

## CONDITIONS OF APPROVAL

<b>RESOLUTION:</b>	2018-XX, 2018-XX, and 2018-XX
<b>PROJECT:</b>	PA 2016-113/CUP 2017-03/IDR 2016-03
<b>PROJECT NAME:</b>	Tigé Watersports
<b>PROJECT LOCATION:</b>	APN: 378-030-031
<b>APPROVAL DATE:</b>	March 27, 2018
<b>EFFECTIVE DATE:</b>	March 27, 2018
<b>EXPIRATION DATE:</b>	March 27, 2020

### **GENERAL**

1. Planning Application No. 2016-113 (Conditional Use Permit No. 2017-03 and Industrial Design Review No. 2016-03) is a proposal to establish a boat sales, service, and assembly facility that involves the construction of a 25,682 sq. ft. building and a 9,800 sq. ft. storage building with 66 parking spaces, 44,142 sq. ft. paved area, and 18,469 sq. ft. landscaped area on an approximately 2.78-acre lot. The Project site is located on a currently vacant site on the northwesterly side of Riverside Drive and southwesterly of Collier Avenue. (APN: 378-030-031).
2. The applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City, its Officials, Officers, Employees, Agents, and its Consultants (Indemnitees) from any claim, action, or proceeding against the Indemnitees to attack, set aside, void, or annul an approval of the City, its advisory agencies, appeal boards, or legislative body concerning approval, implementation and construction of CUP 2017-03 and IDR 2016-03, which action is bought within the time period provided for in California Government Code Sections 65009 and/or 66499.37, and Public Resources Code Section 21167, including the approval, extension or modification of CUP 2017-03 and IDR 2016-03 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 \$2,330.75 made payable to the County of Riverside for the filing of a Notice of Determination. The check shall be submitted to the Planning Division for processing within 48 hours of the project's approval.

### **PLANNING DIVISION**

5. Industrial Design Review No. 2016-03 shall lapse and become void two years following the date on which the design review became effective, unless one of the following: (1) prior to the expiration of two years, a building permit related to the design review is issued and

construction commenced and diligently pursued toward completion; or (2) prior to the expiration of two years, the applicant has applied for and has been granted an extension of the design review approval pursuant to subsections (B) and (C) of Lake Elsinore Municipal Code (LEMC) Section 17.184.120. Notwithstanding conditions to the contrary, a design review granted pursuant to LEMC Chapter 17.184 shall run with the land for this two-year period, subject to any approved extensions, and shall continue to be valid upon a change of ownership of the site which was the subject of the design review application.

6. Conditional Use Permit No. 2017-03 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.
7. The Conditional Use Permit granted herein shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of this approval. An application for modification, expansion or other change in a Conditional Use Permit shall be reviewed according to the provisions of the LEMC, Title 17 in a similar manner as a new application.
8. 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.
9. 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.
10. All future development proposals shall be reviewed by the City on a project-by-project basis. If determined necessary by the Community Development Director or designee, additional environmental analysis will be required.
11. 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.
12. The applicant shall provide all project-related on-site and off-site improvements as required by these Conditions of Approval.
13. Provisions of the City's Noise Ordinance (LEMC Chapter 17.176) shall be satisfied during all site preparation and construction activity. Site preparation activity and construction shall

not commence before 7:00 AM and shall cease no later than 5:00 PM, Monday through Friday. Only finish work and similar interior construction may be conducted on Saturdays and may commence no earlier than 8:00 am and shall cease no later than 4:00 p.m. Construction activity shall not take place on Sunday, or any Legal Holidays.

14. 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.
15. A six-foot high wrought iron fence along Riverside Drive and a six-foot high masonry block wall on the easterly property line shall be constructed as shown on the site Plan. 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.
16. Due to the proximity of the Project site to Least Bell's vireo (LBVI) habitat and the potential of LBVI nesting occurring within 100 m of the Project site, a six-foot high masonry block wall shall be constructed along the project's southwesterly boundary to provide a permanent noise barrier needed between the southwestern boundary of the Project site and Collier Marsh or other mitigation measure approved by the appropriate agency as a result of the Joint Project Review (JPR) process for MSHCP Consistency. (Modified by PC on 03/06/2018).
17. The 9,800 sq. ft. accessory building shall only be used for storage only. No boat assembly, repair, or maintenance shall occur in this building.
18. 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.
19. 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.
20. Graffiti shall be removed within 24 hours.
21. The applicant shall comply with all applicable City Codes and Ordinances.
22. 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.

