



DATE: March 2, 2007

TO: File/Record/Applicant

FROM: Tim S. Neely, Director, Planning and Development Services Department

SUBJECT: Planning Application PA06-0069 is a privately-initiated request to construct a 94-unit 100 percent affordable apartment project in Planning Area 2 of the Tonner Hills Planned Community. A Site Development Permit is required in accordance with the Tonner Hills Planned Community regulations. The project would conform to all applicable regulations.

The proposed Tonner Canyon Apartment project is located on the Planning Area 2 of the Tonner Hills Planned Community, which is located in the City of Brea. Access to the project site will be from a future public street that will connect Kraemer Boulevard with Valencia Avenue. A street address has not yet been assigned. (Third Supervisorial District)

APPLICANT: Jamboree Housing Corporation
Mr. Michael Massie, Project Manager

I. PROJECT HISTORY/NATURE OF PROJECT:

Prior to the approval this application, Planning Application PA 06-0054 was approved by the Planning Commission to make certain refinements to the Tonner Hills Area Plan. One of the technical changes refined the shared boundary between Planning Areas 2 and 3. This boundary adjustment ensures that the proposed 94-unit project would be located solely within Planning Area 2. The Area Plan was also amended to provide greater consistency between the Planned Community regulations and the Area Plan by identifying Planning Area 2 as a location suitable for apartment development as stated in the Planned Community regulations.

Planning Application PA 06-0069 was submitted by Jamboree Housing Corporation in accordance with the provisions of the Tonner Hills Planned Community, Section 2.7.4 Multiple Family Residential (page 2-8 et seq.). The project site is 4.44 acres. The project density is 21.2 acres; lot coverage is approximately 45,000 square feet or 23 percent. The project will be one hundred percent affordable in accordance with the terms outlined in the Affordable Housing Implementation Agreement. When the Tonner Hills Planned Community was approved in 2002, a Development Agreement (DA) was also entered into between the landowner and the County. The DA included a listing of public benefits, one of which addressed the provision of affordable housing. Public Benefit "K" included a requirement that a minimum of ten (10) percent of all the units within Tonner Hills would be retained as affordable housing for a period of fifty-five years. Subsequently, a Regulatory Agreement between the City of Brea (Redevelopment Agency) and Jamboree Housing; and, an Affordable Housing Implementation Agreement between the City of Brea (Redevelopment Agency) and Tonner Hills SSP, LLC was executed on February 7, 2007. The development associated with this Planning Application shall be in conformance with the provisions of each agreement.

The Tonner Canyon Project includes the following elements:

1. Ninety-four (94) apartment units are proposed. There would be; 21 one-bedroom, 34 two-bedroom and 39 three-bedroom units. The one bedroom units would be 689 square feet in size, the two-bedroom units would range in size from 842 to 881 square feet in size; and, the three-bedroom units would range is size from 1,062 to 1,087 square feet in size. The assumed household sizes as outlined in the Regulatory Agreement are: one-bedroom units, 3 persons; two-bedroom units, 5 persons; three-bedroom units, 7 persons. A community/leasing building (Sheet AN.1) is located near the southern project boundary. It contains a computer room, tutoring center, manager's office, and laundry facilities. The project also provides a pool, tot lot and other recreation and community beneficial spaces.
2. In accordance with the Regulatory Agreement and the Affordable Housing Implementation Agreement, the apartment units must remain affordable for no less than 55 years. The units will be restricted to occupancy at or below the 60% of Area Median income.
3. Parking is based upon the provision of Government Code Section 65915 et seq. Under this government code section, parking for affordable housing projects is generated based upon the number of bedrooms in a dwelling unit. The parking ratio for one bedroom units is one on site parking space per unit, or 21 spaces. Two and three bedroom units are to provide two parking spaces per unit or 146 parking spaces. The Government Code permits a project to provide fewer than the required number of parking spaces as an incentive for affordable housing. The Tonner Canyon apartment project will provide 164 parking spaces, 95 garage spaces and 69 open spaces.
4. The buildings are typically three-story, two residential floors above garages, with a maximum height of approximately 38 feet; however, most buildings include a two-story element at the ends to provide architectural relief. The buildings incorporate the use of stucco exteriors with details at the gabled ends of the buildings and surrounding the windows. Roof material for the community leasing building incorporates concrete 'S' tile. Painting details indicate the use of earth tones that would promote neighborhood compatibility.
5. Landscaping details are depicted on Sheet L1.0. The plans indicate a plant palette that uses shrubs and tree species, the sizes of which promote design and community compatibility. The landscaping plans indicate that at maturity the landscaping will filter views of the project from surrounding streets.

