

12) **Tract No. 28214, Revision to Conditions of Approval No. 67 and 69 Relating to Improvements at Lake Street and the Alberhill Ranch Road and Nichols Road Intersection**

Approve revisions to Conditions of Approval No. 67 and 69 to state as follows:

67. a) Lake Street ultimate half width improvements between Alberhill Ranch Road and Nichols Road shall be completed prior to the 75th Building Permit, except for part b) of this condition.

b) Power poles along Lake Street that may be in conflict with ultimate roadway widening shall be relocated by the 200th Building Permit.

69. Ultimate intersection improvements at Nichols Road and Alberhill Ranch Road, including the signalization shall be completed prior to the 125th Building permit.



REPORT TO CITY COUNCIL

To: Honorable Mayor and Members of the City Council

From: Jason Simpson, City Manager

Prepared by: Remon Habib, City Engineer
Damaris Abraham, Assistant Community Development Director

Date: November 14, 2023

Subject: Tract No. 28214, Revision to Conditions of Approval No. 67 and 69 Relating to Improvements at Lake Street and the Alberhill Ranch Road and Nichols Road Intersection

Recommendation

Approve revisions to Conditions of Approval No. 67 and 69 to state as follows:

67. a) Lake Street ultimate half width improvements between Alberhill Ranch Road and Nichols Road shall be completed prior to the 75th Building Permit, except for part b) of this condition.
b) Power poles along Lake Street that may be in conflict with ultimate roadway widening shall be relocated by the 200th Building Permit.

69. Ultimate intersection improvements at Nichols Road and Alberhill Ranch Road, including the signalization shall be completed prior to the 125th Building permit.

Background

On January 13, 2004, the City Council certified Addendum No. 2 to the Alberhill Ranch Specific Plan EIR and approved Vesting Tentative Tract Map (VTTM) No. 28214 allowing the subdivision of approximately 163 acres into 913 single family residential lots, one (1) multi-family residential lot, and six (6) public and institutional lots. The expiration of VTTM No. 28214 was extended through a series of automatic and discretionary extensions, the most recent of which was a three-year extension of time granted by the City Council on December 8, 2020.

On November 9, 2021, the City Council approved Final Map No. 28214-9 and on November 21, 2021, Tract Map No. 28214-9 was filed with the County Recorder thereby subdividing the approximately 134-acre site into 344 residential lots and 55 lettered lots with streets dedicated to the public for street and utility purposes.

On April 18, 2023, the Planning Commission approved Residential Resign Review No. 2022-06 for Pulte Group (Pulte) the design and construction of 344 single-family detached residential units, preliminary plotting, conceptual landscaping, conceptual wall and fence plan, and related improvements in Tract No. 28214-9. Grading permits have been issued the project is currently under construction.

Discussion

Pulte has been working to improve Lake Street and Nichols Road to satisfy their offsite conditions of approval. Currently, the conditions of approval require the developer to complete improvements for Lake Street and Nichols Road prior to the issuance of the 50th building permit as shown below:

- 67. Lake Street ultimate half-width improvements between Alberhill Ranch Road and Nichols Road shall be completed prior to the 50th building permit.
- 69. Nichols Road and Alberhill Ranch Road ultimate intersection improvements shall be completed prior to the 50th building permit.

On October 12, 2023, Pulte submitted a letter requesting deferrals to Conditions of Approval 67 and 69 (Attachment 1). Pulte has been working closely with Southern California Edison (SCE) to progress both the Lake Street pole relocation as well as the Nichols Road electric final design. However, the pole relocation work won't be completed before the end of 2024. City staff has been working very closely with the developer on line of sight issues. There are also other easements that are necessary to acquire in order to place SCE equipment along Nichols which has impacted Pulte's schedule. Staff is recommending Conditions of Approval 67 and 69 be revised as follows:

- 67. a) Lake Street ultimate half width improvements between Alberhill Ranch Road and Nichols Road shall be completed prior to the 75th Building Permit, except for part b) of this condition. b) Power poles along Lake Street that may be in conflict with ultimate roadway widening shall be relocated by the 200th Building Permit.
- 69. Ultimate intersection improvements at Nichols Road and Alberhill Ranch Road, including the signalization shall be completed prior to the 125th Building permit.

