

RESOLUTION NO. PC2005-

A RESOLUTION OF THE ANAHEIM PLANNING COMMISSION
RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AMENDMENT
NO. 1 TO THE MOUNTAIN PARK SPECIFIC PLAN NO. 90-4 (SPN2005-
00031), AMENDING THE SPECIFIC PLAN AND AMENDING ZONING AND
DEVELOPMENT STANDARDS SET FORTH IN CHAPTER 18.112 OF THE
ANAHEIM MUNICIPAL CODE.

WHEREAS, on August 27, 1991, the City Council of the City of Anaheim adopted Resolution Nos. 91R-263 and 91R-264 approving the Mountain Park Specific Plan No. 90-4 (including a Public Facilities Plan and Zoning and Development Standards) to provide for the development of an approximate 3,179-acre site (the "Mountain Park area") located within the County of Orange in the City of Anaheim's sphere-of-influence and generally bordered on the north by the Riverside Freeway (SR-91) and the Gypsum Canyon Road interchange, on the west by The Summit of Anaheim Hills and Sycamore Canyon developments in the City of Anaheim and as further described in Attachment A of City Council Resolution 91R-263. The Specific Plan includes zoning and development standards, design guidelines and a public facilities plan, and permits the development of up to 7,966 residential dwelling units, 179 acres of commercial uses, schools, parks and public facilities and provides for hiking and riding trails and open space areas; and

WHEREAS, in connection with the adoption of Resolution Nos. 91R-263 and 91R-264, the City Council certified Final Environmental Impact Report No. 302, with a Statement of Findings and Facts and a Statement of Overriding Considerations, and adopted a Mitigation Monitoring Program; and

WHEREAS, on September 11, 1991, the City Council adopted Ordinance No. 5253 to reclassify the property to the Mountain Park Specific Plan No. 90-4 Zone and Ordinance No. 5254 to establish the zoning and development standards for the specific plan as part of Chapter 18.76 of the Anaheim Municipal Code; and

WHEREAS, on November 5, 1991, the City Council adopted Ordinance No. 5271 authorizing the City to enter into Development Agreement No. 91-01 between the City of Anaheim and the property owner ("The Irvine Company") to further provide for the development of the Mountain Park Specific Plan No. 90-4. On June 2, 1992, Development Agreement No. 91-01 was executed between the City of Anaheim and The Irvine Company and subsequently recorded in the Official Records of Orange County; and

WHEREAS, on May 26, 1992, 2,339 acres of the Mountain Park site were annexed to the City of Anaheim, with the remaining site acreage remaining as unincorporated land in the County of Orange; and

WHEREAS, in 2001, the City of Anaheim commenced work on a citywide comprehensive update of the General Plan and Zoning Code and, in connection with said update, the legal property owner ("The Irvine Company") requested that the City study and incorporate contemplated revisions to the Mountain Park Specific Plan land uses as part of the General Plan Update. The proposed amendments for the Mountain Park area included redesignating the property to the Low Medium Density Residential and Low-Medium Hillside Density Residential land use designations and limiting the maximum number of units to 2,500 dwelling units (485 dwelling units maximum in the Low-Medium Hillside designation and 2,015 dwelling units maximum in the Low Medium Density Residential land use designation) and further allowing for the development of a fire station site, a park site, a school site, trails and open space. The proposed amended land uses were depicted and evaluated in the Citywide General Plan Update Program and associated FEIR No. 330 that was considered and approved by City Council on May 25, 2005; and

WHEREAS, in connection with the General Plan Update, at the request of the applicant, the City Council on May 25, 2004, adopted Ordinance No. 5924 approving an Agreement with The Irvine Company to terminate Development Agreement No. 90-01, and subsequently, the cancellation of the Development Agreement was recorded in the Official Records of Orange County on October 4, 2004; and

WHEREAS, the Anaheim Planning Commission did receive a verified Petition from the legal property owner ("The Irvine Company") for an amendment to the Mountain Park Specific Plan No. 90-4 (including

an amendment to the Zoning and Development Standards set forth in Chapter 18.112 of the Anaheim Municipal Code) to implement the adopted City of Anaheim General Plan designations for the Mountain Park Specific Plan area; and

WHEREAS, the Mountain Park Specific Plan No. 90-4 amendment area consists of approximately 3,001 acres including 2,161 acres which have been annexed to the City of Anaheim and 840 acres of unincorporated land located within the County of Orange in the City of Anaheim's sphere-of-influence (an additional approximately 172 acres which was also annexed to the City of Anaheim and which bisects the western portion of the Mountain Park site have been developed with the Eastern Transportation Corridor (SR-241). The updated property description is set forth in Exhibit 1 to this Resolution and incorporated herein as if set forth in full; and,

WHEREAS, Amendment No. 1 to the Mountain Park Specific Plan No. 90-4 modifies the Specific Plan document and to the Zoning and Development Standards to implement the adopted City of Anaheim General Plan by reducing the number of residential units from a maximum of 7,966 to a maximum of 2,500; amending the City of Anaheim Zoning Code (Chapter 18.112) to replace and supersede current Zoning and Development Standards; and, provides for the following uses: a City fire station; a school site and public community park; public and private recreational facilities, including riding and hiking trails and a trail staging area; an interpretive center and store concession; and roadways and utilities necessary to serve the proposed development; and,

WHEREAS, the applicant has submitted an amended Specific Plan document identified as "Mountain Park Specific Plan No. 90-4, Amendment No. 1" which is identified as Volume II of FEIR No. 331, on file with the Planning Department, which Specific Plan document is incorporated herein as if set forth in full, as amended to incorporate Refinements and Clarifications provided to the Anaheim Planning Commission as part of the July 27, 2005 Staff Report, which refinements and clarifications are attached hereto as Exhibit 2; and

WHEREAS, the Anaheim Planning Commission did hold a public hearing at El Rancho Middle School, 181 Del Giorgio Road in the City of Anaheim on July 27, 2005, at 6:00 p.m., notice of said public hearing having been duly given as required by law and in accordance with the provisions of the Anaheim Municipal Code, Chapter 18.60, to hear and consider evidence for and against said proposed amendment and to investigate and make findings and recommendations in connection therewith; and

WHEREAS, the Anaheim Planning Commission, after due consideration, inspection, investigation and study made by itself and on its behalf, and after due consideration of all evidence and reports offered at said hearing, does find and determine the following facts:

