

## CONDITIONS OF APPROVAL

### RESOLUTIONS:

**PROJECT NUMBER:** PA 2017-74 (TPM 37534, CDR 2018-02, and CUP 2017-18)  
**PROJECT NAME:** Lake Elsinore Honda  
**PROJECT LOCATION:** Assessor's Parcel Numbers (APNs): 377-080-053, 377-080-057, and 377-080-079

**APPROVAL DATE:**  
**EXPIRATION DATE:**

### GENERAL CONDITIONS

1. Planning Application No. 2017-74 (TPM 37534, CDR 2018-02, and CUP 2017-18) consists of the consolidation of three (3) lots into one (1) lot and the reconfiguration of the adjacent right of way and the development of a 53,425 square foot single story building and associated site improvements ("project"). The project site is located on 6.97 acres generally located at the southeast corner of Collier Avenue and Crane. The site contains three parcels, identified as Assessor's Parcel Numbers (APNs) 377-080-053, 377-080-057, and 377-080-079.
2. The applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City, its Officials, Officers, Employees, Agents, and Consultants agents (collectively referred to individually and collectively as "Indemnities") from any claim, action, or proceeding to attack, set aside, void, or annul an approval by Indemnitees concerning approval of the project, 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 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. Within 30 days of project approval, the applicant shall sign and return the final Conditions of Approval to the Community Development Department for inclusion in the case records.
4. Permittee shall require that all qualifying contractors and subcontractors exercise their option to obtain a Board of Equalization sub-permit for the jobsite and allocate all eligible sales and use tax payments to the City of Lake Elsinore. Prior to commencement of any construction activity on-site the developer will require that the contractor or subcontractor provide the City of Lake Elsinore with either a copy of their Board of Equalization account number and sub-permit, or a statement that the sales & use tax does not apply to their portion of the project. To accomplish this, Permittee shall either cause its construction contractor to treat the project in accordance with California Regulation 1521 (b)(2)(B), California Regulation 1521 (c)(13)(B), and California Regulation 1826(b) for sales and use tax purposes or form a "Buying Company:" as defined in the State of California Board of Equalization Regulation 1699(h). Permittee can adopt an alternative methodology to

Applicant's Initials: \_\_\_\_\_

accomplish this goal if such methodology is approved by the City of Lake Elsinore City Manager, or designee prior to issuance of building permits.

Permittee shall direct use taxes on out-of-City taxable purchased construction related items to the City of Lake Elsinore, consistent with state sales and use tax law. Permittee shall use its best efforts, consistent with state law, to source taxable purchases from price competition construction retail vendors within the City of Lake Elsinore to further source sales to the City.

5. All services and materials provided from or at the subject site will be processed for sale in compliance with the Bradley Burns Uniform Local Sales and Use Tax Law, and all applicable Board of Equalization (BOE) local tax regulations (as may be amended from time to time) including Regulation 1802, such that the BOE will recognize all sales tax from the site to be indisputably designated to the City during the term of this Conditional Use Permit. The intent of this condition is to ensure that the principal negotiations for the sale of all services and products provided from or at the subject site occur in the City. Prior to the issuance of an occupancy permit, the applicant shall establish a sales office within the jurisdictional boundaries of the City and thereafter, for the entire term of the permit, conduct its taxable sales operations for all sales from the subject site in accordance with the California Sales and Use Tax laws and all other applicable provisions of local, state and federal law. The applicant will use all good faith efforts to market, promote and administer its taxable sales activity with the objective of maximizing the amount of local sales tax revenue. In all Sales and Use Tax Returns filed with the BOE relating to taxable sales generated at the sales office for the subject site, Taxpayer agrees to specify the City as the place of sale. The applicant recognizes that violation of this condition and/or the failure of the City to receive local sales tax in accordance with this condition will subject the conditional use permit to revocation pursuant to Section 17.168.110 of the LEMC.

