

## CONDITIONS OF APPROVAL

**RESOLUTIONS:** 2018-XX & 2018-XX  
**PROJECT:** PA 2017-18/TTM 31920 Revision  
**PROJECT NAME:** Summerly Modification  
**PROJECT LOCATION:** APNs: 371-270-014, 017, and 018  
**APPROVAL DATE:**  
**EFFECTIVE DATE:**

### GENERAL

1. The proposed project consists of a request by Pacific Ventures Management, LLC for the approval of an amendment to TTM 31920, which would increase the number of mapped lots by 84 (from 156 to 240 lots) on lots 23, 26 and 27 (also known as DDA Phase G) within the Summerly Development (APNs: 371-270-014, 017, and 018) ("Project").

(Technical amendment made by staff after Planning Commission action.)

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 PA 2017-18/ TTM 31920 Revision, including the approval, extension or modification of 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. This Project shall comply with the Conditions of Approval of Tentative Tract Map No. 31920; ~~provided, however, that the applicant shall additionally comply with all and applicable laws, including current requirements of the LEMC and East Lake Specific Plan (ELSP) Amendment No. 44 for that portion of the Project, if any, that is not within the vested rights provisions of inconsistent with~~ the First Amended and Restated Development Agreement by and between applicant's predecessor Laing-CP Lake Elsinore LLC and the City of Lake Elsinore dated as of August 24, 2004 and implementing Operating Memoranda of Understanding, and the DA Settlement Agreement (collectively, "Development Agreement") ~~or the DA Settlement Agreement.~~

(Technical amendment made by staff after Planning Commission action.)

5. The total number dwelling units in this Project shall not exceed 240, any increase in the total number of dwelling units above 240 will be subject to future review and approval via a TTM revision and, if necessary, a Specific Plan Amendment.
6. All subsequent Residential Design Review applications for lots 23, 26 and 27 of TTM 31920 shall conform to the land use & development regulations of the Summerly Medium Density Residential land use designation as detailed in Amendment No. 11 of the ELSP.
7. All subsequent Residential Design Review applications for lots 23, 26 and 27 of TTM 31920 shall conform to all architectural guidelines & development standards as detailed in Amendment No. 11 of the ELSP and to applicable standards and guidelines relating to signs, landscaping, parking and other design elements in conformance with the City of Lake Elsinore Municipal Code in effect at time of permit application.

### **PLANNING DIVISION**

8. All lots on lots 23, 26 and 27 of TTM 31920 shall comply with the minimum standards of the Summerly Medium Density Residential land use designation as detailed in ~~Amendment No. 11 of the ELSP and if applicable, standards of the LEMC that are not specified in the ELSP, if any, and only to the extent not inconsistent with the vested rights provisions of the First Amended and Restated Development Agreement by and between applicant's predecessor Laing-CP Lake Elsinore LLC and the City of Lake Elsinore dated as of August 24, 2004 and implementing Operating Memoranda of Understanding (collectively, "Development Agreement") or the DA Settlement Agreement. Sections 2.5.5.1, 2.5.5.2, 3.2 and 8 and Table 2-9 of Amendment No. 11 of the ELSP.~~

(Technical amendment made by staff after Planning Commission action.)

9. The developer shall comply with applicable Mitigation Measures from the Mitigation Monitoring Programs (MMPs) adopted as part of the previously certified SEIRs, associated with the East Lake Specific Plan Amendments No. 6 (SCH # 2003071050) and No. 11 (SCH # 2016111029), if any, and only to the extent not inconsistent with the vested rights provisions of the First Amended and Restated Development Agreement by and between applicant's predecessor Laing-CP Lake Elsinore LLC and the City of Lake Elsinore dated as of August 24, 2004 and implementing Operating Memoranda of Understanding (collectively, "Development Agreement") or the DA 11 (SCH # 2016111029) not inconsistent with the Development Agreement.

(Technical amendment made by staff after Planning Commission action.)

10. Applicant shall comply with the requirements of the Elsinore Valley Municipal Water District.
11. Applicant shall pay all applicable fees and obtain proper clearance from the Lake Elsinore Unified School District (LEUSD) prior to the issuance of building permits.
12. Applicant shall meet all requirements of the providing electric utility company.
13. Applicant shall meet all requirements of the providing gas utility company.

