

## CONDITIONS OF APPROVAL

**PROJECT:** PA-2016-67/RDR-2022-01  
**PROJECT NAME:** Rosetta View Estates  
**PROJECT LOCATION:** APNs: 347-110-021; 347-581-008  
**APPROVAL DATE:**  
**EFFECTIVE DATE:**  
**EXPIRATION DATE**

### **GENERAL**

1. Planning Application No. 2016-67 (Residential Design Review No. 2022-01) proposes the design and construction of 27 detached single-family residential units, preliminary plotting, conceptual landscaping, conceptual wall and fence plan, and related improvements located within TTM 32129 (project). The project proposes six floor plans (ranging in size from 1,659 square feet to 2,659 square feet) and three architectural styles (Spanish, Farmhouse, and French Country). The lot sizes for TTM 32129 range in size from 4,535 square feet to 13,759 square feet and are 7,963 square feet on average. The project is located northeasterly of Rosetta Canyon Drive, southerly of Sharon Street, and easterly of Trellis Lane. (APNs: 347-110-021 and 347-581-008)
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 PA-2016-67/RDR-2022-01, 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 PA-2016-67/RDR-2022-01 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.

### **PLANNING DIVISION**

4. Residential Design Review No. 2022-01 shall lapse and become void two (2) years following the date on which the design review became effective, unless one of the following: (1) prior to the expiration of two years, a building permit related to the design review is issued and construction commenced and diligently pursued toward completion; or (2) prior to the expiration of two years, the applicant has applied for and has been granted an extension of the design review approval pursuant to subsection (b) of Lake Elsinore Municipal Code (LEMC) Section

- 17.415.050(I). Notwithstanding conditions to the contrary, a design review granted pursuant to LEMC Chapter 17.415 shall run with the land for this two-year period, subject to any approved extensions, and shall continue to be valid upon a change of ownership of the site, which was the subject of the design review application.
5. All mitigation measures identified in Mitigated Negative Declaration No. 2004-05 shall be adhered to. The applicant shall fund the implementation of the MMRP through every stage of development. The City shall appoint an environmental monitor who shall periodically inspect the project site, documents submitted by the applicant, permits issued, and any other pertinent material, in order to monitor and report compliance to the City until the completion of the project.
  6. The applicant shall comply with the provisions of the Development Agreement by and among the City of Lake Elsinore and Three Strand Properties, LLC, Spectrum Communities, LLC, and Donald S. Clurman ("Development Agreement") as approved by the City Council on October 22, 2019, including without limitation payment of a Development Agreement Fee and such Development Impact Fees as specified in Exhibit C thereto.
  7. The applicant shall comply with the conditions of approval of Tentative Tract Map No. 32129.
  8. All Conditions of Approval shall be reproduced on page one of building plans prior to their acceptance by the Building and Safety Division, Community Development Department. All Conditions of Approval shall be met prior to the issuance of a Certificate of Occupancy.
  9. 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.
  10. Any proposed minor revisions to approved plans shall be reviewed and approved by the Community Development Director or designee. Materials and colors as depicted in the approved Design Review Package shall be used unless minor modifications are approved by the Community Development Director or designee or major modifications are approved by the Planning Commission.
  11. The following architectural details shall be provided:
    - All front fence returns shall be decorative masonry walls. Vinyl or steel (tubular steel) gates are allowed in order to allow access to rear yards.
    - The applicant shall provide four-sided articulation. Architectural enhancements and treatments shall be provided on all residential elevations (front, rear and side) visible from streets and other public views.
    - All fireplaces shall be natural gas fireplaces only. No wood burning fireplaces shall be allowed.
  12. The applicant shall provide a flat concrete pad or area a minimum of 3'- 0" by 7'- 0" adjacent to the dwelling for the storage of the City trash barrels. The storage pad or area shall conceal the trash barrels from public view, subject to the approval of the Community Development Director or designee. Precise grading plans shall identify the location of the aforementioned flat area and air conditioning units.

13. The building addresses (in numerals at least four inches high) shall be displayed near the entrance and easily visible from the front of the unit and public right-of-way. The applicant shall obtain street addresses for all production lots prior to issuance of building permit.
14. 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 Tract Map(s)**