23. 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, Capital Improvement Impact/Mitigation Fees, and Plan Check fees, at the rate in effect at the time of payment.

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

24. All roof mounted or ground support air conditioning units or other mechanical equipment incidental to development shall be architecturally screened or shielded by landscaping so that they are not visible from neighboring property or public streets. Any roof mounted central swamp coolers shall also be screened, and the Community Development Director, prior to issuance of building permit shall approve screening plan.
25. The applicant shall pay school fees to the Lake Elsinore Unified School District prior to issuance of a building permit.
26. 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.
27. 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.
28. The applicant shall construct trash enclosure(s) with a decorative roof to match the colors, materials and design of the project architecture.
29. 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.
30. 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.
31. 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.

32. 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.
33. 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.
34. 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.
35. 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.

36. If any of the conditions of approval set forth herein fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted; record a notice of violation on the property title; institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation.

## **BUILDING DIVISION**

### **General Conditions**

37. 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.
38. Compliance with Code. All design components shall comply with applicable provisions of the 2016 edition of the California Building, Plumbing and Mechanical Codes; 2016 California Electrical Code; California Administrative Code, 2016 California Energy Codes, 2016 California Green Building Standards, California Title 24 Disabled Access Regulations, and Lake Elsinore Municipal Code.
39. Green Measures. The application shall provide 10% voluntary green measures on the project, as stipulated by the 2016 California Green Building Standards.
40. 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.
41. Street Addressing. Applicant must obtain street addressing for all proposed buildings by requesting street addressing and submitting a site plan for commercial or multi-family residential projects or a recorded final map for single-family residential projects.
42. Clearance from LEUSD. A receipt or clearance letter from the Lake Elsinore School District shall be submitted to the Building and Safety Department to ensure the payment or exemption from School Mitigation Fees.
43. Obtain Approvals Prior to Construction. Applicant must obtain all building plans and permit approvals prior to commencement of any construction work.

44. Obtaining Separate Approvals and Permits. Trash enclosures, patio covers, light standards, and any block walls will require separate approvals and permits.
45. 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.
46. 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**

47. 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)**

48. 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.
49. 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)**

50. 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**

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

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## **ENGINEERING DIVISION**

### **General Conditions**

52. 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.
53. 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.
54. 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.
55. Developer shall mitigate to prevent any flooding and/or erosion downstream caused by development of the site and or diversion of drainage.
56. Any grading that affects "waters of the United States", wetlands or jurisdictional streambeds, shall require approval and necessary permits from respective Federal and/or State agencies.
57. The developer shall provide a copy of an encroachment permit or any approval documents from the Riverside County Flood Control District and/or Caltrans for encroaching, grading, or discharging into County flood control facilities or Caltrans right of way.
58. All required soils, geology, hydrology and hydraulic, and seismic reports shall be prepared by a Registered Civil Engineer.

### **Fees**

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

### **FLOOD PLAIN**

61. Project lies within a FEMA mapped special flood hazard zone and within the Floodplain Management area as defined at LEMC 15.68.
62. 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.
63. 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 (100year).

64. If structures for temporary occupancy are proposed in this application, the developer shall process for FEMA approval, a conditional letter of map revision (CLOMR) or conditional letter of map revision based on fill (CLOMR-F) to FEMA.