## **PLANNING DIVISION**

6. Tentative Parcel Map No. 37534 will expire two years from date of approval unless within that period of time a Final Map has been filed with the County Recorder, or an extension of time is granted by the City of Lake Elsinore City Council in accordance with the State of California Subdivision Map Act and applicable requirements of the Lake Elsinore Municipal Code.
7. Tentative Parcel Map No. 37534 shall comply with the State of California Subdivision Map Act and applicable requirements contained in the Lake Elsinore Municipal Code (LEMC), unless modified by approved Conditions of Approval.
8. Commercial Design Review No. 2018-02 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.

9. Conditional Use Permit No. 2017-18 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.
10. 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.
11. All site improvements shall be constructed as indicated on the approved building plans, as modified by these conditions of approval.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. The applicant shall construct trash enclosure(s) solid block and with a decorative roof to match the colors, materials and design of the project architecture.
18. 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.

19. Three (3) sets of the Final Landscaping / Irrigation Detail Plans shall be submitted to the Community Development Department with appropriate fees, reviewed by the City's Landscape Architect Consultant and approved by the Community Development Director or designee, prior to issuance of a building permit.
  - 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.
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. 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.

22. 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.
23. 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.
24. 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.
25. Graffiti shall be removed within 24 hours.
26. 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.
27. Install, operate and maintain full capture systems for all storm drains that captures runoff from the facility or site.
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.
29. The unloading of vehicles are required to done onsite. Added by the Planning Commission on August 7, 2018.

### **FEES**

30. The developer shall pay all development fees, including but not all inclusive: TUMF, TIF, Stephens Kangaroo Rat Habitat, Railroad Canyon Benefit District and Area Drainage Fees. Fee rate will be assessed at the prevalent rate at time of payment in full.
31. The developer shall pay all City assessed Development Impact, Capital Improvement, Plan Check and Permit fees (LEMC 16.34; LEMC 16.74). Applicable mitigation fees may include: Traffic Infrastructure Fee (TIF), Transportation Uniform Mitigation Fee (TUMF), and Drainage Fee. Fee rate will be assessed at the prevalent rate at time of payment in full.

32. Mitigation Fees will be assessed at the prevalent rate at time of payment in full. Fee rate will be assessed at the prevalent rate at time of payment in full.

**BUILDING AND SAFETY**

**General Conditions**

33. 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.
34. 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.
35. The application shall provide 10% voluntary green measures on the project, as stipulated by the 2016 California Green Building Standards.
36. 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.
37. 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.
38. 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.
39. Applicant must obtain all building plans and permit approvals prior to commencement of any construction work.
40. Trash enclosures, patio covers, light standards, and any block walls will require separate approvals and permits.
41. On-site sewer and water plans will require separate approvals and permits.
42. 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**

43. 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 1207, of the 2013 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)**

44. Onsite water and sewer plans, submitted separately from the building plans, shall be submitted to Building and Safety for review and approval.
45. 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)**

46. Applicant shall provide appropriate stamp of a registered professional with original signature on the plans.
47. A pre-construction meeting is required with the building inspector prior to the start of the building construction.

## **ENGINEERING DIVISION**

### **General**

48. 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.
49. All open space and slopes except for public parks and schools and flood control district facilities, outside the public right-of-way shall be owned and maintained by property owner or property owner's association.
50. 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.
51. Developer shall mitigate to prevent any flooding and/or erosion downstream caused by development of the site and or diversion of drainage.

52. The developer shall provide a copy of an encroachment permit or any approval documents from the Riverside County Flood Control District for encroaching, grading, or discharging into County flood control facilities.
53. All required soils, geology, hydrology and hydraulic, and seismic reports shall be prepared by a Registered Civil Engineer.

#### **Flood Plain**

54. Project lies within a FEMA mapped special flood hazard zone and within the Floodplain Management area as defined at LEMC 15.68.
55. Meet all requirements of LEMC 15.68 regarding floodplain management. Any fill placed in the 100-year flood plain for the purposes of elevating the building floor out of the flood plain shall require a CLOMR/CLOMR-F and LOMR/LOMR-F to be processed with FEMA.
56. Meet all requirements of LEMC 15.64 regarding flood hazard regulations to include elevation of the lowest floor a minimum of 2 feet above the base flood elevation in FEMA mapped special flood hazard areas (100 year).

