**PDF 5-2** The senior citizen community would function on a credit system, where residents would charge food or sundry items to their accounts. Any ancillary services provided for the convenience of residents would only be accessible to and utilized by project residents. All ancillary uses would be located past the front desk and would function on a credit system thus minimizing cash transactions.

**PDF 5-3** To ensure adequate access and egress to the Project Site, "STOP" signs and stop bars will be installed at each Project driveway along Newport Avenue.

**PDF 7-1** Incorporate sound walls and berming with landscape screening along Newport Avenue.

**PDF 7-2** The property owner shall restrict deliveries to two food truck deliveries per week between 7:00 AM to 5:00 PM Mondays through Fridays; and 9:00 AM to 5:00 PM Saturdays, Sundays and holidays. Trash pick-ups shall be limited to 7:00 AM to 5:00 PM Mondays through Fridays.

**PDF 7-3** The property owner of the proposed Project shall prohibit exterior alarms on the building except as required by the Orange County Fire Authority.

**PDF 7-4** (deleted) same as language in PDF 8-3.

**PDF 8-1** Provide only one-story structures with a maximum building height (top of roof) of 20 feet. Architectural appurtenances may reach up to 28 feet in height.

**PDF 8-3** Incorporate main building setbacks that are not less than 73 feet from the property line along Newport Avenue, 43 feet to the north, and 55 feet to the south. Incorporate rear building setbacks not less than 26 feet to the north, 26 feet to the south, and 35 feet to the west.

**PDF 8-4** Applicant shall install 8-foot high evergreen trees and landscaping along the Project's northern and southern boundaries as extensive landscape buffers **upon completion of grading, and prior to issuance of any building permits**

**PDF 12-2** All electrically operated gates and access doors shall install emergency opening devices.

**PDF 12-1** The Project will be designed to meet the requirements of the California Fire Code related to automatic sprinkler systems, supervised fire alarm systems, access to and around structures, turning radius and access for large fire department vehicles, and water supply systems to fire hydrants and fire sprinkler systems.

**PDF 12-2** All electrically operated gates and access doors shall install emergency opening devices as approved by the Orange County Fire Authority.

**PDF 12-3** Prior to issuance of the first building permit for the project, the project applicant or successor in interest shall enter into a Secured Fire Protection Agreement with the Orange County Fire Authority for payment of fees which will fund capital improvements necessary to establish adequate fire protection facilities, equipment, and/or personnel as determined by OCFA.

**PDF 12-4** The project applicant shall comply with all applicable OCFA codes, ordinances, and standard conditions regarding fire prevention and suppression measures, relating to water improvement plans, fire hydrants, automatic fire extinguishing systems, fire access, access gates, combustible construction, water availability, fire sprinkler system, etc.

#### **STANDARD CONDITIONS**

**SC-A04 Archaeology Grading Observation and Salvage.** Prior to the issuance of any grading permit, the applicant shall provide written evidence to the Manager, Subdivision and Grading, that applicant has retained a County-certified archaeologist, to observe grading activities and salvage and catalogue archaeological resources as necessary.

**SC-A07 Paleontology Resource Surveillance.** Prior to the issuance of any grading permit, the project applicant shall provide written evidence to the Manager, Subdivision and Grading, that applicant has retained a County certified paleontologist to observe grading activities and salvage and catalogue fossils as necessary.

**SC-G01 Geology Reports.** Prior to the issuance of a grading permit, the applicant shall submit a geotechnical report to the Manager, Subdivision and Grading, for approval. The report shall include the information and be in the form as required by the Grading Manual.

**SC-G02 Grading Deviation.** Prior to the issuance of any grading permits, if the applicant submits a grading plan which the Manager, Subdivision and Grading, determines to show a significant deviation from the grading shown on the approved Site Development Permit, specifically with regard to slope heights, slope ratios, pad elevations or pad configuration, the Planning Director shall review the plan for a finding of substantial conformance. If the Director fails to make such a finding, the applicant shall process a revised Site Development Permit per Orange County Zoning Code Sections 7-9-139 and 7-9-150. Additionally, the Director may require applicant shall to prepare and process a revised environmental assessment for determination by the decisionmaking entity.

