

## CONDITIONS OF APPROVAL

**RESOLUTION:** 2018-XX, 2018-XX, and 2018-XX  
**PROJECT:** PA 2018-29/CUP 2018-04/CDR 2018-07  
**PROJECT NAME:** Starbucks (Lake Elsinore Town Center)  
**PROJECT LOCATION:** APN: 365-280-007  
**APPROVAL DATE:**  
**EFFECTIVE DATE:**  
**EXPIRATION DATE:**

### **GENERAL**

1. Planning Application No. 2018-29 (Conditional Use Permit No. 2018-04 and Commercial Design Review No. 2018-07) is a proposal for the design and construction a 2,500 sq. ft. Starbucks coffee shop with a drive-through located within the Lake Elsinore Town Center shopping center (Project). The Project site is located on the westerly side of Mission Trail, northerly of Malaga Road, and southerly of Campbell Street (APN: 365-280-007).
2. The applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City, its Officials, Officers, Employees, Agents, and its Consultants (Indemnitees) from any claim, action, or proceeding against the Indemnitees to attack, set aside, void, or annul an approval of the City, its advisory agencies, appeal boards, or legislative body concerning approval, implementation and construction of CUP 2018-04 and CDR 2018-07, 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 CUP 2018-04 and CDR 2018-07 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. Conditional Use Permit No. 2018-04 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.

5. Commercial Design Review No. 2018-07 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 (B) and (C) of Lake Elsinore Municipal Code (LEMC) Section 17.184.120. Notwithstanding conditions to the contrary, a design review granted pursuant to LEMC Chapter 17.184 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.
6. 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 LEMC, Title 17 in a similar manner as a new application.
7. 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.
8. 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.
9. 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.
10. 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.
11. The applicant shall provide all project-related on-site and off-site improvements as required by these Conditions of Approval.
12. 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.
13. No individual signs are approved as part of this approval. The applicant or designee shall

submit an application for a sign permit, pay appropriate fees and receive approval from the Community Development Department for any sign(s) installed at the project site. **OR** The applicant shall submit a sign program for review and approval of the Planning Commission prior to installation.

14. Graffiti shall be removed within 24 hours.
15. 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
16. 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.
17. The applicant shall comply with all applicable City Codes and Ordinances.
18. The applicant shall pay all applicable City fees, including but not limited to: Development Impact Fees (DIF), Fire Facilities Fees, and Traffic Infrastructure Fees (TIF) per LEMC Section 16.74, Transportation Uniform Mitigation Fees (TUMF) per LEMC Section 16.83, Area Drainage Fees per LEMC Section 16.72, MSHCP Fee per LEMC Section 16.85, Capital Improvement Impact/Mitigation Fees, and Plan Check fees, at the rate in effect at the time of payment.

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

19. 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.
20. The applicant shall pay school fees to the Lake Elsinore Unified School District prior to issuance of a building permit.
21. The project shall connect to sewer and 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.
22. 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.
23. The applicant shall construct trash enclosure(s) with a decorative roof to match the colors, materials and design of the project architecture.
24. 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.
25. Prior to issuance of a building permit, three (3) sets of the Final Landscaping / Irrigation

Detail Plans 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 landscape improvements shall be bonded 100% for material and labor for two years from installation sign-off by the City. Release of the landscaping bond shall be requested by the applicant at the end of the required two years with approval/acceptance reviewed by the Landscape Consultant and approved by the Community Development Director or Designee.
  - j) 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.
  - k) Final landscape plan must be consistent with approved site plan.
  - l) Final landscape plans to include planting and irrigation details.
  - m) 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.
  - n) No turf shall be permitted.
26. 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.
27. 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.
28. If any of the conditions of approval set forth herein fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny or further condition issuance of all future

building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted; record a notice of violation on the property title; institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation.

