

Conditions of Approval for Tentative Tract Map No. 54016,  
Conditional Use Permit 03-09, and Variance 04-11  
Adopted August 8, 2005  
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CITY OF SIERRA MADRE

## CONDITIONS OF APPROVAL

In addition to all applicable provisions of the Sierra Madre Municipal Code (SMMC), Maranatha High School and its successors in interest in this subdivision other than a purchaser of an individual lot (collectively, the "Applicant") agrees that it will comply with the following provisions as conditions of the City of Sierra Madre's approval of Vesting Tentative Tract Map 54016 (hereinafter, the "Map") and all related approvals.

### ***Project Description:***

A Tentative Tract Map consisting of approximately 63 acres that proposes 29 single-family residential lots with a variety of lot sizes to be developed within a 32.07-acre development footprint at 1 Carter Avenue, within the City of Sierra Madre. In total, 30.93 acres of the property will be conserved as deed restricted open space. Additionally, 2.85 acres within the development footprint of Lots 28 and 29 will be conserved by dedication of development rights to the City of Sierra Madre through the adoption of conservation easements.

This tentative map is approved as a vesting map for all boundary lines, rights-of-way, infrastructure, grading, and construction of off-site improvements as shown on the application plans and exhibits specifically labeled as Vesting Tentative Tract Map 54016. Because the detail required by Section 16.52.040(B)(1)-(3) was not included with the Map application, the Map does not vest rights in existing City ordinances, policies and standards governing house design, building envelopes, setbacks, on-site improvements and other matters which the City cannot reasonably evaluate in the light of the failure to provide the required level of detail.

Assessor's Parcel Numbers: 5762-002-001, 5762-002-003, 5762-009-006, 5762-009-012, and 5762-010-011, 5762-010-012.

Approval Date: August 8, 2005

### ***General Requirements***

Within forty-eight (48) hours of the approval of the Map, the Applicant shall deliver to the Development Services Department a cashier's check or money order made payable to the County Clerk in the amount of Eight Hundred Seventy-Five Dollars (\$875.00) which includes the Eight Hundred and Fifty Dollars (\$850.00) fee required by Fish and Game Code Section 711.4(d)(3) plus the Twenty-Five Dollar (\$25.00) County administrative fee, to enable the City to file the Notice of Determination for the Environmental Impact Report required under Public Resources Code Section 21151 and California Code of Regulations Section 15904. **If** within said forty-eight (48) hour period the Applicant has not delivered to the Development Services Department the check as required above, the approval for the Map granted shall be void (Fish and Game Code Section 711.4(c)).

- 1.) Applicant must defend, indemnify and hold harmless the City, its agents, officials, and employees from any claim, action, or proceeding against the City or its agents, officials, or employees in any action to attack, set aside, void or annul, the approval of this Map as provided in that certain

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Settlement Agreement and Mutual Release approved by the City Council with respect to this project on August 8, 2005 ("the Settlement Agreement").

- 2.) The Applicant must enter into a contract with the City to install and construct all improvements as required by the conditions of approval of the Map and by the subdivision provisions of the SMMC, and must post security satisfactory to the City Manager or his designee, guaranteeing the installation and construction of all required improvements within the time period specified, herein or any time extension approved by the City pursuant to applicable law.
- 3.) Approval of the Map requires certain legislative determinations by the City Council. The approval of the Map is hereby expressly made contingent upon the approval and effectiveness of the "Rezoning Ordinance" defined in the Settlement Agreement. Should that Rezoning Ordinance not take effect pursuant to law or be invalidated by final judgment of a court of competent jurisdiction, the Map approval shall be invalidated as well. Conversely, should the Map be invalidated by final judgment of a court of competent jurisdiction, the Rezoning Ordinance shall be ineffective according to its terms.
- 4.) The conditions of this Resolution prevail over all ordinances, conflicts from or with specifications, dimensions, typical sections, and the like shown or omitted on the Map or any improvement plans prepared with respect to it.
- 5.) Applicant is responsible for cost of all inspections related to onsite and offsite improvements.
- 6.) The Applicant shall be responsible for all actions of its contractors and subcontractors until such time as the City has accepted the public improvements.
- 7.) Prior to issuance of grading permit, the Applicant must provide to the City in writing the designation of one or more authorized representatives who must have complete authority to represent and to act for the Applicant. An authorized representative must be present at the site of the work at all times while work is actually in progress. Arrangements acceptable to the City must be made for any after-hours emergency work that may be required.

When orders are given by the City to an Applicant's representative to do work required for the health, safety and welfare of the general public because of inclement weather or any other cause, and said orders are not immediately acted upon by such person, the City may do or have such work done by others at the Applicant's expense.

- 8.) Within thirty-six (36) months after approval or conditional approval of the Map, Applicant must survey the subdivision, or any part thereof, and prepare a Final Map to comply with the Map as approved
- 9.) Prior to issuance of a building permit for any lot, all required public improvements for the tract (including, but not limited to, water, sewer, drainage, lighting, and other utilities but excluding rehabilitation of historic resources) must be completed.

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U.S. Army Corps of Engineers, and U.S. Fish and Wildlife Service or any agency with jurisdiction over the project. Written evidence from the County Assessor's office stating that the provisions of Sections 66492 and 66493 of the Subdivision Map Act have been met and satisfied.

- 11.) Except as pursuant to any relief issued pursuant to Paragraph 15 of the Settlement Agreement, *if* any of the conditions or limitations of this Map are held to be invalid by final judgment of a court of competent jurisdiction, that holding will render this Map to be null and void as the conditions of approval are intended to be inseparable from the approval of the Map.
- 12.) Applicant shall record a copy of these conditions of approval against the land affected by the Map and provide evidence to the Director of Development Services that the Applicant has done so.
- 13.) The Applicant must retain an engineer licensed *in* the State of California and registered in accordance with the appropriate provisions of the Business and Professional Code to insure that all construction work pursuant to the Map conforms to the approved improvement plans and specifications (public improvements, rough grading, and fine grading) and to provide the Director of Public Works after project completion "as-built" plans certified as accurate by that engineer. The Applicant shall post a bond prior to approval of any final map to be released after the submittal of certified "as-built" plans.
- 14.) Applicant must ensure that the Final Map shows and identifies a public pedestrian access easement for a 5-foot wide pedestrian access-way along the street frontage of Lots 13, 14, 17, 18, 19, 21, 22, 23, 24, 25, and 26 along the northerly side of Lot 2 and across Lot C, leading to the proposed pocket park/viewpoint. The Final Map must also include language stating, "the access easement must remain unobstructed". The pedestrian access easement shall be surfaced with a material, which provides a suitable walking area and distinguishes the pedestrian easement from the adjoining street and private yard areas. Choice of such surfacing material shall be at the discretion of the Applicant and shall be consistent throughout those portions of the pedestrian easement that lie adjacent to streets. The pedestrian easement required by this condition shall not be excluded from the area of the lots which it crosses for purposes of setbacks, floor area ratios, or any other requirements of the zoning ordinance.
- 15.) Prior to the approval of the Final Map, the Applicant must provide proof to Director of Public Works that the pedestrian public access easement has been recorded with the Los Angeles County Recorder's office on the deeds of Lots A, B, and C. The recordation must include language stating "the required access easement must remain unobstructed at all times."
- 16.) Prior to the issuance of any Certificates of Occupancy, the Applicant must construct the pedestrian passive improvements for the pocket park/viewpoint shown on the Map, within Lot C to the satisfaction of the City by the Applicant.
- 17.) Prior to the issuance of any grading permit, as deemed necessary by the Department of Public Works, the Applicant shall consult with the State of California Department of Fish and Game,

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U.S. Army Corps of Engineers, and U.S. Fish and Wildlife Service or any agency with jurisdiction over the project under applicable law to determine if permits or approvals are necessary from such agencies under applicable law for any action contemplated by this Map. Such consultation shall be in writing, and copies of said correspondence, including responses from agencies, shall be submitted to the City. Where the City determines it is appropriate to do so, the terms, conditions, and recommendations of the noted agencies shall be incorporated as Conditions of Approval of the Map.

- 18.) Applicant must ensure that construction upon any lot created by the Map must comply fully with the applicable provisions of the current California Building, Plumbing, Mechanical, and Electrical Codes and State-mandated requirements as adopted by the SMMC.
- 19.) Subsequent to tentative approval of this map, the City reserves the right to impose any new plan check and/or permit fees approved by City Council except as otherwise provided in Paragraph 6(c) of the Settlement Agreement

#### Homeowners' Association

- 20.) Applicant must prepare a Declaration of Covenants, Conditions, and Restrictions (CC&Rs) and submit them to the Development Services Director, Director of Public Works, and the City Attorney for review and approval. Applicant must have the approved CC&Rs recorded with the Los Angeles County Recorder's Office concurrently with the first Final Map recorded. With respect to the Map. Any future revision of the CC&Rs, as they pertain to the requirements set forth in these conditions, requires the approval of the City. Approval will be based upon compliance with the requirements of these conditions:
  - The formation of a homeowners association (HOA), which includes all owners of property within the project boundary and their successors;
  - By-laws for the operation of the HOA;
  - A statement that the HOA will be responsible, in perpetuity, for the maintenance, repair and replacement of:
    - all common area improvements, including, but not limited to the view point and associated pedestrian path, private streets, landscaping, trails, irrigation equipment, storm drain and debris-detention basins, utilities not accepted and maintained by a public agency or utility;
    - all project landscaping and irrigation equipment within the right-of-way of Carter Avenue and all enriched parkways within the boundaries of the Map; and
    - brush clearance on open space lots to meet fire prevention requirements.

