

PLANNING COMMISSION RESOLUTION NO. 16-3551

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRVINE, CALIFORNIA, APPROVING VESTING TENTATIVE TRACT MAP 17996 (FILE NO. 00662606-PTT), TO SUBDIVIDE 32.09 ACRES INTO 52 NUMBERED LOTS AND 37 LETTERED LOTS TO FACILITATE FUTURE RESIDENTIAL DEVELOPMENT OF UP TO 243 CONDOMINIUM UNITS, ONE PRIVATE PARK, AND ANCILLIARY USES INCLUDING TWO LOTS FOR MONUMENT PURPOSES, ALONG WITH SUPPORTING LANDSCAPE AND VEHICULAR ACCESS LOTS; LOCATED WITHIN DISTRICT 3 OF PLANNING AREA 40 (CYPRESS VILLAGE); FILED BY IRVINE COMPANY COMMUNITY DEVELOPMENT

WHEREAS, an application for Vesting Tentative Tract Map 17996 (File No. 00662606-PTT) has been filed by Stantec, on behalf of the Irvine Company Community Development, to subdivide a 32.09 gross acre site within District 3 of Planning Area 40 (Cypress Village), also referred to as Planning Area 40 East East, into 52 numbered lots and 37 lettered lots for the future development of 243 residential condominium units; and

WHEREAS, Vesting Tentative Tract Map (VTTM) 17996 has a General Plan land use designation of Multi-Use and a Zoning Designation of 3.1H Multi-Use; and

WHEREAS, the subject Vesting Tentative Tract Map 17996 conforms with the City of Irvine General Plan, Subdivision Ordinance, Subdivision Manual, Zoning Ordinance, and Parks and Park Facilities Standards Manual; and

WHEREAS, the community and neighborhood parkland dedication requirements associated with Vesting Tentative Tract Map 17996 have been addressed through compliance with Park Plan 00662863-PPP; and

WHEREAS, Vesting Tentative Tract Map 17996 (00662606-PTT) is considered a "project" under regulations of the State of California Environmental Quality Act (CEQA); and

WHEREAS, a Program Environmental Impact Report (SCH No. 200071014) was prepared for the Planning Area 12/40 General Plan Amendment and Zone Change and certified by the City of Irvine City Council as adequate; and

WHEREAS, on October 26, 2016, the Subdivision Committee of the City of Irvine considered information presented by the applicant, the Community Development Department, and other interested parties at a duly noticed public meeting and recommended Planning Commission approval; and

WHEREAS, the Planning Commission of the City of Irvine has considered information presented by the Community Development Department, the applicant, and other interested parties at a duly noticed public hearing held on November 17, 2016.

NOW, THEREFORE, the Planning Commission of the City of Irvine DOES HEREBY RESOLVE as follows:

SECTION 1. Pursuant to Sections 15162 and 15168 of the State CEQA Guidelines, this project is covered by a previously certified Program EIR for the Planning Area 12/40 General Plan Amendment and Zone Change, which serves as a Program EIR for the proposed project (SCH No. 200071014). The effects of the project were examined in the Program EIR and all feasible mitigation measures and alternatives developed in the Program EIR are incorporated into this project, and no new mitigation measures are required. The Program EIR is, therefore, determined to be adequate to serve as the environmental document for this project and satisfies all requirements of CEQA.

SECTION 2. Mitigation measures identified in the Program EIR have been incorporated into the project, or have been previously applied. These measures mitigate any potential significant environmental effects.

SECTION 3. Pursuant to Fish and Game Code Section 711.4, all required Fish and Game filing fees have been paid subsequent to certification of the Program EIR for the Planning Area 12/40 General Plan Amendment and Zone Change (SCH No. 200071014).

SECTION 4. The findings required by State law regarding justification of Citywide, village-wide and project specific development fees for public facilities as a result of this project approval have been met as follows:

- A. Citywide fees for public facilities are collected in conjunction with the issuance of building permits for development projects and consist of the following:**
 - 1. Foothill Transportation Corridor Area of Benefit Charges.**
 - 2. Development surcharge fees to recover wear and tear costs from construction site traffic.**
 - 3. A systems development charge will only be collected for development in Planning Area 40 per the Annexation and Development Agreement.**

- B. Resolutions have been adopted by the Irvine City Council which establish the connection between the development projects and the public improvements based on the following nexus:**
 - 1. The area of benefit charges for the Foothill Transportation Corridor are based on the assumption that future state and federal revenues are projected to be inadequate to construct said transportation corridors in a timely manner; and that future development should pay a share of the cost of implementing new transportation corridors to ensure that the transportation system will be adequate to serve said development and that this share of the corridor costs should be proportional to the traffic generated by the development.**
 - 2. The impact of construction vehicles using City streets causes wear and tear which significantly reduces the life of the surface of City streets beyond normally**

expected use, and the cost of impacted wear and tear on City streets should be borne by the development projects that create the impact. The wearing surface on City streets is reduced by 50 percent by commercial/industrial construction traffic, which causes significant increases on City maintenance costs.

3. The implementation of a systems development charge for development in Planning Area 40 provides a predictable and equitable funding source for capital improvements by requiring development projects to "buy into" the pre-existing City infrastructure so that the impact of new growth on existing improvements will be borne equitably by new development.
- C. All of the Citywide fees identified in this section are based on this project's proportional share of the cost of the improvement as identified in the appropriate City Council resolution.
- D. The following nexus between the project specific public facilities and the development project have been identified:
1. The purposes of the fees have been identified.
 2. There is a reasonable relationship between the need for public facilities and the type of development for which the fee is imposed.
 3. There is a reasonable relationship between the amount of the fees and the costs of the public facilities attributable to the development on which the fee is based.
- E. The development of the proposed subdivision in Planning Area 40 creates the need for circulation system improvements to accommodate traffic generated by the project. The public and private facilities identified previously are needed to support this development, are justified since the development of this type impacts the amount distribution of traffic on surrounding streets, or are agreed to by the applicant. The circulation improvements described above have been identified in studies prepared to address the City's circulation system and approved by the City to facilitate the safe and efficient movement of traffic adjacent to the project.

