

## CONDITIONS OF APPROVAL

**PROJECT:** PA 2019-45, CUP 2019-11, CDR 2019-17 and  
TPM 2019-04 (37751)  
**PROJECT NAME:** Boos Main Street Commercial Facility  
**PROJECT LOCATION:** APN's: 377-243-002, 003, 004, 005, 006 and 007  
**APPROVAL DATE:** February 4, 2020  
**EFFECTIVE DATE:**  
**EXPIRATION DATE:**

## GENERAL

1. Planning Application No. 2019-45 (Conditional Use Permit No. 2019-11 and Commercial Design Review No. 2019-17 and Tentative Parcel Map No. 2019-04 - 37751) is a proposal to establish a new commercial facility consisting of eight (8) gasoline dispensing stations covered by a 5,054 square foot (SF) canopy, a 3,200 SF convenience store, a 1,125 SF automated carwash, 16 parking stalls including one ADA accessible stall, and landscaping totaling 5,768 SF. The Project will provide vehicle access from two driveways off Main Street totaling 36 feet in width. The Project site totals 0.88 acres (38,432 SF) in area and is located on the east side of Main Street between Flint Street and the I-15 Freeway southbound onramp (APN's: 377-243-002, 003, 004, 005, 006 and 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 Planning Application No. 2019-45 (Conditional Use Permit No. 2019-11, Commercial Design Review No. 2019-17 and Tentative Parcel Map No. 2019-04 – 37751) 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.
4. The applicant shall submit a check in the amount of \$50.00 made payable to the County of Riverside for the filing of a Notice of Exemption. The check shall be submitted to the Planning Division for processing within 72 hours of the project's approval.

## **PLANNING DIVISION**

5. Commercial Design Review No. 2019-17 shall lapse and become void two years following the date on which the design review became effective, unless one of the following: (1) prior to the expiration of two years, a building permit related to the design review is issued and construction commenced and diligently pursued toward completion; or (2) prior to the expiration of two years, the applicant has applied for and has been granted an extension of the design review approval pursuant to subsections (1) and (2) of Lake Elsinore Municipal Code (LEMC) Section 17.415.050.I.1. Notwithstanding conditions to the contrary, a design review granted pursuant to LEMC Section 17.415.050.I.2 shall run with the land for this two-year period, subject to any approved extensions, and shall continue to be valid upon a change of ownership of the site, which was the subject of the design review application.
6. Conditional Use Permit No. 2019-11 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 conditional use permit approval pursuant to subsections (a), (b), and (c) of Lake Elsinore Municipal Code (LEMC) Section 17.415.070.D.2. Subject to the provisions of LEMC Section 17.415.070.I, 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.
7. If operation of this use triggers concerns related to parking, noise, traffic, or other impacts in violation of any condition of the Conditional Use Permit, 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.
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. Any proposed minor revisions to approved plans shall be reviewed and may be 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.
10. The applicant shall provide all project-related on-site improvements as required by these Conditions of Approval.
11. 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 Sundays, or any Legal Holidays.

12. 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.
13. A six-foot high split-face CMU wall shall be constructed along the project's interior property lines (along the north, east and south property lines). If a double wall condition would result, the developer shall make a good faith effort work with the adjoining property owners to provide a single wall. Developer shall notify, by mail, all contiguous property owners at least 30 days prior to the removal of any existing walls/fences along the project perimeter.
14. 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.
15. In accordance with Section 17.112.090.O. of the LEMC, establishments engaged in the concurrent sale of motor vehicle fuel with alcoholic beverages shall abide by the following requirements:
  - a. No beer or wine shall be displayed within five feet of the cash register or the front door.
  - b. No advertisement of alcoholic beverages shall be displayed at motor fuel islands.
  - c. No sale of alcoholic beverages shall be made from a drive-in window.
  - d. No display or sale of beer or wine shall be made from an ice tub.
  - e. No beer or wine advertising shall be located on motor fuel islands and no self-illuminated advertising for beer or wine shall be located on buildings or windows.
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. Graffiti shall be removed within 24 hours.
18. The applicant shall comply with all applicable City Codes and Ordinances, State and Federal Regulations.
19. The applicant shall include City of Lake Elsinore branding on a freestanding sign(s) consistent with the City's approved branding program subject to the approval of the Community Development Director.

