

CONDITIONS OF APPROVAL

PROJECT: PA 2018-54/RDR 2018-17
PROJECT NAME: Tessera
PROJECT LOCATION: Assessor Parcel Numbers; 373-071-020, 021, 022, 023, 024, 025, 026, 027, 028.
APPROVAL DATE: September 17, 2019

GENERAL CONDITIONS

1. The applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City, its Officials, Officers, Employees, and Agents from any claim, action, or proceeding against the City, its Officials, Officers, Employees or Agents to attack, set aside, void, or annul an approval of the City, its advisory agencies, appeal boards, or legislative body concerning the proposed project projects attached hereto or any of the proceedings, acts or determinations made in connection therewith.
2. The applicant shall submit a money order, cashier's check or check, made payable to the County Recorder, for filing of a Certification of Fee Exemption "De Minimis Impact Finding." to the Planning Division within 48 hours of approval date for the required Environmental Filing.
3. The applicant shall comply with those mitigation measures identified in the Mitigated Negative Declaration No. 2005-07/Mitigation Monitoring Report and Program (State Clearinghouse No.2005091060) for the "Tessera" project.
4. ~~Conditional Use Permit No. 2005-01 for the condominium project shall run with the land and shall continue to be valid upon any change of ownership of the site or structure which was the subject of the Conditional Use Permit (CUP) application.~~

TENTATIVE TRACT MAP NO. 33370 (FOR CONDOMINIUM PURPOSES)

5. The Tentative Tract Map will expire two (2) years from date of approval unless within that period of time the CC&R's and an appropriate instrument has been filed and recorded with the County Recorder, or an extension of time is granted by the City of Lake Elsinore City Council in accordance with the Subdivision Map Act. *An Extension of Time was granted by the City of Lake Elsinore City Council in accordance with the Subdivision Map Act on September 11, 2007. This approval extends Tentative Tract Map No. 33370 (For Condominium Purposes) for three (3) years or until October 11, 2010.*
6. The Tentative Tract Map shall comply with the State of California Subdivision Map Act and shall comply with all applicable requirements of the Lake Elsinore Municipal Code, Title 16 unless modified by approved Conditions of Approval.
7. Prior to final certificate of occupancy of Tentative Tract Map, the improvements specified herein and approved by the Planning Commission and the City Council shall be installed, or agreements for said improvements, shall be submitted to the City for approval by the City Engineer, and all other stated conditions shall be complied with. All uncompleted improvements must be bonded for as part of the agreements.
8. Prior to issuance of a grading permit, the applicant shall prepare and record CC&R's against the condominium complex. The CC&R's shall be reviewed and approved by the Community

Development Director or Designee and the City Attorney. The CC&R's shall include methods of maintaining common areas, parking and drive aisle areas, landscaped areas including parkways, and methods for common maintenance of all underground, and above ground utility infrastructure improvements necessary to support the complex. In addition, CC&R's shall establish methods to address design improvements.

9. No unit in the development shall be sold unless a corporation, association, property owner's group or similar entity has been formed with the right to financially assess all properties individually owned or jointly owned which have any rights or interest in the use of the common areas and common facilities in the development, such assessment power to be sufficient to meet the expenses of such entity, and with authority to control, and duty to maintain, all said mutually available features of the development. Such entity shall operate under recorded CC&R's which shall include compulsory membership of all owners of lots and/or dwelling units and flexibility of assessments to meet changing costs of maintenance, repairs, and services. Recorded CC&R's shall permit enforcement by the City for provisions required as Conditions of Approval. The developer shall submit evidence of compliance with this requirement to, and receive approval of, the City prior to making any such sale. This condition shall not apply to land dedicated to the City for public purposes.
10. Provisions to restrict parking upon other than approved and developed parking spaces shall be written into the covenants, conditions and restrictions for each project.
11. The Homeowner's Association shall be established prior to the sale of the first dwelling unit.
12. Membership in the Homeowner's Association shall be mandatory for each buyer and any successive buyer.
13. Reciprocal covenants, conditions, and restrictions and reciprocal maintenance agreements shall be established which will cause a merging of all development phases as they are completed, and embody one (1) homeowner's association with common area for the total development of the subject project (Phase I) and the proposed project (Phase II).
14. In the event the association or other legally responsible person(s) fail to maintain said common area in such a manner as to cause same to constitute a public nuisance, said City may, upon proper notice and hearing, institute summary abatement procedures and impose a lien for the costs of such abatement upon said common area, individual units or whole thereof as provided by law.
15. Each unit owner shall have full access to commonly owned areas, facilities and utilities.