1. That the property proposed for the proposed Mountain Park Specific Plan No. 90-4, Amendment No. 1 has unique site characteristics such as topography, location or surroundings as described in the Specific Plan identified as Exhibit A on file in the City of Anaheim Planning Department and in Volume II of FEIR No. 331 that are enhanced by special land use and development standards; and

2. That the proposed Mountain Park Specific Plan No. 90-4, Amendment No. 1 is consistent with the goals, objectives and policies of the Anaheim General Plan, including the standards and land use guidelines provided therein and that an analysis of the Specific Plan's consistency with the General Plan is provided in the Appendix A of the Specific Plan document dated March 2005 and incorporated as Volume II of FEIR No. 331 and, further identified as Exhibit A on file in the City of Anaheim Planning Department; and

3. That the proposed amendment to the Specific Plan would result in development of a desirable character by permitting land uses which are compatible with both the existing and proposed development in the surrounding neighborhood; and, that future development of the property would be enhanced by the special land use and development standards set forth in the Mountain Park Specific Plan No. 90-4, Amendment No. 1; and

4. That the specific plan respects environmental, aesthetic and historic resources consistent with economic realities; and

5. That the amendment to the Specific Plan would result in a reduction of residential density from 7,966 units to up to 2,500 units; however, in accordance with the findings required pursuant to Government Code Section 65863, the proposed reduction in density is consistent with the adopted General Plan, including the Housing Element, and sufficient "additional, adequate and available sites" with an equal or greater residential capacity, have been identified in the City of Anaheim so that there is no net loss of residential unit capacity as demonstrated by the following:

a. As indicated in the adopted City of Anaheim General Plan Housing Element, the Southern California Association of Governments (SCAG) has identified the City's Regional Housing Needs as being 2,710 very low income units, 1,639 low income units, 2,625 low-moderate units and 4,534 above-moderate income units.

b. Overall, the City of Anaheim General Plan, as updated in May, 2004, provides for a slightly greater number of dwelling units (up to 129,159 units) than provided through the previously-existing General Plan (up to 126,821 units) and maintains the above-noted low income and low-moderate income dwelling unit requirements and more than satisfies the number of required above-moderate units. While some density reductions were adopted as part of the General Plan Update in certain areas of the City (e.g., the Mountain Park Specific Plan area and within some primarily single-family residential neighborhoods in and around The Colony historic district), this is balanced by the introduction of additional residential development in the Downtown area (approximately 1,000 new housing units) and The Platinum Triangle (up to 9,175 new housing units) as well as opportunities to redevelop underutilized mid-block commercial areas with residential uses in the central and western portions of the City.

c. The City's assigned number of above-moderate income housing units identified in the Housing Element is 4,534. The Element also provides credit for 750 units which have been constructed since 1998, leaving a remaining balance of 3,784 units to be accommodated. It was presumed when the Housing Element was adopted that many, if not all, of this remaining balance would be developed within the Mountain Park Specific Plan area. When the General Plan was updated in 2004, the land use designations for the Mountain Park area were modified to cap the density at a maximum of 2,500 dwelling units (versus the 7,966 units originally designated and entitled as part of the Mountain Park Specific Plan No. 90-4). As a result, 1,284 of the above-moderate income units originally assumed for Mountain Park are now being accommodated elsewhere in the City. For example, the 9,175 units adopted for The Platinum Triangle alone will more than accommodate the remaining balance of above-moderate income units identified in the Housing Element.

d. Although the Zoning Code has no requirement for inclusionary housing, the project applicant has agreed to the following condition of approval (Attachment 4): "Upon release for sale of any attached units within Development Area 5, the property owner/ builder will notify the Community Development Department of the sales prices of the attached units. If any of the units are within the affordable price range as defined by the Community Development Department, the property owner/ builder will, for a period of sixty (60) days from the release for sale, make up to twenty (20) percent of the released units exclusively available to the City to submit buyers to the property owner/builder. If the City determines to use down payment assistance, the precise program, the number of units involved and the degree of assistance for first time buyers will be based upon available funding as determined by the City of Anaheim."

e. In September, 2004, the City Council adopted The Platinum Triangle Master Land Use Plan, the Platinum Triangle Mixed Use Overlay Zone and a Standardized Development Agreement to implement the PTMU Overlay Zone. These actions provide the planning framework and zoning for the implementation of the 9,175 units in The Platinum Triangle.

6. That ___ indicated their presence at said public hearing in opposition; and that ___ correspondence was received in opposition to the subject action.

WHEREAS, the proposed Amendment No. 1 to the Mountain Park Specific Plan No. 90-4 Zoning and Development Standards are identified in the attached draft ordinance in Exhibit 3 and incorporated herein as if set forth in full.

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS:

The Anaheim City Planning Commission, as set forth in its Resolution No. dated July 27, 2005, based upon its review of the Proposed Actions, FEIR No. 331, and the Statement of Findings of Fact and Statement of Overriding Considerations, and having considered evidence presented at the public hearing on the Proposed Actions, recommends that the City Council, as lead agency for the Proposed Actions, independently review and analyze FEIR No. 331 and find that it reflects the independent judgment of the City Council, and unless additional or contrary information is received during the City Council's public hearing on the Proposed Actions, certify FEIR No. 331 and adopt the attached Statement of Findings of Fact and Statement of Overriding Considerations, and pursuant to Section 21081.6 of the Public Resources Code, that the City Council adopt that certain monitoring program described as "Mitigation Monitoring Program No. 137" to mitigate or avoid significant effects on the environment to ensure compliance during project implementation, requiring that the project be conditioned upon compliance with said Mitigation Monitoring Program No. 137; and, further, determine the following: that the Proposed Actions are within the scope of FEIR No. 331; that FEIR No. 331 has been completed in compliance with CEQA and the State and City CEQA Guidelines; and, that FEIR No. 331 is adequate to serve as the required environmental documentation for the Proposed Actions.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the above findings, the Anaheim Planning Commission does hereby recommend that the City Council of the City of Anaheim take the following actions:

- A. Approve Amendment No. 1 to the Mountain Park Specific Plan No. 90-4 to revise the Mountain Park Specific Plan No. 90-4 in its entirety, including amending the City of Anaheim Zoning Code (Chapter 18.112) to replace and supersede current Zoning and Development Standards as set forth in Exhibit 3 to this Resolution, which exhibit is hereby incorporated herein as though set forth in full; and,
- B. Approve the following conditions of approval, which conditions are hereby found to be a necessary prerequisite to the proposed uses of the subject project site in order to ensure responsible development and to preserve the safety and general welfare of the citizens of the City of Anaheim:

