

EXHIBIT “1”

CONDITIONS OF APPROVAL

Planning Application No.: “O’Reilly Auto Parts” Plot Plan No. PLN21-0253

Project Description: **Plot Plan (PP) No. PLN21-0253** Plot Plan (PP) No. PLN21-0253 proposes the construction of a new 7,228 square foot retail shop (O’Reilly Auto Parts) on a 1.41-acre (61,420 square foot) vacant site located just south of the Rite Aid at the southwest corner of Newport Road and Menifee Road. The project consists of site improvements that include a new commercial trash enclosure, water quality basin, new parking lot and site landscaping.

Assessor's Parcel No.: 364-030-009

MSHCP Category: Commercial

DIF Category: Retail Commercial

TUMF Category: Per WRCOG

SKR Category: Discretionary permit on greater than ½ (0.5 acres)

Quimby Category: N/A

Approval Date: September 28, 2022

Expiration Date: September 28, 2025

Within 48 Hours of the Approval of This Project

1. **Filing Notice of Exemption (NOE).** The applicant/developer shall deliver to the Community Development Department, a cashier's check or money order made payable to the City of Menifee in the amount of fifty dollars (\$50) to be used for the Riverside County Clerk administrative fee, to enable the City to file the Notice of Exemption (NOE) for the project within forty-eight (48) hours of the approval of the project.
2. **Indemnification.** Applicant/developer shall indemnify, defend, and hold harmless the City of Menifee and its elected city council, appointed boards, commissions, committees, officials, employees, volunteers, contractors, consultants, and agents from and against any and all claims, liabilities, losses, fines, penalties, and expenses, including without limitation litigation expenses and attorney's fees, arising out of either the City's approval of the Project or actions related to the Property or the acts, omissions, or operations of the applicant/developer and its directors, officers, members, partners, employees, agents, contractors, and subcontractors of each person or entity comprising the applicant/developer with respect to the ownership, planning, design, construction, and maintenance of the Project and the Property for which the Project is being approved. In addition to the above, within 15 days of this approval, the developer/applicant shall enter into an indemnification agreement with the City. The indemnification agreement shall be substantially the same as the form agreement currently on file with the City.

Section I: Conditions Applicable to All Departments

**Section II: Community Development Department
Conditions of Approval**

**Section III: Engineering/Grading/Transportation
Conditions of Approval**

**Section IV: Building and Safety Department Conditions
of Approval**

Section V: Fire Department Conditions of Approval

**Section VI: Riverside County Environmental Health
Conditions of Approval**

Section I:

Conditions Applicable to All
Departments

General Conditions

1. **Definitions.** The words identified in the following list that appear in all capitals in the attached conditions for Plot Plan (PP) No. PLN21-0253 shall be henceforth defined as follows:

APPROVED EXHIBITS contain the following plans dated **9/8/2022**:

- Site Plan
 - Grading Plan
 - Floor Plan
 - Elevations
 - Landscape Plan
 - Materials and Colors
2. **Ninety (90) Days.** The permittee has ninety (90) days from the date of approval of these conditions to protest, in accordance with the procedures set forth in Government Code Section 66020, the imposition of any and all fees, dedications, reservations and/or other exactions imposed on this project as a result of this approval or conditional approval of this project.
 3. **Comply with All Conditions.** The applicant/developer shall comply with all terms and conditions of Plot Plan (PP) No. PLN21-0253.
 4. **Business License.** Every person conducting a business within the City of Menifee shall obtain a business license, as required by the Menifee Municipal Code. For more information regarding business licensing, contact the City of Menifee.
 5. **Modifications or Revisions.** The permittee shall obtain City approval for any modifications or revisions to the approval of this project.
 6. **Expiration Date.** This approval shall be used within three (3) years of the approval date; otherwise, it shall become null and void and of no effect whatsoever. By use is meant the beginning of substantial construction contemplated by this approval within three (3) year period which is thereafter diligently pursued to completion or to the actual occupancy of existing buildings or land under the terms of the authorized use.

Section II:

Community Development
Department Conditions of
Approval

General Conditions

8. **Comply with Ordinance.** The development of these premises shall comply with the standards of the City Municipal Code and all other applicable ordinances and State and Federal codes.

The development of the premises shall conform substantially with that as shown on APPROVED EXHIBITS unless otherwise amended by these conditions of approval.

9. **Subsequent Submittals.** Any subsequent submittals required by these conditions of approval, including but not limited to grading plan or building plan shall be reviewed on an hourly basis (research fee), or other such review fee as may be in effect at the time of submittal, as required by Resolution No. 18-741 (Cost of Services Fee Study), or any successor thereto. Each submittal shall be accompanied with a letter clearly indicating which condition or conditions the submittal is intended to comply with.
10. **Completion of Conditions Prior to Operations.** The proposed use approved under Plot Plan (PP) No. PLN21-0253 shall not be established or operated until all required conditions (e.g., road pavement, landscaping installation, building improvements, etc.) of this Plot Plan have been completed to the satisfaction of the City.
11. **Outside Lighting.** Any outside lighting shall be hooded and directed so as not to shine directly upon adjoining property or public rights-of-way and so as to prevent either the spillage of lumens or reflection into the sky.
12. **Colors and Materials.** Building colors and materials shall be in substantial conformance with those shown on APPROVED EXHIBITS.
13. **Parking.** Parking for the project site was determined through the Parking & Loading Standards in Chapter 9.215 of the City of Menifee Municipal Code as shown below.

