

## CONDITIONS OF APPROVAL

**RESOLUTIONS:** 2018-XX and 2018-XX  
**PROJECT:** PA 2018-02/RDR 2018-01  
**PROJECT LOCATION:** APN: 374-183-018  
**APPROVAL DATE:**  
**EFFECTIVE DATE:**  
**EXPIRATION DATE:**

### **GENERAL CONDITIONS**

1. Planning Application No. 2018-02 (Residential Design Review No. 2018-01) proposes to construct a five-unit apartment complex within three buildings on an approximately 0.34-acre vacant lot (Project). Units A through D will have a 1,573 sq. ft. living area, a 250 sq. ft. garage, and a 55 sq. ft. entry area. Unit E will have a 1,983 sq. ft. living area, a 479 sq. ft. garage, a 32 sq. ft. balcony, and a 38 sq. ft. porch. The Project is located at the northwesterly corner of Graham Avenue and Lowell Street, and more specifically referred to as Assessor Parcel Number 374-183-018.
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 the Planning Application No. 2018-02 (Residential Design Review No. 2018-01), which action is bought 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 Planning Application No. 2018-02 (Residential Design Review No. 2018-01) 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. 2018-01, 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 subsections (B) and (C) of Lake Elsinore Municipal Code (LEMC) Section 17.184.120.

5. Prior to the issuance of a building permit, the applicant shall obtain and submit a "Will Serve" letter from Elsinore Valley Municipal Water District to the Director of Community Development. The "will serve" letter shall specifically indicate the specific water flow volumes for both domestic and fire protection water supply.
6. The signed set of conditions of approval shall be reproduced upon page one of building plans submitted to the Building and Safety Division for Plan Check. All conditions of approval shall be met prior to the issuance of a Certificate of Occupancy and release of utilities.
7. All site improvements shall be constructed as indicated on the approved site plan and elevations. The applicant shall meet all required development standards as set forth in the Lake Elsinore Municipal Code (LEMC). Any other revisions to the approved site plan or building elevations shall be subject to the review of the Community Development Director or his designee. All plans submitted for Building Division Plan Check shall conform to the submitted plans as modified by these conditions of approval.
8. All materials and colors depicted on the approved plans shall be used. If the applicant wishes to modify any of the approved materials or colors depicted on the plans, the applicant shall submit a proposal setting forth the modifications for review by the Community Development Director or his designee.
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. The Applicant shall comply with all applicable City codes and ordinances.
11. A cash bond of \$1,000.00 shall be required for any construction trailers placed on the site and used during construction. Bonds will be released after removal of trailers and restoration of the site to a state acceptable to and approved by the Community Development Director or his designee.
12. The Applicant shall comply with the City's Noise Ordinance. Construction activity shall be limited to the hours of 7:00 AM to 5:00 PM, Monday through Friday, and no construction activity shall occur on Saturdays, Sundays, or legal holidays.
13. Any exterior air conditioning or other mechanical equipment shall be ground mounted and screened so as to be invisible from neighboring property or public streets. Air conditioning units and related equipment may not encroach more than two-feet (2') into the required minimum side yard setback.
14. Prior to issuance of a building permit, three (3) sets of the Final Landscaping / Irrigation Detail Plans shall be submitted with appropriate fees to the Community Development Department for review and approval by the Community Development Director or his designee.
  - a) All planting areas shall have permanent and automatic sprinkler system with 50% plant coverage using a drip irrigation method.