15. Lot "P" of recorded Tract Map No. 30698 shall be deeded to the ownership of Tentative Tract Map No. 32129 prior to the submittal of a final map for TTM 32129. The Final Map for TTM 32129 shall subdivide the deeded triangle into two legal lots, one lot identified as Lot 27, and the other lot identified as Lot "E."
  - a. The boundary of Lot 27 on the Final Map will generally resemble the drawing noted in the casefile as "Conceptual Lot 27 Boundaries." Sloped areas shall be placed within open space Lot "E" to ensure maintenance by HOA.
  - b. Access to open space lots shall be clearly identified on the Final Map.
  - c. Lot 27 shall include access to a public right-of-way.
16. The applicant shall comply with all Conditions of Approval prepared by the Riverside County Fire Department as listed in their transmittal dated March 11, 2004.
17. All lots shall comply with minimum standards of the R1 Single Family Residential zone. However, with the approval of Variance 2018-01, the following standards shall apply:
  - a. Variance 2018-01 relieves the developer from the required 6,000 square foot minimum lot size as specified in the Revised Lot Summary Table attached and referenced as Exhibit "D."
  - b. Variance 2018-01 relieves the developer from the required minimum street frontage of 60-feet (65-feet for corner lots) as specified in the Revised Lot Summary Table attached and referenced as Exhibit "D."
18. A precise survey with closures for boundaries and all lots shall be provided per the LEMC.
19. Street names within the subdivision shall be approved by the Community Development Director or designee prior to final map approval.
20. All of the improvements shall be designed by the developer's Civil Engineer to the specifications of the City of Lake Elsinore.
21. The applicant shall initiate and complete the formation of a homeowners' association ("HOA"), approved by the City, recorded and in place. All HOA documents shall be reviewed and approved by the City and recorded, such as the Articles of Incorporation and Covenants, Conditions and Restrictions (CC & R's). The HOA shall be responsible for the maintenance of all open space areas, natural slopes, drainage basins (if any), maintenance easement

areas, all graded slopes abutting public street rights-of-way within private lots, and all private streets (if any).

- a. In the event that the HOA fails to meet its responsibilities with regards to the maintenance of open space areas, the Lighting, Landscaping and Maintenance District shall automatically provide such maintenance and assess the individual property owners for such service.
  - b. The developer shall provide landscaped areas on both sides of any access roadways within the tract, and the landscaped areas shall be maintained by the HOA.
  - c. Every effort by the applicant shall be made to annex into an existing homeowners' association, before initiating the formation of an independent HOA.
22. The Final Map shall identify downslopes adjacent to streets as HOA Maintenance Easements. All HOA Maintenance Easements shall be planted, irrigated and maintained by the HOA.
23. All lettered lots shall be owned and maintained by the HOA or other entity approved by the Community Development Director, and so noted on the Final Map.
24. Contingent Special Tax Obligation: In connection with the formation of the HOA as provided in Condition of Approval #21 and prior to approval of the Final Map, Parcel Map, Residential Design Review, Conditional Use Permit or building permit (as applicable), the applicant shall apply for formation of a Community Facilities District to offset the potential annual negative fiscal impacts should the HOA default in its obligation to maintain any public facilities or public improvements as provided herein. Such formation will typically also include the provision for the levy of a special tax for purposes of repayment of bonded indebtedness, the proceeds of which will generally be available for reimbursement of the cost of public improvements incurred by the applicant. A default by the HOA shall be deemed to occur if:
- (i) the HOA files for bankruptcy;
  - (ii) the HOA is dissolved;
  - (iii) the HOA ceases to levy annual assessments for the maintenance of the improvements described above; or
  - (iv) the HOA fails to maintain such improvements at the same level as the City maintains similar improvements throughout the City and within ninety (90) days after written notice from the City, or such longer period permitted by the City Manager, fails to remedy such maintenance deficiency to the reasonable satisfaction of the City Council.

The formation of a Community Facilities District under the Mello-Roos Act will include the authorization to levy of a special tax (generally designated as the "Special Tax B (Contingent)") in the event that the HOA defaults.

The services which may be funded with proceeds of Special Tax B (Contingent) shall be as provided by Section 53313 of the Mello Roos Act and will include all costs attributable to maintaining, servicing, repairing and/or replacing all public improvements to which the HOA has a duty to maintain as provided in these Conditions of Approval. In addition to payment of the cost and expense of the forgoing services, proceeds of Special Tax (Contingent) may be expended to pay reasonable "administrative expenses."

Alternatively, the applicant may propose alternative financing mechanisms to fund the annual negative fiscal impacts of the project. Applicant shall make a \$7,500 non-refundable deposit to cover the cost of the formation or other mitigation process, as applicable. Contact City of Lake Elsinore Administrative Services Department at JSimpson@lake-elsinore.org. The method used to satisfy this condition shall be written into the Covenants, Conditions and Restrictions (CC&Rs) adopted for this subdivision, and distributed to all HOA residential members.

The foregoing Condition regarding the Special Tax B (Contingent) shall be waived if, prior to the commencement of construction, the applicant satisfies Condition of Approval #21 by causing the 27 lots created by TTM 32129 to be annexed into the adjacent project's homeowners' association.

