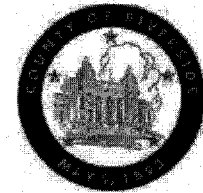


SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM
1.4
(ID # 8500)

MEETING DATE:

Tuesday, January 8, 2019

FROM : TLMA-PLANNING:

SUBJECT: TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: RECEIVE AND FILE THE DIRECTOR'S HEARING DECISION TO APPROVE TENTATIVE PARCEL MAP NO. 37423 – CEQA EXEMPT - Applicant: Athena Property Management – Engineer/Representative: DCR Engineering, Inc. – Third Supervisorial District – Rancho California Area – Southwest Area Plan: Community Development: Commercial Retail (FAR* 0.20- 0.35) – 11.20 Gross Acres – Zoning: Specific Plan No. 213 – REQUEST: The Tentative Parcel Map proposes a Schedule A subdivision of the Vons Sky Canyon Shopping Center, requesting to divide 11.20 acres into 6 parcels. The project is already existing and does not propose any new development. APN: 957-330-046, 047, 048 & 049. [Applicant fees 100%.]

RECOMMENDED MOTION: That the Board of Supervisors:

1. **RECEIVE AND FILE** The Notice of Decision for the above referenced case acted on by the Director's Hearing on October 26, 2018.

ACTION: Consent

A handwritten signature in black ink, appearing to be "Charissa Leach", is written over a horizontal line.

Charissa Leach, Assistant TLMA Director

1/2/2019

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Hewitt and duly carried by unanimous vote, IT WAS ORDERED that the above matter of approval is received and filed as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: January 8, 2019
xc: Planning, Applicant

Kecia Harper
Clerk of the Board
By: Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
SOURCE OF FUNDS: Applicant Fees 100%			Budget Adjustment:	N/A
			For Fiscal Year:	N/A

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The originating Plot Plan No. 17984 proposed a retail commercial shopping center in Planning Area 10 of Specific Plan No. 213. The Plot Plan was submitted on June 26, 2002, proposing a 48,679 sq. ft. shopping center, including four (4) pads for commercial uses, and one (1) 8,000 sq. ft. gasoline service station. The project also proposed 510 parking spaces with 25% landscaping. The Plot Plan was approved on October 10, 2002.

The map is for financial purposes only and will not include any development.

The project site is located northerly of Murrieta Hot Springs Road, southerly of Technology Drive, easterly of Winchester Road (Highway 79 South), and westerly of Sky Canyon Drive.

The project was approved on October 26, 2018, by the Director's Hearing Officer.

Board Action

The Hearing Officer's decision is final and no action by the Board of Supervisors is required unless the Board assumes jurisdiction by ordering the matter set for a future noticed public hearing, or the applicant or an interested person files a complete appeal application within 10 days of this notice appearing on the Board's agenda.

Impact on Residents and Businesses

The impacts of this project have been evaluated through the environmental review and public hearing process by the Planning Department.

SUPPLEMENTAL

Additional Fiscal Information

All fees are paid by the applicant. There is no General Fund obligation.

ATTACHMENTS:

- A. **DIRECTOR'S HEARING STAFF REPORT**
- B. **DIRECTOR'S HEARING COAs**

SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA


Scott Bruckner 1/2/2019



**PLANNING COMMISSION
MINUTE ORDER
NOVEMBER 7, 2018**

I. AGENDA ITEM 1.1

THIRD EXTENSION OF TIME REQUEST for TENTATIVE TRACT MAP NO. 33225 – Applicant: City Development, Inc. – Third Supervisorial District – Winchester Zoning Area – Harvest Valley/Winchester Area Plan: Community Development: Medium Density Residential (CD-MDR) (2-5 du/ac) – Location: Northerly of Simpson Road, easterly of Leon Road, southerly of Grand Avenue, westerly of Von Euw Drive – 4.82 Acres – Zoning: One-Family Dwellings (R-1) – Approved Project Description: Schedule "A" subdivision of 4.82 acres into 14 single family residential lots with a minimum lot size of 7,200 sq. ft.

II. PROJECT DESCRIPTION:

Third Extension of Time Request for Tentative Tract Map No. 33225, extending the expiration date to August 29, 2021.

III. PLANNING COMMISSION ACTION:

Motion by Commissioner Shaffer, 2nd by Commissioner Sanchez
A vote of 4-0 (Commissioner Hake Absent)

APPROVED Third Extension of Time Request for Tentative Tract Map No. 33225, extending the expiration date to August 29, 2021.

Plan: TPM37423

Parcel: 957330046

50. Prior To Map Recordation

Survey

050 - Survey. 1 ACCESS- CC&R Not Satisfied

The project proponent shall provide a recorded legal access easement to all Parcels by a Covenants, Conditions & Restrictions (CC&Rs) or by other means as approved by County Survey and Transportation Department.