#### **Final Tract or Parcel Map**

57. The developer shall submit for plan check review and approval a final map.
58. Prior to City Council approval of the Parcel Map, the developer shall, in accordance with Government Code, have constructed all improvements or noted on the title sheet of the map the improvements to be constructed or have improvement plans submitted and approved, agreements executed and securities posted.

#### **Utilities**

59. All arrangements for relocation of utility company facilities (power poles, vaults, valves, fire hydrants, etc.) out of the roadway shall be the responsibility of the property owner or his agent.
60. All overhead utilities shall be undergrounded in accordance with Chapter 12.16 of the Lake Elsinore Municipal Code (LEMC)
61. 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.
62. 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).
63. 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**

64. Sight distance into and out of the project location shall comply with CALTRANS Standards.
65. The developer shall install permanent bench marks per City of Lake Elsinore Standards and at locations to be determined by City Engineer.
66. The developer shall install blue dot markers in the roadway at a right angle to Fire Hydrant locations per Lake Elsinore Standards.
67. The developer shall coordinate with Riverside Transit Authority for location and installation of bus transit facilities.
68. 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.
69. 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.
70. 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 onsite 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-yr storm of 6 hours or 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 24hour storm duration shall be analyzed to determine the detention basin capacities necessary to accomplish the desired results.
71. 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.
72. Roof drains shall not be allowed to outlet directly through coring in the street curb. Roofs should drain to a landscaped area.
73. The site shall be planned and developed to keep surface water from entering buildings (California Green Building Standards Code 4.106.3).
74. 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.

75. The owner shall dedicate, in fee title to the City, right-of-way along Collier Avenue adjacent to the property frontage for a total right-of-way of 50' wide from centerline to the project property line.
76. The developer shall construct street improvements on Collier Avenue per General Plan Major Arterial street right-of-way requirements. The cross section of roadway improvements with a parkway, street lights, curb, sidewalk and gutter shall be consistent with other development on Collier Avenue.
77. A traffic signal at the intersection of Collier and Crane will be required to mitigate increased traffic trips and degrading intersection level of service. If the traffic signal has not been constructed or bonded by others at the time of building permit, the project will be required to construct the four leg traffic signal at the intersection of Collier and Crane.
78. The developer shall implement mitigation measures identified in the Traffic Analysis dated June 19, 2018, as specified in Section 6, page 23 of the Study.
79. Street improvement plans shall be prepared by a Registered Civil Engineer and the plans shall include curb and gutter, sidewalk, ac pavement, street lighting, median, and drainage improvements.
80. The developer shall provide signing and striping plans for the required improvements of this project.
81. 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**

82. An Encroachment Permit shall be obtained prior to any work on City and/or Riverside County Flood Control right-of-way. The developer shall submit the permit application, required fees and executed agreements, security and other required documentation prior to issuance.
83. 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.
84. The developer shall be responsible for acquiring right-of-ways in which the developer or the City has no legal title or interest.
85. All streets shall be constructed per Lake Elsinore City Standards and/or applicable specific plan. Any deviation from City standards shall be approved by the City Engineer.

#### **Acceptance of Improvements**

86. The developer shall participate in "fair share" payment of offsite improvements as described in Section 6, page 24 of the Traffic Analysis dated June 19, 2018, if the traffic signal has been constructed at the time of project building permit.

87. A portion of the required improvements for this development may be covered under the Traffic Impact Fee (TIF). Request for reimbursement or credits shall be approved by the City Engineer and based on allowable costs in the fee program and availability of funds.
88. The developer shall submit a written request for acceptance to the City Engineer.
89. As-built plans shall be completed and signed by the City Engineer.

## **GRADING**

### **Design**

90. 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)).
91. All grading plan contours shall extend to minimum of 50 feet beyond property lines to indicate existing drainage pattern.
92. The grading plan shall show that no structures, landscaping, or equipment are located near the project entrances that could reduce sight distance.
93. 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.
94. 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.
95. 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**

96. Developer shall execute and submit grading and erosion control agreement, post grading security and pay permit fees as a condition of grading permit issuance.
97. Prior to grading permit issuance, compliance with IS/MND Mitigation Measures shall be achieved, with confirmation receive in writing from the Planning Department/Project Planner. This approval shall identify and clear all proposed grading activity anticipated for this project.
98. A preconstruction meeting with the City Public Works Inspector (Engineering Division) is required prior to commencement of ANY grading activity.