GENERAL

1. That within thirty (30) days of the effective date of the Ordinance adopting Amendment No. 1 to the Mountain Park Specific Plan No. 90-4, the property owner/developer shall record an unsubordinated covenant, in a form acceptable to the City Attorney's Office, against the entire property acknowledging that those conditions of approval set forth herein which require completion of certain tasks prior to either submission or approval of the first large-lot or builder tentative or final parcel or tract map are conditions of said maps required to implement the Specific Plan and are not necessarily based upon the content of said first map. The covenant shall further provide that the property owner/developer shall waive any objection to imposition of said conditions upon the first large-lot or builder tentative or final parcel or tract map which may otherwise be asserted based upon permitted conditions, exactions and fees set forth in the Subdivision Map Act. The covenant shall expressly provide that provisions are applicable to all successors and assigns.
2. That the project is expressly conditioned upon the applicants' indemnifying and holding harmless the City, its agents, officers, council members, employees, boards, commissions and their members and the City Council from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of such litigation being to attack, set aside, void or annul my approval of the application or related decision, or the adoption of any environmental documents or FEIR No. 331 which relates to the approval of the Proposed Actions. This indemnification shall include, but is not limited to, all reasonable damages, costs, expenses, attorney fees or expert witness fees that may be awarded to the prevailing party, and costs

of suit, attorneys' fees, and other costs, liabilities and expenses arising out of or in connection with the approval of the application or related decision, whether or not there is concurrent, or passive negligence of the part of the City, its agents, officers, council members, employees, boards, commissions and their members and the City Council. While the property owner/developer shall have the right to review legal counsel selected for all indemnities, the final selection of legal counsel shall be made by City. The indemnity does not cover costs attributable to a decision that a City public official violated conflict laws in acting on the project. No later than 30 (thirty) days following the City Council's adoption of the Ordinance approving Specific Plan Amendment SPN 2005-00031 relating to the Mountain Park Specific Plan, Amendment No. 1, the legal property owner shall record an unsubordinated covenant satisfactory to the City Attorney's Office memorializing the foregoing.

3. On an annual basis commencing the first January following the effective date of the Ordinance adopting Amendment No. 1 to the Mountain Park Specific Plan, and every January thereafter, the property owner/developer shall provide an updated phasing plan to the Planning Services Division of the Planning Department until project build out.
4. That the Specific Plan shall be implemented through the processing of Area Development Plans, or large-lot tract or parcel maps, followed by, or concurrent with, the processing of builder tentative tracts or parcel maps subject to the following:
 - (a) The large-lot tract or parcel map shall contain a note to the effect that the map is being filed for conveyance purposes only; no building permits, except for public facilities, are to be issued for the lots or parcels created by the map; the recording of a subsequent builder map is required before building permits can be issued; and an unsubordinated covenant in a form approved by the City Attorney shall be recorded against the entire site reflecting same and submitted to the Department of Public Works;
 - (b) Irrevocable offers of dedication, including necessary construction easements, for right-of-way improvements for the following arterial highways and park and other public facility sites listed below and identified in these conditions of approval, shall be made prior to approval of any final large-lot tract or parcel map for any Development Area that includes one of the following improvements:
 1. Arterial highways including:
 - a. Santa Ana Canyon Road; approximately 1,600-foot long portion, immediately west of Gypsum Canyon Road.
 - b. Gypsum Canyon Road, north of the private entry gates.
 - c. Weir Canyon Road, within the project boundaries.
 - d. Mountain Park Drive, west of the private entry gates.
 - e. Jamboree Road unless eliminated from the County MPAH and City General Plan prior to approval of a final map that includes the Jamboree Road alignment. If the MPAH and General Plan Amendment actions have not occurred, a right-of-way reservation may be recorded subject to approval of the Director of Public Works or his/her designee.
 2. A minimum 15-acre community park site located within Development Area 3.
 3. A Fire Station site, in conformance with the requirements outlined in the Fire Protection Agreement, pursuant to PDF 10-1, and the Fire Master Plan, pursuant to PDF 10-2 of Mitigation Monitoring Program No. 137.
 4. A Trail Staging Area.
 5. Water Reservoir sites.

PLANNING

5. That in conjunction with the submittal of each large-lot or builder tentative tract or parcel map, grading plan, or Site Plan, the property owner/developer shall submit documentation which demonstrates that the

development is in conformance with the applicable guidelines and ordinances established by the Specific Plan.

6. That in conjunction with the submittal of all Site Plans, and large-lot or builder tentative tract or parcel maps, the following information and/or plans shall be submitted to the Planning Department for Planning Commission review and approval:
 - (a) Location map - drawn to the same scale as the Mountain Park Specific Plan Development Plan and relating the Site Plan, tentative tract or parcel map to the overall Mountain Park project.
 - (b) Topographic map.
 - (c) Landscaping plans - indicating the extent and type of proposed landscaping and including any existing vegetation that will be retained. The property owner/developer shall submit documentation that confirms that development is in conformance with the Landscape Concept Plan (Exhibit 8A of the Specific Plan document).
 - (d) Vehicular circulation and parking plan - indicating the nature and extent of public and private streets and lanes, alleys and other public accessways for vehicular circulation, off-street parking, and vehicular storage.
 - (e) Fence and wall plans (including sections) - indicating the type of fencing. The specific fence or wall location shall be shown in addition to the color, material and height. Sections shall be provided for fences/walls at such locations showing the relationship between the fences/walls and the public right-of-way. Plans shall show that all block walls facing a right-of-way will be planted and maintained with clinging vines and/or shrubs to eliminate graffiti opportunities, except where said walls are an integral part of a sign monument or architectural feature subject to the review and approval of the Planning Commission.
 - (f) Sign plans - specifying the size, height, location, color, material and lighting of signs. Within lots or parcels which are proposed for future development, the property owner/developer shall provide temporary signs to identify proposed future land uses subject to the provisions of the Mountain Park Specific Plan, Section 18.112.110.030.
7. That Site Plans shall include preliminary building plot plans, preliminary floor plans, front, side and rear building elevations, roof plans, and exterior building materials (including roofing), roof-mounted equipment screening treatment (including view sections or photos to determine whether the roof-mounted equipment will be visible) and colors. Site Plans for Single-Family Detached Residential Zones may show the "typical" building footprint for each proposed unit, provided that the property owner/developer also provides a statistical summary showing that the unit proposed for each lot is in conformance with all applicable setback and building coverage requirements.
8. That prior to approval of Site Plan, plans shall be submitted to the Police Department for review and recommendation, incorporating defensible space concepts and safety features (i.e., access, visibility, surveillance, lighting, etc.).
9. That prior to approval of each mass grading permit, the property owner/developer shall submit a construction buffer plan to the Department of Public Works that includes measures taken to protect adjacent residential uses, including, but not limited to, providing a chain link fence with green scrim along construction boundaries.