Table 9.215.040-1 Parking Requirements				
Use	Per Square Foot or Unit	Per Employee or Student	Other Criteria	For Vehicle Stacking
General Commercial/Retail Uses				
General Retail	3 spaces per 1,000 square feet of gross floor area		See 9.220.040.A.1 below	

Based on the square footage of the building (7,288 sf.) 22 parking stalls are required

ADA Parking Spaces:

A minimum of two (2) accessible parking spaces for persons with disabilities shall be provided consistent with ADA requirements and as approved by the City of Menifee Building and Safety Department. The location of ADA parking and paths of travel will be finalized on the final site plan of the proposed project. Each parking space reserved for persons with disabilities shall be identified by a permanently affixed reflectorized sign constructed of porcelain on steel, beaded text or equal, displaying the International Symbol of Accessibility. The sign shall not be smaller than seventy (70) square inches in area and shall be centered at the interior end of the parking space at a minimum height of eighty (80) inches from the bottom of the sign to the parking space finished grade or centered at a minimum height of thirty-six (36) inches from the parking space finished grade, ground, or sidewalk. A sign shall also be posted in a conspicuous place, at each entrance to the off-street parking facility, not less than seventeen (17) inches by twenty-two (22) inches, clearly and conspicuously stating the following:

"Unauthorized vehicles not displaying distinguishing placards or license plates issued for physically handicapped persons may be towed away at owner's expense. Towed vehicles may be reclaimed at ____ or by telephoning ____."

In addition to the above requirements, the surface of each parking space shall have a surface identification sign duplicating the symbol of accessibility in blue paint of at least three (3) square feet in size.

Bicycle Racks:

One (1) bicycle space is required per every 25 required parking spaces (min. 2). Bicycle racks or lockers with a minimum of two (2) spaces shall be provided as shown on APPROVED EXHIBITS to facilitate bicycle access to the project area. The bicycle racks shall be shown on project landscaping and improvement plans submitted for Community Development Department approval and shall be installed in accordance with those plans.

14. **No Outdoor Advertising.** No outdoor advertising display, sign or billboard (not including on-site advertising or directional signs) shall be constructed or maintained within the property subject to this approval.
15. **Reclaimed Water.** The permittee shall connect to a reclaimed water supply for landscape watering purposes when secondary or reclaimed water is made available to the site as required by Eastern Municipal Water District.
16. **Exterior Noise Levels.** Facility-related noise, as projected to any portion of any surrounding property containing a "sensitive receiver, habitable dwelling, hospital, school, library or nursing home", must not exceed the following worst-case noise levels 45 dB(A) – 10-minute noise equivalent level ("leq"), between the hours of 10:00 p.m. to 7:00 a.m. (nighttime standard) and 65 dB (A) – 10-minute leq, between 7:00 a.m. and 10:00 p. m. (daytime standard).
17. **No Outdoor Storage.** No outdoor storage is allowed within or upon the site. No storage lockers, sheds, metal container bins or metal shipping containers will be allowed to be stored outside the building unless first reviewed and approved by the Community Development Department.

18. **No Permanent Occupancy.** No permanent occupancy shall be permitted within the property approved under this plot plan as a principal place of residence. No person shall be entitled to vote using an address within the premises as a place of residence.
19. **Hours of Construction.** Pursuant to Menifee Municipal Code, any construction within the city located within one-fourth mile from an occupied residence shall be permitted Monday through Saturday, except nationally recognized holidays, 6:30 a.m. to 7:00 p.m. There shall be no construction permitted on Sunday or nationally recognized holidays unless approval is obtained from the City Building Official or City Engineer.
20. **SCAQMD Rule 402.** The project will comply with existing SCAQMD Rule 402 which prohibits a person from discharging any source quantities of air contaminants or other material which cause injury, nuisance, or annoyance to any considerable number of persons or to the public.
21. **Rules for Construction Activities.** The applicant shall adhere to the Best Available Control Measures (BACMs). SCAQMD Rules that are currently applicable during construction activity for the project include but are not limited to: Rule 1113 (Architectural Coatings); Rule 431.2 (Low Sulfur Fuel); Rule 403 (Fugitive Dust); and Rule 1186 / 1186.1 (Street Sweepers). The specific Rule 403 regulatory requirements that are applicable to the project are as follows:
- All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.
 - The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the midmorning, afternoon, and after work is done for the day. Implementation of this measure is estimated to reduce PM₁₀ and PM_{2.5} fugitive dust emissions by approximately 61%.
 - The contractor shall ensure that traffic speeds on unpaved roads and project site areas are reduced to 15 miles per hour or less to reduce PM₁₀ and PM_{2.5} fugitive dust haul road emissions by approximately 44%.
22. **Recreational Vehicle Parking.** No overnight recreational vehicle parking or camping will be allowed within the site.

ARCHEOLOGY

23. **Human Remains.** If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to Public Resource Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall

be contacted within the period specified by law (24 hours). Subsequently, the Native American Heritage Commission shall identify the "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 Resources Code Section 5097.98.