RESIDENTIAL DESIGN REVIEW NO. 2018-54

16. Design Review approval for Residential Design Review No. 2018-54 will lapse and be void unless building permits are issued within two (2) year of approval or an extension of time has been approved. Application for a time extension must be submitted to the City of Lake Elsinore one (1) month prior to the expiration date.

17. Conditions of Approval shall be reproduced on page one of building plans submitted to the Building Division Plan Check. All Conditions of Approval shall be met prior to the issuance of a Certificate of Occupancy and release of utilities.
18. The dwelling units are two-story, without elevators, and therefore are exempt from accessibility requirements. The pool area must comply with all accessibility as outlined in the 2001 California Building Code Sections 1104B.4.3 and 1132B.2. If restroom facilities are provided at the pool area they must be accessible to the Physically Disabled.
19. All site improvements approved with this request shall be constructed as indicated on the approved exhibits and/or attachments contained herein. Revisions to approved site plans or building elevations shall be subject to the review of the Community Development Director. All plans submitted for Building Division Plan Check shall conform to the submitted plans as modified by Conditions of Approval, or the Planning Commission/City Council through subsequent action.
20. 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 material covering the roof equipment shall match the primary wall color.
21. All exterior on-site lighting shall be shielded and directed on-site so as not to create glare onto neighboring property and streets or allow illumination above the horizontal plane of the fixture. All light fixtures shall match the architectural style of the building.
22. The applicant shall meet Americans with Disabilities Act (ADA) requirements. The club house shall comply with all ADA requirements, including an accessible path of travel from the public way and including an accessible parking space. Any common use areas would also be subject to accessibility requirements.
23. Trash enclosures shall be constructed per City standards as approved by the Community Development Director or Designee.
24. Applicant shall use roofing materials with Class "A" fire rating.
25. The Planning Division shall approve the location of any construction trailers utilized during construction. All construction trailers shall require a \$1,000.00 cash bond processed through the Planning Division.
26. Materials and colors depicted on the plans and materials board shall be used unless modified by the Community Development Director or designee.
27. Decorative paving shall be included at the entryway and shall be shown on the construction drawings submitted to Building and Safety.
28. Parking stalls shall be double-striped with four-inch (4") lines two feet (2') apart.
29. All exposed slopes in excess of three feet (3') in height shall have a permanent irrigation system

and erosion control vegetation installed, approved by the Planning Division.

PRIOR TO THE ISSUANCE OF A GRADING PERMIT

30. Prior to the commencement of grading operations, the applicant shall provide a map of all proposed haul routes to be used for movement of dirt material. Such routes shall be subject to the review and approval of the City Engineer. A bond may be required to pay for damages to the public right-of-way, subject to the approval of the City Engineer.
31. Prior to issuance of any grading permit or building permits, the applicant shall sign and complete an "Acknowledgement of Conditions" form and shall return the executed original to the Planning Division for inclusion in the case records.
32. The applicant shall submit a photometric study for those light standards located in the proposed condominium project. Said study shall ensure that parking lot lights will not disturb neighboring land uses and shall be approved by the Community Development Director or designee.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

33. Prior to the issuance of building permits, the applicant shall enter into an agreement with the Redevelopment Agency of the City of Lake Elsinore to provide 15% of the units in the project as affordable housing units in accordance with the requirements of Section 33413(b) of the California Community Redevelopment Law or an alternative equivalent action which may include (without limitation) dedication of vacant land, construction of affordable units on another site, or payment of an in lieu fee calculated to provide sufficient funds to underwrite the long-term affordability of an equivalent number of affordable dwelling units constructed or substantially rehabilitated on other sites within the City's redevelopment project areas.
34. Prior to the issuance of the first building permit, the applicant shall annex into Community Facilities District No. 2003-1 to offset the annual negative impacts of the project on public safety operations and maintenance issues in the City.
35. Prior to the issuance of the first building permit, the applicant shall annex into Lighting and Landscape Maintenance District No.1 to offset the annual negative fiscal impacts of the project on public right-of-way landscaped areas to be maintained by the City and for street lights in the public right-of-way for which the City will pay for electricity which includes a maintenance fee to Southern California Edison.
36. Pursuant to Ordinance No. 1124, prior to the issuance of a building permit the applicant shall pay the applicable Multiple Species Habitat Conservation Plan (MSHCP) Fee in effect at the time of permit issuance.
37. Three (3) sets of the Final Landscaping/Irrigation Detail Plan shall be submitted, reviewed and approved by the City's Landscape Architect Consultant and the Community Development Director or designee, prior to issuance of building permit. A Landscape Plan Check & Inspection Fee will be charged prior to final landscape approval based on the Consultant's fee plus forty percent (40%) City fee.