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

#### Design

65. 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
  - Deminimus Discharges
  - MS4
66. The project shall not discharge into the adjacent Riverside County Flood Control District facility, aka, El Toro Channel Outlet.
67. 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 Final WQMP shall be approved by the City prior to issuance of any permit for construction.
68. The preliminary WQMP shall be submitted during the project entitlement stage. The level of detail in a preliminary Project-Specific WQMP will depend upon the level of detail known about the overall project design at the time project approval is sought. At a minimum, the preliminary Project-Specific WQMP shall identify the type, size, location, and final ownership of Stormwater BMPs adequate to serve new roadways and any common areas, and to also manage runoff from an expected reasonable estimate of the square footage of future roofs, driveways, and other impervious surfaces on each individual lot. The preliminary WQMP shall be approved prior to Planning Commission hearing.
69. 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.
70. 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.
71. Parking lot landscaping areas shall be designed to provide for treatment, retention or infiltration of runoff.
72. Project hardscape areas shall be designed and constructed to provide for drainage into adjacent landscape.
73. Trash Enclosure shall be covered and bermed.
74. 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.
75. All storm drain inlet facilities shall be appropriately marked "Only Rain in the Storm Drain" using the City authorized marker.
76. The project shall use either volume-based and/or flow-based criteria for sizing BMPs in accordance with NPDES Permit Provision XII.D.4.
77. The project site shall implement trash full capture methods/devices approved by the Regional Water Quality Control Board.

### Construction

78. 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.
79. Prior to grading or building permit for construction or demolition and/or weed abatement activity the project shall demonstrate coverage under the NPDES General Construction Permit by providing a copy of the Notice of Intent (NOI) submitted to the State Water

Resources Control Board and a copy of the Waste Discharge Identification (WDID) Number letter 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.

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

#### Post-Construction

82. Prior to the issuance of a certificate of use and/or occupancy, the applicant shall demonstrate compliance with the MS4 Permit by providing:
- Documentation that the project has complied with all non-structural BMPs described in the project's WQMP.
  - 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.
  - Submitting 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.
  - Providing documentation of annexation into a CFD for funding of facilities to be maintained by the City.
  - Demonstrate to the Engineering Inspector that a copy of the project's approved WQMP (with recorded O&M Plan attached) is available 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.
  - Providing the City with a digital .pdf copy of the Final WQMP.

**UTILITIES:**

83. 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.
84. All overhead utilities shall be undergrounded in accordance with Chapter 12.16 of the Lake Elsinore Municipal Code (LEMC)
85. 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.
86. 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).
87. 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**

88. Caltrans approval and encroachment permit are required prior to building permit. Sight distance into and out of the project location shall comply with CALTRANS Standards. In addition, the developer shall comply with all traffic and roadway requirements as may be imposed by CALTRANS, which may include additional traffic analysis. To the extent that such additional traffic analysis is performed, developer shall implement all mitigation measures identified in such additional traffic analysis to the satisfaction of CALTRANS and the City Engineer. Developer shall not proceed without obtaining an encroachment permit from CALTRANS.
89. The developer shall install permanent bench marks per City of Lake Elsinore Standards and at locations to be determined by City Engineer.
90. The developer shall install blue dot markers in the roadway at a right angle to Fire Hydrant locations per Lake Elsinore Standards.
91. 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.
92. All drainage facilities in this project shall be constructed to Riverside County Flood Control District Standards.
93. 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.

94. 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.
95. Roof drains shall not be allowed to outlet directly through coring in the street curb. Roofs should drain to a landscaped area.
96. The site shall be planned and developed to keep surface water from entering buildings (California Green Building Standards Code 4.106.3).
97. 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.
98. The owner shall dedicate in fee title to the City a strip of right-of-way along Riverside Drive adjacent to the property frontage for a total right-of-way of 60' wide from centerline to the project property line on Riverside Drive.
99. The developer shall construct full street improvements on Riverside Drive such that the ultimate right-of-way width conforms to General Plan Urban Arterial right-of-way cross sections. The cross section of roadway improvements with a raised median (if applicable and if applicable, developer shall pay cash-in-lieu of construction of ½ the raised median), parkway, and street lights, shall be consistent with other proposed development on Riverside Drive, as recommended by Caltrans. The road improvements for Riverside Drive shall be consistent with the Traffic Analysis approved by Caltrans.
100. 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.
101. The developer shall provide signing and striping plans for the required improvements of this project. The plans shall also incorporate traffic calming measures on local streets.