SECTION 5. That, in accordance with Subarticle 3 of the City of Irvine Subdivision Manual, the following findings for approving a Vesting Tentative Tract Map has been established:

- A. That the proposed plan is consistent with applicable general and specific plans, and the Zoning Ordinance.

The proposed VTTM 17996 is consistent with the policies set forth in the General Plan's Multi-Use designation. With the exception of an alternative setback standard for a reduced front yard setback and administrative relief requests for visitor parking location and wall heights, the project complies with all applicable development standards of the 3.1H Multi-Use zoning district. This map is also designed in accordance with the special development standards applicable to Planning Area 40 which allow for up to 1,309 additional dwelling units in excess of 3,918 units

(totaling 5,227 units) in the 2.3N and 2.4I residential zones in Planning Area 40 to be substituted for Multi-Use square footage in Area 3.1H on the basis of equivalent traffic generation as set forth in Section 9-40-7D. The proposed VTTM for 243 condominium residential units is below the maximum unit count permitted in Planning Area 40.

- B. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

The design and improvements of the proposed VTTM 17996 are consistent with the applicable previous plans and approvals, and the onsite improvements will be completed according to City standards and the specific requirements of Planning Area 40. The project design provides adequate pedestrian and vehicular circulation to surrounding land uses.

- C. That the site is physically suitable for the type of development.

The site is physically suitable for future development based on the fact that the geotechnical analysis prepared for the site in conjunction with the Program EIR demonstrated that residential development, and the assorted accessory land uses, can be physically accommodated on the subject site. In addition, City development standards and code requirements will ensure that soils and groundwater are analyzed prior to construction. Additionally, soil and groundwater conditions will be analyzed prior to construction as required by Standard Conditions 2.6 and 2.7 contained in this Resolution.

- D. That the site is physically suitable for the proposed density of the development.

The site is physically suitable for the proposed density of development in that the Program EIR evaluated the physical and environmental constraints of the subject property. The Program EIR identified a maximum residential intensity for Planning Area 40 of 3,918 dwelling units in the 2.3N and 2.4I residential zones, with up to an additional 1,309 dwelling units which may be substituted for Multi-Use square footage in Area 3.1H on the basis of equivalent traffic generation as set forth in Section 9-40-7D. The proposed VTTM 17996 creates 243 units and is below the overall unit cap (5,227 dwelling units) for Planning Area 40. Therefore, it has been determined that the site is suitable for the proposed type of development.

- E. That the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.

The design of the proposed VTTM 17996 is in accordance with the certified Program EIR for the Planning Area 12/40 General Plan and Zone Change (SCH No. 200071014). Based upon adopted City standards, applicable mitigation measures, and conditions imposed by this resolution, the design of this subdivision and types of

improvements proposed for the project are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.

- F. That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.

The design of the subdivision and the type of improvements are not likely to cause public health problems as the proposed on-site buildings and infrastructure improvements will be constructed in compliance with all Zoning, Building, Fire, and Security Code standards applicable to this project at the time of permit processing.

- G. That the design of the subdivision or 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.

The design of the subdivision and type of improvements will not conflict with any easements acquired by the public at large for access through the property. Access within this project is provided through private roadways and sidewalks.

- H. That any discharge of waste from the proposed subdivision into an existing sewer system would not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board, Santa Ana Region, pursuant to Division 7 of the Water Code of the State of California

Any discharge of waste from the proposed subdivision into an existing sewer system would not result in a violation of existing requirements prescribed by the California Regional Water Quality Board, Santa Ana Region, pursuant to Division 7 of the Water Code of the State of California. The project will include additions to the existing sewer system and the additions have been designed and sized to accommodate the projected waste output of the development. Any use of the existing sewer system and any new additions to the system shall be in conformance with all applicable regional and state wastewater requirements.

- I. That the requirements of the California Environmental Quality Act have been satisfied.

As stated in Section 1 of this Resolution, the vesting tentative tract map is a subsequent activity under a previously certified Program EIR for the Planning Area 12/40 General Plan Amendment and Zone Change (SCH No. 200071014). Applicable mitigation measures from the Program EIR have been incorporated into this resolution and the project is subject to all applicable mitigation measures as identified in the Mitigation Monitoring and Reporting Program (MMRP).

SECTION 6. Vesting Tentative Tract Map 17996 subdivides 32.09 gross acres into 52 numbered lots for future condominium residential development, a recreation

center, and monument purposes; and 37 lettered lots for landscaping, private drives, private streets, and accessory uses.

SECTION 7. That the Secretary to the Planning Commission of the City of Irvine shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

NOW, THEREFORE, based on the above findings the Planning Commission of the City of Irvine DOES HEREBY RECOMMEND that the Planning Commission approve Vesting Tentative Tract Map 17996 (00662606-PTT) subject to all applicable Plans, Programs, and Policies (PPP), Project Design Features (PDF) and Mitigation Measures (MM) as identified in the Mitigation Monitoring and Reporting Program (MMRP) as set forth by the Program EIR for the Planning Area 12/40 General Plan Amendment and Zone Change (SCH No. 200071014), and subject to the following conditions:

PRIOR TO THE RELEASE OF A FINAL MAP BY THE CITY

Standard Condition 1.1

**PUBLIC / PRIVATE IMPROVEMENTS
(Mitigation Measures 8.4, 13.2, 14.1 and 15.3)**

Prior to the release of a final map by the City, the applicant shall construct or enter into an agreement and post security, in a form and amount acceptable to the City Engineer, guaranteeing the construction of the following public and/or private improvements, marked with "X" and listed below, in conformance with applicable City standards and the City's Capital Improvement Policy. Items not required in conjunction with this project are marked "n/a".