Fiscal Impact

No direct additional fiscal impact.

Attachments

Attachment 1 - Pulte Request to Extend TR 28214-9 COAs
Attachment 2 - Revised Conditions of Approval



October 12, 2023

City of Lake Elsinore
Remon Habib, City Engineer
130 S Main St.
Lake Elsinore, CA 92530

Re: Request to Extend TR28214-9 Conditions of Approval

Hello Remon,

Pulte has been diligently working to improve Lake Street and Nichols Road to satisfy our offsite conditions of approval. In fact, my team and I have been working closely with SCE to progress both the Lake Street pole relocation as well as the Nichols Road electric final design. Matthew Denaple from SCE said he would try his best to have the pole relocation completed by the end of 2024. SCE is very hesitant to put anything in writing to us or the City. Because of this and the paces we are prepared to build our homes, I am hereby requesting to extend conditions of approval #67 to the 200th building permit and #69 to the 125th building permit. Below are captions of said current conditions from page 10 of our city approved Conditions of Approval for your review.

#67 – Lake Street ultimate half-width improvements between Alberhill Ranch Road and Nichols Road shall be completed prior to the 50th building permit.

#69 – Nichols Road and Alberhill Ranch Road ultimate intersection improvements shall be completed prior to the 50th building permit.

Extending condition of approval #67 to the 200th building permit is in line with the following current condition of approval:

#65 – Nichols Road ultimate half-width improvements between Lake Street and Alberhill Ranch Road shall be completed prior to the 200th building permit.

Extending condition of approval #69 to the 125th building permit is less than 50% of our total number of lots (344). This is also in line with condition of approval #64 and #70.

#64 – Lake Street and Nichols ultimate intersection improvements shall be completed prior to the 125th building permit.

#70 – Parkway improvements easterly of Alberhill Ranch Road between Nichols Road and two hundred seventy-five feet (275') east of the Hudson Lane intersection shall be completed prior to the 125th building permit.

As you know, time is of the essence and anything you can do to expedite this approval process is appreciated.

Best regards,

A handwritten signature in blue ink, appearing to read "Matthew D. Matson".

Matthew D. Matson
Pulte Group
562-441-2050
Matt.matson@pultegroup.com

CONDITIONS OF APPROVAL

(New text underlined and deletions in ~~strikethrough~~)

PROJECT: PA 2018-64/RDR 2022-06
PROJECT NAME: VTTM 28214
PROJECT LOCATION: APNs: 389-090-032-035; 389-790-001-048; 389-800-001-024; 389-801-001-031; 389-802-001-020; 389-810-001-035; 389-811-001-011; 389-812-001-017; 389-820-001-007; 389-821-001-007; 389-822-001-037; 389-830-001-022; 389-831-001-019; 389-832-001-011; 389-840-001-024; 389-841-001-054
APPROVAL DATE: April 18, 2023
EFFECTIVE DATE: May 25, 2023
EXPIRATION DATE: May 25, 2025