## **BUILDING DIVISION**

### **General Conditions**

29. 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.
30. Compliance with Code. All design components shall comply with applicable provisions of the 2016 edition of the California Building, Plumbing and Mechanical Codes: 2016 California Electrical Code; California Administrative Code, 2016 California Energy Codes, 2016 California Green Building Standards, California Title 24 Disabled Access Regulations, and Lake Elsinore Municipal Code.
31. Green Measures. The application shall provide 10% voluntary green measures on the project, as stipulated by the 2016 California Green Building Standards.
32. Disabled Access. Applicant shall provide details of all applicable disabled access provisions and building setbacks on plans to include:
  - a. All ground floor units to be adaptable.
  - b. Disabled access from the public way to the entrance of the building.
  - c. Van accessible parking located as close as possible to the main entry.
  - d. Path of accessibility from parking to furthest point of improvement.
  - e. Path of travel from public right-of-way to all public areas on site, such as clubhouse, trash enclosure, tot lots and picnic areas.
33. 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.
34. 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.
35. Obtain Approvals Prior to Construction. Applicant must obtain all building plans and permit approvals prior to commencement of any construction work.
36. Obtaining Separate Approvals and Permits. Trash enclosures, patio covers, light standards, and any block walls will require separate approvals and permits.
37. 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.
38. 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**

39. 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:
- An electrical plan including load calculations and panel schedule, plumbing schematic, and mechanical plan applicable to scope of work.
  - A Sound Transmission Control Study in accordance with the provisions of the Section 1207, of the 2016 edition of the California Building Code.
  - A precise grading plan to verify accessibility for the persons with disabilities.
  - 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)**

40. 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.
41. Demolition Permits. A demolition permit shall be obtained if there is an existing structure to be removed as part of the project.

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

42. 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. Provide electronic copy (i.e. CD) of approved plans to the Building Division.

### **Prior to Beginning of Construction**

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

## **ENGINEERING DIVISION**

### **General Conditions**

44. All slopes and landscaping within public right-of-way shall be maintained by the property owner or property owner's association or another maintenance entity approved by the City Council.
45. All open space and slopes outside the public right-of-way shall be owned and maintained by property owner or property owner's association.
46. In accordance with the City's Franchise Agreement for waste disposal & recycling, the developer shall be required to contract with CR&R Inc. for removal and disposal of all waste



material, debris, vegetation and other rubbish generated during cleaning, demolition, clear and grubbing or all other phases of construction.

47. Developer shall mitigate to prevent any flooding and/or erosion downstream caused by development of the site and or diversion of drainage.
48. All required soils, geology, hydrology and hydraulic, and seismic reports shall be prepared by a Registered Civil Engineer.

### **FEES**

49. The developer shall pay all Engineering Division assessed Development Impact Fees, Plan Check and Permit fees (LEMC 16.34). Applicable Development Impact Fees include: Stephens Kangaroo Habitat Fee (K-Rat), Traffic Infrastructure Fee (TIF), Transportation Uniform Mitigation Fee (TUMF), and Area Drainage Fee.
50. Mitigation Fees will be assessed at the prevalent rate at time of payment in full.

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

#### **Design**

51. The project is responsible for complying with the Santa Ana Region NPDES Permits as warranted based on the nature of development and/or activity. These Permits include:
  - Deminimus Discharges
  - MS4
52. A Water Quality Management Plan (WQMP) (preliminary and final) shall be prepared using the Santa Ana Region 8 approved template and guidance and submitted for review and approval to the City. The Preliminary WQMP shall be approved prior to Planning Commission hearing; the Final WQMP shall be approved by the City prior to rough or precise grading plan approval and issuance of ANY permit for construction.
53. The preliminary WQMP shall be approved prior to Planning Commission hearing.
54. The Final WQMP shall document the following:
  - Detailed site and project description.
  - Potential stormwater pollutants.
  - Post-development drainage characteristics.
  - Low Impact Development (LID) BMP selection and analysis.
  - Structural and Non-Structural source control BMPs.
  - Treatment Control BMPs
  - Site design and drainage plan (BMP Exhibit).
  - Documentation of how vector issues are addressed in the BMP design, operation and maintenance.
  - GIS Decimal Minute Longitude and Latitude coordinates for all LID and Treatment Control BMP locations.
  - HCOC – demonstrate that discharge flow rates, velocities, duration and volume for the post construction condition from a 2 year 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.

- 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 of water quality facilities by a registered civil engineer. The City format shall be used.
55. The site discharges to the Lake; 2010 SAR MS4 Permit provides for highest and best use of runoff from the site. The Design Capture Volume (DCV) shall be treated and released.
  56. Parking lot landscaping areas shall be considered in designing treatment of runoff.
  57. Project hardscape areas shall be designed and constructed to provide for drainage into adjacent landscape.
  58. Project trash enclosure shall be covered and bermed to prevent discharge.
  59. 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 Division.
  60. All storm drain inlet facilities shall be appropriately marked "Only Rain in the Storm Drain" using the City authorized marker.
  61. The project shall use either volume-based and/or flow-based criteria for sizing BMPs in accordance with NPDES Permit Provision XII.D.4.
  62. The project shall implement State Water Quality Control Board approved full capture trash devices. This shall include installation of connector pipe screens on all onsite catch basins and all offsite catch basins to which the project discharges.

