

## **CONDITIONS OF APPROVAL**

<b>RESOLUTION:</b>	2017-XX & 2017-XX
<b>PROJECT:</b>	PA 2016-42/CUP 2017-14
<b>PROJECT NAME:</b>	Fundamental Foundations
<b>PROJECT LOCATION:</b>	APN 377-410-048
<b>APPROVAL DATE:</b>	October 3, 2017
<b>EFFECTIVE DATE:</b>	October 18, 2017
<b>EXPIRATION DATE:</b>	October 3, 2019

### **GENERAL CONDITIONS**

1. Planning Application No. 2016-42 (Conditional Use Permit No. 2017-14) proposes to modify a previously approved Conditional Use Permit (CUP 2016-15) for the academic instruction/tutoring center by adding a 2,700 SF Kindergarten classroom (Suite "C") and a 3,748 SF indoor playground (Suite "A"). The facility previously utilized Suite "B" which is 11,508 SF in area. The overall area for the facility will now be 17,956 SF and will have 10 classrooms, a 5,600 SF auditorium (for assemblies, physical education (P.E.), breaks, and lunches), a 3,748 SF indoor playground, a storage room, a warehouse, three (3) offices, and two (2) reception areas (Project). The Project is located at the southeastern corner of Collier Avenue and Crane Street and more specifically referred to as 18421 Collier Avenue. (APN: 377-410-048).
2. The applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City, its Officials, Officers, Employees, and Agents from any claim, action, or proceeding against the City, its Officials, Officers, Employees or Agents to attack, set aside, void, or annul an approval of the City, its advisory agencies, appeal boards, or legislative body concerning the proposed project projects attached hereto or any of the proceedings, acts or determinations made in connection therewith. The Applicant's indemnification is intended to include, but not be limited to, damages, fees and/or costs awarded against or incurred by Indemnities and costs of suit, claim or litigation, including without limitation attorneys' fees, penalties and other costs, liabilities and expenses incurred by Indemnities 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. The decision of the Planning Commission shall be final fifteen (15) days from the date of the decision, unless an appeal has been filed with the City Council pursuant to the provisions of Chapter 17.168.070 of the Lake Elsinore Municipal Code.
4. Within 30 days of project approval and prior to issuance of any building permits, the applicant shall sign and complete an "Acknowledgement of Conditions," and shall return the executed original to the Community Development Department for inclusion in the case records.

### **PLANNING DIVISION**

5. Conditional Use Permit No. 2017-14 shall lapse and become void two years following the date on which the conditional use permit became effective, unless one of the following: (1) prior to the expiration of two years, a building permit related to the conditional use permit is

issued and construction commenced and diligently pursued toward completion; or (2) prior to the expiration of two years, the applicant has applied for and has been granted an extension of the design review approval pursuant to subsections (B) and (C) of Lake Elsinore Municipal Code (LEMC) Section 17.168.080. Subject to the provisions of LEMC Section 17.168.110, a conditional use permit granted pursuant to the provisions of this section shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the Conditional Use Permit application.

6. The Applicant is to meet all applicable City Codes and Ordinances.
7. The applicant shall at all times comply with Section 17.176 (Noise Ordinance) of the Lake Elsinore Municipal Code (LEMC).
8. The Conditional Use Permit granted herein shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of this approval. An application for modification, expansion or other change in a Conditional Use Permit shall be reviewed according to the provisions of the Lake Elsinore Municipal Code, Title 17 in a similar manner as a new application.
9. A business license shall be obtained prior to a certificate of occupancy of the proposed establishment.
10. There shall be no loitering in or around the business.
11. Conditional Use Permit 2017-14 shall be limited to the floor plan prepared by the applicant and included in the staff report. In the event the applicant proposes to modify the floor plan, the modification shall be subject to review by the Community Development Director. The Community Development Director may approve the modification or refer the matter to the Planning Commission if judged to be substantial.
12. Business hours shall be from 8:00 a.m. to 3:00 p.m. Monday through Thursday. Class hours shall be from 8:25 a.m. to 2:15 p.m. Monday through Thursday. Drop off begins at 7:30am on class days. In the event the applicant proposes to modify the hours of operation, the modification shall be subject to review by the Community Development Director. The Community Development Director may approve the modification or refer the matter to the Planning Commission if judged to be substantial.
13. A Temporary Use Permit or Special Event Permit, as applicable, shall be obtained prior to conducting any and all outdoor events on the subject property.
14. The proposed and approved "parking loop" shall be reviewed by the Community Development Director in six months after approval for any concerns that could result in traffic congestion at the project site. The Community Development Director may review and approve a modification to the "parking loop" or refer the matter to the Planning Commission if judged to be substantial.
15. If operation of this use triggers concerns related to parking, noise, traffic, or other impacts, at the discretion of the Community Development Director, this Conditional Use Permit may be referred back to the Planning Commission for subsequent review at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said Conditional Use Permit.

16. There shall be no outdoor storage or activities of any kind.
17. Any proposed exterior signage shall comply with Lake Elsinore Municipal Code, Title 17 requirements or adopted sign program for the Central Business Park.

**BUILDING DIVISION**

18. The Applicant is to meet all applicable Building Codes in effect at the time, including requirements for the occupancy.
19. Any internal or external modifications to the building shall require a building permit.

**RIVERSIDE COUNTY SHERIFF DEPARTMENT**

20. The applicant/operator shall comply with all requirements of the Riverside County Sheriff Department.

**CITY OF LAKE ELSINORE FIRE MARSHAL**

21. The applicant/operator shall comply with all requirements of the Riverside County Fire Department Lake Elsinore Office of the Fire Marshal.

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 of Lake Elsinore Planning Commission on October 3, 2017. I also acknowledge that all Conditions shall be met as indicated.

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

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

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

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

\_\_\_\_\_

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