

**Terms and Definitions:**

1. **Property Owner/Developer** – Owner or developer of Evergreen Commercial Development Project.
2. **Environmental Equivalent/Timing** – Any mitigation measure and timing thereof, subject to the approval of the City, which will have the same or superior result and will have the same or superior effect on the environment. The Planning Department, in conjunction with any appropriate agencies or City departments, shall determine the adequacy of any proposed "environmental equivalent/timing" and, if determined necessary, may refer said determination to the Board of Supervisors. Any costs associated with information required in order to make a determination of environmental equivalency/timing shall be done by the property owner/developer. Staff time for reviews will be charged on a time and materials basis at the rate in the City's adopted Fee Schedule.
3. **Implementation Timing** – This is the point where a mitigation measure must be monitored for compliance. In the case where multiple action items are indicated, it is the first point where compliance associated with the mitigation measure must be monitored. Once the initial action item has been complied with, no additional monitoring pursuant to the Mitigation Monitoring Plan will occur, as routine City practices and procedures will ensure that the intent of the measure has been complied with. For example, if the timing is "to be shown on approved building plans" subsequent to issuance of the building permit consistent with the approved plans will be final building and zoning inspections pursuant to the building permit to ensure compliance.
4. **Responsible Monitoring Party** – Shall mean that compliance with the subject mitigation measure(s) shall be reviewed and determined adequate by all departments listed for each mitigation measure. Outside public agency review is limited to those public agencies specified in the Mitigation Monitoring Plan which have permit authority in conjunction with the mitigation measure.
5. **Ongoing Mitigation Measures** – The mitigation measures that are designated to occur on an ongoing basis as part of this Mitigation Monitoring Plan will be monitored in the form of an annual letter from the property owner/developer in January of each year demonstrating how compliance with the subject measure(s) has been achieved. When compliance with a measure has been demonstrated for a period of one year, monitoring of the measure will be deemed to be satisfied and no further monitoring will occur. For measures that are to be monitored "Ongoing During Construction", the annual letter will review those measures only while construction is occurring; monitoring will be discontinued after construction is complete. A final annual letter will be provided at the close of construction.
6. **Building Permit** – For purposes of this Mitigation Monitoring Plan, a building permit shall be defined as any permit issued for construction of a new building or structural expansion or modification of any existing building but shall not include any permits required for interior tenant improvements or minor additions to an existing structure or building.

**Mitigation Monitoring and Reporting Program**

Impact Category	Mitigation Measure	Implementation Timing	Responsible Monitoring Party	Monitoring/Reporting Method
<p><b>Biological Resources</b></p>	<p><b>MM BIO-1:</b> Mitigation for the permanent removal of 0.10 acre (469 linear feet) of potential other waters of the U.S. and State subject to Sections 404 and 401 of the CWA, and 0.52 acre (469 linear feet) of potential CDFW streams and associated vegetation subject to CFGC Code Section 1600, and MSHCP riparian/riverine areas (inclusive of the 0.09 acre of scale broom scrub [a CDFW sensitive natural community]) will be addressed through the purchase of credits, either from the Riverpark Mitigation Bank or Barry Jones Wetland Mitigation Bank.</p> <p>Riverpark Mitigation Bank: If mitigation credits are purchased from the Riverpark Mitigation Bank, they will either be purchased as re-establishment or rehabilitation. If re-establishment is available, credits will be purchased at a 1.5:1 replacement ratio (i.e., 0.78 acres of mitigation). If both re-establishment and rehabilitation is available, credits will be purchased at a 1:1 replacement ratio for both credit options (i.e., 0.52 acres of re-establishment and 0.52 acres of rehabilitation, for a total of 1.04 acres of mitigation). If re-establishment is not available at the time of purchase, credits will be purchased at a 3:1 replacement ratio for rehabilitation credits alone (i.e., 1.56 acres).</p> <p>Barry Jones Wetland Mitigation Bank: If mitigation credits are purchased from the Barry Jones Wetland Mitigation Bank, they will be purchased as</p>	<p><b>Prior to commencement of ground disturbing activities for Phase 2</b></p>	<p><b>Qualified Biologist, Community Development Department - Planning Division</b></p>	

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	<p>preservation, at a 4:1 replacement ratio (i.e., 2.08 acres of mitigation).</p> <p>BIO-1 applies only to Phase 2 of the proposed project as the sensitive natural community and MSHCP riparian/riverine habitat only occurs in the southern portion of the project site. A DBESP report, as described in Section 6.1.2 of the MSHCP, has been prepared and details the existing conditions, proposed impacts, and proposed mitigation sufficient to offset impacts on MSHCP riparian/riverine areas (inclusive of scale broom scrub).</p>			
<b>Biological Resources</b>	<p><b>MM BIO-2:</b> Prior to start of site preparation activities (ground disturbance, construction activities, and/or removal of trees and vegetation), a qualified biologist shall conduct a nesting bird survey within 3 days of the anticipated initial construction (clearing and grubbing of potential nesting vegetation) start date to identify any active nests within 500 feet of the project site. The Project Applicant shall adhere to the following prior to the issuance of grading permits:</p> <ol style="list-style-type: none"> <li>1) Applicant shall designate a biologist (Designated Biologist) experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success;</li> </ol>	<p><b>Prior to commencement of site construction activities</b></p>	<p><b>Qualified Biologist, Community Development Department - Planning Division</b></p>	

