

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

**DATE:** June 6, 2007

**TO:** Orange County Planning Commission

**FROM:** RDMD/PDS/Site Planning

**SUBJECT:** Public Hearing on Revised Planning Application PA060070 for Area Plan/Site Development Permit within the Foothill/Trabuco Specific Plan.

**PROPOSAL:** The proposal is for approval of an Area Plan and Site Development Permit for development of two residential dwelling units (one residential dwelling unit would include a guest house), subject to future subdivision of the project site into two legal building sites.

**LOCATION:** The subject property is located at 19342 Live Oak Canyon Road in Trabuco Canyon  
  
(Third Supervisorial District).

**APPLICANT:** David C. Dodge, Inc.

**STAFF CONTACT:** Jerry Mitchell, Staff Planner  
Phone: (714) 834-5389 FAX: (714) 667-8344

**SYNOPSIS:** This is the fourth public hearing for the consideration of Planning Application PA060070. The first hearing, November 15, 2006, was continued to permit staff and the Planning Commission the opportunity to review materials submitted by the owner prior to the second December 20, 2006 Planning Commission hearing where the Planning Commission disapproved the project. A third hearing was held on April 4, 2007 to consider a revised plan. That hearing was continued to May 4, 2007, which was then continued to June 6, 2007 to allow applicant's engineer additional time to address issues raised at the April 4<sup>th</sup> hearing.

PDS/Site Planning supports the revised project and recommends Planning Commission approval of Planning Application PA060070.

**BACKGROUND:**

As noted above, this is the fourth public hearing on Planning Application PA060070. The second hearing (December 20, 2006) concluded with the Planning Application being disapproved by your Commission, as recommended by staff. A revised proposal came before

the Commission again on April 4, 2007 and following staff presentation, public testimony and discussion of major issues was continued to May 4, 2007 and subsequently to June 6, 2007.

During that continuance period the applicant has worked with staff to revise the design of the main residence in conformance with the Orange County Zoning Code height restriction of 35 feet and to address other concerns over site grading raised during the previous public hearings.

The proposal remains essentially the same as previously presented; that being, a proposal for an Area Plan and Site Plan to build two single-family residences (one residence would include a guest house) on approximately a five and a half-acre property that would be ultimately subdivided into two parcels. Proposed access to the property would be via Live Oak Canyon Road, located west of the property. The proposed residential unit for Site One would be approximately 5,000 square feet and for Site Two approximately 11,000 square feet. The building pads are approximately 70 and 130 feet above the elevation of the adjoining section of Live Oak Canyon Road.

### **GENERAL PLAN/ZONING CONSISTENCY:**

The Planning Application property is subject to the provisions of the Trabuco Canyon Residential (TCR) district regulations Foothill/Trabuco Specific Plan (FTSP). The information provided below describes the project in relation to the applicable FTSP regulations and guidelines.

### **Building Height**

Building height within the TCR district is “thirty-five (35) maximum per Zoning Code Section 7-9-129.” The methodology for calculating building height for the applicant’s sloping building site is outlined in Zoning Code Section 7-9-129.1. (a). In accordance with this section of the Zoning Code building height measurements are from uphill and downhill finish grade elevations measured five feet from the structure. The proposed main residence on parcel 2 previously measured 49 feet at the driveway from finished grade.

Under the revised proposal, the proposed garage and level one storage room are completely subterranean located below the footprint of the main residence on parcel 2. Staff has determined that the applicant, in his revised plan, has achieved consistency with Zoning Code requirements for 35-foot building height when measuring five feet from the main residential structure on finished grade. As such, the proposed main residence is in keeping with height requirements for this rural community.

Following the hearing on April 4, 2002, the applicant has further revised the architectural plan by setting back an additional ten feet the proposed roof railing (a portion of which previously protruded outside the building envelope) so that the entire structure is now fully compliant with the 35-foot height building envelope. This is evidenced by the Building Envelope shown in Section D1-D1 on sheet 2 of 5 of the grading plan.

In addition to the above, the architectural plan for Parcel 1 has been revised as a result of revisions to the overall grading of the property (Attachment 2). The residence on Parcel 1 is still well within the 35-foot height requirement, in compliance with the FTSP.