GENERAL

1. Planning Application No. 2018-64 (Residential Design Review No. 2022-06) proposes the design and construction of 344 single-family detached residential units, preliminary plotting, conceptual landscaping, conceptual wall and fence plan and related improvements in Tract No. 28214-9. The proposed development is to be configured into four community groups each containing three one-story and two-story floor plans overall ranging in size from 1,959 to 3,337 square feet and features three architectural styles (Spanish, Prairie and Craftsman). The average lot size for Tract No. 28214-9 is 9,600 square feet, with the minimum lot size being 6,039 square feet. The project site consists of Tract No. 28214-9 on the south side of Nichols Road between Alberhill Ranch Road and Terra Cotta Road in Planning Area 1 of the Murdock Alberhill Ranch Specific Plan (APNs: 389-090-032-035; 389-790-001-048; 389-800-001-024; 389-801-001-031; 389-802-001-020; 389-810-001-035; 389-811-001-011; 389-812-001-017; 389-820-001-007; 389-821-001-007; 389-822-001-037; 389-830-001-022; 389-831-001-019; 389-832-001-011; 389-840-001-024; 389-841-001-054).
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 RDR 2022-06, 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 RDR 2022-06 or any of the proceedings, acts or determinations taken, done, or made prior to the decision, or to determine the reasonableness, legality or validity of any condition attached thereto. The Applicant's indemnification is intended to include, but not be limited to, damages, fees and/or costs awarded against or incurred by Indemnitees and costs of suit, claim or litigation, including without limitation attorneys' fees, penalties and other costs, liabilities and expenses incurred by Indemnitees in connection with such proceeding. The City will promptly notify the applicant of any such claim, action, or proceeding against the City. If the project is challenged in court, the City and the applicant shall enter into formal defense and

indemnity agreement, consistent with this condition.

3. Within 30 days of project approval, the applicant shall sign and complete an "Acknowledgment of Conditions" and shall return the executed original to the Community Development Department for inclusion in the case records.

PLANNING DIVISION

4. Residential Design Review No. 2022-06 shall lapse and become void two years following the date on which the design review became effective, unless one of the following: (1) prior to the expiration of two years, a building permit related to the design review is issued and construction commenced and diligently pursued toward completion; or (2) prior to the expiration of two years, the applicant has applied for and has been granted an extension of the design review approval pursuant to subsections (1) and (2) of Lake Elsinore Municipal Code (LEMC) Section 17.415.050.I.1. Notwithstanding conditions to the contrary, a design review granted pursuant to LEMC Section 17.415.050.I.2 shall run with the land for this two-year period, subject to any approved extensions, and shall continue to be valid upon a change of ownership of the site, which was the subject of the design review application.
5. The applicant shall adhere to the Conditions of Approval related to Tract Map No. 28214 and implement the Mitigation Measures identified in the 1989 Final Alberhill Ranch Specific Plan EIR, 1992 Addendum No. 1 to the Final Alberhill Ranch Specific Plan EIR, and the 2003 Addendum No. 2 to the Final Alberhill Ranch Specific Plan.
6. Future development shall comply with those requirements and provisions contained in the Murdock Alberhill Ranch Development Agreement dated January 4, 1992.
7. The applicant shall participate in the City of Lake Elsinore Citywide Landscaping and Street Lighting District, as appropriate.
8. The applicant shall provide all project-related on-site and off-site improvements as required by these Conditions of Approval.
9. 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.
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. 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.
12. Six-foot decorative block walls shall be constructed along the project perimeter. If a double wall condition would result, the developer shall make a good faith effort work with the adjoining property owners to provide a single wall. Developer shall notify, by mail, all contiguous property owners at least 30 days prior to the removal of any existing

walls/fences along the project perimeter.

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 Issuance of Grading Permits/Building Permits

14. The following architectural details shall be provided:
 - All front fence returns shall 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 on 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.
15. 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.
16. Prior to issuance of 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.
17. 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.
18. Prior to issuance of a building permit, the applicant shall initiate and complete the formation of a Homeowner's Association (HOA) 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).

- 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 HOA.
19. 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'x3' 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.
20. Construction phasing shall be implemented in accordance a Phasing Plan, subject to a review and approval by the Engineering and Building Departments, which avoids construction traffic from entering occupied neighborhoods within the tract.
21. 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.
22. 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.
23. 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.
24. 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.
25. The applicant shall pay school fees to the Lake Elsinore Unified School District prior to issuance of each building permit.
26. The applicant shall pay all appropriate traffic impact mitigation fees.
27. The applicant shall pay all applicable fees including park fees.
28. The applicant shall comply with the following City programs: the City Source Reduction

and Recycling Element and Household Hazardous Waste Element, the County Solid Waste Management Plan and Integrated Waste Management Plan.