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- A statement that, if these areas are not properly maintained, repaired and replaced according to the City-approved landscape and drainage plans, the City may arrange for that maintenance and recover its costs of doing so from the HOA or, at City's option, from the owners of individual lots with each to bear a pro rate share of those costs; if HOA fails to do so after a written request from the City that it do so.
  - Notwithstanding the fact that the CC&Rs may duplicate City ordinances or regulations, a statement that the HOA will be responsible for providing written notice to association homeowners of any violation of the CC&Rs on the homeowners property, and for enforcing the CC&Rs and taking appropriate legal action.
- 21.) The Applicant shall be responsible for all maintenance of the open space sites and common area slopes/landscaping areas until those responsibilities are accepted by the HOA.
- 22.) The HOA shall maintain all other common area landscape areas, entry monumentation, signage, walls, and other common area infrastructure not accepted and maintained by a public agency or utility.
- 23.) All areas intended for dedication to the HOA for maintenance shall be identified on each final map by lettered lots and indexed to identify said lots as HOA maintenance areas.
- 24.) The Final Map shall not allow for more than 16 lots within central canyon portion of the project site, as depicted by the Proposed RE-Zone Area Plan exhibit within the *29-Lot Plan Addendum to the EIR*.
- 25.) The Applicant shall comply with all applicable mitigation measures contained in the FEIR for the adopted City of Sierra Madre General Plan listed as follows:
1. Due to the expected ground motion or acceleration effect from a local earthquake, California – registered geotechnical and engineering professionals should be involved with the discretion of the City's Plan Checker in the planning and design of earthwork and construction in the Hillside area.
  2. New home construction, Citywide, shall be designed per the Uniform Building Code (UBC) expecting 0.35g within the guidelines of the UBC:
  5. Prior to the issuance of grading permits, the devdoper of each future subdivision shall prepare a fugitive dust emission control plan which conforms to the requirements of AQMD Rule 403 in effect at that time. Measures currently required by Rule 403 include:
    - a. Apply approved non toxic chemical soil stabilizers according to manufacturer specifications to all inactive construction areas (previously graded areas inactive for four days or more).

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- b. Replace ground cover in disturbed areas as quickly as possible.
  - c. Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e. gravel, sand, dirt) according to manufacturer's specifications.
  - d. Water active grading sites at least twice daily.
  - e. Suspend all excavating and grading operations when wind speeds (as instantaneous gusts exceed 25 mph).
  - f. Provide temporary wind fencing with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded.
  - g. All trucks hauling dirt, sand, soils or other loose materials are to be covered or should maintain at least two feet of freeboard (i.e. minimum vertical distance between top of the load and the top of the trailer), in accordance with Sections 23114 of the California Vehicle Code.
  - h. Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.
  - i. Sweep streets at the end of the day if visible soil material is carried over to adjacent roads, (recommend water sweepers using reclaimed water if readily available).
  - j. Apply water three times daily or chemical soil stabilizers according to manufacturer's specifications to all unpaved parking or staging areas or unpaved road surfaces.
  - k. Enforce traffic speed limits of 15 mph or less on all unpaved roads.
  - l. Where appropriate, pave all construction access roads at least 100 feet onto the site from the main road.
6. Building materials, architectural coatings, and cleaning solvents used in developing the future uses within the City of Sierra Madre shall comply with all applicable AQMD rules and regulations in effect at that time.
  7. Prior to the issuance of grading permits, the developer of each tract shall develop and implement a construction management plan. The plan shall include the following specific measures:
    - a. When needed, provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person) in the immediate vicinity of the construction site.

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- b. Schedule construction activities that affect traffic flow on the arterial system in the immediate vicinity of the construction site to off-peak hours.
  - c. Maintain equipment and vehicle engines in good condition and in proper tune as per manufacturer's specifications and per AQMD rules, to reduce exhaust emissions.
  - d. Suspend the use of all construction equipment operations during second stage smog alerts. Contact the AQMD at 800-242-4022 for daily forecasts.
  - e. Use electricity from power poles rather than temporary diesel- or gasoline-powered generators to the extent feasible.
  - f. Use methanol- or natural gas-powered mobile equipment instead of diesel when readily available at competitive rates.
  - g. Use propane- or butane-powered on-site mobile equipment instead of gasoline when readily available at competitive rates.
8. All natural gas-fired, fan-type central furnaces installed within the City under the General Plan buildout shall be subject to AQMD Rule 1111 which establishes standards of performance for such furnaces.
  9. All residential-type, natural gas-fired water heaters installed within the City under the General Plan buildout shall be subject to AQMD Rule 1111 which establishes standards of performance for such water heaters.
  10. The developers of individual lots shall comply with Title 24 of the California Code of Regulations, which are current at the time of development.
  11. All construction activity associated with the proposed public improvements or future private development within the study area should adhere to the requirements of the City's Noise Ordinance.
  12. Maintain existing traffic speeds on all analyzed roadways at current levels.
  14. In the event that unanticipated paleontologic resources are encountered on a development site during the course of construction, all earthmoving activity *in* the area of impact shall cease until the project sponsor retains the services of a qualified paleontological consultant who shall examine the findings, assess their significance and offer recommendations for any procedures deemed appropriate to either further investigate and/or mitigate impacts to those cultural resources which have been encountered.
  15. In the event that unanticipated archaeological resources are encountered on a development site during the course of construction, all earthmoving activity *in* the area of impact shall

cease until the project sponsor retains the services of a qualified archaeological consultant who shall examine the findings, assess their significance and offer recommendations for any procedures deemed appropriate to either further investigate and/or mitigate impacts to those cultural resources which have been encountered.

### General Land Use Regulation

- 26.) Prior to approval of a Final Map, unless otherwise noted, Applicant shall complete all conditions at no cost to any government agency. The Map shall show on the Map all existing and proposed easements, including those for vehicular and pedestrian access and drainage courses; the omission of these will subject the Map to further review and revision.
- 27.) Nothing in this approval, as described in this Resolution, shall require or be interpreted to require the City of Sieua Madre to fund or cause to be funded the development of any facilities or improvements, including but not limited to infrastructure improvements, which are necessary or convenient to cause, allow or further the development of the Map.
- 28.) Applicant must comply with all applicable laws and regulations of every local, state and federal entity with respect to development pursuant to the Map and all such requirements and enactments will be incorporated by reference as conditions of this Map. The duty of inquiry as to such requirements and any amendments thereto will be upon Applicant.
- 29.) Details shown on the Map are not necessarily approved. Any details that are inconsistent with requirements of ordinances, general conditions of approval, or Public Works Department policies, must be specifically approved in a Final Map or in an approved improvement plan.
- 30.) Prior to the approval and subsequent filing of a final tract map with the County Recorder, the Applicant must ensure that the final tract map is prepared by, or under the direction of a Registered Civil Engineer authorized to practice land surveying, or a Licensed Land Surveyor, and must be processed through the Public Works Department office. The applicant shall file the approved, signed Final Maps with the County Recorder.
- 31.) A preliminary subdivision guarantee is required showing all fee interest holders and encumbrances. Prior to the release of the final tract map for filing with the County Recorder, the Applicant shall provide an updated title report by the Applicant.
- 32.) Prior to the issuance of building permits, the Applicant shall file the final tract map with the County Recorder and submit one (1) mylar copy of filed map to the Public Works Department.
- 33.) The Applicant shall comply with all requirements of the Subdivision Map Act applicable to the Map.
- 34.) Approval of any final map pursuant to this Map is contingent upon approval of plans and specifications mentioned in these conditions. If the improvements are not installed prior to the

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filing of an application for approval of a Final Map, the Applicant must submit a Deferred Improvement Agreement and a Faithful Performance and Labor and Materials Bond in the amount estimated by the Civil Engineer and approved by the Public Works Department guaranteeing the installation of the improvements.

- 35.) All easements and/or right-of-way dedications shall be offered for dedication to the City or another public agency designated by the City and shall continue in force until the City or other public agency accepts or abandons such offers. All dedications shall be free from all encumbrances except those approved in writing by the Department of Public Works.
- 36.) Permanent landscaping and irrigation facilities, as determined by the landscaping plan, are installed or the Applicant shall submit a bond pursuant to condition 34 above prior to the approval of any Final Map. Applicant shall ensure that perimeter walls, where required by the fencing plan, are treated with graffiti-resistant coating and shall be installed adjacent to street improvements within each phase.
- 37.) Applicant must record conservation easements in favor of the City of Sierra Madre on Lots 28 and 29 concurrently with any Final Map depicting any land subject to those easements.
- 38.) Applicant must record deed restrictions barring future development on Lot C, the undeveloped remainder of the site, and the Restricted Use Areas designated on the Map (collectively "protected open space"), and the Final Map concurrently with any final map depicting any land subject to those use restrictions. These deed restrictions shall prevent any use of or activity on protected open space other than (i) fuel modification pursuant to the Uniform Fire Code as adopted by the City, (u) slope repair and stabilization approved by the Director of Public Works as necessary for public safety, and (iii) habitat restoration and enhancement efforts approved by the Director of Development Services.
- 39.) If the structure proposed for Lot 8 crosses the Hillside Management Zone (HMZ) line so that any portion of the structure would be built within the HMZ, that structure shall require a Conditional Use Permit from the City, pursuant to Chapter 17.52 of the SMMC.
- 40.) No second units shall be built on HMZ lots (Lots 3, 4, 5, 6, 7, 15, and 16) without first obtaining Conditional Use Permits from the City. This restriction shall be reflected in the CC&Rs for these lots and the Applicant shall notify future buyers of this restriction.
- 40a.) The Planning commission shall issue no conditional use permits for development within the H zone without finding that the development is designed and sited so as to protect views of prominent ridgelines from the designated viewpoints in the City identified in the HMZ ordinance.
- 40b.) Although height limits are not entitlements, the height limit of any dwelling structure within the Hillside Management Zone shall not exceed twenty-five (25) feet in height as measured from finished grade to the top of any portion of any ridge or a pitched roof or twenty (20) feet as

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measured from finished grade to the top of any portion of a flat roof. The height limit of an accessory structure within the Hillside Management Zone shall not exceed fifteen (15) feet as measured from finished grade to the top of any portion of any ridge or a pitched roof or ten (10) feet as measured from finished grade to any portion of a flat roof. No more than sixty percent of the graded pad area shall be impervious. Impervious surfaces shall include building footprints and any other surface determined by the Director of Development Services to be impervious such as poured concrete driveways, walkways, patios, swimming pools, spas, and other features which do not allow for the percolation of water into the ground.

