

## CONDITIONS OF APPROVAL

**PROJECT:** TPM 37305 (TTM 2017-03)  
**PROJECT NAME:** Nichols Ranch  
**PROJECT LOCATION:** APNs: APNs: 389-200-038, 039; 389-210-008, 032, 034, 036, and portions of 389-200-035 & 036  
**APPROVAL DATE:**  
**EXPIRATION DATE:**  
**EXPIRATION DATE:**

### **GENERAL CONDITIONS**

1. Tentative Tract Map No. 37305 (TTM 37305) is a subdivision of a 72.5-acre site into 168 residential lots ranging in size from 4,549 sq. ft. to 9,468 sq. ft. (average 5,896 sq. ft.) on 22.74 acres, one (1) 14.22-acre commercial lot, one (1) 0.13-acre a sewer lift station lot, one (1) 6.49-acre park site, two (2) water quality/detention basin lots on 5.45 acres; nine (9) landscape lots on 1.45 acres; three (3) open space/landscape lots on 3.04 acres; two (2) open space lots on 6.49 acres; and public streets on 12.28 acres. TTM 37305 also proposes circulation improvements that include the realignment and construction of a segment of Nichols Road (off-site) along the Project's frontage, construction of the western half of Wood Mesa Court (onsite), a bridge over Stovepipe Creek (on site), and on-site local roadways. The Project is located south of and adjacent to Nichols Road; east of and adjacent to Interstate 15; west of and adjacent to El Toro Road/Wood Mesa Court; and north of and adjacent to the Temescal Canyon High School. (APNs: 389-200-038, 039; 389-210-008, 032, 034, 036, and portions of 389-200-035 & 036).
2. The applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City, its Officials, Officers, Employees, Agents, and its Consultants (Indemnitees) from any claim, action, or proceeding against the Indemnitees to attack, set aside, void, or annul an approval of the City, its advisory agencies, appeal boards, or legislative body concerning approval, implementation and construction of TPM 37305, which action is brought within the time period provided for in California Government Code Sections 65009 and/or 66499.37, and Public Resources Code Section 21167, including the approval, extension or modification of TPM 37305 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. The applicant shall submit a check in the amount of \$3,321.00 made payable to the County of Riverside for the filing of a Notice of Determination. The check shall be submitted to the Planning Division for processing within 48 hours of the project's approval.

## **FEES**

5. The applicant shall pay all applicable City fees, including but not limited to Development Impact Fees (DIF), Fire Facilities Fee, 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, Stephen's Kangaroo Rat per LEMC 19.04.090, Capital Improvement Impact/Mitigation Fees, and Plan Check fees, at the rate in effect at the time of payment

## **PLANNING DIVISION**

6. Tentative Tract Map No. 37305 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).
7. Tentative Tract Map No. 37305 shall comply with the State of California Subdivision Map Act, the Nichols Ranch Specific Plan (NRSP), and applicable requirements set forth in the Lake Elsinore Municipal Code (LEMC), unless modified by approved Conditions of Approval.
8. The applicant shall provide all project-related on-site and off-site improvements as described in the Nichols Ranch Specific Plan (NRSP) document and these Conditions of Approval.
9. Future development shall comply with these Conditions of Approval and those provisions and requirements contained in the Nichols Ranch Specific Plan (NRSP) document.
10. 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.
11. 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.

## **Phasing Plan**

12. The following improvements shall be completed in accordance with the Phasing Plan prepared for TTM 37305:
  - a. Phase 1: Construction of 34 single-family dwelling units, extension of "B" street to Nichols Road, Stovepipe Creek culvert crossing, interim roadway connection to existing Nichols Road improvements, completion of the west side improvements for Wood Mesa Court, and completion of the west side improvements for El Toro Road adjacent to the Tract.

- b. Phase 2: Construction of 134 single-family dwelling units, a 6.49-acre park, a 1.76-acre neighborhood park, improvement of Nichols Road access frontage of Phases 2 and 3, improvement of the west side of "A" Street, improvement of a portion of the south side of "I" street, and the sewer lift station (if required); and,
- c. Phase 3: Construction of 14.5 acres of commercial uses.