99. 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
100. 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)
101. Export sites located within the Lake Elsinore City limits must have an active grading permit.
102. 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.
103. 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.
104. Approval of the project Water Quality Management Plan (WQMP) for post construction shall be received prior to issuance of any construction permit.
105. 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**

106. Provide final soils, geology and seismic report, including recommendations for parameters for seismic design of buildings, and walls prior to building permit.
107. Approval of a letter of map revision (CLOMR) or letter of map revision based on fill (CLOMR-F) must be received from FEMA.
108. All required public right-of-way dedications and storm drain easements shall be prepared by the developer or his agent and shall be submitted to the Engineering Division for review and approval prior to issuance of building permit.
109. Prior to issuance of certificates of use and occupancy or building permits for individual tenant improvements or construction permits for a tank or pipeline, uses shall be identified and, for specified uses (where the proposed improvements will store, generate or handle hazardous materials in quantities that will require permitting and inspection once operational), the developer shall propose plans and measures for chemical management (including, but not limited to, storage, emergency response, employee training, spill contingencies and disposal) to the satisfaction of the County/City Building Official(s).
110. The Parcel or Final Tract Map shall be recorded.

111. All street improvement plans, traffic signal plans and signing and striping plans shall be completed and approved.
112. The developer shall pay all Capital Improvement TIF and Master Drainage Fees and Plan Check fees (LEMC 16.34).

**PRIOR TO OCCUPANCY**

113. The traffic signal at Collier and Crane shall be installed and operational per the Traffic Analysis (revised) dated June 19, 2018.
114. 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.
115. The fair share cost of future improvements as a condition of this development shall be paid.
116. The LOMR or LOMR-F shall be approved by FEMA.
117. All water and sewer improvements shall be completed in accordance with Water District requirements.
118. Proof of acceptance of maintenance responsibility of slopes, open spaces, landscape areas, and drainage facilities shall be provided.
119. 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.
120. 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.
121. 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.
122. 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.
123. 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.
124. Developer shall provide FEMA elevation certificates for all buildings (includes trailers and storage facilities) prior to final approvals. If a LOMR-F has been processed and approved by FEMA, the letter of determination and certification may be in the form of a letter signed and sealed by a licensed civil engineer.
125. Final soil report showing compliance with recommendations, compaction reports, grade certifications, monument certifications (with tie notes delineated on 8 ½ x 11" mylar) shall

be submitted in .tif format on CD to the Engineering Division before final inspection will be scheduled.

126. All required public right-of-way dedications, storm drain easements, dedications and vacations and easement agreement(s) not processed on the final map for ingress and egress through adjacent property(ies) shall be recorded with a recorded copy provided to the City prior to building permit issuance.
127. 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.
128. All signing and striping and traffic control devices onsite and on Collier Avenue shall be installed.
129. 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.
130. Chemical management plans shall be approved by the County/City and other appropriate agencies such as County/City Fire Department, the Health Services Agency's Department of Environmental Health, and sewerage and/or water agencies to ensure implementation of each agency's respective requirements. Approval by the appropriate agencies shall be furnished to the Engineering Division, prior to the issuance of any certificates of use and/or occupancy.
131. Certificates or permits may be ministerially withheld if features needed to properly manage chemicals cannot be incorporated into a previously completed building, center, or complex.
132. 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.
133. 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.



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

### **Design**

134. 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:
- General Permit – Construction
  - De minimus Discharges
  - MS4
135. 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.
136. 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 and 10 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.
  - Operations and Maintenance Plan and Agreement as well as documentation of formation of funding district for long term maintenance costs.
137. The 2010 SAR MS4 Permit requires implementation of LID Principles and LID Site Design, where feasible, to treat the pollutants of concern identified for the project, in the following manner (from highest to lowest priority): (Section XII.E.2, XII.E.3, and XII.E.7).
- Preventatives measures (these are mostly non-structural measures, e.g., minimizing impervious areas, conserving natural areas, minimizing directly connected impervious areas, etc.)

