

ATTACHMENT D

Baxter Village Mixed-Use Project

Tentative Tract Map No. 36674

Council Resolution

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING TENTATIVE TRACT MAP NO. 36674 (PLANNING APPLICATION NO. 14-0002) TO SUBDIVIDE APPROXIMATELY 35.48 ACRES INTO 85 LOTS TO ACCOMMODATE BAXTER VILLAGE MIXED-USE PROJECT (PLANNING APPLICATION NO. 14-0002) LOCATED AT THE NORTHWEST CORNER OF BAXTER ROAD AND I-15 FREEWAY (APN: 367-180-015 & 367-180-043)

WHEREAS, the Planning Department has received an application for Tentative Tract Map No. 36674 (PA No. 14-0002) to subdivide 35.48 acres into 85 lots from:

Applicant/Owner: Strata Baxter, LLC (Eric Flodine, Project Manager)
Project Location: Northwest corner of I-15 Freeway and Baxter Road
APN: 367-180-015 & 367-180-043
Project Area: 35.48± acres

WHEREAS, in accordance with the California Government Code Section 66452 – 66452.22 (Subdivision Map Act), the City of Wildomar Subdivision Ordinance (Title 16), and the City of Wildomar Zoning Ordinance (Title 17), the City Council has the authority to review Tentative Tract Map No. 36674 for the Baxter Village Mixed-Use Project; and

WHEREAS, in accordance with Government Code Section 66452.3, the City has provided the applicant with a copy of the Planning Department staff report and resolutions for Tentative Tract Map No. 36674 containing staff's recommendation to the City Council at least three (3) days prior to the July 13, 2016 noticed public hearing; and

WHEREAS, the proposed Tentative Tract Map No. 36674 for the Baxter Village Mixed-Use project is considered a "Project" as defined by the California Environmental Quality Act, Public Resources Code §21000 et seq. ("CEQA"); and

WHEREAS, the Planning Director determined that there was substantial evidence that the Baxter Village Mixed-Use project may have one or more significant effects on the environment and that preparation of an Environmental Impact Report ("EIR") was therefore warranted under Public Resources Code § 21080(d) and CEQA Guideline 15060(d); and,

WHEREAS, the Planning Department on December 15, 2014 provided a Notice of Preparation (NOP) for the Baxter Village Mixed-Use Development project EIR and released the NOP for the required 30-day public review/comment period which began on December 15, 2014 and concluded on January 19, 2015 in accordance with Section

15082 of the CEQA Guidelines during which time the City received four agency/public comments; and

WHEREAS, the Planning Department conducted a public scoping meeting concerning the proposed project and Draft EIR on January 12, 2015 in accordance with Section 15082 of the CEQA Guidelines; and

WHEREAS, due to changes to the proposed project, the Planning Department on June 11, 2015 prepared and circulated a 2nd Notice of Preparation (NOP) notifying the public of the revised NOP resulting from changes to the proposed Baxter Village project. This began a 2nd 30-day public review/comment period that began on June 11, 2015 and concluded on July 10, 2015 in accordance with Section 15082 of the CEQA Guidelines during which time the City received four agency/public comments; and

WHEREAS, the Planning Department conducted a 2nd public scoping meeting concerning the proposed project and Draft EIR on June 29, 2015 in accordance with Section 15082 of the CEQA Guidelines; and

WHEREAS, upon completion of the Draft EIR, the City provided a Notice of Completion (NOC) to the State Clearinghouse (OPR) on December 30, 2015 notifying the State of the availability of the Baxter Village Mixed-Use project DEIR for its 45-day public review/comment period in accordance with Section 15085 of the CEQA Guidelines; and

WHEREAS, on December 30, 2015, the Planning Department published Notice of Availability (NOA) in the "Press Enterprise," a local newspaper of general circulation, giving notice to the general public and all interested parties requesting said notice regarding public review of the Baxter Village Mixed-Use project Draft EIR; and

WHEREAS, the Draft EIR for the Baxter Village Mixed-Use project was circulated to the public, responsible agencies and other interested parties as required by CEQA Guidelines §15087 and §15105(a) for a period of not less than 45 days commencing on December 30, 2015 and concluding on February 12, 2016, and which said notice and project DEIR was posted at Wildomar City Hall Planning Department and the City of Wildomar Environmental Documents Center website; and

WHEREAS, at the conclusion of the 45-day public review/comment period, the Planning Department received seven public comment letters on the Baxter Village Mixed-Use project Draft EIR; and

WHEREAS, the Planning Department has prepared a Final EIR for the Baxter Village Mixed-Use project in accordance with CEQA Guidelines, which includes responses to each of the seven public comment letters received during the 45-day public review/comment period, and which the Final EIR was provided to each

commenter at least 10 days prior to the July 13, 2016 City Council meeting in accordance with CEQA Guidelines; and

WHEREAS, in accordance with Chapter 16.12.140 of the Wildomar Municipal Code, the Planning Department, on June 28, 2016 mailed a public hearing notice to all property owners within a 600-foot radius of the project boundaries notifying said property owners of the date and time of the public hearing for which the Tentative Tract Map No. 36674 would be considered by the City Council; and

WHEREAS, in accordance with Chapter 16.12.140 of the Wildomar Municipal Code, the City of Wildomar Planning Department, on July 1, 2016 published a legal notice in the "Press Enterprise", a local newspaper of general circulation, in compliance with State law notifying the general public of the public hearing for which Tentative Tract Map No. 36672 would be considered by the City Council; and

WHEREAS, in accordance with Chapter 16.12.140 of the Wildomar Municipal Code, the City Council on July 13, 2016 held said public hearing at which time the City Council received public testimony from interested persons in support of, or opposition to, the proposed Tentative Tract Map No. 36674.