The applicant's intent is to conform to the FTSP requirements and Orange County Zoning Code. The FTSP Review Board recognized this in their approval of the revised project On March 9, 2007. They voted three to zero, recommending to the Planning Commission that the application be approved as designed, based upon County's concurrence.

## **Grading**

### *Main Structures and Driveway Access*

Pursuant to the FTSP, Section 6.8 h.1, page III-36, "Grading shall be limited to an average of 3,000 cubic yards of grading per dwelling unit permitted by the development cap on the property (either cut or fill, whichever is greater), excluding grading required for access roads or driveways serving two or more parcels and any remedial grading required, as certified by a geologist." The applicant's average grading for the two parcels would be less than 3,000 cubic yards (2,701 cubic yards of cut and 753 cubic yards of fill) and therefore would be consistent with the FTSP grading requirements for an average 3,000 cubic yards of grading.

In addition, the amount of grading required for the driveway is 5, 257 cubic yards of cut and 7,559 cubic yards of fill. The total amount of grading for both structures and driveway is 9,383 cubic yards of cut and 9,383 cubic yards of fill, factoring in shrinkage (approximately 1, 279 cy) and subsidence (approximately 315 cy). Therefore, the grading will be balanced on-site.

The FTSP on page III-37, Section 6.8 h. 6) states that "For private roads and driveways providing access to two or more dwelling units, in no case shall the height of cut or fill slopes exceed thirty (30) vertical feet." The applicant's revised plan, following reworking by the current engineer, now fully complies with this requirement of the FTSP.

In addition, the graded slope facing the house to the right on parcel 2 (main structure), previously showed a graded area at the nose point which was greater than 10 feet. For grading associated with structures, the FTSP, page III-37, Section 6.8 h. 4), requires that "...in no case shall the height of cut or fill slopes exceed ten (10) vertical feet." This graded slope has been pulled back on the revised plan so that its height is no longer greater than 10 feet and is now in compliance with the FTSP requirements.

The proposed grading plan also acknowledges that the finished floor elevation of the main structure on parcel 2 is 26 feet below the existing contour elevation, seemingly in contravention with FTSP provision, Section 6.8 h. 5) on page III-37. Staff believes that the intent of this provision, however, is to work in harmony with the slope provisions cited above and to ensure that there are no major visual or surface impacts to the Foothill Trabuco terrain. The subterranean impacts of grade elevations below the footprint of the house will not add or detract from any resource values or visible characteristics of the rural canyon property. The FTSP also speaks to this issue noting in the Architectural Guidelines (Section IV, E. 1. c. on page IV-II) that "Underground excavations and below grade rooms are encouraged to reduce the effective bulk of the structure and to provide energy efficient spaces. The visible area of building masses may also be minimized through a combined use of grading and landscaping techniques." Thus, staff in this instance does not see conflicts with the intent or purpose of the FTSP grading provisions.

## *Walls*

Most of the retaining walls in the applicant's revised plan, including those proposed adjacent to the shared driveway, would be less than ten feet in height, although a small portion of the walls would be as high as 16 feet (at the end of the driveway near the garage entrance to the main residence on parcel 2). The Applicant has stated (in hearings) that the extensive use of the retaining walls was proposed to minimize the grading required for the driveway (based on FTSP requirements) and to conserve natural open space terrain. There are more walls proposed under the revised plan than under the previous proposal. The applicant has attempted to reduce the amount of grading through construction of these additional walls and to balance on-site grading. Staff believes that this effort is within the spirit and intent of the FTSP and that additional land will be preserved in its natural state as a result of the additional use of walls.

### **CEQA COMPLIANCE:**

Addendum PA060070 to Final EIR No. 531 (previously certified by Board of Supervisors on December 10, 1991), included in the previous staff report of April 4, 2007, is acknowledged in the attached Findings (Finding No. 8) for the Commission's consideration. It must be approved prior to project approval as noted in Finding 8 with a finding that it is adequate to satisfy the requirements of CEQA.