II. REFERENCE: (Authority for Administrative action is given by what ordinance, regulation, etc.)

Orange County Zoning Code section 7-9-150 "Discretionary Permits and Procedures" , the Tonner Hills Planned Community Regulations, a "Regulatory Agreement" between the City of Brea (Redevelopment Agency) and Jamboree Housing; and, an "Affordable Housing

Implementation Agreement” between the City of Brea (Redevelopment Agency) and Tonner Hills SSP, LLC

III. ENVIRONMENTAL DOCUMENTATION:

The proposed project is covered by Final EIR 581, which was previously certified by the Board of Supervisors on November 19, 2002.

IV. CERTIFICATION:

I hereby certify that the subject proposal has been Conditionally Approved as noted below.

Tim S. Neely, Director
Planning and Development Services Department

By: _____

Charles M. Shoemaker, Chief
CPD/Site Planning Section

2006 Planning Projects FOLDER:

ATTACHMENTS:

Appendix A - Findings

Appendix B - Conditions of Approval



Appendix A Findings PA060069

1	GENERAL PLAN	PA060069
That the use or project proposed is consistent with the objectives, policies, and general land uses and programs specified in the General Plan adopted pursuant to the State Planning and Zoning Law.		
2	ZONING	PA060069
That the use, activity or improvement(s) proposed, subject to the specified conditions, is consistent with the provisions of the Zoning Code, or specific plan regulations applicable to the property.		
3	COMPATIBILITY	PA060069
That the location, size, design and operating characteristics of the proposed use will not create unusual conditions or situations that may be incompatible with other permitted uses in the vicinity.		
4	GENERAL WELFARE	PA060069
That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.		
5	PUBLIC FACILITIES	PA060069
That the approval of the permit application is in compliance with Codified Ordinance Section 7-9-711 regarding public facilities (fire station, library, sheriff, etc.).		
6	AFFORDABLE HOUSING USE	PA060069 (Custom)
That adequate evidence exists to indicate the development of the property in compliance with this site development permit will result in the provision of on-site affordable housing in the manner consistent with the purpose and intent of Section 7-9-140 and/or the retirement of certified vested excess credits pursuant to the Board of Supervisors' policy.		
7	PREVIOUS PROJECT LEVEL EIR	PA060069 (Custom)

That Final 581, previously certified on November 19, 2002, satisfies the requirements of CEQA for the proposed project is approved based on the following findings:

A. The County of Orange, as Lead Agency, has reviewed and considered the information in the EIR and

1. The general environmental setting of the proposed project is adequately described in the EIR.
2. There are no new significant environmental effects beyond those disclosed in the EIR;
3. There are no substantial changes in circumstances that would result in new significant environmental effects;
4. The EIR adequately describes alternatives and mitigation measures related to each significant effect identified;
5. There is no new information of substantial importance that was not known or could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified that shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt them; and,

d. Mitigation Measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt them.

B. The approval of the previously certified Final EIR for the proposed project reflects the independent judgment of the lead agency.

8 **FISH & GAME - SUBJECT** **PA060069 (Custom)**

That pursuant to Section 711.4 of the California Fish and Game Code, this project is subject to the required fees as it has been determined that potential adverse impacts to wildlife resources may result from the project. However, the required fees were paid previously: Receipt No. 219775 (200285001409) on November 19, 2002.

9 **NCCP NOT SIGNIFICANT** **PA060069**

That the proposed project will not have a significant unmitigated impact upon Coastal Sage Scrub habitat and therefore, will not preclude the ability to prepare an effective subregional Natural Communities Conservation Planning (NCCP) Program.



Appendix B Conditions of Approval PA060069

1	CP CP NA	BASIC/ZONING REG	PA060069
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 of approval of the project regarding any other applicable ordinance, regulation or requirement.			
2	CP CP NA	BASIC/TIME LIMIT	PA060069
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.			
3	CP CP NA	BASIC/PRECISE PLAN	PA060069
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, PDS, for approval. If the Director, PDS, determines that the proposed change complies with the provisions and the spirit and intent of the approval action, and that the action would have been the same for the changed plan as for the approved plot plan, he may approve the changed plan without requiring a new public hearing.			
4	CP CP NA	BASIC/COMPLIANCE	PA060069
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 Planning Commission.			
5	CP CP NA	BASIC/OBLIGATIONS	PA060069
Applicant shall defend at his/her sole expense any action brought against the County because of issuance of this permit. Applicant shall reimburse the County for any court costs and attorneys fees that the County may be required to pay as a result of such action. The County may, at its sole discretion, participate in the defense of any action, but such participation shall not relieve applicant of his/her obligations under this condition.			
6	CP CP NA	BASIC/APEAL EXACTIONS	PA060069
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.			
7	CP N/A N/A	AFFORDABLE HOUSING	PA060069 (Custom)
The project approved by this Planning Application shall comply with the provisions of the Regulatory Agreement between the City of Brea (Redevelopment Agency) and Jamboree Housing Corporation and the Affordable Housing Implementation Agreement between the City of Brea and Tonner Hills SSP, LLC. All ninety-four (94) dwelling units shall be available for occupancy at or below sixty (60) percent of the Area Median income, as further described in the two above referenced agreements.			
8	SG SG RG	DRAINAGE STUDY	PA060069
Prior to the recordation of a subdivision map (except maps for financing and conveyance purposes only) or prior to the issuance of any grading permits, whichever comes first, the following drainage studies shall be submitted to and approved by the Manager, Subdivision and Grading:			
<ul style="list-style-type: none"> A. A drainage study of the project including diversions, off-site areas that drain onto and/or through the project, and justification of any diversions; and B. When applicable, a drainage study evidencing that proposed drainage patterns will not overload existing storm drains; and C. Detailed drainage studies indicating how the project grading, in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding, will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood. 			
9	BFD BFD R/BP	FIRE HYDRANT LOCATIONS	PA060069 (Custom)
A. Prior to the recordation of a subdivision map or the issuance of any grading or building permits, the applicant shall submit			

