

ATTACHMENT "A"

PLANNING COMMISSION CONDITIONS OF APPROVAL

Date: March 8, 2016 Revised August 2019

File: GPA-15-001, ZC-15-002, PUD-13-001, CUP-14-005, ENV 15-006, and
TTM-14-002 (Tentative Tract Map 18893)

Applicant: Sunland Communities, LLC

Proposal: Request to subdivide four (4) contiguous parcels into 204 numbered lots
and 10 lettered lots for the creation of a cohesive planned residential
development

Location: An approximately 179 acres north of Greenspot Road and east of Santa
Paula Street (

PLANNING CONDITIONS OF APPROVAL

Note: These conditions represent Planning Conditions and are meant to be one part of overall conditions that may include, but are not limited to, Engineering, Fire Department and Building and Safety conditions of approval. All required on-site and off-site improvements shall be completed and approved prior to final inspection for occupancy unless otherwise stated herein.

The Tentative Tract Map Application has been conditionally approved, subject to compliance with the requirements as specified below. The conditions listed below are continuing conditions. Failure of the Applicant and/or developer to comply with any or all of said conditions at any time shall result in the revocation of the application.

General

1. This approval shall become null and void:
 - a. Unless all conditions have been complied with and the occupancy or use of the land or structures authorized by this application have occurred within thirty-six (36) months from the approval date of this tentative tract map application, this tentative tract map application shall expire and be null and void without further action by the City of Highland.
 - b. Where circumstances beyond the control of the Applicant cause delays which do not permit compliance within the time limitation established in this Section, the Planning Commission may grant an extension of time for a period of time not to exceed an additional thirty-six (36) months. An application for an extension of time must be set forth in writing, stating the reasons for the extension, and must be filed with the Planning Division a minimum of thirty (30) calendar days prior to the expiration of the project. Such application shall be filed together with the City's processing fee, as established by the City Council.

2. The subject property shall be developed in accordance with plans and materials approved by the City Council on March 8, 2016, 2016, on file with the City of Highland Planning Division, and shall be in compliance with all conditions of approval contained herein.
 - a. The specific plan and tentative tract map are included as Exhibit "A".
3. Revisions, modifications, and/or deletions to the approved plans shall be submitted to the Planning Division for review and approval. Revisions, modifications and/or deletions may require additional review by the Planning Commission.
4. In compliance with the Highland Municipal Code, the Applicant/Owner shall agree, at his/her sole cost and expense, to defend, indemnify, and hold harmless, the City, its officers, employees, agents, and consultants, from any claim, action, or proceeding brought by a third-party against the City, its officers, agents, and employees, which seeks to attack, set aside, challenge, void, or annul an approval of the City Council, Planning Commission, or, other decision-making body, including staff, concerning this project. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve the Applicant/Owner of his/her obligations under this condition.
5. No expansion of the project beyond the scope and nature described in the application (i.e., GPA-15-001, ZC-15-002, PUD-13-001, CUP-14-005, ENV 16006 and TTM-14-002), which would tend to increase the projected scale of the project, shall not be permitted except upon application for, and approval of, modification of this application in compliance with all procedures and requirements therefore.
6. The Applicant/Owner of the property shall submit to the Planning Division written evidence of agreement with all conditions of this approval before the approval becomes effective.
7. The Applicant/Owner is responsible for implementing all conditions of approval to the satisfaction of the Community Development Director, City Engineer, Fire Department, and Police Department. No final inspection or clearances shall be given until all conditions are met. Each condition of approval is separately enforced, and if one of the conditions of approval is found to be invalid by a court of law, all the other conditions shall remain valid and enforceable.
8. Prior to issuance of permits, all proposed construction work shall be subject to plan check and approval with the Planning Division, Engineering Division, Building Division and Fire Department. The plans shall demonstrate compliance with the 2013 California Building, Plumbing, Mechanical, Electrical, Fire, Energy, and Green Codes, Highland Municipal Code, Engineering Directives and Standards, and all conditions contained herein.