NOW, THEREFORE, the City Council of the City of Wildomar does hereby resolve, determine and order as follows:

SECTION 1. CEQA FINDINGS:

The approval of Tentative Tract Map No. 36674 (Baxter Village Mixed-Use project) is in compliance with requirements of the California Environmental Quality Act ("CEQA"), in that on July 13, 2016, at a duly noticed public hearing, the City Council certified the Environmental Impact Report (EIR) and adopted the Mitigation Monitoring & Reporting Program for Tentative Tract Map No. 36674 reflecting its independent judgment and analysis and documenting the environmental impacts and mitigation measures related to the project. The documents comprising the City's environmental review for the project are on file and available for public review at Wildomar City Hall, 23873 Clinton Keith Rd., Suite 201, Wildomar, CA 92595.

SECTION 2. TENTATIVE TRACT MAP FINDINGS.

In accordance with Wildomar Municipal Code Title 16 and Title 17, and Government Code § 66473.1, § 66473.5 and § 66474, the City Council, in light of the whole record before it, including but not limited to the Planning Department's staff report and all documents incorporated by reference therein, the City's General Plan, Subdivision Ordinance, Zoning Ordinance, standards for public streets and facilities, and any other evidence within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

- A. The proposed Tract map is consistent with the City's General Plan and any applicable specific plan as specified in Government Code Section 65451.

Evidence: The proposed Tentative Tract Map No. 36674 is consistent with the City's General Plan in that the land use designations of CR, MHDR and VHDR is intended to provide for the development of commercial retail, single family and multi-family uses. With its close proximity residential neighborhoods, the Baxter Village Mixed-Use project will provide valuable commercial retail services that are consistent and compatible with the CR land use policies of the General Plan. Further, the single family residential and multi-family residential developments within the project area, is consistent with the General Plan in that the MHDR and VHDR land use designations specifically allows residential development including apartments and single family detached dwellings. As these residences are proposed as "rental" and ownership units, the project will provide important housing opportunities to Wildomar residents. Further, the residential areas will be built at a density that is in compliance with the MHDR (5 - 8 units/acre) and VHDR (14 – 20 units/acre) density standards. Thus, the proposed Tract Map is consistent with the General Plan. There is no specific plan governing this project or the general area.

The project also promotes the following land use policies:

- LU 4.1 The proposed retail and residential developments will accommodate a land use development proposal that is located and designed to visually enhance and not degrade the character of the surrounding area.
- LU 6.1 The proposed retail and residential developments will be developed in accordance with the proposed General Plan land use designations that ensures compatibility and minimizes impacts.
- LU 22.1 The proposed retail and residential developments will accommodate the development of commercial retail and single family / multi-family residences in an area that is appropriately designated by the General Plan.
- LU 22.4 The proposed residential developments will provide a specific housing type, style and density that is accessible to and meets the needs of a range of lifestyles, physical abilities and income levels.
- LU 22.10 The proposed retail and residential developments are designed to consider the surrounding areas to visually enhance, and not degrade, the appearance of adjacent residential structures.
- LU 23.1 The proposed land use amendment resulting in the commercial retail and residential areas is properly located and designated in accordance with the General Plan.

LU 23.8 The proposed land use amendment resulting in the commercial retail opportunities in a commercially designated area that will provide needed services and jobs for the Wildomar community in accordance with the General Plan.

H-1.1 The proposed single family and multi-family project areas will help ensure a sufficient supply of properly planned land to meet housing needs identified in the City's Regional Housing Needs Allocation (RHNA) required in the Housing Element.

H-6.1 The proposed single family and multi-family project areas will utilize energy conservation measures in that each enclosed garage space has an EV charging outlet for electric vehicles, and will be designed to meet Green Building code standards.

B. The design or improvement of the proposed subdivision is consistent with the City's General Plan and any applicable specific plan.

Evidence: The proposed subdivision has been designed to meet all City standards applicable to residential subdivisions and commercial projects which are designed to provide satisfactory pedestrian and vehicular circulation, including emergency vehicle access and on-site and off-site public improvements. Further, all streets, utilities, and drainage facilities have been designed and are required to be constructed in conformance with City standards. There is no specific plan governing this project.

C. The site is physically suitable for the type and proposed density of development.

Evidence: The project site encompasses approximately 35.48± acres and the tentative map proposes to subdivide the project area into 85 lots to accommodate the commercial retail center, single family project area and multi-family project area. Given the density allowed by the MHDR land use designation (5 - 8 units/acre), the proposed single family project area falls within this density range as it is set at 5.3 units/acre. Given the density allowed by the VHDR land use designation (14 - 20 units/acre), the proposed multi-family project area falls within this density range as it is set at 18 units/acre.

Further, in terms of the 75,000± commercial retail project area, the C-P-S zone does not have a minimum lot size so this tract map is physically suitable for the project. The multi-family apartment project site with its proposed R-3 zoning has a minimum lot size of 7,200 square feet, so the site size of 11.3 acres meets the R-3 standards. The single family project site with its proposed R-4 zoning has a minimum parcel development size of four (4) acres, and an individual minimum lot size of 3,500 square feet. Thus, the parcel development size site size of 14.4 acres, and individual minimum lot size of 4,200 square feet meets the R-4

standards. Given these facts, the proposed Tract Map is physically suitable for the type and proposed density of development.