**Prior to Issuance of Grading Permits/Building Permits**

25. Construction shall be restricted until adjacent subdivisions have developed or the applicant obtains arrangements with adjacent property owners to provide fuel modification zones for this project.
26. The applicant shall comply with all requirements of the City's Grading Ordinance. Construction generated dust and erosion shall be mitigated in accordance with the provisions of Municipal Code Chapter 15.72 and by using accepted techniques. Interim erosion control measures shall be provided 30 days after the site's rough grading, as approved by the City Engineer.
27. The applicant shall obtain all necessary State and Federal permits, approvals, or other entitlements, where applicable, prior to each phase of development of the project.
28. Prior to issuance of building permit, the applicant shall submit a letter of verification (will-serve letter) to the City Engineer, for all required utility services.
29. Prior to issuance of building permit, the applicant shall prepare a Final Wall and Fence Plan addressing the following:
  - Show that a masonry or decorative block wall will be constructed along the entire tract boundary.
  - Show materials, colors, and heights of rear, side and front walls/fences for proposed lots.
  - Show that front return walls shall be decorative masonry block walls. Front return wood fences shall not be permitted.
  - Show the location of all wood, vinyl or steel (wrought iron or aluminum) gates placed within the front return walls.
  - Show that side walls for corner lots shall be decorative masonry block walls.
  - Show that those materials provided along the front elevations (i.e. brick, stone, etc.) will wrap around the side elevation and be flush with the front return walls.
30. All signage shall be subject to Planning Division review and approval prior to installation.



31. The applicant shall submit for review and approval by the Building Division building plans that are designed to current UBC and adopted codes and meet all applicable Building and Safety Division requirements.
  - a. Driveways shall be constructed of concrete per Building and Safety Division standards.
32. The applicant shall prepare a list of proposed street names for review and approval by the Planning, Building, and Fire Departments of the City.
33. 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.
34. The applicant shall comply with all applicable City Codes and Ordinances.
35. The applicant shall comply with all Municipal Code provisions regarding construction debris removal and recycling as set forth in Chapter 14.12 (Construction and Demolition Waste Management) of the Lake Elsinore Municipal Code.
36. Prior to the issuance of any grading or construction permit for the project or any stockpiling of soil/materials on the project site, the project applicant shall ensure that pre-construction presence/absence surveys for burrowing owl will be conducted onsite and within a 150-meter buffer according to the methods described in the Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Conservation Plan. The protocol consists of four site visits conducted during the burrowing owl breeding season (March 1 – August 31). If burrowing owls are observed or detected through presence of sign (whitewash, feathers, vocalizations, decorated burrows, etc.) the applicant shall notify the California Department of Fish and Wildlife and the City of Lake Elsinore Planning Division within 24 hours of the observation/detection. A report detailing the methods and results of the focused surveys shall be prepared and submitted to the City of Lake Elsinore Planning Division, the Riverside County Environmental Programs Department and the Regional Conservation Authority Monitoring Program Administrator.
37. Applicant shall pay all applicable permit application and Engineering assessed fees, including without limitation plan-check and construction inspection fees, at the prevalent rate at time of payment in full.
38. All storm drains are to be maintained in accordance with the cooperative agreement with the Riverside County Flood Control and Water Conservation District.
39. The developer shall submit plans to the electric utility company for a layout of the street lighting system. The cost of street lighting, installation as well as energy charges shall be the responsibility of the developer and/or the HOA until streets are accepted by the City. Said plans shall be approved by the City and shall be installed in accordance with City Standards.
40. The applicant shall meet all requirements of the providing electric utility company.
41. The applicant shall meet all requirements of the providing gas utility company.

42. The applicant shall meet all requirements of the providing telephone utility company.
43. Any alterations to the topography, ground surface, or any other site preparation activity will require appropriate grading permits. A Geologic Soils Report with associated recommendations will be required for grading permit approval, and all grading must meet the City's Grading Ordinance, subject to the approval of the City Engineer and the Planning Division. Analysis of impacts of fills and cuts greater than sixty feet (60') shall be provided. Interim and permanent erosion control measures are required. The applicant shall bond 100% for material and labor for one (1) year for erosion control landscaping at the time the site is rough graded.

Construction-generated dust and erosion shall be mitigated in accordance with the provisions of the City's Municipal Code, Chapter 15.72, and using accepted techniques, interim erosion control measures shall be provided 30 days after the site's rough grading as approved by the City Engineer.

44. Prior to issuance of building permit, building plans for the Model Home Complex shall comply with all American Disabilities Act (ADA) requirements, including provision of a handicapped-accessible bathroom.
45. Construction phasing shall be implemented in accordance with the approved Phasing Plan which avoids construction traffic from entering occupied neighborhoods within the tract.
46. A cash bond in the amount of \$1,000 shall be required for the Model Home Complex. This bond is to guarantee removal of the temporary fencing material, parking lot, etc. that have been placed onsite for the Model Home Complex. The bond will be released after removal of the materials and the site is adequately restored, subject to the approval of the Community Development Director or designee.
47. A cash bond in the amount of \$1,000 shall be required for any garage conversion of the model(s). Bonds will be released after removal of all temporary materials and the site is adequately restored, subject to the approval of the Community Development Director or designee.
48. A cash bond in the amount of \$1,000 shall be required for any construction trailers used during construction. Bonds will be released after removal of trailers, subject to the approval of the Community Development Director or designee.
49. The applicant shall pay school fees to the Lake Elsinore Unified School District prior to issuance of each building permit.
50. The project shall connect to sewer and meet all requirements of the Elsinore Valley Municipal Water District (EVMWD). The applicant shall submit water and sewer plans to the EVMWD and shall incorporate all district conditions and standards.
51. All mechanical and electrical equipment associated with the residences shall be ground mounted. All outdoor ground or wall mounted utility equipment shall be consolidated in a central location and architecturally screened behind fence returns, subject to the approval of the Community Development Director, prior to issuance of building permit.