050 - Survey. 2 EASEMENT Not Satisfied

The final map shall comply with the following requirements, as approved by the Transportation Department, to clear this condition:

- Any easement not owned by a public utility, public entity or subsidiary, not relocated or eliminated prior to final map approval, shall be delineated on the final map in addition to having the name of the easement holder, and the nature of their interests, shown on the map.
- The Project shall install survey monumentation as directed by the Survey Division and Transportation Department, or bond and enter into an agreement with the Transportation Department.

60. Prior To Grading Permit Issuance

BS-Plan Check

060 - BS-Plan Check. 1 0060-BS-Plan Check-GP -BUILDING PERMIT Not Satisfied

Prior to the issuance of a building permit for the construction of any use contemplated by this approval, the applicant shall first obtain clearance from the Riverside County Planning Department that all pertinent conditions of approval have been satisfied with the specific plan for the phase of development in question.

Planning

060 - Planning. 1 MAP - CC&R DRAINAGE AREA Not Satisfied

The land divider shall (a) notify the Planning Department that the following documents shall be shortly, or have been, submitted to the Office of the County Counsel for review; and (b) the land divider shall submit copies of the following documents to the Planning Department for concurrent review along with any condition review fee; and (c) the documents to be submitted by the land divider to the Office of the County Counsel shall include all of the following:

1. A cover letter identifying the project for which approval is sought referencing the Planning Department case number;
2. A signed and notarized declaration of covenants, conditions and restrictions, which includes, but is not necessarily limited to, a legal description of the boundaries of the drainage area and a scaled map or diagram of such boundaries, both signed and stamped by a California registered civil engineer or licensed land surveyor;
3. A sample document conveying title to the purchaser of an individual lot or unit which provides that the covenants, conditions and restrictions are incorporated therein by reference; and,
4. A deposit equaling three (3) hours at the current hourly rate for the Review of Covenants, Conditions and Restrictions as established pursuant to Ordinance No. 671 at the time the above documents are submitted for review by County Counsel.

The declaration of covenant, conditions and restrictions submitted for review shall (a) provide for a minimum term of 60 years, (b) contain provisions facilitating the proper operation and maintenance of a twenty (20) foot wide drainage area across the front yards of lots within this land division and prohibiting actions which defeat the purpose of the drainage areas, such as, but not necessarily limited to, the placement of walls or fencing in such a way as to impede the designed storm water flows, or grading or landscaping which prevents the proper functioning of these improvements, (c) requiring a minimum twenty-five (25) foot front yard area setback measured from the street

11/15/18
12:25

Riverside County PLUS
CONDITIONS OF APPROVAL

Page 2

Plan: TPM37423

Parcel: 957330046

60. Prior To Grading Permit Issuance

Planning

060 - Planning. 1 MAP - CC&R DRAINAGE AREA (cont.)
right-of-way, and (d) contain the following provision verbatim:

Not Satisfied

"Notwithstanding any provision in this Declaration to the contrary, the following provisions shall apply:

Each owner of an individual lot shall continuously maintain the lot and the drainage area within the lot in such a manner so as to allow for the retention and disposition of storm water flows.

This Declaration shall not be terminated, 'substantially' amended, or property deannexed therefrom absent the prior written consent of the Planning Director of the County of Riverside, or the County's successor-in-interest. A proposed amendment shall be considered 'substantial' if it affects the extent, usage or maintenance of the drainage areas established pursuant to this Declaration."

Once approved by the Office of the County Counsel, the original declaration shall be forwarded to the Planning Department. The Planning Department shall forward the original declaration to be recorded by the Riverside County Transportation Department - Survey Division concurrently with the recordation of the final map.

060 - Planning. 2 MAP*- CC&R C/I MO COMMON EASE

Not Satisfied

The applicant shall notify the Planning Department that the following documents shall be submitted to the Office of County Counsel and submit said documents for review along with the current fee, which documents shall be subject to County Counsel approval:

1. A cover letter identifying the project for which approval is sought;
2. A signed and notarized declaration of covenants, conditions, and restrictions;
3. A sample document conveying title to the purchaser of an individual lot or unit which provides that the declaration of covenants, conditions and restrictions is incorporated therein by reference; and,
4. A deposit equaling three (3) hours of the current hourly fee for the Review of Covenants, Conditions and Restrictions established pursuant to County Ordinance No. 671 at the time the above referenced documents are submitted for review by County Counsel.

The declaration of covenants, conditions and restrictions submitted for review shall a) provide for a minimum term of 60 years, b) provide reciprocal easements for ingress, egress and parking, c) provide for the establishment of a maintenance operator, and d) contain the following provisions verbatim:

"Notwithstanding any provision in this Declaration to the contrary, the following provisions shall apply:

The Maintenance Operator established herein shall manage and continuously maintain the 'landscape area', more particularly described on Exhibit 'TPM37423', attached hereto.

