

CONDITIONS OF APPROVAL

PROJECT: PA 2023-17/CDR 2023-05
PROJECT NAME: Lakefront Plaza Revitalization
PROJECT LOCATION: APNs: 379-381-053 and 379-381-054
APPROVAL DATE:
EFFECTIVE DATE:
EXPIRATION DATE:

GENERAL

1. Planning Application No. 2023-17 (Commercial Design Review No. 2023-05) to make minor modifications related to existing building size and architectural elevations for the existing 13,837 sq. ft. two-story commercial building (13,435 sq. ft. after remodel). The project also proposes minor modifications related to the architectural elevations of the existing 11,989 sq. ft. one-story commercial building and other on-site modifications. The project site is an existing 1.99-acre commercial center (Lakefront Plaza) located along Riverside Drive between Joy Street and Lincoln Street at 31681 and 31701 Riverside Drive (APNs: 379-381-053 and 379-381-054).
2. The applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City, its Officials, Officers, Employees, Agents, and its Consultants (Indemnitees) from any claim, action, or proceeding against the Indemnitees to attack, set aside, void, or annul an approval of the City, its advisory agencies, appeal boards, or legislative body concerning approval, implementation and construction of and CDR 2023-05 which action is bought within the time period provided for in California Government Code Sections 65009 and/or 66499.37, and Public Resources Code Section 21167, including the approval, extension or modification of CDR 2023-05 or any of the proceedings, acts or determinations taken, done, or made prior to the decision, or to determine the reasonableness, legality or validity of any condition attached thereto. The Applicant's indemnification is intended to include, but not be limited to, damages, fees and/or costs awarded against or incurred by Indemnitees and costs of suit, claim or litigation, including without limitation attorneys' fees, penalties and other costs, liabilities and expenses incurred by Indemnitees in connection with such proceeding. The City will promptly notify the applicant of any such claim, action, or proceeding against the City. If the project is challenged in court, the City and the applicant shall enter into formal defense and indemnity agreement, consistent with this condition.
3. Within 30 days of project approval, the applicant shall sign and complete an "Acknowledgment of Conditions" and shall return the executed original to the Community Development Department for inclusion in the case records.

PLANNING DIVISION

4. Commercial Design Review No. 2023-05 shall lapse and become void two years following the date on which the design review became effective, unless one of the following: (1) prior to the expiration of two years, a building permit related to the design review is issued and construction commenced and diligently pursued toward completion; or (2) prior to the expiration of two years, the applicant has applied for and has been granted an extension of the design review approval pursuant to subsections (1) and (2) of Lake Elsinore Municipal Code (LEMC) Section 17.415.050.I.1. Notwithstanding conditions to the contrary, a design

review granted pursuant to LEMC Section 17.415.050.I.2 shall run with the land for this two-year period, subject to any approved extensions, and shall continue to be valid upon a change of ownership of the site, which was the subject of the design review application.

5. All Conditions of Approval shall be reproduced on page one of building plans prior to their acceptance by the Building and Safety Division, Community Development Department. All Conditions of Approval shall be met prior to the issuance of a Certificate of Occupancy.
6. All future development proposals shall be reviewed by the City on a project-by-project basis. If determined necessary by the Community Development Director or designee, additional environmental analysis will be required.
7. Any proposed minor revisions to approved plans shall be reviewed and approved by the Community Development Director or designee. Any proposed substantial revisions to the approved plans shall be reviewed according to the provisions of the Municipal Code in a similar manner as a new application. Grading plan revisions shall be reviewed by the City Engineer.
8. Provisions of the City's Noise Ordinance (LEMC Chapter 17.176) shall be satisfied during all site preparation and construction activity. Site preparation activity and construction shall not commence before 7:00 AM and shall cease no later than 5:00 PM, Monday through Friday. Only finish work and similar interior construction may be conducted on Saturdays and may commence no earlier than 8:00 am and shall cease no later than 4:00 p.m. Construction activity shall not take place on Sunday, or any Legal Holidays.
9. No individual signs are approved as part of this approval. The applicant or designee shall submit an application for a sign permit, pay appropriate fees and receive approval from the Community Development Department for any sign(s) installed at the project site.
10. Graffiti shall be removed within 24 hours.
11. All materials and colors depicted on the approved plans shall be used. If the applicant wishes to modify any of the approved materials or colors depicted on the plans, the applicant shall submit a proposal setting forth the modifications for review by the Community Development Director or his designee.
12. The entire site shall be kept free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours.
13. In accordance with Section 17.148.030.D of the LEMC and the Shared Parking Analysis provided in the Parking Analysis, prepared by K2 Traffic Engineering, Inc., dated 05-23-2024, the project shall provide 135 parking spaces including six ADA accessible spaces. Per Section 17.148.030.D.1.i of the LEMC, the project shall provide additional parking spaces should the demand for parking increase on site. Where additional parking cannot be accommodated, the applicant shall be responsible for instituting parking solutions including but not limited to offering valet parking or securing off-site parking at adjacent lots via reciprocal access agreement(s) and/or shared parking agreement(s).
14. Prior to the issuance of a building permit, the applicant shall provide a parking management plan for staff's review and approval.