**Prior to Recordation of Final Tract Map(s)**

- 13. Prior to the recordation of the Final Map, the underlying Tentative Parcel Map No. 37465 shall be finalized and recorded.
- 14. All residential lots shall comply with minimum standards contained in the Nichols Ranch Specific Plan, Chapter 3, Section C as well as Table III-2 (Development Standards – Low-Medium Density Residential). All commercial lots shall comply with minimum standards contained in the Nichols Ranch Specific Plan, Chapter 3, Section A and Table I (Development Standards – General Commercial).
- 15. A precise survey with closures for boundaries and all lots shall be provided per the LEMC.
- 16. Street names within the subdivision shall be approved by the Community Development Director or Designee.
- 17. All of the improvements shall be designed by the applicant's Civil Engineer to the specifications of the City of Lake Elsinore.
- 18. The applicant shall meet all requirements of Elsinore Valley Municipal Water District (EVMWD).
- 19. Prior to recordation of a Final Tract Map, the applicant shall initiate and complete the formation of a Homeowner's Association (HOA) which shall be approved by the City, recorded, and in place. 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. At a minimum, all recreation and park areas (except public parks), all natural slopes and open space, all graded slopes abutting public street rights-of-way which are not part of residential lots, up slopes from public rights-of-way within private lots and all private streets, and all drainage basins shall be maintained by the Homeowner's Association (HOA).

**Prior to Design Review Approval**

- 20. All future structural development associated with this map requires separate design review approval pursuant to the provisions of Chapter 17 Zoning, Design Review of the LEMC.
- 21. All commercial development within Lot 169 of TTM 37305 shall comply with Chapter IV, Section E. Commercial Design Guidelines, of the Nichols Ranch Specific Plan (NRSP).
- 22. All residential development within this map (Lots 1-168 of TTM 37305) shall comply with

Chapter IV, Section D. Residential Design Guidelines, of the Nichols Ranch Specific Plan (NRSP).

23. The following architectural details shall be provided for residential development within this map:
- All front fence returns will be decorative masonry walls. Wood fences will not be allowed along the front elevation. Wood, vinyl or steel (wrought iron or aluminum) 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 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.

### **MSHCP Consistency**

24. Night lighting shall be directed away from the MSHCP Conservation Area (Stovepipe Creek) and the avoided areas onsite to protect species from direct night lighting. Shielding shall be incorporated in project designs to ensure ambient lighting in the MSHCP Conservation Area is not increased.
25. A preconstruction survey for burrowing owls shall be required not more than 30 days prior to initial ground-disturbing activities. If burrowing owl has colonized the property site prior to the initiation of ground-disturbing activities (e.g. vegetation clearing, construction), the Permittee will immediately inform RCA and the Wildlife Agencies, and will prepare a Burrowing Owl Protection and Relocation Plan subject to review and approval by RCA and the Wildlife Agencies, prior to initiating ground disturbance.
26. In order to prevent runoff from the site entering the MSHCP Conservation Area, the Final Water Quality Management Plan (FWQMP) shall be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant materials, or other elements that might degrade or harm downstream biological resources or ecosystems. Regular maintenance shall occur to ensure effective operation of runoff control systems.
27. Land uses proposed in proximity to the MSHCP Conservation Area that use chemicals or generate bio products, such as manure, are potentially toxic or may adversely affect wildlife species or habitat. The greatest risk is from landscaping fertilization overspray and runoff. The FWQMP shall incorporate measures to ensure that application of such chemicals does not result in discharge to the MSHCP Conservation Area.
28. The use of invasive, non-native plant species listed in Table 6-2 of the MSHCP shall be avoided in approving landscape plans for the portions of the Project that are adjacent to the MSHCP Conservation Area, including avoidance areas. Considerations in reviewing the applicability of this list shall include proximity of planting areas to the MSHCP Conservation Areas and designated avoidance areas, species considered in the planting plans, resources being protected within the MSHCP Conservation Area and their relative sensitivity to invasion, and barriers to plant and seed dispersal, such as walls, topography, and other features.