- D. The design of the subdivision or proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Evidence: The City has prepared an Environmental Impact Report (EIR) for the Baxter Village Mixed-Use project, including Tentative Tract Map No. 36674. The EIR analyzed all the required environmental issues required by CEQA related to fish and wildlife, including their respective habitats. The EIR was circulated for a 45-day public review period in accordance with CEQA law. All comments on the DEIR from the commenters have been responded to as outlined in the FEIR. As the DIER analyzed impacts to wildlife resources, etc., the DEIR determined that the design of the subdivision and proposed improvements will not likely cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat project with implementation of the proposed mitigation measures as outlined in the Mitigation Monitoring and Report Program (MMRP) Therefore, the proposed Tract map meets this finding.

- E. The design of the subdivision or type of improvements is not likely to cause serious public health problems.

Evidence: The design of the subdivision is in conformance with the City's General Plan, Zoning Code and Subdivision Ordinance. The design and construction of all improvements to accommodate the project have been conditioned to in accordance with all applicable City of Wildomar ordinances, codes, and standards including, but not limited to, the California Uniform Building Code, the City's Ordinances relating to stormwater runoff management and adopted public works standards. As the City's ordinances, codes, and standards have been created based on currently accepted standards and practices for the preservation of the public health, safety and welfare, the proposed Tract map project meets this finding.

- F. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Evidence: No easements of record or easements established by judgment of a court of competent jurisdiction for public access across the site have been disclosed in a search of the title records for the site and the City does not otherwise have any constructive or actual knowledge of any such easements.

SECTION 3. CITY COUNCIL ACTION

The City Council hereby adopts this Resolution approving Tentative Tract Map No. 36674 (Planning Application No. 14-0002) subject to conditions as provided herein and attached hereto to this Resolution as Exhibit 1.

PASSED, APPROVED AND ADOPTED this 13th day of July, 2016.

Bridgette Moore
Mayor

APPROVED AS TO FORM:

ATTEST:

Thomas D. Jex
City Attorney

Debbie A. Lee, CMC
City Clerk

ATTACHMENT D – EXHIBIT 1			
BAXTER VILLAGE MIXED-USE PROJECT - CONDITIONS OF APPROVAL			
Project No.: TENTATIVE TRACT MAP No. 36674 (Planning Application No. 14-0002)			
Applicant: Eric Flodine, Strata Baxter, LLC - APN: 367-180-015 & 367-180-043			
<u>City Council Approval Date:</u> July 13, 2016		<u>TTM No. 36672 Expiration Date:</u> July 13, 2019	
<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (Date and Signature)</u>

PLANNING DEPARTMENT CONDITIONS			
<u>General Requirements / Standard Conditions</u>			
1.	<p>In compliance with Section 15094 of the CEQA Guidelines, a Notice of Determination (NOD) shall be filed with the Riverside County Clerk within <u>five (5) working days</u> of project approval by the City Council. The notice shall include the required California Department of Fish and Wildlife (Fish and Game Code Section 711.4.d.3) fee, and the Riverside County Clerk administrative fee (paid by the Applicant) in the amount of <u>\$3,120.00</u>. Failure to pay the required fee will result in the project being deemed null and void (California Fish and Game Code Section 711.4(c)). The above fee shall be provided to the Planning Department no later than <u>July 13, 2016</u> and is broken down as follows:</p> <p style="margin-left: 20px;">a. California Department of Fish and Wildlife = \$3,070.00 b. Riverside County Clerk Administrative Fee = \$50.00</p>	July 20, 2016	Planning Department
2.	<p>The Applicant shall review and sign below verifying the “Acceptance of the Conditions of Approval” and return the signed page to the Wildomar Planning Department within two weeks of the City Council approval.</p> <hr/> <p style="text-align: left;">Applicant Signature</p>	July 27, 2016	Planning Department
	Date		

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3.	<p>The Applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively “Actions”), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. City shall promptly notify the Applicant of any Action brought and request that Applicant defend the City. It is expressly agreed that Applicant may select legal counsel providing the Applicant’s defense and the City shall have the right to approve separate legal counsel providing the City’s defense. The Applicant shall reimburse City for any attorneys’ fees, costs and expenses directly and necessarily incurred by the City in the course of the defense. Applicant agrees that City will forward monthly invoices to Applicant for attorneys’ fees,</p>	Ongoing	Planning Department	
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	costs and expenses it has incurred related to its defense of any Action and Applicant agrees to timely payment within thirty (30) days of receipt of the invoice. Within fourteen (14) days of an Action being filed, Applicant agrees to post adequate security or a cash deposit with City in an amount to cover the City's estimated attorneys' fees, costs and expenses incurred by City in the course of the defense in order to ensure timely payment of the City's invoices. The amount of the security or cash deposit shall be determined by the City. City shall cooperate with Applicant in the defense of any Action.			
4.	Approval of <i>Tentative Tract Map No. 36674</i> shall expire on July 13, 2019 (3 years after approval by the City Council) if the final map has not been approved by the City Council and recorded with the Riverside County Clerk. The Applicant may apply in writing for a Extension of Time (EOT) for review and approval of the City Council in accordance with Section 16.12.240 of the Wildomar Municipal Code. Said extension of time application and required fee must be submitted to the Planning Department at least 30 days prior to the expiration date (8/13/19).	July 13, 2019	Planning Department	
5.	<u>TTM No. 36674</u> shall not become effective until 30 days after the second reading of the Ordinance approving Change of Zone No. 14-0002 by the City Council. No final map, grading or building permits shall be issued until after the effective date of the Change of Zone.	Sept. 12, 2016	Planning Department	
6.	In accordance with Section 66020.d.1 of the Government Code, the Applicant has 90 days from project approval to file a protest of the imposition of fees, dedications, reservations, or other exactions being	October 13, 2016	Planning Department	