- a. Street improvements (public streets) including, but not limited to, pavement, curb and gutter, medians, sidewalks, drive approaches, street lighting, and signing and striping.
- b. Traffic signal systems (Ridge Valley and Carlow), interconnect and other traffic control and management devices as follows: 1)
_____, etc.
- c. Storm drain facilities
- d. Landscaping and computerized irrigation control system (for all public streets, parks and public areas).
- e. Sewer, reclaimed and/or domestic water systems, as required by the appropriate sewer and water districts as well as the Orange County Fire Authority when appropriate.
- f. Monumentation
- g. Riding, hiking and bicycle trails adjacent to or through the project site.
- h. Undergrounding of existing overhead and proposed utility distribution lines.
- i. Transit-related improvements depicted on the approved tentative map or as

follows: 1) _____, etc.

Standard Condition 1.4

DIGITAL MAP SUBMISSION

Prior to the release of a final map by the City, the applicant shall submit one (1) set of computerized data of the final map that is compatible with the City ARC/INFO system or DXF (Autocad) system in a manner acceptable to the City Engineer. Maps should be tied to County of Orange control points (latest revision). Refer to Specifications for Digital Submission as maintained by the Surveyor's Office of the County of Orange for specific requirements of individual submittal.

Standard Condition 1.5

SHARED ACCESS AGREEMENT

Prior to the release of a final map by the City, the applicant shall submit to the City for review by the City Attorney the required shared access agreement. The City Engineer and the Director of Community Development shall have approved, appropriate documents (e.g., shared access agreement, CC&Rs, etc.) which ensure that utilities, access, parking, landscape areas, and drainage (including private catch basins) will be commonly shared and maintained.

Standard Condition 1.7

EXISTING SURVEY MONUMENTS

Prior to release of the final map, all existing survey control monuments, as defined in the California Professional Land Surveyors Act (PLSA) Section 8771(b), which as determined by the City Engineer may be destroyed, shall be adequately referenced on the map for perpetuation. If said monuments are disturbed, they shall be replaced after construction pursuant to PLSA Section 8771(b).

Condition 1.13

OCFA – APPROVALS REQUIRED

Prior to OCFA clearance of a final map, the applicant shall submit to the Orange County Fire Authority for review and approval a Fire Master Plan (Service Code PR145) and an Underground Piping for Private Hydrants and Fire Sprinkler Systems (Service Codes PR470-PR475).

PRIOR TO THE ISSUANCE OF PRELIMINARY OR PRECISE GRADING PERMITS

Standard Condition 2.4

EXISTING SURVEY MONUMENTS

Prior to issuance of the preliminary grading permit, the applicant shall file a Corner Record or Record of Survey with the County Surveyor to establish existing survey control points as defined in Section 8711(b) of the California Professional Land Surveyors Act, if the City Engineer determines an existing survey monument(s) may be disturbed by construction activities. The City Engineer shall review and approve the Corner Record or Record of Survey prior to filing the record with the County Surveyor.

Standard Condition 2.5 (modified)

**ARCHAEOLOGIST AND PALEONTOLOGIST
(Mitigation Measure PPP-CLT-1)**

Prior to the issuance of the first preliminary or precise grading permit, and for any subsequent permit involving excavation to increased depth, the applicant shall provide letters from an archaeologist and a paleontologist. The letters shall state that the applicant has retained these individuals, and that the consultant(s) will be on call during all grading and other significant ground-disturbing activities. These consultants shall be selected from the roll of qualified archaeologists and paleontologists maintained by the County of Orange. The archaeologist and/or paleontologist shall meet with Community Development staff, and shall submit written recommendations specifying procedures for cultural/scientific resource surveillance and for developing mitigation plans for archaeological/historical and paleontological resources. These recommendations shall be reviewed and approved by the Director of Community Development prior to issuance of the grading permit and prior to any surface disturbance on the project site. Specific measures that shall be required include at a minimum:

- a. A qualified archaeological and/or paleontological monitor will observe and inspect grading and other construction excavations in undisturbed, native sediments, including full time monitoring during grading of undisturbed Pleistocene age sediments below a depth of 8 feet;
- b. If archaeological excavations are conducted, the Owner will retain a qualified Native American monitor with demonstrated ancestral ties to the area. The Native American monitor will observe all archaeological excavations and provide a written report.
- c. Conduct an archaeological survey of the PA 12/40 Project site in conjunction with clearing and grubbing of the property, prior to major earth-moving activity.

Should any cultural/scientific resources be discovered, no further grading shall occur in the area of the discovery until the Director of Community Development is satisfied that adequate provisions are in place to protect these resources (i.e., significant scientific/cultural resources will be preserved in place or recovered and curated at a museum or other suitable repository for curation in perpetuity. The repository will afford access to the collection to future researchers. Proof of curation shall be provided).

Standard Condition 2.6

**SITE SPECIFIC GEOTECHNICAL STUDY
(Mitigation Measure PPP-GEO-3)**

Prior to the issuance of grading permits, the applicant shall provide to the Chief Building Official a site-specific geotechnical study for each proposed structure. The geotechnical report shall be prepared by a registered civil engineer or certified engineering geologist, having competence in the field of seismic hazard evaluation and mitigation. The geotechnical report shall contain site-specific evaluations of the seismic hazard affecting

the project, and shall identify portions of the project site containing seismic hazards. The report shall also identify any known off-site seismic hazards that could adversely affect the site in the event of an earthquake. The contents of the geotechnical report shall include, but shall not be limited to, the following:

- a. Project description.
- b. A description of the geologic and geotechnical conditions at the site, including an appropriate site location map.
- c. Evaluation of site-specific seismic hazards based on geological and geotechnical conditions, in accordance with current industry standards of practice.
- d. Recommendations for earthwork and construction.
- e. Name of report preparer(s), and signature(s) of a certified engineering geologist and/or registered civil engineer, having competence in the field of seismic hazard evaluation and mitigation.
- f. Include the official professional registration or certification number and license expiration date of each report preparer in the signature block of the report.

Standard Condition 2.12

**NOTICE OF INTENT
(Mitigation Measure PPP-SWQ-1)**

Prior to the issuance of preliminary or precise grading permits for a project that will result in soil disturbance of one (1) or more acres of land, the applicant shall provide the City Engineer with evidence that a Notice of Intent (NOI) has been filed with the State Water Resources Control Board. Such evidence shall consist of a copy of the NOI stamped by the State Water Resources Control Board or the Regional Water Quality Control Board, or a letter from either agency stating that the NOI has been filed.

