

## CONDITIONS OF APPROVAL

**PROJECT:** PA 2019-80/CUP 2022-05/CUP 2024-06/ CDR 2022-05  
**PROJECT NAME:** Ortega Oaks Plaza  
**PROJECT LOCATION:** APN: 381-320-025  
**APPROVAL DATE:**  
**EFFECTIVE DATE:**  
**EXPIRATION DATE:**

### **GENERAL**

1. Planning Application No. 2019-80 which includes Commercial Design Review (CDR No. 2022-05) and two (2) Conditional Use Permits (CUP No. 2024-06 and 2022-05) to construct a one-story 3,375-square-foot (sq. ft.) convenience store, a 3,427 sq. ft. gasoline dispensing facility, and a 1,400 sq. ft. drive-through restaurant and related site improvements including reconfiguring the surface parking lot and new landscaping on a 3.57-acre portion of the existing Ortega Oaks Plaza. CUP No. 2022-05 is to permit the operation of the drive-through restaurant and CUP No. 2024-06 is to permit the operation of the gasoline dispensing facility. The project site is within the Neighborhood Commercial (C-1) District on the southeastern corner of the Grand Avenue and Ortega Highway intersection (APN: 381-320-025).
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 CUP 2022-05, CUP 2024-06, and CDR 2022-05 which action is brought within the time period provided for in California Government Code Sections 65009 and/or 66499.37, and Public Resources Code Section 21167, including the approval, extension or modification of CUP 2022-05, CUP 2024-06, and CDR 2022-05 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. Conditional Use Permit No. 2022-05 shall lapse and become void two years following the date on which the conditional use permit became effective, unless one of the following: (1) prior to the expiration of two years, a building permit related to the conditional use permit is issued and construction commenced and diligently pursued toward completion; or (2) prior to the expiration of two years, the applicant has applied for and has been granted an

extension of the conditional use permit approval pursuant to subsections (a), (b), and (c) of Lake Elsinore Municipal Code (LEMC) Section 17.415.070.D.2. Subject to the provisions of LEMC Section 17.415.070.I, a conditional use permit granted pursuant to the provisions of this section shall run with the land and shall continue to be valid upon a change of ownership of the site or structure, which was the subject of the Conditional Use Permit application.

5. Conditional Use Permit No. 2024-06 shall lapse and become void two years following the date on which the conditional use permit became effective, unless one of the following: (1) prior to the expiration of two years, a building permit related to the conditional use permit is issued and construction commenced and diligently pursued toward completion; or (2) prior to the expiration of two years, the applicant has applied for and has been granted an extension of the conditional use permit approval pursuant to subsections (a), (b), and (c) of Lake Elsinore Municipal Code (LEMC) Section 17.415.070.D.2. Subject to the provisions of LEMC Section 17.415.070.I, a conditional use permit granted pursuant to the provisions of this section shall run with the land and shall continue to be valid upon a change of ownership of the site or structure, which was the subject of the Conditional Use Permit application.
6. Commercial Design Review No. 2022-05 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.
7. An application for modification, expansion or other change in a Conditional Use Permit shall be reviewed according to the provisions of the Section 17.415.070 of the LEMC, in a similar manner as a new application
8. If operation of this use raises concerns related to parking, noise, traffic, or other impacts, at the discretion of the Community Development Director, this Conditional Use Permit may be referred back to the Planning Commission for subsequent review at a Public Hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said Conditional Use Permit.
9. All Conditions of Approval shall be reproduced on page one of building plans prior to their acceptance by the Building and Safety Division, Community Development Department. All Conditions of Approval shall be met prior to the issuance of each individual Certificate of Occupancy.
10. All future development proposals shall be reviewed by the City on a project-by-project basis. If determined necessary by the Community Development Director or designee, additional environmental analysis will be required.
11. Any proposed minor revisions to approved plans shall be reviewed and approved by the Community Development Director or designee. Any proposed substantial revisions to the approved plans shall be reviewed according to the provisions of the Municipal Code in a

similar manner as a new application. Grading plan revisions shall be reviewed by the City Engineer.