#### Construction

63. 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.
64. 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.
65. Erosion & Sediment Control – ALL PROJECTS - Prior to the issuance of any grading or



building permit for construction or demolition, the applicant shall submit for review and approval by the City Engineer, an Erosion and Sediment Control Plan as a separate sheet of the grading plan submittal to demonstrate compliance with the City's NPDES Program and state water quality regulations for grading and construction activities. The Erosion and Sediment Control Plan shall identify how all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored and secured to prevent transport into local drainages or waters by wind, rain, tracking, or dispersion. The plan shall also describe how the project will ensure that all BMPs will be maintained during construction of any future right of ways. A copy of the plan shall be incorporated into the SWPPP as applicable, kept updated as needed to address changing circumstances of the project site, be kept at the project site and available for review upon request.

66. Minimum good housekeeping and erosion and sediment control BMP's as identified by the City shall be implemented by all projects.

#### Post-Construction

67. Prior to the issuance of a certificate of use and/or occupancy, the applicant shall demonstrate compliance with applicable NPDES permits to include:
- Demonstrate that the project has complied with all non-structural BMPs described in the project's WQMP.
  - Provide signed, notarized certification from the engineer of work that the structural BMP's identified in the project's WQMP are installed in conformance with approved plans and specifications and operational.
  - Submit a copy of the fully executed, recorded City approved Operations and Maintenance (O&M) Plan and Agreement for all structural BMPs or a copy of the recorded City approved CC&R.
  - Demonstrate that a copy of the project's approved WQMP (with recorded O&M Plan) are available for the initial occupants.
  - Agree to pay for a Special Investigation from the City of Lake Elsinore for a date twelve (12) months after the issuance of a Certificate of Use and/or Occupancy for the project to verify compliance with the approved WQMP and O&M Plan. A signed/sealed certification from the engineer of work dated 12 months after CofO will be considered in lieu of a Special Investigation by the City.
  - As Built the Final WQMP and provide the City with a digital .pdf copy of the Final WQMP.
68. All arrangements for relocation of utility company facilities (power poles, vaults, etc.) out of the roadway shall be the responsibility of the property owner or his agent.
69. All overhead utilities shall be undergrounded in accordance with Chapter 12.16 of the Lake Elsinore Municipal Code (LEMC).
70. Underground water rights shall be dedicated to the City pursuant to the provisions of Section 16.52.030 (LEMC), and consistent with the City's agreement with the Elsinore Valley Municipal Water District.
71. The developer shall apply for, obtain and submit to the City Engineering Division a letter from Southern California Edison (SCE) indicating that the construction activity will not

interfere with existing SCE facilities (aka SCE NIL).

72. The developer shall submit a copy of the "Will Serve" letter to the City Engineering Division 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 and volume etc.

## **IMPROVEMENTS**

### **Design**

73. 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.
74. Roof drains shall not be allowed to outlet directly through coring in the street curb. Roofs should drain to a landscaped area.
75. The site shall be planned and developed to keep surface water from entering buildings (California Green Building Standards Code 4.106.3).
76. 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.
77. All Public Works requirements shall be complied with as a condition of development as specified in the Lake Elsinore Municipal Code (LEMC) and Lake Elsinore Public Works Standard Plans.
78. If existing improvements are to be modified, the existing improvement plans on file shall be modified accordingly and approved by the City Engineer **prior to issuance of building permit.**

### **Permitting/Construction**

79. An Encroachment Permit shall be obtained prior to any work on City and/or State right-of-way. The developer shall submit the permit application, required fees and executed agreements, security and other required documentation prior to issuance.
80. All compaction reports, grade certifications, monument certifications (with tie notes delineated on 8 ½" x 11" Mylar) shall be submitted to the Engineering Division before final inspection of public works improvements will be scheduled and approved.

## **GRADING**

### **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 the 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 (available at [www.lake-elsinore.org](http://www.lake-elsinore.org)).

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 approved by the City Engineer.
85. The developer shall obtain all necessary off-site easements and/or permits for off-site grading and the applicant shall accept drainage from the adjacent property owners.