9. The Applicant shall obtain any necessary permits from the Engineering Division prior to commencement of work within public right-of-way or public easements.
10. Prior to the start of operations (i.e. construction), the developer shall obtain any necessary permits. The developer shall arrange for a final inspection by representatives of the Planning Division, Building Division, Engineering Division, and Fire Department prior to the start of operations (i.e., occupancy). Any discrepancy between the approved plans and the field conditions shall be remedied prior to the start of operations (i.e., occupancy) such that the field condition is consistent with the approved plans. If the field condition cannot be reconfigured to match the approved plans, the Community Development Director shall consider any requested deviation and may refer the matter to the Planning Commission for review and consideration.
11. This approval may be terminated for violation of any provisions of Title 16 of the Highland Municipal Code or any other applicable laws, or for fraud or misrepresentation in the application process.
12. All Ordinances, Policy Resolutions, and Standards of the City in effect at the time this project is approved shall be complied with as a condition of this approval.
13. The approval of this project is subject to, and contingent upon, the developer completing all subdivision improvements necessary to support future construction. Necessary subdivision improvements shall include, but not be limited to, design and construction of street, parkway, sidewalk, disabled ramping, driveway approach improvements, multi-use trail connections, water system facilities, water quality improvements, fire suppression facilities, sewer and storm drain facilities, electrical, gas, and telecommunication facilities, grading improvements and retaining walls, perimeter walls and fencing, street trees and landscaping, private front yard landscaping, and landscaping on all applicable lettered lots.
14. Lot 201 of the associated tract map shall contain an existing single-family residence and accessory structures that shall be preserved and maintained by the current landowner. So long as no new home construction is proposed on the lot, lot 201 shall be exempt from the conditions of approval and other documents recorded as a condition for development, of this tract. Notwithstanding the foregoing, the developer shall be required to install retaining walls (as needed) on and around lot 201 as well as; sewer, water, power, cable and phone service connections to lot 201. These improvements and connections shall not be considered new construction for the purposes of this condition.
15. Design and construction of all subdivision improvements shall be completed in accordance with the approved phasing plan.
16. No permanent building construction shall be commenced until the final grading and improvement plans have been approved, rough grading certified, and a building permit issued by the Building Division.

17. No release of surety, or any other final clearance, shall be given until all other conditions are met.
18. Prior to recordation of the final map, the Applicant/Owner shall obtain approval from the Street Naming Committee for all new streets.
19. ~~(Deleted) Prior to the issuance of a grading permit, the Developer shall enter into a Reimbursement Agreement with the City for reimbursement of the annual costs of a Wildland Fire Protection Agreement that the City would enter into with CalFire to provide wildland fire protection to the undeveloped portion of the property. The number of acres subject to such agreement and Developer's reimbursement obligation shall decrease commensurate with the number of acres developed within the Project. Following such date, the City shall be fully responsible for the costs of the Wildland Fire Protection Agreement for the natural open space within the Property.~~
20. Prior to the issuance of the first building permit for residential construction within Phase II, a dedication of development rights over the designated Natural Open Space areas and the mechanism for establishing an endowment to fund the long-term management activities will be negotiated with all involved parties and ultimately recorded. ~~Until such dedication, the Homeowners Association shall maintain, and be legally responsible for, the Natural Open Space areas. Upon creation of legal parcels encompassing the Natural Open Space areas an Open Space Easement shall be prepared for approval by the City of Highland and recorded over the Natural Open Space parcel listing the City of Highland as Beneficiary. All maintenance and other obligations shall remain the responsibility of the owner of record and no obligations shall be assumed by the City of Highland.~~

Easements

21. Prior to the issuance of permits, the Applicant/Owner shall obtain a non-interference letter from any utility company that may have rights of easements within the property boundaries and shall provide the letter to the Planning Division.
22. Easements of record not shown on the tentative tract map shall be, relinquished or relocated. Lots affected by proposed easements or easements of record which cannot be relinquished or relocated shall be redesigned subject to review and approval of the Assistant Community Development Director.

Site Design

23. The Applicant/Developer shall obtain approval of a Design Review Application from the Planning Commission prior to the issuance of permits. The review shall include, but is not limited to, grading plans, interior and perimeter walls and fences, architectural elevations, colors/materials, plotting, and landscaping.

24. Single-story residences shall be constructed on all corner lots unless otherwise approved by the Planning Commission.
25. No more than three (3) two-story residences shall be constructed on adjacent lots unless otherwise approved by the Planning Commission.
26. A decorative masonry block wall shall be installed around the perimeter of the tract and along all property lines visible from the public right-of-way in compliance with the Planned Development design guidelines.

Grading

27. All slopes shall be limited to a maximum ratio of 2 to 1 and shall be a part of the downhill lot when located within or between individual lots.
28. Prior to issuance of a grading permit, a tree removal application shall be reviewed and approved for removal of all on-site trees.

Construction

29. The developer shall not engage in any construction activities other than between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday. No construction shall be permitted on Sundays or National Holidays.
30. During construction, temporary vehicular and pedestrian access shall be provided to the, existing single-family residence which will remain on Lot 201. The location, width and materials of the temporary access shall be to the satisfaction of the Planning Division and Fire Department.