RESIDENTIAL USES:

10. That prior to approval of each final tract or parcel map, the property owner/developer shall provide an exhibit depicting the Anaheim General Plan designation and the existing zoning within three hundred (300) feet of the boundaries of the subject tract to the City of Anaheim Planning Department for review and approval. On-going during sales of dwelling units in the subject tract, the property owner/developer shall provide each buyer with this written information.
11. That prior to approval of Site Plans and prior to issuance of building permits for dwelling units developed pursuant to the RMP-5 and RMP-6 zone development standards, plans shall be submitted to the Planning Department showing that clothes washer and dryer hookups are incorporated into each dwelling unit.

- 12. On-going during sales of dwelling units, the property owner/developer shall provide the buyer of each dwelling unit with written information pertaining to the schools serving the dwelling unit.
- 13. That prior to the final building and zoning inspection for each lot within a tract or parcel map, the property owner/developer shall install required fencing together with clinging vines and/or shrubs as identified on fencing and wall plans approved by the Planning Commission in connection with the Site Plan, tentative tract or parcel map.

CONVENIENCE MARKET:

- 14. That prior to the final building and zoning inspection for the 421st dwelling unit on the east side of SR-241, the property owner/developer shall submit the Site Plan for an approximately 3,000 square-foot convenience market in Development Area 6 to the Planning Department. The convenience market shall be subject to the approval of a Site Plan by the Planning Commission, in conformance with the procedures set forth in the Mountain Park Specific Plan (Code Section 18.112.040.030). Prior to the first final building and zoning inspection for any dwelling unit following the 1,250th dwelling unit, the property owner/developer shall construct the convenience market.
- 15. Prior to the approval of the Site Plan for Development Area 6 (Trail Staging Area and Convenience Market), plans shall depict the location and configuration of all lighting fixtures including ground-mounted lighting fixtures utilized to accent buildings, landscape elements, or to illuminate pedestrian areas. All proposed parking area lighting fixtures shall be down-lighted with a maximum height of twelve (12) feet. All lighting fixtures shall be shielded to direct lighting away from adjacent land uses, including the adjacent fire station. All lighting fixture types and locations shall be identified on the plans submitted for building permits.
- 16. Prior to the approval of the Site Plan for Development Area 6 (Trail Staging and Convenience Market), building elevations shall show that all elevations of commercial buildings are architecturally accented to portray a finished look. Plans shall also show that all building colors, textures, and materials shall be compatible with the proposed architectural themes of the adjacent residential communities.

ENGINEERING/SUBDIVISION

- 17. That the following street design elements shall be shown on all large-lot or builder tentative tract and parcel maps:
 - (a) Street cross sections, including dimensions, labels, circulation designation (i.e. Hillside, Primary, Hillside, Secondary, Modified Hillside Collector or Interior) and whether public or private.
 - (b) Street grades. Street grades shall not exceed ten percent (10%) except when approved by the Fire Department and Department of Public Works prior to approval of the tentative tract or parcel map. Said approval shall be documented in the tentative tract or parcel map staff report.
 - (c) Horizontal alignment, including centerline radii, and cul-de-sac radii.
- 18. That the following grading elements shall be shown on all large-lot or builder tentative tract and parcel maps:
 - (a) Pad elevations.
 - (b) Spot elevations along top and toe of all slopes.
 - (c) Slope setbacks, in conformance with Chapter 17 of the Anaheim Municipal Code.
 - (d) Location and height of all retaining walls and crib walls, excluding electrical, telephone and CATV facility retaining walls.
 - (e) A statement regarding whether the Questar (Southern Trails) Pipeline is currently within the proposed tract boundary or will be relocated within the tract boundary pursuant to the requirements set forth in MM10-2 and 10-3 of Mitigation Monitoring Program No. 137. If the pipeline is to be relocated, the proposed relocation path shall be delineated on the tentative tract or parcel map.
 - (f) Cross-Sections to illustrate existing topography and proposed pad elevations shown on the tentative tract or parcel map that are sufficient to indicate the relationship of the proposal to the nature and

extent of the cut and fill earthwork involved.

(g) Lot dimensions and pad sizes of all lots.

19. That prior to approval of a large-lot or builder final tract or parcel map, vehicular access rights to all arterial highways adjacent to subject tract, except at street intersections, shall be dedicated to the City of Anaheim.
20. Prior to approval of the first final tract or parcel map, the property owner/developer shall provide for the following:
 - (a)
 1. Private street maintenance.
 2. Private Slope landscaping and irrigation maintenance.
 3. Private Parkway landscaping and irrigation maintenance.
 4. Median island landscaping and irrigation maintenance for private medians and the public medians in Santa Ana Canyon Road and Mountain Park Drive.
 5. On-site and off-site open or natural channel storm drain facilities maintenance.
 6. Private Open space maintenance.
 7. Private sewer maintenance.
 8. Maintain liability insurance for riding and hiking trails and bikeways, the landscaped portions of all parkways; and median islands for non-City required medians in public streets naming the City as an additional insured, and indemnifying and holding the City of Anaheim harmless for damages resulting there from.
 9. Provision for the replacement of any tree planted in accordance with project landscaping plans in a timely manner in the event that it is removed, damaged; diseased and/or dead.
 10. Private storm drain maintenance.
 11. Private street light maintenance.
 - (b) That if Items 1 through 12 are to be maintained/financed through a Homeowner's Association, that prior to the sale of the first unit or final building and zoning inspection, whichever occurs first, the property owner/developer shall submit the original documents of the covenants, conditions, and restrictions (CC&Rs) for the master association for review and approval to the Development Services Division of the Department of Public Works and the City Attorney's Office. The approved CC&R's shall be recorded in the office of the Orange County Recorder. A copy of the recorded CC&Rs shall be submitted to the Development Services Division of the Department of Public Works.
 - (c) That if the responsibility for maintenance of Items 1 through 12 is financed through another financial mechanism acceptable to and approved by the City of Anaheim, said mechanism shall be established at the expense of the property owner/developer prior to the sale of the first residential unit or commercial lot/parcel or final building and zoning inspection, whichever occurs first.
 - (d) The property owner/developer of each tract or parcel shall improve all the hereinabove described median islands and provide maintenance for public medians on Santa Ana Canyon Road and Mountain Park Drive, including providing the above specified insurance, until such time as the Homeowner's Association or another acceptable financial mechanism becomes legally obligated therefore as hereinabove provided.
 - (e) The property owner/developer shall post a bond in an amount and form satisfactory to the City of Anaheim to guarantee performance of the property owner/developer's obligations herein described. Evidence of the required insurance and bond shall be submitted to and approved by the City Attorney's Office prior to final map approval.
21. Prior to the final building and zoning inspection for any dwelling unit following the 1,250th dwelling unit, the property owner shall provide for maintenance of the areas encompassing public riding and hiking trails, until such time that trails are accepted for dedication by a non-city public agency or non-profit entity. The property owner shall be required to provide public access to the trails until such time that dedication to a