15. In accordance with Section 17.148.030.D.2 of the LEMC, the parking determination granting reduced parking requirements may be revoked at any time if there is evidence of insufficient on-site parking, i.e., "spill over" parking onto a public right-of-way or onto an adjacent lot(s). Upon revocation of a parking determination approval, the applicant will be required to submit a new application for a parking determination or provide on-site parking per code requirements.
16. Proposed uses shall be limited to those identified in the floor plans for Buildings 1 and 2 (Sheets A1.0, B1.0, and B1.1) dated 08-08-23 (revised 04-17-24). In the event the applicant proposes to modify the floor plan, the modification shall be subject to review by the Community Development Director or his designee. Uses that require a Conditional Use Permit are subject to review by the Planning Commission.
17. If any of the conditions of approval set forth herein fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny or further condition issuance of all future building permits, deny revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted; record a notice of violation on the property title; institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation.

Prior to Issuance of Grading Permits/Building Permits

18. All roof mounted or ground support air conditioning units or other mechanical equipment incidental to development shall be architecturally screened or shielded by landscaping so that they are not visible from neighboring property or public streets. Any roof mounted central swamp coolers shall also be screened, and the Community Development Director, prior to issuance of building permit shall approve screening plan.
19. The project shall meet all requirements of the Elsinore Valley Municipal Water District (EVMWD). The applicant shall submit water and sewer plans to the EVMWD and shall incorporate all district conditions and standards.
20. The property address (in numerals at least six inches high) shall be displayed near the entrance and be easily visible from the front of the subject property and public right-of-way.
21. The applicant shall construct trash enclosure(s) to match the colors, materials and design of the project architecture.
22. Prior to issuance of a building permit, the Final Landscaping / Irrigation Detail Plans shall be submitted to the Community Development Department with appropriate fees, for review and approval by the Community Development Director or designee.
 - a. All planting areas shall have permanent and automatic sprinkler system with 50% plant coverage using a drip irrigation method.

