

## CONDITIONS OF APPROVAL

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

<b>PROJECT:</b>	PA 2019-34/TTM 37922/CUP 2019-19/CDR 2019-27
<b>PROJECT NAME:</b>	Lake and Mountain Commercial Center
<b>PROJECT LOCATION:</b>	APNs: 389-030-012, 013, 014, 015, 016, 017, and 018
<b>APPROVAL DATE:</b>	January 25, 2022
<b>EFFECTIVE DATE:</b>	January 25, 2022
<b>EXPIRATION DATE:</b>	January 25, 2024
<b><u>EOT APPROVAL DATE:</u></b>	<u>March 12, 2024</u>
<b><u>EOT APPROVAL DATE:</u></b>	<u>May 28, 2024</u>
<b><u>EOT EXPIRATION DATE:</u></b>	<u>January 25, 2026</u>

### GENERAL

1. Tentative Tract Map No. 37922 is a subdivision of 6.07 acres six (6) lots ranging in size from 0.66 acres to 1.10 acres. The remaining 0.44-acre portion of the site will be dedicated for road right-of-way purposes. Conditional Use Permit No. 2019-19 and Commercial Design Review No. 2019-27 include a 3,400 SF convenience store with an attached 1,525 SF Quick-Serve Restaurant, 4,089 SF gas fueling canopy, a 3,150 SF express car wash, two (2) 4,850 SF retail buildings, a 3,320 SF drive-thru restaurant with an attached 1,600 SF retail building, and a 2,520 SF drive-thru restaurant with an attached 2,400 SF retail building with 170 parking spaces, landscaping, and related site improvements. The Project is located at the northwest corner of Mountain Street and Lake Street (APNs: 389-030-012, 013, 014, 015, 016, 017, and 018).
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 TTM 37922, CUP 2019-19, and CDR 2019-27, 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 TTM 37922, CUP 2019-19, and CDR 2019-27 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.

4. The applicant shall submit a check for \$3,589.25 made payable to the County of Riverside for the filing of a Notice of Determination. The check shall be submitted to the Planning Division for processing within 48 hours of the project's approval.

### **PLANNING DIVISION**

5. Tentative Tract Map No. 37922 will expire two years from the date of approval unless within that period of time a Final Map has been filed with the County Recorder, or an extension of time is granted by the City Council in accordance with the State of California Subdivision Map Act and applicable requirements of the Lake Elsinore Municipal Code (LEMC).
6. Tentative Tract Map No. 37922 shall comply with the State of California Subdivision Map Act and applicable requirements contained in the LEMC, unless modified by these Conditions of Approval.
7. Conditional Use Permit No. 2019-19 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.
8. Commercial Design Review No. 2019-27 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.
9. 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.
10. If operation of this use triggers 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.
11. The applicant shall provide all project-related on-site and off-site improvements as required by these Conditions of Approval.

12. 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.
13. 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.
14. 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.
15. 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.
16. 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. **OR** The applicant shall submit a sign program for review and approval of the Planning Commission prior to installation. Sign plans submitted to the City for review shall incorporate City identification signs.
17. 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.
18. Graffiti shall be removed within 24 hours.
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. No outside overnight storage of inoperable vehicles shall occur at the site.
21. There shall be no loitering in or around the business.

22. 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.
23. 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.
24. The applicant shall construct trash enclosure(s) with a decorative roof to match the colors, materials and design of the project architecture.
25. 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 Recordation of Final Map(s)**

26. All lots shall comply with minimum standards set forth in the General Commercial (C-2) zoning designation of the LEMC.
27. A precise survey with closures for boundaries and all lots shall be provided per the LEMC.
28. All of the project improvements shall be designed by the applicant's Civil Engineer to the specifications of the City of Lake Elsinore.
29. Prior to recordation of a Final Map, the applicant shall initiate and complete the formation of a Property Owner's Association (POA) which shall be approved by the City. All Association 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 the Articles of Incorporation for the Association and Covenants, Conditions and Restrictions (CC&Rs).
  - a. All slopes, landscaping within public right-of-way, all drainage basins, and common areas including but not limited to parking areas and drive aisles, shall be maintained by the (POA).
  - b. Provisions to restrict parking upon other than approved and developed parking spaces shall be written into the CC&Rs for the project.

#### **Prior to Issuance of Grading Permits/Building Permits**

30. The applicant shall pay all applicable City fees, including but not limited to Development Impact Fees (DIF) and MSHCP Fees per LEMC Section 16.85, at the rate in effect at the

time of payment.

