

5) **Ortega BESS, Revision to Conditions of Approval No. 65 and 66 Relating to Camino del Norte Improvements**

Approve revisions to Conditions of Approval No. 65 and 66 to state as follows:

65. Prior to issuance of an occupancy permit, the applicant shall relocate and reconstruct culvert headwalls and shall provide cash in lieu as determined by an Engineer's estimate for the cost of half-width improvements along Camino del Norte.

The engineer's estimate shall include half-width improvements such as pavement section, curb, gutter, sidewalk, relocating power poles, and other incidentals along the project's frontage.



REPORT TO CITY COUNCIL

To: Honorable Mayor and Members of the City Council

From: Jason Simpson, City Manager

Prepared by: Remon Habib, City Engineer

Date: May 28, 2024

Subject: Ortega BESS, Revision to Conditions of Approval No. 65 and 66 Relating to Camino del Norte Improvements

Recommendation

Approve revisions to Conditions of Approval No. 65 and 66 to state as follows:

65. Prior to issuance of an occupancy permit, the applicant shall relocate and reconstruct culvert headwalls and shall provide cash in lieu as determined by an Engineer's estimate for the cost of half-width improvements along Camino del Norte.

The engineer's estimate shall include half-width improvements such as pavement section, curb, gutter, sidewalk, relocating power poles, and other incidentals along the project's frontage.

66. Prior to issuance of an occupancy permit, the applicant shall provide cash in lieu as determined by an Engineer's estimate for the cost of LS-2B lighting system. Cost shall include poles, luminaires, pull boxes, and other necessary incidentals.

Background

On July 19, 2022, the Planning Commission approved the Commercial Design Review No. 2021-12 for Ortega Grid, LLC to construct a 20-megawatt battery energy storage system (BESS) on a 1.79-acre site. Grading permit and other permits have been issued and the project is currently under construction.

Discussion

On May 20, 2024, Hecate Grid LLC (Hecate) sent a formal letter requesting a revision to Conditions 65 and 66 to be revised.

The original conditions are listed below:

65. Applicant shall be responsible to design and construct the half-width street improvements along the property's frontage on Camino del Norte such that the ultimate right-of-way width conforms to the General Plan Circulation Element. Camino del Norte is classified as a Secondary Highway.

- Improvements include, but are not limited to road pavement widening, curb, gutter, sidewalk, signing and striping, street lighting (LS-2B system), and driveway.
- Applicant shall be responsible to relocate the culvert headwall and overhead power poles (as approved by the utility purveyor) for the construction of the ultimate road widening.

66. Project will be responsible to design and install streetlights along the property's frontage. Streetlight system shall be designed as LS-2B system. Streetlight plans shall include details such as location, pole, and luminaire type, and pull box design. Streetlight plans shall include as part of the Street Improvement Plans.

Hecate will complete the relocation of the culvert headwall, which will extend the culvert beyond the ultimate road width, and the driveway tie into the existing road pavement.

Hecate has been working with Southern California Edison (SCE) on the relocation of the transmission lines on Camino del Norte. Due to the complexity with relocating the transmission and the short frontage width of the project site, SCE has recommended to the Hecate as well as to the City staff to defer relocating the poles until a longer segment of the Camino del Norte is widened.

Cash in lieu collected will be applied to widening Camino Del Norte as part of a larger project from Main Street to 2nd Street. Staff is currently working with other developers on a cooperative effort in order for construction cost to be shared among multiple developments along Camino Del Norte.

Fiscal Impact

The City will collect an amount based on an approved Engineer's estimate in lieu of construction of frontage improvements on Camino Del Norte.

Attachments

- Attachment 1 – Conditions of Approval Modification Request
- Attachment 2 – Revised PA 2021-26 Final Conditions of Approval

Hecate Grid LLC
621 W Randolph St
Chicago, IL 60661



Via Email

May 20, 2024

Yu Tagai
Assistant City Engineer
City of Lake Elsinore
130 South Main Street
Lake Elsinore, CA 92530

Request to Modify/Remove Condition of Approval 65 & 66 for the Ortega BESS Project

Project: PA 2021-26/CDR 2021-12

Project location: 29970 Camino Del Norte, APN: 377-200-045

Dear Yu,

Ortega Grid LLC, on behalf of the Ortega BESS project, is formally requesting the removal or modification of Conditions of Approval (COA) #65 and #66. These conditions, approved on August 19, 2022, require the project to construct street improvements along the property's frontage. For your convenience, Conditions 65 and 66 are provided below:

IMPROVEMENTS

65. Applicant shall be responsible to design and construct the half-width street improvements along the property's frontage on Camino del Norte such that the ultimate right-of-way width conforms to the General Plan Circulation Element. Camino del Norte is classified as a Secondary Highway.
 - Improvements include, but are not limited to road pavement widening, curb, gutter, sidewalk, signing and striping, street lighting (LS-2B system), and driveway.
 - Applicant shall be responsible to relocate the culvert headwall and overhead power poles (as approved by the utility provider) for the construction of the ultimate road widening.
66. Project will be responsible to design and install streetlights along the property's frontage. Streetlight system shall be designed as LS-2B system. Streetlight plans shall include details such as location, pole and luminaire type, and pull box design. Streetlight plans shall be included as part of the Street Improvement Plans.

The Ortega BESS project team, in collaboration with the City of Lake Elsinore Engineering Department and Southern California Edison (SCE), has had several discussions regarding the proposed street improvements. The recommendations from these discussions formed the basis for the Road Widening and Striping improvement plan, which was approved by Remon Habib, City Engineer on August 3, 2023.

During the development of this plan, the City and SCE identified several constraints that hinder the immediate installation of these improvements. Below are the key constraints identified if Conditions 65 and 66 are required:

Hecate Grid LLC
621 W Randolph St
Chicago, IL 60661



- Completing the full-width improvements per Condition 65 would misalign the width of Camino del Norte, as well as the curb, gutter, and sidewalk alignments of the adjacent improved property to the north (storage facility and landscaped hillside)
- Developing this small frontage without extending the roadway's entire length would create a potential traffic hazard near the project driveway
- A partial widening would result in an unsightly and potentially dangerous differential in pavement and striping conditions for an unknown period. These conditions would persist until a full widening by the City or external partners is completed
- Until the full build-out is complete, Camino del Norte would have varying lane widths, disjointed curb and gutter cuts, misaligned power poles, and abrupt changes in adjacent landscaped areas and sidewalk transitions
- A partial widening would indefinitely increase traffic delays and congestion on Camino del Norte until the full build-out is completed
- Any new street lights and/or sidewalk improvements would misalign with the existing light, curb, gutter, and sidewalk to the north of the project from Ohana Circle and would likely need demolition and relocation once the full Camino del Norte widening is complete
- The partial widening would necessitate the removal of two SCE utility poles. SCE stated that relocating these poles would adversely affect the transmission/distribution infrastructure and may cause service outages to surrounding customers
- If Conditions 65 and 66 are enforced, SCE would need to install taller, potentially more unsightly steel transmission poles
- A partial widening may also require pole realignment at Ohana Circle and additional poles to the north if the full build-out of Camino del Norte is not completed in one phase

To mitigate these issues, Ortega Grid LLC proposes to make a payment to the City in lieu of undertaking the street improvements. A third-party engineer has prepared a cost estimate to install the future build-out of Camino del Norte, amounting to \$405,015.30, which is attached for your review and consideration.

By accepting this payment, the City would have the flexibility to use the funds to complete the full build out of Camino Del Norte at later date. This approach allows the City to ensure the street improvements reflect its long-term plan, while also enabling Ortega Grid LLC to fulfill its obligations under the Conditions of Approval.

We kindly request that your team review the attached documents to support this exception and let us know if there are further requirements to support the City Council meeting on May 28, 2024 at 7pm. We look forward to your approval.

Best Regards,

DocuSigned by:

A handwritten signature in black ink that reads "Andrew Fowler".

Andrew Fowler

Vice President, EPC

Attachments: Ortega BESS Street Improvement Plan + Future Road widening Estimate

CONDITIONS OF APPROVAL

PROJECT: PA 2021-26/CDR 2021-12
PROJECT NAME: Ortega BESS
PROJECT LOCATION: APN: 377-200-045
APPROVAL DATE: July 19, 2022
EFFECTIVE DATE: August 19, 2022
EXPIRATION DATE: August 19, 2024