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

20. 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 Fees per LEMC Section 16.85, Stephens Kangaroo Habitat Fee (K-Rat) per Chapter 19.04 of LEMC, Capital Improvement Impact/Mitigation Fees, and Plan Check and Permit fees, at the rate in effect at the time of payment.

21. 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 equipment shall also be screened, and the Community Development Director, prior to issuance of building permit shall approve screening plan.
22. The applicant shall pay School Mitigation Fees to the Lake Elsinore Unified School District prior to issuance of a building permit.
23. 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.
24. 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.
25. The applicant shall construct trash enclosure(s) with a decorative roof to match the colors, materials and design of the project architecture. Enclosures shall consist of solid block or masonry with solid metal or wood gates.
26. Prior to issuance of Building Permit, the Applicant shall submit a photometric study to the Community Development Department for review and approval. The plan shall ensure that all exterior on-site lighting are shielded and directed on-site so as not to create glare onto neighboring properties and streets or allow illumination above the horizontal plane of the fixture.
27. Prior to the issuance of a Building Permit, all exterior wall mounted and freestanding light fixtures shall be submitted for review and approval by the Director of Community Development, or their designee. Light fixtures shall compliment the architectural style of the buildings onsite.
28. Prior to the issuance of a Building Permit, the color, finish and pattern of all decorative paving onsite shall be submitted for review and approval by the Director of Community Development, or their designee.
29. Identify security measures (i.e. guard, cameras, lighting, signage, etc).
30. Prior to issuance of a building permit, Final Landscaping / Irrigation Detail Plans (one full size set along with a PDF copy) shall be submitted along 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 one year 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.
31. 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.
32. 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.
33. 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 set for public hearing provisions 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**

34. 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.

35. Compliance with Code. All design components shall comply with applicable provisions of the 2019 edition of the California Building, Plumbing and Mechanical Codes: 2019 California Electrical Code; California Administrative Code, 2019 California Energy Codes, 2019 California Green Building Standards, California Title 24 Disabled Access Regulations, and Lake Elsinore Municipal Code.
36. Green Measures. The application shall provide 10% voluntary green measures on the project, as stipulated by the 2019 California Green Building Standards.
37. 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.
38. Street Addressing. Applicant must obtain street addressing for all proposed buildings by requesting street addressing and submitting a site plan for commercial projects.
39. Clearance from LEUSD. A receipt or clearance letter from the Lake Elsinore School District shall be submitted to the Building and Safety Department evidencing the payment or exemption from School Mitigation Fees pursuant to Condition 23.
40. Obtain Approvals Prior to Construction. Applicant must obtain all building plans and permit approvals prior to commencement of any construction work.
41. Obtaining Separate Approvals and Permits. Trash enclosures, patio covers, light standards, and any block walls will require separate approvals and permits.
42. 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.
43. 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**

44. Submitting Plans and Calculations. Applicant must submit to Building and Safety four (4) complete sets of plans and two (2) sets of supporting calculations for review and approval including:



- a. An electrical plan including load calculations and panel schedule, plumbing schematic, and mechanical plan applicable to scope of work.
- b. A Sound Transmission Control Study in accordance with the provisions of the Section 1207, of the 2016 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)**

45. 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.
46. 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)**

47. Plans Require Stamp of Registered Professional. Applicant shall provide appropriate stamp of a registered professional with original signature on the plans. Provide C.D. of approved plans to the Building Division.

**Prior to Beginning of Construction**

48. 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**

49. 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. All slopes outside the public right-of-way shall be owned and maintained by property owner or property owner's association.
50. All open space and slopes outside the public right-of-way shall be owned and maintained by property owner or property owner's association.
51. 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.
52. Developer shall mitigate to prevent any flooding and/or erosion downstream caused by development of the site and or diversion of drainage.
53. All required soils, geology, hydrology and hydraulic, and seismic reports shall be prepared by a Registered Civil Engineer.

