

## CONDITIONS OF APPROVAL

**PROJECT:** PA 2021-37/ZC 2021-03/IDR 2021-06  
**PROJECT NAME:** Mason Motorsports  
**PROJECT LOCATION:** APNs: 377-430-016  
**APPROVAL DATE:**  
**EFFECTIVE DATE:**  
**EXPIRATION DATE:**

### **GENERAL**

1. Planning Application No. 2021-37 includes requests for Zone Change (ZC) No. 2021-03 which amends the zoning designation of APN: 377-430-016 from Commercial Manufacturing (C-M) to Limited Manufacturing (M-1), and Industrial Design Review (IDR) No. 2021-06 which proposes to construct one two-story, 25,449 sq. ft. industrial building and associated improvements including a 51-space parking area, two loading spaces and 16,803 sq. ft. of landscaping on a 1.56-acre site (Project). The Project site is located on the westerly corner of the intersection of Collier Avenue and Chaney Street (APN: 377-430-016).
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 ZC 2021-03 and IDR 2021-06, which action is sought 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 ZC 2021-03 and IDR 2021-06 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. Industrial Design Review No. 2021-06 shall lapse and become void two years following the date on which the design review became effective, unless one of the following: (1) prior to the expiration of two years, a building permit related to the design review is issued and construction commenced and diligently pursued toward completion; or (2) prior to the expiration of two years, the applicant has applied for and has been granted an extension of the design review approval pursuant to subsections (1) and (2) of Lake Elsinore Municipal Code (LEMC) Section 17.415.050.I.1. Notwithstanding conditions to the contrary, a design

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

5. All Conditions of Approval shall be reproduced on page one of building plans prior to their acceptance by the Building and Safety Division, Community Development Department. All Conditions of Approval shall be met prior to the issuance of a Certificate of Occupancy and release of utilities.
6. All future development proposals shall be reviewed by the City on a project-by-project basis. If determined necessary by the Community Development Director or designee, additional environmental analysis will be required.
7. Any proposed minor revisions to approved plans shall be reviewed and approved by the Community Development Director or designee. Any proposed substantial revisions to the approved plans shall be reviewed according to the provisions of the Municipal Code in a similar manner as a new application. Grading plan revisions shall be reviewed by the City Engineer.
8. The applicant shall provide all project-related on-site and off-site improvements as required by these Conditions of Approval.
9. Provisions of the City's Noise Ordinance shall be satisfied during all site preparation and construction activity. The applicant shall place a weatherproof 3' x 3' sign at the entrance to the project site identifying the approved days and hours of construction activity 7:00 a.m. – 5:00 p.m., Monday through Friday. Only finish work and similar interior construction may be conducted on Saturdays and may commence no earlier than 8:00 a.m. and shall cease no later than 4:00 p.m. with no construction activity to occur on Sundays or legal holidays. The sign shall identify the name and phone number of the development manager to address any complaints. The project shall also comply with the following requirements to minimize noise caused by construction activities:
  - a. Staging areas should be placed as far as possible from neighboring properties
  - b. Turn off equipment when not in use.
  - c. Limit the use of enunciators or public address systems, except for emergency notifications.
  - d. Equipment used in construction should be maintained in proper operating condition, and all loads should be properly secured, to prevent rattling and banging.
  - e. Schedule work to avoid simultaneous construction activities that both generate high noise levels.
  - f. Use equipment with effective mufflers.
  - g. Minimize the use of backup alarms.
10. 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.
11. Graffiti shall be removed within 24 hours.
12. 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

13. 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.
14. Onsite business activities or other uses shall be conducted entirely within a completely enclosed building, and maintain an exterior environment free from odor, dust, smoke, gas, noise vibration, electromagnetic disturbance, and the storage of hazardous waste pursuant to LEMC Section 17.136.020.
15. 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**

16. Prior to issuance of a building permit, the applicant shall pay Development Impact Fees (DIF) and MSHCP Fees per LEMC Section 16.85, at the rate in effect at the time of payment.
17. 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.
18. A detailed on-site lighting plan, including a photometric diagram, shall be reviewed to ensure that all exterior on-site lighting shall be shielded and directed on-site so as not to create glare onto neighboring property and streets or allow illumination above the horizontal plane of the fixture.
19. The project shall meet all requirements of the Elsinore Valley Municipal Water District (EVMWD). The applicant shall submit water and sewer plans to the EVMWD and shall incorporate all district conditions and standards.
20. The property address (in numerals at least six inches high) shall be displayed near the entrance and be easily visible from the front of the subject property and public right-of-way.
21. The applicant shall construct trash enclosure(s) with a decorative roof to match the colors, materials, and design of the project architecture.
22. 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.