31. 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.
32. A uniform hardscape and street furniture design including seating benches, trash receptacles, free-standing potted plants, bike racks, light bollards, etc., shall be utilized and be compatible with the architectural style. Detailed designs shall be submitted for Planning Division review and approval prior to the issuance of building permits.
33. Prior to issuance of Building Permit, the Applicant shall submit a photometric study to the Community Development Department for review and approval. The plan shall ensure that all exterior on-site lighting are shielded and directed on-site so as not to create glare onto neighboring properties and streets or allow illumination above the horizontal plane of the fixture.
34. Prior to the issuance of a Building Permit, all exterior wall mounted and freestanding light fixtures shall be submitted for review and approval by the Director of Community Development, or their designee. Light fixtures shall compliment the architectural style of the buildings onsite.
35. Prior to the issuance of a Building Permit, the color, finish and pattern of all decorative paving onsite shall be submitted for review and approval by the Director of Community Development, or their designee.
36. Prior to issuance of building permit, the applicant shall prepare a Final Wall and Fence Plan shall be submitted for review and approval by the Director of Community Development, or their designee.
37. Prior to issuance of a building permit, Final Landscaping / Irrigation Detail Plans shall be submitted along 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. Mature specimen trees shall be planted on locations visible from public views.
  - c. 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.
  - d. Planting within fifteen feet (15') of ingress/egress points shall be no higher than twenty-four inches (24").
  - e. Landscape planters shall be planted with an appropriate parking lot shade tree pursuant to the LEMC and Landscape Design Guidelines.
  - f. No required tree planting bed shall be less than 5 feet wide.
  - g. Root barriers shall be installed for all trees planted within 10 feet of hardscape areas to include sidewalks.

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- h. Any transformers and mechanical or electrical equipment shall be indicated on landscape plan and screened as part of the landscaping plan.
  - i. The landscape plan shall provide for ground cover, shrubs, and trees and meet all requirements of the City's adopted Landscape Guidelines.
  - j. All landscape improvements shall be bonded 100% for material and labor for two years from installation sign-off by the City. Release of the landscaping bond shall be requested by the applicant at the end of the required two years with approval/acceptance reviewed by the Landscape Consultant and approved by the Community Development Director or Designee.
  - k. 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.
  - l. Final landscape plan must be consistent with approved site plan.
  - m. Final landscape plans to include planting and irrigation details.
  - n. 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.
  - o. No turf shall be permitted.
38. 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.
39. 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**

40. 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.
41. Compliance with Code. All design components shall comply with applicable provisions of the 2019 edition of the California Building, Plumbing and Mechanical Codes: 2019 California Electrical Code; California Administrative Code, 2019 California Energy Codes, 2019 California Green Building Standards, California Title 24 Disabled Access Regulations, and Lake Elsinore Municipal Code.
42. Green Measures. The application shall provide 10% voluntary green measures on the project, as stipulated by the 2019 California Green Building Standards.

43. Disabled Access. Applicant shall provide details of all applicable disabled access provisions and building setbacks on plans to include:
  - a. All ground floor units to be adaptable.
  - b. Disabled access from the public way to the entrance of the building.
  - c. Van accessible parking located as close as possible to the main entry.
  - d. Path of accessibility from parking to furthest point of improvement.
  - e. Path of travel from public right-of-way to all public areas on site, such as clubhouse, trash enclosure, tot lots and picnic areas.
44. 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.
45. Clearance from LEUSD. A receipt or clearance letter from the Lake Elsinore School District shall be submitted to the Building and Safety Department evidencing the payment or exemption from School Mitigation Fees.
46. Obtain Approvals Prior to Construction. Applicant must obtain all building plans and permit approvals prior to commencement of any construction work.
47. Obtaining Separate Approvals and Permits. Trash enclosures, patio covers, light standards, and any block walls will require separate approvals and permits.
48. 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.
49. 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**

50. 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 1207, of the 2019 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)**

51. 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.
52. Demolition Permits. A demolition permit shall be obtained if there is an existing structure to be removed as part of the project.