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	imposed on this project. Notice is hereby given to the Applicant that the 90-day appeal hereby begins with approval of this project.			
7.	Within 60 days of approval of the Baxter Village Mixed-Use Development Project (Planning Application No. 14-0002) by the City Council, the Applicant shall pay any outstanding deposit account balances. Failure to pay the outstanding balance by the due date may result in delays in the submittal of final map, grading plans, improvement plans and/or building/construction plans.	Sept. 13, 2016	Planning Department	
8.	Applicant hereby understands and agrees that failure to comply with all Conditions of Approval may result in the City Council taking action resulting in a modification to the Conditions of Approval and/or suspension or revocation of the plot plan and/or conditional use permit.	On-Going	Planning Department	
9.	The project shall be subdivided in accordance with the tentative tract map approved by the City Council on June 8, 2016. The Applicant may request a minor change/revision to the approved tract map, if needed, in accordance with Sections 16.12.210 and/or 16.12.220 of the Wildomar Municipal Code.	Ongoing	Planning Department	
10.	The proposed Project shall comply with existing SCAQMD rules for the reduction of fugitive dust emissions in accordance with SCAQMD Rule 403.	On-Going	Planning Dept.	

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<u>CEQA / Environmental Impact Report (EIR) Mitigation Measures:</u>			
Air Quality Resources			
11.	4.3.6.1A. All rubber-tired dozers and scrapers used during grading operations shall be California Air Resources Board (CARB) Tier 3 certified or better. The project contractor will provide specific equipment information to the City Public Works Department which shall be verified by inspection during construction.	During grading or construction operations	City Planning Department
12.	4.3.6.1B. Prior to the issuance of grading permits, the project applicant shall provide evidence to the City that grading plans include a requirement for the posting of an on-site sign instructing construction workers to shut off engines at or before five minutes of idling.	Prior to issuance of grading permit	City Planning Department
13.	4.3.6.1C. During grading operations, no more than 5 acres of land will be disturbed per day to help reduce particulate air pollution on surrounding residences. Violation of this restriction will be cause for work to be halted for a period of one day for each violation.	During grading activities	City Planning Department
14.	4.3.6.3A. Prior to the issuance of building permits, the Project Applicant shall submit energy demand calculations to the City (Planning and Building Departments) demonstrating that the increment of the Project for which building permits are being requested would achieve a minimum 15% increase in energy efficiencies beyond current California Building Code Title 24 performance standards. Representative energy efficiency/energy conservation measures to be incorporated in the project would include, but would not be not limited to, those listed below (it being understood that the items listed below are not all required and merely	Prior to issuance of building permit	City Planning and Building Departments

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<p>present examples; the list is not all-inclusive and other features that would demonstrably reduce energy consumption and promote energy conservation would also be acceptable):</p> <ul style="list-style-type: none"> • Increase in insulation such that heat transfer and thermal bridging is minimized; • Limit air leakage through the structure and/or within the heating and cooling distribution system; • Use of energy-efficient space heating and cooling equipment; • Installation of electrical hook-ups at loading dock areas; • Installation of dual-paned or other energy efficient windows; • Use of interior and exterior energy efficient lighting that exceeds then incumbent California Title 24 Energy Efficiency performance standards; • Installation of automatic devices to turn off lights where they are not needed; • Application of a paint and surface color palette that emphasizes light and off-white colors that reflect heat away from buildings; • Design of buildings with “cool roofs” using products certified by the Cool Roof Rating Council, and/or exposed roof surfaces using light and off-white colors; • Design of buildings to accommodate photo-voltaic solar electricity systems or the installation of photo-voltaic solar electricity systems; and <p>Installation of ENERGY STAR-qualified energy-efficient appliances, heating and cooling systems, office equipment, and/or lighting products.</p>			
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15.	4.3.6.3B. Prior to issuance of a building permit for each multi-family (apartment) building, the applicant shall demonstrate that the Heating, Ventilating, and Air Conditioning (HVAC) system in each unit is served by an air filtration system with an efficiency equal to or exceeding a Minimum Efficiency Reporting Value (MERV) 14 as defined by the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 52.2 (2)1.	Prior to issuance of building permit	City Planning and Building Departments	
16.	4.3.6.3C. Prior to issuance of a building permit for each single family unit, the applicant shall demonstrate that the Heating, Ventilating, and Air Conditioning (HVAC) system in each unit has an air filtration system with an efficiency equal to or exceeding a Minimum Efficiency Reporting Value (MERV) 8 as defined by the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 52.2 (2)2.	Prior to issuance of building permit	City Planning and Building Departments	
17.	4.3.6.3D. Prior to issuance of an occupancy permit for any residential unit, the applicant shall demonstrate that each unit has or is served by an appropriate air filtration system as outlined in Mitigation Measures 4.3.6.3B and 4.3.6.3C. In addition, the applicant shall provide each homeowner or apartment manager with information on filter system operation and maintenance and product warranties.	Prior to issuance of each occupancy permit	City Building Department	
18.	4.3.6.3E. Prior to issuance of the first certificate of occupancy, the Project Applicant shall coordinate with RTA and the City of Wildomar to provide its fair share contribution of a future bus stop improvement within walking distance (approximately a quarter mile or less) to the site.	Prior to issuance of first certificate of occupancy	City Building Department	