23. Prior to issuance of a building permit, one (1) set of the Final Landscaping / Irrigation Detail Plans along with a digital copy (in .pdf format) 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.
  - 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.
24. 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.
25. 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.

#### Biological Resources

26. Prior to project construction, 30-day preconstruction presence/absence surveys following the protocol established in the Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area shall be conducted in accordance with the requirements of the MSHCP (WRCRCA 2003). The preconstruction survey report shall be submitted to the Community Development Department for review and approval prior to

issuance of a grading or building permit. Take of active nests shall be avoided. If burrowing owls are detected, the WRCRCA, USFWS, and CDFW shall be notified in 48 hours. A burrowing owl relocation plan for active or passive relocation will be required to be developed and is subject to review and approval by WRCRCA, USFWS, and CDFW.

27. To remain in compliance with the Migratory Bird Treaty Act (MBTA) and Sections 3503, 3503.5, and 3513 of the California Fish and Game Code (CFGF), no direct impacts shall occur to any nesting birds, their eggs, chicks, or nests. If vegetation removal activities were to occur during the bird breeding season of February 1 to September 15, a qualified biologist will conduct pre-construction surveys no more than three days prior to the commencement of project activities to identify locations of nests. If nests or breeding activities are located on the project site, a qualified biologist shall establish a clearly marked appropriate exclusionary buffer or other avoidance and minimization measures around the nest. Avoidance and minimization measures shall be maintained until the young have fledged and no further nesting is detected. If no nesting birds are detected during the pre-construction survey, no further measures are required. A preconstruction survey report shall be submitted to the Community Development Department for review and approval prior to issuance of a grading or building permit.

#### Cultural Resources

28. Prior to issuance of grading permit(s) for the project, the project applicant shall retain an archaeological monitor to monitor all grounddisturbing activities in an effort to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to a cultural resources evaluation.
29. At least 30 days prior to seeking a grading permit, the project applicant shall contact the appropriate tribe to notify that Tribe of grading, excavation and the monitoring program, and to coordinate with the City of Lake Elsinore and the Tribe to develop a Cultural Resources Treatment and Monitoring Agreement. The Agreement shall address the treatment of known cultural resources, the designation, responsibilities, and participation of Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site.
30. Prior to issuance of any grading permit, the project archaeologist shall file a pre-grading report with the Community Development Department to document the proposed methodology for grading activity observation. Said methodology shall include the requirement for a qualified archaeological monitor to be present and to have the authority to stop and redirect grading activities. In accordance with the agreement required in GP EIR MM Cultural/Paleontological Resources 2, the archaeological monitor's authority to stop and redirect grading will be exercised in consultation with the appropriate tribe in order to evaluate the significance of any archaeological resources discovered on the property. Tribal monitors shall be allowed to monitor all grading, excavation and ground breaking activities, and shall also have the authority to stop and redirect grading activities in consultation with the project archeologist.
31. The landowner shall relinquish ownership of all cultural resources, including sacred items, burial goods and all archaeological artifacts that are found on the project area to the appropriate tribe for proper treatment and disposition.



32. All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.
33. If inadvertent discoveries of subsurface archaeological/cultural resources are discovered during grading, the Developer, the project archaeologist, and the appropriate tribe shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. If the Developer and the Tribe cannot agree on the significance or the mitigation for such resources, these issues will be presented to the Community Development Director (CDD) for decision. The CDD shall make the determination based on the provisions of the California Environmental Quality Act with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the appropriate tribe. Notwithstanding any other rights available under the law, the decision of the CDD shall be appealable to the City of Lake Elsinore.
34. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. Subsequently, the Native American Heritage Commission shall identify the person or persons it believes to be the "most likely descendant." The most likely descendant may then make recommendations and engage in consultations concerning the treatment of the remains as provided in Public Resources Code 5097.98.