29. Proposed land uses adjacent to the MSHCP Conservation Area shall incorporate barriers, where appropriate, in individual project designs to minimize unauthorized public access, domestic animal predation, illegal trespass, or dumping into existing and future MSHCP Conservation Areas. Such barriers may include native landscaping, rocks/boulders, fencing, and walls.
30. Manufactured slopes associated with proposed site development shall not extend into the MSHCP Conservation Area (Stovepipe Creek).
31. Weed abatement and fuel modification activities shall be permitted in the Conservation Area, including designated avoidance areas.
32. Best management practices (BMPs) per MSHCP Volume I, Appendix shall be implemented for the duration of construction.

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

33. Prior to the issuance of a grading permit, the project applicant shall obtain all necessary State and Federal permits, approvals, or other entitlements, including obtaining the necessary authorizations from the regulatory agencies for proposed impacts to jurisdictional waters. Authorizations may include a Section 404 Permit from the U.S. Army Corps of Engineers, a Section 1602 Streambed Alteration Agreement from the California Department of Fish and Wildlife, and a Section 401 Water Quality Certification/Waste Discharge Requirement from the Regional Water Quality Control Board.
34. Signs are not part of this project approval. All signage shall be subject to Planning Division or Planning Commission review and approval prior to installation.
35. The applicant shall pay school fees to the Lake Elsinore Unified School District prior to issuance of each building permit.
36. Prior to the issuance of a building permit, the applicant shall pay the City's Multiple Species Habitat Conservation Plan (MSHCP) Local Development Mitigation Fee, at the rate in effect at the time of payment.
37. The project shall connect to water and 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.
38. Provisions of the City's Noise Ordinance (LEMC Chapter 17.176) shall be satisfied during all site preparation and construction activity.
39. Prior to the issuance of a grading permit, 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. 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. The sign shall identify the name and phone number of the development manager to address any complaints.

***Residential Projects***

40. Prior to issuance of a 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 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.
41. Prior to issuance of a model home permit, building plans for the Model Home Complex shall comply with all American Disabilities Act (ADA) requirements, including provision of a handicapped-accessible bathroom.
42. Construction phasing shall be implemented in accordance with the approved Phasing Plan which avoids construction traffic from entering occupied neighborhoods within the tract.
43. 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.
44. 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.
45. 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.
46. 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.
47. All front yards and side yards on corner lots shall be properly landscaped with automatic (manual or electric) irrigation systems to provide 100 percent planting coverage using a combination of drip and conventional irrigation methods. Construction Landscape & Irrigation drawings shall be submitted to the Community Development Department with

appropriate fees, for review and approval by the Community Development Director or designee.

- a. 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.
- b. Perimeter walls shall be protected by shrubs and other plantings that discourage graffiti.
- c. 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 two (2) feet and whose canopy does not fall below six feet.
- d. 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.
- e. No front-yard shall be landscaped with grass turf.
- f. 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.
- g. 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.
- h. 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) Eliminating high and medium water-use plant material as identified by Water Use Classifications of Landscape Species (WUCOLS) (such as turf) and incorporates low to very low 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. Rotor-type nozzles for areas greater than ten (10) 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.

- i. The Final landscape plan shall be consistent with any approved site and/or plot plan.
- j. The Final landscape plan shall include planting and irrigation details.
- k. 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.
- l. 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.