29. Prior to issuance of a building permit, the applicant shall submit a letter of verification (will-serve letter) to the City Engineer for all required utility services.
30. 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.
31. The applicant shall connect to public sewer for each lot within the subdivision. No service laterals shall cross adjacent property lines and shall be delineated on engineering sewer plans and profiles submitted to EVMWD.
32. The applicant shall meet all requirements of the providing electric, gas and telephone utility companies.
33. 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.
34. 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.
 - 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.
 - Perimeter walls shall be protected by shrubs and other plantings that discourage graffiti.
 - 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.
 - 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.
 - No front-yard shall be landscaped with grass turf.
 - 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.
 - 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.
 - All Model Homes shall be Xeriscaped and signage provided identifying Xeriscape landscaping. Xeriscape is a method of landscape design that minimizes water use by:

- i. 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;
- ii. Requires an efficient irrigation system that includes:
 1. ET-Based ("Smart irrigation") controller(s) with weather-sensing, automatic shut-off and seasonal adjustment capabilities;
 2. Efficient irrigation water application through use of:
 - a. 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
 - b. 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.
 3. Improvement of soil structure for better water retention; and
 4. Application of mulch to hinder evaporation.
- The Final landscape plan shall be consistent with any approved site and/or plot plan.
- The Final landscape plan shall include planting and irrigation details.
- 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.
- 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.

BUILDING DIVISION

General Conditions

35. Final Building and Safety Conditions. Final Building and Safety Conditions will be addressed when building construction plans are submitted to Building and Safety for review. These conditions will be based on occupancy, use, the California Building Code (CBC), and related codes which are enforced at the time of building plan submittal.
36. Compliance with Code. All design components shall comply with applicable provisions of the 2022 edition of the California Building, Plumbing and Mechanical Codes; 2022 California Electrical Code; California Administrative Code, 2022 California Energy Codes, 2022 California Green Building Standards, California Title 24 Disabled Access Regulations, and Lake Elsinore Municipal Code.
37. Disabled Access. Applicant shall provide details of all applicable disabled access provisions and building setbacks on plans to include:
 - a. All ground floor units to be adaptable.
 - b. Disabled access from the public way to the entrance of the building.
 - c. Van accessible parking located as close as possible to the main entry.
 - d. Path of accessibility from parking to furthest point of improvement.
 - e. Path of travel from public right-of-way to all public areas on site, such as clubhouse, trash enclosure, tot lots and picnic areas.

38. Street Addressing. Applicant must obtain street addressing for all proposed buildings by requesting street addressing and submitting a site plan for commercial or multi-family residential projects or a recorded final map for single-family residential projects. It takes 10 days to issue address and notify other agencies. Please contact Sonia Salazar at ssalazar@lake-elsinore.org or 951-674-3124 X 277.
39. Clearance from LEUSD. 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.
40. Obtain Approvals Prior to Construction. Applicant must obtain all building plans and permit approvals prior to commencement of any construction work.
41. Obtaining Separate Approvals and Permits. Trash enclosures, patio covers, light standards, and any block walls will require separate approvals and permits.
42. Sewer and Water Plan Approvals. On-site sewer and water plans will require separate approvals and permits. Septic systems will need to be approved from Riverside County Environmental Health Department before permit issuance.
43. House Electrical Meter. Applicant shall provide a house electrical meter to provide power for the operation of exterior lighting, irrigation pedestals and fire alarm systems for each building on the site. Developments with single user buildings shall clearly show on the plans how the operation of exterior lighting and fire alarm systems when a house meter is not specifically proposed.