The Maintenance Operator shall have the right to assess the owners of each individual parcel for the reasonable cost of maintaining such 'landscape area', and shall have the right to lien the property of any such owner who defaults in the payment of a maintenance assessment. An assessment lien, once created, shall be prior to all other liens recorded subsequent to the notice of assessment or other document creating the assessment lien.

This Declaration shall not be terminated, 'substantially' amended, or property deannexed therefrom absent the prior written consent of the Planning Director of the County of Riverside or the County's successor-in-interest. A proposed amendment shall be considered 'substantial' if it affects the extent, usage, or maintenance of the 'landscape area' or reciprocal easement established pursuant to the Declaration."

Plan: TPM37423

Parcel: 957330046

60. Prior To Grading Permit Issuance

Planning

060 - Planning. 2 MAP*- CC&R C/I MO COMMON EASE (cont.) Not Satisfied

Once approved by the Office of County Counsel, the declaration of covenants, conditions and restrictions shall be recorded by the Planning Department with one copy retained for the case file, and one copy provided to the County Transportation Department - Survey Division.

060 - Planning. 3 MAP*- CC&R C/I MO COMMON LOT Not Satisfied

The applicant shall notify the Planning Department that the following documents shall be submitted to the Office of the County Counsel and submit said documents for review along with the current fee, which documents shall be subject to County Counsel approval:

1. A cover letter identifying the project for which approval is sought;
2. A signed and notarized declaration of covenants, conditions, and restrictions;
3. A sample document conveying title to the purchaser of an individual lot or unit which provides that the declaration of covenants, conditions, and restrictions is incorporated therein by reference; and,
4. A deposit equaling three (3) hours of the current hourly fee for the Review of Covenants, Conditions and Restrictions established pursuant to County Ordinance No. 671 at the time the above referenced documents are submitted for review by County Counsel.

The declaration of covenants, conditions and restrictions submitted for review shall a) provide for a minimum term of 60 years, b) provide reciprocal easements for ingress, egress and parking, c) provide for the establishment of a maintenance operator, d) provide for the ownership of the common area by the owners of each individual parcel as tenants in common, and e) contain the following provisions verbatim:

"Notwithstanding any provision in this Declaration to the contrary, the following provisions shall apply:

The Maintenance Operator established herein shall manage and continuously maintain the 'common area', more particularly described on Exhibit 'TPM37423', attached hereto, and shall not sell or transfer the 'common area' or any part thereof, absent the prior written consent of the Planning Department of the County of Riverside or the County's successor-in-interest.

The Maintenance Operator shall have the right to assess the owners of each individual parcel for the reasonable cost of maintaining such 'common area', and shall have the right to lien the property of any such owner who defaults in the payment of a maintenance assessment. An assessment lien, once created, shall be prior to all other liens recorded subsequent to the notice of assessment or other document creating the assessment lien.

This Declaration shall not be terminated, 'substantially' amended, or property deannexed therefrom absent the prior written consent of the Planning Director of the County of Riverside or the County's successor-in-interest. A proposed amendment shall be considered 'substantial' if it affects the extent, usage, or maintenance of the 'common area' or any reciprocal easement established pursuant to the Declaration."

Once approved by the Office of County Counsel, the declaration of covenants, conditions and restrictions shall be recorded by the Planning Department with one copy retained for the case file, and one copy provided to the County Transportation Department - Survey Division.

060 - Planning. 4 MAP*- CC&R C/I POA BMP REQ Not Satisfied

The declaration of covenants, conditions, and restrictions (CC&Rs) submitted for review shall contain the following provision verbatim:

"The management and maintenance of the 'common area' shall include the following best management practices

11/15/18
12:25

Riverside County PLUS
CONDITIONS OF APPROVAL

Page 4

Plan: TPM37423

Parcel: 957330046

60. Prior To Grading Permit Issuance

Planning

060 - Planning. 4

MAP*- CC&R C/I POA BMP REQ (cont.)

Not Satisfied

(BMPs) to reduce storm water pollution:

Initial residents, occupants, or tenants of this site shall receive educational materials on good housekeeping practices which contribute to the protection of storm water quality. These educational materials shall be provided by the Riverside County Flood Control and Water Conservation District and shall be distributed by the Property Owners' Association. These materials shall address good housekeeping practices associated with the site's land use or uses (e.g., good housekeeping practices for office commercial, retail commercial, vehicle-related commercial, or industrial land use). Employers at this site shall adapt these materials for training their employees in good housekeeping practices (BMP N1 & N13);

Only pesticide applicators who are certified by the State of California as Qualified Applicators or who are directly supervised by a Qualified Applicator shall apply pesticides to common area landscaping. The applicator shall apply all pesticides in strict accordance with pesticide application laws as stated in the California Food and Agricultural Code. Fertilizer shall be applied to common area landscaping in accordance with the manufacturer's recommendations. Application to hardscape surfaces shall be avoided (BMP N3);