- b. All planting areas shall be separated from paved areas with a six inch (6") high and six inch (6") wide concrete curb. Runoff shall be allowed from paved areas into landscape areas.
 - c. Planting within fifteen feet (15') of ingress/egress points shall be no higher than twenty-four inches (24").
 - d. Landscape planters shall be planted with an appropriate parking lot shade tree pursuant to the LEMC and Landscape Design Guidelines.
 - e. No required tree planting bed shall be less than 5 feet wide.
 - f. Root barriers shall be installed for all trees planted within 10 feet of hardscape areas to include sidewalks.
 - g. Any transformers and mechanical or electrical equipment shall be indicated on landscape plan and screened as part of the landscaping plan.
 - h. The landscape plan shall provide for ground cover, shrubs, and trees and meet all requirements of the City's adopted Landscape Guidelines.
 - i. All landscaping and irrigation shall be installed within affected portion of any phase at the time a Certificate of Occupancy is requested for any building.
 - j. Final landscape plan must be consistent with approved site plan.
 - k. Final landscape plans to include planting and irrigation details and shall blend in with the existing shopping center.
 - l. Final landscape plans shall include drought tolerant planting consistent with Elsinore Valley Municipal Water District standards subject to plan check and approval by the City's landscape plan check consultant.
 - m. No turf shall be permitted pursuant to LEMC Chapter 19.08: Water Efficient Landscape Requirements.
23. Landscaping installed for the project shall be continuously maintained to the reasonable satisfaction of the Community Development Director. If it is determined that the landscaping is not being maintained, the Director of Community Development shall have the authority to require the property owner to bring the landscaping into conformance with the approved landscape plan. The continued maintenance of all landscaped areas shall be the responsibility of the developer or any successors in interest.
24. The proposed location of on-site construction trailers shall be approved by the Community Development Director or designee. A cash bond of \$1,000 shall be required for any construction trailers placed on the site and used during construction. Bonds will be released after removal of trailers and restoration of the site to an acceptable state, subject to approval of the Community Development Director or designee. Such trailer(s) shall be fully on private property and outside the public right of way.
25. Prior to building permit issuance, the applicant shall initiate and complete Covenants, Conditions and Restrictions (CC&Rs) which shall be approved by the City. All CC&R documents that address including, but not limited to, reciprocal easements, shall be submitted for review and approval by City Planning, Engineering and the City Attorney and upon City approval shall be recorded. Such documents shall include Covenants, Conditions and Restrictions (CC&Rs).
- All landscaping, all drainage basins, and common areas including but not limited to parking areas and drive aisles, shall be maintained in accordance with the CC&Rs.
 - Provisions to restrict parking upon other than approved and developed parking

spaces shall be written into the CC&Rs for the project.

BUILDING DIVISION

General Conditions

26. Final Building and Safety Conditions. Final Building and Safety Conditions will be addressed when building construction plans are submitted to Building and Safety for review. These conditions will be based on occupancy, use, the California Building Code (CBC), and related codes which are enforced at the time of building plan submittal.
27. Compliance with Code. All design components shall comply with applicable provisions of the 2022 edition of the California Building, Plumbing and Mechanical Codes: 2022 California Electrical Code; California Administrative Code, 2022 California Energy Codes, 2022 California Green Building Standards, California Title 24 Disabled Access Regulations, and Lake Elsinore Municipal Code.
28. Green Measures. The application shall provide 10% voluntary green measures on the project, as stipulated by the 2022 California Green Building Standards.
29. Disabled Access. Applicant shall provide details of all applicable disabled access provisions and building setbacks on plans to include:
 - a. All ground floor units to be adaptable.
 - b. Disabled access from the public way to the entrance of the building.
 - c. Van accessible parking located as close as possible to the main entry.
 - d. Path of accessibility from parking to furthest point of common area.
 - e. Path of travel from public right-of-way to all public areas on site, such as club house, trash enclosure, tot lots and picnic areas.
30. Street Addressing. Applicant must obtain street addressing for all proposed buildings by requesting street addressing and submitting a site plan for commercial or multi-family residential projects or a recorded final map for single-family residential projects. It takes 10 days to issue address and notify other agencies. Please contact Sonia Salazar at ssalazar@lake-elsinore.org or 951-674-3124 X 277.
31. Clearance from LEUSD. A receipt or clearance letter from the Lake Elsinore School District shall be submitted to the Building and Safety Department to ensure the payment or exemption from School Mitigation Fees.
32. Obtain Approvals Prior to Construction. Applicant must obtain all building plans and permit approvals prior to commencement of any construction work.
33. Obtaining Separate Approvals and Permits. Trash enclosures, patio covers, light standards, and any block walls will require separate approvals and permits.
34. Sewer and Water Plan Approvals. On-site sewer and water plans will require separate approvals and permits. Septic systems will need to be approved from Riverside County Environmental Health Department before permit issuance.

35. House Electrical Meter. Applicant shall provide a house electrical meter to provide power for the operation of exterior lighting, irrigation pedestals and fire alarm systems for each building on the site. Developments with single user buildings shall clearly show on the plans how the operation of exterior lighting and fire alarm systems when a house meter is not specifically proposed.