Standard Condition 2.13 (modified)

**WATER QUALITY MANAGEMENT PLAN
(Mitigation Measure PPP-SWQ-2)**

Prior to the issuance of precise grading permits, the applicant shall submit, and the Director of Community Development shall have approved, a Water Quality Management Plan (WQMP). The WQMP shall identify the Best Management Practices (BMPs) that will be used on the site to control predictable pollutant runoff (City of Irvine Standard Condition 2.10) (PPP-SWQ-2)

More specifically, the WQMP shall, in accordance with the DAMP and LIP, do the following:

- a. Describe the routine and special post-construction BMPs to be used at the proposed development site (including both structural and non-structural measures);
- b. Describe responsibility for the initial implementation and long-term maintenance of the BMPs;

- c. Provide narrative with the graphic materials as necessary to specify the locations of the structural BMPs; and
- d. Certify that the project proponent will seek to have the WQMP carried out by all future successors or assigns to the property. Detailed information about the process for identifying BMPs is included in the Water Quality Assessment Technical Reports contained in Appendices G3 and G4 of the EIR.

Standard Condition 2.25

DIGITAL FILES – AUTOCAD

Prior to the issuance of a grading permit, the design engineer shall submit the drawings in DXF or AutoCAD .dwg file to the City.

Condition 2.26

**GRADING NOTES
(Mitigation Measure MM-AQ-1)**

Prior to the issuance of each grading permit, the following information shall be included as a note on the cover sheet of the grading plans:

“The following measures shall be implemented during grading and construction of the project:

- Use low emission construction equipment. The property owner/develop shall comply with CARB requirements for heavy construction equipment. For mass or rough grading, contractors shall be required to utilize heavy construction equipment that complies with the SCAQMD contractor requirement to maintain a Tier 2 fleet average.
- Maintain construction equipment engines by keeping them tuned.
- Use low sulfur fuel for stationary construction equipment.
- Utilize existing power sources (i.e., power poles) when available.
- Configure construction parking to minimize traffic interference.
- Minimize obstruction of through-traffic lanes. Construction should be planned so that lane closures on existing streets are kept to a minimum.
- Schedule construction operations affecting traffic for off-peak hours to the maximum extent feasible.
- Develop a traffic plan to minimize traffic flow interference from construction activities (the plan may include advance public notice of routing, use of public transportation and satellite parking areas with a shuttle service).
- Avoid unnecessary idling by shutting off engines that are expected to idle for more than five minutes.
- Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.
- Schedule construction activities that that affect traffic flow on the arterial system to off-peak hour to the extent practicable.
- Reroute construction trucks away from congested streets or sensitive receptor areas, and appoint a construction relations officer to act as a community liaison

concerning onsite construction activity including resolution of issues related to PM10 generation.

Condition 2.27

**DISCOVERY OF HUMAN REMAINS
(Mitigation Measure PPP-CLT-2)**

In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps shall be taken:

- a. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Orange County Coroner is contacted to determine if the remains are prehistoric and that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, then the coroner shall contact the Native American Heritage Commission within 24-hours, and the Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent from the deceased Native American. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or
- b. Where the following conditions occur, the land owner or his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendent or on the property in a location not subject to further subsurface disturbance:
 1. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
 2. The identified descendent fails to make a recommendation; or
 3. The landowner or his/her authorized representative rejects the recommendation of the descendent, and mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.
[CEQA Guidelines Section 15064.5(e)]

Condition 2.28

**GRADING OPERATIONS NOTE
(Mitigation Measure PPP-GEO-2)**

Prior to the issuance of grading plans, add the following as a note on the plans:

All grading operations and construction will be conducted in conformance with the applicable City of Irvine Grading Code (Municipal Code Title 5, Division 10) and Grading Manual, the most recent version of the Uniform Building Code, and

consistent with the recommendations included in the most current geotechnical reports for the project area prepared by the engineer of record.

Condition 2.29

**SEPTIC/LEECH FIELD/ SEEPAGE PITS NOTE
(Mitigation Measure PPP-GEO-7)**

Prior to the issuance of grading permits, provide evidence that all identified/known septic tanks, leech fields and/or seepage pits (within the grading limits) will be abandoned in accordance with Section 722 of the Uniform Plumbing Code.

Also, add the following as a note on the plans:

If encountered during grading, the abandonment of septic tanks, leech fields, and seepage pits will be performed in accordance with Section 722 of the Uniform Plumbing Code requirements. These structures shall be removed from the upper 10 feet from finish grade and disposed of offsite. The structures shall be properly abandoned below this depth.

Condition 2.30

**UNDERGROUND STORAGE TANK NOTE
(Mitigation Measure PPP-HHM-1)**

Prior to the issuance of grading permits, provide evidence that all identified/known UST's (within the grading limits) will be removed in accordance with OCHCA Title 23.

Also, add the following as a note on the plans:

If any Underground Storage Tanks (USTs) are encountered during site grading and excavation activities, they shall be removed in accordance with the existing standards and regulations of, and oversight by, the Orange County Health Care Agency (OCHCA), based on compliance authority granted through the California Code of Regulations, Title 23, Division 3, Chapter 16, Underground Tank Regulations. The process for UST removal is detailed in the OCHCA's AST/UST Removal Report and Remediation Procedures Report. Soil samples from areas where storage tanks have been removed or where soil contamination is suspected shall be analyzed for hydrocarbons including gasoline and diesel in accordance with procedures set forth in AST/UST Removal Report and Remediation Procedures Report and as directed by OCHCA. If hydrocarbons are identified in the soil, the appropriate response/remedial measures will be implemented as directed by OCHCA or other appropriate agency until all specified requirements of the oversight agencies are satisfied and a no-further-action status is attained. Any Above Ground Storage Tank (AST) in existence at the commencement of site development shall be removed in accordance with all applicable regulations under the oversight of OCHCA. These procedures are detailed in the UST/AST Removal Report. Compliance with the requirements of the OCHCA relative to the removal/closure of storage tanks is set forth through the California Health and Safety Code Sections 25280 through 25299.