Environmental

31. The Developer shall comply with all applicable mitigation measures specified within the Mitigated Negative Declaration for the project (State Clearinghouse No. 2015101076) attached hereto.

Declaration of Conditions, Covenants and Restrictions

- 31-32. Prior to ~~recordation of the final map~~first occupancy, all organizational documents for the project, including Conditions, Covenants and Restrictions (CC&R's) shall be submitted and approved by the Planning Division. The approved CC&R's shall be recorded concurrently with the recordation of the final map and a copy of the recorded documents shall be submitted to the Planning Division within five (5) days after recordation. This document shall include, but not be limited to, the following:
 - a. The City shall be included as a party to the CC&Rs for enforcement purposes of those CC&R provisions in which the City has an interest. However, the City shall not be obligated to enforce the CC&Rs;

- b. Architectural controls shall be provided and shall include, but not be limited to, establishing the requirement to obtain approval from the City of Highland for any additions, patios, or accessory buildings/structures and establishing minimum design guidelines to ensure compatible development;
- c. Provisions alerting the buyers of any lot that the construction of dwellings has been required to meet the City's interior noise standard for single-family residential development;
- d. Provisions alerting the owners of any affected lots that those lots are required to accept and accommodate runoff from other lots. Said provisions shall prohibit homeowners from modifying drainage facilities or flow patterns of their lots without first obtaining permission from the City;
- e. Provisions alerting the buyers of any applicable Community Facility District or other assessment districts; and,
- f. Provisions alerting the buyers of residential lots with slopes over ten (10) feet in height that it is their responsibility to maintain the slope and any landscaping on the slope.

Homebuyer Notification

33. Prior to ~~recording of the final map~~first occupancy, the Applicant/Owner shall submit to the

Planning Division for review and approval a homebuyer notification document that includes, but is not limited to, the notifications listed below. The notification shall be signed by each buyer at the time of sale.

- a. A notice indicating the proximity of San Bernardino International Airport;
- b. A notice indicating the proximity of the Santa Ana River mining operations;
- c. A notice explaining the obligation to maintain any on-site slopes over (10) feet in height and prohibit altering of any on-site drainage facilities or, flow patterns without obtaining approval from the City of Highland;
- d. A notice indicating potential restrictions for lots affected by any on-site easements; and,
- e. A notice explaining the obligation to comply with Highland Municipal Code regulations pertaining to the parking and storage of recreational vehicles.
- f. A notice disclosing the proximity to the Alquist-Priolo Earthquake Fault Zone.

Fees

- 34. Prior to the issuance of building permits, the Owner/Developer shall pay all applicable Development Impact Fees.
- 35. Prior to issuance of building permits, the Owner/Developer shall provide receipts indicating payment of any applicable school fees.

Trails

36. The North Fork Trail should continue around the bulb of all cul-de-sacs as defined by the typical revised North Fork Trail section. Reduction of the North Fork Trail width shall be permitted to provide acceptable emergency access to the Fire Department from adjacent cul-de-sacs.
37. The Trail around the bulb of Street D, as proposed by the applicant, shall consist of the street adjacent six-foot sidewalk and a six-foot decomposed granite path and low profile fence separating the path from the single family lot.
38. The ideal concept of the trail along north roadway edge of Street L should include a low ground cover area followed by a fence then an eight-foot paved surface between the fence and the v-ditch. At a minimum the North Fork Trail, along this segment, should provide a minimum eight-foot paved trail. The decomposed granite trail will not continue along this short segment.
39. The North Fork Trail segment from the west end of Street L to the western terminus of the trail shall be consistent with the revised typical North Fork Trail section with the exception of the trail design behind the cul-de-sac on Street D.
40. Pedestrian access should be provided from all cul-de-sacs adjacent to the North Fork Trail.
41. Any driveway aprons that cross the decomposed granite path shall have a transverse medium broom finish following the alignment of the trail.
42. The western terminus of the North Fork Trail shall be improved to continue across the on-site drainage facility in an alignment with the westward continuation of the North Fork easement to facilitate the continuation of North Fork Multipurpose Trail to the west.
43. An access and development rights easement shall be recorded upon Lot D to permit future segments of the North Fork Trail to be connected from the east. Future improvements to the earthen drainage channel along the north and east side of the trail shall include an improved access across said improvements to facilitate the continuation of the North Fork Multipurpose Trail to the east.

Community Facilities District

44. ~~(Deleted) Prior to the issuance of a grading permit, the Applicant shall form with the City of Highland a Community Facilities District for Police and Fire Services. The initial annual cost and annual percentage of increase shall be established by the City of Highland's Finance Department.~~