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Biological Resources			
19.	<p>4.4.6.1A. Within 30 days prior to ground disturbance, a pre-construction survey for burrowing owl shall be conducted to avoid potential direct take of burrowing owls that may occupy the site in the future.</p> <p>In the event no burrowing owls are observed within the limits of ground disturbance, no further mitigation is required.</p> <p>If burrowing owls are identified during the survey periods, the City or project applicant will develop a burrowing owl relocation and conservation strategy that is acceptable to the California Department of Fish and Wildlife, the Western Riverside County Regional Conservation Authority (RCA), and the U.S. Fish and Wildlife Service. If passive or active relocation of the owls is approved for the site by the CDFW, the relocation plan will include the following elements:</p> <ul style="list-style-type: none"> • The locations of the nests and the owls proposed for relocation. • The locations of the proposed relocation sites. • The numbers of adult owls and juveniles proposed for relocation. • The time of year when relocation is proposed to take place. • The name of the biologist proposed to supervise the relocation, and the details of his/her previous experiences capturing, handling, and relocating burrowing owls, including the outcomes of their previous relocation efforts (survival/mortality rates and site-fidelity rates of the relocated owls), and relevant permits held. • A detailed description of the proposed method of capture, transport, and acclimation of the current project's owls on the 	Prior to the start of ground disturbing activities	City Planning Department

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	<p>proposed relocation site.</p> <ul style="list-style-type: none"> • A detailed description of relocation site preparations (e.g., the design and dimensions of the artificial release burrows and hacking cage, duration of hacking activities (including food and water provision). • Description of the monitoring methods and monitoring duration to be employed to verify survival of the relocated owls and their long-term retention on the relocation site. 			
20.	<p>4.4.6.2A. Prior to ground disturbance or issuance of a grading permit, impacts to 0.36 acre of southern willow scrub/eucalyptus woodland (including 0.33 acre on site and 0.03 acre off site) and 0.10 acre of southern riparian scrub (off site) shall be compensated for by the developer providing no less than a 1:1 ratio of off-site land within the Santa Margarita Watershed or an adjacent watershed to be acquired for the purpose of in-perpetuity preservation, or through the purchase of mitigation credits at an established off-site mitigation bank or in-lieu fee program. Purchase of mitigation credits shall occur prior to any impacts to the southern willow scrub/eucalyptus woodland or southern riparian scrub habitats.</p> <p>Mitigation proposed on land acquired for the purpose of in-perpetuity mitigation that is not part of an agency-approved mitigation bank or in-lieu fee program shall include the preservation, creation, restoration, and/or enhancement of similar habitat within the Santa Margarita Watershed or an adjacent watershed pursuant to a Habitat Mitigation and Monitoring Plan (HMMP). The HMMP shall be prepared prior to any impacts to the southern willow scrub/eucalyptus woodland and</p>	Prior to ground disturbance or issuance of grading permit	City Planning Department	

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	southern riparian scrub habitats, and shall provide details as to the implementation of the mitigation, maintenance, and future monitoring. The goal of the mitigation shall be to preserve, create, restore, and/or enhance similar habitat with equal or greater function and value than the affected habitat.			
21.	<p>4.4.6.3A. Prior to the issuance of any grading permit for permanent impacts in either on-site or off-site jurisdictional features, the project applicant shall obtain a Clean Water Act Section 404 permit and an Approved Jurisdictional Determination from the USACE, a Clean Water Act Section 404 permit from the RWQCB, and a Streambed Alteration Agreement permit under Section 1602 of the California Fish and Game Code from the CDFW. The following shall be incorporated into the permitting, subject to approval by the regulatory agencies:</p> <ol style="list-style-type: none"> 1. Off-site replacement and/or restoration of USACE/RWQCB jurisdictional “waters of the U.S.” or “waters of the State” within the Santa Margarita Watershed at a ratio of no less than 1:1 or within an adjacent watershed at a ratio of no less than 2:1 for permanent impacts, and for any temporary impacts to restore the impact area to pre-project conditions (i.e., pre-project contours and revegetate where applicable). Off-site mitigation may occur on land acquired for the purpose of in-perpetuity preservation, or through the purchase of mitigation credits at an agency-approved off-site mitigation bank or within an agency-accepted off-site permittee-responsible mitigation area. 2. Off-site replacement and/or restoration of CDFW jurisdictional streambed and associated riparian habitat within the Santa 	Prior to issuance of grading permit	City Planning Department	

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	<p>Margarita Watershed at a ratio no less than 1:1 or within an adjacent watershed at a ratio no less than 2:1 for permanent impacts, and for any temporary impacts to restore the impact area to pre-project conditions (i.e., pre-project contours and revegetate where applicable). Off-site mitigation may occur on land acquired for the purpose of in-perpetuity preservation, or through the purchase of mitigation credits at an agency-approved off-site mitigation bank or within an agency-accepted off-site permittee-responsible mitigation area.</p> <p>3. Approval of a project-specific Determination of a Biologically Equivalent or Superior Preservation (DBESP) report by the resource agencies as appropriate and consistent with established MSHCP procedures.</p>			
22.	<p>4.4.6.4A. Pursuant to the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code (CFGF), site preparation activities (removal of trees and vegetation) shall be avoided during the nesting season of potentially occurring native and migratory bird species (generally February 1 to September 15). If site preparation activities must occur during the nesting season, a pre-activity field survey shall be conducted by a qualified biologist prior to issuance of grading permits for such development. The survey shall determine if active nests of species protected by the MBTA or CFGF are present in the construction zone. If active nests of these species are found, the developer shall establish an appropriate buffer zone with no grading or heavy equipment activity within of 500 feet from an active listed species or raptor nest, 300 feet from other sensitive or protected bird nests (non-listed), or 100 feet for sensitive or protected songbird</p>	Prior to issuance of grading permits	City Planning Department	