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	<p>determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.</p> <p>2) Pre-activity field surveys shall be conducted at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of Project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the Project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate.</p> <p>If an active nest is detected, a suitable avoidance buffer will be established by the Designated Biologist in the field based on their best professional judgement and experience. Construction activities will remain outside of the buffer until a Designated Biologist determines that the nest is no longer active (i.e., the juveniles are surviving independent from the nest). Appropriate buffers distances generally include up to 300 feet for passerine species and up to 500 feet for raptors; however, these may be reduced at the discretion of the biologist, depending on the site-specific factors, such as the location of the nest, species tolerance to human presence, and the types of construction-related noises, vibrations, and</p>			

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	<p>human activities that would occur. The Designated Biologist shall monitor the nest at the onset of project activities, and at the onset of any changes in such project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the Designated Biologist determines that such project activities may be causing an adverse reaction, the Designated Biologist shall adjust the buffer accordingly or implement alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers. The onsite qualified biologist will review and verify compliance with these nesting avoidance buffers and will verify the nesting effort has finished.</p> <p>If initial construction (clearing and grubbing) temporarily ceases for a period greater than 7 days, and activities expect to recommence during the avian nesting season, the project site (including surrounding 500 feet) will be resurveyed. Work can resume within these avoidance areas when no other active nests are found. Upon completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to the City for mitigation monitoring compliance record keeping.</p>			
<b>Cultural Resources</b>	<p><b>MM CUL-1: <i>Unanticipated Resources.</i></b> 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,</p>	<b>During construction</b>	<b>Project Applicant /Developer, Construction Contractor, Project Archaeologist, Tribal Monitor,</b>	

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	<p>unanticipated cultural resources are discovered, the following procedures shall be followed:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. The developer shall call the Community Development Director or their designee immediately upon discovery of the cultural resource to convene the meeting.</li> <li>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.</li> <li>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</li> </ol>		<p>Engineering Department, Community Development Department - Planning Division</p>	



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	<p>designee, as to the appropriate mitigation measures.</p> <p>5. Treatment and avoidance of the newly discovered resources shall be consistent with the Cultural Resources Treatment and Monitoring Agreements entered into with the appropriate tribes. This may include avoidance of cultural resources through project design, in-place preservation of cultural resources located in native soils, and/or re-burial on the Project property so they are not subject to further disturbance in perpetuity as identified in Non-Disclosure of Reburial Location measure.</p> <p>6. If the find is determined to be significant and avoidance of the site has not been achieved, a Phase III data recovery plan shall be prepared by the Project Archeologist, in consultation with the Tribe(s), and shall be submitted to the City for their review and approval prior to implementation of the said plan.</p> <p>7. Pursuant to Calif. Pub. Res. Code § 21083.2(b) avoidance is the preferred method of preservation for archaeological resources and cultural resources. If the Project Applicant and the Tribe(s) cannot agree on the significance or the mitigation for the archaeological or cultural resources, these issues will be presented to the Community Development Director for decision. The Community</p>			

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	<p>Development Director shall make the determination based on the provisions of the California Environmental Quality Act with respect to archaeological resources, recommendations of the project archeologist and shall take into account the cultural and religious principles and practices of the Tribe(s). Notwithstanding any other rights available under the law, the decision of the City Community Development Director shall be appealable to the City Planning Commission and/or City Council.” Evidence of compliance with this mitigation measure, if a significant archaeological resource is found, shall be provided to City of Lake Elsinore upon the completion of a treatment plan and final report detailing the significance and treatment finding.</p>			
<p><b>Cultural Resources</b></p>	<p><b>MM CUL-2: <i>Archaeologist/CRMP.</i></b> Prior to issuance of grading permits, the applicant/developer shall provide evidence to the Community Development Department that a Secretary of 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</p>	<p><b>Prior to issuance of grading permits</b></p>	<p><b>Project Applicant /Developer, Construction Contractor, Project Archaeologist, Tribal Monitor, Engineering Department, Community Development Department - Planning Division</b></p>	



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	<p>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:</p> <p><u>Archaeological Monitor</u> - 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.</p> <p><u>Cultural Sensitivity Training</u> - 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</p>			