GENERAL

1. Planning Application No. 2021-26 (Commercial Design Review No. 2021-12) proposes to construct a 20-megawatt battery energy storage system (BESS) on a 1.79-acre site in the C-2 General Commercial zoning district. The project site is located southeast of the intersection of Camino Del Norte and O Hana Circle (APN: 377-200-045).
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 CDR 2021-12, which action is bought within the time period provided for in California Government Code Sections 65009 and/or 66499.37, and Public Resources Code Section 21167, including the approval, extension or modification of CDR 2021-12 or any of the proceedings, acts or determinations taken, done, or made prior to the decision, or to determine the reasonableness, legality or validity of any condition attached thereto. The Applicant's indemnification is intended to include, but not be limited to, damages, fees and/or costs awarded against or incurred by Indemnitees and costs of suit, claim or litigation, including without limitation attorneys' fees, penalties and other costs, liabilities and expenses incurred by Indemnitees in connection with such proceeding. The City will promptly notify the applicant of any such claim, action, or proceeding against the City. If the project is challenged in court, the City and the applicant shall enter into formal defense and indemnity agreement, consistent with this condition.
3. Within 30 days of project approval, the applicant shall sign and complete an "Acknowledgment of Conditions" and shall return the executed original to the Community Development Department for inclusion in the case records.

PLANNING DIVISION

4. Commercial Design Review No. 2021-12 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. 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.
9. The applicant shall provide all project-related on-site and off-site improvements as required by these Conditions of Approval.
10. 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.
11. No individual signs are approved as part of this approval. The applicant or designee shall apply for a sign permit, pay appropriate fees and receive approval from the Community Development Department for any sign(s) installed at the project site.
12. Graffiti shall be removed within 24 hours.
13. 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
14. 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.
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. 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.
18. 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.
19. Prior to issuance of a building permit, one (1) set of the Final Landscaping / Irrigation Detail Plans along with a digital copy (i.e. 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.
20. 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.

21. 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

22. 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.
23. 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.
24. Green Measures. The application shall provide 10% voluntary green measures on the project, as stipulated by the 2019 California Green Building Standards.
25. 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.
26. Street Addressing. Applicant must obtain street addressing for all proposed buildings by requesting street addressing and submitting a site plan for commercial or multi-family residential projects or a recorded final map for single-family residential projects. It takes 10 days to issue address and notify other agencies. Please contact Sonia Salazar at ssalazar@lake-elsinore.org or 951-674-3124 X 277.
27. 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.
28. Obtain Approvals Prior to Construction. Applicant must obtain all building plans and permit approvals prior to commencement of any construction work.
29. Obtaining Separate Approvals and Permits. Trash enclosures, patio covers, light standards, and any block walls will require separate approvals and permits.

30. 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.
31. 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

32. 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 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)

33. 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.
34. 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)

35. 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

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

ENGINEERING DIVISION

GENERAL

37. All new submittals for plan check or permit shall be made using the City's online Citizen Service Portal (CSSP).

38. All plans (Street, Storm Drain, Improvement, Grading) shall be prepared by a Registered Civil Engineer using the City's standard title block.
39. All required soils, geology, hydrology and hydraulic and seismic reports shall be prepared by a Registered Civil Engineer.
40. 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.
41. All open space and slopes outside the public right-of-way shall be owned and maintained by the property owner.
42. 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.
43. All required public right-of-way dedications and easements shall be prepared by the Applicant and shall be submitted to the Engineering Department for review and approval.
44. Any grading that affects "Waters of the United States", wetlands or jurisdictional streambeds, shall require approval and necessary permits from respective Federal and/or State Agencies.
45. 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.
46. 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.
47. Minimum good housekeeping and erosion and sediment control Best Management Practices (BMPs) as identified by the City shall be implemented.

FEES

48. 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.
49. 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. Engineering assessed 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
 - Stephens' Kangaroo Rat Habitat Fee (K-Rat) – Due prior to Grading Permit Issuance

STORM WATER MANAGEMENT / POLLUTION PREVENTION / NPDES

Design

50. 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.
51. Parking lot landscaping areas shall be designed to provide for treatment, retention or infiltration of runoff.
52. Project hardscape areas shall be designed and constructed to provide for drainage into adjacent landscape.
53. Project trash enclosure shall be covered, bermed, and designed to divert drainage from adjoining paved areas and regularly maintained.
54. 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.
55. All storm drain inlet facilities shall be appropriately marked "Only Rain in the Storm Drain" using the City authorized marker.
56. The project site shall implement full trash capture methods/devices approved by the Region Water Quality Control Board.

Construction

57. 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.
58. 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.
59. 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.

UTILITIES

60. All arrangements for relocation of utility company facilities (power poles, vaults, etc.) out of the roadway and away from an access point shall be the responsibility of the applicant, property owner, and/or his agent.
61. Overhead utilities (34.5 kV or lower) shall be undergrounded (Section 16.64 of LEMC).
62. 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.
63. 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.
64. Applicant 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. Will Serve letters shall be provided prior to issuance of Grading Permit.