**Prior to Issuance of Building Permit(s)**

53. 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**

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

**ENGINEERING DEPARTMENT**

**General**

55. All new submittals for plan check or permit shall be made using the City's online Citizen Self-Service Portal (CSSP).
56. All plans (Street, Storm Drain, Improvement, Grading) shall be prepared by a Registered Civil Engineer using the City's standard title block.
57. All required soils, geology, hydrology and hydraulic and seismic reports shall be prepared by a Registered Civil Engineer.
58. 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.
59. All open space and slopes except for public parks and schools and flood control district facilities, outside the public right-of-way shall be owned and maintained by the property owner or property owner's association.
60. In accordance with the City's Franchise Agreement for waste disposal & recycling, the applicant shall be required to contract with CR&R Inc. for removal and disposal of all waste material, debris, vegetation and other rubbish generated both during cleaning, demolition, clear and grubbing or all other phases of construction and during occupancy.
61. 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.

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62. 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.

### **FEES**

63. 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.
64. Applicant shall pay all applicable Mitigation and Development Impact Fees at the prevalent rate at time of payment in full. Mitigation and Development Impact Fees include without limitation:
- Master Plan of Drainage Fee – Due prior to Grading Permit issuance
  - Traffic Infrastructure Fee (TIF) – Due prior to Building Permit issuance
  - Transportation Uniform Mitigation Fee (TUMF) – Due prior to Occupancy

### **LAND DIVISION-DEDICATION**

65. All required public right-of-way dedications and easements shall be prepared by the developer or his agent and shall be submitted to the Engineering Department for review and approval.
66. Owner shall dedicate on the Final Map to the City right-of-way along Lake Street adjacent to the property frontage for a total right-of-way of 60 feet from centerline to the project property line.
67. Owner shall dedicate on the Final Map to the City right-of-way along Mountain Street adjacent to the property frontage for a total right-of-way of 30 feet minimum from centerline to the project property line.
68. The project shall vacate/abandon City approved excess right-of-way by separate instrument. All City costs for processing a vacation/abandonment (ex. Publication, noticing) shall be invoiced and paid by the developer.
69. Monumentation shall be in accordance with Lake Elsinore Municipal Code 16.32 and the Subdivision Map Act. Security and Inspection fee for monumentation shall be paid and two contiguous monuments shall be inspected prior to scheduling Final Map for City Council.
70. Covenants, Conditions and Restrictions (CC&Rs) shall be submitted to the Engineering Department for review and approval.
71. Legal agreements and financial commitments (LLMD, CFD, etc.) for operation and maintenance be recorded prior to Certificate of Occupancy.

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

#### **Design**

72. The project is responsible for complying with the Santa Ana Region NPDES Permits as warranted based on the nature of development and/or activity. These Permits include:
- General Permit – Construction
  - De Minimus Discharges
  - MS4
73. A Water Quality Management Plan (WQMP) – Preliminary and Final – shall be prepared using the Santa Ana Region 8 approved template and guidance and submitted for review and approval to the City.
- The Final WQMP shall be approved by the City prior to rough or precise grading plan approval and issuance of any permit for construction.
74. The Final WQMP shall document the following:
- Detailed site and project description.
  - Potential stormwater pollutants.
  - Post-development drainage characteristics.
  - Low Impact Development (LID) BMP selection and analysis.
  - Structural and non-structural source control BMPs.
  - Treatment Control BMPs.
  - Site design and drainage plan (BMP Exhibit).
  - Documentation of how vector issues are addressed in the BMP design, operation and maintenance.
  - GIS Decimal Minute Longitude and Latitude coordinates for all LID and Treatment Control BMP locations.
  - HCOC – demonstrate that discharge flow rates, velocities, duration and volume for the post construction condition from a 2-year and 10-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. (Note the facilities may need to be larger due to flood mitigation for the 10-year, 6- and 24-hour rain events).
  - 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.
75. The 2010 SAR MS4 Permit requires evaluation of the site for implementation of LID Principles and LID Site Design, where feasible, to treat the pollutants of concern identified for the project, the following manner (from highest to lowest priority):
- Evaluate site for highest and best use applicability (Exemption for projects that discharge to Lake Elsinore).
  - Preventative measures (these are mostly non-structural measures, e.g. minimizing impervious areas, conserving natural areas, minimizing directly connected impervious areas, etc.)
  - The Project shall in the order presented: infiltrate, harvest and use, evapotranspire and/or bio-treat the Design Capture Volume (DCV).
  - The Project shall consider a properly engineered and maintained bio-treatment system only if infiltration, harvesting and use and evapotranspiration cannot be feasibly