## **Fees**

54. The developer shall pay all Engineering Department assessed, Development Impact Fees, In Lieu Fees (Main Street Improvements), due prior to occupancy, Fair Share Fees (Signal Main @ Flint), due prior to occupancy, Plan Check and Permit fees (LEMC 16.34). Applicable Development Impact Fees include: Stephens Kangaroo Habitat Fee (K-Rat), due at grading permit. Traffic Infrastructure Fee (TIF), due at building permit, Transportation Uniform Mitigation Fee (TUMF), due at either building permit or prior to occupancy, and Town District No. 2 Area Drainage Fee, due at grading permit or prior to map recording.
55. Mitigation Fees will be assessed at the prevalent rate at time of payment in full.

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

### **Design**

56. 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
57. The project shall complete and submit for review and approval to the Engineering Department a final WQMP, incorporating LID Principles and Storm water BMP's.
58. The final WQMP shall be approved **prior to issuance of any encroachment, grading or building permit.**
59. The applicant shall use the Water Quality Management Plan for the Santa Ana Region of Riverside County guidance document and template for WQMP preparation.
60. WQMP - The Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMP's) that will be used onsite to control identified pollutants of concern. The applicant shall utilize the MS4 Permittee Drainage Area Management Plan (DAMP), Model WQMP, and LID Guidance Manual for reference, and the MS4 Permittee's WQMP template for submittal. The WQMP shall include the following:
- Detailed site and project description.
  - Potential storm water pollutants.
  - Post-development drainage characteristics.
  - Low Impact Development (LID) BMP selection and analysis.
  - Structural and Non-Structural source control BMPs.
  - Site design and drainage plan (BMP Exhibit).
  - Vector issues are addressed in the BMP design, operation and maintenance.
  - GIS 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. Design goal to replicate pre-development hydrologic regime.



61. 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. The project discharges to Lake Elsinore; DCV flows shall be treated and discharged.
62. Parking lot landscaping areas shall be designed to provide for treatment, retention or infiltration of runoff.
63. Project hardscape areas shall be designed and constructed to provide for drainage into adjacent landscape and permeable surfaces in low traffic roads and parking lots.
64. The project shall implement State Water Quality Control Board and City approved full capture trash devices. This shall include installation of connector pipe screens on all onsite catch basins.
65. Trash enclosure shall be bermed and covered.
66. The project shall install state approved full capture trash devices on inlets and catch basins to which it discharges.
67. Hydromodification / Hydraulic Conditions of Concern – The project shall identify potential Hydraulic Conditions of Concern (HCOC) and implement measures to limit disturbance of natural water bodies and drainage systems; conserve natural areas; protect slopes, channels and minimize significant impacts from urban runoff.
68. CEQA – 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.
69. The project shall use either volume-based and/or flow-based criteria for sizing BMPs in accordance with NPDES Permit Provision XII.D.4.

### **Construction**

70. A Storm Water Pollution Prevention Plan (SWPPP) is required for this project. A copy of the current SWPPP shall be kept at the project site and be available for review upon request.
71. Erosion & Sediment Control - **Prior to the issuance of any grading or building permit**, 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, Building Code, 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.

### **Post Construction**

72. Recorded Operation and Maintenance (O&M) Plan that (1) describes the long-term operation and maintenance requirements for BMP's identified in the BMP Exhibit; (2) identifies the entity that will be responsible for long-term operation and maintenance of the referenced BMP's; (3) describes the mechanism for funding the long-term operation and maintenance of the references BMP's; and (4) provides for annual certification of water quality facilities as directed by City Staff and/or current MS4 Permit.
73. All storm drain inlet facilities shall be appropriately marked "Only Rain in the Storm Drain" using the City authorized marker to prevent illegal dumping in the drain system.
74. 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 all structural Best Management Practices (BMP's) described in BMP Exhibit from the project's approved WQMP have been implemented, constructed and installed in conformance with approved plans and specifications.
  - 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 Operations and Maintenance (O&M) Plan for all structural BMPs.
  - 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 (with recorded O&M Plan or CC&R's attached) are available for each of the initial occupants (commercial/industrial) or Owner's Association as appropriate.
  - 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 Certificate of Occupancy will be considered in lieu of a Special Investigation by the City.
  - Provide a recorded copy of the City approved Water Quality Maintenance Plan and Operations and Maintenance Plan.
75. 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).

### **FINAL TRACT OR PARCEL MAP**

76. The developer shall submit for plan check review and approval a parcel map.
77. Prior to City Council approval of the Parcel Map, the developer shall, in accordance with Government Code, 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.