- 41.) There shall be no duplication of house facades or architectural styles, as visible from a public right of way within any single viewshed (meaning an area which can be seen from a single viewpoint).
- 42.) No streets within the project site shall be gated from and after the issuance of a Certificate of Occupancy for any lot, nor shall the overall site be gated or have any guard shack placed at the entrance to the site.
- 43.) Prior to the approval of any final map with respect to the Map, the Applicant shall comply with the requirements of Chapter 16.44 of the SMMC.
- 44.) Either: (i) any Final Map depicting any portion of Lots C, 28 and 29, must include a note on the face of the final map restricting the portions of those lots to be dedicated for open space against any improvement, or (ii) a conservation easement acceptable in form to the City Attorney must be recorded simultaneously with such final map to accomplish this purpose.
- 45.) Any Final Map recorded with respect to the Map must include a note on the face of the map dedicating to the City the right to further subdivide any portion of the land, which is the subject of the Map.
- 46.) The Applicant and any subsequent transferor shall provide written notice to the purchaser of any undeveloped lot any portion of which lies in the HMZ zone of the fact of that zoning and the requirements of Chapter 17.52 of the SMMC, including the requirement for a conditional use permit for any development and restrictions on height, massing, and grading to protect topography, view and other purposes of the hillside management zone ordinance and that satisfaction of these requirements may not allow a house of the maximum square footage allowed in R1 zones of the City on the lot in question as graded by the Applicant, and for a highly constrained lot, will likely require a house substantially smaller than the maximum allowable in the R1 zone. The Applicant shall provide a copy of any such notice to the Director of Development Services.
- 47.) Based on a field survey conducted by a licensed surveyor, the Applicant shall monument the following:
  - The boundary of the HMZ zone on lots that are partly, but not entirely, in that zone;

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- Street centerlines;
- The boundaries of all conservation easements or other use restrictions;
- The County drainage easement (confirming whether or not the existing county drain is located within the mapped easement);
- And all lot boundaries.

Monuments shall be marked in the field with permanent survey monuments by a licensed surveyor prior to approval of any Final Map.

- 48.) Development of Lot 10 shall require the issuance of a conditional use permit pursuant to Chapter 17.60 of the SMMC, but not Chapter 17.52 of the SMMC, to allow the City to control house design to protect the historically significant Carter Bam and Macomber Cabin, which are across the private road from Lot 10.
- 49.) The proposed access to Lot 13 requires an overcrossing of a drain owned by the Los Angeles County Flood Control District (LACFCD). If the LACFCD does not grant the necessary approval for that overcrossing, the Applicant shall provide access to Lot 13 across Lot 14. The presence of such an easement shall not alter the requirements of Chapter 17.52 of the SMMC with respect to the HMZ-zoned portions of Lots 13 and 14.
- 50.) Signage shall be governed by the SMMC. No tract identification or other monument sign shall be permitted.

## Geology & Soils

- 51.) *To effectively mitigate the geotechnical impact of the proposed development, a Geotechnical/ Geologic Susceptibility Matrix has been prepared that indicates the areas in which further studies shall be completed within individual lots. Refer to Table 3.1, Geotechnical/Geologic Susceptibility Matrix of the 29-1-11 Plan Addendum to the EIR, for a list of additional studies required for each lot within the proposed project. These studies shall be completed prior to the issuance of grading or building permits for the individual lots as noted in Table 3.1.*

*The intent of Table 3.1 is to act as a guide for the review of individual applications as each lot individually goes through the plan check process. For each geologic/geotechnical condition that a lot may be subject to, additional geotechnical studies must be completed which identify the susceptibility to identified geotechnical constraints and recommend mitigation measures, as described herein or the equivalent, to effectively mitigate the identified geologic/geotechnical constraints to the satisfaction of the City of Sierra Madre. (MM 4.2-A)*

- 52.) *The Applicant shall ensure that the site is prepared to receive compacted fill by removing vegetation, debris, existing landslide debris, fill, soil, colluvium, and at least the upper five feet of alluvium. Prior to placing compacted fill the soil engineer or geologist shall observe the exposed excavated area. The exposed grade shall be*

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approved by the geologist/soils engineer, scarified to a depth of six inches, moistened to optimum moisture content, and fill soils recompact to 90 percent of the maximum density. (MM.4.2-1a)

- 53.) For transition lots, the fill portion of the building pad shall be undercut (i.e. overexcavated) five feet and replaced as compacted fill to provide a more uniform foundation condition. The overexcavated area shall include the entire front portion of the pad. (MM.4.2-1b)
- 54.) Fill, consisting of soil approved by the soils engineer, shall be placed in horizontal lifts and compacted in six-inch layers with suitable compaction equipment. The excavated onsite materials are considered satisfactory for reuse in the controlled fills. Prior to use in fill areas, any imported fill shall be observed by the soils engineer. Rocks larger than six inches in diameter shall not be used in the fill. (MM.4.2-1c)
- 55.) The Applicant shall ensure that the fill is compacted to at least 90 percent of the maximum laboratory density for the material used. The maximum density shall be determined ASIM D 1557-00 or equivalent. (MM.4.2-1d)
- 56.) During grading, Applicant shall ensure that the soils engineer conducts field observation and testing to assist the contractor in obtaining the required degree of compaction and the proper moisture content. Where compaction is less than required, additional compactive effort shall be made with adjustment of the moisture content, as necessary, until 90 percent compaction is obtained. One compaction test is required for each 500 square feet or two vertical feet of fill placed. (MM.4.2-1e and 4.2-1b)
- 57.) Prior to the initiation of project grading in any development area, the Applicant shall ensure that all existing utilities shall be located and either abandoned and removed, rerouted or protected. (MM.4.2-1f)
- 58.) Within thirty (30) days of completion of grading, the Applicant shall ensure that graded, but undeveloped land is maintained weed-free and planted with interim landscaping, except as to lots for which building permits are obtained. Planting, with interim landscaping shall comply with NPDES Best Management Practice. (MM.4.2-2a)
- 59.) Prior to grading, permit issuance, the Applicant shall ensure that soil sampling of the disturbed portions (historic agricultural areas) of the project site are conducted to determine the presence or absence of excessive levels of agricultural pesticides. (MM.4.2-3a)
- 60.) In the event concentration of agricultural chemicals are detected above regulatory clean levels during demolition or construction activities, Applicant shall ensure that mitigation includes the following:
- Excavation and disposal of contaminated material at a permitted, off-site facility;
  - On-site treatment; or
  - Other measures as deemed appropriate by a City-approved soils engineer or geologist. (MM.4.2-3b)

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- 61.) *In order to preclude the potential impacts resulting from landsliding, Applicant will ensure that all loose unconsolidated alluvial soils that show indications of previous or future movement are removed and recompacted to meet safe standards compliant with City code and regulations. (MM 4.2-4)*
- 62.) *Engineering design for all structures shall be based on the probability that the project area will be subjected to strong ground motion during the lifetime of the project. Construction plans shall be subject to the City of Sierra Madre Municipal Code and shall include applicable standard that address seismic design parameters. (MM 4.2-5a)*
- 63.) *Mitigation of earthquake ground shaking shall be incorporated into design and construction in accordance with Uniform Building Code requirements as adopted by the SMMC and site-specific design. The Sierra Madre fault shall be considered the seismic source for the project and site-specific design parameters shall be used. (MM 4.2-5b)*
- 64.) *The potential damaging effects of regional earthquake activity shall be considered in the design of each structure. The preliminary seismic evaluation shall be based on basic data including the Uniform Building Code Seismic Parameters. Structural design criteria shall be determined in consideration of building types, occupancy category, seismic importance factor and possible other factors. (MM 4.2-5c)*
- 65.) *Conformance with the Uniform Building Code and the SMMC shall occur in conjunction with the issuance of building permit in order to ensure that over excavation of soft, broken rock and clay soils within the area to be developed is planned. (MM 4.2-5d)*
- 66.) *To ensure that no structure is built in close proximity to the Carter Basin Fault Spine, any structure that is proposed north of the recommended fault setback line will require additional investigation involving a registered geologist. Prior to the issuance of a grading permit for the entire portion of the site, a report of the findings and recommendations will need to be submitted to the City and third-party peer review and approval. (MM 4.2-5e)*
- 67.) *Prior to the issuance of building permits, the Applicant must prepare siting studies for the review and approval of the City of Sierra Madre that conclusively demonstrate that all proposed structures are set back at least 15 feet from the toe of any ascending slope, or that demonstrate that through the construction of retaining walls, which have minimum freeboard of two feet, unconsolidated soils mantling natural slopes near proposed structures are adequately retained. (MM 4.2-2b and 4.2-7a)*
- 68.) *Applicant shall provide a deposit to the City to cover the cost of an inspector to be hired under contract to the City for the full period of Tract Grading and Tract improvements. Inspector shall be present on the project site during any and all of grading or sitework construction.*
- 69.) *Developers of individual parcels shall survey the boundary between HMZ and non-HMZ portions of the parcels and erect a construction barrier fence along that boundary to prevent unauthorized grading in the HMZ which shall be maintained for the full period of parcel grading for parcels 1, 2, 8, 10, 11, 12, 13, 14, 17, 18, 19, 20, 28, and 29 and all parcels within the HMZ. Each incident of unauthorized grading in the HMZ will be subject to a \$10,000 fine payable to*

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the City as well as remediation by the property owner. This requirement shall be reflected in CC&Rs for the project.