### **Permitting/Construction**

102. An Encroachment Permit shall be obtained prior to any work on City and/or State right-of-way. The developer shall submit the permit application, required fees and executed agreements, security and other required documentation prior to issuance.
103. 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.
104. The developer shall be responsible for acquiring right-of-ways in which the developer or the City has no legal title or interest. If the developer is unsuccessful in acquiring such right-of-ways, the City could assist the developer in the Eminent Domain process at developer's

cost.

105. 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**

106. A portion of the required improvements for this development may be covered under the Traffic Uniform Mitigation Fee (TUMF) program. Request for reimbursement or credits shall be approved prior to building permit by the City Engineer and based on allowable costs in the fee program and availability of funds.
107. The developer shall submit a written request for acceptance to the City Engineer.
108. As-built plans shall be completed and signed by the City Engineer.

### **GRADING**

#### **Design**

109. 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)).
110. All grading plan contours shall extend to minimum of 50 feet beyond property lines to indicate existing drainage pattern.
111. The grading plan shall show that no structures, landscaping, or equipment are located near the project entrances that could reduce sight distance.
112. 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.
113. 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**

114. Developer shall execute and submit grading and erosion control agreement, post grading security and pay permit fees as a condition of grading permit issuance.
115. A preconstruction meeting with the City Public Works Inspector (Engineering Division) is required prior to commencement of ANY grading activity.
116. 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

117. 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)
118. Export sites located within the Lake Elsinore City limits must have an active grading permit.
119. 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.
120. 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.
121. A copy of the current SWPPP shall be kept at the project site and be available for review upon request.
122. Approval of the project Water Quality Management Plan (WQMP) for post construction shall be received prior to issuance of a grading permit.
123. Submit a City Planning Division approved environmental clearance document to the Engineering Division. This approval shall identify and clear all proposed grading activity anticipated for this project.
124. 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**

125. Provide final soils, geology and seismic report, including recommendations for parameters for seismic design of buildings, and walls prior to building permit.
126. Provide copy of Caltrans issued Encroachment permit for frontage improvements.
127. Approval of a letter of map revision (LOMR) or letter of map revision based on fill (LOMR-F) must be received from FEMA.
128. 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.
129. 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).

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

**Prior to Occupancy**

132. All signing and striping and traffic control devices for the required improvements of this development shall be installed.
133. 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.
134. All water and sewer improvements shall be completed in accordance with Water District requirements.
135. Proof of acceptance of maintenance responsibility of slopes, open spaces, landscape areas, and drainage facilities shall be provided.
136. 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.
137. 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.
138. 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.
139. 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.
140. 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.
141. 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.
142. All required public right-of-way dedications, 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..

143. The developer shall pay fee in-lieu of construction of future median improvements on Riverside Drive. The fee shall be equal to current cost estimate for improvements (including contingency) plus an additional 15% of the total construction cost estimate to cover design and administrative costs. The cost estimate shall be approved by City staff.
144. 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. Demonstrate that all structural BMPs have been constructed, installed and are functioning in conformance with approved plans and specifications and the WQMP;
  - b. Demonstrate that they are prepared to implement all non-structural BMPs 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; and
  - 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 the Riverside County NPDES Drainage Area Management Plan. Contact the City NPDES Coordinator for handout/guideline information.
145. 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.
146. 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.
147. 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.
148. 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**