### **PUBLIC NOTICE AND REFERRAL FOR COMMENT:**

A Notice of Hearing was mailed to all property owners of record within 300 feet of the subject site. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to County Divisions. As of the writing of this staff report, comments requiring the inclusion of numerous standard conditions were provided by other County divisions. Comments from the Grading Section raising significant issues with the project also have been received. These comments related to the proposed retaining walls to be constructed adjacent to the driveway. The concern was noted because the hillside is subject to surcharges. It was recommended that a Geotechnical Consultant address the following: the site slope stability, any potential geological hazards, e.g., any possible earthquake-induced landsliding, liquefaction, etc. Conditions of Approval respond to these grading concerns by requiring further geotechnical analysis with satisfactory mitigation prior to the issuance of any grading permit.

### **DISCUSSION/ANALYSIS:**

Staff's primary analysis of the proposed project previously focused on consistency with the FTSP.

The applicant's revised total amount of grading (9,383 cubic yards of cut and 9,383 cubic yards of fill) factoring in shrinkage (approximately 1, 279 cy) and subsidence (approximately 315 cy) is a considerable improvement, with balanced grading on-site.

The applicant has attempted to reduce the amount of grading through construction of additional walls to balance grading on-site. Staff believes that this effort is within the spirit and intent of the

FTSP, in that additional land has been preserved in its natural state as a result of the additional use of walls.

The proposed building height of the main residence on parcel 2 previously measured 49 feet at the driveway from finished grade. The structural height has now been revised to comply with the FTSP 35-foot height requirement. The applicant has achieved this through a revised plan that reduces the structural height of the proposed residence from finished grade and pulls back the intruding railing on the roof to be contained within the FTSP height requirement.

The proposed grading plan also acknowledges that the finished floor elevation of the main structure on parcel 2 is 26 feet below the existing contour elevation. Staff believes that the intent of the FTSP is to work in harmony with the slope provisions cited above and to ensure that there are no major visual or surface impacts to the Foothill Trabuco terrain. The subterranean impacts of grade elevations below the footprint of the house will not add or detract from any resource values or visible characteristics of the rural canyon property. As noted above, the FTSP states that “Underground excavations and below grade rooms are encouraged to reduce the effective bulk of the structure and to provide energy efficient spaces. Therefore, staff in this instance does not see conflicts with the intent or purpose of the FTSP grading provisions.

#### **CONCLUSION:**

As noted above, a number of concerns have been raised with the applicant’s proposed development project within the Foothill Trabuco Specific Plan area. In order to approve an area plan and a site development permit pursuant to Zoning Code Section 7-9-150, the Planning Commission must make several findings. Specifically, the Commission must find that the project is consistent with the General Plan, that it is consistent with provisions of the Zoning Code, that it will not result in conditions contrary to public health, safety and general welfare, and that a finding of compatibility with other uses in the vicinity can be made. With regard to the Foothill/Trabuco Specific Plan the Commission must also find that the project is “consistent with the purpose and intent of the (TCR) District”. Staff recommends the Commission, in light of the applicant’s revised plan, determine that the project is consistent with all of the aforementioned requirements noted.

This staff report combined with previous staff reports has presented and analyzed the project in light of provisions of the FTSP and in regard to proposed development within the TCR district. Staff has determined that the revised main residential structure is consistent with Zoning Code requirements for building height and is now “complementary to” this rural community. In addition, the opposition to the applicant’s previous plan from the Foothill Trabuco Specific Plan Review Board who, at their October 13, 2006 public hearing, recommended denial of the proposed project has now determined that the revised plan is consistent with the FTSP and recommended approval of the project on March 9, 2007.

Given the ability to find compatibility, as noted in this staff report, between the elements of the revised project and requirements of the FTSP, as well as, the General Plan and Zoning, staff supports the applicant’s plan. Staff recommends that your Commission make the necessary findings for project approval as required under Zoning Code Section 7-9-150 and further recommends, as a result of the above analysis and presentation of information by the applicant

under Planning Application PA060070, that your Commission approve the revised application as submitted.

**RECOMMENDED ACTION:**

Land Use Services Division recommends the Orange County Planning Commission:

- a. Receive staff report and public testimony as appropriate; and
- b. Approve Planning Application PA060070.