- 70.) Applicant shall file a bond or bonds with the City for the full cost of tract grading and tract improvements. Said bonds shall be informed by the actual bid prices from the contractors that will be doing the grading and construction work.
- 70a.) Grading, roads, drains and other offsite infrastructure shall be completed within one year of the issuance of the grading permit for the grading and the City shall be empowered to draw on the grading bond, if necessary, to ensure that this done.
- 71.) Prior to the recordation of a final map, grading and drainage plans must be approved to provide for contributory drainage from adjoining properties as approved by the Public Works Department, including dedication of the necessary easements.
- 72.) Prior to the issuance of building permits, the Applicant shall ensure that a civil engineer or licensed surveyor provides a letter to the Development Services Department certifying that the grading was accomplished in accordance with the approved set of plans and that the grading complies with his or her recommendations for site grading.
- 72a.) Soils Engineers or Geologist of Record shall certify, prior to recordation of Final Map, that all recommendations of the soils/geology report have been incorporated in rough grading of site.
- 73.) A grading and drainage plan shall provide for an independent drainage system to a public or private street, to a public drainage facility, or by means of an approved drainage easement for each lot.
- 74.) The Applicant shall ensure that the grading and drainage plan provides for the protection during construction and following project completion of existing residences downstream of the westerly ridge portion of this project, to the satisfaction of the Director of Public Works.
- 75.) The Applicant shall ensure that historical or existing storm water flow from adjacent lots is received and directed by gravity to the street, a public drainage facility, or an approved drainage easement.
- 76.) The Applicant shall ensure that the existing County Flood Control facilities and access to those facilities shall be protected. Prior to issuance of a grading permit by the City, the subdivider shall provide the Public Works Director written proof of Los Angeles County approval of the proposed debris basin and storm drain system, the relative location of the existing County-owned storm drain and the residential lots created by the Map, and the grading proposed in the vicinity of the existing County-owned storm drain. **If** the County's approval(s) are conditioned in any way, those conditions shall be adhered to by the Applicant as though set forth in these conditions.

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- 77.) The Applicant must identify the proposed drainage pattern post-development. The Applicant shall identify any retention basins with the source and outflow paths shown.
- 78.) Considerable off-site drainage enters this property; the engineer shall submit a hydrology study to establish the quantity of off-site contribution to the onsite drainage system.
- 79.) Prior to the issuance of a grading permit by the City, hydrology and hydraulic design for all storm drain and storm drain appurtenances which connect to the County-owned storm drain shall be reviewed and approved by Los Angeles County Department of Public Works. The project site shall generate no increase in peak flow runoff from the site. Site hydrology shall demonstrate that adequate retention is provided on Lot 7, and elsewhere as necessary, to limit peak discharge to levels existing prior to the approval of the Map.
- 79a.) Should County review of downstream drainage system indicate that the peak discharge from the development site be reduced to levels less than existing, County discharge requirements shall prevail.
- 80.) The grading and improvement plans for this tract will not be approved by the City, and no grading permit shall be issued, prior to receipt by the City of written approval by Los Angeles County Public Works of the site hydrology, storm drain system hydraulics, and all grading and site improvements in the vicinity of the existing County storm drain.
- 81.) The Applicant shall design and construct all drainage improvements, including the proposed retention basin and debris basin, according to County standards and offered to the County for acceptance by the County for maintenance.
- 82.) The applicant shall design and construct the proposed storm drain system in its entirety, including but not limited to catch basins, storm drain conduit, retention basin, and debris basin, according to the current standards of the County of Los Angeles. The applicant shall offer to dedicate said system to the County for maintenance and operation. Should the County refuse to accept the drainage facilities or any part thereof for maintenance, and should the County provide to the City written evidence of its refusal to accept said drainage improvements, then the applicant shall offer those drains to the City and shall consent to the creation of an assessment or community facilities district on the land subject to the Map to fund the City's costs to monitor, maintain and operate those drains. City need not accept title to, and maintenance responsibility for, any portion of the storm drain system in the absence of County approved design and construction, or in the absence of an assessment or Mello-Roos special tax to fund maintenance of that storm drain. The CC&Rs shall obligate the HOA to provide funding for maintenance of any portion of the storm drain accepted by the City if after the acceptance of an assessment or Mello-Roos special tax sunsets, is repealed, or otherwise proves legally or practically inadequate to cover the costs to maintain the portions of the storm drain accepted by the City under this condition. The assessment costs shall fully cover the City's costs to create and maintain the assessment district, as well as the costs to maintain the drain. In addition, prior to the City accepting any portion of the drainage system for monitoring and maintenance, the applicant or

HOA shall provide a deposit to the City, in a form and in an amount acceptable to the Director of Public Works, suitable to cover emergency maintenance of said storm drain for the first five years' existence of the assessment.

- 83.) The Applicant shall design grading proposals for Lot 10 to minimize alteration of the landform to the extent consistent with reasonable utility of that lot for residential development.
- 84.) Prior to issuance of any grading permit, the Applicant shall submit an updated soils reports to the Department of Public Works for review and approval, to address engineering geologic, seismic, and soils engineering concerns for the Map and each lot for which development is proposed
- 85.) The Applicant shall ensure that a Geotechnical Report is prepared by a registered engineer or engineering geologist and submitted to the Director of Public Works with the initial grading plan check. The report shall address special study zones and identify any geotechnical hazards for the site including locations of faults and potential for liquefaction. The report shall include recommendations to mitigate the impact of ground shaking and liquefaction.
- 86.) Prior to the issuance of any grading permits or building permits pertaining to the construction of any retaining walls within Lots 27, 28, and/or 29, the Applicant shall submit building plans for those retaining walls for the review and approval of the Director of Development Services. The building plans shall indicate the design and materials to be used. The design and materials shall be of the same design and materials, or of a compatible design and materials, as the design and materials of retaining walls in the vicinity of these lots.

### Air Quality

- p.) *During the construction phase of the Project and in accordance with the City of San Mateo Development Code and SCAQMD Rules, the Applicant shall incorporate the following measures to the satisfaction of the SCAQMD and City Public Works Director. Compliance with this measure is subject to periodic field inspections by the SCAQMD and City Public Works Director:*

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*Apply non-toxic soil stabilizer according to manufacturer's specifications to all previously graded construction areas, which are inactive for ten days or more;*

- *Replace ground cover in disturbed areas as quickly as possible;*
- *Enclose, cover, water 1/10 times daily, or apply non-toxic soil binder in accordance to manufacturer's specifications, exposed piles (i.e., gravel, sand, dirt) with 5% or greater silt content;*

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- *Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph; and*
  - *Trucks hauling dirt, sand, soil, or other loose materials shall be covered and shall maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer).*
  - *And, for paved roads: Sweep streets at the end of the day if visible soil material is carried onto adjacent public paved roads. (MM 4.4-1)*
- 88.) *To the extent feasible, the project shall incorporate the installation of EPA-certified wood burning stoves or fireplaces. If this is not feasible, then the installation of a ceramic coating on the honeycomb inside a catalytic combustor shall be investigated as a feasible alternative. Alternatively, natural gas fireplaces may be used. (MM 4.4-2).*

This condition shall be reflected in the CC&Rs for the tract

- 89.) Prior to issuance of any grading permit, the Applicant shall prepare erosion control plans in conformance with applicable City Standards and subject to approval by the Department of Public Works. The Applicant shall post security and enter into an agreement guaranteeing the grading and erosion control improvements and further guaranteeing that any damage to private or private property caused by failure of erosion control measures shall be promptly repaired by the Applicant.
- 90.) The Applicant shall demonstrate that each subsequent application for a phase of development includes a conceptual grading plan to indicate at a minimum:
- Preliminary quantity estimates for grading.
  - Techniques and methods which will be used to prevent erosion and sedimentation during and after the grading process in compliance with the City Standards and NPDES requirements.
  - Preliminary pad and roadway elevations.
  - Designation of any borrow or stockpile site location for import/export material (including, but not limited to, soil, rock, and various construction materials)
  - No material shall be stockpiled for more than 30 days. Stockpiles shall be covered when in place for more than ten days or when the five-day weather forecast calls for a greater than 60% chance of rain.
  - Approximate time frames for development including the identification of areas, which will be graded between October 15th and April 15th.

- Hydrology and hydraulic concerns and mitigations
- 91.) The Applicant shall ensure that major grading activities are scheduled from April 15th to October 15th wherever possible, or as otherwise approved by the Director of Public Works.
- 92.) If import or export is requested by the Applicant, and approved by the City pursuant to applicable law, the Applicant shall propose an import / export plan to the Director of Public Works for approval concurrently with the grading permit. The plan shall include: (i) a limit on the duration of grading and construction activities consistent with these conditions, (ii) a Traffic Control Plan, and (iii) a daily schedule of operations.
- 93.) During grading operation and construction activities, all public streets shall be maintained and cleaned as necessary on a daily basis. Prior to issuance of grading permits, Applicant shall post a cash deposit, letter of credit, or bond to guarantee maintenance of all public rights-of-way affected by the grading operations and construction activities.
- 94.) Prior to approval of the grading plans, if subsequent Geotechnical and Soils Reports determine that dewatering of the site is necessary during construction, the Applicant shall obtain necessary permits (i.e. in compliance with NPDES permit) from appropriate agencies prior to approval of the grading plans.

To the extent feasible, the design of the grading for this tract shall incorporate landform grading in order to minimize the long-term visual impacts of graded slopes.

## Hydrology

- 95.) Prior to Grading Permit issuance and as part of the project's compliance with the NPDES requirements, the Applicant shall prepare and submit a Notice of Intent (NOI) to the State of California Regional Water Quality Control Board providing notification and intent to comply with the State of California general permit. Also, the Applicant shall complete a Storm Water Pollution Prevention Plan (SWPPP) for the construction activities on-site. A copy of the approved SWPPP shall be available and implemented at the construction site at all times. The SWPPP shall outline the source control and/or treatment control BMPs to avoid or mitigate runoff pollutants at the construction site to the "maximum extent practicable." The SWPPP shall contain, at a minimum, the BMPs for residential development, as outlined in Appendix 15.6, Hydrology and Water Quality Data of the EIR for the Map. (MM 4.3-1a)
- 96.) The Applicant shall include that construction of the project shall include Best Management Practices (BMPs) including:
- During construction, disposal of the following shall occur in a specified and controlled temporary area on-site, preferably: separated from potential storm water runoff, with immediate disposal in accordance with local, state and federal requirements: solid or liquid chemical spills, wastes from paint, stains, stains, greases, limes, pesticides, herbicides, wood preservatives and solvents; (asbestos, fibers, paint flakes or fragments), oils, lubricants, and hydraulic, radiator or battery fluids; fertilizers, vehicle/equipment wash water and

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*commute wash water; commute, detritus, or floatable waste; waste from a) engine/equipment steam cleaning or chemical degreasing; and copper chlorinated potable water line fittings.*