**SC- G04 Offsite and Cross-Lot Grading/Drainage.** Prior to the issuance of any grading permit, if determined necessary by the Manager, Subdivision and Grading, the applicant shall record a letter of

consent from the affected property owners permitting offsite grading, cross-lot drainage, drainage diversions, and/or unnatural concentrations. The applicant shall obtain approval of the form of the letter of consent from the Manager, Subdivision and Grading Services, before recordation of the letter.

**SC-G05 Vector Control Measures.** Prior to the issuance of any preliminary grading permits, the applicant shall provide evidence to the Manager, Subdivision and Grading, that the Vector Control District has surveyed the site to determine if vector control measures are necessary. If the District determines measures are warranted, the applicant shall conduct such measures in a manner meeting the approval of the Manager, Subdivision and Grading.

**SC-G09 Grading Consistency.** Prior to the issuance of any grading permit or revisions thereto, the Manager, Current Planning, shall determine that the proposed grading is consistent with the grading depicted within this approved planning application.

**SC-LG01 Light and Glare.** Prior to issuance of any building permit, the applicant shall demonstrate that all exterior lighting has been designed and located so that all direct rays are confined to the property in a manner meeting the approval of the Manager, Building Permit Services.

**SC-WQ01 Water Quality Management Plan.** Prior to the issuance of any grading or building permits, the applicant shall submit for review and approval by the Manager, Inspection Services Division, a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to control predictable pollutant runoff. This WQMP shall identify, at a minimum, the routine structural and non-structural measures specified in the current Drainage Area Management Plan (DAMP). The WQMP must also address Site Design BMPs (as applicable) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or zero discharge areas, and conserving natural areas; Incorporate applicable Routine Source Control BMPs as defined in the DAMP; Include an Operation and Maintenance (O&M) Plan that identifies the mechanism(s) by which long-term O&M of all structural BMPs will be provided.

**SC-WQ02 WQMP for Priority Projects.** Prior to the issuance of any grading or building permits, the applicant shall include in the WQMP the following additional Priority Project information in a manner meeting the approval of the Manager, Inspection Services Division: include post-construction Treatment Control BMP(s) as defined in the DAMP; for applicants relying on Regional Treatment Controls, discuss applicable regional water quality and/or watershed program; include a Operation and Maintenance (O&M) Plan that (1) describes the long-term operation and maintenance requirements for post-construction Treatment Control BMP(s); (2) identifies the entity that will be responsible for long-term operation and maintenance of the referenced Treatment Control BMP(s); and (3) describes the mechanism for funding the long-term operation and maintenance of the referenced Treatment Control BMP(s).



**SC-WQ03 Compliance with the WQMP.** Prior to the issuance of a certificate of use and occupancy, the applicant shall demonstrate compliance with the WQMP in a manner meeting the satisfaction of the Manager, Inspection Services Division, including: Demonstrate that all structural Best Management Practices (BMPs) described in the project’s WQMP have been implemented, constructed and installed in conformance with approved plans and specifications; Demonstrate that the applicant has complied with all non-structural BMPs described in the project’s WQMP; Submit for review and approval an Operations and Maintenance (O&M) Plan for all structural BMPs for attachment to the WQMP; Demonstrate that copies of the projects approved WQMP (with attached O&M Plan) are available for each of the incoming occupants; Agree to pay for a Special Investigation from the County of Orange for a date (12) twelve months after the issuance of a Certificate of Use and Occupancy for the project to verify compliance with the approved WQMP and O&M Plan; and Demonstrate that the applicant has agreed to and recorded one of the following: 1) the CC&Rs (that must include the approved WQMP and O&M Plan) for the project Home Owner’s Association; 2) a water quality implementation agreement that has the approved WQMP and O&M Plan attached; or 3) the final approved Water Quality Management Plan (WQMP) and Operations and Maintenance (O&M) Plan.

**SC-WQ04 Stormwater Pollution Prevention Plan.** Prior to the issuance of any grading or building permits, the applicant shall demonstrate compliance under California’s General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing in a manner meeting the satisfaction of the Manager, Building Permit Services. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for County review on request.