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	<p>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.</p> <p><u>Unanticipated Resources</u> - 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</p> <p><u>Phase IV Report</u> - 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</p>			

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	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.			
<b>Cultural Resources</b>	<p><b>MM CUL-3: Cultural Resources Disposition.</b> 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:</p> <p>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:</p> <ol style="list-style-type: none"> <li>1. Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in the place where they were found with no development affecting the integrity of the resources.</li> <li>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</li> </ol>	<b>During grading</b>	<p><b>Project Applicant /Developer, Construction Contractor, Project Archaeologist, Tribal Monitor, Engineering Department, Community Development Department - Planning Division</b></p>	



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	<p>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.</p> <p>3. If preservation in place or reburial is not feasible then the resources shall be curated in the culturally sensitive matter at a Riverside County curation facility that meets State Resources Department of 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.</p>			

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	<p>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. Evidence of compliance with this mitigation measure, if a significant archaeological resource is found, shall be provided to the City of Lake Elsinore upon completion of a treatment plan and final report detailing the significance and treatment of finding.</p>			
<p><b>Cultural Resources</b></p>	<p><b>MM CUL-4: Tribal Monitoring.</b> Prior to the issuance of a grading permit, at least 30 days prior to the issuance, the applicant shall contact the consulting Native American Tribe(s) that have requested monitoring through consultation with the City during the AB 52 and/or the SB 18 process (“Monitoring Tribes”). 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</p>	<p><b>Prior to issuance of a grading permit; and during site disturbing activities</b></p>	<p><b>Project Applicant /Developer, Construction Contractor, Project Archaeologist, Tribal Monitor, Engineering Department, Community Development Department - Planning Division</b></p>	

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	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 area of a find in order to evaluate the find and determine the appropriate next steps, in consultation with the Project archaeologist.			
<b>Cultural Resources</b>	<b>MM CUL-5: Phase IV Report.</b> 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 Scopes of Work posted on the County website. The report shall include results of any feature relocation as well as evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting. Once the report is determined to be adequate, two (2) copies shall be submitted to Eastern Information Center (EIC) at the University of California Riverside (UCR) and one (1) copy shall be submitted to the Monitoring Tribes.	<b>After completion of construction site monitoring</b>	<b>Project Applicant /Developer, Project Archaeologist, Tribal Monitor, Community Development Department - Planning Division</b>	
<b>Cultural Resources</b>	<b>MM CUL-6: Discovery of Human Remains.</b> In the event that human remains (or remains that may be	<b>During construction</b>	<b>Project Applicant /Developer, Construction</b>	

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	<p>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 the 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)).</p>		<p><b>Contractor, Project Archaeologist, Tribal Monitor, Riverside County Coroner, Community Development Department - Planning Division</b></p>	

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	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).			
<b>Cultural Resources</b>	<b>MM CUL-7: Non-Disclosure of Reburial Location.</b> 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).	<b>During construction</b>	<b>Project Applicant /Developer, Riverside County Coroner</b>	
<b>Noise</b>	<p><b>MM NOI-1:</b> Prior to issuance of a building permit, ensure that the sound attenuation features are identified on the plans and implemented to reduce noise impacts to off-site receptors to levels which comply with the City's General Plan. These measures may include but not be limited to the following:</p> <ul style="list-style-type: none"> <li>Construct a twelve (12)-foot-tall soundwall along the eastern curb of the car wash tunnel exit for a distance of 20 feet to the south to shield residential receivers east of the project site. The soundwall shall connect to the car wash building at the tunnel exit;</li> </ul>	<b>Prior to issuance of a building permit</b>	<b>Project Applicant /Developer, Community Development Department Building &amp; Safety Division</b>	



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	<ul style="list-style-type: none"> <li>Limit car wash operations to daytime hours of 7:00 a.m. to 10:00 p.m.</li> </ul>			
Noise	<p><b>MM NOI-2:</b> Prior to issuance of a building permit, ensure that the vibration attenuation features are identified on the plans to reduce potential vibration levels at property lines adjacent to residential uses. These measures may include but not be limited to implementation of a small vibratory roller when compacting activities are conducted within 25 feet of an adjacent residential property line. A small vibratory roller creates approximately 0.101 in./sec. PPV at a distance of 25 feet (Caltrans 2020). This would equal a vibration level of 0.177 in./sec. PPV at 15 feet. This vibration level would not exceed the threshold of 0.25 in./sec. PPV.</p>	Prior to issuance of a building permit	Project Applicant /Developer, Community Development Department Building & Safety Division	
Transportation	<p><b>COA TRANS-1:</b> Prior to the issuance of a building permit, the Property Owner/Developer shall pay its fair share of the cost of the improvements identified in the Project's traffic study, to the City of Lake Elsinore.</p>	Prior to issuance of a building permit	Project Applicant/Developer, Engineering Department	