IMPROVEMENTS

65. ~~Applicant shall be responsible to design and construct the half-width street improvements along the property's frontage on Camino del Norte such that the ultimate right-of-way width conforms to the General Plan Circulation Element. Camino del Norte is classified as a Secondary Highway.~~
 - ~~• Improvements include, but are not limited to road pavement widening, curb, gutter, sidewalk, signing and striping, street lighting (LS-2B system), and driveway.~~
 - ~~• Applicant shall be responsible to relocate the culvert headwall and overhead power poles (as approved by the utility provider) for the construction of the ultimate road widening. (TO BE REVISED)~~
66. ~~Project will be responsible to design and install streetlights along the property's frontage. Streetlight system shall be designed as LS-2B system. Streetlight plans shall include details such as location, pole and luminaire type, and pull box design. Streetlight plans shall be included as part of the Street Improvement Plans. (TO BE REVISED)~~
67. Sight distance into and out and throughout the project location shall comply with City or Caltrans standards. Project shall ensure facilities, if any, are installed in the line of sight of drivers.
68. Applicant shall install permanent bench marks per City of Lake Elsinore Standards and at locations to be determined by the City Engineer.
69. 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.

70. A California Registered Civil Engineer shall prepare street improvement plans as required for this project. All improvements shall be designed and constructed to City Standards and Codes (LEMC 12.04 and 16.34). Any deviation from City standards shall be approved by the City Engineer.
71. 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.
72. 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.
73. 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.
74. 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.
75. Roof drains shall not be allowed to outlet directly through coring in the street curb. Roofs should drain to a landscaped area.
76. The site shall be planned and developed to keep surface water from entering buildings (California Green Building Standards Code 4.106.3).
77. 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.

Permit/Construction

78. 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.
79. 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.

Acceptance of Improvements

80. As-built plans shall be completed and signed by the City Engineer.

PRIOR TO GRADING PERMIT

Design

81. 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.
82. All grading plan contours shall extend to minimum of 50 feet beyond property lines to indicate existing drainage pattern.
83. The grading plan shall show that no structures, landscaping, or equipment are located near the project entrances that could reduce sight distance.
84. 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.
85. 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.
86. 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.
87. Applicant shall mitigate to prevent any flooding and/or erosion downstream caused by development of the site and/or diversion of drainage.
88. 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.

Permit/Construction

89. Applicant shall execute and submit grading and erosion control agreement, post grading security and pay permit fees as a condition of grading permit issuance.
90. 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.
91. A preconstruction meeting with the City Engineering Inspector (Engineering Department) is required prior to commencement of any grading activity.

92. 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.
93. Export sites located within the Lake Elsinore City limits must have an active grading permit.
94. 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.
95. 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.
96. 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.
97. 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

98. Provide soils, geology and seismic report, including recommendations for parameters for seismic design of buildings, and walls prior to building permit.
99. All street improvement plans shall be completed and approved by the City Engineer.
100. 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.
101. Applicant shall pay all Capital Improvement, TIF, and Master Drainage Fees and any outstanding plan check fees (LEMC 16.34).

PRIOR TO OCCUPANCY / FINAL APPROVAL

102. All public improvements shall be constructed in accordance with the approved plans or as condition of this development to the satisfaction of the City Engineer prior to issuance of first occupancy.
103. Proof of acceptance of maintenance responsibility of slopes, open spaces, landscape areas, and drainage facilities shall be provided.
104. In the event of damage to City roads from hauling or other construction related activity, applicant shall pay full cost of restoring public roads to the baseline condition.

105. Final soils 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.
106. All required public right-of-way dedications, easements, vacations and easement agreement(s) shall be recorded with a recorded copy provided to the City prior to first occupancy.
107. Applicant shall pay all outstanding applicable processing and development fees prior to occupancy and/or final approval.
108. Applicant shall submit documentation pursuant to City's *Security Release* handout.
109. 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.
110. 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

111. 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.

DEPARTMENT OF ADMINISTRATIVE SERVICES

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

112. 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 Planning Commission of the City of Lake Elsinore on July 19, 2022. I also acknowledge that all Conditions shall be met as indicated.

Date: 3/10/23

Applicant's Signature: 

Print Name: Shruti Ramaker

Address: 200 East Carillo Street, Suite 101, Santa Barbara
CA 93101

Phone Number: 805-570-5566