- 78. No building permits can be issued until after the map is recorded.
- 79. Dedicate additional right of way on project adjacent to Main Street to a minimum half width of 50 feet.
- 80. Dedicate additional right of way easement in the adjacent alley to a 10-foot half width minimum.

## **UTILITIES**

- 81. 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.
- 82. All overhead utilities shall be undergrounded in accordance with Chapter 12.16 of the Lake Elsinore Municipal Code (LEMC).
- 83. 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.
- 84. The developer shall apply for, obtain and submit to the City Engineering Department a letter from Southern California Edison (SCE) indicating that the construction activity will not interfere with existing SCE facilities (aka SCE NIL). Proof of non-interference required PRIOR TO issuance of grading permit.
- 85. The developer shall submit a copy of the "Will Serve" letter to the Engineering Department from the applicable water agency stating that water and sewer arrangements have been made for this project and specify the technical data for the water service at the location, such as water pressure and volume etc. Copy required PRIOR to issuance of grading permit.

## **IMPROVEMENTS**

### **Design**

- 86. Sight distance into and out of the project location shall comply with CALTRANS Standards.
- 87. Replacement bench marks shall be installed per City of Lake Elsinore Standards and at locations to be determined by the City Engineer.
- 88. The developer shall install blue dot markers in the roadway at a right angle to Fire Hydrant locations per Lake Elsinore Standards.
- 89. The developer shall coordinate with Riverside Transit Authority (RTA) for location and installation of bus transit facilities or provide RTA documentation that it is not required. Documentation required PRIOR to grading or improvement plan approval.
- 90. Flood Control – 10-year storm runoff shall be contained within the curb and the 100 year storm runoff shall be contained within the street right-of-way. When either of these criteria are exceeded, drainage facilities shall be provided.

91. All drainage facilities in this project shall be constructed to Riverside County Flood Control District Standards.
92. A drainage study shall be provided. The study shall identify the following: identify storm water runoff from and upstream of the site; show existing and proposed off-site and 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 24-hour storm duration shall be analyzed to determine the detention basin capacities necessary to accomplish the desired results.
93. All natural drainage traversing the site shall be conveyed through the site, or shall be collected and conveyed by a method approved by the City Engineer. All off-site drainage, if different from historic flow, shall be conveyed to a public facility.
94. Roof drains shall not be allowed to outlet directly through coring in the street curb. Roofs should drain to a landscaped area.
95. The site shall be planned and developed to keep surface water from entering buildings (California Green Building Standards Code 4.106.3).
96. All 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.
97. The owner shall dedicate half width right-of-way on Main Street such that the ultimate half width minimum right-of-way conforms to 50 feet. Design shall conform to the City's General Plan right of way cross section.
98. Prior to building permit, the project shall pay cash in lieu of construction cost of ½ width street improvements including raised median and cost of street light and/or utility relocation on Main Street as shown on the map and/or per design guidelines in Specific Plan. Developer shall submit Engineer's Estimate to the City Engineer for approval.
99. The project shall prepare and submit for plan check street improvement plans prepared by a Registered Civil Engineer. The plans shall include curb and gutter, sidewalk, AC pavement, street lighting, median and drainage improvements to applicable City, Caltrans and/or Riverside County Flood Control standards. The plans shall incorporate improvements to both Main Street and the alley.
100. Signing and striping plans shall be prepared and submitted as a separate submittal for plan check review and approval.

### **Permitting/Construction**

101. An Encroachment Permit shall be obtained prior to any work on City and/or State right-of-way. Permit issuance will require City approval of plans, permit application (City & Caltrans), executed agreements, security and inspection fees.

102. All compaction reports, grade certifications, monument certifications (with tie notes delineated on 8 ½" x 11" Mylar) shall be submitted to the Engineering Department before final inspection of public works improvements will be scheduled and approved.

### **Acceptance of Improvements**

103. The developer shall submit a written request for acceptance to the City Engineer.
104. As-built plans shall be completed and signed by the City Engineer.

