

## CONDITIONS OF APPROVAL

**PROJECT:** PA 2023-24/TPM 2023-02  
**PROJECT NAME:** TPM No. 38825  
**PROJECT LOCATION:** APNs: 373-330-001 through 022 and 373-300-038 through 041  
**APPROVAL DATE:**  
**EFFECTIVE DATE:**  
**EXPIRATION DATE:**

### **GENERAL CONDITIONS**

1. Tentative Parcel Map No. 38825 is a subdivision of a 74.72-acre property into three (3) parcels that are 4.74, 19.99 acres, and 49.99 acres, respectively, for conservation purposes, located on the southern side of Lakeshore Drive, west of Lucerne Street, and southeasterly of the intersection of South Main Street and Lakeshore Drive (APNs: 373-330-001 through 022 and 373-300-038 through 041).
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 No. 38825, 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 No. 38825 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. Tentative Parcel Map No. 38825 will expire two years from the date of approval unless within that period of time a Final Map has been filed with the County Recorder, or an extension of time is granted by the City of Lake Elsinore City Council in accordance with the State of California Subdivision Map Act and applicable requirements of the Lake Elsinore Municipal Code (LEMC).
5. Tentative Parcel Map No. 38825 shall comply with the State of California Subdivision Map Act and applicable requirements contained in the LEMC, unless modified by approved Conditions of Approval.

6. The developer shall provide all project-related on-site and off-site improvements as required by these Conditions of Approval.
7. All Conditions of Approval shall be reproduced on page one of building plans prior to their acceptance by the Building and Safety Division, Community Development Department. All Conditions of Approval shall be met prior to the issuance of a Certificate of Occupancy.
8. 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.
9. 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.
10. Provisions of the City's Noise Ordinance (LEMC Chapter 17.176) shall be satisfied during all site preparation and construction activity. 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.
11. 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.
12. The developer/permit holder or any successor in interest shall comply with the following for the life of this permit. If during ground disturbance activities, unanticipated cultural resources are discovered, the following procedures shall be followed:
  - a. All ground disturbance activities within 100 feet of the discovered cultural resource shall be halted until a meeting is convened between the developer, the Project Archaeologist, representatives from the Pechanga Band of Indians (or other appropriate ethnic/cultural group representative), and the Community Development Director or their designee to discuss the significance of the find.
  - b. The developer shall call the Community Development Director or their designee immediately upon discovery of the cultural resource to convene the meeting.

- c. At the meeting with the aforementioned parties, the significance of the discoveries shall be discussed and a decision is to be made, with the concurrence of the Community Development Director or their designee, as to the appropriate mitigation (documentation, recovery, avoidance, etc.) for the cultural resource.
  - d. Further ground disturbance shall not resume within the area of the discovery until a meeting has been convened with the aforementioned parties and a decision is made, with the concurrence of the Community Development Director or their designee, as to the appropriate mitigation measures.
  - e. Treatment and avoidance of the newly discovered resources shall be consistent with the Cultural Resources Treatment and Monitoring Agreements entered into with the appropriate tribes. This may include avoidance of cultural resources through project design, in-place preservation of cultural resources located in native soils, and/or re-burial on the Project property so they are not subject to further disturbance in perpetuity as identified in Non-Disclosure of Reburial Location measure.
  - f. If the find is determined to be significant and avoidance of the site has not been achieved, a Phase III data recovery plan shall be prepared by the Project Archeologist, in consultation with the Tribe(s), and shall be submitted to the City for their review and approval prior to implementation of the said plan.
  - g. Pursuant to Calif. Pub. Res. Code § 21083.2(b) avoidance is the preferred method of preservation for archaeological resources and cultural resources. If the Project Applicant and the Tribe(s) cannot agree on the significance or the mitigation for the archaeological or cultural resources, these issues will be presented to the Community Development Director for decision. The Community Development Director shall make the determination based on the provisions of the California Environmental Quality Act with respect to archaeological resources, recommendations of the project archeologist and shall take into account the cultural and religious principles and practices of the Tribe(s). Notwithstanding any other rights available under the law, the decision of the City Community Development Director shall be appealable to the City Planning Commission and/or City Council." Evidence of compliance with this mitigation measure, if a significant archaeological resource is found, shall be provided to City of Lake Elsinore upon the completion of a treatment plan and final report detailing the significance and treatment finding.
13. In the event that Native American cultural resources are discovered during the course of grading (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries. One or more of the following treatments, in order of preference, shall be employed with the tribes. Evidence of such shall be provided to the Community Development Department:
- a. Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in the place where they were found with no development affecting the integrity of the resources.
  - b. Relocation of the resources on the Project property. The measures for relocation shall include, at least, the following: Measures and provisions to protect the future reburial area from any future impacts by means of a deed restriction or other form of protection (e.g., conservation easement) in order to demonstrate avoidance in perpetuity.