public agency or non-profit entity is complete.

22. That prior to approval of the first large-lot or builder final tract or parcel map or mass grading plan, whichever occurs first, for each Development Area, the legal property owner shall provide an unsubordinated Subdivision Agreement, in a form approved by the City Attorney's Office, to the City Engineer and Utilities General Manager for review and approval, agreeing to construct all backbone street, sewer and storm drain, water, electrical and hiking and equestrian trail improvements, as required by the City Engineer and Utilities General Manager, in accordance with these conditions and the Mountain Park Specific Plan at the legal property owner's expense. The developer shall post improvement security in conformance with Chapter 17 of the Anaheim Municipal Code. The approved agreement shall be recorded concurrently with the final map.
23. That prior to approval of each final tract or parcel map, an unsubordinated maintenance covenant shall be submitted to the Development Services Division of the Department of Public Works and approved by the City Attorney's office. The covenant shall include provisions for maintenance of private facilities, including compliance with the approved Water Quality Management Plan, and a maintenance exhibit. The covenant shall be recorded concurrently with each final tract or parcel map.

HOUSING

24. Upon release for sale of any attached units within Development Area 5, the property owner/ builder will notify the Community Development Department of the sales prices of the attached units. If any of the units are within the affordable price range as defined by the Community Development Department, the property owner/ builder will, for a period of sixty (60) days from the release for sale, make up to twenty (20) percent of the released units exclusively available to the City to submit buyers to the property owner/builder. If the City determines to use down payment assistance, the precise program, the number of units involved and the degree of assistance for first time buyers will be based upon available funding as determined by the City of Anaheim..

TRAFFIC/STREET IMPROVEMENTS

25. That prior to approval of each large-lot or builder final tract or parcel map, whichever occurs first, the property owner/developer shall submit street names for any new public or private street to the Planning Department for review and approval.
26. That prior to approval of each large-lot or builder final tract or parcel map, whichever occurs first, the property owner/developer shall submit street improvement plans to the Development Services Section of the Department of Public Works for review and approval.
27. That prior to approval of each large-lot or builder final tract or parcel map, whichever occurs first, the legal property owner shall irrevocably offer to dedicate to the City of Anaheim easements for street and public utility purposes for all public streets on the final map.
28. That prior to approval of each final tract map or final parcel map, the legal property owner shall irrevocably offer to dedicate to the City of Anaheim easements, for public utility purposes and emergency purposes, including ingress and egress rights for maintenance purposes, for all private streets on the final map.
29. That prior to approval of the first final tract or parcel map for Development Areas 3 or 7, the property owner/developer shall submit improvement plans and an application for abandonment of street right-of-way for consideration by the City Council, for Oak Canyon Drive, east of Running Springs Road, as depicted on Exhibit 3-17 (Oak Canyon Drive Improvements) of the Environmental Impact Report No. 331. Prior to issuance of the first building permits in Development Areas 3 or 7 (excluding models), the property owner/developer shall substantially complete improvements to Oak Canyon Drive to the satisfaction of the Director of Public Works. Upon completion of improvements and prior to the first final building or zoning inspection for any dwelling unit in Development Areas 3 or 7, the property owner/developer or its assignees shall accept ownership and maintenance responsibilities for the property, unless an alternative ownership and maintenance agreement satisfactory to the Department of Public Works and the City Attorney's Office is reached with the Summit Homeowner's Association. If no agreement with the Summit Homeowners Association is reached, on-going maintenance may be included in a financing mechanism for the Mountain

Park project as approved by the City.

30. That prior to the first final building and zoning inspection within each tract map or parcel map boundary, temporary street name signs for all public and private streets shall be installed if permanent street name signs have not been installed.
31. That the property owner/developer shall be responsible for obtaining all off-site right-of-way needed for construction of the required improvements. Should it become necessary, due to the property owner/developer's inability to acquire said right(s)-of-way, for the City of Anaheim to negotiate for and acquire the necessary right(s)-of-way to allow the developer to construct any public improvements, the property owner/developer shall pay for all costs associated with such acquisition proceedings. Such costs shall qualify towards the property owner/developer's "fair share" contribution.
32. That gates shall not be installed across any driveway or private street in a manner that may adversely affect vehicular traffic in any adjacent public street or alley. Installation of any gates shall conform to Engineering Standard Plans. Said requirements shall be subject to the review and approval of the City Traffic and Transportation Manager. Said information shall be specifically shown on plans submitted for building permits.
33. That prior to approval of the tentative tract or parcel map encompassing the round-about proposed at the intersection of Gypsum Canyon Road and Mountain Park Drive, said round-about shall be designed to the satisfaction of the City Engineer.

GRADING/SOILS

34. On-going during construction, the property owner/developer shall conspicuously post at the construction site the name and contact information for a representative of the property owner/developer who surrounding property owners' may contact with any questions or concerns associated with the grading and construction activities on-site.