#### **Permit/Construction**

86. Developer shall execute and submit grading and erosion control agreement, post grading security and pay permit fees as a condition of grading permit issuance.
87. A preconstruction meeting with the City Public Works Inspector (Engineering Division) is required prior to commencement of ANY grading activity.
88. Developer shall provide the city with a copy of the Notice of Intent (NOI) and Waste Discharge Identification (WDID) letter issued by the Regional Water Quality Control Board for the National Pollutant Discharge Elimination System (NPDES) program
89. Prior to commencement of grading operations, developer is to provide to the City with 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 cy shall be approved by City Council. (LEMC 15.72.065)
90. Export sites located within the Lake Elsinore City limits must have an active grading permit.
91. 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, 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 the approval of the City Engineer.
92. 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.
93. Review of the project Storm Water Pollution Prevention Plan (SWPPP) and sediment and erosion control plan shall be completed. A copy of the current SWPPP shall be kept at the project site and be available for review upon request.

94. Approval of the project Water Quality Management Plan (WQMP) for post construction shall be received prior to issuance of a grading permit.
95. Submit an approved environmental clearance document to the Engineering Division. This approval shall identify and clear all proposed grading activity anticipated for this project.
96. Developer shall pay all grading permit applicable processing, permit, security and development fees including those fees identified in an applicable development agreement, Stephens Kangaroo Rat Habitat.

#### **PRIOR TO ISSUANCE OF BUILDING PERMIT**

97. Provide final soils, geology and seismic report, including recommendations for parameters for seismic design of buildings, and walls prior to building permit.
98. The developer shall pay all Capital Improvement TIF and Master Drainage Fees and Plan Check fees (LEMC 16.34).

#### **PRIOR TO OCCUPANCY**

99. All signing and striping and traffic control devices for the required improvements of this development shall be installed.
100. 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.
101. TUMF fees shall be paid. The TUMF fees shall be the effective rate at the time of payment in full in accordance with the LEMC.
102. As-built plans for all approved plan sets shall be submitted for review and approval by the City. The developer/developer/owner is responsible for revising the original mylar plans.
103. All final studies and reports, grade certifications, monument certifications (with tie notes delineated on 8 ½ x 11" mylar) shall be submitted in .tif format on a CD/DVD. Studies and reports include, Soils, Seismic, Hydrology, Hydraulics, Grading, SWPPP, WQMP, etc.
104. All plan sets and recorded maps shall be digitized and provided on CD/DVD as follows:
  - Final Map(s) - GIS Shape files\* and .tif of recorded map.
  - Improvement Plans – GIS Shape files\* and .tif of approved as built mylar.
  - Grading Plans - .tif of approved as built mylar.
    - \*GIS Shape files must be in projected Coordinate System: NAD 83 State Plane California Zone VI U.S. Fleet.
105. Documentation of responsibility for slope maintenance along right-of-ways and open spaces to be maintained by the HOA or other entity shall be provided in a recordable format and recorded prior to occupancy/final.
106. Water and sewer improvements shall be completed in accordance with Water District Requirements.
107. 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.

108. Prior to grading or building permit close-out and/or the issuance of a certificate of use or a certificate of occupancy, developer shall:
- Demonstrate that all structural BMPs have been constructed, installed and are functioning in conformance with approved plans and specifications and the WQMP;
  - Demonstrate that they are prepared to implement all non-structural BMPs included in the conditions of approval or building/grading permit conditions;
  - Demonstrate that an adequate number of copies of the approved project specific WQMP are available for the future owners/occupants; and
  - The developer shall provide all education guidelines for Water Quality Management Practices to the tenants, operators and owners of the businesses of the development, regarding the environmental awareness on good housekeeping practices that contribute to protection of storm water quality and meet the goals of the approved WQMP in the Riverside County NPDES Drainage Area Management Plan. Contact the City NPDES Coordinator for handout/guideline information.
109. The property owner (aka Legally Responsible Party) shall execute and cause to be recorded a "Covenant and Agreement" in the form provided by the City to inform future property owners of the requirement to implement the approved final project-specific WQMP.
110. Developer shall pay all outstanding applicable processing and development fees including but not all inclusive: TUMF, MSHCP, TIF, Stephens Kangaroo Rat Habitat and area drainage prior to occupancy/final approval.

**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.
-

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 \_\_\_\_\_. I also acknowledge that all Conditions shall be met as indicated.

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

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

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

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

\_\_\_\_\_

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