Respectfully submitted

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Tim Neely, Director  
RDMD/Planning and Development Service

**APPENDICES:**

- A. Recommended Findings
- B. Recommended Conditions of Approval

**ATTACHMENTS:**

- 1. Revised Site Plan
- 2. Revised Architectural Plan – Parcel 1

**APPEAL PROCEDURE:**

Any interested person may appeal the decision of the County Planning Commission on this permit to the Orange County Board of Supervisors within 15 calendar days of the decision upon submittal of required documents and a fee of \$245.00 for single-family residential and \$760.00 for all others filed at the Resources and Development Management Department (RDMD) Development Processing Center, 300 N. Flower St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to Planning and Development Services prior to the close of the public hearing.



## APPENDIX A

# David Dodge Residence, 19342 Live Oak Canyon Rd Trabuco Canyon – PA06-0070 Findings

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### 1. [AA01] GENERAL PLAN

**Approval:**

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.

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### 2. [AA02 ] ZONING

**Approval:**

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.

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### 3. [AA03] COMPATIBILITY

**Approval:**

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.

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### 4. [AA04] GENERAL WELFARE

**Approval:**

That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.

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### 5. [AA05] PUBLIC FACILITIES

**Approval:**

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.).

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### 6. [AH02] NUMBER OF DWELLING UNITS

**Approval:**

That the number of dwelling units permitted by this use permit is compatible with existing and planned

infrastructure facilities.

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## **7. [AH04] NOTIFICATION**

### **Approval:**

That all organizations and associations approved by the Planning Commission for receiving a copy of the application have been mailed said copy at least forty-five (45) days in advance of the public hearing on the use permit.

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## **8. CUSTOM CEQA COMPLIANCE - ADDENDUM PA060070**

Final EIR No. 531, previously certified by Board of Supervisors on 12-10-91, and Addendum PA060070, reflect the independent judgment of the lead agency and are approved for the proposed project based on the following additional findings:

- a. The circumstances of the project are substantially the same and EIR No. 531 adequately addressed the effects of the proposed project. No substantial changes have been made in the project, no substantial changes in the circumstances under which the project is being undertaken and no new information of substantial importance to the project which was not known or could not have been known when previous EIR No. 531 was adopted has become known, and no further environmental review is required.
- b. Together, these documents are adequate to satisfy the requirements of CEQA for the proposed project.
- c. The minor and/or technical additions, clarifications and/or changes to Final EIR 531 disclosed in Addendum PA060070 do not raise new significant issues which were not addressed by the Final EIR and none of the conditions described in CEQA Guidelines Section 15162 requiring preparation of a subsequent EIR/Negative Declaration exist.

## **9. CUSTOM FTSP COMPLIANCE**

That the Planning Commission finds Planning Application PA060070 (Dodge) is in overall compliance with the Foothill Trabuco Specific Plan (FTSP) and consistent with the Goals and Objectives of the FTSP based on, among other things, the completed FTSP Checklist dated June 5, 2007.



## APPENDIX B

### David Dodge Residence, 19342 Live Oak Canyon Rd Trabuco Canyon – PA06-0070

#### Conditions of Approval

**1. [Z01] BASIC/ZONING REG**

**Approval: CP CP NA**

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.

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**2. [Z02] BASIC/TIME LIMIT**

**Approval: CP CP NA**

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. [Z03] BASIC/PRECISE PLAN**

**Approval: CP CP NA**

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.

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**4. [Z04] BASIC/COMPLIANCE**

**Approval: CP CP NA**

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

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**5. [Z05] BASIC/OBLIGATIONS**

**Approval: CP CP NA**

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. [Z06] BASIC/APPEAL EXACTIONS**

**Approval: CP CP NA**

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. [T05] ROAD FEE PROGRAM**

**Approval: SI SI B**

Prior to the issuance of building permits, the applicant shall pay fees for the Major Thoroughfare and Bridge Fee Program listed below, in a manner meeting the approval of the Manager, Subdivision and Infrastructure.

- a. Foothill Circulation Phasing Program
- b. Foothill/Eastern Transportation Corridor
- c. Santiago Canyon Road

**8. [T07] SIGHT DISTANCE**

**Approval: SI SI G**

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

**9. [WQ01] WATER QUALITY MANAGEMENT PLAN**  
**Approval: BI BI RGB**

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.