52. All front yards and side yards on corner lots shall be properly landscaped with automatic (manual or electric) irrigation systems to provide 100 percent plant coverage using a combination of drip and conventional irrigation methods. Construction Landscape & Irrigation drawings shall be prepared, reviewed and approved by the City's Landscape Architect Consultant and the Community Development Director or designee. A Cost Estimate for materials and labor shall also be submitted for review and approval. A Landscape Plan Check fee will be charged prior to final landscape approval based on the Consultant's fee, inspection, permit and administration fees.

- The applicant shall replace any street trees harmed during construction, in conformance with the City's Street Tree List, at a maximum of 30 feet apart and at least 24-inch box in size.
- Perimeter walls shall be protected by shrubs and other plantings that discourage graffiti.
- The applicant shall ensure a clear line of sight at ingress/egress points by providing plantings within 15 feet of ingress/egress points whose height does not exceed three feet and whose canopy does not fall below six feet.
- The landscape plan shall provide for California native drought-tolerant ground cover, shrubs, and trees. Special attention shall be given to use of Xeriscape or drought resistant plantings with combination drip irrigation system to prevent excessive watering.
- No front-yard grass turf landscaping will be installed.
- All landscape improvements shall be bonded with a ten percent (10%) Faithful Performance Bond of the approved estimated labor and materials cost for all planting. The bond shall remain in effect for one year from Certificate of Occupancy.
- All landscaping and irrigation shall be installed within an affected portion of any phase at the time a certificate of occupancy is requested for any building.
- All Model Homes shall be Xeriscaped and signage provided identifying Xeriscape landscaping. Xeriscape is a method of landscape design that minimizes water use by:
  - 1) Implementing hydrozones;
  - 2) Minimizes high water-use plant material as identified by Water Use Classifications of Landscape Species (WUCOLS) (such as turf) and incorporates water-efficient ("drought-tolerant" / climate-appropriate) plants;
  - 3) Requires an efficient irrigation system that includes:
    - a. ET-Based ("Smart irrigation") controller(s) with weather-sensing, automatic shut-off and seasonal adjustment capabilities;
    - b. Efficient irrigation water application through use of:
      - i. Low-volume point-source irrigation (such as drip irrigation and bubblers) for all shrub planter areas (maximum of 3:1 slope) with a minimum irrigation efficiency of 0.90 ; and/or
      - ii. Spray or rotor-type nozzles for areas a minimum of eight (8) feet wide, for slopes 3:1 and greater, AND with a minimum irrigation efficiency of 0.71.
  - 4) Improvement of soil structure for better water retention; and



- 5) Application of mulch to hinder evaporation.
  - The Final landscape plan shall be consistent with any approved site and/or plot plan.
  - The Final landscape plan shall include planting and irrigation details.
  - All exposed slopes in excess of three feet in height within the subject tract and within private lots shall have a permanent irrigation system and erosion control vegetation installed, as approved by the Planning Division, prior to issuance of certificate of occupancy.
  - All landscaping and irrigation shall comply with the water-efficient landscaping requirements set forth in LEMC Chapter 19.08 (Water Efficient Landscape Requirements) as adopted and any amendments thereto.
53. The applicant shall place a weatherproof 3' x 3' sign at the entrance to the project site identifying the approved days and hours of construction activity and a statement that complaints regarding the operation can be lodged with the City of Lake Elsinore Code Enforcement Division (951) 674-3124. The sign shall be installed prior to the issuance of a grading permit.

## **ENGINEERING DIVISION**

### **GENERAL**

54. The project shall comply with applicable Conditions of Approval of Tentative Tract 32129 as approved by City Council on March 28, 2017.
55. All slopes and landscaping within public right-of-way shall be maintained by the property owner or property owner's association or another maintenance entity approved by the City Council.
56. All open space and slopes except for public parks and schools and flood control district facilities, outside the public right-of-way shall be owned and maintained by property owner or property owner's association.
57. In accordance with the City's Franchise Agreement for waste disposal & recycling, the developer shall be required to contract with CR&R Inc. for removal and disposal of all waste material, debris, vegetation and other rubbish generated during cleaning, demolition, clear and grubbing or all other phases of construction.
58. Developer shall mitigate to prevent any flooding and/or erosion downstream caused by development of the site and or diversion of drainage.
59. Any grading that affects "waters of the United States", wetlands or jurisdictional streambeds, shall require approval and necessary permits from respective Federal and/or State agencies. Developer acknowledges that if the Developer is required by Federal and/or State agencies to provide for on-site and/or off-site mitigation for impacts to habitat, the Regional Conservation Authority (RCA) does not recognize such mitigation under the MSHCP and, accordingly, such mitigation shall not be a credit against Developer's MSHCP obligation.

