

## CONDITIONS OF APPROVAL

**PROJECT:** PA 2018-02/TTM 2022-04/CUP 2023-03  
**PROJECT NAME:** New Ventures  
**PROJECT LOCATION:** APN: 374-183-018  
**APPROVAL DATE:**  
**EFFECTIVE DATE:**  
**EXPIRATION DATE:**

### **GENERAL CONDITIONS**

1. Planning Application No. 2018-02 (Tentative Tract Map No. 2022-04 and Conditional Use Permit No. 2023-03) proposes Tentative Tract Map No. 38616 to subdivide an approximately 0.34-acre parcel into one lot for condominium purposes and to convert an existing apartment complex into five residential condominium units. The project site is located at the northwest corner of the intersection of Graham Avenue and Lowell Street (APN: 374-183-018).
2. The applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City, its Officials, Officers, Employees, Agents, and its Consultants (Indemnitees) from any claim, action, or proceeding against the Indemnitees to attack, set aside, void, or annul an approval of the City, its advisory agencies, appeal boards, or legislative body concerning approval, implementation and construction of TTM 2022-04 and CUP 2023-03, which action is brought within the time period provided for in California Government Code Sections 65009 and/or 66499.37, and Public Resources Code Section 21167, including the approval, extension or modification of TTM 2022-04 and CUP 2023-03 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 Tract Map No. 38616 will expire two years from the date of approval unless within that period of time a Final Map has been filed with the County Recorder, or an extension of time is granted by the City of Lake Elsinore City Council in accordance with the State of California Subdivision Map Act and applicable requirements of the Lake Elsinore Municipal Code (LEMC).
5. Tentative Tract Map No. 38616 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. Conditional Use Permit No. 2023-03 shall lapse and become void two years following the date on which the conditional use permit became effective, unless one of the following: (1) prior to the expiration of two years, a building permit related to the conditional use permit is issued and construction commenced and diligently pursued toward completion; or (2) prior to the expiration of two years, the applicant has applied for and has been granted an extension of the conditional use permit approval pursuant to subsections (a), (b), and (c) of Lake Elsinore Municipal Code (LEMC) Section 17.415.070.D.2. Subject to the provisions of LEMC Section 17.415.070.I, a conditional use permit granted pursuant to the provisions of this section shall run with the land and shall continue to be valid upon a change of ownership of the site or structure, which was the subject of the Conditional Use Permit application.
7. The applicant shall provide all project-related on-site and off-site improvements as required by these Conditions of Approval.
8. Any proposed minor revisions to approved plans shall be reviewed and approved by the Community Development Director or designee. Any proposed substantial revisions to the approved plans shall be reviewed according to the provisions of the Municipal Code in a similar manner as a new application. Grading plan revisions shall be reviewed by the City Engineer.
9. Development of the project site shall substantially confirm to the development plans and associated conditions of approval previously approved under Residential Design Review No. 2018-01. In accordance with Section 17.415.050.J of the LEMC, any alteration or expansion of a project for which there has been a design review approval as well as all applications for modification or other change in the conditions of approval of a design review shall be reviewed according to the provisions of this chapter in a similar manner as a new application.
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. Provisions of the City's Noise Ordinance (LEMC Chapter 17.176) shall be satisfied during all site preparation and construction activity. Site preparation activity and construction shall not commence before 7:00 AM and shall cease no later than 5:00 PM, Monday through Friday. Only finish work and similar interior construction may be conducted on Saturdays and may commence no earlier than 8:00 am and shall cease no later than 4:00 p.m. Construction activity shall not take place on Sunday, or any Legal Holidays.
12. The applicant shall pay all applicable City fees, including but not limited to: Development Impact Fees (DIF), Fire Facilities Fees, and Traffic Infrastructure Fees (TIF) per LEMC Section 16.74, Transportation Uniform Mitigation Fees (TUMF) per LEMC Section 16.83, Area Drainage Fees per LEMC Section 16.72, MSHCP Fee per LEMC Section 16.85, Capital Improvement Impact/Mitigation Fees, Stephens Kangaroo Habitat Fee (K-Rat) per LEMC Section 19.04, and Plan Check fees, at the rate in effect at the time of payment.
13. If any of the conditions of approval set forth herein fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny or further condition issuance of all future building permits, deny revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted; record a notice of violation on the property title; institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation.