Relocation shall not occur until all legally required cataloging and basic recordation have been completed, with an exception that sacred items, burial goods and Native American human remains are excluded. Any reburial process shall be culturally appropriate. Listing of contents and location of the reburial shall be included in the confidential Phase IV report. The Phase IV Report shall be filed with the City under a confidential cover and not subject to Public Records Request.

- c. If preservation in place or reburial is not feasible then the resources shall be curated in the culturally sensitive matter at a Riverside County curation facility that meets State Resources Department of Office of Historic Preservation Guidelines for the Curation of Archaeological Resources ensuring access and use pursuant to the Guidelines. The collection and associated records shall be transferred, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence of curation in the form of a letter from the curation facility stating that subject archaeological materials have been received and that all fees have been paid, shall be provided by the landowner to the City. There shall be no destructive or invasive testing on sacred items, burial goods and Native American human remains. Results concerning finds of any inadvertent discoveries shall be included in the Phase IV monitoring report. Evidence of compliance with this mitigation measure, if a significant archaeological resource is found, shall be provided to the City of Lake Elsinore upon completion of a treatment plan and final report detailing the significance and treatment of finding.
14. Upon completion of the implementation phase, a Phase IV Cultural Resources Monitoring Report shall be submitted that complies with the Riverside County Planning Department's requirements for such reports for all ground disturbing activities associated with this grading permit. The report shall follow the County of Riverside Planning Department Cultural Resources (Archaeological) Investigations Standard Scopes of Work posted on the County website. The report shall include results of any feature relocation as well as evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting. Once the report is determined to be adequate, two (2) copies shall be submitted to Eastern Information Center (EIC) at the University of California Riverside (UCR) and one (1) copy shall be submitted to the Monitoring Tribes.
15. In the event that human remains (or remains that may be human) are discovered at the project site during grading or earthmoving, the construction contractors, project archaeologist and/or designated Native American Monitor shall immediately stop all activities within 100 feet of the find. The project applicant shall then inform the Riverside County Coroner and the City of Lake Elsinore Community Development Department immediately, and the coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b). Section 7050.5 requires that excavation be stopped in the vicinity of discovered human remains and that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. If human remains are determined to be Native American, the applicant shall comply with the state law relating to the disposition of Native American burials that fall within the jurisdiction of the NAHC (PRC Section 5097). The coroner shall contact the NAHC within 24 hours and the NAHC will make the determination of most likely descendant. The most likely descendant shall then make recommendations and engage in consultation concerning the treatment of the remains as provided in Public Resource Code Section 5097.98. In the event that the applicant and the MLD are in disagreement regarding the disposition of the remains. State law will apply and the mediation process will occur with the NAHC, if requested (see PRC Section 5097.98(e) and 5097.94(k)). According to the California Health

and Safety Code, six or more human burial at one location constitutes a cemetery (Section 81 00), and disturbance of Native American cemeteries is a felony (Section 7052).

16. It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code 6254 (r), parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code 6254 (r).

#### **Prior to Recordation of Final Parcel Map**

17. All lots shall comply with minimum standards contained in Chapter 3.9 (Planning Area 8: Action Sports, Tourism, Commercial and Recreation; Mixed Use Overlay). All new submittals for plan check or permit shall be made using the City's online Citizen Self-Service Portal ([mill.lake-elsinore.org/EnerGov\\_Prod/SelfService#/home](http://mill.lake-elsinore.org/EnerGov_Prod/SelfService#/home)).