a fire hydrant location plan to the Fire Chief for review and approval.(Note: hydrant locations were depicted on the prior approved Fire Master Plan.)

B. Prior to the issuance of a building permit, the applicant shall submit evidence related to the public or private on site fire hydrant system to the Fire Chief for review and approval. 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 provision for the repair and maintenance of the system in a manner meeting the approval of the Fire Chief. Prior to issuance of a building permit an underground fire protection plan showing Double Detector Check (DDC) locations and fire department connection serving the fire sprinkler risers within the structures shall be reviewed and approved by the City of Brea Fire. Please contact the CITY OF BREA FIRE DEPARTMENT at (714) 990-7655 for a copy of the "Guidelines for Private Fire Hydrant and/or Sprinkler Underground Piping."

C. Prior to issuance of any certificates 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. Please contact the CITY OF BREA FIRE DEPARTMENT at (714) 990-7655 for a copy of the "Guidelines for the Installation of Blue Dot Hydrant Markers."

10 BFD BFD BP WATER AVAILABILITY PA060069 (Custom)

Prior to the issuance of any building permits, the applicant shall provide evidence of adequate fire flow. The "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.

11 BFD BFD G/B FIRE ACCESS ROAD PA060069 (Custom)

A. Prior to issuance of precise grading or building permits, 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. All fire department access shall meet the requirements as shown on the prior approved fire master plan.

B. Prior to issuance of a precise grading permit or building permit, the applicant shall submit and obtain approval of the Fire Chief and the City Staff 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, 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. All fire department access meets the requirements as shown on the prior approved fire master plan.

12 BFD BFD G/B FIRE LANE MARKINGS PA060069 (Custom)

A. Prior to the issuance of precise 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 letter and its contrasting background. All fire department access shall meet the requirements as shown on the prior approved fire master plan.

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 of the approved documents shall contain a fire lane map, provisions prohibiting parking in the fire lanes, and an enforcement method. Provisions for enforcement shall be shown of the prior approved fire master plan.

13 BFD BFD N/A COMBUSTIBLE SOIL GAS MITIGATION PA060069 (Custom)

All projects which meet any of the following location criteria shall be subject to the combustible soil gas hazard mitigation measures outlined in the latest edition of the Orange County Fire Authority (OCFA) Guidelines and the City of Brea Fire Department Combustible Soil Gas System Installation and Inspection Requirements. Please contact the City of Brea Fire Department at (714) 990-7655 to obtain a copy of these guidelines.

A. Any location within an administrative boundary (see definition below) or a distance less than or equal to 100 feet beyond the administrative boundary of any oil/gas field that has been defined by the Division of Oil, Gas and Geothermal Resources (D.O.G.G.R.).

B. A distance less than or equal to 100 feet from any oil/gas well that is not located within the administrative boundary of an oil field as defined by the D.O.G.G.R. *Exception: This guideline shall not apply to any Hydrocarbon Free Oil/Gas Well as defined in section II of these guidelines when complete surface to total depth data has been provided to D.O.G.G.R. for review and certification and such certification is provided to Brea Fire Department.*

C. A distance of less than or equal to 300 feet from any gas seepage zone.

D. Any other location identified by the Brea Fire Department as being subject to gas migration from a potential source of a combustible gas.

Administrative Boundary - The boundary delineating the surface area which is underlain or reasonably appears to be underlain by one or more oil and/or gas pools as defined by the State of California, Division of Oil, Gas and Geothermal Resources in Section 3227.6 of the Public Resources Code.

A soil gas investigation shall be conducted for this project in accordance with the OCFA Guidelines and City of Brea Fire Department requirements. A "work plan" shall be submitted to the fire department for approval prior to conducting the investigation. Said investigation shall be conducted below "blue-line" grade and shall also include a survey of the area within 300 feet of the project boundaries.