12. 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.
13. 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 consistent with the sign program for the project.
14. In accordance with Section 17.112.090.O. of the LEMC, establishments engaged in the concurrent sale of motor vehicle fuel with alcoholic beverages shall abide by the following requirements:
  - a. No beer or wine shall be displayed within five feet of the cash register or the front door.
  - b. No advertisement of alcoholic beverages shall be displayed at motor fuel islands.
  - c. No sale of alcoholic beverages shall be made from a drive-in window.
  - d. No display or sale of beer or wine shall be made from an ice tub.
  - e. No beer or wine advertising shall be located on motor fuel islands and no self-illuminated advertising for beer or wine shall be located on buildings or windows.
  - f. Employees on duty between the hours of 10:00 p.m. and 2:00 a.m. shall be at least 21 years of age to sell beer and wine.
15. Graffiti shall be removed within 24 hours.
16. No outside overnight storage of inoperable vehicles shall occur at the site.
17. There shall be no loitering in or around the business.
18. 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
19. 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.
20. The applicant will be required to provide a Queueing Management Plan prior to occupancy of the drive-through restaurant building. The project shall be required to comply with the Queueing Management Plan at all times to ensure that the operation of the drive-through does not interfere with free and orderly circulation of the parking lots and to avoid spillover of vehicles in the public right-of-way.
21. 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**

22. Prior to issuance of a building permit, the applicant shall pay Development Impact Fees (DIF) per LEMC Section 16.74 and Multiple Species Habitat Conservation Plan (MSHCP) Fees per LEMC Section 16.85, at the rate in effect at the time of payment.
23. 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.
24. 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.
25. 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.
26. The applicant shall construct trash enclosure(s) to match the colors, materials and design of the project architecture.
27. Identify security measures (i.e. guard, cameras, lighting, signage, etc).
28. 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.
29. 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.
30. 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.

## **BUILDING DIVISION**

### **General Conditions**

31. 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.
32. 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.
33. Green Measures. The application shall provide 10% voluntary green measures on the project, as stipulated by the 2022 California Green Building Standards.
34. 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.
35. 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](mailto:ssalazar@lake-elsinore.org) or 951-674-3124 X 277.
36. 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.
37. Obtain Approvals Prior to Construction. Applicant must obtain all building plans and permit approvals prior to commencement of any construction work.
38. Obtaining Separate Approvals and Permits. Trash enclosures, patio covers, light standards, and any block walls will require separate approvals and permits.
39. 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.
40. 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**

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

#### **Prior to Issuance of Grading Permit(s)**

42. 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.

43. 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)**

44. 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**

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

**ENGINEERING DEPARTMENT**

**GENERAL**

46. All new submittals for plan check or permit shall be made using the City's online Citizen Self-Service Portal (CSSP).
47. All engineering plans shall be prepared by a licensed Civil Engineer using the City's standard title block.
48. All required soils, geology, hydrology and hydraulic and seismic reports shall be prepared by a licensed Civil Engineer and Soils Engineer, as applicable.
49. All slopes and landscaping within the public right-of-way shall be maintained by the property owner, owner's association, firms contracted by the property owner's association, or another maintenance entity approved by the City Council.
50. Any portion of a drainage system that conveys runoff from open space shall be installed within a drainage easement.
51. Any grading that affects "waters of the United States", wetlands or jurisdictional streambeds, shall require approval and necessary permits from respective Federal and/or State Agencies.
52. 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.
53. Applicant shall submit a detailed hydrology and hydraulic study for review for the sufficient containment and conveyance of the storm water to a safe and adequate point as approved by the City Engineer.

54. 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.
55. Minimum good housekeeping and erosion and sediment control Best Management Practices (BMPs) shall be implemented.