#### **Prior to Issuance of Grading Permits and Building Permits**

18. All of the project improvements shall be designed by the applicant's Civil Engineer to the specifications of the City of Lake Elsinore.
19. Prior to the issuance of a grading permit, at least 30 days prior to the issuance, the applicant shall contact Pechanga Band of Indians. The applicant shall coordinate with the Pechanga Band of Indians to develop an individual Tribal Monitoring Agreement. A copy of the signed agreement shall be provided to the City of Lake Elsinore Community Development Department, Planning Division prior to the issuance of a grading permit. The Agreement shall address the treatment of any known tribal cultural resources (TCRs) including the project's approved conditions of approval; the designation, responsibilities, and participation of professional Tribal Monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains/burial goods discovered on the site per the Tribe's customs and traditions and the City's conditions of approval. The Tribal Monitor will have the authority to stop and redirect grading in the immediate area of a find in order to evaluate the find and determine the appropriate next steps, in consultation with the Project archaeologist.
20. 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.
21. 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.



22. Prior to the issuance of a building permit, the applicant shall pay Development Impact Fees (DIF), at the rate in effect at the time of payment.
23. Prior to issuance of each building permit, a receipt or clearance letter from the Lake Elsinore School District shall be submitted to the Building and Safety Department evidencing the payment or exemption from School Mitigation Fees.
24. 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.
25. 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.
26. 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 DEPARTMENT**

### **GENERAL**

27. All new submittals for plan check or permit shall be made using the City's online Citizen Self-Service Portal ([mill.lake-elsinore.org/EnerGov\\_Prod/SelfService#/home](http://mill.lake-elsinore.org/EnerGov_Prod/SelfService#/home)).
28. All engineering plans shall be prepared by a registered Civil Engineer using the City's standard title block.
29. All required soils, geology, hydrology and hydraulic reports shall be prepared by a registered Civil Engineer or Soils Engineer as applicable.
30. All slopes and landscaping within the public right-of-way shall be maintained by the property owner, owner's association, firms contracted by the property owner's association, or another maintenance entity approved by the City Council.
31. 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 the property owner or property owner's association.
32. In accordance with the City's Franchise Agreement for waste disposal and 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 both during cleaning, demolition, clear and grubbing or all other phases of construction and during occupancy.
33. The site will accommodate all construction activity, building activity, vehicles, etc. No staging on public streets, or private property belonging to others shall be conducted without the written permission of the property owner.

34. Minimum good housekeeping and erosion and sediment control Best Management Practices (BMPs) as identified by the City shall be implemented.

### **FEES**

35. Applicant shall pay all applicable permit application and Engineering assessed fees, including without limitation plan check and inspection fees, at the prevalent rate at time of payment in full.
36. Project is required to provide cash-in-lieu for the following improvements prior to grading permit issuance:
- a. Ultimate half-width improvements along Lucerne Street, from existing pavement terminus through the unpaved portion along the property frontages of Parcel 2 and a portion of Parcel 3 of the Tentative Parcel Map No. 38825. The current pavement terminus lies near the most northerly property line of APN 373-260-004.
  - b. Sidewalk, curb, gutter, and asphalt widening improvements to ultimate half-width from existing asphalt section along Lucerne Street property frontage of APN 373-330-020.
37. Applicant shall pay all applicable Mitigation and Development Impact Fees at the prevalent rate at time of payment in full. Fees are subject to change. Mitigation and Development Impact Fees include without limitation:
- a. Master Plan of Drainage Fee – Due prior grading permit issuance
  - b. Traffic Infrastructure Fee (TIF) – Due prior to building permit issuance

### **PARCEL MAP / LAND DIVISION**

38. After approval of the Tentative Parcel Map, applicant shall submit for plan check review and approval a Parcel Map.
39. Underground water rights shall be dedicated to the City pursuant to the provisions of Section 16.52.030 in the Lake Elsinore Municipal Code (LEMC), and consistent with the City's agreement with the Elsinore Valley Municipal Water District.
40. Monumentation shall be in accordance with LEMC Section 16.32 and the Subdivision Map Act.
41. Security and inspection fee for monumentation shall be paid and shall be inspected prior to scheduling City Council approval of the Parcel Map.
42. As applicable, Covenants, Conditions, and Restrictions (CC&Rs) shall be submitted to the City for review and approval. Recordation shall be with the Parcel Map.
43. As applicable, legal agreements and financial commitments (LLMD, CFD, etc.) for operation and maintenance be recorded prior to or concurrent with recordation of the Parcel Map.