14 F F B COMBUSTIBLE CONSTRUCTION LETTER PA060069 (Custom)

Prior to the issuance of a building permit for combustible construction, the builder shall submit a letter on company letterhead stating that water for fire-fighting purposes and all-weather fire protection access roads shall be in place and operational before any combustible material is placed on site. *Building permits will not be issued without City of Brea Fire Department approval obtained as a result of an on-site inspection.* The applicant must request an inspection from the City of Brea Fire Department at (714) 990-7855. The "Combustible Construction" requirements shall be shown on the prior approved fire master plan.

15 F F SB ARCHITECTURAL BUILDING PLANS PA060069 (Custom)

Prior to the issuance of a building permit, the applicant shall submit architectural plans for the review and approval of the Fire Chief if required. Please contact the City of Brea Fire Department at (714) 990-7655 for a copy of the Site/Architectural Notes to be placed on the plans prior to submittal.

16 F F BU FIRE ALARM SYSTEM PA060069 (Custom)

A. Prior to the issuance of a building permit, plans for the fire alarm system shall be submitted to the Fire Chief for review and approval. Please contact the City of Brea Fire Department at (714) 990-7655 for a copy of the "Guideline for New and Existing Fire Alarm Systems."

B. This system shall be operational prior to the issuance of a certificate of use and occupancy.

17 F F RBU AUTOMATIC FIRE SPRINKLER PA060069 (Custom)

A. Prior to the recordation of a subdivision map, a note shall be placed on the map stating that all residential structures shall be protected by an automatic fire sprinkler system in a manner meeting the approval of the City of Brea Fire Chief.

B. Prior to framing, the applicant shall submit plans for any required automatic fire sprinkler system in any structure to the City of Brea Fire Chief for review and approval. Please contact the City of Brea Fire Department at (714) 990-7655.

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 City of Brea Fire Chief.

18 SG SG G GEOLOGY REPORT PA060069

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.

19 SG SG/BI GU PRIVATE LANDSCAPING PA060069

A. Prior to the issuance of precise grading permits, the applicant shall prepare a detailed landscape plan for the project area which shall be approved by the Manager, Subdivision and Grading. The plan shall be certified by a licensed landscape architect or a licensed landscape contractor, as required, as taking into account approved preliminary landscape plan (if any), County Standard Plans for landscape areas, adopted plant palette guides, applicable scenic and specific plan requirements, water conservation measures contained in Board Resolution 90-487, and Board Resolution 90-1341 (Water Conservation Implementation Plan).

B. Prior to the issuance of certificates of use and occupancy, applicant shall install said landscaping and irrigation system and shall have a licensed landscape architect or licensed landscape contractor, certify that it was installed in accordance with the approved plan.

C. Prior to the issuance of any certificates of use and occupancy, the applicant shall furnish said installation certification, including an irrigation management report for each landscape irrigation system, and any other implementation report determined applicable, to the Manager, Building Inspection Services

20 EP BP B**LIGHT AND GLARE****PA060069**

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.

21 BP BP RGB**RESIDENTIAL NOISE****PA060069**

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:

A. 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.

B. 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.

C. 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.

22 BP BP G**CONSTRUCTION NOISE****PA060069**

A. Prior to the issuance of any grading permits, the project proponent shall produce evidence acceptable to the Manager, Building Permits Services, that:

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

B. Notations in the above format, appropriately numbered and included with other notations on the front sheet of the project's permitted grading plans, will be considered as adequate evidence of compliance with this condition.

23 CP CP G**SOLID WASTE****PA060069**

Prior to the issuance of any precise grading permit, the applicant shall obtain approval from the Manager, Current Planning Services of a site plan delineating the capacity, number, and location of all proposed solid waste and recyclable collection areas.

24 SG SG G**SIGHT DISTANCE****PA060069**

Prior to the issuance of any grading permits, the applicant shall provide adequate sight distance per Standard Plan 1117 at all street intersections, in a manner meeting the approval of the Manager, Subdivision and Grading. The applicant shall make all necessary revisions to the plan to meet the sight distance requirement such as removing slopes or other encroachments from the limited use area in a manner meeting the approval of the Manager, Subdivision and Grading Services.

25 BI BI RGB**WATER QUALITY MANAGEMENT PLAN****PA060069**

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.

26 BI BI RGB WQMP FOR PRIORITY PROJECTS PA060069

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).

27 BI BI U COMPLIANCE WITH THE WQMP PA060069

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 project's 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&R's (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.

28 BI BI GB STORMWATER POLLUTION PREVENTION PLAN PA060069

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.

29 BI BI GB EROSION AND SEDIMENT CONTROL PLAN PA060069

Prior to the issuance of any grading or building permit, the applicant shall submit a 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.