The 'catch basin(s)', more particularly described on Exhibit 'TPM37423', shall be inspected and, if necessary, cleaned by the Property Owners' Association no later than October 15th of each year. 'ONLY RAIN IN THE DRAIN' and 'NO DUMPING' stencils shall be repainted as necessary to maintain legibility (BMP N4 & S12);

The 'water quality inlet(s), oil/water separator(s) and trash rack(s)', more particularly described on Exhibit 'TPM37423', shall be inspected and, if necessary, cleaned by the Property Owners' Association no later than October 15th of each year (BMP S4 & S13);

The Property Owners' Association shall keep the common area(s) free of litter. Litter shall be removed from the common area, and litter receptacles shall be emptied at least once a month. Where improper disposal of trash has occurred, the Property Owners' Association shall take corrective action within forty-eight hours of discovery (BMP N5);

The street(s) and parking lot(s), more particularly described on Exhibit 'TPM37423', shall be swept by the Property Owners' Association at least once a year and shall be swept no later than October 15th of each year (BMP N6);

The Property Owners' Association shall keep loading docks in a clean and orderly condition through a regular program of sweeping, litter control, and the immediate cleanup of spills and broken containers. In accordance with Riverside County Ordinance No. 754, Establishing Storm Water/Urban Runoff Management and Discharge Controls, illicit discharges and non-storm water discharges (e.g., wash water) from loading docks to storm drains shall not be allowed (BMP N12);

The Property Owners' Association shall maintain an up-to-date list identifying the party or parties responsible for the implementation and maintenance of each of the BMPs described herein. The list shall include the party's name, organization, address, a phone number at which the party may be reached 24 hours a day, and a description of the party's responsibility for implementation and maintenance of a particular BMP (BMP N14)."

060 - Planning. 5

MAP*- CC&R C/I POA COMMON EASE

Not Satisfied

The applicant shall notify the Planning Department that the following documents shall be submitted to the Office of the County Counsel and submit said documents for review along with the current fee, which documents shall be subject to County Counsel approval:

1. A cover letter identifying the project for which approval is sought;
2. A signed and notarized declaration of covenants, conditions, and restrictions;

Plan: TPM37423

Parcel: 957330046

60. Prior To Grading Permit Issuance

Planning

060 - Planning. 5

MAP*- CC&R C/I POA COMMON EASE (cont.)

Not Satisfied

3. A sample document conveying title to the purchaser of an individual lot or unit which provides that the declaration of covenants, conditions, and restrictions is incorporated therein by reference; and,

4. A deposit equaling three (3) hours of the current hourly fee for the Review of Covenants, Conditions and Restrictions established pursuant to County Ordinance No. 671 at the time the above referenced documents are submitted for review by County Counsel.

The declaration of covenants, conditions and restrictions submitted for review shall a) provide for a minimum term of 60 years, b) provide reciprocal easements for ingress, egress and parking, c) provide for the establishment of a property owner's association comprised of the owners of each individual parcel, and d) contain the following provisions verbatim:

"Notwithstanding any provision in this Declaration to the contrary, the following provisions shall apply:

The property owners' association established herein shall manage and continuously maintain the 'landscape area, more particularly described on Exhibit 'TPM37423' attached hereto.

The property owners' association shall have the right to assess the owners of each individual parcel for the reasonable cost of maintaining such 'landscape area', and shall have the right to lien the property of any such owner who defaults in the payment of a maintenance assessment. An assessment lien, once created, shall be prior to all other liens recorded subsequent to the notice of assessment or other document creating the assessment lien.

This Declaration shall not be terminated, 'substantially' amended, or property deannexed therefrom absent the prior written consent of the Planning Director of the County of Riverside or the County's successor-in-interest. A proposed amendment shall be considered 'substantial' if it affects the extent, usage, or maintenance of the 'landscape area' or any reciprocal easement established pursuant to the Declaration.

In the event of any conflict between this Declaration and the Articles of Incorporation, the Bylaws, or the property owners' association Rules and Regulations, if any, this Declaration shall control."

Once approved by the Office of County Counsel, the declaration of covenants, conditions and restrictions shall be recorded by the Planning Department with one copy retained for the case file, and one copy provided to the County Transportation Department - Survey Division.

060 - Planning. 6

MAP*- CC&R C/I POA COMMON LOT

Not Satisfied

The applicant shall notify the Planning Department that the following documents shall be submitted to the Office of the County Counsel and submit said documents for review along with the current fee, which documents shall be subject to County Counsel approval:

1. A cover letter identifying the project for which approval is sought;
2. A signed and notarized declaration of covenants, conditions, and restrictions;
3. A sample document conveying title to the purchaser of an individual lot or unit which provides that the declaration of covenants, conditions, and restrictions is incorporated therein by reference; and,
4. A deposit equaling three (3) hours of the current hourly fee for the Review of Covenants, Conditions and Restrictions established pursuant to County Ordinance No. 671 at the time the above referenced documents are submitted for review by County Counsel.