- b) All planting areas shall be separated from paved areas with a six inch (6") high and six inch (6") wide concrete curb. Runoff shall be allowed from paved areas into landscape areas. Planting within fifteen feet (15') of ingress/egress points shall be no higher than twenty-four inches (24").
  - c) Landscape planters shall be planted with an appropriate parking lot shade tree pursuant to the LEMC and Landscape Design Guidelines.
  - d) No required tree planting bed shall be less than 5 feet wide.
  - e) Root barriers shall be installed for all trees planted within 10 feet of hardscape areas to include sidewalks.
  - f) Any transformers and mechanical or electrical equipment shall be indicated on landscape plan and screened as part of the landscaping plan.
  - g) The landscape plan shall provide for ground cover, shrubs, and trees and meet all requirements of the City's adopted Landscape Guidelines.
  - h) All landscape improvements shall be bonded 100% for material and labor for two years from installation sign-off by the City. Release of the landscaping bond shall be requested by the applicant at the end of the required two years with approval/acceptance reviewed by the Landscape Consultant and approved by the Community Development Director or Designee.
  - i) All landscaping and irrigation shall be installed within affected portion of any phase at the time a Certificate of Occupancy is requested for any building.
  - j) Final landscape plan must be consistent with approved site plan.
  - k) Final landscape plans to include planting and irrigation details.
  - l) Final landscape plans shall include drought tolerant planting consistent with Elsinore Valley Municipal Water District standards subject to plan check and approval by the City's landscape plan check consultant.
  - m) No front-yard grass turf shall be permitted.
  - n) The Final landscape plan submitted shall have 50% of the total landscape area as ground cover. The proposed ground cover shall not exceed three (3) inches in height.
15. The Applicant shall construct to the City's standard a six-foot (6') high decorative masonry wall along the project perimeter as proposed on the submitted plans. If a double wall condition would result, the developer shall make a good faith effort work with the adjoining property owners to provide a single wall. Developer shall notify, by mail, all contiguous property owners at least 30 days prior to the removal of any existing walls/fences along the project perimeter.
16. The project shall provide landscaping along the perimeter fencing facing Graham Street and Lowell Street that is sufficient in height (ex. Shrubs and vines) to provide additional screening and prevent graffiti.
17. The building address shall be a minimum of four inches (4") high and shall be easily visible from the public right-of-way. Care shall be taken to select colors and materials that contrast with building walls or trim.

18. For multiple-family development, laundry facilities shall be provided as required by the Lake Elsinore Municipal Code.
19. For multiple-family development, provide exterior lockable storage space as required by the California Green Building Code.
20. The Applicant shall provide assurance that all required fees to the Lake Elsinore Unified School District have been paid prior to issuance of building permits.
21. Prior to issuance of a building permit, the Applicant shall pay park-in-lieu fees at the rate in effect at the time that the applicant requests the building permit.
22. The Applicant shall satisfy all conditions of approval prior to the issuance of a Certificate of Occupancy and release of utilities.
23. The Applicant shall pay the Multiple Species Habitat Conservation Plan Fee (MSHCP) Local Development Mitigation Fee prior to obtaining building permits.
24. The Applicant shall pay all applicable Library Capital Improvement Fund fees.
25. 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.

## **BUILDING DIVISION**

### **General Conditions**

26. Final Building and Safety Conditions. Final Building and Safety Conditions will be addressed when building construction plans are submitted to Building and Safety for review. These conditions will be based on occupancy, use, the California Building Code (CBC), and related codes which are enforced at the time of building plan submittal.
27. Compliance with Code. All design components shall comply with applicable provisions of the 2016 edition of the California Building, Plumbing and Mechanical Codes: 2016 California Electrical Code; California Administrative Code, 2016 California Energy Codes, 2016 California Green Building Standards, California Title 24 Disabled Access Regulations, and Lake Elsinore Municipal Code
28. Street Addressing. Applicant must obtain street addressing for all proposed buildings by requesting street addressing and submitting a site plan for commercial or multi-family residential projects or a recorded final map for single-family residential projects. The applicant shall submit the request for addressing prior to submitting plans for plan check. Please note that it takes ten (10) business days to issue an address and notify other agencies.

29. Clearance from LEUSD. A receipt or clearance letter from the Lake Elsinore School District shall be submitted to the Building and Safety Department to ensure the payment or exemption from School Mitigation Fees.
30. Obtain Approvals Prior to Construction. Applicant must obtain all building plans and permit approvals prior to commencement of any construction work.
31. Obtaining Separate Approvals and Permits. Trash enclosures, patio covers, light standards, and any block walls will require separate approvals and permits.
32. Sewer and Water Plan Approvals. On-site sewer and water plans will require separate approvals and permits. Septic systems will need to be approved from Riverside County Environmental Health Department before permit issuance.

#### **At Plan Review Submittal**

33. Submitting Plans and Calculations. Applicant must submit to Building and Safety four (4) complete sets of plans and two (2) sets of supporting calculations for review and approval including:
  - a. An electrical plan including load calculations and panel schedule, plumbing schematic, and mechanical plan applicable to scope of work.
  - b. A Sound Transmission Control Study in accordance with the provisions of the Section 1207, of the 2016 edition of the California Building Code.
  - c. Truss calculations that have been stamped by the engineer of record of the building and the truss manufacturer engineer.

#### **Prior to Issuance of Grading Permit(s)**

34. Onsite Water and Sewer Plans. Onsite water and sewer plans, submitted separately from the building plans, shall be submitted to Building and Safety for review and approval.
35. Demolition Permits. A demolition permit shall be obtained if there is an existing structure to be removed as part of the project.