STREET MAINTENANCE/SOLID WASTE

35. That prior to recordation of final tract or parcel map(s) for Development Area 7, the property owner/developer shall record a covenant in a form approved by the City Attorney requiring the seller to provide purchaser of each dwelling unit with written information concerning Anaheim Municipal Code Chapter 14 "Parking Restricted to Facilitate Street Sweeping." Such written information shall clearly indicate when on-street parking is prohibited and the penalty for violation.
36. That prior to the approval of the first Site Plan, a Solid Waste Management Plan with recycling capabilities shall be submitted for review and approval by the Streets and Sanitation Division of the Department of Public Works. Refuse collection and disposal for the Mountain Park Development will comply with AS 939, the County of Orange Integrated Waste Management Plan and the City of Anaheim Integrated Waste Management Plan. Upon occupancy of the project, implementation of said plans shall commence and shall remain in full effect as required by the Streets and Sanitation Division of the Department of Public Works.
37. That trash storage areas for single-family attached dwelling units shall be provided and maintained in a location acceptable to the Streets and Sanitation Division of the Department of Public Works and in accordance with approved plans on file with said division. Each single family detached residential unit shall have a designated storage area for standard Anaheim waste containers within a garage or screened from view from the street right-of-way and outside of the front setback. Storage areas shall not encroach into the minimum 10' X 20' dimension of covered parking stalls. Such information shall be specifically shown on the plans submitted to the Planning Commission for Site Plan approval and for building permits. Upon occupancy, trash storage areas shall comply with City Codes for the screening of trash receptacle areas and access for trash pickup.
38. That prior to approval of each Site Plan, plans shall show that on-site trash truck turn-around areas are provided per Engineering Standard Details. Said turn-around areas shall be specifically shown on plans

submitted for building permits. On-going during project operation, the trash truck turn-around areas shall be maintained to the satisfaction of the Streets and Sanitation Division of the Department of Public Works.

SEWERS

39. That prior to approval of each large-lot or builder final tract or parcel map, whichever occurs first, the property owner/developer shall submit plans, including sizing requirements, for the sanitary sewer systems within the tract or parcel map boundaries for review and approval by the City Engineer. The sewer system for the project shall be funded, constructed and maintained in accordance with the requirements of the Department of Public Works.
40. That the property owner/developer shall be financially responsible for the following sanitary sewer-related items:
 - (a) The acquisition of any required permits, rights-of-way and environmental assessments;
 - (b) The design and construction of all required sewers and related facilities as part of the improvements for each tract or parcel map, as approved by the City Engineer.

LANDSCAPING

41. That prior to approval of landscape plans adjacent to all public roadways, tree types and locations shall be reviewed and approved by the Planning Department and the Department of Public Works.

HYDROLOGY (STORM DRAINS)

42. That the property owner/developer shall be financially responsible for the following items:
 - (a) The construction of the Master Plan drainage facilities; and
 - (b) The construction of in-tract and local storm drain system improvements.

WATER

43. The Water System Plan (Exhibit 16 of the Specific Plan document) depicts the locations of the water storage reservoirs and pump stations. Prior to the approval of the first large-lot or builder tentative tract or parcel map, whichever occurs first, the property owner/developer shall enter into a written agreement with the Water Engineering Division of the Utilities Department as to the placement and timing of the water storage reservoirs and pump stations.
44. That prior to the approval of each large-lot or builder tentative tract or parcel map and Site Plan, proof in the form of a memo from the Utilities Department, shall be submitted to the Planning Department to confirm that all water supply planning for the project has been coordinated with and approved by the Water Engineering Division of the Utilities Department.
45. That in conjunction with the recordation of large-lot or builder final tract or parcel maps, whichever occurs first, the property owner/developer shall dedicate to the City the land and easements required for implementation of the water system to support that map. The reservoir sites shall be dedicated with the final maps, or when required by the City
46. That prior to approval of each large-lot or builder final tract or parcel map, whichever occurs first, the owner/developer shall bond for the construction of the required water system improvements for the tract or parcel map. Bonds associated with major water facilities such as pump stations, water tanks, pressure regulating stations, and transmission mains (16-inches and larger) will be released upon acceptance by and conveyance to the City. Partial release of bonds associated with the distribution system mains (12-inches and smaller) and appurtenances which include, but are not limited to, fire hydrants, valves, service laterals, and meters will be as follows: 80% of the associated bond amount upon acceptance and conveyance of the

water distribution mains to the City; and the remaining 20% of the bond amount upon project completion, which includes installation of all water meters and final adjustments of valves to grade.

47. That, prior to approval of the large-lot or builder tentative tract or parcel map that includes a water reservoir site, whichever occurs first, the property owner/developer shall submit plans to the Water Engineering Section of the Public Utilities Department for review and approval of the water reservoir design, including site screening methods. Reservoirs will be located and designed in a manner that screens them from public view.
48. That all backflow equipment shall be located above ground outside of the street setback area in a manner fully screened from any public street. Any other large water system equipment shall be installed to the satisfaction of the Water Engineering Division in either underground vaults or outside of the street setback area in a manner fully screened from all public streets and alleys. Said information shall be specifically shown on plans submitted for approval by the Water Engineering Division of the Public Utilities Department.

ELECTRICAL

49. That prior to approval of the first final large lot tentative tract or parcel map or first builder tentative tract or parcel map, whichever occurs first, the property owner/developer shall enter into an agreement with Anaheim Public Utilities for on-site and off-site electrical system improvements to establish a mechanism for the design and construction of the Mountain Park Specific Plan electrical system. Said agreement shall include, but not be limited to, the scope of work, timing, responsibilities, design process and fees, plan check process and fees, easements, inspection fees and transformer maintenance fees, construction coordination and responsibility, system operation requirements and jurisdictional transfers, and rates for operation of streets.
50. That for construction phasing and scheduling, the property owner/developer shall have the responsibility to coordinate all long range construction schedules with the Utilities Department, Electrical Engineering Division. The property owner/developer shall keep the Electrical Engineering Division apprised of construction phasing, scheduling and proposed infrastructure improvements to assure that electrical service is available to meet the property owner/developer's schedule.
51. That for existing commercial or residential developments along the Santa Ana Canyon Road west of Gypsum Canyon Road requiring 'cutover' service, the property owner/developer shall install and provide for service from the proposed Santa Ana Canyon Road 12/6.9 kV distribution system. The requirements shall be identified in construction drawings for the installation of a 12/6.9kV conduit and substructures system and electrical system in Santa Ana Canyon Road from the east boundary of the East Hills development to the proposed Mountain Park development site. 'Cutover' work not directly associated with the Mountain Park development will be applied as a credit to the fees for the work.
52. That to the extent the property owner/developer may qualify for reimbursement from other benefited properties, the property owner/developer may petition the City Council to establish a reimbursement agreement or benefit district to include other areas of benefit for the construction and fees for 12kV underground line extensions and other improvements benefiting both developments. Costs associated with the establishment of any such districts shall be at the expense of the property owner/developer.
53. That in conjunction with the recordation of large-lot or builder final tract or parcel maps, whichever occurs first, the property owner/developer shall dedicate to the City the land and easements required for implementation of the Utilities wireless communication system to serve Mountain Park. The land and easements will be for two sites to install Utilities' transmitter/receiver antennas. The two antenna sites shall be dedicated with the final maps, or when required by the City. The property owner/developer shall work with the Utilities and Planning Departments on a mutually agreeable location for the equipment to address potential aesthetic impacts within the community.
54. That the easterly 1600-foot long portion of the Southern California Edison overhead 12kV pole line, located along Santa Ana Canyon Road east of SR-241 shall be converted to an underground system in conjunction with the planned improvements along this section of roadway. The conversion of the 1600-foot long portion of Southern California Edison lines from an overhead to underground system shall be at no cost to the City of Anaheim.