### **FEES**

60. Developer shall pay all Engineering Department assessed Development Impact Fees, Plan

Check and Permit fees (LEMC 16.34), along with payment of Development Agreement Fees as provided in the Development Agreement. Applicable Development Impact Fees include those fees specified in Exhibit C to the Development Agreement.

61. Fees will be assessed at the prevalent rate at time of payment except for fees that are subject to a fee lock or automatic increase as specified in the Development Agreement.

### **FINAL TRACT MAP**

62. The developer shall submit for plan check review and approval a Final Tract Map.
63. Prior to City Council approval of the Final Tract Map, the developer shall, in accordance with Government Code, have constructed all improvements or have improvement plans submitted and approved, agreements executed, and securities posted.
64. Underground water rights shall be dedicated to the City pursuant to the provisions of Section 16.52.030 in the Lake Elsinore Municipal Code (LEMC), and consistent with the City's agreement with the Elsinore Valley Municipal Water District.
65. Monumentation shall be in accordance with Section 16.32 (LEMC) and Subdivision Map Act.
66. Security and inspection fee for monumentation shall be paid and two contiguous monuments shall be inspected prior to scheduling City Council approval of the Final Tract Map.
67. Phasing plan, if any, shall be approved by the City Engineer prior to issuance of any permits. Final Tract Map shall include the phasing boundaries consistent with the parcels of the Tentative Tract Map. The phasing boundaries or parcels shall be processed as separate tract maps.

### **STORMWATER MANAGEMENT/POLLUTANT PREVENTION/NPDES**

68. If the approved final Water Quality Management Plan (WQMP) requires any changes or modifications, the final WQMP shall be submitted to the Engineering Department for review and approval and prior to start of activity.
69. All storm drain inlet facilities shall be appropriately marked "Only Rain in the Storm Drain" using the City authorized marker.

### **Construction**

70. A Storm Water Pollution Prevention Plan (SWPPP) (as required by the NPDES General Construction Permit) and compliance with the Green Building Code for sediment and erosion control are required for this project.
71. Prior to grading, issuance of a building permit for construction or demolition, and/or weed abatement activity, projects subject to coverage under the NPDES General Construction Permit shall demonstrate that compliance with the permit has been obtained by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing to the satisfaction of the City Engineer. A copy of the SWPPP

shall be kept at the project site, updated, and be available for review upon request.

72. Erosion & Sediment Control –Prior to the issuance of any grading or building permit for construction or demolition, the applicant shall submit for review and approval by the City Engineer, an Erosion and Sediment Control Plan as a separate sheet of the grading plan submittal to demonstrate compliance with the City's NPDES Program and state water quality regulations for grading and construction activities. Erosion and Sediment Control Plan shall identify how all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored and secured to prevent transport into local drainages or waters by wind, rain, tracking, or dispersion. The plan shall also describe how the project will ensure that all BMPs will be maintained during construction of any future right of ways. A copy of the plan shall be incorporated into the SWPPP as applicable, kept updated as needed to address changing circumstances of the project site, be kept at the project site and available for review upon request.

### Post-Construction

73. Prior to the issuance of a certificate of use and/or occupancy, the applicant shall demonstrate compliance with applicable NPDES permits for construction, MS4, etc. to include:
- Demonstrate that the project has complied with all non-structural BMPs described in the project's WQMP.
  - Provide signed, notarized certification from the engineer of work that the structural BMP's identified in the project's WQMP are installed in conformance with approved plans and specifications and operational.
  - Submit a copy of the fully executed, recorded City approved Operations and Maintenance (O&M) Plan and Agreement for all structural BMPs or a copy of the recorded City approved CC&R.
  - The Operation and Maintenance (O&M) Plan and Agreement and/or CC&R's shall (1) describe the long-term operation and maintenance requirements for BMPs identified in the BMP Exhibit; (2) identify the entity that will be responsible for long-term operation and maintenance of the referenced BMPs; (3) describe the mechanism for funding the long-term operation and maintenance of the referenced BMPs; and (4) provide for annual certification of water quality facilities by a registered civil engineer. The City format shall be used.
  - Provide documentation of annexation into a CFD for funding of facilities to be maintained by the City.
  - Demonstrate that copies of the project's approved WQMP (with recorded O&M Plan or CC&R's attached) are available for each of the initial occupants (commercial/industrial) or HOA as appropriate.
  - Agree to pay for a Special Investigation from the City of Lake Elsinore for a date twelve (12) months after the issuance of a Certificate of Use and/or Occupancy for the project to verify compliance with the approved final WQMP and O&M Plan. A signed/sealed certification from the engineer of work dated 12 months after Certificate of Occupancy will be considered in lieu of a Special Investigation by the City.
  - Provide the City with a digital .pdf copy of the Final WQMP.