### **FEES**

56. Applicant shall pay all applicable permit application and Engineering assessed fees, including without limitation plan check and construction inspection fees, at the prevalent rate at time of payment in full.
57. Applicant shall pay all applicable Mitigation and Development Impact Fees at the prevalent rate at time of payment in full. Fees are subject to change. Mitigation and Development Impact Fees include without limitation:
  - a. Master Drainage Plan Fee – Due prior to Grading Permit issuance
  - b. Traffic Infrastructure Fee (TIF) – Due prior to Building Permit issuance
  - c. Transportation Uniform Mitigation Fee (TUMF) – Due prior to Occupancy

### **LAND DIVISION**

58. Applicant shall dedicate right-of-way of Grand Avenue adjacent to the property for a total right-of-way of 60 feet from centerline to the project property line. Grand Avenue 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.
59. Applicant shall dedicate right-of-way of Ortega Highway (SR-74) adjacent to the property for a total right-of-way of 50 feet from centerline to the project property line. Ortega Highway is classified as a Major Highway in the City's General Plan, where full-width is 100 feet and curb-to-curb width is 80 feet.
60. Applicant is required to coordinate and determine if the 5-foot vacation is accommodatable by California Department of Transportation (Caltrans). The portion of Ortega Highway where the vacation has been requested is not within the City of Lake Elsinore Jurisdiction. If approved by Caltrans, provide approval documentation to the City Engineer prior to City permits issuance.

### **STORM WATER MANAGEMENT / POLLUTION PREVENTION / NPDES**

#### **Design**

61. 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.
62. A Final Water Quality Management Plan (WQMP) for each parcel will be required and shall be prepared using the Santa Ana Region of Riverside County Guidance Document and approved template and submitted for review and approval to the City. The Final WQMP for



each parcel shall be approved by the City prior rough grading plan approval or issuance of any permit for construction.

63. The Final WQMP shall document the following:
- a. Detailed site and project description.
  - b. Potential stormwater pollutants.
  - c. Post-development drainage characteristics.
  - d. Low Impact Development (LID) BMP selection and analysis.
  - e. Structural and non-structural source control BMPs.
  - f. Treatment Control BMPs.
  - g. Site design and drainage plan (BMP Exhibit).
  - h. Documentation of how vector issues are addressed in the BMP design, operation and maintenance.
  - i. GIS Decimal Minute Longitude and Latitude coordinates for all LID and Treatment Control BMP locations.
  - j. Hydraulic Conditions of Concern (HCOC) – demonstrate that discharge flow rates, velocities, duration and volume for the post construction condition from a 2-year, 24-hour rainfall event will not cause adverse impacts on downstream erosion and receiving waters, or measures are implemented to mitigate significant adverse impacts downstream public facilities and water bodies. Evaluation documentation shall include pre- and post-development hydrograph volumes, time of concentration and peak discharge velocities, construction of sediment budgets, and a sediment transport analysis. If HCOC applies, the project shall implement measures to limit disturbance of natural water bodies and drainage systems; conserve natural areas; protect slopes and channels; and minimize significant impacts from urban runoff. (Note the facilities may need to be larger due to flood mitigation for the 10-year, 6- and 24-hour rain events).
  - k. Operations and Maintenance (O&M) Plan and Agreement (using City approved form and/or CC&Rs) as well as documentation of formation of funding district for long term maintenance costs.
64. Parking lot landscaping areas shall be designed to provide for treatment, retention or infiltration of runoff.
65. Project hardscape areas shall be designed and constructed to provide for drainage into adjacent landscape.
66. Project trash enclosure shall be covered, bermed, and designed to divert drainage from adjoining paved areas and regularly maintained.
67. If CEQA identifies resources requiring Clean Water Act Section 401 Permitting, the applicant shall obtain certification through the Santa Ana Regional Water Quality Control Board and provide a copy to the Engineering Department.
68. All storm drain inlet facilities shall be appropriately marked “Only Rain in the Storm Drain” using the City authorized marker.
69. The project shall use either volume-based and/or flow-based criteria for sizing BMPs in accordance with NPDES Permit Provision XII.D.4.

70. 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.

### **Construction**

71. A Storm Water Pollution Prevention Plan (SWPPP) (as required by the NPDES General Construction Permit) and compliance with the Green Building Code for sediment and erosion control are required for this project.
72. Prior to grading or building permit for construction or demolition and/or weed abatement activity, projects subject to coverage under the NPDES General Construction Permit shall demonstrate that compliance with the permit has been obtained by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing to the satisfaction of the City Engineer. A copy of the SWPPP shall be kept at the project site, updated, and be available for review upon request.
73. Erosion & Sediment Control – Prior to the issuance of any grading or building permit for construction or demolition, the applicant shall submit for review and approval by the City Engineer, an Erosion and Sediment Control Plan as a separate sheet of the grading plan submittal to demonstrate compliance with the City's NPDES Program and state water quality regulations for grading and construction activities. A copy of the plan shall be incorporated into the SWPPP, kept updated as needed to address changing circumstances of the project site, be kept at the project site, and available for review upon request.