Condition 2.31

**IRRIGATION PIPING NOTE
(Mitigation Measure PPP-HHM-2)**

Prior to the issuance of grading permits, provide evidence that all identified/known irrigation piping (within the grading limits) will be removed in accordance with the remediation and mitigation procedures of OSHA and AQMD.

Also, add the following as a note on the plans:

If any of the irrigation piping encountered during site grading and excavation activities is found to contain asbestos fibers, demolition shall be conducted in accordance with the remediation and mitigation procedures established by all federal, state, and local standards including federal and California Occupation Safety and Health Administration (OSHA), and Air Quality Management District (AQMD) regulations for the excavation, removal, and proper disposal of the transite pipe [CFR Title 29 (OSHA) - Chapter XVII, Section 1926.1101, CFR Title 29 California Health & Safety Code, and SCAQMD Regulation X - National Emission Standards For Hazardous Air Pollutants, Subpart M - National Emission Standards For Asbestos, which include demolition activities involving asbestos]. The aforementioned regulations include AQMD Rule 1403, which sets forth specific procedures and requirements related to demolition activities involving asbestos containing materials including piping. Asbestos materials removed in conjunction with site preparation/demolition activities will be disposed of at a landfill permitted to accept such material.

Condition 2.32

**SEPTIC AND WASTE HOLDING TANK NOTE
(Mitigation Measure PDF-HHM-1)**

Prior to the issuance of grading permits, provide evidence that all identified/known septic or waste holding tanks (within the grading limits) will be properly closed and abandoned.

Also, add the following note on the plans:

Septic or waste holding tanks, if any, found onsite shall be properly closed and abandoned in conjunction with site grading or redevelopment activities. Abandonment through removal would include observation by a trained monitor of the removal of the tank contents and subsurface equipment including associated piping. Visual observations would include tank/piping integrity and the conditions of the surrounding soils to evaluate if there is evidence of a release from the system. Contingent upon these observations and after the equipment is removed, confirmatory soil samples at the base of the excavation would be conducted as warranted to evaluate soil conditions. Abandonment in-place would include visual observation by a trained monitor while tank contents are removed, followed by placement of an inert solid material (e.g., lean concrete) to fill the

tank. With either option, the removed tank contents would be profiled for proper waste disposal, per local, state and federal regulations.

Condition 2.33

**GROUNDWATER WELLS
(Mitigation Measure PPP-HHM-4)**

Prior to the issuance of grading plans, add the following as a note on the plans:

Groundwater wells, if any, that will no longer be used shall be properly abandoned in conjunction with site grading or redevelopment activities, in accordance with the requirements for a well deconstruction permit from the Orange County Health Care Agency (see <http://ochealthinfo.com/docs/regulatory/well/destruction.pdf>).

Condition 2.34

**HAZARDOUS MATERIALS NOTE
(Mitigation Measure MM-HHM-5)**

Prior to the issuance of grading permits, add the following as a note on the plans:

If soil is encountered during Project site development that is suspected of being impacted by hazardous materials, work at the subject construction activity area will be halted and the suspect site conditions will be evaluated by a qualified environmental professional. The results of the evaluation will be submitted to the Orange County Health Care Agency (OCHCA) and/or the California Regional Water Quality Control Board (RWQCB), as appropriate, and the necessary response/remedial measures will be implemented, as directed by OCHCA, RWQCB, or other applicable oversight agency, until all specified requirements of the oversight agencies are satisfied and a no-further action status is attained.

Condition 2.35

**CONSTRUCTION NOISE MITIGATION PLAN
(Mitigation Measure PDF-NOS-2)**

For development proposed adjacent to any developed/occupied uses, a construction-related noise mitigation plan shall be submitted to and approved by the Director of Community Development for review and approval prior to issuance of grading permits. The plan must depict the location of construction equipment and how the noise from this equipment will be mitigated during construction of the project, through the use of such methods as the following: (1) temporary noise attenuation fences; (2) preferential location of equipment; and (3) use of current technology and noise suppression equipment.

Condition 2.36

**ACOUSTICAL ANALYSIS STUDY
(Mitigation Measure MM-NOS-1)**

Prior to the issuance of grading permits for any residential development along the Santa Ana (I-5) Freeway or SR-133 in Planning Area 40, a detailed acoustical analysis study shall be prepared by a qualified acoustical consultant and submitted to the City for

review and approval. This acoustical study shall describe and quantify the noise sources impacting the area and the measures required to meet the 65 CNEL exterior residential noise standard. The final grading plans shall incorporate the noise barriers (wall, berm or combination wall/berm) required by the analysis and the property owner/developer shall install these barriers per the recommendations of the acoustical analysis study. These noise barriers shall be taken into consideration in the building-specific acoustical reports required by PPP-NOS-2, which may specify additional measures to achieve acceptable interior noise levels.

Condition 2.37

**TREE REMOVAL PERMIT
(Mitigation Measure MM-BIO-1)**

Prior to the issuance of grading permits, the project applicant shall prepare a tree removal plan for approval by the Director of Community Development. The plan shall include the following items and requirements (*MM-BIO-1*):

- a. Identify all trees to be removed during project construction. Such trees should be removed outside the avian nesting season, which extends from March 15 to July 15.
- b. If it is not possible to remove all trees during the non-nesting season, then within three days of removal, trees shall be surveyed by a qualified biologist. If no nesting birds are found, the tree may be removed. If nesting birds are detected, then removal shall be postponed until the fledglings have vacated the nest or the biologist has determined that the nest has failed.
- c. If construction is to occur during the nesting season, preserved trees shall be surveyed for the presence of nesting birds. If nesting birds are detected, the biologist shall establish an appropriate buffer zone where construction activity may not occur until the fledglings have vacated the nest or the biologist has determined that the nest has failed.