- *Discharges (material other than stormwater) are allowed only when necessary for performance and completion of construction practices, provided that they do not result or contribute to a violation of any water quality standard, cause or threaten to cause pollution, contamination, or nuisance, or contain a hazardous substance in a quantity reportable under federal regulations 40 CFR, Parts 117 and 302.*
- *Storm transported sediment shall be contained on-site by sand bags, temporary dams, temporary vegetation and/or mulch toppling, or other devices as approved by the Public Works Director. (MM 4.3-1b)*

97.) *Prior to issuance of final permits, a final grading plan, a storm drain plan, a street plan, and a final hydrology plan with supporting hydraulic analysis shall be submitted to the Director of Public Works for review and approval. The Applicant shall ensure that the final design and implementation of the project storm drain is consistent with the recommendations of the Hydrology and Hydraulics Drainage Analysis for Maranatha High School, 1 Carter Avenue prepared by SEC Civil Engineers November 25, 2003 (refer to Appendix 10.4 of the EIR for the Map), the Addendum to Hydrology and Hydraulics Drainage Analysis for Maranatha High School, 1 Carter Avenue prepared by SEC Civil Engineers February 18, 2004 (refer to Appendix 10.4 of the EIR for the Map). (MM 4.3-2a)*

98.) *Prior to issuance (building permits, the Applicant shall implement conditions of the City Department of Public Works and L4.CDPW regarding storm drainage improvements that shall include, but not be limited to:*

- *Constructing the necessary storm drainage improvements described in the hydrology report to handle increased flows and provide BMPs, including design and construction of an on-site retention basin to reduce flows to the existing 48-inch reinforced concrete pipe in Baldwin Avenue. Peak stormwater discharge from the project area shall not exceed existing levels, and post development site runoff must be conveyed to predevelopment surface water conveyance features.*
- *Debris basin shall be constructed to meet L4. County Department of Public Works criteria, including capacity for burned and blocked flows.*
- *Confine street flows within street rights-of-way.*
- *Coordinate connection to the existing 48-inch reinforced concrete pipe with L4.CDPW.*
- *Storm drains and catch basins shall be placed on-site to control storm water leaving the project site. Storm drains and catch basins shall be used to control erosion downstream of the development. (MM 4.3.1c and 4.3-2b)*
- *Should County review of downstream drainage system indicate that the peak discharge from the development site be reduced to levels less than existing, County discharge requirements shall prevail.*

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- 99.) Prior to issuance of grading permits, the Applicant shall ensure that project design incorporates outlet structures, detention basins and reinforced concrete pipes to the satisfaction of the Director of Public Works. (MM 4.3-2c)
- 100.) Prior to approval of a final map, the Applicant shall consult with the City Department of Public Works to identify off-site drainage facility improvement requirements necessary to move the project, if any, which shall be constructed to the satisfaction of the Director of Public Works. (MM 4.3- d)
- 101.) Prior to Grading Permit issuance, the Applicant shall submit the Final Hydrology and Hydraulic Study to City Director of Public Works and the LACDPW, for review and approval. (MM 4.3-2e)
- 102.) Prior to Grading Permit issuance, the Applicant shall prepare, to the satisfaction of the Public Works Director, a Water Quality Management Plan (WQMP), which include Best Management Practices (BMPs), Structural Measures and Non-Structural Measures, under the guidelines in Development Planning for Storm Water Management- A Manual for the Standard Urban Stormwater Mitigation Plan (SUSMP) prepared by Los Angeles County Department of Public Works dated September 2002. The WQMP shall contain, at a minimum, the BMP outlined in Appendix B, BMP Design Criteria of the Los Angeles County Department of Public Works Development Planning for Stormwater Management, a manual for the Standard Urban Stormwater Mitigation Plan (SUSMP), September 2002. (MM 4.3-Ja)
- 103.) The Applicant shall insure that non-structural BMP's are incorporated into the project's CC&R, to the satisfaction of the City of Sierra Madre. The applicable BMPs shall include, but not be limited to:
- BMP structures and facilities shall be cleaned and maintained on a scheduled basis by the HOA unless those facilities are accepted by the County for maintenance.
  - All hazardous wastes shall be handled in accordance with Title 22 of the California Code of Regulations and relevant sections of the California Health and Safety Code regarding hazardous waste management. (MM 4.3-3b)
- 104.) Prior to the issuance of grading permits, the Applicant shall ensure that routine structural BMPs shall be incorporated into the proposed project design to facilitate future water quality measures, to the satisfaction of the Director of Public Works. The applicable BMP include:
- The project landscape architect shall group plants with similar water requirements together to insure efficient use of irrigation water and reduce excess runoff and promote surface filtration.
  - Potential structural controls including first-flush diversion, detention/retention basins, infiltration trenches/basins, porous pavement, oil/grease separators, grass swales, and silt concentrators. The project engineer shall incorporate engineering and design modification of siltation wherever the Director of Public Works deems applicable. (MM 4.3-3c)
- 105.) HOA shall be responsible for maintaining the undeveloped common-area portions of the site including weed abatement, erosion control and litter removal.

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- 106a.) By August 23, 2005, the Applicant shall either: (i) sign and consent to these final conditions of approval and return that signed consent to the Development Services Department for its files or (ii) institute mediation pursuant to Section 15 of the Settlement Agreement and no grading or other permit may issue until the dispute is resolved in the manner required or authorized by the Settlement Agreement.. **If** the Applicant fails to timely consent to conditions or to institute mediation, the approval of the Map shall be null and void.
- 106b.) Within fifteen days of the issuance of any grading permit,, the Applicant shall either: (i) sign and consent to the conditions of approval of that permit and return that signed consent to the Public Works Department for its files or (ii) institute mediation pursuant to Section **1** of the Settlement Agreement and no grading shall occur pursuant to the permit until the dispute is resolved in the manner required or authorized by the Settlement Agreement. **If** the Applicant fails to timely consent to conditions or to institute mediation, the approval of the grading permit shall be null and void.
- 107.) Prior to the Issuance of Building Permits:
- The Applicant shall provide proof that energy saving features will be installed in project homes as required by the California Building Code. Features may include: solar or low-emission water heaters, solar roof tiles, energy-efficient appliances, dual paned windows, low pressure sodium parking lights, etc
  - The Applicant shall provide landscaping design and water conservation devices as required by the California Model Water Conservation Ordinance, such as low flow toilets, faucets and showerheads, shade tree selection and placement.
- 108.) The Applicant shall ensure that drainage and flood control facilities are provided in accordance with the requirements of the City and/or LACFCD.
- 109.) Immediately after the completion of the site grading and prior to or concurrently with the initial site development within that Tract, drainage facilities within Tract 54016 shall be constructed.
- 110.) The Applicant shall protect downstream properties from damage caused by alteration of the drainage patterns; i.e., concentration or diversion of flow. The Applicant shall provide protection by constructing adequate drainage facilities, including enlarging existing facilities or by securing drainage easements to the satisfaction of the Director of Public Works.

### Circulation

- 111.) The Applicant shall ensure that all streets within subject tract are private, maintained solely by the HOA.

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- 112.) Applicant shall prepare and record a covenant, subject to Public Works Department approval, for public ingress and egress over the private road system, utility and drainage easements, fire lanes, and maintenance of the private streets by the HOA.
- 113.) Prior to issuance of grading and/or building pennits, the Applicant must obtain an encroachment pennit for all improvements within public rights-of-way.
- 114.) Applicant shall ensure that adequate access is provided for each phase of development as approved by the Department of Public Works.
- 115.) Prior to filing any final map, the Applicant shall submit plan and profile-type plans for street improvements for the proposed private street system to the Public Works Department for approval.
- 116.) Private streets shall be paved with 4-inch thick asphalt over crushed aggregate base (CAB). Applicant shall submit a soils report to the City to determine the CAB section. The pavement section for the portion of the driveway used by the County Flood Control District for access to Carter Debris Basin shall be designed for a TI of 7 to account for the heavily loaded trucks that must use the road for access to the Basin during wet conditions.
- 117.) Widths of private roadways within Tract 54016 shall be as illustrated on the Map. Specifically, roadway widths shall be:
  - 30 feet, curb face to curb face at: West side of Lots 3 through 7, southerly of Lots 8 & 9, westerly of Lots 14 and 17, and westerly of Lots 22 through 24.
  - 25 feet, curb face to curb face at: Intersection of Carter Avenue along southeasterly frontage of Lot 1.
  - 20 feet, curb face to curb face at: Southerly and easterly of Lot 3 to westerly of Lot 8 and westerly of Lots 18 and 19.

On-street parking within Tract 54016 shall be limited to one side of the street only, and shall be allowed only in those locations where the street is a minimum of 30 feet wide, measured from curb face to curb face. All other areas, including cul-de-sacs, shall be clearly posted as "No parking any time" areas.

Both dead-end residential streets shall terminate in circular cul-de-sacs, with a minimum curb radius as provided in condition 187.

- 118.) Applicant shall install streetlights at the intersection of the proposed street and Carter Avenue, at the intersection of the two proposed streets, and at the two cui-de-sacs. Streetlights must be of an energy-efficient design and shall be shielded to limit glare into adjoining and off-site

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properties. Streetlights are to be owned by the Southern California Edison or the HOA if Southern California Edison Will not accept this responsibility.

- 119.) Applicant shall install street name signs on the comers at the intersection of the proposed private streets and at intersection of the private and public streets. Street names shall be subject to approval by the City.
- 120.) Concurrently with the recordation of the Final Map, the Applicant shall record deed restrictions dedicating to the City die right of Lots 25 and 26 to take vehicular access from Carter Avenue.
- 121.) The Applicant and any subsequent owner of one or more lots depicted by the Map may rely upon the slope-density calculations depicted in the Maranatha Slope Analysis Map as presented to the Council on April 12, 2005 by Earthwork Calculations or any subsequent analysis of slope-density acceptable to the Development Services Director when seeking an approval pursuant to Chapter 17.52 of the S:MMC for any proposed development of an H-zoned lot depicted on the Map.