#### **Prior to Issuance of Building Permit(s)**

36. Plans Require Stamp of Registered Professional. Applicant shall provide appropriate stamp of a registered professional with original signature on the plans. Provide electronic copy (CD) of approved plans to Building Division.

#### **Prior to Beginning of Construction**

37. Pre-Construction Meeting. A pre-construction meeting is required with the building inspector prior to the start of the building construction.

### **ENGINEERING DIVISION**

#### **General**

38. 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. 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.

39. 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.
40. Developer shall mitigate to prevent any flooding and/or erosion downstream caused by development of the site and or diversion of drainage.
41. All required soils, geology, hydrology and hydraulic, and seismic reports shall be prepared by a Registered Civil Engineer.

### **Fees**

42. The developer shall pay all Engineering Division assessed, Development Impact Fees, Plan Check and Permit fees (LEMC 16.34). Applicable Development Impact Fees include: Railroad Canyon Road Benefit District, Stephens Kangaroo Habitat Fee (K-Rat), Traffic Infrastructure Fee (TIF), Transportation Uniform Mitigation Fee (TUMF), and Area Drainage Fee.
43. Mitigation Fees will be assessed at the prevalent rate at time of payment in full.

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

#### **Design**

44. Project hardscape areas and roof drains shall be designed and constructed to provide for drainage into adjacent landscape.
45. 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.

#### **Construction**

46. 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.
47. 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.



48. Erosion & Sediment Control – ALL PROJECTS - 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. At a minimum, the project shall consider and/or implement the following BMPs (Green Building Code Section 5.106.1.2):

Scheduling of construction activity  
Preservation of natural features,  
vegetation & soil  
Protection of storm drain inlets  
Drainage swales to control  
stormwater flow  
Mulching/hydroseeding to stabilize  
disturbed soils

Erosion Control on slopes  
Perimeter sediment control  
Sediment trap or basin to retain  
sediment onsite  
Wind erosion control  
Good housekeeping BMPs – storage  
control of wastes, debris, stockpiles,  
concrete cleanup, etc.

49. 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 made available for review upon request.
50. Non-stormwater discharges from the site are a violation of the Lake Elsinore Municipal Code Section 14.08.

## **UTILITIES**

51. 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.
52. All overhead utilities shall be undergrounded in accordance with Chapter 12.16 of the Lake Elsinore Municipal Code (LEMC)
53. 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.
54. The developer shall apply for, obtain and submit to the City Engineering Division a letter from Southern California Edison (SCE) indicating that the construction activity will not interfere with existing SCE facilities (aka SCE NIL).
55. The developer shall submit a copy of the "Will Serve" letter to the City Engineering Division from the applicable water agency stating that water and sewer arrangements have been made for this project and specify the technical data for the water service at the location, such as water pressure and volume etc.

## **IMPROVEMENTS**

### **Design**

56. Sight distance into and out of the project location shall comply with CALTRANS Standards.

57. The developer shall install blue dot markers in the roadway at a right angle to Fire Hydrant locations per Lake Elsinore Standards.
58. The developer shall coordinate with Riverside Transit Authority for location and installation of bus transit facilities.
59. 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.
60. All drainage facilities in this project shall be constructed to Riverside County Flood Control District Standards.
61. A drainage study shall be provided. The study shall identify the following: identify storm water runoff from and upstream of the site; show existing and proposed off-site and onsite drainage facilities and include a capacity analysis verifying the adequacy of the facilities. The drainage system shall be designed to ensure that runoff from a 10-yr storm of 6 hours or 24 hours duration under developed condition is equal or less than the runoff under existing conditions of the same storm frequency. Both 6 hour and 24 hour storm duration shall be analyzed to determine the detention basin capacities necessary to accomplish the desired results.
62. 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, accepted by adjacent property owners by a letter of drainage acceptance, or conveyed to a drainage easement.
63. Roof drains shall not be allowed to outlet directly through coring in the street curb. Roofs should drain to a landscaped area.
64. The site shall be planned and developed to keep surface water from entering buildings (California Green Building Standards Code 4.106.3).
65. All Public Works requirements shall be complied with as a condition of development as specified in the Lake Elsinore Municipal Code (LEMC) and Lake Elsinore Public Works Standard Plans.
66. The developer shall construct the new driveway approach to the City's Standard 118B. The driveway approach can be located on the grading plan for plan check.
67. The developer shall construct half width improvements and dedicate right-of-way on the alley such that the ultimate right-of-way width conforms to standard alley cross sections. The total right of way of the alley should be 10' from the centerline. The cross section of roadway improvements shall include a ribbon gutter in the center of the alley to convey water to the street.
68. The right of way of the alley includes a City Ordinance protected palm tree. This tree will have to be relocated per Municipal Code 5.116 (Significant Palm Trees).