24. Non-Disclosure of Location Reburials. 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).

25. Inadvertent Archeological Find. If during ground disturbance activities, unique cultural resources are discovered that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to project approval, the following procedures shall be followed. Unique cultural resources are defined, for this condition only, as being multiple artifacts in close association with each other, but may include fewer artifacts if the area of the find is determined to be of significance due to its sacred or cultural importance as determined in consultation with the Native American Tribe(s).

- i. All ground disturbance activities within 100 feet of the discovered cultural resources shall be halted until a meeting is convened between the developer, the archaeologist, the tribal representative(s) and the Community Development Director to discuss the significance of the find.
- ii. At the meeting, the significance of the discoveries shall be discussed and after consultation with the tribal representative(s) and the archaeologist, a decision shall be made, with the concurrence of the Community Development Director, as to the appropriate mitigation (documentation, recovery, avoidance, etc.) for the cultural resources.
- iii. Grading of further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation. Work shall be allowed to continue outside of the buffer area and will be monitored by additional Tribal monitors if needed.
- iv. Treatment and avoidance of the newly discovered resources shall be consistent with the Cultural Resources Management Plan and Monitoring Agreements entered into with the appropriate tribes. This may include avoidance of the 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 Condition.
- v. Pursuant to Calif. Pub. Res. Code § 21083.2(b) avoidance is the preferred method of preservation for archaeological resources and cultural resources. If the landowner 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 City Community Development

Director for decision. The City Community 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. 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.”

26. 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:

a) 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 City of Menifee Community Development Department:

i. 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.

ii. Reburial of the resources on the Project property. The measures for reburial shall include, at least, the following: Measures and provisions to protect the future reburial area from any future impacts in perpetuity. Reburial 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.

iii. If preservation in place or reburial is not feasible then the resources shall be curated in 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.

PALEONTOLOGICAL

27. Inadvertent Paleontological Find. Should fossil remains be encountered during site development:

- 1) All site earthmoving shall be ceased in the area of where the fossil remains are encountered. Earthmoving activities may be diverted to other areas of the site.
- 2) The applicant shall retain a qualified paleontologist approved by the County of Riverside.
- 3) The paleontologist shall determine the significance of the encountered fossil remains.
- 4) Paleontological monitoring of earthmoving activities will continue thereafter on an as-needed basis by the paleontologist during all earthmoving activities that may expose sensitive strata. Earthmoving activities in areas of the project area where previously undisturbed strata will be buried but not otherwise disturbed will not be monitored. The supervising paleontologist will have the authority to reduce monitoring once he/she determines the probability of encountering any additional fossils has dropped below an acceptable level.
- 5) If fossil remains are encountered by earthmoving activities when the paleontologist is not onsite, these activities will be diverted around the fossil site and the paleontologist called to the site immediately to recover the remains.
- 6) Any recovered fossil remains will be prepared to the point of identification and identified to the lowest taxonomic level possible by knowledgeable paleontologists. The remains then will be curated (assigned and labeled with museum* repository fossil specimen numbers and corresponding fossil site numbers, as appropriate; places in specimen trays and, if necessary, vials with completed specimen data cards) and catalogued, an associated specimen data and corresponding geologic and geographic site data will be archived (specimen and site numbers and corresponding data entered into appropriate museum repository catalogs and computerized data bases) at the museum repository by a laboratory technician. The remains will then be accessioned into the museum* repository fossil collection, where they will be permanently stored, maintained, and, along with associated specimen and site data, made available for future study by qualified scientific investigators.

*The City of Menifee must be consulted on the repository/museum to receive the fossil material prior to being curated.

LANDSCAPING

28. **Viable Landscaping.** All plant materials within landscaped areas shall be maintained in a viable growth condition throughout the life of this permit. To ensure that this occurs, the Community Development Department shall require inspections in accordance with the building permit landscaping install and inspection condition.
29. **Landscape Plans.** All landscaping plans shall be prepared in accordance with the City's Water Efficient Landscape Ordinance (MMC 15.04) and the City of Menifee Landscape Standards (MMC 9.195). Such plans shall be reviewed and approved by the Community Development Department, and the appropriate maintenance authority.
30. **Maintenance of Landscaping.** All private landscaping shall be maintained by a property owners association, individual property owner, or as otherwise established by CC&Rs. All landscaping, and similar improvements not properly maintained by a property owners association or individual property owners must be annexed into a Lighting and Landscape District, or other mechanism as determined by the City of Menifee.
31. **Crime Prevention through Environmental Design Guidelines.** All plants, landscaping and foliage shall fall within current CPTED (Crime Prevention through Environmental Design) guidelines.

FEES

32. **Subsequent Submittals and Fees.** Any subsequent submittals required by these conditions of approval, including but not limited to grading plan, building plan or mitigation monitoring review, shall be reviewed on an hourly basis (research fee), or other such review fee as may be in effect at the time of submittal, as required by Resolution No. 18-741 (Cost of Services Fee Study or as updated). Each submittal shall be accompanied with a letter clearly indicating which condition or conditions the submittal is intended to comply with.