### **Post-Construction**

74. Prior to the issuance of a certificate of use and/or occupancy, the applicant shall demonstrate compliance with applicable NPDES permits for construction, industrial/commercial, MS4, etc. to include:
- Demonstrate that the project has compiled with all non-structural BMPs described in the project's WQMP.
  - Provide signed, notarized certification from the Engineer of Work that the structural BMPs identified in the project's WQMP are installed in conformance with approved plans and specifications and operational.
  - Submit a copy of the fully executed, recorded City approved Operations and Maintenance (O&M) Plan and Agreement for all structural BMPs.
  - The Operation and Maintenance (O&M) Plan and Agreement shall: (1) describe the long-term operation and maintenance requirements for BMPs identified in the BMP Exhibit; (2) identify the entity that will be responsible for long-term operation and maintenance of the referenced BMPs; (3) describe the mechanism for funding the long-term operation and maintenance of the referenced BMPs; and (4) provide for annual certification for water quality facilities by a Registered Civil Engineer. The City format shall be used.
  - Provide documentation of annexation into a CFD for funding facilities to be maintained by the City.
  - Demonstrate that copies of the project's approved WQMP (with recorded O&M Plan attached) are available for each of the initial occupants.

- g. Agree to pay for a Special Investigation from the City of Lake Elsinore for a date twelve (12) months after the issuance of a Certificate of Use and/or Occupancy for the project to verify compliance with the approved WQMP and O&M Plan. A signed/sealed certification from the Engineer of Work dated 12 months after the Certificate of Occupancy will be considered in lieu of a Special Investigation by the City.
- h. Provide the City with a digital .pdf copy of the Final WQMP.

## **UTILITIES**

- 75. All arrangements for relocation of utility company facilities (power poles, vaults, etc.) out of the roadway shall be the responsibility of the applicant, property owner, and/or his agent. Overhead utilities (34.5 kV or lower) shall be undergrounded (LEMC Section 16.64).
- 76. Underground water rights shall be dedicated to the City pursuant to the provisions of LEMC Section 16.52.030, and consistent with the City's agreement with the Elsinore Valley Municipal Water District.
- 77. Submit a "Will Serve" letter to the City Engineering Department from the applicable water agency stating that water and sewer arrangements have been made for this project and specify the technical data for the water service at the location, such as water pressure, volume, etc. Will Serve letters shall be provided prior to issuance of Grading Permit.

## **IMPROVEMENTS**

- 78. Applicant shall implement traffic mitigation measures identified in the Traffic Impact Analysis (TIA) by Urban Crossroads dated December 4, 2023, including but not limited to:
  - a. Project shall construct Grand Avenue ultimate improvements half-width along property frontage as an Urban Arterial (120-foot right-of-way) in compliance with Caltrans standards and the circulation recommendations found in the City of Lake Elsinore's General Plan and Standard Plans. Improvements shall include but are not limited to widened section of new AC pavement and base material, curb and gutter, sidewalks, parkway landscaping, utility undergrounding, utility relocations for street widening, streetlight relocations, and streetlight installations. Grand Avenue shall be restriped and widening shall include transition paving and striping to connect to existing conditions.
    - a. Project shall construct a raised median along Grand Avenue.
  - b. Project shall construct Ortega Highway (SR-74) ultimate improvements half-width along property frontage as a Major Highway (100-foot right-of-way) in compliance with Caltrans standards and the circulation recommendations found in the City of Lake Elsinore's General Plan and Standard Plans. Improvements shall include but are not limited to widened section of new AC pavement and base material, curb and gutter, sidewalks, parkway landscaping, utility undergrounding, utility relocations for street widening, streetlight relocations, and streetlight installations. SR-74