- a. All planting areas shall have permanent and automatic sprinkler system with 100% plant and grass coverage using a combination of drip and conventional irrigation methods.
 - b. Applicant shall plant street trees, selected from the City's Street Tree List, a maximum of thirty feet (30) apart and at least twenty-four-inch (24") box in size.
 - c. All planting areas shall be separated from paved areas with a six inch (6") high and six inch (6") wide concrete curb.
 - d. Planting within fifteen feet (15') of ingress/egress points shall be no higher than thirty-six inches (36").
 - e. Landscape planters shall be planted with an appropriate parking lot shade tree to provide for 50% parking lot shading in fifteen (15) years.
 - 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. Special attention to the use of Xeriscape or drought resistant plantings with combination drip irrigation system to be used to prevent excessive watering.
 - 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 by the Landscape Consultant and 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. All planting areas shall include plantings in the Xeriscape concept, drought tolerant grasses and plants.
 - j. Final landscape plan must be consistent with approved site plan.
 - k. Final landscape plans to include planting and irrigation details.
38. Applicant shall comply with the requirements of the Elsinore Valley Municipal Water District. Proof shall be presented to the Chief Building Official prior to issuance of building permits and final approval.
39. Prior to issuance of building permits, applicant shall provide assurance that all required fees to the Lake Elsinore Unified School District have been paid.
40. Prior to issuance of building permits, applicant shall provide assurance that all requirements of the Riverside County Fire Department have been met.

41. Prior to issuance of building permits, applicant shall pay park-in-lieu fee in effect at time of building permit issuance.

ENGINEERING

42. All Public Works requirements shall be complied with as a condition of development as specified in the Lake Elsinore Municipal Code (LEMC) prior to building permit.
43. Pay all Capital Improvement and Plan Check fees (LEMC 16.34, Resolution 85-26).
44. Submit a "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. Submit this letter prior to final map approval.
45. Arrangements for relocation of utility company facilities (power poles, vaults, etc.) out of the roadway or alley shall be the responsibility of the property owner or his agent.
46. Provide fire protection facilities as required in writing by Riverside County Fire. Secure, from Fire Department, approval of the 36 feet curb-to-curb wide street with parked cars on one side as fire lanes and turning radius at intersections of two 36 feet curb-to-curb streets for fire engines.
47. In accordance with the City's Franchise Agreement for waste disposal & recycling, the applicant 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. If the applicant is not using CR&R Inc., for recycling services and the recycling material is either sold or donated to another vendor, the applicant shall supply proof of debris disposal at a recycling center, including verification of tonnage by certified weigh master tickets.
48. All open space and slopes except for public parks and schools and flood control district facilities, outside the public right-of-way will be owned and maintained by either a homeowner's association or private property owner.
49. Applicant shall record CC&R's for the tract prohibiting on-street storage of boats, motorhomes, trailers and trucks over one-ton capacity, roof mounted or front yard microwave satellite antennas. The CC&R's shall be approved by the Community Development Director prior to recordation of final map.
50. Applicant shall cause to be recorded a CC&R's with recordation of final map which provides for irrevocable reciprocal parking, circulation, loading and landscape maintenance easement in favor of the units in each lot, subject to the approval of the Director of Community Development and the City Attorney. The CC&R's shall enforce standards of building maintenance, participation in landscape maintenance, prohibition of outside vehicle or material storage.
51. Applicant shall provide a homeowner's association with CC&R's for maintenance of the open space.

52. Existing access easements over property, if any, must be addressed to the satisfaction of the easement owners prior to final map approval.