### **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. **Blue Dot Reflectors** - Blue retro-reflective pavement markers shall be mounted on private streets, public streets and driveways to indicate location of fire hydrants. Prior to installation, placement of markers must be approved by the Riverside County Fire Dept.
151. **Minimum Hydrant Fire Flow**- Minimum required fire flow shall be 2,250 GPM for 2 hours duration at 20 PSI residual operating pressure, which must be available before any combustible material is placed on the job site. Average spacing between hydrants 450' and 225' maximum distance from any point on the street or road frontage to hydrant.
152. **Super Fire Hydrants**- Super fire hydrants (6" x 4" x 2-2 1/2"), shall be located not less than 25 feet or more than 250 feet from any portion of the building as measured along approved vehicular travel ways.
153. **Hydrant System**- A combination of on-site and off-site super fire hydrant (s) (6" x 4" x 2-1/2" x 2-1/2") will be located not less than 25 feet or more than 250 feet from any portion of the building as measured along approved vehicular travel ways. The required fire flow shall be available from any adjacent hydrant (s) in the system Average spacing between hydrants 450' and 225' maximum distance from any point on the street or road frontage to hydrant.
154. **Minimum Access Standards**- The following access requirements are required to be implemented to ensure fire department and emergency vehicular access. All roadways shall conform to the City of Lake Elsinore approved roadway standards but in no case shall the minimum fire department vehicular access be less the following provisions:
  1. Twenty-four feet (24') clear width. Where parking is to be provided, each parking side shall be provided with eight (8') additional feet on each side of the fire department access.
  2. Median openings or crossovers between opposing lanes of a divided highway or street shall be located only at approved intersections at intervals of not less than 500 feet. [Ord. 529 § 3.2(F), 1973].
  3. The required all weather vehicular access shall be able to support no less than 75,000 lbs. over 2 axles.
  4. Roadway gradient shall not exceed 15% on any access road, driveways, and perimeter roads.
  5. Turning Radius shall be 24' inside and 48' outside for all access roads.
155. **Secondary Access** - In the interest of Public Safety, this project shall provide an Alternate or Secondary Access. Said access shall be constructed in accordance to the City of Lake Elsinore Engineering Department standards to accommodate full fire response and community evacuation.
156. **Automatic / Manual Gates** - Gate entrances shall be at least two feet wider than the width of the traffic lane (s) serving that gate and no less than 20 feet wide. Any gate providing access from a road to a driveway shall be located at least 35 feet from the roadway and shall open to allow vehicle to stop without obstructing traffic on the road. Where a one-way

road with a single traffic lane provides access to a gate entrance, a 40 foot turning radius shall be used. Gate access shall be equipped with a rapid entry system. Plans shall be submitted to the Fire Department for approval prior to installation. Automatic/manual gate pins shall be rated with shear pin force, not to exceed 30 foot pounds. Automatic gates shall be equipped with emergency backup power. Gates activated by the rapid entry system shall remain open until closed by the rapid entry system. Contact the Fire Planning office for current plan check fees.

157. **Fire Protection Engineer** - Based upon the hazardous nature of the proposed operations, a Licensed Fire Protection Engineer shall prepare in coordination with the Architect/Engineer of record, a technical report addressing all pertinent fire protection, building construction, occupancy classification, and hazardous material systems associated with this facility. The technical report shall be submitted in coordination with the building architectural plans. Questions regarding the report shall be directed to the Fire Code Official.
158. **Separation of Occupancy** - A fire barrier wall for the separation of occupancies is required per the California Building Code. Fire walls, fire barriers, fire partitions, smoke barriers, and smoke partitions or any other wall required to have protected openings or penetrations shall be effectively and permanently identified with signs or stenciling. Such identification shall be located in accessible concealed floor, floor ceiling or attic spaces repeated at intervals not exceeding 30 feet along the wall, and include lettering not less than .5 inch in height, incorporating the suggested wording "FIRE AND/OR SMOKE BARRIER—PROTECT ALL OPENINGS," or other wording.
159. **Operating Permit Required** - This project has been review and may require an operating permit in addition to the construction permit that has been conditioned for this project in accordance with 105.6 of The California Fire Code.