Plan: TPM37423

Parcel: 957330046

60. Prior To Grading Permit Issuance

Planning

060 - Planning. 6 MAP*- CC&R C/I POA COMMON LOT (cont.) Not Satisfied

The declaration of covenants, conditions and restrictions submitted for review shall a) provide for a minimum term of 60 years, b) provide for reciprocal easements for ingress, egress and parking, c) provide for the establishment of a property owner's association comprised of the owners of each individual parcel, d) provide for the ownership of the common area by either the property owner's association or the owners of each individual parcel, and e) contain the following provisions verbatim:

"Notwithstanding any provision in this Declaration to the contrary, the following provisions shall apply:

The property owners' association established herein shall manage and continuously maintain the 'common area', more particularly described on Exhibit 'TPM37423', attached hereto, and shall not sell or transfer the 'common area' or any part thereof, absent the prior written consent of the Planning Department of the County of Riverside or the County's successor-in-interest.

The property owners' association shall have the right to assess the owners of each individual parcel for the reasonable cost of maintaining such 'common area', and shall have the right to lien the property of any such owner who defaults in the payment of a maintenance assessment. An assessment lien, once created, shall be prior to all other liens recorded subsequent to the notice of assessment or other document creating the assessment lien.

This Declaration shall not be terminated, 'substantially' amended, or property deannexed therefrom absent the prior written consent of the Planning Director of the County of Riverside or the County's successor-in-interest. A proposed amendment shall be considered 'substantial' if it affects the extent, usage, or maintenance of the 'common area' or any reciprocal easement established pursuant to the Declaration.

In the event of any conflict between this Declaration and the Articles of Incorporation, the Bylaws, or the property owners' association Rules and Regulations, if any, this Declaration shall control."

Once approved by the Office of County Counsel, the declaration of covenants, conditions and restrictions shall be recorded by the Planning Department with one copy retained for the case file, and one copy provided to the County Transportation Department - Survey Division.

060 - Planning. 7 MAP*- CC&R RES CSA COMMON AREA Not Satisfied

The applicant shall convey to the County fee simple title, to all common open space areas, free and clear of all liens, taxes, assessments, leases (recorded and unrecorded) and easements, except those easements which in the sole discretion of the County are acceptable. As a condition precedent to the County accepting title to such areas, the applicant shall notify the Planning Department that the following documents shall be submitted to the Office of the County Counsel and submit said documents for review along with the current fee, which shall be subject to County Counsel approval:

1. A cover letter identifying the project for which approval is sought;
2. A signed and notarized declaration of covenants, conditions and restrictions;
3. A sample document conveying title to the purchaser of an individual lot or unit which provides that the declaration of covenants, conditions and restrictions is incorporated therein by reference; and,
4. A deposit equaling three (3) hours of the of the current hourly fee for Review of Covenants, Conditions and Restrictions established pursuant to County Ordinance No. 671 at the time the above referenced documents are submitted for County Counsel review.

The declaration of covenants, conditions and restrictions submitted for review shall a) provide for a minimum term of 60 years, b) provide for the establishment of a property owners' association comprised of the owners of each

Plan: TPM37423

Parcel: 957330046

60. Prior To Grading Permit Issuance

Planning

060 - Planning. 7

MAP*- CC&R RES CSA COMMON AREA (cont.)

Not Satisfied

individual lot or unit as tenants in common, and c) contain the following provisions verbatim:

"Notwithstanding any provision in this Declaration to the contrary, the following provisions shall apply:

The property owners' association established herein shall, if dormant, be activated, by incorporation or otherwise, at the request of the County of Riverside, and the property owner's association shall unconditionally accept from the County of Riverside, upon the County's demand, title to all or any part of the 'common area', more particularly described on Exhibit "TPM37423", attached hereto. Such acceptance shall be through the president of the property owner's association, who shall be authorized to execute any documents required to facilitate transfer of the 'common area'. The decision to require activation of the property owners' association and the decision to require that the association unconditionally accept title to the 'common area' shall be at the sole discretion of the County of Riverside.

In the event that the 'common area', or any part thereof, is conveyed to the property owners' association, the association, thereafter, shall own such 'common area', shall manage and continuously maintain such 'common area', and shall not sell or transfer such 'common area', or any part thereof, absent the prior written consent of the Planning Director of the County of Riverside or the County's successor-in-interest. The property owners' association shall have the right to assess the owner of each individual lot or unit for the reasonable cost of maintaining such 'common area', and shall have the right to lien the property of any such owner who defaults in the payment of a maintenance assessment. An assessment lien, once created, shall be prior to all other liens recorded subsequent to the notice of assessment or other document creating the assessment lien.

This Declaration shall not be terminated, 'substantially' amended, or property deannexed therefrom absent the prior written consent of the Planning Director of the County of Riverside or the County's successor-in-interest. A proposed amendment shall be considered 'substantial' if it affects the extent, usage or maintenance of the 'common area' established pursuant to the Declaration.