### **Construction**

35. Pursuant to South Coast Air Quality Management District (SCAQMD) Rule 402, the applicant shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.
36. Pursuant to South Coast Air Quality Management District (SCAQMD) Rule 403, the applicant shall comply with applicable fugitive dust emission requirements and utilize the applicable best available control measures to minimize fugitive dust emissions from each fugitive dust source type within the active operation.
37. The applicant shall implement all of the following basic control measures for criteria air pollutants during construction:
  - a. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.
  - b. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations ("California

- Air Resources Board OffRoad Diesel Regulations”).
- c. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed.
  - d. Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand.
  - e. Low VOC (i.e., ROG) coatings shall be used that comply with SCAQMD Regulation 1113: Architectural Coatings.
  - f. All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”) and upon request by the City (and the Air District if specifically requested), the project applicant shall provide written documentation that fleet requirements have been met.

## **BUILDING DIVISION**

### **General Conditions**

38. 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.
39. 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.
40. Green Measures. The application shall provide 10% voluntary green measures on the project, as stipulated by the 2022 California Green Building Standards.
41. 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 club house, trash enclosure, tot lots and picnic areas.
42. 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.

43. 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.
44. Obtain Approvals Prior to Construction. Applicant must obtain all building plans and permit approvals prior to commencement of any construction work.
45. Obtaining Separate Approvals and Permits. Trash enclosures, patio covers, light standards, and any block walls will require separate approvals and permits.
46. 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.
47. 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**

48. 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)**

49. 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.
50. 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)**

51. 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**

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

### **ENGINEERING DIVISION**

#### **General**

53. All new submittals for plan check or permit shall be made using the City's online Citizen Self-Service Portal (CSSP).
54. All plans (Street, Storm Drain, Improvement, Grading) shall be prepared by a Registered Civil Engineer using the City's standard title block.
55. All required soils, geology, hydrology, hydraulic and seismic reports shall be prepared by a Registered Civil Engineer.
56. 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.
57. 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.
58. 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.
59. 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.
60. Minimum good housekeeping and erosion and sediment control Best Management Practices (BMPs) as identified by the City shall be implemented.

#### **Fees**

61. 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.
62. 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 Plan of Drainage 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
  - d. Stephens' Kangaroo Rat Habitat Fee (K-Rat) – Due prior to Grading Permit issuance

63. Applicant shall pay fee in-lieu of construction of future ultimate half-width improvements on the Collier Avenue. Improvements but are not limited include pavement widening (AC, Base), curb and gutter, and catch basin relocation. The fee shall be equal to current cost estimate for improvements (including contingency) of the total construction cost. Applicant shall submit an engineer's estimate to the City for review and approval. Fee shall be due prior to Building Permit issuance.

#### **Land Division**

64. Applicant shall dedicate right-of-way along Collier Avenue adjacent to the property frontage for minimum total width of 50 feet from centerline to the project property line. Collier Avenue is classified as a Major Highway in the City's General Plan Circulation Element, where full width is 100 feet and curb to curb width is 80 feet.
65. All required public right-of-way dedications, easements, and vacations shall be prepared by the developer or his agent and shall be submitted to the Engineering Department for review and approval.
66. All required public right-of-way dedications, easements, and vacations shall be recorded prior to issuance of Building Permit.

#### **Storm Water Management / Pollution Prevention NPDES**

##### **Design**

67. 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. These Permits include:
- a. General Permit – Construction
  - b. De Minimis Discharges
  - c. MS4
68. The 2010 Santa Ana Region MS4 Permit requires implementation of LID Principles and LID Site Design, where feasible, to treat the pollutants of concern identified for the project (Section XII.E2, XII.E3, and XII.E7).
69. A Final Water Quality Management Plan (WQMP) 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 rough grading plan approval and issuance of any permit for construction.
70. The Final WQMP shall document the following but are not limited to:
- 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. 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. (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.
71. The project shall use either volume-based and/or flow-based criteria for sizing BMPs in accordance with NPDES Permit Provision XII.D.4.
72. The project site shall implement full trash capture methods/devices approved by the Region Water Quality Control Board.
73. Parking lot landscaping areas shall be designed to provide for treatment, retention or infiltration of runoff.
74. Project hardscape areas where applicable will be designed and constructed to provide for drainage into adjacent landscape.
75. Project trash enclosure shall be covered, bermed, and designed to divert drainage from adjoining paved areas and regularly maintained.
76. 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.
77. All storm drain inlet facilities shall be appropriately marked “Only Rain in the Storm Drain” using the City authorized marker.