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

14. All lots shall comply with minimum standards set forth in the Residential Mixed Use (RMU) zoning district under Chapter 17.86 of the Lake Elsinore Municipal Code.
15. Prior to Recordation of the Final Map, the applicant shall demonstrate that the building will be divided for different tenant spaces or units for condominium purposes. The separation for each unit shall comply with the current California Building Code, California Fire Code, and the LEMC and is subject to a review and approval by the Building Official and the Fire Marshal.
16. The applicant shall meet all requirements of Elsinore Valley Municipal Water District (EVMWD).
17. Prior to recordation of a Final Map, the applicant shall initiate and complete the formation of a Property Owner's Association (POA) which shall be approved by the City. All Association documents shall be submitted for review and approval by City Planning, Engineering and the City Attorney and upon City approval shall be recorded. Such documents shall include the Articles of Incorporation for the Association and Covenants, Conditions and Restrictions (CC&Rs).
  - All slopes, landscaping within public right-of-way, all drainage basins, and common areas including but not limited to parking areas and drive aisles, shall be maintained by the (POA).
  - Provisions to restrict parking upon other than approved and developed parking spaces shall be written into the CC&Rs for the project.
18. 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.
19. The applicant shall meet all applicable Building Codes in effect at the time, including requirements for the occupancy.
20. The applicant/operator shall comply with all requirements of the Riverside County Fire Department Lake Elsinore Office of the Fire Marshal. Questions should be directed to the Riverside County Fire Department, Lake Elsinore Office of the Fire Marshal at 130 S. Main St., Lake Elsinore, CA 92530. Phone: (951) 671-3124 Ext. 225.

### **ENGINEERING DIVISION**

#### **General**

21. The project shall comply with applicable Conditions of Approval of Residential Design Review No. 2018-01 as approved by City Council on October 9, 2018.
22. All new submittals for plan check or permit shall be made using the City's online Citizen Service Portal (CSSP).
23. All required soils, geology, seismic, and hydrology and hydraulic reports shall be prepared by a registered Civil Engineer and Soils Engineer, as applicable.
24. 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.

#### **Fees**

25. The Applicant shall pay all applicable permit application and Engineering assessed fees, including without limitation plan check and construction inspection fees, at the prevalent rate at time of payment in full.
26. 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:
  - Traffic Infrastructure Fee (TIF) – Due prior to building permit issuance.
  - Transportation Uniform Mitigation Fee (TUMF) – Due prior to occupancy.

### **Final Tract Map**

27. Applicant shall submit Final Tract Map for plan check review and approval.
28. Applicant shall dedicate right-of-way for Alley way adjacent to the property for a total right-of-way of 10 feet from centerline to the project property line.
29. 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.
30. Prior to scheduling City Council approval of the final Tract Map, the applicant shall, in accordance with Government Code, have constructed all improvements or have improvement plans submitted and approved, agreements executed, and securities posted. Securities posted include but are not limited to the off-site improvements.
31. Monumentation shall be in accordance with LEMC Section 16.32 and Subdivision Map Act.
32. Security and inspection fee for monumentation shall be paid and two contiguous monuments shall be inspected prior to scheduling City Council approval of final map.
33. Covenants, Conditions and Restrictions (CC&Rs) shall be submitted to the City for review approval. Recordation shall be with final Tract Map.

### **Utilities**

34. All arrangements for relocation of utility company facilities (power poles, vaults, etc.) out of the roadway shall be the responsibility of the applicant, property owner, and/or his agent. Overhead utilities (34.5 kV or lower) shall be undergrounded (LEMC Section 16.64).

### **Improvements**

#### **Permitting/Construction**

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

### **Prior to Occupancy / Final Approval / Project Closeout**

37. Final Tract Map shall be recorded prior to first occupancy.
38. All public improvements shall be constructed in accordance with the approved plans or as condition of this development to the satisfaction of the City Engineer prior to issuance of first occupancy.

39. Proof of acceptance of maintenance responsibility of slopes, open spaces, landscape areas, and drainage facilities shall be provided.
  40. Applicant shall provide a digital copy of the recorded Covenants, Conditions, and Restrictions (CC&Rs) to the Engineering Department prior to first occupancy.
  41. 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.
  42. All final studies and reports, 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.
  43. All required public right-of-way dedications, easements, vacations and easement agreement(s) shall be recorded with a recorded copy provided to the City prior to first occupancy.
  44. Applicant shall pay all outstanding applicable processing and development fees prior to occupancy and/or final approval.
  45. Applicant shall submit documentation pursuant to City's *Security Release* handout.
  46. Applicant shall submit as-built all Engineering Department approved project plan sets. After City approval of paper copy, applicant is responsible for revising the original mylar plans. Once the original mylars have been approved, the developer shall provide the City with a digital copy of the "as-built" plans in .tif format.
  47. Applicant shall provide AutoCAD and GIS Shape files of all Street and Storm Drain plans. All data must be in projected coordinate system: NAD 83 State Plane California Zone VI U.S. Fleet. All parts and elements of the designed system shall be represented discretely. Include in the attribute table basic data for each feature, such as diameter and length, as applicable, and for pipes include material (PVC, RCP, etc.) and slope.
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I hereby state that I acknowledge receipt of the approved Conditions of Approval for the above named project and do hereby agree to accept and abide by all Conditions of Approval as approved by the City of Lake Elsinore City Council on \_\_\_\_\_. I also acknowledge that all Conditions shall be met as indicated.

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

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

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

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

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

DRAFT