**10. [WQ03] COMPLIANCE WITH THE WQMP**  
**Approval: BI BI U**

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.

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**11. [WQ04] STORMWATER POLLUTION PREVENTION PLAN**  
**Approval: BI BI GB**

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.

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**12. [WQ05]                    EROSION AND SEDIMENT CONTROL PLAN**

**Approval: BI    BI    GB**

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.

**13. [G01]                    GEOLOGY REPORT**

**Approval: SG    SG    G**

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.

Geotechnical Consultant of Record shall address the following: (but not limited to), the site slope stability, any potential geological hazards, (e.g. any possible earthquake-induced land sliding, liquefaction, etc.).

**14. [D01a]                    DRAINAGE STUDY**

**Approval: SG    SG    RG**

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:

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.

**15. [D03a]                    DRAINAGE OFFSITE**

**Approval: SG   SG   G**

Prior to the issuance of any grading permit, and if determined necessary by the Manager, Subdivision and Grading, the applicant shall record a letter of consent, from the upstream and/or downstream property owners permitting drainage diversions and/or unnatural concentrations. The form of the letter of consent shall be approved by the Manager, Subdivision and Grading Services prior to recordation of the letter.

**16. [D08]                    FIRM MAP REVISION**

**Approval: SG   SG/BI   RGBU**

A. Prior to the recordation of a subdivision map (except maps for financing and conveyance purposes only) or the issuance of any grading or building permits, whichever occurs first, within the FP-2 Zoning District, the applicant shall submit all of the necessary documents to the Federal Emergency Management Agency (FEMA) to receive a Conditional Letter of Map Revision (CLOMR) of the Flood Insurance Rate Map (FIRM). Concurrently, the applicant shall submit to the Manager, Subdivision and Grading, three (3) sets of the calculations and plans showing the method of satisfying FEMA and FP-2 Zoning District Regulations, all in a manner meeting the approval of the Manager, Subdivision and Grading.

B. Prior to the issuance of certificates of use and occupancy for buildings within the FP-2 Zoning District, the applicant shall accomplish the following in a manner meeting the approval of the Manager, Building Inspection, Services, in consultation with the Manager, Subdivision and Grading:

(1) Submit certified as-built plans, so stamped by a Registered Civil Engineer, to the Manager, Subdivision and Grading, demonstrating that the improvements as described in the CLOMR application have been completed; and

(2) Submit either:

(a) A certified elevation certificate which demonstrates that the as-built lowest floor is at least one (1) foot above the 100-year flood elevation of the FIRM in effect, or

(b) Obtain a Letter of Map Revision (LOMR) from the Federal Emergency Management Agency (FEMA) for revising the FIRM.

NOTE: Applicant is advised to seek certification of as built plans and submit LOMR application

to FEMA as early as possible in order to avoid delaying the issuance of final certificates of use and occupancy for buildings within the FP-2 Zoning District.

C. Prior to the release of subdivision improvement bonds, as appropriate, the applicant shall provide verification to the Manager, Subdivision and Grading that a Letter of Map Revision (LOMR) has been obtained from FEMA.

**17. [FPC08] FUEL MODIFICATION**  
**[Com] Service Codes: 2.9 & 2.10**

**Approval: F F GBU**

A. Prior to the issuance of a grading or building permit, the applicant shall obtain approval from the Fire Chief for a conceptual fuel modification plan and program. Please contact the OCFA at (714) 573-6100 or visit the OCFA website to obtain a copy of the “Guideline for Fuel Modification Plans and Maintenance.”

B. Prior to the issuance of a grading or building permit, the applicant shall obtain approval from the Fire Chief for a precise fuel modification plan and program. The plan shall indicate the proposed means of modifying vegetation to reduce the risk to structures. Please contact the OCFA at (714) 573-6100 or visit the OCFA website to obtain a copy of the “Guideline for Fuel Modification Plans and Maintenance.”

C. Prior to the issuance of building permit, the developer, under the supervision of the Fire Chief, shall have completed the portion of the approved fuel modification plan determined to be necessary before the introduction of any combustible materials into the project area. Approval shall be subject to an on-site inspection.