- implemented at the project site.
- Any portion of the DCV that is not infiltrated, harvested and used, evapotranspired, and/or bio-treated shall be treated and discharged in accordance with the requirements set forth in Section XII.G.
76. Parking lot landscaping areas shall be designed to provide for treatment, retention or infiltration of runoff.
77. Project hardscape areas shall be designed and constructed to provide for drainage into adjacent landscape.
78. Project trash enclosure shall be covered, bermed, and designed to divert drainage from adjoining paved areas and regularly maintained.
79. Hydromodification / Hydraulic Conditions of Concern – The project shall identify potential Hydraulic Conditions of Concern (HCOG) and 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.
80. 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.
81. All storm drain inlet facilities shall be appropriately marked “Only Rain in the Storm Drain” using the City authorized marker.
82. The project shall use either volume-based and/or flow-based criteria for sizing BMPs in accordance with NPDES Permit Provision XII.D.4.
83. The project site shall implement full trash capture methods/devices approved by the Region Water Quality Control Board.
84. To meet NPDES requirements, all vehicle/equipment washing/steam cleaning areas must be self-contained and/or covered, equipped with a clarifier or other pretreatment facility, and properly connected to a sanitary sewer or other appropriately permitted disposal facility. PLAN REQUIREMENTS: The Owner/Applicant shall incorporate these vehicle/equipment wash requirements into project design and depict on plans, including detail plans as needed.

### **Construction**

85. 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.
86. 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.

87. Erosion & Sediment Control – All Projects – 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.
88. The project shall implement LID practices that treat the 85th percentile storm in the priority order as follows:
- Highest and best use – treat all pollutants of concern to a medium to high level and discharge (applicable to projects discharging to Lake Elsinore)
  - Infiltrate
  - Harvest and use
  - Evapotranspire and/or bio-treat
89. Chemical Management – Prior to issuance of building permits for any tank or pipeline, the uses of said tank or pipeline shall be identified and the developer shall submit a Chemical Management Plan in addition to a WQMP with all appropriate measures for chemical management (including, but not limited to, storage, emergency response, employee training, spill contingencies and disposal) in a manner meeting the satisfaction of the Manager, Permit Intake, in consultation with the Riverside County Fire Department and wastewater agencies, as appropriate, to ensure implementation of each agency’s respective requirements. A copy of the approved “Chemical Management Plans” shall be furnished to the Fire Marshall, prior to the issuance of any Certificates of Use and Occupancy.

### **Post-Construction**

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

- format shall be used.
- Provide documentation of annexation into a CFD for funding facilities to be maintained by the City.
  - Demonstrate that copies of the project's approved WQMP (with recorded O&M Plan or CC&R's attached) are available for each of the initial occupants.
  - Agree to pay for a Special Investigation from the City of Lake Elsinore for a date twelve (12) months after the issuance of a Certificate of Use and/or Occupancy for the project to verify compliance with the approved WQMP and O&M Plan. A signed/sealed certification from the Engineer of Work dated 12 months after the Certificate of Occupancy will be considered in lieu of a Special Investigation by the City.
  - Provide the City with a digital .pdf copy of the Final WQMP.

## **UTILITIES**

91. All arrangements for relocation of utility company facilities (power poles, vaults, etc.) out of the roadway shall be the responsibility of the property owner or his agent. Overhead utilities (34.5 kV or lower) shall be undergrounded. All power lines (temporary or permanent) shall comply with Caltrans standards for vehicle clearance.
92. Underground water rights shall be dedicated to the City pursuant to the provisions of Section 16.52.030 (LEMC), and consistent with the City's agreement with the Elsinore Valley Municipal Water District.
93. Developer shall apply for, obtain and submit to the City Engineering Department a letter from Southern California Edison (SCE) indicating that the construction activity will not interfere with existing SCE facilities.
94. Developer shall 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.