**SC-WQ05 Erosion and Sediment Control Plan.** Prior to the issuance of any grading or building permit, the applicant shall submit an Erosion and Sediment Control Plan (ESCP) in a manner meeting approval of the Manager, Building Permit Services, to demonstrate compliance with local and state water quality regulations for grading and construction activities. The ESCP shall identify how all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored, and secured to prevent transport into local drainages or coastal waters by wind, rain, tracking, tidal erosion or dispersion. The ESCP shall also describe how the applicant will ensure that all BMP’s will be maintained during construction of any future public right-of-ways. A copy of the current ESCP shall be kept at the project site and be available for County review on request.

**SC-WQ07 Drainage Facilities.** Prior to issuance of grading or building permits, drainage studies that demonstrate the following shall be submitted to and approved by Manager, Subdivision & Grading:

1. All surface runoff and subsurface drainage directed to the nearest acceptable drainage facility, via sump pumps if necessary, as determined by the Manager, Subdivision & Grading.

2. Drainage facilities discharging onto adjacent property shall be designed to imitate the manner in which runoff is currently produced from the site and in a manner meeting the satisfaction of the Manager, Building Permit Services. Alternatively, the project applicant may obtain a drainage acceptance and maintenance agreement, suitable for recordation, from the owner of said adjacent property. All drainage facilities must be consistent with the County of Orange Grading Ordinance and Drainage Manual.

**SC-N01 Residential Noise.** The applicant shall sound attenuate all residential lots and dwellings against present and projected noise (which shall be the sum of all noise impacting the project) so that the composite interior standard of 45 dBA CNEL for habitable rooms and a source-specific exterior standard of 65.dBA CNEL for outdoor living areas is not exceeded. The applicant shall provide a report prepared by a County-certified acoustical consultant, which demonstrates that these standards will be satisfied in a manner consistent with Zoning Code Section 7-9-137.5, as follows:

- Prior to the recordation of a subdivision map or prior to the issuance of grading permits, as determined by the Manager, Building Permits Services, the applicant shall submit an acoustical analysis report to the Manager, Building Permits Services, for approval. The report shall describe in detail the exterior noise environment and preliminary mitigation measures. Acoustical design features to achieve interior noise standards may be included in the report, in which case it may also satisfy "B" below.
- Prior to the issuance of any building permits for residential construction, the applicant shall submit an acoustical analysis report describing the acoustical design features of the structures required to satisfy the exterior and interior noise standards to the Manager, Building Permits Services, for approval along with satisfactory evidence which indicates that the sound attenuation measures specified in the approved acoustical report have been incorporated into the design of the project.
- Prior to the issuance of any building permits, the applicant shall show all freestanding acoustical barriers on the project's plot plan illustrating height, location, and construction in a manner meeting the approval of the Manager, Building Permits Services.

**SC-N03 Construction Noise.** Prior to the issuance of any grading permits, the project proponent shall produce evidence acceptable to the Manager, Building Permit Services, that:

- All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with properly operating and maintained mufflers.
- All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).
- Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.

**SC-FPR01 Fire Hydrants.**

A. Prior to the issuance of any grading permits or the issuance of a building permit, or as determined by the Fire Chief, the applicant shall submit a fire hydrant location plan to the Fire Chief for review and approval.

B. Prior to the issuance of a building permit, the applicant shall submit evidence of the on-site fire hydrant system to the Fire Chief and indicate whether it is public or private. If the system is private, it shall be reviewed and approved by the Fire Chief prior to building permit issuance, and the applicant shall make provisions for the repair and maintenance of the system in a manner meeting the approval of the Fire Chief.

C. Prior to the issuance of any certificate of use and occupancy, all fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the Fire Chief, and must be maintained in good condition by the property owner.

**SC-FPR02 Water Availability.** Prior to the the issuance of any grading permits, the applicant shall provide evidence of adequate fire flow. The "Orange County Fire Authority Water Availability for Fire Protection" form shall be signed by the applicable water district and submitted to the Fire Chief for approval. If sufficient water to meet fire flow requirements is not available an automatic fire extinguishing system may be required in each structure affected.

**SC-FPR03 Automatic Fire Sprinkler Systems.**

A. All residential structures exceeding 5,500 square feet (per amendment) and all structures exceeding fire department access requirements shall be protected by an automatic fire sprinkler system in a manner meeting the approval of the Fire Chief.

B. Prior to the issuance of a building permit, the applicant shall submit plans for any required automatic fire sprinkler system in any structure to the Fire Chief for review and approval.