At Plan Review Submittal

44. Submitting Plans and Calculations. Applicant must submit to Building and Safety four (4) complete sets of plans and two (2) sets of supporting calculations for review and approval including:
 - a. An electrical plan including load calculations and panel schedule, plumbing schematic, and mechanical plan applicable to scope of work.
 - b. A Sound Transmission Control Study in accordance with the provisions of the Section 5.507, of the 2022 edition of the California Green Code.
 - c. A precise grading plan to verify accessibility for the persons with disabilities.
 - d. Truss calculations that have been stamped by the engineer of record of the building and the truss manufacturer engineer.

Prior to Issuance of Grading Permit(s)

45. Onsite Water and Sewer Plans. Onsite water and sewer plans, submitted separately from the building plans, shall be submitted to Building and Safety for review and approval.
46. Demolition Permits. A demolition permit shall be obtained if there is an existing structure to be removed as part of the project. Asbestos report and lead base paint reports are required before demo permit will be issued.

Prior to Issuance of Building Permit(s)

47. Plans Require Stamp of Registered Professional. Applicant shall provide appropriate

stamp of a registered professional with original signature on the plans. Provide C.D. of approved plans to the Building Division.

Prior to Beginning of Construction

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

ENGINEERING DEPARTMENT

General

49. Project shall comply with applicable Conditions of Approval of the VTTM 28214 as approved by City Council on December 8, 2020.
50. All new submittals for plan check or permit shall be made using the City's online Citizen Service Portal (CSSP).
51. All plans shall be prepared by a Registered Civil Engineer using the City's standard title block.
52. 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.
53. 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.
54. 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 both during cleaning, demolition, clear and grubbing or all other phases of construction and during occupancy.
55. Minimum good housekeeping and erosion and sediment control Best Management Practices (BMPs) as identified by the City shall be implemented.

Fees

56. 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.
57. The applicant shall pay all applicable City fees, including (i) Plan Check and Permit fees, (ii) Impact/Mitigation Fees and (iii) Development Agreement and Supplemental Development Agreement Fees, at the prevalent rate at the time of payment.

The Project is subject to certain Impact/Mitigation fees, exempt from certain Impact/Mitigation Fees until the expiration of the vesting period on November 23, 2023

(pursuant to City's February 18, 2022 approval of application to extend vested rights period), and has satisfied certain Impact/Mitigation fees.

- The following Impact/Mitigation Fees shall be due at the prevalent rate at the time of payment for all building permits: (1) Library Mitigation Fee and (2) Traffic Infrastructure Fee.
- The following Impact/Mitigation Fees shall be due at the prevalent rate at the time of payment for all building permits issued on or after November 24, 2023 (1) Fire Facilities Fee, (2) City Hall and Public Works Facilities Fee, (3) Community Center Facilities Fee, (4) Lakeside Facilities Fee, and (5) Animal Shelter Facilities Fee.
- Western Riverside County Transportation Uniform Mitigation Fee (TUMF) shall be due at the prevalent rate upon the earlier of issuance of a certificate of occupancy or final inspection occurring on or after November 24, 2023, subject to any applicable TUMF Improvement Credit Agreement.
- The Project is exempt from or has fully satisfied the following Impact/Mitigation Fees: (1) Drainage District Fees, (2) Park Fees, and (3) MSHCP.

Storm Water Management / Pollution Prevention / NPDES

Construction

58. 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.
59. 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.
60. 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. A copy of the plan shall be incorporated into the SWPPP, 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

61. Prior to the issuance of a certificate of use and/or occupancy, the applicant shall demonstrate compliance with applicable NPDES permits for construction, industrial/commercial, 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 BMPs 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 for water quality facilities by a Registered Civil Engineer. The City format shall be used.
- Provide documentation of annexation into a CFD for funding 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.
- 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 the Certificate of Occupancy 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

62. 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

63. Project shall install driveway approaches per County of Riverside Standard 207.
64. Lake Street and Nichols Road ultimate intersection improvements shall be completed prior to the 125th building permit.
65. Nichols Road ultimate half-width improvements between Lake Street and Alberhill Ranch Road shall be completed prior to the 200th building permit.
66. Nichols Road ultimate half-width improvements between Alberhill Ranch Road and Terra Cotta Road shall be completed prior to the 100th building permit.
67. ~~Lake Street ultimate half-width improvements between Alberhill Ranch Road and Nichols Road shall be completed prior to the 50th building permit.~~

a) Lake Street's ultimate half-width improvements between Alberhill Ranch Road and Nichols Road shall be completed prior to the 75th Building Permit, except for part b) of this condition.

b) Power poles along Lake Street that may be in conflict with ultimate roadway widening shall be relocated by the 200th Building Permit.