- shall be restriped and widening shall include transition paving and striping to connect to existing conditions.
- a. Project shall construct a raised median on Ortega Highway (SR-74).
  - c. Macy Street and Grand Avenue – the following improvements are required:
    - a. Project shall construct a traffic signal.
    - b. Project shall construct a northbound left turn lane with a minimum of 200-feet of storage.
    - c. Project shall construct an eastbound left turn lane with a minimum of 50-feet of storage.
    - d. Project shall construct a westbound left turn lane with a minimum of 200-feet of storage.
    - e. Project shall construct a second southbound through lane. Improvement may be eligible for TUMF reimbursement.
  - d. Driveway 3 and Grand Avenue – the following improvements are required:
    - a. Project shall install a stop control on the eastbound approach and construct an eastbound right turn lane.
    - b. Project shall construct a second and third southbound through lane.
  - e. Driveway 2 and Ortega Highway (SR-74) – The following improvements are required:
    - a. Project shall install a stop control on the eastbound approach and construct an eastbound right turn lane (project driveway)
    - b. Project shall construct a second eastbound through lane along the Project's frontage.
  - f. Driveway 1 and Ortega Highway (SR-74) – The following improvements are required:
    - a. Project shall install a stop control on the northbound approach and construct a shared left-right turn lane (project driveway)
    - b. Project shall construct a westbound left turn lane for Project access with a minimum 100-feet of storage.
79. In addition to the mitigation measure identified in the TIA, the Project will be responsible for the following improvements:
- a. Construction of driveway approaches per California Department of Transportation and City of Lake Elsinore approved standards.
  - b. Modification of existing and/or installation of new signing and striping for required improvements. The project shall be responsible for all and any paving and/or striping, removal or additional, in result of the ultimate improvements and striping plans.
  - c. Construction of ADA compliant curb ramps on the proposed corner(s) of the Project property.
  - d. Relocation and/or modification of existing signal(s) at the intersection of Ortega Highway (SR-74) and Grande Avenue to accommodate ultimate half-width improvements and TIA mitigation requirements.
  - e. Construct bus stop improvements including but not limited to bench and signage relocation, and bus shelter construction.
80. Project is required to coordinate signal and signal associated roadway improvements with the County of Riverside. County of Riverside review and approval of County adjacent improvements are required prior to issuance of building permit.

81. Sight distance into and out and throughout the project location shall comply with Caltrans standards. Project shall ensure facilities are installed outside the line of sight of drivers.
82. Project will be responsible to design and install streetlights on Grand Avenue and Ortega Highway (SR-74). Streetlight system shall be designed as LS-2B system. Streetlight plans shall include but are not limited to details such as location, pole and luminaire type, and pull box design. Streetlight plans may be included as part of the Street Improvement plan set.
83. 10-year storm runoff shall be contained within the curb and the 100-year storm runoff shall be contained within the street right-of-way. When either of these criteria are exceeded, drainage facilities shall be provided.
84. All drainage facilities in this project shall be constructed to Riverside County Flood Control District Standards.
85. A drainage study shall be provided. The study shall identify the following: identify storm water runoff from and upstream of the site; show existing and proposed off-site and on-site drainage facilities; and include a capacity analysis verifying the adequacy of the facilities. The drainage system shall be designed to ensure that runoff from a 10-year storm of 6 hours and 24 hours duration under developed condition is equal or less than the runoff under existing conditions of the same storm frequency. Both 6-hour and 24-hour storm duration shall be analyzed to determine the detention requirements to accomplish the desired results.
86. All natural drainage traversing the site shall be conveyed through the site, or shall be collected and conveyed by a method approved by the City Engineer. All off-site drainage, if different from historic flow, shall be conveyed to a public facility.
87. Existing capacity of affected California Department of Transportation's drainage systems cannot be exceeded. Should 100-year project runoff volumes be determined to exceed the maximum capacity of the existing State drainage facilities, construction of on-site detention basins, new drainage systems or other impact mitigation will be required.
88. All existing tributary areas, area drainage patterns and runoff volumes having an impact to adjacent SR-74 drainage facilities must be identified and analyzed in a project hydrology study as applicable.
89. Review of project drainage design will include an evaluation of runoff impacts to adjacent California Department of Transportation right of way. Where applicable, compliance with pertinent National Pollutant Discharge Elimination System (NPDES)/water quality standards will be required.
90. Ensure that "best management practices" (BMP's) used to treat site runoff entering California Department of Transportation right-of-way comply with all applicable National Pollution Discharge Elimination System (NPDES) or State Regional Water Resources Board regulations.