Street Improvements:

53. Construct all public works improvements per approved street plans (LEMC 12.04). Plans must be approved and signed by the City Engineer prior to final map approval (LEMC 16.34). Franklin Street shall be improved from property line to one foot beyond centerline of Franklin Street and it will extend within the frontage of the property plus any transition beyond as required per approved street improvement plans. Avenue 5 will be graded within the 60 feet wide right of way. Avenue 5 shall be improved from property line to minimum of 12 feet beyond center-line of Avenue 5 and within full length of the property on Avenue 5.
54. Street improvement plans and specifications shall be prepared by a Calif. Registered Civil Engineer. Improvements shall be designed and constructed to Riverside County Road Department Standards, latest edition, and City Codes (LEMC 12.04 and 16.34). Franklin Street and Avenue 5 plans shall show profiles at centerline and top of curb to 50 foot beyond the property frontage length. The profile of the Avenue 5 plans shall be designed from intersections of Franklin Street to Mill Street.
55. Applicant shall enter into an agreement with the City for the construction of public works improvements and shall post the appropriate bonds prior to final map approval.
56. Desirable design grade for local streets should not exceed 9%. The maximum grade of 15% should only be used because of the design constraints.
57. Interior streets shall be designed with maximum 5% as the desired grade and intersecting streets shall meet at a maximum grade of 6%. Each leg of the intersection approach shall be a minimum of 40-feet long at a maximum 6% grade.
58. Pay all fees and meet requirements of encroachment permit issued by the Engineering Division for construction of public works improvements (LEMC 12.08 and Resolution 83-78).
59. 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.
60. The applicant shall install two permanent benchmarks to Riverside County Standards and at a location to be determined by City Engineer.
61. Provide street lighting, at interval of 200 +/- 20 feet, and show lighting improvements as part of street improvement plans as required by the City Engineer. Revise street lighting on Franklin Street to provide street lights at intersection of Street "A" with Franklin Street, and on Avenue 5 and its intersection with Street "D".
62. Developer shall install blue reflective pavement markers in the street at all fire hydrant locations.

63. Applicant shall submit a traffic control plan showing all traffic control devices for the tract to be approved prior to final map approval. All traffic control devices shall be installed prior to final inspection of public improvements. This includes No Parking and Street Sweeping Signs for streets within the tract.
64. All improvement plans and tract maps shall be digitized. At Certificate of Occupancy applicant shall submit tapes and/or discs which are compatible with City's ARC Info/GIS or developer to pay \$1,000 per sheet for City digitizing.
65. All utilities except electrical over 12 kv shall be placed underground, as approved by the serving utility.
66. Intersection site distance shall meet the design criteria of the CALTRANS Design Manual (particular attention should be taken for intersections on the inside of curves). If site distance can be obstructed, a special limited use easement must be recorded to limit the slope, type of landscaping and wall placement.
67. Intersecting streets on the inside radius of a curve will only be permitted when adequate sight distance is verified by a registered civil engineer.

Traffic:

68. Developer has submitted a traffic study; it has been reviewed by City Traffic Engineer. The study show that the volume of traffic will impacts the intersection of the Main Street and Franklin Street, and that the intersection needs to be signalized to mitigate the impact.
69. The Study also shows that the centerline radius of Franklin Street at the northeast corner of the project should be a minimum of 300 feet.
70. The General Plan calls for extension of Pottery Street to Auto Center Drive to fit between the northeast corner of this project and the freeway. Traffic study shows that there is no need to dedicate additional right-of-way for this purpose.
71. Developer shall construct four way traffic signal system at the intersection of Franklin Street and Main Street. The poles and arms of the traffic signals shall be compatible with the downtown area architectural design theme. Developer shall be reimbursed for the traffic signal system through the City's TIF funds.
72. No residential lot shall front any public roads; access to the project shall be restricted on Franklin Street and Avenue 5 and so noted on the final map.

Grading:

73. Apply and obtain a grading permit with appropriate security prior to building permit issuance. A grading plan signed and stamped by a Calif. Registered Civil Engineer shall be required if the grading exceeds 50 cubic yards or the existing flow pattern is substantially modified as determined

by the City Engineer. If the grading is less than 50 cubic yards and a grading plan is not required, a grading permit shall still be obtained so that a cursory drainage and flow pattern inspection can be conducted before grading begins.

74. Applicant shall obtain all necessary off-site easements for off-site grading from the adjacent property owners prior to final map approval.
75. Provide soils, geology and seismic report including street design recommendations. Provide final soils report showing compliance with recommendations.
76. All grading shall be done under the supervision of a geotechnical engineer and he shall certify all slopes steeper than 2 to 1 for stability and proper erosion control. All manufactured slopes greater than 30 ft. in height shall be contoured.
77. Prior to commencement of grading operations, applicant to provide to the City with a map of all proposed haul routes to be used for movement of export material. Such routes shall be subject to the review and approval of the City Engineer.
78. Applicant to provide to the City a photographic baseline 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.