PARK AND TRAILS/TRAIL STAGING AREA

55. That prior to or concurrent with recordation of the first final large-lot tract or parcel map whichever occurs first, for either Development Area 3 or 7, the property owner/developer shall comply with the City's park dedication ordinance to the satisfaction of the Community Services Department. Satisfaction of the park ordinance will be met by the dedication and development of one (1), minimum 15-acre community park as specified in the Specific Plan.
56. That the Specific Plan sets forth the riding and hiking trail alignment for the Gypsum Canyon Regional Riding and Hiking Trail. Prior to the approval of each large-lot or builder tentative tract or parcel map, whichever occurs first, equestrian and hiking trails within that tract or parcel map shall be shown per the Specific Plan to the satisfaction of Community Services Department and County of Orange. Prior to the approval of each final large-lot or builder tract or parcel map, whichever occurs first, the property owner/developer shall submit the final alignment of the regional riding and hiking trail and any private interior trails proposed within that tract or parcel map to the Community Services Department for final review and approval. The property owner/developer shall construct and irrevocably offer to dedicate the public trails (including trail access points, signage, furnishings and other related features) in accordance with Specific Plan, City and/or County standards. Prior to approval of the final large-lot or builder tract or parcel map, whichever occurs first, bonds shall be posted for trail improvements as part of in-tract improvements.
57. That the park site shall be developed in accordance with Community Services Department standards, the Specific Plan and the City's Park Dedication Ordinance (including local park site criteria), and will be subject to Community Services Department approval.
58. That specific facilities for the park shall be determined through the park master plan process conducted by the Community Services Department.
59. That the property owner/developer's responsibility for all park development shall also include all utility connections, fees, permits and charges, all consultant and project inspection costs and any incidental costs relating to the development of the park improvements in accordance with City requirements.
60. That the Parks, Recreation and Community Services Department shall have approval over the following:
 - (a) Approval of Landscape Architect and other consultants used to design the park and prepare the construction documents;
 - (b) Approval of Master Plan, schematic plans, preliminary plans and final plans, specifications, cost estimates and other construction documents; and
 - (c) Approval of all project materials and products used in constructing the park and the right of inspection by City staff at property owner/developer's cost.
61. That prior to the final building and zoning inspection for the 421st dwelling unit on the east side of SR-241 and prior to or concurrent with Planning Commission approval of the Site Plan for Development Area 6, the property owner/developer shall submit the Site Plan for a Trail Staging Area/Interpretive Center in Development Area 6, including vehicular circulation, site amenities, interpretive signage, etc, to the Community Services Department for review and approval. Prior to the first final building and zoning inspection for any dwelling unit following the 1,250th dwelling unit, the property owner/developer shall construct and irrevocably offer to dedicate the Trail Staging Area/Interpretive Center to the City of Anaheim.
62. All dedicated properties shall be free of encumbrances or easements unless otherwise acceptable to the Community Services Department. Before the dedication of any park or trail staging area is accepted by the City, a Title Report for that park or trail staging area must be provided to and approved by the City Attorney's Office.
63. That prior to the approval of the large-lot or builder final tract or parcel maps, whichever occurs first, where the facilities are located, the park and trail obligations of the property owner/developer shall be secured by performance bonds, letters of credit or another form of security, in an amount and form approved by the City Attorney's Office and Community Services Department.
64. That the property owner/developer shall construct an up to 5,000 square foot community center per an

approved park concept plan and in consultation with the Community Services Department (including building, parking, landscaping, exterior lighting, patios, and building furnishings) as part of the 15-acre park improvements. The improvement shall be secured by a performance bond, letter of credit, or other form of security approved by the City Attorney's Office and Community Services Department, prior to the approval of the first large-lot or builder tentative tract or parcel map, whichever occurs first.

LIBRARY

65. That pursuant to Resolution No. 89R-235 adopting the Public Library Facilities Plan for the East Santa Ana Canyon area, as may hereinafter be amended, the property owner/developer will participate in the funding of the construction of the proposed library facility in the East Santa Ana Canyon area. Fees shall be paid prior to approval of any final tract or parcel map (excluding large lot subdivisions), or prior to issuance of a building permit where no subdivision is involved.
66. That prior to the approval of the first large-lot or builder tentative tract or parcel map, whichever occurs first, the property owner/developer shall enter into an agreement with the Library Department agreeing to pay fees for a maximum of 2,500 dwelling units in accordance with the Public Library Facilities Plan for the East Santa Ana Canyon area in order to ensure that full payment is made to the City in this regard. Written proof of the Library Agreement shall be furnished to the Planning and Community Services Departments and shall be subject to the approval by the Library Section of the Community Services Department and the City Attorney's Office.

POLICE

67. That, prior to issuance of each building permit for a residential dwelling unit, the property owner/developer shall pay any Police Protection Facilities Fees, that are in affect at the time of issuance of building permits.