### ***Commercial Projects***

- 48. All roof mounted or ground support air conditioning units or other mechanical equipment incidental to development shall be architecturally screened or shielded by landscaping so that they are not visible from neighboring property or public streets. Any roof mounted central swamp coolers shall also be screened, and the Community Development Director, prior to issuance of building permit shall approve screening plan.
- 49. The property address (in numerals at least six inches high) shall be displayed near the entrance and be easily visible from the front of the subject property and public right-of-way.
- 50. The applicant shall construct trash enclosure(s) with a decorative roof to match the colors, materials and design of the project architecture.
- 51. A uniform hardscape and street furniture design including seating benches, trash receptacles, free-standing potted plants, bike racks, light bollards, etc., shall be utilized and be compatible with the architectural style. Detailed designs shall be submitted for Planning Division review and approval prior to the issuance of building permits.
- 52. Prior to issuance of a building permit, one (1) set of the Final Landscaping / Irrigation Detail Plans along with a digital copy (i.e. PDF format) shall be submitted to the Community Development Department with appropriate fees, for review and approval by the Community Development Director or 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.
  - c. Planting within fifteen feet (15') of ingress/egress points shall be no higher than twenty-four inches (24").
  - d. Landscape planters shall be planted with an appropriate parking lot shade tree pursuant to the LEMC and Landscape Design Guidelines.

- e. No required tree planting bed shall be less than 5 feet wide.
  - f. Root barriers shall be installed for all trees planted within 10 feet of hardscape areas to include sidewalks.
  - g. Any transformers and mechanical or electrical equipment shall be indicated on landscape plan and screened as part of the landscaping plan.
  - h. The landscape plan shall provide for ground cover, shrubs, and trees and meet all requirements of the City's adopted Landscape Guidelines.
  - i. 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.
  - j. 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.
  - k. Final landscape plan must be consistent with approved site plan.
  - l. Final landscape plans to include planting and irrigation details.
  - m. 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.
  - n. No turf shall be permitted.
53. Landscaping installed for the project shall be continuously maintained to the reasonable satisfaction of the Community Development Director. If it is determined that the landscaping is not being maintained, the Director of Community Development shall have the authority to require the property owner to bring the landscaping into conformance with the approved landscape plan. The continued maintenance of all landscaped areas shall be the responsibility of the developer or any successors in interest.
54. The proposed location of on-site construction trailers shall be approved by the Community Development Director or designee. A cash bond of \$1,000 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 an acceptable state, subject to approval of the Community Development Director or designee. Such trailer(s) shall be fully on private property and outside the public right of way.

## **ENGINEERING DIVISION**

### **GENERAL**

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.
60. The developer shall provide a copy of an encroachment permit or any approval documents from Caltrans for encroaching, grading, or discharging into flood control facilities or Caltrans right of way.
61. All required soils and geology reports shall be prepared by a Registered Geotechnical Engineer. All required hydrology and hydraulic, and seismic reports shall be prepared by a Registered Civil Engineer.

### **FEES**

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

### **FLOOD PLAIN**

64. Site development along the wetlands shall require special grading and erosion control requirements (LEMC Title 15).
65. Project lies within a FEMA mapped special flood hazard zone as defined in LEMC 15.64.
66. Meet all requirements of LEMC 15.64 regarding flood damage prevention. A CLOMR/CLOMR-F and LOMR/LOMR-F to be processed with FEMA.
67. No improvement shall be made upon lands within the FEMA mapped Floodway and no artificial change in the topography in the surface of said lands shall be made without first complying with all applicable local, State and Federal laws, rules and regulations and Section 404 of the Clean Water Act. LEMC 15.64.120
68. Provide written approval of construction activity within the wetlands from the U.S. Department of Fish and Game and U.S. Army Corp of Engineers.

### **FINAL TRACT OR PARCEL MAP**

69. The developer shall submit for plan check review and approval a Final Tract Map.
70. Phasing plan, if any, shall be approved by the City Engineer prior to issuance of any permits.
71. 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
72. The 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**