Prior to Issuance of Grading Permit

33. **Precise Grading Plan Review.** The Community Development Department shall review the precise grading plans for consistency with the approved site plan and conceptual grading plan (APPROVED EXHIBITS) and the conditions of approval.
34. **AQMD Rule 402.** The project developer shall implement the following measures to reduce the emissions of pollutants generated by heavy-duty diesel-powered equipment operating at the project site throughout the project construction phases. The project developer shall include in construction contracts the control measures as may be required under Rule 402, at the time of development, including the following:

- a. Keep all construction equipment in proper tune in accordance with manufacturer's specifications.
- b. Use late model heavy-duty diesel-powered equipment at the project site to the extent that it is readily available in the South Coast Air Basin (meaning that it does not have to be imported from another air basin and that the procurement of the equipment would not cause a delay in construction activities of more than two weeks).
- c. Use low-emission diesel fuel for all heavy-duty diesel-powered equipment operating and refueling at the project site to the extent that it is readily available and cost effective in the South Coast Air Basin (meaning that it does not have to be imported from another air basin, that the procurement of the equipment would not cause a delay in construction activities of more than two weeks, that the cost of the equipment use is not more than 20 percent greater than the cost of standard equipment (This measure does not apply to diesel-powered trucks traveling to and from the site).
- d. Utilize alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas), if equipment is readily available and cost effective in the South Coast Air Basin (meaning that it does not have to be imported from another air basin, that the procurement of the equipment would not cause a delay in construction activities of more than two weeks, that the cost of the equipment use is not more than 20 percent greater than the cost of standard equipment).
- e. Limit truck and equipment idling time to five minutes or less.
- f. Rely on the electricity infrastructure surrounding the construction sites rather than electrical generators powered by internal combustion engines to the extent feasible.
- g. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

35. Fugitive Dust Control. The permittee shall implement fugitive dust control measures in accordance with Southern California Air Quality Management District (SCAQMD) Rule 403. The permittee shall include in construction contracts the control measures required under Rule 403 at the time of development, including the following:

- a. Use watering to control dust generation during demolition of structures or break-up of pavement. The construction area and vicinity (500-foot radius) must be swept (preferably with water sweepers) and watered at least twice daily. Site wetting must occur often enough to maintain a 10 percent surface soil moisture content throughout all earth moving activities. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall

be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50%.

b. Water active grading/excavation sites and unpaved surfaces at least three times daily;

c. All paved roads, parking and staging areas must be watered at least once every two hours of active operations;

d. Site access points must be swept/washed within thirty minutes of visible dirt deposition;

e. Sweep daily (with water sweepers) all paved parking areas and staging areas;

f. Onsite stockpiles of debris, dirt or rusty material must be covered or watered at least twice daily;

g. Cover stockpiles with tarps or apply non-toxic chemical soil binders;

h. All haul trucks hauling soil, sand and other loose materials must either be covered or maintain two feet of freeboard;

i. All inactive disturbed surface areas must be watered on a daily basis when there is evidence of wind drive fugitive dust;

j. Install wind breaks at the windward sides of construction areas;

k. Operations on any unpaved surfaces must be suspended when winds exceed 25 mph;

l. Suspend excavation and grading activity when winds (instantaneous gusts) exceed 15 miles per hour over a 30-minute period or more, so as to prevent excessive amounts of dust;

m. All haul trucks must have a capacity of no less than twelve and three-quarter (12.75) cubic yards;

n. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust;

o. Traffic speeds on unpaved roads must be limited to 15 miles per hour;

p. Provide daily clean-up of mud and dirt carried onto paved streets from the site;

q. Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site;

r. All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust;

s. Operations on any unpaved surfaces must be suspended during first and second stage smog alerts; and,

t. An information sign shall be posted at the entrance to each construction site that identifies the permitted construction hours and provides a telephone number to call and receive information about the construction project or to report complaints regarding excessive fugitive dust generation. Any reasonable complaints shall be rectified within 24 hours of their receipt.

36. Archeologist Retained. Prior to issuance of a grading permit the project applicant shall retain a Riverside County qualified archaeologist to monitor all ground disturbing activities in an effort to identify any unknown archaeological resources.

The Project Archaeologist and the Tribal monitor(s) shall manage and oversee monitoring for all initial ground disturbing activities and excavation of each portion of the project site including clearing, grubbing, tree removals, mass or rough grading, trenching, stockpiling of materials, rock crushing, structure demolition and etc. The Project Archaeologist and the Tribal monitor(s), shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources in coordination with any required special interest or tribal monitors.

The developer/permit holder shall submit a fully executed copy of the contract to the Community Development Department to ensure compliance with this condition of approval. Upon verification, the Community Development Department shall clear this condition.

In addition, the Project Archaeologist, in consultation with the Consulting Tribe(s), the contractor, and the City, shall develop a Cultural Resources Management Plan (CRMP) in consultation pursuant to the definition in AB52 to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the project site. A consulting tribe is defined as a tribe that initiated the AB 52 tribal consultation process for the Project, has not opted out of the AB52 consultation process, and has completed AB 52 consultation with the City as provided for in Cal Pub Res Code Section 21080.3.2(b)(1) of AB52. Details in the Plan shall include:

- a. Project grading and development scheduling;
- b. The Project archeologist and the Consulting Tribes(s) shall attend the pre-grading meeting with the City, the construction manager and any contractors and will conduct a mandatory Cultural Resources Worker Sensitivity Training to those in attendance. The 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 inadvertent discoveries of 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. All new construction personnel that will conduct earthwork or grading activities that begin work on the Project following the initial Training must take the Cultural Sensitivity Training prior to beginning work and the Project archaeologist and Consulting Tribe(s) shall make themselves available to provide the training on an as-needed basis;

- c. The protocols and stipulations that the contractor, City, Consulting Tribe(s) and Project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation.