SCHOOLS

68. That prior to the approval of the first large-lot or builder tentative tract or parcel map, whichever occurs first, in each phase, the property owner/developer shall provide the Planning Department with adequate proof that the property owner/developer has complied with the provisions of the Memorandum of Understanding dated December 16, 2004, between the Irvine Community Development Company, LLC and the Orange Unified School District or any subsequent agreement entered into between the property owner/developer and the Orange Unified School District.
69. That in connection with the approval of large-lot or builder tentative tract or parcel maps, whichever occurs first, for Development Area 3, the school site shall be identified on the map. Further, until such time as OUSD acquires the school site, the property owner/developer shall be responsible for maintenance of the site, including installation and maintenance of a landscaped buffer area along the boundaries of the site abutting any roadway. Plans for said landscaped areas shall be reviewed and approved by the Planning Director or his/her designee.
70. That the Orange Unified School District shall be encouraged to coordinate with the City Traffic and Transportation Division to assure that pedestrian access follows the "safe route to school" standard and that adequate ingress and egress is provided at all school site entrances to discourage vehicle idling at curbsides.

FIRE

71. That prior to commencement of structural framing on each parcel or lot, on-site fire hydrants shall be installed and charged as required and approved by the Fire Department. Specific information on the design and implementation of the required hydrant system network shall be obtained from the Fire Department.
72. That all lockable pedestrian and/or vehicular access gates shall be equipped with "knox box", or other similar devices as required and approved by the Fire Department.
73. That prior to approval of each Site Plan, where required and approved by the Fire Department, adequate,

unobstructed fire truck turn-around areas, shall be specifically shown on the Site Plan. The approved fire truck turn-around areas shall be shown on plans submitted for building permits. Said turn-around areas shall be permanently marked and maintained to the satisfaction of the Fire Department. All fire accessways, including public streets in excess of 150 feet long, must be provided with unobstructed fire truck turn-around areas.

74. That prior to the approval of water improvement plans, the water supply system shall be designed to provide sufficient fire flow pressure and storage in accordance with Fire Department requirements.
75. That prior to the placement of building materials on the building site, an all weather driving surface shall be provided from the roadway system to and on the construction site. Every building constructed must be accessible to Fire Department apparatus. The width and radius of the driving surface must meet the requirements of Section 10.207(a) of the Uniform Fire Code as adopted by the City of Anaheim.

FISCAL

76. That prior to consideration of the project by the City Council, the property owner/developer shall submit a final Fiscal Impact Report to the City.
77. That prior to approval of the first large-lot tentative tract or parcel map or first builder tentative tract or parcel map, whichever occurs first, the property owner/developer shall establish a mechanism, acceptable to the City of Anaheim, to provide on-going monitoring and transmittal to the City of Anaheim of information concerning fiscal impact of all developments within Mountain Park; provided, however, that the subsequent on-going fiscal monitoring may consist of a letter, subject to the City's approval, if there are no changes proposed by the developer or governmental entity other than the City of Anaheim to the assumptions in the fiscal impact report or development plan, but if there are changes, detailed documentation addressing those fiscal impacts affected shall be required.
78. That prior to approval of the first large-lot tentative tract or parcel map or first builder tentative tract or parcel map, whichever occurs first, the property owner/developer shall form a community facilities district or other appropriate public financing mechanism acceptable to the City to assure the project generates continuing revenues to meet the assigned cost of City services, per the fiscal impact report dated _____, on a year by year basis recognizing cumulative surpluses and/or deficits and to provide monitoring and flexibility to fund any additional future shortfall should assumptions in the fiscal impact report prove incorrect. Said agreement shall set forth the timing for the establishment of the mechanism. The cost to establish the mechanism shall be borne by the property owner/developer.
79. That prior to the approval of a fire station, the property owner/developer shall provide proof to the City in the form of a revised Fiscal Impact Report or other documentation acceptable to the City Manager or his designate that the project as a whole generates revenues to meet the assigned cost of City services.

MISCELLANEOUS

80. That the property owner/developer shall be held responsible for complying with Mitigation Monitoring Program No. 137, established by the City in compliance with Section 21081.6 of the Public Resources Code. Furthermore, the property owner/developer shall be responsible for any direct costs associated with the monitoring and reporting required to ensure implementation of those mitigation measures identified in Final Environmental Impact Report No. 331 that have been incorporated into the Mitigation Monitoring Program and which are made a part of these conditions of approval by reference.
81. That any decision or action required by the Planning Commission for any of the above conditions shall be subject to appeal or review by the City Council within twenty-two (22) days following the date of such decision or action unless otherwise set forth in the condition.
82. That all Special Maintenance Districts or other financial mechanisms referenced in previous conditions shall be established at the expense of the property owner/developer.
83. That the property owner/developer shall coordinate with telephone company serving the area to ensure timely construction and placement of necessary telephone facilities. Prior to the approval of each large-lot or

builder tentative tract or parcel map, whichever occurs first, the property owner/developer shall provide proof to the Planning Department in the form of a letter from the telephone company, that said coordination has occurred.

- 84. That within thirty (30) days of the City Council's action, the property owner/developer shall provide the Planning Department with three copies of an amended Specific Plan document reflective of the City Council's action. Upon review and approval of the amended documents by the Planning Department, twenty (20) hard copies and thirty (30) compact discs of the final document shall be provided by the property owner/developer to the Planning Department.
- 85. A performance bond, letter of credit, or other form of security in an amount and form approved by the City Attorney shall secure the obligations of the developer as set forth in these conditions. Said security, as approved shall be provided at the same time as the obligation is required by the conditions herein.

BE IT FURTHER RESOLVED that the City of Anaheim Planning Commission does hereby find and determine that adoption of this resolution is expressly predicated upon compliance with each and all of the conditions hereinabove set forth. Should such any condition, or and part thereof, be declared invalid or unenforceable by the final judgment of any court of competent jurisdiction, then this Resolution, and any approval herein contained, shall be deemed null and void.

THE FOREGOING RESOLUTION was adopted at the Planning Commission meeting of July 27, 2005. Said resolution is subject to the appeal provisions set forth in Chapter 18.60 "Procedures" of the Anaheim Municipal Code pertaining to appeal procedures and may be replaced by a City Council Resolution in the event of an appeal.

CHAIRMAN, ANAHEIM PLANNING COMMISSION

ATTEST:

SENIOR SECRETARY, ANAHEIM PLANNING COMMISSION

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF ANAHEIM)

I, Eleanor Morris, Senior Secretary of the Anaheim Planning Commission, do hereby certify that the foregoing resolution was passed and adopted at a meeting of the Anaheim Planning Commission held on July 27, 2005, by the following vote of the members thereof:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____,
2005.

SENIOR SECRETARY, ANAHEIM PLANNING COMMISSION