D. Prior to the issuance of any certificate of use and occupancy, the fuel modification shall be installed and completed under the supervision of the Fire Chief with an approved plant pallet. The CC&Rs or other approved documents shall contain provisions for maintaining the fuel modification zones, including the removal of all dead and dying vegetation. The fuel modification zones shall be subject to triennial inspections.

**18. [FPR03] AUTOMATIC FIRE SPRINKLER**  
**[Res] Service Code: 2.27**

**Approval: F F RBU**

A. Prior to the issuance of a building permit, the applicant shall submit plans for the required automatic fire sprinkler system in the structure to the Fire Chief for review and approval. Please contact the Orange County Fire Authority at (714) 573-6100 to request a copy of the “Orange County Fire Authority Notes for New 13 Commercial Sprinkler Systems.”

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

**19. [FPR07] FIRE HAZARD NOTIFICATION**  
**[Res] Service Code: 2.7.1 (Parcel Map & Tract Map Review)**

**Approval: F F RRB**

SFPA Notification. Prior to the recordation of any final tract map, the subdivider shall place a note on the map meeting the approval of the Fire Chief that the property is in a "Special Fire Protection Area" and must meet all requirements for development within the area or file for an exclusion with the Fire Chief.

**20. [EP01] COASTAL SAGE SCRUB**

**Approval: CP CP G**

Prior to the issuance of a grading permit or the initiation of any activity that involves the removal/disturbance of Coastal Sage Scrub (CSS) habitat, including clearing, grubbing, mowing, disking, trenching, grading, fuel modification, or any other construction-related activity, whichever occurs first, the applicant shall obtain the approval of the Manager, Environmental Planning Services Division, that all requirements of the NCCP have been satisfied or adequately addressed. (Contact Resource Planning Section at 714-834-2542 for specific requirements).

**21. [HBP] OPEN SPACE PRESERVATION EASEMENT DEDICATION**

**Approval: HBP**

The Trabuco Canyon Residential District (TCR) Regulations of the F/TSP requires the dedication of 66 % of the site(s) be offered for dedication in fee (Section III.6.8.i), or be placed within preservation easements also to be dedicated to the County of Orange. No grading, structures, walls, fences or commercial activities shall be permitted within said open space area. In addition, the property is adjacent to Live Oak Canyon Road, which is designated as a Scenic Roadway Corridor which requires a 200 feet scenic easement along the roadway frontage which the submitted site plan identifies. The following conditions shall apply:

1. Prior to the issuance of building permits, the applicant/owner shall dedicate an easement for open space preservation purposes to the County of Orange or its designee over 66% of the site, pursuant to the Foothill/Trabuco Specific Plan - Trabuco Canyon Residential District Regulations, in a manner meeting the approval of the Manager, RDMD/HBP Program Management. Maintenance, upkeep and liability for said easement area shall remain the responsibility of the applicant or assigns and successors or current underlying owner(s) of said easement area and shall not be included in said dedication offer. The applicant/owner shall not grant any easement over any property subject to said easement unless such easements are made subordinate to said easement offer in a manner meeting the approval of the Manager, RDMD/HBP Program Management.

2. Prior to the recordation of a final tract/parcel map or the issuance of grading permits, whichever comes first, applicant/owner shall offer for dedication in fee or preservation easement to the County of Orange or its designee those areas within the required scenic roadway setback area, as defined in the Resources Overlay Component of the Foothill/Trabuco Specific Plan, Section II.C.5.2.
3. Prior to the issuance of building permits, the applicant/owner shall note limitations and restrictions for said easement by reference to a separate document recorded in a manner meeting the Manager, RDMD/HBP Program Management.
4. Prior to the issuance of building permits, or as determined by the Manager, RDMD/HBP/Program Management, applicant/owner shall survey and monument all open preservation easement dedications. The applicant/owner shall monument the property line of the dedication area(s) with durable, long-lasting, high visibility markers at all angle points and line of sight obstructions to the satisfaction of the Manager RDMD/HBP Program Management.