In the event of any conflict between this Declaration and the Articles of Incorporation, the Bylaws, or the property owners' association Rules and Regulations, if any, this Declaration shall control."

Once approved by the Office of County Counsel, the declaration of covenants, conditions and restrictions shall be recorded by the Planning Department with one copy retained for the case file, and one copy provided to the Transportation Department - Survey Division.

060 - Planning. 8

MAP*- CC&R RES POA BMP REQ

Not Satisfied

The declaration of covenants, conditions, and restrictions (CC&Rs) submitted for review shall contain the following provision verbatim:

"The management and maintenance of the 'common area' shall be in accordance with the Storm Water Pollution Prevention Plans (SWPPPs), Monitoring Programs, and Post Construction Management Plans to include the following best management practices (BMPs) to reduce storm water pollution:

Initial residents, occupants, or tenants of this site shall receive educational materials on good housekeeping practices which contribute to the protection of storm water quality. These educational materials shall be provided by the Riverside County Flood Control and Water Conservation District and shall be distributed by the Properties Owners' Association. These materials shall address good housekeeping practices associated with residential developments (BMP N1 & N13);

Only pesticide applicators who are certified by the State of California as Qualified Applicators or who are directly supervised by a Qualified Applicator shall apply pesticides to common area landscaping. The applicator shall apply all pesticides in strict accordance with pesticide application laws as stated in the California Food and Agricultural

Plan: TPM37423

Parcel: 957330046

60. Prior To Grading Permit Issuance

Planning

060 - Planning. 8

MAP*- CC&R RES POA BMP REQ (cont.)

Not Satisfied

Code. Fertilizer shall be applied to common area landscaping in accordance with the manufacturer's recommendations. Application to hardscape surfaces shall be avoided (BMP N3);

The 'catch basin(s)', more particularly described on Exhibit 'TPM37423', shall be inspected and, if necessary, cleaned by the Property Owners' Association no later than October 15th of each year. 'ONLY RAIN IN THE DRAIN' and 'NO DUMPING' stencils shall be repainted as necessary to maintain legibility (BMP N4 & S12);

The 'water quality inlet(s), oil/water separator(s) and trash rack(s)', more particularly described on Exhibit 'TPM37423', shall be inspected and, if necessary, cleaned by the Property Owners' Association no later than October 15th of each year (BMP S4 & S13);

The Property Owners' Association shall keep the common area(s) free of litter. Litter shall be removed from the common area, and litter receptacles shall be emptied at least once a month. Where improper disposal of trash has occurred, the Property Owners' Association shall take corrective action within forty-eight hours of discovery (BMP N5);

The street(s) and parking lot(s), more particularly described on Exhibit 'TPM37423', shall be swept by the Property Owners' Association at least once a year and shall be swept no later than October 15th of each year (BMP N6);

The Property Owners' Association shall maintain an up-to-date list identifying the party or parties responsible for the implementation and maintenance of each of the BMPs described herein. The list shall include the party's name, organization, address, a phone number at which the party may be reached 24 hours a day, and a description of the party's responsibility for implementation and maintenance of a particular BMP (BMP N14)."

060 - Planning. 9

MAP*- CC&R RES POA COMMON AREA

Not Satisfied

The applicant shall notify the Planning Department that the following documents shall be submitted to the Office of County Counsel and submit said documents for review along with the current fee, which shall be subject to County Counsel approval:

1. A cover letter identifying the project for which approval is sought;
2. A signed and notarized declaration of covenants, conditions, and restrictions;
3. A sample document conveying title to the purchaser of an individual lot or unit which provides that the declaration of covenants, conditions, and restrictions is incorporated therein by reference; and,
4. A deposit equaling three (3) hours of the current hourly fee for the Review of Covenants, Conditions and Restrictions established pursuant to County Ordinance No. 671 at the time the above referenced documents are submitted for review by County Counsel.

The declaration of covenants, conditions and restrictions submitted for review shall a) provide for a minimum term of 60 years, b) provide for the establishment of a property owner's association comprised of the owners of each individual lot or unit as tenants in common, c) provide for the ownership of the common area by either the property owner's association or the owners of each individual lot or unit as tenants in common, and d) contain the following provisions verbatim:

"Notwithstanding any provision in this Declaration to the contrary, the following provisions shall apply:

The property owners' association established herein shall manage and continuously maintain the 'common area', more particularly described on Exhibit 'TPM37423', attached hereto, and shall not sell or transfer the 'common area' or any part thereof, absent the prior written consent of the Planning Department of the County of Riverside or the

11/15/18
12:25

Riverside County PLUS
CONDITIONS OF APPROVAL

Page 9

Plan: TPM37423

Parcel: 957330046

60. Prior To Grading Permit Issuance

Planning

060 - Planning. 9

MAP*- CC&R RES POA COMMON AREA (cont.)

Not Satisfied

County's successor-in-interest.

