



**Attachment 2**  
**Conditions of Approval**  
**PA21-0055**

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**1 BASIC/ZONING REGULATIONS PA21-0055**

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

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**2 BASIC/TIME LIMIT PA21-0055**

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.

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**3 BASIC/LAND USE PLAN PA21-0055**

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

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**4 BASIC/COMPLIANCE PA21-0055**

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.

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**5 BASIC/COMPLIANCE PA19-0055**

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.

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**6 INDEMNIFICATION PA21-0055**

Applicant shall, at its own expense, defend, indemnify and hold harmless the County of Orange, its officers, agents and employees from any claim, action or proceeding against the County, its officers, agents or employees to attack, set aside, void, or annul any approval of the application or related decision, or the adoption of any

environmental documents, findings or other environmental determination, by the County of Orange, its Board of Supervisors, Planning Commission, Zoning Administrator, Subdivision Committee, Director of OC Public Works, or Deputy Director of OC Development Services concerning this application. The County may, at its sole discretion, participate in the defense of any action, at the applicant's expense, but such participation shall not relieve applicant of his/her obligations under this condition. Applicant shall reimburse the County for any court costs and attorney's fees that the County may be required to pay as a result of such action. If litigation is filed challenging the Project, the County may, at its sole discretion, require the Applicant to post a bond, enter into an escrow agreement, obtain an irrevocable letter of credit from a qualified financial institution, or provide other security, to the satisfaction of the County, in anticipation of litigation and possible attorney's fee awards. The County shall promptly notify the applicant of any such claim, action or proceeding.

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7                                      **BASIC/APPEAL EXACTIONS**                                      **PA21-0055**

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

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8    **GEOLOGY REPORT**    **PA21-0055**

Prior to the issuance of a grading permit, the applicant shall submit a geotechnical report to the Manager, Permit Services, for approval. The report shall include the information and be in the form as required by the Grading Code and Grading Manual.

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9    **PRIVATE LANDSCAPING**    **PA21-0055**

- A. Prior to the issuance of precise grading permits, the applicant shall submit a detailed landscape plan for the project area which shall be approved by the Manager, Permit Services in consultation with the Manager, OC Planning. The plan shall be certified by a professional appropriately licensed in the State of California, 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, and water conservation measures contained in the County of Orange Landscape Code (Ord. No. 09-010).
- B. Prior to the approval of final inspection, 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 approval of final inspection, 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, Permit Services.

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**10 ROAD FEE PROGRAM PA21-0055**

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

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**11 WATER QUALITY MANAGEMENT PLAN PA21-0055**

Prior to the issuance of any grading or building permits, the applicant shall submit for review and approval by the Manager, Permit Services, a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to control predictable pollutant runoff. The applicant shall utilize the Orange County Drainage Area Management Plan (DAMP), Model WQMP, and Technical Guidance Manual for reference, and the County's WQMP template for submittal. This WQMP shall include the following:

- Detailed site and project description
- Potential stormwater pollutants
- Post-development drainage characteristics
- Low Impact Development (LID) BMP selection and analysis
- Structural and Non-Structural source control BMPs
- Site design and drainage plan (BMP Exhibit)
- GIS coordinates for all LID and Treatment Control BMPs
- Operation and Maintenance (O&M) Plan that (1) describes the long-term operation and maintenance requirements for BMPs identified in the BMP Exhibit; (2) identifies the entity that will be responsible for long-term operation and maintenance of the referenced BMPs; and (3) describes the mechanism for funding the long-term operation and maintenance of the referenced BMPs

The BMP Exhibit from the approved WQMP shall be included as a sheet in all plan sets submitted for plan check and all BMPs shall be depicted on these plans. Grading and building plans must be consistent with the approved BMP exhibit.

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**12 COMPLIANCE WITH THE NPDES IMPLEMENTATION PROGRAM PA21-0055**

Prior to the issuance of a certificate of use and occupancy, the applicant shall demonstrate compliance with the County's NPDES Implementation Program in a manner meeting the satisfaction of the Manager, OC Inspection, including:

- Demonstrate that all structural Best Management Practices (BMPs) described in the BMP Exhibit from the project's approved 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 (the O&M Plan shall become an attachment to the WQMP;
- Demonstrate that copies of the project's approved WQMP (with attached O&M Plan) are available for each of the initial occupants;
- Agree to pay for a Special Investigation from the County of Orange for a date twelve (12) 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
- Demonstrate that the applicant has RECORDED one of the following:
  1. CC&R's or other appropriate document (that must include the approved WQMP and O&M Plan) for the project's operator/owner;
  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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**SHARED PARKING  
AGREEMENT**

**PA21-0055 (Custom)**

Prior to the issuance of a building permit, the applicant shall submit a written agreement between landowner(s) and the County, in a form satisfactory to County Counsel, for approval by the Director. This agreement shall be in a form capable of and subject to being recorded to constitute a covenant running with the land and shall include:

1. A guarantee that there shall be no substantial alteration in the uses that will create a greater demand for parking;
2. A guarantee among the landowner(s) for access to and use of the shared parking facilities;
3. A provision that the County may require parking facilities in addition to those originally approved upon a finding that adequate parking to serve the use(s) has not been provided; and
4. A provision stating that the agreement shall not be modified or terminated without the approval of the Director.

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**NOISE ORDINANCE**

**PA21-0055 (Custom)**

The applicant agrees that all uses and functions at the subject site will be conducted and operated in compliance with the County Noise Ordinances.