**22. [HBP] LANDSCAPING PLAN:**

**Approval: HBP**

Pursuant to the Foothill/Trabuco Specific Plan Landscaping and Fuel Modification Regulations, a landscaping plan shall be prepared by the applicant owner in compliance with the following conditions subsequent to approval of a Preliminary Landscaping Plan to be approved by the Manager, RDMD/Subdivision, in consultation with the Manager, RDMD/HBP Program Management, prior to the issuance of a site development permit:

1. **Precise Landscape Plan:**  
Prior to the issuance of any grading permits, a Precise Landscaping Plan shall be approved by the Manager RDMD/Subdivision, in consultation with the Manager, RDMD/HBP Program Management. A licensed landscape architect shall certify that the plan is consistent with the Landscaping Regulations of the Foothill/Trabuco Specific Plan, Page III-76, and the Development and Design Guidelines (Section IV.C) of the F/TSP.
2. **Installation Certification:**  
Prior to the issuance of certificates of use and occupancy, the applicant/owner shall install said landscaping and irrigation systems, and shall have a licensed landscape architect certify that it was installed in accordance with the Precise Landscaping Plan and shall furnish said certification in writing to the Manager, RDMD/Building Inspection Division.

**23.[HBP] FUEL MODIFICATION/LANDSCAPING PLAN:**

**Approval: HBP**

1. Preliminary Fuel Modification/Landscaping Plan:  
Prior to the issuance of any grading plan, or building permits, whichever occurs first, pursuant to the Foothill/Trabuco Specific Plan Fuel Modification Regulations, the applicant shall prepare a Preliminary Fuel Modification and Landscaping Plan for approval of the Fire Chief, and the Manager, RDMD/Subdivision Division, in consultation with the Manager, RDMD/HBP Program Management. The Manager, RDMD/HBP Program Management shall determine whether the Fuel Modification/Landscaping Plan is consistent with any Resource Management Plan and/or Tree Management Plan addressing subject property.
  
2. Precise Fuel Modification/Landscaping Plan:  
Prior to the issuance of any building permits, the applicant/owner shall prepare a Precise Fuel Modification/ Landscaping Plan, pursuant to the Foothill/Trabuco Specific Plan Fuel Modification Regulations, for approval of the Fire Chief, and the Manager, RDMD/ Subdivision Division, in consultation with the Manager, RDMD/HBP Program Management. The Manager, RDMD/HBP Program Management shall determine whether the Fuel Modification/Landscaping Plan is consistent with any Resource Management Plan and/or Tree Management Plan addressing subject property.

**24. [HBP] TREE MANAGEMENT/PRESERVATION:**

**Approval: HBP**

Prior to issuance of any grading permits, a Tree Management/Preservation Plan, pursuant to the Foothill/Trabuco Specific Plan Tree Management/Preservation Regulations, shall be included as a component of the required Landscaping Plan cited in Condition 22 above. Oak trees removed shall be replaced at a minimum 5:1 ratio for any oaks over five inches in diameter measured at 4.5 feet above the existing grade in conjunction with the Tree Replacement Scale criteria provided on Page III-77 of the F/TSP.

**25. CUSTOM SENSITIVE SPECIES**

Prior to the issuance of any grading permit, it shall be acknowledged on the grading plan (notes) that clearing of vegetation will not be conducted between February 15 and August 15 to avoid impacts to nesting sensitive bird species and other species protected by the Migratory Bird Treaty Act. Should vegetation clearing be necessary during this time, a preconstruction survey shall be conducted by a qualified biologist to ensure that no nests will be affected by the project.

**26. CUSTOM MITIGATION MEASURES – ADDENDUM TO FINAL EIR 531**

Prior to issuance of any grading, or building permits, all mitigation measures noted in Addendum PA06-0070 to Final EIR 531 for this project are fully enforceable and shall be complied with in their entirety. These include mitigation for temporary noise impacts associated with construction activities, and mitigation related to impacts on biological resources. In particular, mitigation associated with impacts to California coastal sage

scrub requires specific protocol surveys to determine presence/absence of the California gnatcatcher and a 4(d) permit along with other written authorization from the U.S. Fish and Wildlife Service and California Department of Fish and Game.