The property owners' association shall have the right to assess the owners of each individual lot or unit for the reasonable cost of maintaining such 'common area', and shall have the right to lien the property of any such owner who defaults in the payment of a maintenance assessment. An assessment lien, once created, shall be prior to all other liens recorded subsequent to the notice of assessment or other document creating the assessment lien.

This Declaration shall not be terminated, 'substantially' amended, or property deannexed therefrom absent the prior written consent of the Planning Director of the County of Riverside or the County's successor-in-interest. A proposed amendment shall be considered 'substantial' if it affects the extent, usage, or maintenance of the 'common area' established pursuant to the Declaration.

In the event of any conflict between this Declaration and the Articles of Incorporation, the Bylaws, or the property owners' association Rules and Regulations, if any, this Declaration shall control."

Once approved by the Office of County Counsel, the declaration of covenants, conditions and restrictions shall be recorded by the Planning Department with one copy retained for the case file, and one copy provided to the County Transportation Department - Survey Division.



**COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY**

*Juan C. Perez
Agency Director*



11/15/18, 12:23 pm

TPM37423

ADVISORY NOTIFICATION DOCUMENT

The following notifications are included as part of the recommendation of approval for TPM37423. They are intended to advise the applicant of various Federal, State and County regulations applicable to this entitlement and the subsequent development of the subject property.

Advisory Notification

Advisory Notification. 1 AND - Preamble

This Advisory Notification Document is included as part of the justification for the recommendation of approval of this Plan (TPM37423.) and is intended to advise the applicant of various Federal, State and County regulations applicable to this entitlement and the subsequent development of the subject property in accordance with approval of that entitlement and are in addition to the applied conditions of approval.

Advisory Notification. 2 AND - Project Description & Operational Limits

The Tentative Parcel Map proposes a Schedule J subdivision of the Vons Sky Canyon shopping Center, requesting to divide 11.20 acres into 6 parcels. The project is already existing, and does not propose any new development. APNs: 957-330-046, 047, 048, & 049.

Advisory Notification. 3 AND - Exhibits

The development of the premises shall conform substantially with that as shown on APPROVED [MAP and/or] EXHIBIT(S)

Tentative Map, PM37423, dated 8/28/2018.

Advisory Notification. 4 AND - Federal, State & Local Regulation Compliance

1. Compliance with applicable Federal Regulations, including, but not limited to:
 - National Pollutant Discharge Elimination System (NPDES)
 - Clean Water Act
 - Migratory Bird Treaty Act (MBTA)
2. Compliance with applicable State Regulations, including, but not limited to:
 - The current Water Quality Management Plan (WQMP) Permit issued by the applicable Regional Water Quality Control Board (RWQCB.)
 - Government Code Section 66020 (90 Days to Protest)
 - Government Code Section 66499.37 (Hold Harmless)
 - State Subdivision Map Act

ADVISORY NOTIFICATION DOCUMENT

Advisory Notification

Advisory Notification. 4 AND - Federal, State & Local Regulation Compliance
(cont.)

- Native American Cultural Resources, and Human Remains (Inadvertent Find)
- School District Impact Compliance
 - Civil Code Section 815.3 & Government Code Sections 65040.2 et al - SB 18 (Tribal Intergovernmental Consultation)
 - Public Resources Code Section 5097.94 & Sections 21073 et al - AB 52 (Native Americans: CEQA)
- 3. Compliance with applicable County Regulations, including, but not limited to:
 - Ord. No. 348 (Land Use Planning and Zoning Regulations) }
 - Ord. No. 413 (Regulating Vehicle Parking)
 - Ord. No. 457 (Building Requirements)
 - Ord. No. 458 (Regulating Flood Hazard Areas & Implementing National Flood Insurance Program)
 - Ord. No. 460 (Division of Land)
 - Ord. No. 461 (Road Improvement Standards)
 - Ord. No. 484 (Control of Blowing Sand)
 - Ord. No. 655 (Regulating Light Pollution)
 - Ord. No. 671 (Consolidated Fees)
 - Ord. No. 679 (Directional Signs for Subdivisions)
 - Ord. No. 787 (Fire Code)
 - Ord. No. 847 (Regulating Noise)
 - Ord. No. 857 (Business Licensing)
 - Ord. No. 859 (Water Efficient Landscape Requirements)
 - Ord. No. 915 (Regulating Outdoor Lighting)
- 4. Mitigation Fee Ordinances
 - Ord. No. 659 Development Impact Fees (DIF)
 - Ord. No. 663 Stephens Kangaroo Rat Habitat Conservation Plan (SKR)
 - Ord. No. 824 Western Riverside County Transportation Uniform Mitigation Fee (WR TUMF)

Fire

Fire. 1

Fire

- 1.) Access - Fire Department emergency vehicle apparatus access road locations and design shall be in accordance with the California Fire Code, Riverside County Ordinance 460, Riverside County Ordinance 787, and Riverside County Fire Department Standards. Plans must be submitted to the Fire Department for review and approval prior to building permit issuance.
- 2.) Water - Fire Department water system(s) for fire protection shall be in accordance with the California Fire Code, Riverside County Ordinance 787 and Riverside County Fire Department Standards. Plans must be submitted to the Fire Department for review and approval prior to building permit issuance.