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	nests. In the event no special status avian species are identified within the limits of disturbance, no further mitigation is required. In the event such species are identified within the limits of ground disturbance, Mitigation Measure 4.4.6.4B shall also apply.			
23.	4.4.6.4B. If it is determined that project-related grading or construction will affect nesting special status avian species, no grading or heavy equipment activity shall take place within the limits established in Mitigation Measure 4.4.6.4A until it has been determined by a qualified biologist that the nest/burrow is no longer active, and all juveniles have fledged the nest/burrow.	Prior to construction	City Planning Department	
Cultural Resources				
24.	4.5.6.1A. At least 30 days prior to seeking a grading permit, the Project Applicant shall contact the Pechanga Tribe to notify the Tribe of grading, excavation and the monitoring program, and to coordinate with the Tribe to develop a Cultural Resources Treatment and Monitoring Agreement. The Agreement shall address the treatment of known cultural resources, the designation, responsibilities, and participation of professional Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site.	Prior to issuance of grading permit	City Planning Department	
25.	4.5.6.1B. Prior to the issuance of a grading permit, the Project Applicant shall retain a Riverside County qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. Any newly discovered cultural	Prior to issuance of grading permit	City Planning Department	

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	resource deposits shall be subject to a cultural resources evaluation.			
26.	4.5.6.1C. Prior to issuance of any grading permit, the Project Archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation which will be determined in consultation with the Pechanga Tribe. Said methodology shall include the requirement for a qualified archaeological monitor and a Pechanga Tribal monitor to be present and to have the authority to temporarily stop and redirect grading activities in order to evaluate the significance of any archaeological and cultural resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation and groundbreaking activities.	Prior to issuance of a grading permit	City Planning Department	
27.	4.5.6.1D. If inadvertent discoveries of subsurface archaeological/cultural resources are discovered during grading, the Developer, the project archaeologist, and the Tribe shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to Calif. Pub. Res. Code § 21083.2(b) avoidance is the preferred method of preservation for archaeological resources. If the Developer, the project archaeologist and the Tribe cannot agree on the significance or the mitigation for such resources, these issues will be presented to the Planning Director for decision. The City Planning Director shall make the determination based on the provisions of the California Environmental Quality Act with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the Tribe. Notwithstanding any other rights available under the law, the decision	Prior to issuance of grading permit	City Planning Department	

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	of the Planning Director shall be appealable to the Wildomar City Council.			
28.	4.5.6.1E. All cultural materials, that are collected during the grading monitoring program and, if applicable, from any previous archaeological studies or excavations on the project site, with the exception of sacred items, burial goods and human remains which will be addressed in the Treatment Agreement required in Mitigation Measure 4.5.6.1A shall be tribally curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to the Pechanga Tribe's curation facility which meets the standards set forth in 36 CRF Part 79 for federal repositories. All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.	Prior to issuance of grading permit	City Planning Department	
29.	4.5.6.1F. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately identify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the	During grading activities	City Planning Department	

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	remains as provided in Public Resources Code 5097.98 and the Treatment Agreement described in Mitigation Measure 4.5.6.1A.			
30.	4.5.6.2A. If paleontological resources (fossils) are discovered during project grading, work will be halted in that area until a qualified paleontologist can be retained to assess the significance of the find. The project paleontologist shall monitor remaining earthmoving activities at the project site and shall be equipped to record and salvage fossil resources that may be unearthed during grading activities. The paleontologist shall be empowered to temporarily halt or divert grading equipment to allow recording and removal of the unearthed resources. Any fossils found shall be evaluated in accordance with the CEQA Guidelines and offered for curation at an accredited facility approved by the City of Wildomar. Once grading activities have ceased or the paleontologist determines that monitoring is no longer necessary, monitoring activities shall be discontinued.	Prior to issuance of grading permit	City Planning Department	
31.	4.5.6.2B. A qualified paleontologist shall be retained and conduct a pre-construction meeting prior to ground disturbance to instruct workers on proper fossil identification and subsequent notification of a trained professional.	Prior to issuance of a grading permit	City Planning Department	
Geology and Soils				
32.	4.6.6.1A. The developer shall implement the seismic design recommendations of the project geotechnical assessment conducted by Geocon West, Inc. dated March 26, 2015 (revised). These site-specific recommendations shall be incorporated as appropriate into project building plans, project grading, etc.	Prior to issuance of grading permit	Planning and Public Works Depts.	

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Noise			
33.	<p>4.12.6.1A. A construction noise mitigation plan shall be prepared and submitted to the City for review and approval prior to start of construction. The plan shall identify the location of construction equipment and activity, proximity to identified noise receptors, and demonstrate either a minimum 10 dBA reduction in noise levels off-site, or that noise levels would not exceed 85 dBA at any time when measured at the nearest property line of noise receptors. Methods to mitigate construction noise may include (but shall not be limited to):</p> <ul style="list-style-type: none"> • Install temporary noise control barriers, or equally effective noise protection measures. The noise barriers shall be maintained and any damage promptly repaired. Noise control barriers and associated elements shall be completely removed and the site appropriately restored upon the conclusion of the construction activity. • During all project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise-sensitive receivers nearest the project site. • The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receivers nearest the project site during all project construction. 	Prior to issuance of grading permit	City Engineer or Designee