### **GRADING**

#### **Design:**

105. 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)).
106. Provide final soils, geology and seismic report, including recommendations for parameters for seismic design of buildings, walls, infiltration, etc.
107. All grading plan contours shall extend to minimum of 50 feet beyond property lines to indicate existing drainage pattern.
108. The grading plan shall show that no structures, landscaping, or equipment are located near the project entrances that could reduce sight distance.
109. 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.
110. 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:**

111. A Grading Permit shall be obtained prior to any onsite work. Permit issuance will require clearance of environmental mitigation by City Planning, submittal and City approval of Haul Route for any import or export, City approval of plans, permit application (City & Caltrans), executed agreements, security and inspection fees.
112. All import or export hauling requires City approval of proposed route. 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). Export or import sites within the City limits must have an active grading permit.

113. Applicant to provide 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.
114. A preconstruction meeting with the City Engineering Inspector (Engineering Department) is required prior to commencement of ANY grading activity.
115. 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.
116. 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.
117. Approval of the project final Water Quality Management Plan (WQMP) for post construction shall be received prior to issuance of a grading permit.
118. Developer shall pay all grading permit applicable processing, permit, security and development fees including those fees identified in Conditions 20 and 54 and any applicable development agreement.

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

119. All required public right-of-way dedications and easements shall be prepared by the developer or his agent and shall be submitted to the Engineering Division for review and approval prior to issuance of building permit.
120. 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).
121. The Parcel Map shall be recorded.
122. All street improvement plans, traffic signal plans, signing and striping plans shall be completed and approved by the City Engineer per the Traffic Impact Analysis dated December 23, 2019.
123. The developer shall pay all Capital Improvement, In Lieu, TIF and TUMF and outstanding plan check and/or permit fees (LEMC 16.34).

#### **PRIOR TO OCCUPANCY**

124. Request for file review shall be submitted in writing to the Engineering Department; review is typically completed within one week.



125. All public improvements shall be installed in accordance with the approved plans or as condition of this development to the satisfaction of the City Engineer.
126. 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.
127. 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.
128. All plan sets and recorded maps shall be digitized and provided on CD/DVD as follows:
  - Parcel Map - GIS Shape files\* and .tif of recorded map.
  - Improvement Plans – GIS Shape files\* and/or auto cad 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.
129. 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.
130. All required public right-of-way dedications, easements, dedications and vacations and easement agreement(s) not processed on the parcel map for ingress and egress through adjacent property(ies) shall be recorded with a recorded copy provided to the City prior to occupancy.
131. Documentation of responsibility for slope maintenance along right-of-ways and open spaces to be maintained by the property owner or other entity shall be provided in a recordable format and recorded prior to occupancy/final.
132. All signing and striping and traffic control devices onsite and on Main Street shall be installed.
133. Prior to grading or building permit close-out and/or the issuance of a certificate of use or a certificate of occupancy, developer shall:
  - a. Provide Water Quality Facility Certification prepared and executed by a registered civil engineer using City provided form.
  - b. Demonstrate that they are prepared to implement all non-structural BMP's included in the conditions of approval or building/grading permit conditions.
  - c. Demonstrate that an adequate number of copies of the approved project specific WQMP are available for the future owners/occupants.
  - d. 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 Riverside County NPDES Drainage Area Management Plan. Contact the City NPDES Coordinator for handout/guideline information.

134. 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 sewer 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.
135. 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**

136. The applicant/operator shall comply with all requirements of the Riverside County Fire Department Lake Elsinore Office of the Fire Marshal. Questions should be directed to the Riverside County Fire Department, Lake Elsinore Office of the Fire Marshal at 130 S. Main St., Lake Elsinore, CA 92530. Phone: (951) 671-3124 Ext. 225.

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

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

137. Prior to approval of the Final Map, Parcel Map, Design Review, Conditional Use Permit or building permit (as applicable), the applicant shall annex into the Community Facilities District No. 2015-2 (Maintenance Services) or current Community Facilities District in place at the time of annexation to fund the on-going operation and maintenance of the public right-of-way landscaped areas and neighborhood parks to be maintained by the City and for street lights in the public right-of-way for which the City will pay for electricity and a maintenance fee to Southern California Edison, including parkways, street maintenance, open space and public storm drains constructed within the development and federal NPDES requirements to offset the annual negative fiscal impacts of the project. Alternatively, the applicant may propose alternative financing mechanisms to fund the annual negative fiscal impacts of the project with respect to Maintenance Services. Applicant shall make a non-refundable deposit of \$15,000 or at the current rate in place at the time of annexation toward the cost of annexation, formation or other mitigation process, as applicable.