## Biology

- 122.) Prior to the issuance of any grading or building permit that involves land within 30 feet of the dripline of any protected tree, each individual lot Will be subject to review by the City's Tree Advisory Commission (fAC), unless TAC has previously reviewed those impacts with respect to tract grading or otherwise.
- 123.) Prior to the start of any construction, any protected tree within 30 feet of infrastructure shall have photographs and condition reports submitted to Public Works so as to allow for proper construction monitoring.
- 124.) All provisions of the Tree Ordinance (SMMC §12.20) shall apply to the construction of infrastructure and to future construction on individual residential lots.
- 125.) Trees numbered 1510, 1532, 1544, 1545, 1549, 1550, 1556, 1558, 1560, 1603, 1603a, 1607, 1608, 1609, 1611, 1613, 1614, 1615, 1616, 1620, 1632, 1634, 1636, 1638, 1639, 1644, 1646, 1647, 1648, 1657, 1780, 1785, 1850, 1853, 1862, 1879, 1901, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1919, 1920, 1921, 1922, 1935, 1938, 1939, 1940, 1951, 1956, 1966, 1973, 1974, 1975, 1978, and Mare approved for removal to allow for the construction of infrastructure and pass for this Tract with the required mitigation, as shown in the tree matrix by the Applicant, to be donated to the City's replacement tree bank or, at the applicant's option, relocated to a portion of the site acceptable to the Director of Development Services.
- 126.) Prior to approval of the Grading Plan and issuance of a Grading Permit, the Applicant shall submit the grading plan to be reviewed by the TAC to advise, mitigation measures (tree replacement requirements) for all trees impacted by the proposed grading, which shall be determined utilizing procedures and replacement ratios currently in use by the TAC.

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- 127.) Applicant shall ensure that a certified arborist shall serve as a construction monitor during those periods when grading activities occur and be onsite at all times during grading within 5 feet of the dripline of protected trees to ensure that no inadvertent impacts on protected trees occur. The arborist shall provide weekly updates of the monitoring to the City Public Works Director.
- 128.) Prior to the start of grading activities, Applicant shall have chain link fencing erected, which mirrors the dripline or other appropriate boundary as determined by the TAC, around all affected protected trees.
- 129.) Should any digging or excavation within the dripline of a protected tree occur, it shall be hand digging only. Applicant shall ensure that no mechanized excavation occurs within the dripline of any protected trees.
- 130.) Prior to the issuance of grading permits, the Applicant shall submit a five-year monitoring plan for all onsite protected trees for the review and approval of the Public Works Director.
- 131.) *Prior to issuance of Building Permit for individual lots, the lot owner shall:*
- *Consult with the TAC regarding a Tree Removal Permit.*
  - *Ensure that the proposed project design and structure placement incorporates into the site design, if at all feasible, existing healthy trees.*
  - *Ensure that all trees, protected and unprotected, approved for removal are replaced, unless finding is made at the time of granting an application that the site is inadequate to support the required number of replacement trees as follows (Simi Madre Municipal Code Chapter 12.20):*
  - *Trees that prevent reasonable development shall be replaced within one year of removal with a number of replacement trees as determined by the replacement ratios in the TAC, or a suitable alternative.*
  - *Minimum replacement tree size shall be 24-inch box.*
  - *In the event that the replacement tree dies, a continuing responsibility on part of the property owner to replace the tree with one of comparable size, within six months of the replacement tree's demise.*
  - *Replacement trees shall be monitored for five years. (M.M.4.6-2)*
  - *Location of replacement trees shall be chosen so as to mitigate the aesthetic and other impacts of development of the site.*

*These requirements shall be reflected in the CC&R.*

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132.) Thirty days prior to the issuance of a grading permit for any demolition or construction activities within 100 feet of existing terrain:

- The Applicant shall have a nesting bird survey conducted by a qualified biologist approved by the City to determine if active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present in the construction zone or within 100 feet (200 feet for projects) of the construction zone. Any omitted nests found during survey efforts shall be mapped on the construction plans. A report of this field survey shall be submitted to the City.
- If nesting activity is present at any active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code, the Applicant shall erect a 500-foot (this distance may be varied depending on the bird species and construction activity, as determined by the biologist) fence barrier (subject to the review and approval of the City) around the nest site and shall ensure that clearing and construction within the fenced area is postponed or halted, at the discretion of the biologist, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting.
- The biologist shall serve as a construction monitor during those periods when construction activities shall occur near active nests to ensure that no inadvertent impacts on these nests shall occur. Records of the nesting bird survey and any subsequent monitoring shall be provided to the California Department of Fish and Game and any other appropriate agency.
- Construction can occur only at nest sites of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code if a qualified biologist has determined that the nests are no longer active. If an active nest is observed during the non-nesting season, a qualified biologist shall monitor the nest, and when the bird is away from the nest, the biologist will flush any bird to open adjacent areas. The biologist will then remove the nest in a manner consistent with any applicable state or federal laws or regulations so that the bird cannot return to it.
- No earlier than 45 days and no later than 20 days prior to demolition, construction, or grading/nu preparation activities that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically March 15 through September 15), construction/clearing can proceed if no native bird nests are located during this survey. (MM 4.6-3)

133.) Should another growing season pass prior to initiation of grading activities, the Applicant shall ensure Spring Focused surveys are completed by a qualified biologist approved by the City to verify the presence or absence of the Brauner's Milk Vetch. If Brauner's milk vetch is discovered onsite, the applicant shall coordinate with the Department of Fish and Game and the City to avoid all populations of the Brauner's milk vetch, relocate individuals prior to construction, establish onsite preservation areas, purchase of offsite occupied habitat, establishment of onsite preservation areas, or alternative habitat mitigation as approved by the City and the Department of Fish and Game. (MM 4.64a)

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134.) Individuals using the open space portion of the project site for passive recreation will/d must in disturbance of natural open space area adjacent to the development area. Prior to the issuance of the final grading permit, Applicant shall submit to the City an appropriate plan, written by the qualified biologist, for the management of the adjacent area. The management plan shall include:

- Cut and fill slopes shall be replanted with native plant species.
- No non-native species or invasive plant species listed in the 1999 Cal-IPC Exotic Pest Plants of Greatest Ecological Concern in California shall be planted near fringes of the project site that are adjacent to native vegetation types. (MM 4.6-5a)

135.) Prior to issuance of grading permit, the applicant (if necessary) shall:

- Consult with the U.S. Army Corps of Engineers and the California Department of Fish and Game regarding the need for source permits, according to Federal and State regulations.
- Obtain appropriate Federal and State permits, and comply with said permit requirements, to the satisfaction of the appropriate jurisdiction. (MM 4.6-5b)

136.) The first 12 feet of the Restricted Use Areas designated on the Map within lots 28 and 29 ("the transition areas") shall constitute a transition zone within which the Applicant or any subsequent owner of either or both lots may plant and maintain any plant included on a plant palette prepared by a biologist or licensed landscape architect acceptable to City and approved by the City in order to provide an appropriate transition between the unrestricted use areas of those lots and the balance of the Restricted Areas.

### Noise

137.) Prior to Grading Permit issuance, the Applicant shall demonstrate, to the satisfaction of the Director of Development Services, that the project complies with the following:

- All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers, to the satisfaction of the Director of Development Services.
- During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receptors, to the satisfaction of the Director of Development Services.
- During construction, stockpiling and vehicle staging areas shall be located as far as practical from noise sensitive receptors, to the satisfaction of the Director of Development Services. (MM 4.7-1)

137a.) The Applicant shall comply with any revision of the city's noise ordinance generally applicable in the City notwithstanding any vesting agreed to pursuant to the Settlement Agreement.

Aesthetics, Light, and Glare

- 138.) During grading and construction, future development shall provide appropriate screening/temporary fencing of the construction areas and equipment to the satisfaction of the Director of Development Services. (MM 4.8-1a)
- 139.) Prior to the issuance of the grading permit, the Applicant shall submit a Construction Staging Plan to the Director of Public Works. The contractor shall establish construction equipment and staging areas at least 400 feet from the nearest residence. This plan shall incorporate compliance with the following:
- During construction and grading, the Applicant shall keep the site clear of trash, weeds and debris. Compliance with this measure is subject to periodic City inspections.
  - The grading contractor shall not create large stockpiles of soil, but shall seek to place numerous smaller piles adjacent to each other. (MM 4.8-1b)
- 140.) Prior to final design and structural approval, the Applicant shall select a licensed landscape architect to prepare a landscaping plan for the review and approval of the Director of Development Services. The landscaping plan shall indicate how cut slopes will be revegetated with replant landscaping. (MM 4.8-2a)
- 141.) Prior to approval of the Final Tract Maps, the Applicant shall fund the City preparation of design guidelines for the portion of the project within the HMZ that incorporates the minimum standards of the HMZ Ordinance, for the review and approval of the Planning Commission. (MM 4.8-3)
- 142.) Prior to the issuance of a building permit for a residence on any individual lot, the Applicant shall ensure that the licensed landscape architect prepares a landscaping plan for the review and approval of the Director of Development Services. The following design features shall be incorporated into applicable building plans:
- Project elevations and materials of proposed structures and facilities shall not produce excessive glare and shall be appropriately screened from views off site.
  - All security light fixtures and standards shall be either shielded or directed away from neighboring properties and streets. Exposed bulbs shall not be permitted. All fixtures shall have glare control shields.
  - The type and location of lighting standards and the intensity of lighting shall be approved by the City Public Works Director. (MM 4.6-5c and 4.84)
- 143.) In addition to the landscape plan, the Applicant shall prepare a fencing plan for the project site for review and approval by the City Attorney and the Development Services Director.
- 143a.) The Applicant shall prepare, subject to the approval of the Director of Development Services, a landscaping plan that will obscure public view of the west ridge road.