91. Roof drains shall not be allowed to outlet directly through coring in the street curb. Roofs should drain to a landscaped area.
92. The site shall be planned and developed to keep surface water from entering buildings (California Green Building Standards Code 4.106.3).
93. All existing storm drain inlet facilities adjacent to the subject properties shall be retrofitted with a storm drain filter; all new storm drain inlet facilities constructed by this project shall include a storm drain filter.
94. A registered Civil Engineer shall prepare the improvements (for public and private), signing and striping, and traffic signal plans required for this project. Improvements shall be designed and constructed to City Standards and Codes (LEMC 12.04 and 16.34).

### **Permitting/Construction**

95. 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.
96. An Encroachment Permit from California Department of Transportation shall be obtained prior to any work within California Department of Transportation right of way. Permit shall be obtained and provided prior to issuance of City permits.
97. An Encroachment Permit from Riverside County shall be obtained prior to any work within Riverside County right-of-way. Permit shall be obtained prior to issuance of City permits.
98. A landscape maintenance agreement with California Department of Transportation will be required and provided to the City of Lake Elsinore prior to issuance of City permits.
99. The rough/precise grading, drainage, landscape, and building plans shall be reviewed by the California Department of Transportation and the developer shall provide the City of Lake Elsinore written construction clearance.
100. Project drainage impacts affecting California Department of Transportation right of way should be identified and addressed prior to issuance of City permits.
101. All compaction reports, grade certification, monument certification (with tie notes delineated on 8 ½ X 11" Mylar) shall be submitted to the Engineering Department before final inspection of public works improvements will be scheduled and approved.

### **PRIOR TO GRADING PERMIT**

102. A grading plan signed and stamped by a California licensed Civil Engineer shall be submitted for City review and approval for all addition and/or movement of soil (grading) on site. The plan shall include separate sheets for erosion control, haul route and traffic control as applicable. The grading submittal shall include all supporting documentation and be prepared using City standard title block, standard drawings and design manual.



103. All grading plan contours shall extend to minimum of 50 feet beyond property lines to indicate existing drainage pattern. The grading plan shall show that no structures, landscaping, or equipment are located near the project entrances that could reduce sight distance.
104. A Hydrology and Hydraulic Report shall be reviewed and approved prior to issuance of grading permits.
105. Applicant shall obtain all necessary off-site easements and/or permits for off-site grading and the applicant shall accept drainage from the adjacent property owners.
106. Applicant shall mitigate to prevent any flooding and/or erosion downstream caused by development of the site and/or diversion of drainage.
107. All natural drainage traversing the site (historic flow) shall be conveyed through the site in a manner consistent with the historic flow or to one or a combination of the following: to a public facility; accepted by adjacent property owners by a letter of drainage acceptance; or conveyed to an approved drainage easement.
108. Project grading impacts affecting California Department of Transportation right of way shall be identified and addressed with Caltrans prior to issuance of City permits.
109. Project grading impacts affect County of Riverside right of way shall be identified and addressed with the County of Riverside prior to issuance of City permits.

#### **Permitting/Construction**

110. Applicant shall execute and submit grading and erosion control agreement, post grading security, and pay permit fees as a condition of grading permit issuance.
111. Any grading that affects "waters of the United States", wetlands or jurisdictional streambeds require approval and necessary permits from respective Federal and/or State Agencies.
112. No grading shall be performed without obtaining a grading permit. A grading permit does not include the construction of retaining walls or other structures for which a building permit is required.
113. A preconstruction meeting with the City Engineering Inspector (Engineering Department) is required prior to commencement of any grading activity.
114. Hauling in excess of 5,000 cubic yards shall be approved by the City Council (LEMC 15.72.065). Prior to commencement of grading operations, applicant shall provide to the Engineering Department a map of all proposed haul routes to be used for movement of export material. All such routes shall be subject to review and approval of the City Engineer. Haul route shall be approved prior to issuance of a grading permit.
115. All grading shall be done under the supervision of a licensed geotechnical engineer. Slopes steeper than 2 to 1 shall be evaluated for stability and proper erosion control and approved by the City.