#### Design

73. 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
  - Deminimus Discharges
  - MS4
74. A Water Quality Management Plan (WQMP) (final) shall be prepared using the current Santa Ana Region 8 approved template and guidance and submitted for review and approval to the City. The Final WQMP shall be approved by the City prior to rough or precise grading plan approval and issuance of ANY permit for construction.
75. The site qualifies for the 'highest and best use' exemption for discharges to the Lake. Evaluation of treatment options for the DCV shall be prioritized in the following order: 1) treatment and discharge; 2) infiltration; 3) harvest and use; 4) evapotranspiration; and/or biotreatment in accordance with the requirements set forth in Section XII.G.
76. The Final WQMP shall document the following:
  - Detailed site and project description.
  - Potential stormwater pollutants.
  - Post-development drainage characteristics.
  - Low Impact Development (LID) BMP selection and analysis.
  - Structural and Non-Structural source control BMPs.
  - Treatment Control BMPs
  - 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 LID and Treatment Control BMP locations.
  - HCOC – demonstrate that discharge flow rates, velocities, duration and volume for the post construction condition from a 2 year and 10 year, 24 hour rainfall event will not cause adverse impacts on downstream erosion and receiving waters, or

measures are implemented to mitigate significant adverse impacts downstream public facilities and water bodies. Evaluation documentation shall include pre-and post-development hydrograph volumes, time of concentration and peak discharge velocities, construction of sediment budgets, and a sediment transport analysis.

- Operations and Maintenance Plan and Agreement as well as documentation of formation of funding district for long term maintenance cost.
77. Parking lot landscaping areas shall be designed to provide for treatment, retention or infiltration of runoff.
  78. Project hardscape areas shall be designed and constructed to provide for drainage into adjacent landscape.
  79. 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.
  80. All storm drain inlet facilities shall be appropriately marked "Only Rain in the Storm Drain" using the City authorized marker.
  81. The project shall use either volume-based and/or flow-based criteria for sizing BMPs in accordance with NPDES Permit Provision XII.D.4.

#### Construction

82. 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.
83. 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.
84. 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. 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.

### Post-Construction

85. 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 WQMP and O&M Plan. A signed/sealed certification from the engineer of work dated 12 months after C of O 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

86. 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.
87. All overhead utilities shall be undergrounded in accordance with Chapter 12.16 of the Lake Elsinore Municipal Code (LEMC)
88. 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.
89. 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).
90. 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**

91. The development of each Planning Area or Phase shall be subject for specific review and conditions of approval.
92. Sight distance into and out of the project location shall comply with CALTRANS Standards.
93. The developer shall install permanent bench marks per City of Lake Elsinore Standards and at locations to be determined by City Engineer.
94. The developer shall install blue dot markers in the roadway at a right angle to Fire Hydrant locations per Lake Elsinore Standards.
95. The developer shall coordinate with Riverside Transit Authority for location and installation of bus transit facilities.
96. 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.
97. All drainage facilities in this project shall be constructed to Riverside County Flood Control District Standards.
98. 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.
99. 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.
100. Roof drains shall not be allowed to outlet directly through coring in the street curb. Roofs should drain to a landscaped area.
101. The site shall be planned and developed to keep surface water from entering buildings (California Green Building Standards Code 4.106.3).
102. 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.

103. 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.
104. The developer shall implement mitigation measures identified in the Traffic Analysis dated December 18, 2018, as specified in Table 1-4 of this Study to the satisfaction of the City Engineer.
105. 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.
106. 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.
107. This project shall provide roadway connections to adjacent developments.
108. A secondary emergency access shall be provided. This secondary access shall be a permanent component of this project.
109. The secondary access road and parking lots shall be surfaced to comply with Engineering Division 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.
110. 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**

111. 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.
112. All compaction reports, grade certifications, monument certifications (with tie notes delineated on 8 1/2" x 11" Mylar) shall be submitted to the Engineering Division before final inspection of public works improvements will be scheduled and approved.
113. The developer shall be responsible for acquiring right-of-ways in which the developer or the City has no legal title or interest.
114. 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**

115. The developer shall participate in "fair share" payment of offsite improvements as described in Table 1-4 and Table 1-5 of the Traffic Analysis dated December 18, 2018 to the satisfaction of the City Engineer, if the offsite improvements are not subject to TUMF or established City of Lake Elsinore fees.

