

## CONDITIONS OF APPROVAL

PROJECT: PA 2023-40/CUP 2023-15  
PROJECT NAME: Inland Boat Center  
PROJECT LOCATION: APNs: 363-530-003 and 363-530-006  
APPROVAL DATE:  
EFFECTIVE DATE:  
EXPIRATION DATE:

### **GENERAL**

1. Planning Application No. 2023-40 (Conditional Use Permit No. 2023-15) proposes to establish and operate a new boat dealership in an approximately 126,661 sq. ft. existing retail building which will be utilized as a showroom, offices, storage, and maintenance/repair drive-through area. The project also includes two (2) fenced outdoor display areas totaling approximately 29,895 sq. ft. and three (3) fenced storage areas totaling 38,736 sq. ft. in size. The facility will be used to buy and sell new and used boats, vehicles, recreational vehicles, trailers, all-terrain vehicles (ATVs), motorcycles, equipment, and all marine related products. The facility will also sell marine related accessories and parts and provides service and maintenance to new and used boats, motors, and trailers. The 12.39-acre project site is located south of Railroad Canyon Road and east of Grape Street, more specifically referred to as 31700 Grape Street (APNs: 363-530-003 and 363-530-006).
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 2023-15, 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 2023-15 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 and prior to issuance of any building permits, the applicant shall sign and complete an "Acknowledgement 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. 2023-15 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. Operational activities shall be conducted entirely within the leased area and in accordance with the site plan and floor plan approved by the Planning Commission.
6. Any outdoor activity will require a temporary use permit or special event permit, as applicable, shall be obtained from the City of Lake Elsinore prior to conducting any outdoor events on the subject property.
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 a Certificate of Occupancy and release of utilities.
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 the approved plans are subject to review and approval 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.
12. Provisions of the City's Noise Ordinance (LEMC Chapter 17.176) at all times.
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.
14. There shall be no loitering in or around the establishment.
15. Graffiti shall be removed within 24 hours.

16. The vicinity of the establishment 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.
17. If any of the conditions of approval set forth herein fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny or further condition issuance of all future building permits, deny revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted; record a notice of violation on the property title; institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation.

**BUILDING DIVISION**

18. The applicant shall meet all applicable building codes in effect at the time, including requirements for the occupancy.
19. A building permit shall be obtained prior to construction of building alterations.

**CITY OF LAKE ELSINORE FIRE MARSHAL**

20. The applicant/operator shall comply with all requirements of the Riverside County Fire Department Lake Elsinore Office of the Fire Marshal.
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I hereby state that I acknowledge receipt of the approved Conditions of Approval for the above-referenced project and do hereby agree to accept and abide by all Conditions of Approval as approved by the City of Lake Elsinore Planning Commission on \_\_\_\_\_. I also acknowledge that all Conditions shall be met as indicated.

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

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

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

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

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

DRAFT