45. Paleontologist Required. Prior to the issuance of grading permits, the project applicant shall retain a qualified paleontologist approved by the Community Development Department to create and implement a project-specific plan for monitoring site grading/earthmoving activities (project paleontologist). The project paleontologist retained shall review the approved development plan and shall conduct any pre-construction work necessary to render appropriate monitoring and mitigation requirements as appropriate. These requirements shall be documented by the project paleontologist in a Paleontological Resource Impact Mitigation Program (PRIMP). This PRIMP shall be submitted to the City Community Development Department for review and approval prior to the issuance of a grading permit. Information to be contained in the PRIMP, at a minimum and in addition to other industry standard and society of Vertebrate Paleontology standards, are as follows:

1. The project paleontologist shall participate in a pre-construction project meeting with development staff and construction operations to ensure an understanding of any mitigation measures required during construction, as applicable.
2. Paleontological monitoring of earthmoving activities will be conducted on an as-needed basis by the project paleontologist during all earthmoving activities that may expose sensitive strata. Earthmoving activities in areas of the project area where previously undisturbed strata will be buried but not otherwise disturbed will not be monitored. The project paleontologist or his/her assign will have the authority to reduce monitoring once he/she determines the probability of encountering fossils has dropped below an acceptable level.
3. If the project paleontologist finds fossil remains, earthmoving activities will be diverted temporarily around the fossil site until the remains have been evaluated and recovered. Earthmoving will be allowed to proceed through the site when the project paleontologist determines the fossils have been recovered and/or the site mitigated to the extent necessary.
4. If fossil remains are encountered by earthmoving activities when the project paleontologist is not on-site, these activities will be diverted around the fossil site and the project paleontologist called to the site immediately to recover the remains.

5. If fossil remains are found, fossiliferous rock will be recovered from the fossil site and processed to allow for the recovery of smaller fossil remains. Test samples may be recovered from other sampling sites in the rock unit if appropriate.
6. Any recovered fossil remains will be prepared to the point of identification and identified to the lowest taxonomic level possible by knowledgeable paleontologists. The remains will then be curated (assigned and labeled with museum repository fossil specimen numbers and corresponding fossil site numbers, as appropriate; placed in specimen trays and, if necessary, vials with completed specimen data cards) and catalogued, and associated specimen data and corresponding geologic and geographic site data will be archived (specimen and site numbers and corresponding data entered into appropriate museum repository catalogs and computerized data bases) at the museum repository by a laboratory technician. The remains will then be accessioned into the museum repository fossil collection, where they will be permanently stored, maintained, and, along with associated specimen and site data, made available for future study by qualified scientific investigators. The City must be consulted on the repository/museum to receive the fossil material prior to being curated.
7. A qualified paleontologist shall prepare a report of findings made during all site grading activity with an appended itemized list of fossil specimens recovered during grading (if any). This report shall be submitted to the City for review and approval prior to final building inspection as described elsewhere in this condition set. All reports shall be signed by the project paleontologist and all other professionals responsible for the report's content (e.g., professional geologist, professional engineer, etc.), as appropriate. Two wet-signed original copies of the report shall be submitted directly to the office of the City Community Development Department along with a copy of this condition and the grading plan for appropriate case processing and tracking.

37. Native American Monitoring (Soboba). Tribal monitor(s) shall be required on-site during all ground-disturbing activities, including grading, stockpiling of materials, engineered fill, rock crushing, etc. The land divider/permit holder shall retain a qualified tribal monitor(s) from the Soboba Band of Luiseno Indians. Prior to issuance of a grading permit, the developer shall submit a copy of a signed contract between the above-mentioned Tribe and the land divider/permit holder for the monitoring of the project to the Community Development Department and to the Engineering Department. The Native American Monitor(s) shall have the authority to temporarily divert, redirect or halt the ground-disturbance activities to allow recovery of cultural resources, in coordination with the Project Archaeologist.

The Developer shall relinquish ownership of all cultural resources, including all archaeological artifacts that are of Native American origin, found in the project area for proper treatment and disposition to a curational facility that meets or exceeds Federal Curation Standards outlined in 36 CFR 79. The Applicant/Permittee shall be responsible for all curation costs.

38. **Native American Monitoring (Pechanga).** Tribal monitor(s) shall be required on-site during all ground-disturbing activities, including grading, stockpiling of materials, engineered fill, rock crushing, etc. The land divider/permit holder shall retain a qualified tribal monitor(s) from the Pechanga Band of Luiseno Indians. Prior to issuance of a grading permit, the developer shall submit a copy of a signed contract between the above-mentioned Tribe and the land divider/permit holder for the monitoring of the project to the Community Development Department and to the Engineering Department. The Native American Monitor(s) shall have the authority to temporarily divert, redirect or halt the ground-disturbance activities to allow recovery of cultural resources, in coordination with the Project Archaeologist.

The Developer shall relinquish ownership of all cultural resources, including all archaeological artifacts that are of Native American origin, found in the project area for proper treatment and disposition to a curational facility that meets or exceeds Federal Curation Standards outlined in 36 CFR 79. The Applicant/Permittee shall be responsible for all curation costs.