116. A portion of the required improvements for this development may be covered under the Traffic Impact Fee (TIF) or Area Drainage Fee program. Request for reimbursement or credits shall be approved by the City Engineer and based on allowable costs in the fee program and availability of funds.
117. The developer shall submit a written request for acceptance to the City Engineer.
118. As-built plans shall be completed and signed by the City Engineer.

## **GRADING**

### **Design**

119. 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)).
120. All grading plan contours shall extend to minimum of 50 feet beyond property lines to indicate existing drainage pattern.
121. The grading plan shall show that no structures, landscaping, or equipment are located near the project entrances that could reduce sight distance.
122. Plant and irrigate all manufactured slopes equal to or greater than 3 feet in vertical height with drought tolerant grass or ground cover; slopes 15 feet or greater in vertical height shall also be planted with drought tolerant shrubs or trees.
123. 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.
124. A seismic study shall be performed on the site to identify any hidden earthquake faults, liquefaction and/or subsidence zones present on-site. A certified letter from a registered geologist or geotechnical engineer shall be submitted confirming the absence of this hazard.
125. 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**

126. Developer shall execute and submit grading and erosion control agreement, post grading security and pay permit fees as a condition of grading permit issuance.
127. A preconstruction meeting with the City Public Works Inspector (Engineering Division) is required prior to commencement of ANY grading activity.

128. 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
129. 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)
130. Export sites located within the Lake Elsinore City limits must have an active stockpile, grading or mining permit.
131. Applicant 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, applicant 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.
132. 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.
133. A copy of the current SWPPP shall be kept at the project site and be available for review upon request.
134. Approval of the project Water Quality Management Plan (WQMP) for post construction shall be received prior to issuance of a grading permit.
135. Submit an approved environmental clearance document to the Engineering Division. This approval shall identify and clear all proposed grading activity anticipated for this project.
136. 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**

137. Provide final soils, geology and seismic report, including recommendations for parameters for seismic design of buildings, and walls prior to building permit.
138. Approval of a letter of map revision (LOMR) or letter of map revision based on fill (LOMR-F) must be received from FEMA.
139. 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.
140. The Parcel or Final Tract Map shall be recorded.
141. All street improvement plans, traffic signal plans, signing and striping plans shall be completed and approved by the City Engineer, as specified in Table 1-4 per the Traffic

Impact Analysis dated December 18, 2018.

142. The developer shall pay all Capital Improvement, TIF, Master Drainage Fees, and Plan Check fees (LEMC 16.34).

**Prior to Occupancy**

143. All signing and striping and traffic control devices for the required improvements of this development shall be installed.
144. All public improvements required for the phase seeking occupancy shall be completed in accordance with the approved plans.
145. The fair share cost required of future improvements for the phase seeking occupancy as a condition of this development shall be paid.
146. All water and sewer improvements shall be completed in accordance with Water District requirements.
147. Proof of acceptance of maintenance responsibility of slopes, open spaces, landscape areas, and drainage facilities shall be provided.
148. TUMF fees shall be paid. The TUMF fees shall be the effective rate at the time of payment in full in accordance with the LEMC.
149. 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. .
150. 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.
151. 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.
152. 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.
153. 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.
154. All required public right-of-way dedications, easements, dedications 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.

155. 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.
156. The developer shall pay fee in-lieu of construction of future median improvements on Nichols Road. The fee shall be equal to current cost estimate for improvements (including contingency) plus an additional 15% of the total construction cost estimate to cover design and administrative costs. The cost estimate shall be approved by City staff.
157. 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
  - The 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.
158. 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 project-specific WQMP.
159. 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.

### **COMMUNITY SERVICES DEPARTMENT**

160. All open space lots shall be owned and maintained by the Homeowner's Association (HOA) or dedicated to a conservation authority.
161. The 6.49-acre public park (Lot 171) shall be included in the Community Facilities District for maintenance and renovation costs.
162. The 6.49-acre public park (Lot 171) shall be consistent with the conceptual design and guidelines identified within the Nichols Ranch Specific Plan (NRSP). The design shall be approved by the Director of Community Services prior to the approval of the final map.
163. The design of the proposed park site shall provide pedestrian circulation and shall be in compliance with American with Disabilities Act (ADA) requirements.
164. Prior to submittal of park construction plans, the developer shall meet with the Director of Communities Services to determine the location and specifications of the park amenities to

be provided. The final conceptual design of the park will be approved by the Director of Community Services.