### UTILITIES

74. All arrangements for relocation of utility company facilities (power poles, vaults, etc.) out of

the roadway shall be the responsibility of the property owner or his agent.

- 75. All overhead utilities shall be undergrounded in accordance with Section 12.16 (LEMC).
- 76. Underground water rights shall be dedicated to the City pursuant to the provisions of Section 16.52.030 (LEMC), and consistent with the City's agreement with the Elsinore Valley Municipal Water District.

### **IMPROVEMENTS**

- 77. The developer shall install permanent benchmarks per City of Lake Elsinore Standards and at locations to be determined by City Engineer.
- 78. 10-year storm runoff shall be contained within the curb and the 100-year storm runoff shall be contained within the street right-of-way. When either of these criteria are exceeded, drainage facilities shall be provided.
- 79. All drainage facilities in this project shall be constructed to Riverside County Flood Control District Standards.
- 80. All natural drainage traversing the site shall be conveyed through the site, or shall be collected and conveyed by a method approved by the City Engineer. All off-site drainage, if different from historic flow, shall be conveyed to a public facility.
- 81. Roof drains shall not be allowed to outlet directly through coring in the street curb. Roofs should drain to a landscaped area.
- 82. The site shall be planned and developed to keep surface water from entering buildings (California Green Building Standards Code 4.106.3).
- 83. All existing storm drain inlet facilities adjacent to the subject properties shall be retrofitted with a storm drain filter; all new storm drain inlet facilities constructed by this project shall include a storm drain filter.
- 84. All Public Works requirements shall be complied with as a condition of development as specified in the Lake Elsinore Municipal Code and Lake Elsinore Public Works Standard Plans.
- 85. Street improvement plans shall be prepared by a Registered Civil Engineer and the plans shall include curb and gutter, sidewalk, AC pavement, street lighting, median, trail, and drainage improvements.
- 86. The developer shall provide signing and striping plans for the required improvements of this project. The plans shall also incorporate traffic calming measures on local streets.
- 87. This project shall provide roadway connections to adjacent developments.
- 88. A secondary emergency access shall be provided. This secondary access shall be a permanent component of this project.
- 89. The secondary access road and parking lots shall be surfaced to comply with Engineering

Department and Fire Department standards including sight distance requirements consistent with Caltrans Standards. At a minimum they shall be of compacted crushed aggregate base as approved by the City Engineer and maintained to minimize dust and tracking.

90. If existing improvements are to be modified, the existing improvement plans on file shall be modified accordingly and approved by the City Engineer prior to issuance of building permit.

### **Permitting/Construction**

91. An Encroachment Permit shall be obtained prior to any work on City. The developer shall submit the permit application, required fees and executed agreements, security and other required documentation prior to issuance.
92. All compaction reports, grade certifications, monument certifications (with tie notes delineated on 8 ½" x 11" Mylar) shall be submitted to the Engineering Department before final inspection of public works improvements will be scheduled and approved.
93. The developer shall be responsible for acquiring right-of-ways in which the developer or the City has no legal title or interest.
94. All streets shall be constructed per Lake Elsinore City Standards and/or applicable specific plan. Any deviation from City standards shall be approved by the City Engineer.

### **Acceptance of Improvements**

95. The developer shall submit a written request for acceptance to the City Engineer.
96. As-built plans shall be completed and signed by the City Engineer.

### **GRADING**

#### **Design**

97. A grading plan signed and stamped by a California Registered Civil Engineer shall be submitted for City review and approval for all addition and/or movement of soil (grading) on the site. The plan shall include separate sheets for erosion control, haul route and traffic control. The grading submittal shall include all supporting documentation and be prepared using City standard title block, standard drawings and design manual (available at [www.lake-elsinore.org](http://www.lake-elsinore.org)).
98. All grading plan contours shall extend to minimum of 50 feet beyond property lines to indicate existing drainage pattern.
99. The grading plan shall show that no structures, landscaping, or equipment are located near the project entrances that could reduce sight distance.
100. If the grading plan identifies alterations in the existing drainage patterns as they exit the site, a Hydrology and Hydraulic Report for review and approval by City Engineer shall be required prior to issuance of grading permits. All grading that modifies the existing flow patterns and/or topography shall be approved by the City Engineer.



101. Developer shall obtain all necessary off-site easements and/or permits for off-site grading and the applicant shall accept drainage from the adjacent property owners.