At Plan Review Submittal

36. Submitting Plans and Calculations. Applicant must submit to Building and Safety four (4) complete sets of plans and two (2) sets of supporting calculations for review and approval including:
- a. An electrical plan including load calculations and panel schedule, plumbing schematic, and mechanical plan applicable to scope of work.
 - b. A precise grading plan to verify accessibility for the persons with disabilities.
 - c. Truss calculations that have been stamped by the engineer of record of the building and the truss manufacturer engineer.

Prior to Issuance of Grading Permit(s)

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

Prior to Issuance of Building Permit(s)

39. Plans Require Stamp of Registered Professional. Applicant shall provide appropriate stamp of a registered professional with original signature on the plans. Provide C.D. of approved plans to the Building Division.

Prior to Beginning of Construction

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

ENGINEERING DEPARTMENT

GENERAL

41. All new submittals for plan check or permit shall be made using the City's online Citizen Self-Service Portal (CSSP).
42. All engineering plans shall be prepared by a licensed Civil Engineer using the City's standard title block.

43. All landscaping within the public right-of-way shall be maintained by the property owner, owner's association, firms contracted by the property owner's association, or another maintenance entity approved by the City Council.
44. In accordance with the City's Franchise Agreement for waste disposal and recycling, the applicant shall be required to contract with CR&R, Inc. for removal and disposal of all waste material, debris, vegetation and other rubbish generated both during cleaning, demolition, clear and grubbing or all other phases of construction and during occupancy.
45. The site will accommodate all construction activity, building activity, vehicles, etc. No staging on public streets, or private property belonging to others shall be conducted without the written permission of the property owner.
46. Minimum good housekeeping and erosion and sediment control Best Management Practices (BMPs) shall be implemented.

FEES

47. Applicant shall pay all applicable permit application and Engineering assessed fees, including without limitation plan check, at the prevalent rate at time of payment in full.
48. Applicant shall pay all applicable Mitigation and Development Impact Fees at the prevalent rate at time of payment in full. Fees are subject to change.

LAND DIVISION

49. Applicant shall submit and complete plan check review and approval approval a lot line adjustment for APN 379-381-054. The lot line adjustment shall be recorded prior to issuance of certificate of occupancy.
50. Applicant shall dedicate, in form of irrevocable offer, the right-of-way of Riverside Drive adjacent to the property for a total right-of-way of 60 feet from centerline to the project property line. Riverside Drive is classified as an Urban Arterial Highway in the City's General Plan, where full-width is 120 feet and curb-to-curb width is 96 feet.

STORM WATER MANAGEMENT / POLLUTION PREVENTION / NPDES

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

IMPROVEMENTS

52. Project will be responsible for the following improvements:
 - Construction of commercial driveway approaches and ADA compliant curb ramps per California Department of Transportation and/or City of Lake Elsinore approved standards or a modified acceptable version to California Department of Transportation and City Engineer. Sidewalk construction incidental to driveway approach improvements shall be included.

53. Sight distance into and out at each project driveway shall comply with City Standard 125/126 or Caltrans standards. Project shall ensure above ground facilities are installed outside the line of sight of drivers.
54. Roof drains shall not be allowed to outlet directly through coring in the street curb. Roofs should drain to a landscaped area.
55. The site shall be planned and developed to keep surface water from entering buildings (California Green Building Standards Code 4.106.3).
56. A California licensed Civil Engineer shall prepare the improvement plans required for this project. Improvements shall be designed and constructed to City Standards and Codes (LEMC 12.04 and 16.34).

Permitting/Construction

57. An encroachment permit shall be obtained prior to any work on City right-of-way. The developer shall submit the permit application, required fees, and executed agreements, security and other required documentation prior to issuance.
 - A preconstruction meeting with the City Engineering Inspector (Engineering Department) is required prior to commencement of any public right-of-way improvement construction activities.
58. An Encroachment Permit from the California Department of Transportation shall be obtained prior to any work within California Department of Transportation right of way. Permit shall be obtained prior to issuance of City permits.
59. All compaction reports shall be submitted to the Engineering Department before final inspection of public works improvements will be scheduled and approved.
60. The project site shall implement full trash capture methods/devices approved by the Region Water Quality Control Board. This shall include installation of connector pipe screens on all onsite and offsite catch basins to which the project discharges.
61. All restaurants and commercial food handling facilities must provide an area for the washing/steam cleaning of equipment and accessories. The area must be self-contained, equipped with a grease trap, and properly connected to a sanitary sewer. If the wash area is located outdoors, it must be covered, paved have secondary containment, and be connected to the sanitary sewer or other appropriately permitted disposal facility. Plan Requirements: The Owner/Applicant shall incorporate these food facility requirements into project design and depict on plans, including detail plans as needed.