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

160. **Plan Check Fee** - Building plan check fees shall be made payable to the "City of Lake Elsinore", and shall be submitted to the Fire Department at the time of plan submittal.
161. **Water System Plans** - Applicant and/or developer shall submit 2 sets of water system plans to the Fire Department for review. The plans must be signed by a registered Civil Engineer and/or water purveyor prior to Fire Department review and approval. Mylars will be signed by the Fire Department after review and approval. Two (2) copies of the signed and approved water plans shall be returned to the Fire Department before release of a building permit.
162. **Prior to Building Construction Verification** - This project shall be inspected and approved by the Fire Marshal or designee prior to bringing combustible materials on site. During said inspection all permanent road signs shall be in place, all hydrants shall on operating and approved for use by the water purveyor, and all permanent road surfaces shall be completed including primary and secondary access circulation.

#### **PRIOR TO BUILDING FINAL INSPECTION**

163. **Fire Sprinkler System 13** - Install a complete fire sprinkler system designed in accordance with California Building Code, California Fire Code and adopted standards. Sprinkler systems with pipe sizes larger than 4 inches in diameter will require the Engineer or Architect

of Record certification with details and calculations with “wet signature” that the building structural system is designed to support the seismic and gravity loads for the support of the additional weight of the sprinkler system. The PIV and FDC shall be located to the front of the building in an approved location, unobstructed and within 50 feet of an approved road or driveway, within 200 feet of a hydrant. A C-16 licensed contractor must submit plans, along with the current fee, to the Fire Department for review and approval prior to installation.

164. **Sprinkler System Monitoring** - Install an alarm monitoring system for fire sprinkler system(s) with 20 or more heads. Valve monitoring, water-flow alarm and trouble signals shall be automatically transmitted to an approved central station, remote station or proprietary monitoring station in accordance with California Building Code, California Fire Code and adopted standards. An approved audible sprinkler flow alarm shall be provided on the exterior in an approved location. The location of the Fire Alarm Control Unit shall be located in an environmentally controlled location in accordance with 10.14 (NFPA 72, 2016). A C-10 licensed contractor must submit plans designed in accordance with adopted standards, along with the current fee, to the Fire Department for review and approval prior to installation.
165. **Evacuation/Voice Fire Alarm System** - Install a manual and/or automatic emergency voice/alarm communication fire alarm system in accordance with California Building Code, California Fire Code and adopted standards. The location of the Fire Alarm Control Unit shall be located in an environmentally controlled location in accordance with NFPA 72. A C-10 licensed contractor must submit plans, along with the current fee, to the Fire Department for review and approval prior to installation.
166. **Automatic and/or Manual Fire Alarm System** - Install a manual and/or automatic fire alarm system as required by the California Building Code, California Fire Code and designed in accordance with adopted standards. The location of the Fire Alarm Control Unit shall be located in an environmentally controlled location in accordance with NFPA 72. A C-10 licensed contractor must submit plans, along with the current fee, to the Fire Department for review and approval prior to installation. Guideline handouts are available from the Fire Department.
167. **Designated Fire Lanes** - The applicant shall prepare and submit to the Fire Department for approval, a site plan designating required fire lanes with appropriate lane painting and/ or signs.
168. **Knox Rapid Entry Box** - A rapid entry Knox Box shall be installed on the outside of the building. Key(s) shall have durable and legible tags affixed for identification of the correlating tenant space. Special forms are available from this office for ordering the Knox Box. If the building/facility is protected with a fire alarm or burglar alarm system, it is recommended that the lock box be “tamper” monitoring.
169. **Fire Extinguishers** – Minimum Install portable fire extinguishers complying with Section 906 of the 2013 California Fire Code with a minimum rating of 2A-10BC and signage. Fire Extinguishers located in public areas shall be in recessed cabinets mounted 48” (inches) to center above floor level with maximum 4” projection from the wall. Contact Fire Dept. for proper placement of equipment prior to installation.

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**DEPARTMENT OF ADMINISTRATIVE SERVICES**

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

170. 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.

**MITIGATION MONITORING AND REPORTING PROGRAM**

171. The applicant shall comply with all mitigation measures identified in the Mitigation Monitoring & Reporting Program for the Mitigated Negative Declaration (Environmental Review No. 2017-03; SCH # 2018011047) prepared for the Project.

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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 March 27, 2018. I also acknowledge that all Conditions shall be met as indicated.

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

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

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

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

\_\_\_\_\_

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