38. **Preconstruction Burrowing Owl Survey.** Pursuant to Objective 6 and Objective 7 of the Species Account for the Burrowing Owl included in the Western Riverside County Multiple Species Habitat Conservation Plan, within thirty (30) days prior to the issuance of a grading permit, a pre-construction presence/absence survey for the burrowing owl shall be conducted by a qualified biologist and the results of this presence/absence survey shall be provided in writing to the City of Menifee Community Development Department. If it is determined that the project site is occupied by the Burrowing Owl, take of "active" nests shall be avoided pursuant to the MSHCP and the Migratory Bird Treaty Act. However, when the Burrowing Owl is present, relocation outside of the nesting season (March 1 through August 31) by a qualified biologist shall be required. The City shall be consulted to determine appropriate type of relocation (active or passive) and translocation sites. Occupation of this species on the project site may result in the need to revise grading plans so that take of "active" nests is avoided or alternatively, a grading permit may be issued once the species has been actively relocated.

If the grading permit is not obtained within thirty (30) days of the survey a new survey shall be required.

No ground disturbance, including disking, blading, grubbing or any similar activity (except for agricultural production on-site which has been a historic and on-going use of the property) shall occur within the site until the burrowing owl study is reviewed and approved.

39. **Nesting Bird Survey.** If grading is to occur during the nesting season (February 1 – August 31), a nesting bird survey shall be conducted within ten (10) days prior to grading permit issuance. This survey shall be conducted by a qualified biologist holding a Memorandum of Understanding (MOU) with Riverside County. The findings shall be submitted to the City of Menifee Community Development Department for review and approval.

39. **Stephen's Kangaroo Rat Fee.** Prior to the issuance of a grading permit, the applicant shall comply with the provisions of Riverside County Ordinance No. 663 (hereinafter Ordinance No. 663), which generally requires the payment of the appropriate fee set forth in that ordinance. The amount of the fee required to be paid may vary depending upon a variety of factors, including the type of development application submitted and the applicability of any fee reduction or exemption provisions contained in Ordinance No. 663. Said fee shall be calculated on the approved development project which is anticipated to be .96 - acres (gross) in accordance with APPROVED EXHIBITS. If the development is subsequently revised, this acreage amount may be modified in order to reflect the revised development project acreage amount. In the event Ordinance No. 663 is rescinded, this condition will no longer be applicable. However, should Ordinance No. 663 be rescinded and superseded by a subsequent City mitigation fee ordinance, payment of the appropriate fee set forth in that ordinance shall be required.
40. **Fees.** Prior to the issuance of grading permits, the Community Development Department shall determine the status of any deposit-based fee accounts related to Plot Plan No. PLN21-0253. If the fees are in a negative status, the permit holder shall pay the outstanding balance.

Prior to Issuance of Building Permit

41. **Submit Building Plans.** Prior to the issuance of a building permit, the permittee shall submit building plans with the City of Menifee Building and Safety Department for building permits. The building plans shall be in substantial conformance with APPROVED EXHIBITS.

Building and Safety will require the following items:

- i. Plans shall be designed to the provisions of the 2019 edition (or current) of the California Building, Mechanical, Electrical and Plumbing, Energy and Green Codes.
 - ii. Electronic set of drawings shall be submitted along with structural calculations and Title 24 Energy documentation.
 - iii. All exterior lighting shall comply with Ordinance 2009-24, "Dark Sky Ordinance".
 - iv. All exterior lighting shall fall within current commercial standards.
 - v. Separate plan submittal will be required by Riverside County Fire along with a formal transmittal issued by Building and Safety.
42. **Elevations.** Elevations of all buildings and structures submitted for building plan check approval shall be in substantial conformance with the elevations shown on APPROVED EXHIBITS.
43. **Floor Plans.** Floor plans shall be in substantial conformance with that shown on APPROVED EXHIBITS.

44. **Walls.** The alignments, heights, and elevations of all perimeter walls shall be in substantial conformance with the elevations shown on the APPROVED EXHIBITS.

45. **Lighting.** The building plans shall show the location and types of light fixtures that will be within the project site and on the building. The types of lighting fixtures used shall be subject to Community Development Department approval. The location of lighting shown on the building is for conceptual purposes only and may be relocated during the building plan check.

All parking lot lights and other outdoor lighting shall be shown on electrical plans submitted to the Department of Building and Safety for plan check approval and shall comply with the requirements of Ordinance No. 2009-24.

46. **Roof-Mounted Equipment Plans.** Roof-mounted equipment shall be shielded from ground view of the following: subject Shopping Center, adjacent properties, and the adjacent rights-of-way. All building plans shall show all roof-mounted equipment and methods for screening and shall be submitted to the Community Development Department for review and approval prior to Building Permit issuance. The plans shall be approved prior to issuance of a Building Permit. Screening material shall be subject to Community Development Department approval. Community Development staff will verify that all roof-mounted equipment has been screened in compliance with the approved plans prior to final occupancy.