PRIOR TO BUILDING PERMIT

62. Any dedications shall be recorded with the recorded copy provided to the City prior to issuance of the building permit
63. All public improvement plans shall be completed and approved by the City Engineer.

PRIOR TO OCCUPANCY / FINAL APPROVAL

64. All Required lot line adjustment(s) shall be recorded with the recorded copy provided to the City prior to issuance of first occupancy.
65. All public improvements shall be constructed in accordance with the approved plans or as a condition of this development to the satisfaction of the City Engineer prior to issuance of first occupancy.
66. Proof of acceptance of maintenance responsibility of slopes, open spaces, landscape areas, and drainage facilities shall be provided.
67. In the event of the damage to City roads from hauling or other construction related activity, applicant shall pay full cost of restoring public roads to the baseline condition.
68. Applicant shall pay all outstanding applicable processing and development fees prior to occupancy and/or final approval.
69. Applicant shall submit documentation pursuant to City's *Security Release* handout.

CITY OF LAKE ELSINORE FIRE MARSHAL

70. The applicant/operator shall comply with all requirements of the Riverside County Fire Department Lake Elsinore Office of the Fire Marshal. Questions should be directed to the Riverside County Fire Department, Lake Elsinore Office of the Fire Marshal at 130 S. Main St., Lake Elsinore, CA 92530. Phone: (951) 671-3124 Ext. 225.
71. Prior to issuance of building permits, the applicant/developer shall provide the Office of the Fire Marshal with an approved site plan for Fire Lanes and Signage. (CFC 501.3)
72. Fire flow shall be determined by the building of the single largest square footage. The required fire flow is estimated to be 1500 GPM at 20 PSI for a 2-hour duration, per the 2022 California Fire Code.
73. Each parcel shall maintain independent access to the circulating roadway. Prior to first occupancy, reciprocal access agreements or dedicated access shall be established.
74. Construction Permits Fire Department Review: Submittal of construction plans to the Office of the Fire Marshal for development, construction, installation, and operational use permitting will be required. Final fire and life safety conditions will be addressed when the Office of the Fire Marshal reviews these plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code, and related codes, which are in effect at the time of building plan submittal.

DEPARTMENT OF ADMINISTRATIVE SERVICES

Annex into the City of Lake Elsinore Community Facilities District No. 2015-2 (Maintenance Services)

75. Prior to issuance of a grading permit, the applicant shall submit an application to the Department of Administrative Services to initiate the annexation process into the Community

Facilities District No. 2015-2 (Maintenance Services) or current Community Facilities District in place at the time of annexation to fund the on-going operation and maintenance of the public right-of-way landscaped areas and neighborhood parks to be maintained by the City and for street lights in the public right-of-way for which the City will pay for electricity and a maintenance fee to Southern California Edison, including parkways, street maintenance, open space and public storm drains constructed within the development and federal NPDES requirements to offset the annual negative fiscal impacts of the project. The annexation process shall be completed prior to issuance of the first certificate of occupancy for the project. Alternatively, the applicant may propose alternative financing mechanisms to fund the annual negative fiscal impacts of the project with respect to Maintenance Services. Applicant shall make a non-refundable deposit of \$15,000 or at the current rate in place at the time of annexation toward the cost of annexation, formation or other mitigation process, as applicable.

I hereby state that I acknowledge receipt of the approved Conditions of Approval for the above named project and do hereby agree to accept and abide by all Conditions of Approval as approved by the Planning Commission of the City of Lake Elsinore on _____. I also acknowledge that all Conditions shall be met as indicated.

Date: _____

Applicant's Signature: _____

Print Name: _____

Address: _____

Phone Number: _____