68. Alberhill Ranch Road and Brianna Circle intersection improvements shall be completed prior the 25th building permit.
69. ~~Nichols Road and Alberhill Ranch Road ultimate intersection improvements shall be completed prior to the 50th building permit.~~ Ultimate intersection improvements at Nichols Road and Alberhill Ranch Road, including the signalization, shall be completed prior to the 125th Building permit.
70. Parkway improvements easterly of Alberhill Ranch Road between Nichols Road and two hundred seventy-five feet (275') east of the Hudson Lane intersection shall be completed prior to the 125th building permit.
71. If existing improvements are to be modified, the existing improvement plans on file shall be revised accordingly and approved by the City Engineer prior to issuance of a building permit.
72. Project will be responsible to design and install streetlights along the property's frontage. Streetlight system shall be designed as LS-2B system. Streetlight plans shall include but not limited to details such as location, pole and luminaire type, and pull box design. Streetlight plans may be included as part of the Street Improvement Plans.

Permitting/Construction

73. 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.
74. 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 Grading Permit

75. 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.
76. All grading plan contours shall extend to minimum of 50 feet beyond property lines to indicate existing drainage pattern.

77. Applicant shall mitigate to prevent any flooding and/or erosion downstream caused by development of the site and/or diversion of drainage.
78. 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

79. Applicant shall execute and submit grading and erosion control agreement, post grading security and pay permit fees as a condition of grading permit issuance.
80. A preconstruction meeting with the City Engineering Inspector (Engineering Department) is required prior to commencement of any grading activity.
81. Hauling in excess of 5,000 cubic yards shall be approved by the City Council (LEMC 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.
82. 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.

Prior to Building Permit

83. All public street improvement plans, traffic signal plans, signing and striping plans shall be completed and approved by the City Engineer.
84. The following public improvements shall be completed prior to issuance of building permit as indicated:

Prior to Occupancy / Final Approval / Project Closeout

85. All public improvements shall be completed in accordance with the approved plans or as condition of this development to the satisfaction of the City Engineer prior to issuance of occupancy, or as designated above.
86. Proof of acceptance of maintenance responsibility of slopes, open spaces, landscape areas, and drainage facilities shall be provided.
87. Covenants, Conditions and Restrictions (CC&Rs) shall be recorded prior to first occupancy if not recorded with the final map. A digital copy of the recorded document shall be provided to the Engineering Department.
88. 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.

89. All final studies and reports, 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 to the Engineering Department before final inspection will be scheduled.
90. Applicant shall pay all outstanding applicable processing and development fees prior to occupancy and/or final approval.
91. Applicant shall submit documentation pursuant to City's *Security Release* handout.
92. As-built plans for all in-field revisions to approved plan sets shall be submitted for review and approval by the City. Applicant is responsible for revising original mylars.
93. 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.

CITY OF LAKE ELSINORE FIRE MARSHAL

94. 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.
95. 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 must comply with special construction and vegetation management provisions contained in the Lake Elsinore Municipal Code, California Residential Code, California Fire Code, and the California Building Code.
96. Each phase of development must independently meet all applicable fire department requirements.
97. Any structures required to have any mitigation measures stipulated in the fuel management/fire protection plan must comply with those requirements prior to final inspection.

DEPARTMENT OF ADMINISTRATIVE SERVICES

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

98. Prior to approval of the Final Map, Residential Design Review, Conditional Use Permit, or building 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 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)

99. Prior to approval of the Final Map, 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.
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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: _____