14. Applicant shall meet all requirements of the providing telephone utility company.

### **ENGINEERING DIVISION**

15. A precise survey with closures for boundaries and all lots shall be provided per the LEMC.
16. Prior to the issuance of a building permit for production lots, a final map shall be approved and recorded.
17. Prior to the recordation of a subdivision map or prior to the approval of permits within Lots 23, 26 and 27, whichever occurs first, storm drain improvements connecting to the open space lots (Lot 38) shall be constructed, or provide evidence of financial security.
18. Prior to the issuance of any building permits, the applicant shall submit a letter of verification (will-serve letter) to the City Engineer, for all required utility services.
19. The applicant shall comply with the following City programs: the City Source Reduction and Recycling Element and Household Hazardous Waste Element, the County Solid Waste Management Plan and Integrated Waste Management Plan.

### **Stormwater Management / Pollutant Prevention / NPDES**

#### **Design**

20. The Project is responsible for complying with the Santa Ana Region NPDES Permits as warranted based on the nature of development and/or activity. These Permits include but are not limited to:
- General Permit – Construction
  - De minimus Discharges
  - MS4
21. In accordance with XII.L, the Project is considered a “Pre-Approved Project” not subject to the requirements in R-2010-0033. The Project shall prepare and submit for plan check review an amendment to the existing WQMP.
22. The Amendment shall follow the 2009 WQMP Template and Guidance and include:
- Detailed site and Project description.
  - Potential stormwater pollutants.
  - Structural and Non-Structural source control BMPs.
  - Updated site design and drainage plan (BMP Exhibit).
  - Documentation of how vector issues are addressed in the BMP design, operation and maintenance.
  - GIS Decimal Minute Longitude and Latitude coordinates for all Treatment Control BMP locations.
  - Evaluation documentation of the sufficiency of the existing and planned treatment control BMPs to treat the pollutants of concern to a medium to high level prior to discharge into the storm drain system.

23. The WQMP Amendment shall be approved by the City prior to rough or precise grading plan approval and issuance of ANY permit for construction.
24. Project hardscape areas shall be designed and constructed to provide for drainage into adjacent landscape, where feasible.
25. If CEQA identifies resources requiring Clean Water Act Section 401 Permitting, the applicant shall obtain certification through the Santa Ana Regional Water Quality Control Board and provide a copy to the Engineering Division.
26. All storm drain inlet facilities shall be appropriately marked "Only Rain in the Storm Drain" using the City authorized marker.

### **Construction**

27. 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.
28. Prior to grading or 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.
29. 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. The 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.
30. Minimum BMP's as identified by the City shall be implemented by the Projects.

### **Post-Construction**

31. 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 and operational in conformance with approved plans and specifications.
- Submit a copy of the fully executed, approved HOA ~~budget specifically identifying~~ budget specifically identifying and funding HOA responsibilities for: 1) maintenance of the CDS Units and 71 acre perimeter fence, and 2) annual vector inspection, repair of rodent holes/burrows, and treatment by Northwest Mosquito and Vector Control District or other entity acceptable to the City. [Note: The City will be responsible for the cost of repairs to the 71 acre perimeter fence resulting from vehicular accidents along Cereal Road and Lucerne Street.]
- Provide documentation of funding mechanism acceptable to the Director of Administrative Services or written acceptance by the applicant for the funding of annual City maintenance of the water quality facilities within the 71 acre area. City maintenance responsibilities include semi-annual inspections of the seasonal extended detention basin/wet pond and implementation of corrective measures and/or notification to responsible parties in accordance with the CC&Rs and applicable permits.
- Demonstrate that copies of the Project's approved WQMP) are available for the HOA.
- Provide the City with a digital .pdf copy of the approved WQMP Amendment.

(Amended by the Planning Commission on March 6, 2018) (Technical amendment made by staff after Planning Commission action.)

32. Provide a signed/sealed certification from a civil engineer dated 12 months after last certificate of occupancy certifying the water quality facilities constructed (CDS Units and Seasonal Extended Detention Basin/Wet Pond) are functional and in compliance with the Amended WQMP.

### **FIRE CONDITIONS**

33. This Project shall comply with the applicable Conditions of Approval of Tentative Tract Map No. 31920, ~~if any, and only to the extent not inconsistent with the vested rights provisions of the First Amended and Restated Development Agreement by and between applicant's predecessor Laing-CP Lake Elsinore LLC and the City of Lake Elsinore dated as of August 24, 2004 and implementing Operating Memoranda of Understanding (collectively, "Development Agreement") or the DA Settlement~~ not inconsistent with the Development Agreement.

(Technical amendment made by staff after Planning Commission action.)

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 Council 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: \_\_\_\_\_