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34.	<p>4.12.6.2A. To satisfy the City of Wildomar 45 dBA CNEL interior noise level criteria, lots facing the I-15 Freeway will require a Noise Level Reduction (NLR) of up to 27.7 dBA and a windows closed condition requiring a means of mechanical ventilation (e.g., air conditioning). Specific window recommendations will be made once final architectural plans are available and detailed interior noise reduction calculations can be calculated based on actual building assembly details. The preliminary interior noise analysis indicates that in order to meet the City of Wildomar 45 dBA CNEL interior noise standards, the project shall provide the following noise mitigation measures:</p> <ul style="list-style-type: none"> • Windows: All windows and sliding glass doors shall be well fitted, well weather-stripped assemblies and shall have a minimum STC of 32. • Exterior Walls: Provide exterior walls with a minimum Sound Transmission Class (STC) rating of 46. Typical walls with this rating will have 2 x 4 studs or greater, 16" o.c. with R-13 insulation, a minimum 7/8" exterior surface of cement plaster and a minimum interior surface of 1/2" gypsum board. • Doors: All exterior doors shall be well weather-stripped solid core assemblies at least 1 3/4" thick. • Roof: Roof sheathing of wood construction shall be well fitted or caulked plywood of at least one-half inch thick. Ceilings shall be well fitted, well-sealed gypsum board of at least 1/2" thick. Insulation with at least a rating of R-19 shall be used in the attic space. • Ventilation: Arrangements for any habitable room shall be such that any exterior door or window can be kept closed when the 	Prior to issuance of building permit	City Building Official or Designee	
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	<p>room is in use. A forced air circulation system (e.g., air conditioning) shall be provided which satisfy the requirements of the Uniform Mechanical Code.</p> <ul style="list-style-type: none"> • Landscaping: A screen of planting containing predominantly evergreen tree and shrub species between the property and the freeway will help to reduce noise and visual impacts associated with freeway vehicle movement. 			
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Traffic and Circulation			
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35.	<p>4.16.6.1A Central Street/Baxter Road intersection: The following intersection improvements shall be completed prior to the issuance of a certificate of occupancy for development on the project site that would, combined with any previous development on the site, generate 50 or more AM peak-hour outbound trips at this intersection:</p> <ul style="list-style-type: none"> • Traffic signal with protected left-turn phasing on the eastbound approach of Baxter Road • Northbound approach: N/A • Southbound approach: one left-turn lane, one right-turn lane. • Eastbound approach: one left-turn lane, one through lane. • Westbound approach: one through lane, one right-turn lane. <p>Any application for development prior to installation of the intersection improvements shall provide to the City an estimate of trips associated with the proposal prepared by a traffic engineer, demonstrating that the number of trips at this intersection are below the threshold of 50 AM peak hour outbound trips, or the intersection improvements shall be required prior to occupancy.</p>	<p>Prior to issuance of a certificate of occupancy for development on the project site that would, combined with any previous development on the site, generate 50 or more AM peak-hour outbound trips</p>	<p>City Engineer or Designee</p>	
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36.	4.16.6.1B Prior to the issuance of the first building permit, application shall be made to Caltrans and the City of Wildomar for construction of a traffic signal and associated improvements at the I-15 Southbound Ramps/Baxter Road intersection. Construction of the signals shall begin prior to construction of more than 22 single-family dwelling units (or 30 apartments), or construction of more than 10,000 square feet of commercial retail uses whichever occurs first.	Prior to issuance of first building permit	City Engineer or Designee
37.	4.16.6.1C Construction activity associated with soil import activities shall occur outside of the typical morning and evening peak commute hours (i.e., 7:00–9:00 a.m. and 4:00–6:00 p.m.). Prior to the issuance of grading permits, the project applicant shall submit to the City for review and approval, a Construction Traffic Management Plan. Construction-related traffic (including soil import activity) shall operate on the routes and/or during the hours of operation defined in the Construction Traffic Management Plan.	Prior to issuance of grading permit	City Engineer or Designee
38.	4.16.6.2A Prior to the issuance of the first building permit, application shall be made to Caltrans and the City of Wildomar for construction of a traffic signal and associated improvements at the I-15 Northbound Ramps/Baxter Road intersection. Construction of the signals shall begin prior to construction of more than 22 single-family dwelling units (or 30 apartments), or construction of more than 10,000 square feet of commercial retail uses whichever occurs first.	Prior to issuance of first building permit	City Engineer or Designee
<u>Prior to the Recordation of the Final Map</u>			
39.	Prior to recordation of Tentative Tract Map No. 36674, the Applicant shall enter into a Relocation Agreement with the Wildomar Historical	Prior to Final Map Recordation	

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	Society to determine the best solution for relocation of the “Brown House” and “Tower” which are temporarily stored on the project site. A copy of this agreement shall be provided to the Planning Department prior to recordation of the tract map.			
40.	Prior to recordation of the final map, the Applicant shall submit two (2) copies of the proposed Covenants, Conditions, and Restrictions (CC&Rs) for the entire project area for review and approval by the Planning Director and City Attorney. The CC&Rs shall include liability insurance and methods of maintaining landscaping, parking areas, private roads, exterior of all buildings (if applicable), and all landscaped and open areas including parkways, as well as a provisions indicating that the homeowners association may not be terminated or dissolved without the permission of the City. The CC&Rs shall be in the form and content approved by the Planning Director and City Attorney and shall include such provisions as are required by this approval and as said officials deem necessary to protect the interests of the City and its residents. Said CC&R's shall be recorded concurrently with the final map and a copy of the recorded CC&R's shall be submitted to the Planning and Engineering Departments within 2 weeks of recordation.	Prior to Final Map Recordation	Planning Department	

PUBLIC WORKS/ENGINEERING/BUILDING DEPARTMENT CONDITIONS

General Requirements / Standard Conditions

1.	The developer shall obtain City approval for any modifications or revisions to the approval of this project. Substantial deviations not	On-Going	Engineering Dept.	
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	identified on the plans may not be approved by the City, potentially resulting in the need for the project to be redesigned. Amended entitlement approvals may be necessary as a result.			
2.	The developer/owner or contractor shall apply for an Encroachment Permit for work performed within the public right of way. Compliance with current environmental regulations applies and additional studies and/or permits may be required.	On-Going	Public Works	
3.	The Developer shall dedicate, design and construct all improvements in accordance the City of Wildomar Road Improvement Standards & Specification, Improvement Plan Check Policies and Guidelines, as further conditioned herein and to the satisfaction of the City Engineer.	On-Going	Engineering Dept.	
4.	The Developer shall be responsible for all costs associated with off-site right-of-way acquisition, including any costs associated with the eminent domain process, if necessary.	On-Going	Engineering Dept.	
5.	Should this project lie within any assessment/benefit district, the project proponent shall, prior to acceptance of improvements, make application for and pay for their reapportionment of the assessments or pay the unit fees in the benefit district unless said fees are otherwise deferred or covered under the City's Community Facility District (CFD Services).	On-Going	Engineering Dept.	
6.	The developer shall annex into the City's Community Facility District (CFD Services) and pay associated costs for annexation. Should this project lie within any assessment/benefit district that duplicates the services to be covered under CFD Services then the developer shall de-annex from said assessment/benefit district.	On-Going	Engineering Dept.	