#### **CULTURAL RESOURCES**

138. **Unanticipated Resources.** The developer/permit holder or any successor in interest shall comply with the following for the life of this permit. If during ground disturbance activities, unanticipated cultural resources are discovered, the following procedures shall be followed:

1. All ground disturbance activities within 100 feet of the discovered cultural resource shall be halted until a meeting is convened between the developer, the Project Archaeologist, the Native American tribal representative(s) from consulting tribes (or other appropriate ethnic/cultural group representative), and the Community Development Director or their designee to discuss the significance of the find.
  2. The developer shall call the Community Development Director or their designee immediately upon discovery of the cultural resource to convene the meeting.
  3. At the meeting with the aforementioned parties, the significance of the discoveries shall be discussed and a decision is to be made, with the concurrence of the Community Development Director or their designee, as to the appropriate mitigation (documentation, recovery, avoidance, etc.) for the cultural resource.
  4. Further ground disturbance shall not resume within the area of the discovery until a meeting has been convened with the aforementioned parties and a decision is made, with the concurrence of the Community Development Director or their designee, as to the appropriate mitigation measures.
139. **Archaeologist/CRMP.** Prior to issuance of grading permits, the applicant/developer shall provide evidence to the Community Development Director that a Secretary of the Interior Standards qualified and certified Registered Professional Archaeologist (RPA) has been contracted to implement a Cultural Resource Monitoring Program (CRMP) that addresses the details of all activities that must be completed and procedures that must be followed regarding cultural resources associated with this project. The CRMP document shall be provided to the Community Development Director or their designee for review and approval prior to issuance of the grading permit. The CRMP provides procedures to be followed and are to ensure that impacts on cultural resources will not occur without procedures that would reduce the impacts to less than significant. These measures shall include, but shall not be limited to, the following:

Archaeological Monitor – An adequate number of qualified monitors shall be present to ensure that all earth-moving activities are observed and shall be on-site during all grading activities for areas to be monitored including off-site improvements. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist, in consultation with the Tribal monitor.

Cultural Sensitivity Training – The Project Archaeologist and a representative designated by the consulting Tribe(s) shall attend the pre-grading meeting with the contractors to provide Cultural Sensitivity Training for all Construction Personnel. Training will include a brief review of the cultural sensitivity of the Project and the surrounding area; what resources could potentially be identified during earthmoving activities; the requirements of the monitoring program; the protocols that apply in the event unanticipated cultural resources are identified, including who to contact and appropriate avoidance measures until the find(s) can be properly evaluated; and any other appropriate protocols. This is a mandatory training and all construction personnel must attend prior to beginning work on the project site. A sign-in sheet for attendees of this training shall be included in the Phase IV Monitoring Report.

Unanticipated Resources – In the event that previously unidentified potentially significant cultural resources are discovered, the Archaeological and/or Tribal Monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. The Project Archaeologist, in consultation with the Tribal monitor(s) shall determine the significance of the discovered resources. The Community Development Director or their designee must concur with the evaluation before construction activities will be allowed to resume in the affected area. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods.

Phase IV Report – A final archaeological report shall be prepared by the Project archaeologist and submitted to the Community Development Director or their designee prior to grading final. The report shall follow County of Riverside requirements and shall include at a minimum: a discussion of the monitoring methods and techniques used; the results of the monitoring program including any artifacts recovered; an inventory of any resources recovered; updated DPR forms for all sites affected by the development; final disposition of the resources including GPS data; artifact catalog and any additional recommendations. A final copy shall be submitted to the City, Project Applicant, the Eastern Information Center (EIC) and the Tribe.

140. **Cultural Resources Disposition.** In the event that Native American cultural resources are discovered during the course of grading (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries;

One or more of the following treatments, in order of preference, shall be employed with the tribes. Evidence of such shall be provided to the Community Development Department;

1. Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in place where they were found with no development affecting the integrity of the resources.
2. Relocation of the resources on the Project property. The measures for relocation shall include, at least, the following; Measures and provisions to protect the future reburial area from any future impacts by means of a deed restriction or other form of protection (e.g., conservation easement) in order to demonstrate avoidance in perpetuity.