47. **Security Systems.** Prior to the issuance of Building Permits, the applicant shall prepare a security plan for the site. The security plan for this project shall include a comprehensive security camera system that clearly depicts the entire parking field. This security camera system shall be based in one of the buildings containing the management office for this development, or inside a security office located within one of the retail buildings or other place acceptable to the Menifee Police Department, that is accessible to law enforcement at all times of the day and night. This security camera system shall have a recording capacity to minimally save footage for the period of one month or as approved by the Police Department. The above camera surveillance system shall include LPR (License Plate Recognition) cameras installed at the entrances/exits to this project or as approved by the Police Department. LPR cameras are cameras specifically designed to read and record vehicle license plates as they enter and exit this complex. It should be noted that high-quality day/night vision LPR cameras are relatively inexpensive. The plan shall be approved prior to issuance of Building Permits.

The Menifee Police Department and/or Community Development Department shall verify that the security system has been installed prior to final occupancy.

48. **HVAC.** The developer shall utilize HVAC units with the lowest sound power level shall be selected. The HVAC units shall be installed as far as possible from residential land uses. The HVAC equipment shall be enclosed or shielded from off-site properties.

49. **Screening of Accessory Structures.** Screening of trash receptacles within trellised enclosures and encasing mechanical equipment within small structures compatible in color and materials to the adjacent landscaping or the primary structures shall be required and methods of screening shall be included on building plans and/or landscaping plans. Transformers shall be painted to match the building and shall be substantially screened from the right-of-way and drive aisles.
50. **Outdoor Seating Area.** The applicant shall submit plans that include details of the outdoor seating area along with the decorative paving as shown on conceptual site plan. An example of the tables and chairs shall be provided to the Community Development Director for review and approval.
51. **Electrical Cabinets.** All electrical cabinets shall be located and constructed as shown on Approved Exhibits.

LANDSCAPING

52. **Performance Securities.** Performance securities, in amounts to be determined by the Director of Community Development to guarantee the installation of plantings, irrigation system, walls and/or fences, in accordance with the approved plan, shall be filed with the Department of Community Development. Securities may require review by City Attorney and other staff. Permit holder is encouraged to allow adequate time to ensure that securities are in place. The performance security may be released one year after structural final, inspection report, and the One-Year Post Establishment report confirms that the planting and irrigation components have been adequately installed and maintained. A cash security shall be required when the estimated cost is \$2,500.00 or less.
53. **Landscape and Irrigation Plans.** The permittee shall submit Final Landscaping and Irrigation Plans to the Community Development Department for review and approval prior to installation. Said plan shall be submitted to the Division in the form of a plot plan application pursuant to Menifee Municipal Code along with the current fee.

The plan shall be in compliance with APPROVED EXHIBIT. The plan shall address all areas and conditions of the project requiring landscaping and irrigation to be installed. The location, number, genus, species, and container size of plants shall be shown. Emphasis shall be placed on using plant species that are drought tolerant and which have low water usage.

Landscaping and Irrigation Plot Plans shall be prepared consistent with Menifee Municipal Code (as adopted and any amendments thereto), the Riverside County Guide to California Landscaping and Eastern Municipal Water District requirements.

Landscaping plans for areas that are totally within the road right-of-way shall be submitted to the Engineering Department only. Slope Landscaping plans for

slopes exceeding 3 feet in height shall be submitted to the Engineering Department.

The irrigation plan shall be in compliance with Menifee Municipal Code Chapter 15.04, and include a rain shut-off device which is capable of shutting down the entire system. In addition, the plan will incorporate the use of in-line check valves, or sprinkler heads containing check valves to prohibit low head drainage.

Curb and Walkway on End Stall Planters. A six inch high curb with a twelve (12) inch wide walkway shall be constructed along planters on end stalls adjacent to automobile parking areas. Public parking areas shall be designed with permanent curb, bumper, or wheel stop or similar device so that a parked vehicle does not overhang required sidewalks, planters, or landscaped areas.

Director Authority to Defer. The Community Development Director shall have the authority to defer the requirement that the landscape and irrigation plans be approved prior to building permit issuance. Any deferral of the approval of the plans will be based on the status of the plans and severity of outstanding corrections. However, the requirement to submit plan prior to building permit issuance shall not be deferred.

54. **Landscape Inspections.** Prior to issuance of building permits, the permit holder shall open a Landscape Deposit Based Fee case and deposit the prevailing deposit amount to cover the pre installation, installation, Six Month, and One Year Landscape Inspections.
55. **Bicycle Racks.** The landscaping plans shall show the location and style of the bicycle racks.
56. **Tree Placement.** Tree placement should avoid conflicts with parking lot lighting. When conflict occurs, it shall be up to the Community Development Department Director to determine the solution.
57. **Basins.** Planting in basins shall be consistent with Approved Exhibit and the plants shall be of adequate height so that they can be seen above the curbs surrounding the basins and/or up to a minimum height of three (3) feet.
58. **Double Detectors.** Double detector check valve assemblies (backflow preventers) for landscape irrigation and domestic water shall not be located at visually prominent locations (such as the end of drive aisles or at site entries) and shall be well-screened with shrubs, berming, or low screen walls.

FEES

59. **Ordinance No. 17-232 (DIF).** Prior to the issuance a building permit (for any of the commercial buildings), the applicant shall comply with the provisions of Ordinance No. 17-232, which requires the payment of the appropriate fee set forth in the Ordinance. Ordinance No. 17-232 has been established to set forth policies, regulations and fees related to the funding and construction of facilities necessary to address the direct and cumulative environmental effects generated

by new development projects described and defined in this Ordinance, and it establishes the authorized uses of the fees collected.