## **IMPROVEMENTS**

### **Design**

95. Sight distance into and out and throughout the project location shall comply with City or Caltrans standards.
96. 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.
97. All drainage facilities in this project shall be constructed to Riverside County Flood Control District Standards.
98. 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

99. 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.
100. Roof drains shall not be allowed to outlet directly through coring in the street curb. Roofs should drain to a landscaped area.
101. The site shall be planned and developed to keep surface water from entering buildings (California Green Building Standards Code 4.106.3).
102. 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. Off-site facilities shall be maintained by the City with maintenance funded through a CFD or other City authorized assessment.
103. Developer shall be responsible at a minimum for the installation of half-width improvements including, but not limited to curb, gutter, sidewalk, roadway pavement, and drainage improvements on Lake Street to the ultimate 60-foot half-width cross section along the property frontage. The project will construct the raised median on Lake Street to restrict access to right-in/right-out access at the two driveways on Lake Street.
104. Developer shall be responsible at a minimum for installation of half-width improvements including, but not limited to curb, gutter sidewalk, roadway pavement, and drainage improvements on Mountain Street to the ultimate 30-foot half-width cross section along the property frontage. The project will construct a pork chop island to restrict access to right-in/right-out for Driveway 2 as shown on Exhibit 1-1 of the Traffic Impact Analysis dated January 17, 2020.
105. Developer shall provide transition or offset from westerly driveway on Mountain Street to existing curb at westerly property line.
106. Developer shall implement improvements identified in Section 1.6 of the Traffic Impact Analysis dated January 17, 2020.
107. Developer shall submit signing and striping plans for City review and approval. All signing and traffic control devices shall be installed prior to occupancy.
108. Developer shall install permanent benchmarks per City Standards and at location to be determined by the City Engineer.
109. A California Registered 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).

110. If existing improvements are to be modified, the existing improvement plans on file shall be revised accordingly and approved by the City Engineer prior to issuance of a building permit.

### **Permitting/Construction**

111. 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.
112. 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**

#### **Design**

113. A grading plan signed and stamped by a California Registered Civil Engineer shall be submitted for City review and approval for all addition and/or movement of soil (grading) on site. The plan shall include separate sheets for erosion control, haul route and traffic control. The grading submittal shall include all supporting documentation and be prepared using City standard title block, standard drawings and design manual.
114. All grading plan contours shall extend to minimum of 50 feet beyond property lines to indicate existing drainage pattern.
115. The grading plan shall show that no structures, landscaping, or equipment are located near the project entrances that could reduce sight distance.
116. If the grading plan identifies alterations in the existing drainage patterns as they exit the site, a Hydrology and Hydraulic Report for review and approval by City Engineer shall be required prior to issuance of grading permits. All grading that modifies the existing flow patterns and/or topography shall be in compliance with Federal, State and Local law and be approved by the City Engineer.
117. A seismic study shall be performed on the site to identify any hidden earthquake faults, liquefaction and/or subsidence zones present on-site. A certified letter from a registered geologist or geotechnical engineer shall be submitted confirming the absence of this hazard prior to grading permit. The location of faults, active or inactive shall be shown on the plan sets.
118. Developer 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.
119. Developer shall mitigate to prevent any flooding and/or erosion downstream caused by development of the site and/or diversion of drainage.
120. 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

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public facility; accepted by adjacent property owners by a letter of drainage acceptance; or conveyed to a drainage easement as approved by the City Engineer.

### **Permitting/Construction**

121. Developer shall execute and submit grading and erosion control agreement, post grading security and pay permit fees as a condition of grading permit issuance.
122. A preconstruction meeting with the City Engineering Inspector (Engineering Department) is required prior to commencement of any grading activity.
123. Prior to commencement of grading operations, developer is to provide to the City a map of all proposed haul routes to be used for movement of export material. All such routes shall be subject to the review and approval of the City Engineer. Haul route shall be submitted prior to issuance of a grading permit. Hauling in excess of 5,000 cubic yards shall be approved by the City Council (LEMC 15.72.065).
124. Export sites located within the Lake Elsinore City limits must have an active grading permit.
125. Applicant to provide to the City a video record of the condition of all proposed public City haul roads. In the event of damage to such roads, the applicant shall pay full cost of restoring public roads to the baseline condition. A bond may be required to ensure payment of damages to the public right-of-way, subject to approval of the City Engineer.
126. All grading shall be done under the supervision of a geotechnical engineer. Slopes steeper than 2 to 1 shall be evaluated for stability and proper erosion control and approved by the City.
127. 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.
128. Approval of the project Final Water Quality Management Plan (WQMP) for post construction shall be received prior to issuance of a grading or building permit.
129. Submit applicable environmental clearance document to the Engineering Department. This approval shall identify and clear all proposed grading activity anticipated for this project.