- The Project shall in the order presented, infiltrate, harvest and use, evapotranspire and/or bio-treat the Design Capture Volume (DCV).
  - The Project shall consider a properly engineered and maintained bio-treatment system only if infiltration, harvesting and use and evapotranspiration cannot be feasibly implemented at the project site.
  - Any portion of the DCV that is not infiltrated, harvested and used, evapo-transpired, and/or bio-treated shall be treated and discharged in accordance with the requirements set forth in Section XII.G.
138. Parking lot landscaping areas shall be designed to provide for treatment, retention or infiltration of runoff.
139. Project hardscape areas shall be designed and constructed to provide for drainage into adjacent landscape.
140. 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.
141. All storm drain inlet facilities shall be appropriately marked "Only Rain in the Storm Drain" using the City authorized marker.
142. The project shall use either volume-based and/or flow-based criteria for sizing BMPs in accordance with NPDES Permit Provision XII.D.4.
143. The project site shall implement trash full capture methods/devices approved by the Regional Water Quality Control Board on new stormwater facilities. New and existing catch basins adjacent to the project shall be fitted with connector pipe screens.

### **Construction**

144. 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.
145. 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.
146. 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. 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.

### **Post-Construction**

147. 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:
- 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.
  - The Operation and Maintenance (O&M) Plan and Agreement 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.
  - Provide documentation of annexation into a CFD for funding of facilities to be maintained by the City.
  - Demonstrate that copies of the project's approved WQMP is onsite.
  - 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.
  - Provide the City with a digital .pdf copy of the Final WQMP.
148. Chemical Management – Prior to the issuance of building permits for any tank or pipeline, the uses of said tank or pipeline shall be identified and the applicant 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.

### **CITY OF LAKE ELSINORE FIRE MARSHAL**

#### **GENERAL CONDITIONS**

149. **Riverside County Fire Department Lake Elsinore Office of the Fire Marshal** - It is the responsibility of the recipient of these Fire Department conditions to forward them to all interested parties. The permit number **(as it is noted above)** is required on all correspondence.

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. The following fire department conditions shall be implemented in accordance with the Lake Elsinore Municipal Code and the adopted codes at the time of project building plan submittal, these conditions are in addition to the adopted code requirements.

150. Fire hydrants and fire flow: prior to building permit issuance, the applicant or developer shall install a water system capable of providing the required fire flow in accordance with the California Fire Code and City of Lake Elsinore standards in effect at the time of building permit application. Fire hydrants shall be spaced in accordance with the California Fire Code. The required fire flow is estimated to be 2,500 GPM at 20 PSI for 2 hours based Type II-B construction, the building having a fire sprinkler system, and current standards.
151. Hazardous materials: hazardous materials use, storage, and handling must be in accordance with the California Fire Code and all applicable regulations.
152. These comments are preliminary; further review will occur upon receiving building plans. Additional conditions may be necessary at that time.

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

153. Prior to the issuance of the first building permit, the applicant shall consent to the formation of Community Facilities District or annex into the proposed Community Facilities District No. 2015-2 (Maintenance Services) 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, open space and public storm drains constructed within the development and federal NPDES requirements to offset the annual negative fiscal impacts of the project. Applicant shall, make a ten thousand dollar (\$10,000) non-refundable deposit to cover the cost of the formation or annexation process, as applicable. The applicant may propose alternative financing mechanisms 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, open space and public storm drains constructed within the development and federal NPDES requirements to offset the annual negative fiscal impacts of the project in lieu of creating/annexing into a district.

#### **MITIGATION MONITORING AND REPORTING PROGRAM**

154. The applicant shall comply with the following mitigation measures, which are set forth in the Mitigation Monitoring & Reporting Program (MMRP) for the Project - Mitigated Negative Declaration (SCH# ).



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

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

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

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

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

\_\_\_\_\_

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