Condition 2.38

**HYDROLOGY AND HYDRAULICS REPORT
(Mitigation Measure PPP-SH-4)**

Prior to the issuance of preliminary grading permits, the landowner or subsequent project applicant shall complete, and submit to the Department of Public Works, a hydrology and hydraulics report to verify that the final development conforms to the proposed drainage patterns and flow rates shown in the Master Plan of Drainage. The final pad layout and street locations along with final onsite storm drain design shall be verified with more refined flow rates and pipeline layouts, to the satisfaction of the City Engineer. (Section 102 of the Standards & Design Manual)

Condition 2.39

**SOLID WASTE RECEPTACLES
(Mitigation Measure PPP-SWM-1)**

The project will result in new construction which will generate solid waste. Prior to the issuance of precise grading permits, the applicant shall show on the site plans the location of receptacle(s) to accumulate onsite generated solid waste for recycling purposes. At the discretion of the Director of Community Development, the developer of a nonresidential project may be permitted to contract with a waste recycler for off-site materials recovery. In this case, the landowner or subsequent project applicant must provide a letter verifying that recycling will be conducted off site in an acceptable manner.

Condition 2.40

OCFA – FIRE MASTER PLAN

Prior to the issuance of precise grading permits, the applicant shall submit to the Orange County Fire Authority for review and approval a fire master plan (Service Code PR145).

Condition 2.41

PARK DESIGN

Prior to the issuance of precise grading permits, a Park Design application for the private neighborhood park shall be submitted and approved in accordance with Irvine Zoning Ordinance Section 2-22-4.

PRIOR TO THE ISSUANCE OF BUILDING PERMITS

Standard Condition 3.3 (Modified)

DISCLOSURE STATEMENTS

Prior to the issuance of building permits, the applicant shall submit to the Director of Community Development for review and approval a completed occupancy disclosure form for the project. The approved disclosure form, along with its attachments, shall be included as part of the rental/lease agreements and as part of the sales literature for the project. The disclosure statement shall include information, current as of the date of submittal, with respect to each item marked with an "X" on the list below. The items marked "n/a" need not be included.

- n/a a. Information on Noise resulting from aircraft and/or helicopter operations from John Wayne Airport.
- b. Reference to Emergency Preparedness information available on the City of Irvine website at www.cityofirvine.org/office-emergency-management.
- n/a c. Map of Special Flood Hazard Area information for areas subject to inundation.
- n/a d. Notice that initial occupancy and any subsequent change in use or occupancy of any non-residential condominium space, requires the buyer or the new or existing occupant to apply to the Community Development Department and obtain approval by way of a of written zoning confirmation letter or obtain a building permit and obtain inspection approval for any

necessary work to establish the use and/or occupancy consistent with that intended.

- n/a e. Notice that the property owner shall be responsible for continuous maintenance of the emergency access equipment thus ensuring these systems will be operational at all times, as required by the Chief of Police.
- X f. Notice that the property is located near and/or adjacent to private and/or public park(s) that may include recreational, field/court lighting, and other related improvements.
- X g. Notice that the property is located near and/or adjacent to public open space land that may include trails, trailheads, parking facilities, and other related improvements and operations.
- n/a h. Notice that the property is located near and/or adjacent to public trails and/or related improvements and operations.
- X i. Notice that wireless communications facilities may be situated within Planning Area 40.
- X j. Notice of the following public transit facilities: the Orange County Transportation Authority (OCTA) owns and operates a bus base in the vicinity of Sand Canyon Avenue and Marine Way; an existing Metrolink-Maintenance-of-way-facility is located in the area; and a future Metrolink Maintenance facility is contemplated as a future addition to the area.

Standard Condition 3.5

**FINAL ACOUSTICAL REPORT
(Mitigation Measures PPP-NOS-2 and MM-NOS-3)**

Prior to the issuance of building permits for each structure or tenant improvement, other than a parking structure, the applicant shall submit a final acoustical report prepared to the satisfaction of the Director of Community Development. The report shall demonstrate that the development will be sound attenuated against present and projected noise levels including stationary, roadway, aircraft, helicopter, and railroad noise to meet City interior and exterior noise standards. The final acoustical report shall include all information required by the City's Acoustical Report Information Sheet (Form 42-48). The report shall be accompanied by a list identifying the sheet(s) of the building plans that include required sound attenuation measures.

Standard Condition 3.6

**SITE LIGHTING REQUIREMENTS
(Mitigation Measures PPP-AES-2 and PPP-AES-4)**

Prior to the issuance of building permits, the applicant shall demonstrate they have met the Irvine Uniform Security Code requirements for lighting by providing the below listed items for a complete review by the Police department. Failure to provide a complete lighting package will result in the delay of satisfaction of this condition.

- a. Electrical plan showing light fixture locations, type of light fixture, height of light fixture, and point-by-point photometric lighting analysis overlaid on the landscape

plan with a tree legend. The photometric plan should only show those fixtures used to meet the Irvine Uniform Security Code requirements.

- b. Corresponding fixture cut-sheets (specifications) of those lights used to meet the Irvine Uniform Security Code.
- c. Site plan demonstrating that landscaping shall not be planted so as to obscure required light levels.
- d. Site plans that are full-scale and legible.

Standard Condition 3.7

SOLID WASTE RECYCLING

Prior to the issuance of building permits for a project that involves new construction or that involves the demolition or renovation of existing buildings on site, the applicant shall comply with requirements of Title 6, Division 7 of the City of Irvine Municipal Code relating to recycling and diversion of construction and demolition waste as applicable to said project. Over the course of demolition or construction, the applicant shall ensure compliance with all code requirements related to the use of City-authorized waste haulers.

Standard Condition 3.11

PARK DESIGN CONSISTENCY

Prior to the issuance of a building permit for the private neighborhood park, the applicant shall demonstrate that all related construction plans are consistent with the approved Park Design.

Standard Condition 3.12

PRIVATE PARK RESERVATION

Prior to the issuance of building permits on land required as a private park by local and/or state development standards, the applicant shall submit and the Directors of Community Development and Community Services shall have approved an instrument reserving such required park land in perpetuity.