### **Permit/Construction**

102. Developer shall execute and submit grading and erosion control agreement, post grading security and pay permit fees as a condition of grading permit issuance.
103. A preconstruction meeting with the City Engineering Inspector (Engineering Department) is required prior to commencement of any grading activity.
104. Developer shall provide the City with a copy of the Notice of Intent (NOI) and Waste Discharge Identification (WDID) letter issued by the Regional Water Quality Control Board for the National Pollutant Discharge Elimination System (NPDES) program
105. Prior to commencement of grading operations, developer is to provide to the City with a map of all proposed haul routes to be used for movement of export material. All such routes shall be subject to the review and approval of the City Engineer. Haul route shall be submitted prior to issuance of a grading permit. Hauling in excess of 5,000 cy shall be approved by City Council (LEMC 15.72.065).
106. Export sites located within the Lake Elsinore City limits must have an active stockpile, grading or mining permit.
107. Developer to provide to the City a video record of the condition of all proposed public City haul roads. In the event of damage to such roads, the developer shall pay full cost of restoring public roads to the baseline condition. A bond may be required to ensure payment of damages to the public right-of-way, subject to the approval of the City Engineer.
108. All grading shall be done under the supervision of a geotechnical engineer. Slopes steeper than 2 to 1 shall be evaluated for stability and proper erosion control and approved by the City.
109. A copy of the current SWPPP shall be kept at the project site and be available for review upon request.
110. Developer shall pay all grading permit applicable processing, permit, security and development fees.

### **PRIOR TO ISSUANCE OF BUILDING PERMIT**

111. Final Tract Map shall be recorded prior to issuance of building permits.
112. Provide final soils, geology and seismic report, including recommendations for parameters for seismic design of buildings, and walls prior to issuance of building permit.
113. All required public right-of-way dedications and easements shall be prepared by the developer or his agent and shall be submitted to the Engineering Department for review and approval prior to issuance of building permit.

114. All required public right-of-way dedications, easements, and vacations and easement agreement(s) not processed on the final map for ingress and egress through adjacent property(ies) shall be recorded with a recorded copy provided to the City prior to building permit issuance.
115. All street improvement plans, signing and striping plans shall be completed and approved by the City Engineer.
116. The developer shall pay all Capital Improvement, TIF, and Plan Check fees (Section 16.34 of LEMC).

**Prior to Occupancy**

117. All signing and striping and traffic control devices for the required improvements of this development shall be installed.
118. All public improvements required for the phase seeking occupancy shall be completed in accordance with the approved plans.
119. All water and sewer improvements shall be completed in accordance with Water District requirements.
120. Proof of acceptance of maintenance responsibility of slopes, open spaces, landscape areas, and drainage facilities shall be provided.
121. TUMF fees shall be paid. TUMF fees shall be the effective rate at the time of payment in full in accordance with Section 16.83 (LEMC).
122. As-built plans for all approved plan sets shall be submitted for review and approval by the City. Developer is responsible for revising the original mylar plans.
123. In the event of damage to City roads from hauling or other construction related activity, applicant shall pay full cost of restoring public roads to the baseline condition.
124. All final studies and reports, grade certifications, monument certifications (with tie notes delineated on 8 1/2 x 11" mylar) shall be submitted in .tif format on a USB flash drive or file sharing cloud. Studies and reports include, Soils, Seismic, Hydrology, Hydraulics, Grading, SWPPP, WQMP, etc.
125. All plan sets and recorded maps shall be digitized and provided on a USB flash drive or file sharing cloud as follows:
  - Final Map(s) - GIS Shape files\* and .tif of recorded map.
  - Improvement Plans – GIS Shape files\*, AutoCAD files, and .tif of approved as-built mylar.
  - Grading Plans - .tif of approved as built mylar.

\*GIS Shape files must be in projected Coordinate System: NAD 83 State Plane California Zone VI U.S. Fleet.
126. Documentation of responsibility for slope maintenance along right-of-ways and open spaces to be maintained by the HOA or other entity shall be provided in a recordable format

and recorded prior to occupancy/final.

127. Prior to grading or building permit close-out and/or the issuance of a certificate of use or a certificate of occupancy, developer shall:

- Demonstrate that all structural BMPs have been constructed, installed and are functioning in conformance with approved plans and specifications and the WQMP;
- Demonstrate that they are prepared to implement all non-structural BMPs included in the conditions of approval or building/grading permit conditions;
- Demonstrate that an adequate number of copies of the approved project specific WQMP are available for the future owners/occupants; and
- Developer shall provide all education guidelines for Water Quality Management Practices to the tenants, operators and owners of the businesses of the development, regarding the environmental awareness on good housekeeping practices that contribute to protection of storm water quality and meet the goals of the approved WQMP in the Riverside County NPDES Drainage Area Management Plan. Contact the City NPDES Coordinator for handout/guideline information.

128. The property owner (aka Legally Responsible Party) shall execute and cause to be recorded a "Covenant and Agreement" in the form provided by the City to inform future property owners of the requirement to implement the approved final WQMP.

129. Developer shall pay all outstanding applicable processing and development fees prior to occupancy/final approval.

#### **COMMUNITY SERVICES DEPARTMENT**

130. Prior to the issuance of building permits, the applicant shall pay park mitigation fees for the project at the rates in effect at the time of payment.