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7.	The developer shall design and construct all driveways in accordance with the City of Wildomar Improvement Standards.	On-Going	Engineering Dept.	
8.	The developer shall design and construct street lights in accordance with the City of Wildomar Improvement Standards and Specifications, City Municipal Code and to the satisfaction of the City Engineer.	On-Going	Engineering Dept.	
9.	The improvement plans for the required public improvements must be prepared and shall be based upon a design profile extending a minimum of 300 feet beyond the project boundaries at a grade and alignment as approved by the City Engineer.	On-Going	Engineering Dept.	
10.	All above-ground utilities, including but not limited to communication and power that are 33KV in size or less, shall be undergrounded by the developer in accordance with City requirements. The undergrounding of utilities shall be reflected on the project improvement plans.	On-Going	Engineering Dept.	
11.	All flood control plans to be reviewed by the City or the Riverside County Flood Control District (RCFCD) shall be submitted through the City of Wildomar, unless otherwise directed by the City Engineer. For projects requiring RCFCD review the developer shall pay the appropriate fees to RCFCD.	On-Going	Engineering Dept.	
12.	The Applicant shall provide the City with copies of approved Caltrans Permits.	On-Going	Engineering Dept.	
<u>Prior to Final Map Approval and Recordation</u>				
13.	Improvement plans shall be prepared, processed, and approved. Construct the improvements; or execute an Improvement Agreement	Prior to Final Map Approval	Engineering Dept.	

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	and Improvement Security. This condition shall be in conformance with local regulations and the Subdivision Map Act.			
14.	The developer shall dedicate, design and construct the part-width street section of White Street based on a Standard No. 105C and a multi-purpose trail, in accordance with the City of Wildomar Improvement Standards & Specifications and to the satisfaction of the City Engineer. The street and underground utilities shall be designed to accommodate RCFC Master Drainage Facility Line C.	Prior to Recordation of Final Map	Engineering Dept.	
15.	The developer shall dedicate, design and construct the part-width street section of Baxter Road based on a Standard No. 105C and a multi-purpose trail, in accordance with the City of Wildomar Improvement Standards & Specifications and to the satisfaction of the City Engineer.	Prior to Recordation of Final Map	Engineering Dept.	
16.	The developer shall re-align, dedicate, design and construct Central/Baxter Road per TTM No. 36674, based on an Arterial Highway, Standard No. 92. The design shall be in accordance with the City of Wildomar Improvement Standards & Specifications and shall include a multi-purpose trail and shall be to the satisfaction of the City Engineer.	Prior to Recordation of Final Map	Engineering Dept.	
17.	Private Streets shall be designed and constructed to Standard 105A in accordance with the City of Wildomar Improvement Standards & Specifications and to the satisfaction of the City Engineer.	Prior to Recordation of Final Map	Engineering Dept.	
18.	Appropriate offsite street transitions shall be in accordance with the City of Wildomar Improvement Standards & Specifications and to the satisfaction of the City Engineer.	Prior to Recordation of Final Map	Engineering Dept.	

ATTACHMENT D – EXHIBIT 1			
BAXTER VILLAGE MIXED-USE PROJECT - CONDITIONS OF APPROVAL			
Project No.: TENTATIVE TRACT MAP No. 36674 (Planning Application No. 14-0002)			
Applicant: Eric Flodine, Strata Baxter, LLC - APN: 367-180-015 & 367-180-043			
<u>City Council Approval Date:</u> July 13, 2016		<u>TTM No. 36672 Expiration Date:</u> July 13, 2019	
<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (Date and Signature)</u>

19.	The developer shall dedicate, design and construct streetlights in accordance with the City of Wildomar Road Improvement Standards & Specification, Improvement Plan Check Policies and Guidelines, City Ordinances and to the satisfaction of the City Engineer.	Prior to Recordation of Final Map	Engineering Dept.	
20.	The developer shall dedicate a public utility easement adjacent to public and private streets for overhead and/or underground facilities and appurtenances to the satisfaction of the City Engineer.	Prior to Recordation of Final Map	Engineering Dept.	
21.	The developer shall submit landscaping and irrigation plans within the public right-of-way to the Planning Department. These plans shall include water usage calculations, estimate of irrigation and the location of all existing trees that will remain. All plans and calculations shall be designed and calculated per the City of Wildomar Road Improvement Standards & Specification, Improvement Plan Check Policies and Guidelines, City Codes and to the satisfaction of the City Engineer.	Prior to Recordation of Final Map	Engineering Dept. Planning Dept.	
22.	The developer shall submit to the City Engineer traffic control plans to ensure the continued flow of traffic during construction.	Prior to Final Map Recordation	Engineering Dept. Public Works Dept.	
23.	Refer to the CEQA/EIR Mitigation Measures. Process the improvement plans for the mitigation measures concurrently with the street improvements plans for Central/Baxter Road.	Prior to Final Map Recordation	Engineering Dept. Planning Dept.	

END