116. Review and approval of the project sediment and erosion control plan shall be completed. As warranted, a copy of the current SWPPP shall be kept at the project site and be available for review upon request.
117. Approval of the project Final Water Quality Management Plan (WQMP) for post construction shall be received prior to issuance of a grading permit.
118. Applicant shall obtain applicable environmental clearance from the Planning Department and submit applicable clearance document to the Engineering Department. This approval shall specify that the project complies with any and all required environmental mitigation triggered by the proposed grading activity.

#### **PRIOR TO BUILDING PERMIT**

119. Provide soils, geology and seismic report, including recommendations for parameters for seismic design of buildings and walls prior to building permit.
120. All public improvement plans, traffic signal plans, signing and striping plans shall be completed and approved by the City Engineer.
121. Any dedications, vacations, and easements shall be recorded with the recorded copy provided to the City prior to issuance of the building permit.

#### **PRIOR TO OCCUPANCY / FINAL APPROVAL/ PROJECT CLOSE OUT**

122. All public improvements shall be completed in accordance with the approved plans or as condition of this development to the satisfaction of the City Engineer prior to issuance of first occupancy.
123. Project bus stop improvement and relocation shall be constructed in accordance with RTA and City of Lake Elsinore requirements.
124. Proof of acceptance of maintenance responsibility of slopes, open spaces, landscape areas, and drainage facilities shall be provided.
125. 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.
126. All final studies and reports, final soil report showing compliance with recommendations, compaction reports, grade certifications, monument certification (with tie notes delineated on 8 ½ X 11" Mylar) shall be submitted in .tif format on a USB flash drive or electronically to the Engineering Department before final inspection will be scheduled.
127. All required public right-of-way dedications, easements, vacations, and easement agreement(s) shall be recorded with a recorded copy provided to the City prior to first occupancy unless a more stringent requirement is noted herein.
128. Applicant shall pay all outstanding applicable processing and development fees prior to occupancy and/or final approval.

129. Applicant shall submit documentation pursuant to City's Security Release handout.
130. Applicant shall submit as-built all Engineering Department approved project plan sets. After City approval of paper copy, applicant is responsible for revising the original mylar plans. Once the original mylars have been approved, the developer shall provide the City with a digital copy of the "as-built" plans in .tif format.
131. Applicant shall provide AutoCAD and GIS Shape files of all Street and Storm Drain plans. All data must be in projected coordinate system: NAD 83 State Plane California Zone VI U.S. Fleet. All parts and elements of the designed system shall be represented discretely. Include in the attribute table basic data for each feature, such as diameter and length, as applicable, and for pipes include material (PVC, RCP, etc.) and slope.

#### **CITY OF LAKE ELSINORE FIRE MARSHAL**

132. 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.
133. Hazardous Fire Area: this project is in a Very High Fire Hazard Severity Zone of Riverside County as shown on a map on file with the Clerk of the Board of Supervisors. Any building constructed within this project shall comply with the special construction provision contained in City of Lake Elsinore Ordinance and the California Building Code.
134. Fire flow and hydrants: the applicant or developer shall provide fire hydrants in accordance with the following:
  - a. Prior to building permit application, coordinate with the water district to provide a new public fire hydrant. Show the location of the proposed hydrant on the building permit site plan submittal. The hydrant must comply with fire hydrant flow and spacing requirements per the California Fire Code at the time of permit application.
  - b. Prior to placing any combustibles on site, provide an approved water source for firefighting purposes.
  - c. Emergency vehicle access roads must meet fire department standards at the time of building permit application. Current standards require minimum 24-foot wide roads. Roads must be capable of supporting at least 80,000 pounds.
  - d. Prior to building permit issuance, install the approved water system, approved access roads, and contact the Fire Department for a verification inspection.

#### **DEPARTMENT OF ADMINISTRATIVE SERVICES**

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

135. 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.

DRAFT

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: \_\_\_\_\_

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