131. The developer shall comply with the City's Franchise Agreement for waste disposal and recycling.

#### **FIRE PROTECTION PLANNING OFFICE**

132. Fire Hydrants and Fire Flow: Provide one copy of the water system plans to show there exist fire hydrant(s) capable of delivering the minimum fire flow, per CFC Appendix B Table B105.1, within 400 feet to all portions around the proposed structure. Minimum fire hydrant location and spacing shall comply with the CFC and NFPA 24. Reference 2019 California Fire Code (CFC) 507.5.1

133. Tract Water Plans: If fire hydrants are required to be installed, applicant/developer shall furnish two copies of the water system fire hydrant plans to Fire Department for review and approval prior to building permit issuance. Plans shall be signed by a registered civil engineer, and shall confirm hydrant type, location, spacing, and minimum fire flow. Once plans are signed and approved by the local water authority, the originals shall be presented to the Fire Department for review and approval. Ref. CFC 105.4.1

134. Fire Department Access: Provide a site plan for fire apparatus access roads and signage. Access roads shall be provided to within 150 feet to all portions of all buildings and shall

have an unobstructed width of not less than 24 feet. The construction of the access roads shall be all weather and capable of sustaining 40,000 lbs. over two axles for areas of residential development and 60,000 lbs. over two axels for commercial developments. Ref. CFC 503.1.1 and 503.2.1

135. Requests for installation of traffic calming designs/devices on fire apparatus access roads shall be submitted and approved by the Office of the Fire Marshal. Ref. CFC 503.4.1
136. Grading Permit Fire Department Review: Submittal to the Office of the Fire Marshal for Precise Grading Permit will be required.
137. Construction Permits Fire Department Review: Submittal of construction plans to the Office of the Fire Marshal for development, construction, installation, and operational use permitting will be required. Final fire and life safety conditions will be addressed when the Office of the Fire Marshal reviews these plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code, and related codes, which are in effect at the time of building plan submittal.
138. Phased Construction Access: If construction is phased, each phase shall provide approved access for fire protection prior to any construction. Ref. CFC 503.1
139. Residential Fire Sprinklers: Residential fire sprinklers are required in all one and two-family dwellings per the California Residential Code (CRC). Plans must be submitted to the Office of the Fire Marshal for review and approval prior to installation. Ref. CRC 313.2
140. Knox Box and Gate Access: Buildings shall be provided with a Knox Box. The Knox Box shall be installed in an accessible location approved by the Office of the Fire Marshal. All electronically operated gates shall be provided with Knox key switches and automatic sensors for access. Ref. CFC 506.1
141. All residential dwellings shall display street numbers in a prominent location on the street side of the residence. Ref. CFC 505.1 and County of Riverside Office of the Fire Marshal Standard #07-01
142. Local Very High Fire Hazard Severity Zone: Projects in the LRA shall provide plans for preliminary fuel modification to be reviewed and approved by the Office of the Fire Marshal concurrent with the submittal for approval of any tentative map. Final fuel modification plans shall be submitted and approved. The project shall comply with Chapter 7A of the California Building Code.
143. State Fire Hazard Severity Zone: Projects in the SRA shall comply with California Building Code Chapter 7A and California Code of Regulations Title 14 Fire Safety Regulations.

## **DEPARTMENT OF ADMINISTRATIVE SERVICES**

### **Annex into CFD 2015-1 (Safety) Law Enforcement, Fire and Paramedic Services CFD**

144. Prior to approval of the Final Map or Building Permit (as applicable), the applicant shall annex into Community Facilities District No. 2015-1 (Safety) the Law Enforcement, Fire and Paramedic Services Mello-Roos Community Facilities District to offset the annual negative fiscal impacts of the project on public safety operations and maintenance issues in the City. Alternatively, the applicant may propose alternative financing mechanisms to fund the

annual negative fiscal impacts of the project with respect to Public Safety services. Applicant shall make a non-refundable deposit of \$15,000, or at the current rate in place at the time of annexation toward the cost of annexation, formation or other mitigation process, as applicable.

Annex into the City of Lake Elsinore Community Facilities District No. 2015-2 (Maintenance Services)

145. Prior to approval of the Final Map or Building Permit (as applicable), the applicant shall annex into the Community Facilities District No. 2015-2 (Maintenance Services) to fund the on-going operation and maintenance of the public right-of-way landscaped areas and neighborhood parks to be maintained by the City and for street lights in the public right-of-way for which the City will pay for electricity and a maintenance fee to Southern California Edison, including parkways, open space and public storm drains constructed within the development and federal NPDES requirements to offset the annual negative fiscal impacts of the project. Alternatively, the applicant may propose alternative financing mechanisms to fund the annual negative fiscal impacts of the project with respect to Maintenance Services. Applicant shall make a non-refundable deposit of \$15,000, or at the current rate in place at the time of annexation toward the cost of annexation, formation or other mitigation process, as applicable.
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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 Planning Commission of the City of Lake Elsinore on \_\_\_\_\_. I also acknowledge that all Conditions shall be met as indicated.

Date: \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

DRAFT