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**Cultural Resources**

- 144.) *The Applicant shall fund the City's selection of a qualified paleontologist to be retained to periodically monitor, and if necessary, salvage scientifically significant fossil remains. The paleontologist shall have the authority to temporarily divert or direct grading efforts to allow evaluation and any salvage of exposed fossils. (MM 4.9-1a)*
- 145.) *During any removal, grading, trenching and excavation, the Applicant shall ensure that full-time monitoring and salvage efforts are provided by a qualified paleontologist. There shall include the collection of matrix samples for micro-vertebrate fossils. Geologic units with Low or Moderate Potential for paleontologic sensitivity require only part time monitoring. In the event significant fossils are observed during grading, full-time monitoring shall be required. (MM 4.9-1b)*
- 146.) *Applicant shall ensure that any micro-vertebrates recovered in samples are identified, stabilized, mapped on a USGS topographic map, and catalogued before being donated to a public, non-profit institution with research and/or educational interest in the materials, such as the Los Angeles County Museum of Natural History. (MM 4.9-1c)*
- 147.) *Prior to issuance of building permits, the Applicant shall prepare a final mitigation report summarizing findings, including an itemized inventory and contextual stratigraphic data, and will ensure that the report is filed with the Director of Development Services, a fossil repository, and the Applicant. (MM 4.9-1d)*
- 148.) *During grading activities, the Applicant shall select an archaeologist approved by the Director of Development Services to monitor all grading activities. Said archaeologist shall be present at the pre-grading conference and shall have the authority to enforce required mitigation measures related to cultural resources. Applicant shall develop a field monitoring program for review and approval by the Director of Development Services, specifying the frequency, duration and limits of monitoring activities. Initial grading stages shall be periodically monitored, particularly during initial site clearing, to ensure that any buried archaeological deposits that may exist on the property are detected. The monitoring archaeologist shall be prepared to document and recover any material that appears as quickly as is consistent with standard archaeological practice. If determined necessary, the archaeologist may halt grading where the resources are present to ensure adequate salvaging and/or protection of cultural resources.*
- All collected, significant material shall be offered for curation at a local institution that has the proper facilities for display, storage, and use by interested scholars. (MM 4.9-1e)*
- 149.) *Following removal of the vegetation cover (clearing and grubbing) and during initial grading stages, Applicant shall ensure that areas to be disturbed by grading are re-examined for cultural resources. If cultural resource sites are exposed by this activity, they shall be subjected to appropriate test excavations, as determined appropriate by the Director of Development Services. (MM 4.9-1j)*
- 150.) *In the event human remains or evidence of graves with stone monuments (known as cairns) are encountered during earth removal or disturbance activities, all activities shall cease immediately; and a qualified archaeologist and Native American monitor shall be immediately contacted. The Coroner shall be contacted pursuant to Section 5097.98 and 5097.99 of the Public Resources Code relative to Native American remains. Should the Coroner*

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*determine the hillman remain.r to bl Native American, the Native American Heritage Commission shall be contacted p11r111ant to P11blic RJJollrrts Code Section 5097.98. (MM 4.9-2)*

- 150a.) *If there is an inconsistency between conditions 151 and 152, on the one hand, and conditions 156 through 158, on the other hand, conditions 156 through 158 shall control.*
- 151.) *Applicant shall select a qualified structural engineer to perform a structural evaluation of the Macomber Cabin, Carter Barn, and Willis Residence to establish the feasibility of rehabilitation and if the structures are found, make recommendations, in consultation with an architect with a minimum of five (5) years' design experience in accordance with the Secretary of the Interior's Standard for Treatment of Historic Properties, as to the method of stabilization in accordance with the Secretary of the Interior's Standard for Rehabilitation. (MM 4.9-Ja)*
- 152.) *Based on the multi of the structural evaluation of Macomber Cabin, the Carter Barn, and the Willis Residence, feasible alternatives to demolition shall be considered in accordance with the Secretary of the Interior's Standard for Rehabilitation, including, but not limited to, restoration, rehabilitation, or adaptive reuse. Prior to the approval of the affected Final Tract Map, the Applicant shall implement the alternative in accordance with the Secretary of the Interior's Standard for Rehabilitation to the satisfaction of the City of Sierra Madre before the approval of the affected Final . To the extent feasible, original exterior materials of the Carter Barn shall be re-used, salvaged, and re-installed and, to the extent it is not feasible, the exterior character-defining features of the Carter Barn shall be reconstructed, consistent with the Secretary of the Interior's Standard for Treatment of Historic Properties with guidelines for preserving, rehabilitating, restoring, and reconstructing historic buildings. The Willis Residence shall be retained in accordance with the Secretary of the Interior's Standard for Rehabilitation. (MM 4.9-Jb)*
- 153.) *Before any citrus trees are removed from the site, a City-approved biologist shall test the onsite citrus trees to determine if the trees bear the hybridized Carter Orange or if the trees bear the fruit that created the hybridized fruit. If it is determined that any of the trees meet this criteria, they shall be protected in place. (MM 4.9-3c)*
- 154.) *The Applicant shall relocate the easterly of the two entry pillars at the entry to the tract at the intersection of Carter Avenue and Baldwin Avenue. A durable metal marker acceptable to the Director of Development Services shall be placed in the pavement, which states the purpose of the plate and the date the pillar was moved, at the original location of that easterly pillar and a photograph of the historic configuration of the pillars shall be displayed in a permanent manner at the site.*
- 155.) *Lot A shall be deed-restricted by a note on a final map, a recorded conservation agreement, or in a form otherwise acceptable to the Director of Development Services and the City Attorney to require the HOA to maintain in perpetuity the entry pillars, the permanent photograph and the metal marker required by condition 156.*
- 156.) *Prior to the approval of any final map affecting any of the following sites, the Applicant shall rehabilitate the Macomber Cabin and the Carter Barn for residential use in compliance with the Secretary of the Interior's Standards for Rehabilitation. Alternatively, the Applicant may mothball one or more of the structures to the specifications of the engineer and architect*

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referenced in condition 154 above and impose the obligation to rehabilitate the mothballed structure(s) on a transferee of the structure via a covenant running with the land, a deed restriction, final map notation or other means acceptable to the City Attorney and the Director of Development Services.

- 157a.) Within six (6) months of issuance of a Certificate of Occupancy for either of the Macomber Cabin or the Carter Bam following rehabilitation under the previous condition of approval, the Applicant or successor owner shall apply to the City for listing of the structure on the City's local register of historic structures. The Applicant or a successor owner may thereafter apply for a Mills Act contract with respect to such rehabilitated structure. Any transfer of lot 18 before the listing of the structures shall obligate the transferee, in a manner acceptable to the City Attorney, to comply with the requirements of conditions 156 and 157a of these conditions to the extent those conditions have not been fully performed prior to such transfer.
- 157b.) Prior to the issuance of grading permit for any portion of the project site, the Applicant or successor owner shall apply to the City for listing of the Willis Residence on the City's local register of historic structures. The Applicant or a successor owner may thereafter apply for a Mills Act contract with respect to the Willis Residence. Any transfer of lot 20 before the listing of the Willis Residence shall obligate the transferee, in a manner acceptable to the City Attorney, to comply with the requirements of conditions 157b and 158 of these conditions to the extent those conditions have not been fully performed prior to such transfer.
- 158.) The Applicant and any subsequent owner of Lot 20 shall maintain in perpetuity the elements of the Willis Estate which contribute to its historic character as identified in the June 23, 2004 Final Historical Resources Technical Report prepared by Sapphos Environmental, Inc. with respect to the environmental impact report prepared with respect to the Map. This requirement shall be reflected in a note on the final map, recorded conservation easement or in some other form acceptable to the Director of Development Services and the City Attorney.
- 158a.) The Applicant and any subsequent owner of Lot 18 shall maintain in perpetuity the Macomber Cabin and the Carter Bam. This requirement shall be reflected in a note on the final map, recorded conservation easement or in some other form acceptable to the Director of Development Services and the City Attorney.
- 159.) Any development on a lot created by the Map which can be seen from the location of the Macomber Cabin, the Carter Bam or the Willis Estate shall be subject to the issuance of a conditional use permit pursuant to Chapter 17.60 of the SMMC and pursuant to the recommendations of a qualified cultural resources consultant acceptable to the City so that such development of a design which contrasts with the design of these historic resources or as otherwise approved by the Planning Commission of the City to protect these cultural resources by distinguishing them from their non-historic context.

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Utilities

- 160.) Applicant shall ensure that all utility systems such as electric, including those which provide direct service to the project site and/or currently exist along public rights-of-ways adjacent to the site (except electrical lines rated 33 kv or greater), gas, telephone, water, sewer, and cable TV shall be placed underground, with easements provided as required, and designed and constructed in accordance with the SMMC and the requirements of any other utility provider.
- 161.) Prior to approval of any grading or building permit with respect to the Map, the Applicant shall submit a phasing plan addressing the schedule of necessary infrastructure requirements to be approved by the Department of Public Works and the Director of Development Services.
- 162.) Prior to the issuance of building permit with respect to the Map, the Applicant must submit a utility plan to the Director of Development Services for review and approval. The plan must include:
- Size and location of all above ground utility cabinets and underground utility vaults for electric, telephone, cable communications, backflow prevention devices and fire sprinkler pressure detector check valves (hereinafter, collectively "Utility Equipment");
  - Screening design and location for all above-ground Utility Equipment by method of masonry walls, landscaping or both;
  - A minimum of three feet of clearance between all above-ground Utility Equipment and the screening;
  - Access panels oriented away from all public rights-of-way and the private streets within the tract;
  - Fire sprinkler pressure detector check valves located a minimum of 20 feet from all property lines adjacent to public rights-of-way and the private streets within the tract;
  - Depiction of the Traffic Sight Safety Area (TSSA); and
  - Location of all above-ground utility equipment outside of the TSSA.
- 163.) Any existing utilities that are in conflict with the development shall be relocated at the Applicant's expense.
- 164.) The Applicant must remove and replace all public improvements adjacent to the project site or involved with the project that are damaged during construction, as directed by the Director of Public Works.

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- 165.) Applicant shall provide public utility easements per the requirements of the utility providers.
- 166.) The Final Map submitted by the Applicant for approval must show the location of all utility easements.

*Water and Sewer*

- 167.) Prior to approval of any grading or building permit with respect to the Map, the Applicant shall submit the master sewer plan to the Los Angeles County Sanitation District (LACSD) to check for adequacy of the proposed sewer facilities. The Applicant shall obtain written approval for the sewer system from LACSD.
- 168.) Immediately after the completion of the site grading, and prior to the issuance of building permits, the Applicant shall install water and sewer facilities in accordance with the requirements and specifications of the Director of Public Works and the LACSD.
- 169.) The Applicant will dedicate easements to the City over the private streets within the tract for the maintenance of sewer and water infrastructure and otherwise for the provision of public services to the tract. These easements shall be clearly delineated on the final map and described as easements to the City of Sierra Madre for the maintenance of sewer and water.