69. The project shall demonstrate compliance with Riverside County standards for Streetlight placement. If compliance cannot be obtained, a new streetlight may be required on Lowell. The street light is to be designed to a LS3 rate standard, or as directed by the City Engineer.
70. 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**

71. An Encroachment Permit shall be obtained prior to any work on City and/or State right-of-way. The developer shall submit the permit application, required fees and executed agreements, security and other required documentation prior to issuance.
72. All compaction reports, grade certifications, monument certifications (with tie notes delineated on 8 ½" x 11" Mylar) shall be submitted to the Engineering Division before final inspection of public works improvements will be scheduled and approved.
73. 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.

### **GRADING**

#### **Design**

74. 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)).
75. All grading plan contours shall extend to minimum of 50 feet beyond property lines to indicate existing drainage pattern.
76. The grading plan shall show that no structures, landscaping, or equipment are located near the project entrances that could reduce sight distance.
77. 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.
78. The 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**

79. Developer shall execute and submit grading and erosion control agreement, post grading security and pay permit fees as a condition of grading permit issuance.

80. A preconstruction meeting with the City Public Works Inspector (Engineering Division) is required prior to commencement of ANY grading activity.
81. 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
82. 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)
83. Export sites located within the Lake Elsinore City limits must have an active grading permit.
84. 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.
85. Submit an approved environmental clearance document to the Engineering Division. This approval shall identify and clear all proposed grading activity anticipated for this project.
86. Developer shall pay all grading permit applicable processing, permit, security and development fees including those fees identified in an applicable development agreement, Stephens Kangaroo Rat Habitat.

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

87. Provide final soils and geology, including recommendations for parameters for seismic design of buildings, and walls prior to building permit.
88. 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 Division for review and approval prior to issuance of building permit.
89. The developer shall pay all Capital Improvement TIF and Master Drainage Fees and Plan Check fees (LEMC 16.34).

#### **PRIOR TO OCCUPANCY**

90. All public improvements shall be completed in accordance with the approved plans or as condition of this development to the satisfaction of the City Engineer.
91. All required public right-of-way dedications and easements shall be recorded with a recorded copy provided to the City.
92. All water and sewer improvements shall be completed in accordance with Water District requirements.
93. Proof of acceptance of maintenance responsibility of slopes, open spaces, landscape areas, and drainage facilities shall be provided.

94. As-built plans for all approved plan sets shall be submitted for review and approval by the City. The developer/developer/owner is responsible for revising the original mylar plans.
95. 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.
96. All final studies and reports, grade certifications, monument certifications (with tie notes delineated on 8 ½ x 11" mylar) shall be submitted in .tif format on a CD/DVD. Studies and reports include, Soils, Seismic, Hydrology, Hydraulics, Grading, SWPPP, WQMP, etc. All plan sets and recorded maps shall be digitized and provided on CD/DVD as follows:
  - Final Map(s) - GIS Shape files\* and .tif of recorded map.
  - Improvement Plans – GIS Shape 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.
97. Final soil report showing compliance with recommendations, compaction reports, grade certifications, monument certifications (with tie notes delineated on 8 ½ x 11" mylar) shall be submitted in .tif format on CD to the Engineering Division before final inspection will be scheduled.
98. Prior to grading or building permit close-out and/or the issuance of a certificate of use or a certificate of occupancy, developer shall:
99. Demonstrate that all structural BMPs have been constructed, installed and are functioning in conformance with approved plans and specifications and the WQMP;
100. Demonstrate that they are prepared to implement all non-structural BMPs included in the conditions of approval or building/grading permit conditions;
101. Developer shall pay all outstanding applicable processing and development fees including but not all inclusive: TUMF, MSHCP, TIF, Stephens Kangaroo Rat Habitat and area drainage prior to occupancy/final approval.

**CITY OF LAKE ELSINORE FIRE MARSHAL**

102. 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 Planning Commission on \_\_\_\_\_. I also acknowledge that all Conditions shall be met as indicated.

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

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

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

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

\_\_\_\_\_

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