#### Construction

78. 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.
79. 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.

80. 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.
81. 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

82. 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:
- a. Demonstrate that the project has complied with all non-structural BMPs described in the project's WQMP.
  - b. 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.
  - c. 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.
  - d. 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.
  - e. Provide documentation of annexation into a CFD for funding facilities to be maintained by the City.

- f. Demonstrate that copies of the project's approved Final WQMP (with recorded O&M Plan or CC&R's 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 Final 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**

- 83. 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).
- 84. 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.
- 85. Applicant 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. Non-Interference Letter (NIL) shall be provided prior to issuance of Grading Permit.
- 86. 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**

- 87. Applicant shall design and construct sidewalk and commercial driveways on Collier Avenue and Chaney Street.
- 88. Sight distance into and out and throughout the project location shall comply with City or Caltrans standards. Project shall ensure facilities are installed in the line of sight of drivers.
- 89. Applicant shall install permanent bench marks per City of Lake Elsinore Standards and at locations to be determined by the City Engineer.
- 90. 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.
- 91. All drainage facilities in this project shall be constructed to Riverside County Flood Control District Standards. Storm drain easements will be required for facilities constructed on private property.



92. 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.
93. 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 shall be appropriately sized and conveyed to a public facility.
94. Roof drains shall not be allowed to outlet directly through coring in the street curb.
95. The site shall be planned and developed to keep surface water from entering buildings (California Green Building Standards Code 4.106.3).
96. 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.
97. 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).
98. 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

99. 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.
100. 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

101. 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.
102. All grading plan contours shall extend to minimum of 50 feet beyond property lines to indicate existing drainage pattern.

103. The grading plan shall show that no structures, landscaping, or equipment are located near the project entrances that could reduce sight distance.
104. 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.
105. 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.
106. 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.
107. Applicant shall mitigate to prevent any flooding and/or erosion downstream caused by development of the site and/or diversion of drainage.
108. 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 a drainage easement as approved by the City Engineer.

Permitting/Construction

109. Applicant shall execute and submit grading and erosion control agreement, post grading security and pay permit fees as a condition of grading permit issuance.
110. No grading shall be performed without first having obtained a Grading Permit. A grading permit does not include the construction of retaining walls or other structures for which a Building Permit is required.
111. A preconstruction meeting with the City Engineering Inspector (Engineering Department) is required prior to commencement of any grading activity.
112. Prior to commencement of grading operations, Applicant shall 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 Section 15.72.065). All required documents shall be submitted and approved prior to scheduling for City Council.
113. Export sites located within the Lake Elsinore City limits must have an active grading permit.
114. 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.

115. 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.
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 and submit applicable environmental clearance document to the Engineering Department. This approval shall specify that the project is in compliance 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 street improvement plans and signing and striping plans shall be completed and approved by the City Engineer.
121. All required public right-of-way dedications and easements shall be recorded prior to issuance of the building permit.

**Prior to Occupancy / Final Approval**

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 occupancy.
123. Proof of acceptance of maintenance responsibility of slopes, open spaces, landscape areas, and drainage facilities shall be provided.
124. Covenants, Conditions and Restrictions (CC&Rs) shall be recorded prior to occupancy. A digital copy of the recorded document shall be provided to the Engineering Department.
125. As-built plans for all approved plan sets shall be submitted for review and approval by the City. The developer/owner is responsible for revising the original mylar plans.
126. 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.
127. 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.
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, 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.
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. 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. Hydrants must produce the required fire flow per the California Fire Code.
  - c. Required fire flow is estimated to be 1,625 GPM at 20 PSI for a 2-hour duration based on 2019 California Fire Code and 25,449 square foot building area with Type III-B construction and a fire sprinkler system.
134. Prior to building permit issuance, install the approved water system and contact the Fire Department for a verification inspection.
135. Further review will occur upon receiving building plans. Additional requirements may be necessary at that time.

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

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

136. Prior to issuance of a building permit, 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.

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 \_\_\_\_\_, 20\_\_\_\_. I also acknowledge that all conditions shall be met as indicated.

Date:

\_\_\_\_\_

Applicant's Signature:

\_\_\_\_\_

Print Name:

\_\_\_\_\_

Address:

\_\_\_\_\_

\_\_\_\_\_

Phone Number:

\_\_\_\_\_