Standard Condition 3.17

EMERGENCY ACCESS PLAN

(use with Standard Condition 4.9)

Prior to the issuance of the first building permit, the applicant shall submit and have approved by the Chief of Police an Emergency Access Plan, which identifies and locates all Knox Boxes, Knox key switches, and Click2Enter radio access control receivers. Said plan shall be incorporated into the plan set approved for building permits.

Standard Condition 3.18

WAYFINDING (DIRECTIONAL) PLAN

Prior to the issuance of the first building permit, a Wayfinding (directional) Plan including exterior building numbers, unit numbers, directional unit signs, and entrance directory shall be approved by the Chief of Police. Said plan shall be incorporated into the plan set approved for building permits

Standard Condition 3.20

CONSTRUCTION SITE SECURITY PLAN

Prior to the issuance of the first building permit, a Construction Site Security Plan, per the Irvine Uniform Security Code, Section 5-9-521, shall be approved by the Chief of Police. Said plan shall be incorporated into the plan set approved for building permits.

Standard Condition 3.26

RECORD DRAWINGS – PDF & AUTOCAD

Prior to final approval of a grading, landscaping, or improvement permit, and following final inspection, the applicant shall submit to the City individual PDF files of the drawing and AutoCAD files. The permit number and the words "RECORD DRAWING" shall appear on all of the sheets.

Condition 3.27

**SCAQMD RULES 402 and 403
(Mitigation Measure PPP-AQ-1)**

During construction of the project, the property owner/developer and its contractors shall be required to comply with regional rules, which will assist in reducing short-term air pollutant emissions. SCAQMD Rule 402 requires that air pollutant emissions not be a nuisance off-site. SCAQMD Rule 403 requires that fugitive dust be controlled with the best available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. Two options are presented in Rule 403; monitoring of particulate concentrations or active control. Monitoring involves a sampling network around the project with no additional control measures unless specified concentrations are exceeded. The active control option does not require any monitoring, but requires that a list of measures be implemented starting with the first day of construction. Relevant control measures from Rule 403 are identified in Tables 17 through 20 of the Air Quality Assessment completed for the Project by MGA (see Appendix B1 of the DEIR).

Condition 3.28

**ADDED AIR QUALITY MEASURES
(Mitigation Measure MM-AQ-2)**

Prior to issuance of the first building permit, the applicant shall provide evidence to the Director of Community Development that the following measures shall be incorporated into project construction to the greatest extent feasible:

- Minimize the amount of paint used by using pre-coated, pre-colored and naturally colored building materials. (Note: The architectural/construction design typically used by the Project applicant includes, to a large extent, these type building materials, when practicable);
- Use Water-Based and LOW-VOC coatings with VOC contents set forth in SCAQMD Rule 1113 (http://www.aqmd.gov/prdas/brochures/Super-Compliant_AIM.pdf); and
- Use high transfer efficiency painting methods such as HVLP (High Volume Low Pressure) sprayers and brushes/rollers were possible.

Condition 3.29

**MEASURES FROM SCAQMD'S CEQA HANDBOOK
(Mitigation Measure MM-AQ-3)**

Prior to issuance of the first building permit, the applicant shall provide evidence to the Director of Community Development that demonstrates how the property owner/developer shall reduce operation-related emissions through implementation of the following practices identified in SCAQMD's CEQA Handbook and the URBEMIS2002 model:

- Install low-emission water heaters;
- Use built-in, energy-efficient appliances; and
- Ensure that sidewalks and pedestrian paths are installed throughout the project area.

Condition 3.32

PARK PHASING/PARK DESIGN

Prior to the issuance of the first residential building permit for any lot within VTTM 17996, with the exception of model homes, a Park Design application for the private neighborhood park contained herein shall be submitted and approved in accordance with Zoning Ordinance Section 2-22-5.C.

Condition 3.33

PARK CONSTRUCTION

Prior to the issuance of the first residential building permit on any lot within VTTM 17996, except model homes, the applicant shall commence construction of the private neighborhood park.

Condition 3.34

COMMUNITY PARK IN-LIEU FEE

Prior to the issuance of the first residential building permit, the applicant shall pay the required community park in-lieu fee for all project units. This fee shall be deposited into an account designated by the City of Irvine's Fiscal Services Division for funding of community parks to serve this project, including the Orange County Great Park, as determined by the City Manager.

Condition 3.35

OCFA – FIRE SPRINKLER SYSTEM

Prior to the issuance of building permits, the applicant shall submit plans to the Orange County Fire Authority for review and approval of fire sprinkler systems (Service Codes PR400).

Condition 3.36

OCFA – ARCHITECTURAL PLAN

Prior to the issuance of building permits, the applicant shall submit plans to the Orange County Fire Authority for review and approval of architectural when required by the OCFA "Plan Submittal Criteria Form" (Service Codes PR200-PR285).

PRIOR TO AUTHORIZATION TO USE, OCCUPY, AND/OR OPERATE

Standard Condition 4.3

PRIVATE PARK IDENTIFICATION

Prior to authorization to use, occupy, and/or operate a private park and/or recreation area, The park and/or recreation area shall have an identification sign, which includes address, street number, street name, facility name, and the word "private." The identification sign and address must be of contrasting color to the background and visible from the street.

Standard Condition 4.9

EMERGENCY ACCESS INSPECTION

(Use with Standard Condition 3.17 - Emergency access plan)

Prior to authorization to use, occupy, and/or operate, the applicant shall arrange for and have passed an inspection, to be performed by the Police Department and the Orange County Fire Authority, to ensure compliance with the Emergency Access Plan requirements. The inspector shall verify test acceptance and locations of all Knox boxes and key switches as depicted on the approved plan.

Condition 4.12

OCFA – OCCUPANCY INSPECTIONS

Prior to issuance of temporary or final certificate of occupancy, all OCFA inspections shall be completed to the satisfaction of the OCFA inspector and be in substantial compliance with codes and standards applicable to the project and commensurate with the type of occupancy (temporary or final) requested. Inspections shall be scheduled at least two days in advance by calling OCFA Inspection Scheduling at 714-573-6150.