ADVISORY NOTIFICATION DOCUMENT

Planning

Planning. 1

General – Comply with Ordinances/Codes

Development of the project site shall comply with the standards of Ordinance No. 348 (Land Use) and all other applicable Riverside County ordinances, as well as State and Federal codes.

Development of the project site shall substantially conform to what is detailed on the approved plans, unless otherwise amended by these conditions of approval.

Planning. 2

Hold Harmless

The applicant/permittee or any successor-in-interest shall defend, indemnify, and hold harmless the County of Riverside or its agents, officers, and employees (COUNTY) from the following:

(a) any claim, action, or proceeding against the COUNTY to attack, set aside, void, or annul an approval of the COUNTY, its advisory agencies, appeal boards, or legislative body concerning the TPM37423 or its associated environmental documentation; and,

(b) any claim, action or proceeding against the COUNTY to attack, set aside, void or annul any other decision made by the COUNTY concerning the TPM37423, including, but not limited to, decisions made in response to California Public Records Act requests; and

(a) and (b) above are hereinafter collectively referred to as "LITIGATION."

The COUNTY shall promptly notify the applicant/permittee of any LITIGATION and shall cooperate fully in the defense. If the COUNTY fails to promptly notify the applicant/permittee of any such LITIGATION or fails to cooperate fully in the defense, the applicant/permittee shall not, thereafter, be responsible to defend, indemnify or hold harmless the COUNTY.

The obligations imposed by this condition include, but are not limited to, the following: the applicant/permittee shall pay all legal services expenses the COUNTY incurs in connection with any such LITIGATION, whether it incurs such expenses directly, whether it is ordered by a court to pay such expenses, or whether it incurs such expenses by providing legal services through its Office of County Counsel.

Payment for COUNTY's costs related to the LITIGATION shall be made on a deposit basis. Within thirty (30) days of receipt of notice from COUNTY that LITIGATION has been initiated against the Project, applicant/permittee shall initially deposit with the COUNTY's Planning Department the total amount of Twenty Thousand Dollars (\$20,000). Applicant/permittee shall deposit with COUNTY such additional amounts as COUNTY reasonably and in good faith determines, from time to time, are necessary to cover costs and expenses incurred by the COUNTY, including but not limited to, the Office of County Counsel, Riverside County Planning Department and the Riverside County Clerk of the Board associated with the LITIGATION. To the extent such costs

ADVISORY NOTIFICATION DOCUMENT**Planning****Planning. 2****Hold Harmless (cont.)**

are not recoverable under the California Public Records Act from the records requestor, applicant/permittee agrees that deposits under this section may also be used to cover staff time incurred by the COUNTY to compile, review, and redact records in response to a Public Records Act request made by a petitioner in any legal challenge to the Project when the petitioner is using the Public Records Act request as a means of obtaining the administrative record for LITIGATION purposes. Within ten (10) days of written notice from COUNTY, applicant/permittee shall make such additional deposits.

Transportation**Transportation. 1****COUNTY WEB SITE**

Additional information, standards, ordinances, policies, and design guidelines can be obtained from the Transportation Department Web site: <http://rctlma.org/trans/>. If you have questions, please call the Plan Check Section at (951) 955-6527.

Transportation. 2**DRAINAGE 1**

The land divider shall protect downstream properties from damages caused by alteration of the drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities including enlarging existing facilities and/or by securing a drainage easement. All drainage easements shall be shown on the final map and noted as follows: "Drainage Easement - no building, obstructions, or encroachments by landfills are allowed". The protection shall be as approved by the Transportation Department.

Transportation. 3**DRAINAGE 2**

The land divider shall accept and properly dispose of all off-site drainage flowing onto or through the site. In the event the Transportation Department permits the use of streets for drainage purposes, the provisions of Article XI of Ordinance No. 460 will apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, the subdivider shall provide adequate drainage facilities and/or appropriate easements as approved by the Transportation Department.

Transportation. 4**STD INTRO (ORD 460/461)**

With respect to the conditions of approval for the referenced tentative exhibit, the landowner shall provide all street improvements, street improvement plans and/or road dedications set forth herein in accordance with Riverside County Road Improvement Standards (Ordinance 461). It is understood that the exhibit correctly shows acceptable centerline elevations, all existing easements, traveled ways, and drainage courses with appropriate Q's, and that their omission or unacceptability may require the exhibit to be resubmitted for further consideration. This ordinance and all conditions of approval are essential parts and a requirement occurring in ONE is as binding as though occurring in all. All questions regarding the true meaning of the conditions shall be referred to the Transportation Department.

11/15/18, 12:24 pm

TPM37423

ADVISORY NOTIFICATION DOCUMENT