

CONDITIONS OF APPROVAL

(New text underlined and deletions in ~~strike through~~)

PROJECT: PA 2017-61/TPM 2017-04
PROJECT NAME: TPM 37364
PROJECT LOCATION: APNs: 377-070-035 and 036
APPROVAL DATE: April 14, 2020
EFFECTIVE DATE: April 14, 2020
EXPIRATION DATE: April 14, 2022 (TPM 37364 extended to April 14, 2025 by City Council on June 14, 2022)

GENERAL CONDITIONS

1. Tentative Parcel Map No. 37364 is proposing a one-lot subdivision of a 5.45-acre lot for condominium purposes. The subject property consists of five existing one-story retail buildings attached by common walls. The Project is located within the Lake Elsinore Square Shopping Center, northeasterly corner of Collier Avenue and Central Avenue, more specifically 18294 and 18298 Collier Avenue. (APNs: 377-070-035 and 036).
2. The applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City, its Officials, Officers, Employees, Agents, and its Consultants (Indemnitees) from any claim, action, or proceeding against the Indemnitees to attack, set aside, void, or annul an approval of the City, its advisory agencies, appeal boards, or legislative body concerning approval, implementation and construction of TPM 37364, which action is brought within the time period provided for in California Government Code Sections 65009 and/or 66499.37, and Public Resources Code Section 21167, including the approval, extension or modification of TPM 37364 or any of the proceedings, acts or determinations taken, done, or made prior to the decision, or to determine the reasonableness, legality or validity of any condition attached thereto. The Applicant's indemnification is intended to include, but not be limited to, damages, fees and/or costs awarded against or incurred by Indemnitees and costs of suit, claim or litigation, including without limitation attorneys' fees, penalties and other costs, liabilities and expenses incurred by Indemnitees in connection with such proceeding. The City will promptly notify the applicant of any such claim, action, or proceeding against the City. If the project is challenged in court, the City and the applicant shall enter into formal defense and indemnity agreement, consistent with this condition
3. Within 30 days of project approval, the applicant shall sign and complete an "Acknowledgment of Conditions" and shall return the executed original to the Community Development Department for inclusion in the case records.
4. Tentative Parcel Map No. 37364 will expire ~~two years from the date of approval on April 14, 2025~~ unless within that period of time a Final Map has been filed with the County Recorder, or an extension of time is granted by the City of Lake Elsinore City Council in accordance with the State of California Subdivision Map Act and applicable requirements of the Lake Elsinore Municipal Code (LEMC).
5. Tentative Parcel Map No. 37364 shall comply with the State of California Subdivision Map Act and applicable requirements contained in the LEMC, unless modified by approved Conditions of Approval.

6. Any proposed minor revisions to approved plans shall be reviewed and approved by the Community Development Director or designee. Any proposed substantial revisions to the approved plans shall be reviewed according to the provisions of the Municipal Code in a similar manner as a new application.
7. All future development proposals shall be reviewed by the City on a project-by-project basis. If determined necessary by the Community Development Director or designee, additional environmental analysis will be required.
8. Provisions of the City's Noise Ordinance (LEMC Chapter 17.176) shall be satisfied during all site preparation and construction activity. Site preparation activity and construction shall not commence before 7:00 AM and shall cease no later than 5:00 PM, Monday through Friday. Only finish work and similar interior construction may be conducted on Saturdays and may commence no earlier than 8:00 am and shall cease no later than 4:00 p.m. Construction activity shall not take place on Sunday, or any Legal Holidays.
9. If any of the conditions of approval set forth herein fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny or further condition issuance of all future building permits, deny revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted; record a notice of violation on the property title; institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation.

PRIOR TO RECORDATION OF FINAL MAP

10. All lots shall comply with minimum standards contained in Chapter 17.124 (General Commercial (C-2)) of the LEMC.
11. Prior to Recordation of the Final Map, the applicant shall demonstrate that the building will be divided for different tenant spaces or units for Condominium purposes. The separation for each unit shall comply with the current California Building Code, California Fire Code, and the LEMC and is subject to a review and approval by the Building Official and the Fire Marshal.
12. A precise survey with closures for boundaries and all lots shall be provided per the LEMC.
13. The applicant shall meet all requirements of Elsinore Valley Municipal Water District (EVMWD).
14. The applicant/operator shall comply with all requirements of the Riverside County Fire Department Lake Elsinore Office of the Fire Marshal. Questions should be directed to the Riverside County Fire Department, Lake Elsinore Office of the Fire Marshal at 130 S. Main St., Lake Elsinore, CA 92530. Phone: (951) 671-3124 Ext. 225.
15. Prior to recordation of a Final Map, the applicant shall initiate and complete the formation of a Property Owner's Association (POA) which shall be approved by the City. All Association documents shall be submitted for review and approval by City Planning, Engineering and the City Attorney and upon City approval shall be recorded. Such documents shall include the Articles of Incorporation for the Association and Covenants, Conditions and Restrictions (CC&Rs).

- a. All slopes, landscaping within public right-of-way, all drainage basins, and common areas including but not limited to parking areas and drive aisles, shall be maintained by the (POA).
- b. Provisions to restrict parking upon other than approved and developed parking spaces shall be written into the CC&Rs for the project.

ENGINEERING

16. The developer shall submit for plan check review and approval a final map for Engineering Department approval.
 17. The CC&Rs must record with the map, with a statement reflecting recording information of the CC&Rs on the final map.
 18. The final map should show the outline of the common areas, with a line weight that is easily identifiable to be different from the boundary line.
 19. Prior to final map approval, the developer shall provide evidence of notification to tenants of intent to convert, per Subdivision Map Act, Government Code Section 66452.17.
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I hereby state that I acknowledge receipt of the approved Conditions of Approval for the above named project and do hereby agree to accept and abide by all Conditions of Approval as approved by the City of Lake Elsinore City Council on _____. I also acknowledge that all Conditions shall be met as indicated.

Date: _____

Applicant's Signature: _____

Print Name: _____

Address: _____

Phone Number: _____

DRAFT