

## CONDITIONS OF APPROVAL

<b>RESOLUTIONS:</b>	2018-XX & 2018-XX
<b>PROJECT:</b>	TTM 37319 (TTM 2017-06)
<b>PROJECT NAME:</b>	Diamond Professional Offices
<b>PROJECT LOCATION:</b>	APN: 363-162-027 (433 Diamond Drive)
<b>APPROVAL DATE:</b>	
<b>EFFECTIVE DATE:</b>	
<b>EXPIRATION DATE:</b>	

### **GENERAL CONDITIONS**

1. Tentative Tract Map (TTM) No. 37319 is a one-lot subdivision of a 0.50-acre lot for condominium purposes (Project). The Project will allow the conversion of the building currently under construction into a six (6)-unit commercial condominium building. The Project is located northerly of Campbell Street, on the easterly side of Diamond Drive, and westerly of Mission Trail, more specifically referred to as 433 Diamond Drive. (APN: 363-162-027).
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 TTM 37319, 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 TTM 37319 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 Tract Map No. 37319 will expire two years from the date of approval 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 Tract Map No. 37319 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. The applicant shall provide all project-related on-site and off-site improvements as required by these Conditions of Approval.
7. 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. Grading plan revisions shall be reviewed by the City Engineer.
8. Development of the project site shall be in substantial conformance with the previously approved Commercial Design Review No. 2013-06. In accordance with Section 17.184.130 of the LEMC, any alteration or expansion of a project for which there has been a design review approval as well as all applications for modification or other change in the conditions of approval of a design review shall be reviewed according to the provisions of this chapter in a similar manner as a new application.
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 and/or a Conditional Use Permit will be required.
10. 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.
11. The applicant shall pay all applicable City fees, including but not limited to: Development Impact Fees (DIF), Fire Facilities Fees, and Traffic Infrastructure Fees (TIF) per LEMC Section 16.74, Transportation Uniform Mitigation Fees (TUMF) per LEMC Section 16.83, Area Drainage Fees per LEMC Section 16.72, MSHCP Fee per LEMC Section 16.85, Capital Improvement Impact/Mitigation Fees, Stephens Kangaroo Habitat Fee (K-Rat) per LEMC Section 19.04, and Plan Check fees, at the rate in effect at the time of payment.
12. 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**

13. All lots shall comply with minimum standards contained in Chapter 17.134 (Commercial Mixed Use (CMU)) of the LEMC.
14. 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.

15. A precise survey with closures for boundaries and all lots shall be provided per the LEMC.
16. All of the improvements shall be designed by the applicant's Civil Engineer to the specifications of the City of Lake Elsinore.
17. The applicant shall meet all requirements of Elsinore Valley Municipal Water District (EVMWD).
18. 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.
19. 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.
20. Developer shall mitigate to prevent any flooding and/or erosion downstream caused by development of the site and or diversion of drainage.
21. The Final WQMP shall document the following:
  - The Operation and Maintenance (O&M) Plan and Agreement shall:
    - describe the long-term operation and maintenance requirements for BMPs identified in the WQMP;
    - identify the entity that will be responsible for long-term operation and maintenance of the referenced BMPs;
    - describe and document the funding source for long-term operation and maintenance of the referenced BMPs; and,
    - provide for annual certification of water quality facilities by a registered civil engineer. The City format shall be used.
22. The Project shall implement State Water Quality Control Board approved full capture trash devices.
23. The developer shall submit for plan check review and approval a final map for Engineering Department approval.
24. Prior to City Engineer approval of the Tract Map, the developer shall, in accordance with Government Code, have constructed all improvements or noted on the title sheet of the map the improvements to be constructed or have improvement plans submitted and approved, agreements executed and securities posted.

25. The applicant shall meet all applicable Building Codes in effect at the time, including requirements for the occupancy.
  26. 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.
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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: \_\_\_\_\_