165. Construction plans and specifications for the park shall be reviewed and approved by the Director of Community Services prior to the approval of the final map.
166. The developer shall post security and enter into a park improvement agreement to improve the public park prior to issuance of the first building permit.
167. Construction of the park shall commence pursuant to a pre-construction meeting with the developer, the developer's construction contractor and City representatives. Failure to comply with the City's review and inspection process may preclude acceptance of the park by the City.
168. The developer, the developer's successor or assignee, shall be responsible for all the maintenance of the public park, including the 90-day maintenance period. After successful completion of the 90-day maintenance period following construction, these responsibilities will be accepted by the City.
169. The public park shall be improved and then conveyed to the City free and clear of any liens, assessment fees, or easements that would preclude the City from utilizing the property for public purposes. A policy of title insurance and a soils assessment report shall be provided with the conveyance of the property.
170. The completion of the public park shall be in lieu of any Quimby and park Development Impact Fees (DIF) requirements for the development.
171. The developer, the developer's successor or assignee, shall be responsible for all maintenance of all open space lots until such time as those responsibilities are provided by the HOA.
172. The 6.49-acre public park (Lot 171) shall be completed to the satisfaction of the Community Services Director prior to the issuance of the 125th residential certificate of occupancy.

### **CITY OF LAKE ELSINORE FIRE MARSHAL**

#### **General Conditions**

The Fire Department recommends the following measures be provided in accordance with City of Lake Elsinore Ordinances and recognized fire protection standards:

173. Hazardous Fire Area: This project is in a Very High Fire Hazard Severity Zone of Riverside County as shown on a map on file with the Clerk of the Board of Supervisors. Any building constructed within this project shall comply with the special construction provisions contained in Riverside County Ordinance 787 and the California Building Code.
174. Gates: Gates to the development must meet Fire Department standards at the time of building permit issuance. Current standards require gates be equipped with a Knox Rapid Entry System and an infrared gate opening system. Contact the City of Lake Elsinore Fire Department for further information.

175. Fire Flow and Hydrants: the applicant or developer shall provide fire hydrants in accordance with the following.
- a. Prior to placing any combustibles on site, provide an approved emergency access road and an approved water source for firefighting purposes.
  - b. Prior to building permit issuance, install the approved water system, approved access roads, and contact the Fire Department for a verification inspection.
  - c. Prior to final map recordation, submit plans for a water system capable of delivering fire flow as required by the California Fire Code and Fire Department standards. Fire hydrants shall be spaced in accordance with the California Fire Code. Upon approval of the water plans by the appropriate water district, provide a copy of the water district approved plans to the Fire Department.
176. Fire Protection Plan: Prior to occupancy, fire mitigation measures in accordance with the approved fire protection plan must be in place.
177. These comments are preliminary; further review will occur when the applicant submits building plans. Additional conditions may be necessary at that time.

#### **DEPARTMENT OF ADMINISTRATIVE SERVICES**

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

178. Prior to approval of the Final Map, Parcel Map, Residential Design Review, Commercial Design Review, or Conditional Use 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 or current Community Facilities District in place at the time of annexation 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)**

179. Prior to approval of the Final Map, Parcel Map, Residential Design Review, Commercial Design Review, Conditional Use Permit or building permit (as applicable), the applicant shall annex into the Community Facilities District No. 2015-2 (Maintenance Services) or current Community Facilities District in place at the time of annexation 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, street maintenance, 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.

**MITIGATION MONITORING AND REPORTING PROGRAM**

180. The applicant shall comply with the Mitigation Monitoring & Reporting Program (MMRP) for the Nichols Ranch Specific Plan, Environmental Impact Report (ER 2018-03; SCH No. 2018051051), which was adopted for this project.

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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 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: \_\_\_\_\_