Relocation shall not occur until all legally required cataloging and basic recordation have been completed, with an exception that sacred items, burial goods and Native American human remains are excluded. Any reburial process shall be culturally appropriate. Listing of contents and location of the reburial shall be included in the confidential Phase IV report. The Phase IV Report shall be filed with the City under a confidential cover and not subject to Public Records Request.

3. If relocation is not agreed upon by the Consulting Tribes then the resources shall be curated at a culturally appropriate manner at a Riverside County curation facility that meets State Resources Department Office of Historic Preservation Guidelines for the Curation of Archaeological Resources ensuring access and use pursuant to the Guidelines. The collection and associated records shall be transferred, including title, and are to be accompanied by payment of the fees necessary for permanent curation.

Evidence of curation in the form of a letter from the curation facility stating that subject archaeological materials have been received and that all fees have been paid, shall be provided by the landowner to the City. There shall be no destructive or invasive testing on sacred items, burial goods and Native American human remains. Results concerning finds of any inadvertent discoveries shall be included in the Phase IV monitoring report.

141. **Tribal Monitoring.** Prior to the issuance of a grading permit, the applicant shall contact the consulting Native American Tribes(s) that have requested monitoring through consultation with the City. The applicant shall coordinate with the Tribe(s) to develop individual Tribal Monitoring Agreement(s). A copy of the signed agreement(s) shall be provided to the City of Lake Elsinore Community Development Department, Planning Division prior to the issuance of a grading permit. The Agreement shall address the treatment of any known tribal cultural resources (TCRs) including the project's approved mitigation measures and conditions of approval; the designation, responsibilities, and participation of professional Tribal Monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains/burial goods discovered on the site per the Tribe(s) customs and traditions and the City's mitigation measures/conditions of approval. The Tribal Monitor will have the authority to stop and redirect grading in the immediate are of a find in order to evaluate the find and determine the appropriate next steps, in consultation with the Project archaeologist.
142. **Phase IV Report.** Upon completion of the implementation phase, a Phase IV Cultural Resources Monitoring Report shall be submitted that complies with the Riverside County Planning Department's requirements for such reports for all ground disturbing activities associated with this grading permit. The report shall follow the County of Riverside Planning Department Cultural Resources (Archaeological) Investigations Standard Scope of Work posted on the County website. The report shall include results of any feature relocation or residue analysis required as well as evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting.
143. **Discovery of Human Remains.** In the event that human remains (or remains that may be human) are discovered at the project site during grading or earthmoving, the construction contractors, project archaeologist and/or designated Native American Monitor shall immediately stop all activities within 100 feet of the find. The project applicant shall then inform the Riverside County Coroner and the City of Lake Elsinore Community Development Department immediately, and the coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b). Section 7050.5 requires that excavation be stopped in the vicinity of discovered human remains and that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. If human remains are determined to be Native American, the applicant shall comply with state law relating to the disposition of Native American burials that fall within the jurisdiction of the NAHC (PRC Section 5097). The coroner shall contact the NAHC within 24 hours and the NAHC will make the determination of most likely descendant. The most likely descendant shall then make recommendations and engage in consultation concerning the treatment of the remains as provided in Public Resource Code Section 5097.98. In the event that the applicant and the MLD are in disagreement regarding the disposition of the remains. State law will apply

and the mediation process will occur with the NAHC, if requested (see PRC Section 5097.98(e) and 5097.94(k)).

According to the California Health and Safety Code, six or more human burial at one location constitutes a cemetery (Section 81 00), and disturbance of Native American cemeteries is a felony (Section 7052).

144. **Non-Disclosure of Reburial Location.** It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code 6254 (r), parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code 6254 (r).

I hereby state that I acknowledge receipt of the approved Conditions of Approval for the above named project and do hereby agree to accept and abide by all Conditions of Approval as approved by the Planning Commission of the City of Lake Elsinore on February 4, 2020. I also acknowledge that all Conditions shall be met as indicated.

Date:

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Applicant's Signature:

\_\_\_\_\_

Print Name:

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Address:

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\_\_\_\_\_

Phone Number:

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