### **PRIOR TO BUILDING PERMIT**

130. Provide soils, geology and seismic report, including recommendations for parameters for seismic design of buildings, and walls prior to building permit.
131. Prior to issuance of certificates of use and occupancy or building permits for individual tenant improvements or construction permits for a tank or pipeline, facility uses shall be identified and, for specified uses (where the proposed improvements will store, generate or handle hazardous materials in quantities that will require permitting and inspection once operational), the applicant shall propose plans and measures for chemical management (including, but not limited to storage, emergency response, employee training, spill

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contingencies and disposal) to the satisfaction of the City Building Official(s).

132. All street improvement plans, traffic signal plans, signing and striping plans shall be completed and approved by the City Engineer per Traffic Impact Analysis dated June 4, 2021, as specified.
133. All required public right-of-way dedications and easements shall be prepared by the developer or his agent and shall be submitted to the Engineering Department for review and approval prior to issuance of the building permit.

#### **PRIOR TO OCCUPANCY / FINAL APPROVAL**

134. All public improvements shall be installed in accordance with the approved plans or as condition of this development to the satisfaction of the City Engineer.
135. Proof of acceptance for maintenance responsibility of slopes, open spaces, landscape areas, and drainage facilities shall be provided.
136. Covenants, Conditions and Restrictions (CC&Rs) shall be recorded prior to occupancy. A digital copy shall be provided to the Engineering Department.
137. As-built plans for all approved plan sets shall be submitted for review and approval by the City. Developer/Owner is responsible for revising the original mylar plans.
138. 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.
139. 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.
140. 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 occupancy.
141. Developer shall pay all outstanding applicable processing and development fees prior to occupancy and/or final approval.

#### **PROJECT CLOSEOUT / SECURITY RELEASE**

142. Developer shall submit documentation pursuant to City's Security Release handout.
143. Developer shall submit as-built all Engineering Department approved project plan sets. After City approval of paper copy, the developer/owner 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.
144. Developer shall provide AutoCAD and GIS Shape files of all Final Maps, Street and Storm Drain plans. All data must be in projected coordinate system: NAD 83 State Plane California Zone VI U.S. Fleet.

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

145. 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.
146. 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 provisions contained in Lake Elsinore Municipal Code and the California Building Code.
147. Fire flow and hydrants: the applicant or developer shall provide fire hydrants in accordance with the following:
  - a. Prior to placing any combustibles on site, provide an approved water source for firefighting purposes.
  - b. Prior to building permit issuance, submit plans to the water district for a water system capable of delivering fire flow as required by the California Fire Code and Fire Department standards. Fire hydrants shall be spaced in accordance with the California Fire Code. Based on current standards, the required fire flow is estimated to be 1,500 GPM at 20 PSI for a 2 hour duration. Estimated fire flow is based on 5,000 square foot building area, Type V-B construction, and buildings having a fire sprinkler system per 2019 California Fire Code.
148. Prior to building permit issuance, install the approved water system, approved access roads, and contact the Fire Department for a verification inspection.
149. Emergency 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.

### **DEPARTMENT OF ADMINISTRATIVE SERVICES**

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

150. Prior to approval of the Final Map or building permit (as applicable), the applicant shall annex into the Community Facilities District No. 2015-2 (Maintenance Services) or current Community Facilities District in place at the time of annexation to fund the on-going operation and maintenance of the public right-of-way landscaped areas and neighborhood parks to be maintained by the City and for street lights in the public right-of-way for which the City will pay for electricity and a maintenance fee to Southern California Edison, including parkways, street maintenance, open space and public storm drains constructed within the development and federal NPDES requirements to offset the annual negative fiscal impacts of the project. Alternatively, the applicant may propose alternative financing mechanisms to fund the annual negative fiscal impacts of the project with respect to

Maintenance Services. Applicant shall make a non-refundable deposit of \$15,000 or at the current rate in place at the time of annexation toward the cost of annexation, formation or other mitigation process, as applicable.

**MITIGATION MONITORING AND REPORTING PROGRAM**

151. The applicant shall comply with all mitigation measures identified in the Mitigation Monitoring & Reporting Program for the Environmental Impact Report (Environmental Review No. 2020-03; SCH # 2020080538) prepared for the Project.

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I hereby state that I acknowledge receipt of the approved Conditions of Approval for the above named project and do hereby agree to accept and abide by all Conditions of Approval as approved by the City Council of the City of Lake Elsinore on ~~January 25, 2022~~ March 12, 2024 May 28, 2024. I also acknowledge that all Conditions shall be met as indicated.

Date: \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone Number: \_\_\_\_\_