Drainage:

79. Individual lot drainage shall be conveyed to a public facility, ***including streets and/or drainage channel***, or accepted by adjacent property owners by a letter of drainage acceptance or conveyed to a drainage easement.
80. On site drainage facilities located outside of road right-of-way should be contained within drainage easements shown on the final map. A note should be added to the final map stating: "Drainage easements shall be kept free of buildings and obstructions."
81. All natural drainage traversing site shall be conveyed through the site, or shall be collected and conveyed by a method approved by the City Engineer.
82. Submit Hydrology and Hydraulic Reports for review and approval by City Engineer and the Riverside County Flood Control District prior to approval of final map. Developer shall mitigate any flooding and/or erosion caused by development of site and diversion of drainage.
83. Identify potential runoff pollutants associated with the proposed project and address it in project-specific WQMP.
84. The detention basin shall address Hydraulic Conditions of Concern. It shall achieve post development runoff flow rates, volumes, velocities and durations that prevents significant increases in down stream erosion compared to the pre-development condition and prevent significant adverse impact on adjacent properties during the 2-year and 10-year, 24-hour rainfall

event.

85. Address the water quality and passageway of the daily nuisance runoff thru the detention basin/water quality area.
86. Provide outlet structure and riprap at storm drain outlet.
87. All drainage facilities in this tract shall be constructed to Riverside County Flood Control District Standards.
88. Storm drain inlet facilities shall be appropriately stenciled to prevent illegal dumping in the drain system, the wording and stencil shall be approved by the City Engineer.
89. Roof and yard drains will not be allowed to outlet directly through cuts in the street curb. Roof drains must be drained to a landscaped area, or be treated per WQMP requirements prior to release into public drainage system or other properties.
90. 10 year storm runoff should be contained within the curb and the 100 year storm runoff should be contained within the street right-of-way. When either of these criteria is exceeded, drainage facilities should be installed.
91. Developer shall be subject to all Master Planned Drainage fees and will receive credit for all Master Planned Drainage facilities constructed.
92. Applicant shall provide the city with proof of his having filed a Notice of Intent with the Regional Water Quality Control Board for the National Pollutant Discharge Elimination System (NPDES) program with a storm water pollution prevention plan prior to issuance of grading permits. The applicant shall provide a SWPPP for post construction which describes WQMP that will be implemented.
93. Education guidelines and Best Management Practices (BMP) shall be provided to residents of the development in the use of herbicides, pesticides, fertilizers as well as other environmental awareness education materials on good housekeeping practices that contribute to protection of stormwater quality and met the goals of the BMP in Supplement "A" in the Riverside County NPDES Drainage Area Management Plan.

Dedication:

94. Dedicate a 30' wide strip of street right-of-way along the easterly property line along Avenue 5. Dedicate additional right-of-way for a standard corner cutback for the future curb return at the northeasterly corner of the lot for a 300 feet radius horizontal curve at centerline of Franklin Street. See Traffic section for other possible dedication requirements.

Miscellaneous:

95. Show location of all perimeter walls on Tentative Tract Map.

96. *Dedicate right-of-way and improve public streets per City Standards and/or as shown in the map. Added at City Council Meeting of 9-11-07.*

97. *WQMP Plans shall be submitted and approved prior to issuance of grading permit. Added at City Council Meeting of 9-11-07.*

98. *Capital Improvement Mitigation Fees (TIF, Area Drainage) shall be paid at building permit issuance. TUMF Fees shall be paid at time of occupancy and at a rate in effect at that time. Added at City Council Meeting of 9-11-07.*

99. *Unless otherwise conditioned as mentioned above or as part of this project, the existing Conditions of Approval of TTM 33370 are in effect throughout the allowed extension of time of this map. Added at City Council Meeting of 9-11-07.*

End of Conditions

Note: * *Italics* indicates addition to text, ~~strike through~~ indicates removal from text.

I hereby state that I acknowledge receipt of the approved Conditions of Approval for the above-named Project and do hereby agree to accept and abide by all Conditions of Approval as approved by the Planning Commission on September 19, 2019. I also acknowledge that all Conditions shall be met as indicated.

Date: _____

Applicant's Signature: _____

Print Name: _____

Address: _____

Phone Number: _____