*Sewer*

- 170.) Approval of this land division is contingent upon the installation of local 8-inch (minimum) main line public sewer within a dedicated (10 feet minimum) easement to the City within the proposed private streets. Applicant shall construct separate house laterals to serve each lot depicted on the Map. Sewer design shall be per the standards of the LACDPW.
- 171.) The Applicant shall send a print of the sewer plans to the City and to the LACSD for review. Prior approval of any final map, the Applicant must obtain approval of the sewer plan and connection of all parcels to the LACSD, along with payment of any LACSD annexation fees.
- 172.) The Applicant shall consult the Public Works Director to determine the sewer location and design requirements and comply with any requirements of the Public Works Director following such consultation and the Applicant shall dedicate any easements the Public Works Director determines to be required to provide sewer service to the tract.
- 173.) Sewer improvements shall be constructed by the Applicant and irrevocably offered for dedication to the City of Sierra Madre.
- 174.) Individual sewer house laterals shall be stubbed out to the front property line of each lot in Tract 54016. At each sewer lateral location, the sewer contractor shall chisel an 1.5" in the concrete curb face to allow for easier location and connection by future property owners.

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- 175.) Applicant shall construct an 8" public sewer and appurtenances in East Carter A. Yenu from Mira Monte Avenue northerly and westerly to such a point as a sewer lateral can extend from a building pad on Lot 26 perpendicular to the centerline of East Carter and connect to the public sewer.

*Water*

- 176.) Applicant shall ensure that all lots are served by adequately sized water system facilities, which shall include fire hydrants of the size, type and location as determined by the Fire Chief.
- 177.) Applicant shall ensure that the water mains shall be of sufficient size to accommodate the total domestic and fire flow required for the Map. Domestic flows required are to be determined by the Public Works Director. Fire flows required are to be determined by the Fire Chief.
- 178.) Applicant shall submit plans and specifications for the water system facilities for approval to the Sierra Madre Department of Public Works. The Applicant shall construct water mains, fire hydrants, and individual water services to each lot or common area. The Director of Public Works shall install water meters at customer's or Applicant's expense upon request for water service.
- 179.) Prior to the filing of any final map, there shall also be filed with the Public Works Director a written statement from the subdivision design engineer indicating Applicant compliance with the Fire Chiefs fire flow requirements.
- 180.) Due to the elevation of Lots 3-7, 15 and 16 relative to the elevation of the reservoirs serving the One Carter Pressure Zone, inadequate static water pressure may exist for both fire hydrants and building sites. Individual booster pumps for each building site may be required, or a single booster pump system (with emergency backup pump and emergency backup power) for the entire Tract may be required. The solution for how to provide adequate pressure to these lots shall be designed by the Applicant and reviewed and approved by the Director of Public Works. Applicant shall construct the approved design solution to the water pressure issue, which will be dedicated to the City of Sierra Madre.
- 180a.) This Map grants no approval of above-grade facilities for water supply, including but not limited to water tanks. Any such facilities will require a conditional use permit under Chapter 17.52 of the S:MMC if located in the H zone or a conditional use permit under 17.60 of the SM:MC if located in the RI zone, and further review pursuant to CEQA. Visible hillside structures raise concerns regarding the goals of the HMZ ordinance to preserve community views of undeveloped hillsides.
- 181.) Maintenance costs attributed to any special water system appurtenances required within the public portion of the water distribution system for Tract 54016 in order to provide adequate static water pressure or fire flow to Lots 3 through 7 and Lots 15 and 16 shall be borne in perpetuity by the Homeowner's Association unless the Director of Public Works agrees that any portion of such appurtenances is to be maintained by the owners of one or more identified lots.

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Such special appurtenances shall include, but not be limited to reservoirs, pumping facility, or backup power facility.

- 182.) Prior to the issuance of any building permits for individual lot development, the Applicant shall ensure that the water system is in place, tested and fully operational. No grading permit may be issued before the Applicant has submitted, and the Director of Public Works has approved, a conceptual design of a water system sufficient to provide the fire flows required by condition 180 above and to otherwise satisfy the requirements of applicable law.
- 183.) Prior to the first new water connection pursuant to the Map, the Applicant shall dedicate to the city all water rights associated with the property subject to the Map and, prior to approval of any final map, the Applicant shall make an irrevocable offer to dedicate an easement acceptable to the Director of Public Works to allow the City to utilize those water rights. City shall, upon written request of the Applicant, grant Applicant at no charge a revocable license to utilize the water rights until City elects to use those rights.

#### **PUBLIC SAFETY**

- 184.) Maximum cul-de-sac length shall not exceed 1320 feet. Minimum turning radius on any cul-de-sac shall be thirty-five (35) feet. (CFC 902.2.2.3, CFC 902.2.2.4)
- 185.) If construction is phased, each phase shall provide approved access and fire protection prior to any building construction. (CFC 8704.2 and 902.2.2)
- 186.) Prior to building construction, Applicant shall ensure that all locations where structures are to be built have approved temporary Fire Department vehicle access roads for use until permanent roads are installed. Temporary Fire Department access roads shall be an all weather surface for 80,000 lbs. GVW. (CFC 8704.2 and 902.2.2.2)
- 187.) Prior to building, Applicant shall ensure that all locations where structures are to be built have approved Fire Department vehicle access roads to within 150 feet to any portion of the facility or any portion of an exterior wall of the building(s). Fire Department access roads shall be an all weather surface designed for 80,000 lbs. GVW with a minimum AC thickness of .25 feet (CFC sec 902)
- 188.) Cui-de-sacs with planters must maintain 24-foot clear unobstructed travel width around the planters, not including parking. Hardscape areas are permissible provided that they meet the 80,000 lb. load requirements and are at road level.
- 189.) The gradient for fire apparatus access roads shall not exceed fifteen (15) percent. The Fire Chief may allow an increase of the maximum grade when approved fire protective measures are provided; provided, however, that County approval of the maximum grade shall also be required to avoid any impediment to County acceptance for maintenance of drainage facilities accessed by the fire apparatus access road.

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- 190.) As required by the California Fire Code, when any portion of the facility is in excess of 150 feet from a water supply on a public street, as measured by an approved route around the exterior of the facility, Applicant shall provide on-site fire hydrants and mains capable of supplying the required fire flow. For this project on site fire hydrants are required. (CFC 903.2)
- 191.) Prior to approval of a Certificate of Occupancy or final inspection approval for any building, Applicant shall ensure that any dead-end roadways and streets in excess of one hundred and fifty (150) feet that have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 902.2.24)
- 192.) Prior to issuance of building permits, the Applicant shall furnish one copy of the water system plans to the Public Works Director for approval prior to installation. Plans shall be signed by a registered civil engineer; contain a Fire Department approval signature block; and conform to hydrant type, location, spacing and minimum fire flow standards. After the plans are signed by the Public Works Department, the originals shall be presented to the Fire Department for signatures. The required water system including fire hydrants shall be installed and accepted by the City prior to any combustible building materials ~~be~~ placed on an individual lot. (CFC 8704.3, 901.2.2.2 and National Fire Protection Association 24 1-4.1)
- 193.) Prior to issuance of a Certificate of Occupancy or final inspection approval for any building, Applicant shall install "Blue Reflective Markers" to identify fire hydrant locations. (CFC 901.4.3)
- 194.) Prior to issuance of a Certificate of Occupancy or final inspection approval for any building, Applicant shall provide approved numbers or addresses on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall be of a color contrasting to their background. Single-family residences shall have four (4) inch letters and lot numbers, as approved by the Fire Department. (CFC 901.4.4)
- 195.) Prior to issuance of building permits, Applicant shall submit fire sprinkler plans to the Fire Department for review and approval. (CFC Article 10, CBC Chapter 9)
- 196.) Prior to issuance of building permits, Applicant shall submit fuel modification plans to the Fire Department for review and approval for all open space areas adjacent to the Wildland- vegetation interface. (CFC Appendix TI-A)
- 197.) Prior to issuance of building permits, Applicant shall submit plans for structural protection from vegetation fires to the Fire Department for review and approval. The measures shall include, but are not limited to, enclosing eaves, noncombustible barriers (cement or block walls), and fuel modification zones. (CFC Appendix II-A)
- 198.) Prior to issuance of a building permit, the Applicant shall submit to the Fire Department a simple plot plan or map in an electronic file of the .DWG format or another format acceptable to the Fire Department

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- 199.) The Applicant shall comply with the requirements of the Fire Code permit process and update any changes in the items and quantities approved as part of its Fire Code permit. These changes shall be submitted to the Fire Department for review and approval per the Fire Code and are subject to inspection. (CFC 105)
- 200.) Applicant shall ensure that the Final Map clearly delineates open space areas of the land depicted on the map, which the HOA bears responsibility to maintain for brush control by the HOA. Prior to the issuance of building pennits, Applicant shall ensure that said maintenance boundaries are monumented in the field with permanent survey monuments by a licensed surveyor.

**Miscellaneous Matters**

- 201.) The Resolution to which these conditions are attached and these conditions of approval were adopted with the knowledge, understanding, and consent of the Applicant.
- 202.) During construction, Applicant shall ensure that all construction equipment and vehicles are stored or parked on the subject site, and not on City streets, except as may be permitted in writing by the Director of Public Works for a specified temporary period.
- 203.) Applicant shall file a modification application for subsequent changes proposed by the Applicant to the Map or conditions of approval, to be considered by the City Council.
- 204a.) The final tract map(s) depicting any or all of lots 14, 15, 16, and 17 shall reflect a 15-foot easement burdening lots 14 and 17 for the benefit of lots 15 and 16.
- 204b.) The final tract map(s) depicting any or all of lots 12 and 13 shall reflect a 15 (or the alternate 12-foot driveway easement depicted in the Map) driveway easement burdening lot 13 for the benefit of lot 12. The 12-foot alternative driveway easement to the east may be abandoned if access to lot 12 can be approved and build using the 15-foot driveway easement to the west.