## **STORM WATER MANAGEMENT / POLLUTION PREVENTION / NPDES**

### **Design**

44. The project is responsible for complying with the Santa Ana Region National Pollutant Discharge Elimination System (NPDES) Permits as warranted based on the nature of development and/or activity.
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 Department.

### **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 – 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.

## **PRIOR TO GRADING PERMIT**

### **Design**

49. 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 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.
50. All grading plan contours shall extend to minimum of 50 feet beyond property lines to indicate existing drainage pattern.
51. The grading plan shall show that no structures, landscaping, or equipment are located near the project entrances that could reduce sight distance.
52. 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 in compliance with Federal, State and Local law and be approved by the City Engineer.

53. Applicant 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.
54. Applicant shall mitigate to prevent any flooding and/or erosion downstream caused by development of the site and/or diversion of drainage.
55. All natural drainage traversing the site (historic flow) shall be conveyed through the site in a manner consistent with the historic flow or to one or a combination of the following: to a public facility; accepted by adjacent property owners by a letter of drainage acceptance; or conveyed to a drainage easement as approved by the City Engineer.

#### **Permitting/Construction**

56. Prior to grading permit issuance, project is required to provide cash-in-lieu for Lucerne Street improvements.
57. Applicant shall execute and submit grading and erosion control agreement, post grading security, and pay permit fees as a condition of grading permit issuance.
58. No grading shall be performed without first having obtained a grading permit. A grading permit does not include the construction of retaining walls or other structures for which a building permit is required.
59. A preconstruction meeting with the City Engineering Inspector (Engineering Department) is required prior to commencement of any grading activity.
60. Hauling in excess of 5,000 cubic yards shall be approved by the City Council (LEMC Section 15.72.065). Prior to commencement of grading operations, applicant shall provide to the City 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.
61. 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.
62. Review and approval of the project sediment and erosion control plan shall be completed.
63. Applicant shall obtain applicable environmental clearance from the Planning Department and submit applicable clearance document to the Engineering Department. This approval shall specify that the project complies with any and all required environmental mitigation triggered by the proposed grading activity.

#### **PRIOR TO FINAL APPROVAL**

64. Proof of acceptance of maintenance responsibility of slopes, open spaces, landscape areas, and drainage facilities shall be provided.

65. As applicable, applicant shall provide a digital copy of the recorded Covenants, Conditions, and Restrictions (CC&Rs) to the Engineering Department.
66. As-built plans for all approved plan sets shall be submitted for review and approval by the City. Applicant is responsible for revising the original mylar plans.
67. In the event of the damage to City roads from hauling or other construction related activity, applicant shall pay full cost of restoring public roads to the baseline condition.
68. Final soil report showing compliance with recommendations, compaction reports, grade certifications, monument certification (with tie notes delineated on 8 ½ X 11" Mylar) shall be submitted in .tif format on a USB flash drive or electronically to the Engineering Department before final inspection will be scheduled.
69. Applicant shall pay all outstanding applicable processing and development fees prior to final approval.
70. Applicant shall submit documentation pursuant to City's Security Release handout.

**CITY OF LAKE ELSINORE FIRE MARSHAL**

71. Any maintenance requirements required by the City shall be managed per local standards and Ordinance.

**DEPARTMENT OF ADMINISTRATIVE SERVICES**

72. Prior to issuance of a grading permit, the applicant shall submit an application to the Department of Administrative Services to initiate the annexation process 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. The annexation process shall be completed prior to issuance of the first certificate of occupancy for 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.

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: \_\_\_\_\_