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

**SC-FPR04 Fire Access Roads.**

A. Prior to the issuance of any grading permits or the issuance of a building permit, whichever occurs first, the applicant shall obtain approval of the Fire Chief for all fire protection access roads to within 150 feet of all portions of the exterior of every structure on site.

B. Prior to the issuance of a precise grading permit or building permit, the applicant shall submit and obtain approval of the Fire Chief and the Manager, Subdivision and Grading Services, of plans for all public or private access roads, streets and courts. The plans shall include plan and sectional views and indicate the grade and width of the access road measured flow-line to flow-line. When a dead-end street exceeds 150 feet or when otherwise required, a clearly marked fire apparatus access turnaround must be provided and approved by the Fire Chief. Applicable CC&Rs or other approved documents shall contain provisions which prohibit obstructions such as speed bumps/humps, control gates or other modifications within said easement or access road unless prior approval of the Fire Chief is granted.

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

**SC-FPR05 Fire Lane Marking.**

A. Prior to the issuance of any grading or building permits, the applicant shall submit plans and obtain approval from the Fire Chief for fire lanes on required fire access roads less than 36 feet in width. The plans shall indicate the locations of red curbs and signage and include a detail of the proposed signage including the height, stroke and colors of the lettering and its contrasting background.

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

**SC-FPR06 Traffic Signal Preemption Devices.** Prior to the issuance of a building permit or as determined by the Fire Chief in consultation with the Manager, Subdivision and Grading Services, 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.

**SC-FPR09 Access Gates.** Prior to the issuance of any grading permits, the applicant shall obtain the approval from the Fire Chief for the construction of any gate across required fire department access roads.

**SC-FPR10 Secured Fire Protection Agreement.** Prior to the issuance of a building permit, the applicant shall enter into a Secured Fire Protection Agreement with the Orange County Fire Authority.

**Use Permit PA170040 Operational Characteristics.** The Clearwater at North Tustin shall operate consistent with the limitations proposed by the applicant and listed below:

- Hours of Operations - The community is operational 7 days a week, 24 hours a day. Normal business hours are 8 am to 5 pm Monday through Sunday.
- Trash / Trash Service - Hours for trash pick-ups will be limited to 7:00 am to 5:00 pm and will be stored within an enclosed structure until pick-up.
- Deliveries / Loading - Deliveries will be limited to two (2) food truck deliveries per week between 7:00 am to 5:00 pm Mondays through Fridays; and 9:00 am to 5:00 pm Saturdays, Sundays and Holidays.
- The controlled access gates at the drive aisles of the project site will be in a closed position during night time hours to ensure that delivery trucks are restricted to access for unloading during daytime hours only.
- Parking / Restricted Access – Guests will be required to park in the lot at front of the project site while staff will park in the rear parking area, which has controlled access.

- A. During all grading and construction activities, the applicant shall use reasonable care and diligence to protect in place all existing property walls and fences separating the project site from adjacent residential properties, consistent with California Civil Code 1714 and 832.
- B. If in the course of grading or construction activities, an adjacent off-site wall or fence becomes damaged, the applicant shall be responsible to repair the wall or fence to its pre-construction condition, or if repair is deemed infeasible by the applicant, to replace the wall or fence in kind at the applicant's expense.
- C. Prior to the start of grading activities, the applicant shall be responsible for documenting the condition of all existing property walls and fences located on adjacent residential properties using appropriate means and methods (e.g., photography, video, or engineer's assessment, etc.). Off-site property owners who desire to benefit from the repair or replacement of damaged walls/fences under this Condition must cooperate with the inspection and documentation process. A copy of the inspection results shall be made available to the homeowner and provided to Development Services/Planning. If wall repair or replacement is required, off-site property owners who desire to benefit from this Condition must also cooperate with the installation and construction process, including providing the applicant's contractor with physical access to the affected area.
- D. If during the documentation of the pre-construction condition of walls and fences it is determined that any such wall that also serves as pool safety fencing is found to be less than five (5) feet in height (as measured from grade on the applicant's side of the wall) due to the accumulation and accretion of soil on the applicant's property, the applicant has the option of either adjusting grades or adding height to the wall in order to achieve the required five (5) feet of pool safety fencing.