PRIOR TO THE EXONERATION OF SECURITY

Standard Condition 5.1

EXISTING SURVEY MONUMENTS

Prior to the exoneration of any security for a project that may include existing survey monuments disturbed through construction activities and deemed necessary for preservation by the City Engineer, as set forth in Standard Condition 1.7 or 2.4, the applicant shall have a licensed land surveyor or qualified registered civil engineer reestablish any such monumentation damaged or destroyed during construction of the project and file the corner records with the County Surveyor. Evidence of such filing shall be furnished to the City Engineer.

Standard Condition 5.2

DIGITAL RECORDS – PDF

Prior to the exoneration of any security for improvements required by either Standard Condition 1.1 or 2.1, the applicant shall submit one (1) copy in PDF format of the recorded final map. The PDF can be on PC compatible CD or DVD.

Standard Condition 5.3

DIGITAL RECORDS – AUTOCAD

Prior to the exoneration of any security for any improvements required by either Standard Condition 1.1 or 2.1, the applicant shall provide proof that the permit for the subject improvement has been approved and finalized by the City. Submit one (1) set of computerized data, which is compatible with the City DXF (AutoCAD) system, of the record drawings of grading, landscape, and improvement plans to, and in a manner approved by the City. Refer to Specifications for Digital Submission as maintained by the Surveyor's Office of the County of Orange for specific requirements of individual submittal.

Standard Condition 5.4

PRIVATE PARK RESERVATION

Prior to the exoneration of any security for a private park, the applicant shall submit to the Director of Community Development a copy of the recorded instrument reserving in perpetuity any private park.

MISCELLANEOUS CONDITIONS

Standard Condition 6.1

DISCRETIONARY CASE CHARGES

The applicant is responsible for paying all charges related to the processing of this discretionary case application within 30 days of the issuance of the final invoice or prior to the issuance of building permits for this project, whichever occurs first. Failure to pay all charges shall result in delays in the issuance of required permits or may result in the revocation of the approval of this application.

Standard Condition 6.2

LEGAL ACTION – HOLD HARMLESS

In accordance with the provisions of Section 5-5-114 of the Irvine Municipal Code and Government Code Section 66474.9, the applicant shall defend, indemnify, and hold harmless the City of Irvine and its agents, officers, and employees from and against any claim, action, or proceeding against the City agency or its agents, officers, or employees to attack, set aside, void, or annul an approval by the City, including, without limitation, an action by an advisory agency, appeal board, or legislative body concerning this discretionary approval. This defense and indemnification shall include the payment of all legal costs incurred on behalf of the City in connection with the application, and the defense of any claim, action or proceeding challenging the approval. The City will promptly notify the applicant of any claim, action, or proceeding and will cooperate fully in the defense.

In the event a legal challenge to the discretionary approval is successful, and an award of attorney fees is made to the challenger, the applicant shall be responsible to pay the full amount of such an award.

Standard Condition 6.3

RIGHT-OF-WAY EASEMENTS

Any easement that lies within or crosses rights-of-way proposed to be deeded or dedicated to the City shall be subordinated to the City prior to City acceptance of the rights-of-way, unless otherwise exempted by the City Engineer in writing.

Standard Condition 6.4

PRIVACY GATES – VEHICLE STACKING

If the Director of Public Works determines that the operation of the residential privacy gates approved with this application is negatively affecting the flow of traffic on an adjacent public roadway, the property owner or homeowners association may be required to submit a plan to the Director of Community Development that identifies specific measures to resolve these problems. The plan shall be submitted within 30 days of notification by the Public Works Department and shall be reviewed and approved by the Director of Community Development in consultation with the Director of Public Works. The property owner or homeowners association shall be required, at its sole expense, to implement any modifications required by the plan within 30 days of written notice from the Director of Community Development to implement such measures, or in such time frame as directed by the Director of Community Development in consultation with the Director of Public Works.

Condition 6.19

**TREE REMOVAL PERMIT
(Mitigation Measure PPP-LU-1)**

A permit shall be required to remove any significant tree on public or private land in the development area. Prior to approval of a tree removal permit as required by Section 5-7-410 of the Municipal Code, the project applicant shall complete a comprehensive management plan through the City's Community Forests Program or equivalent to address phased removals and appropriate replacement.

Condition 6.20

APPLICABILITY OF EIR

This approval is subject to all applicable Plans, Programs, and Policies (PPP), Project Design Features (PDF) and Mitigation Measures (MM) as identified in the Mitigation Monitoring and Reporting Program (MMRP) for the Program EIR prepared for the Planning Area 12/40 General Plan Amendment and Zone Change (SCH No. 200071014).

Condition 6.21

ORANGE COUNTY FIRE AUTHORITY (OCFA)

The Orange County Fire Authority has placed conditions of approval on this project. See Conditions 1.13, 2.40, 3.35, 3.36, and 4.12. Note that the conditions must be satisfied at various time triggers in the development of your project, such as prior to the release of a final map, prior to the issuance of grading permits, etc.

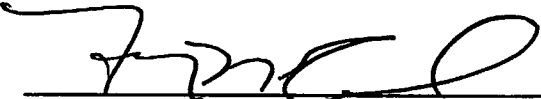
PASSED AND ADOPTED by the Planning Commission of the City of Irvine at a regular meeting held on the 17th day of November, 2016, by the following vote:

AYES: 4 COMMISSIONERS: Bartlett, Duong, Smith, Kuo
NOES: 1 COMMISSIONER: Gaido
ABSENT: 0 COMMISSIONERS:
ABSTAIN 0 COMMISSIONERS:

Unless an appeal is filed prior to the expiration of the fifteen-day appeal period at 5 p.m. on Friday, December 2, 2016, this approval shall become effective on December 3, 2016.



**CHAIR OF THE PLANNING
COMMISSION FOR THE CITY OF IRVINE**



**SECRETARY OF THE PLANNING
COMMISSION FOR THE CITY OF IRVINE**