In the event Ordinance No. 17-232 is rescinded, this condition will no longer be applicable. However, should Ordinance No. 17-232 be rescinded and superseded by a subsequent City mitigation fee ordinance, payment of the appropriate fee set forth in that ordinance shall be required.

60. **Open Space Fee (MSHCP).** Prior to the issuance of a building permit, the applicant shall comply with the provisions of Menifee Municipal Code Section 8.27, which requires the payment of the appropriate fee set forth in the Ordinance.

The amount of the fee will be based on the "Project Area" as defined in the Ordinance and the aforementioned Condition of Approval.

In the event Ordinance is rescinded, this condition will no longer be applicable. However, should Ordinance be rescinded and superseded by a subsequent mitigation fee ordinance, payment of the appropriate fee set forth in that ordinance shall be required.

61. **Menifee Union School District.** Impacts to the Menifee Union School District shall be mitigated in accordance with California State law.

62. **Perris Union School District.** Impacts to the Perris Union High School District shall be mitigated in accordance with California State law.

63. **Fees.** Prior to issuance of building permits, the Community Development Department shall determine if any deposit-based fee accounts related to Plot Plan No. PLN21-0253 are in a negative balance. If so, any outstanding fees shall be paid by the permittee.

Prior to Final Inspection

64. **Security System Inspection.** The City of Menifee Police Department and/or Planning Division of the Community Development Department shall verify that the security system has been installed prior to final occupancy.

65. **Paleontological Monitoring Report.** Prior to issuance of a certificate of occupancy, the permittee shall submit to the Community Development Department, two (2) copies of the Paleontology Monitoring Report. The report shall be certified by a professional paleontologist listed Riverside County's Paleontology Consultant List. A deposit for the review of the report will be required.

66. **Archeology Report - Phase III and IV.** Prior to final inspection, the developer/permit holder shall prompt the Project Archeologist to submit two (2) copies of the Phase III Data Recovery report (*if required for the Project*) and the Phase IV Cultural Resources Monitoring Report that complies with the Community Development Department's requirements for such reports. The Phase IV report shall include evidence of the required cultural/historical

sensitivity training for the construction staff held during the pre-grade meeting. The Community Development Department shall review the reports to determine adequate mitigation compliance. Provided the reports are adequate, the Community Development Department shall clear this condition. Once the report(s) are determined to be adequate, two (2) copies shall be submitted to the Eastern Information Center (EIC) at the University of California Riverside (UCR) and one (1) copy shall be submitted to the Pechanga Cultural Resources Department.

67. **Elevations.** Elevations of all buildings and structures shall be in substantial conformance with the elevations shown on the APPROVED EXHIBITS.
68. **Mechanical Equipment Enclosure.** Prior to final occupancy, Community Development staff will verify that all ground-mounted mechanical equipment has been screened in compliance with the approved plans. The applicant may be required to screen additional mechanical equipment required by outside agencies (transformers, double detectors, etc.) to the satisfactory of the Community Development Director.
69. **Roof Mounted Equipment.** Prior to issuance of a certificate of occupancy, Community Development staff will verify that all roof-mounted equipment has been screened in compliance with the approved plans.
70. **Condition Compliance.** The Community Development Department shall verify that the Development Standards and all other preceding conditions have been complied with prior to any use allowed by this permit.
71. **Lighting.** Exterior lighting shall be consistent with the approved building plans.
72. **Trash Enclosures.** Trash enclosures which are adequate to enclose the required number of bins (per Waste Management) shall be located as shown on the Approved Exhibits and shall be constructed prior to the issuance of occupancy permits. The enclosure(s) shall be a minimum of six (6) feet in height and shall be architecturally enhanced and made with masonry block (including masonry cap) with landscaping screening, roof covering and a solid gate which screens the bins from external view in compliance with Approved Exhibits. The trash enclosure shall be architecturally consistent with the architecture of other existing trash enclosures within the shopping center (Rite-Aid/Archibald's) . Additional enclosed area for collection of recyclable materials shall be located within, near or adjacent to each trash and rubbish disposal area. The recycling collection area shall be a minimum of fifty percent (50%) of the area provided for the trash/rubbish enclosure(s) or as approved by the City of Menifee Engineering Public Works Department. All recycling bins shall be labeled with the universal recycling symbol and with signage indicating to the users the type of material to be deposited in each bin.
73. **Utilities Underground.** All utilities, except electrical lines rated 33 kV or greater, shall be installed underground. If the permittee provides to the Department of Building and Safety and the Community Development Department a definitive statement from the utility provider refusing to allow underground installation of

the utilities they provide, this condition shall be null and void with respect to that utility.

74. **Final Planning Inspection.** The permittee shall obtain final occupancy sign-off from the Community Development Department for each building permit issued by scheduling a final Planning inspection prior to the final sign-off from the Building Department. Planning staff shall verify that all pertinent conditions of approval have been met, including compliance with the approved elevations, site plan, parking lot layout, decorative paving, public plazas, etc. The permittee shall have all required paving, parking, walls, site lighting, landscaping and automatic irrigation installed and in good condition.

LANDSCAPING

75. **Soil Management Plan.** The permittee shall submit a Soil Management Plan (Report) to the Community Development Department before the Landscape Installation Inspection. The report can be sent in electronically. Information on the contents of the report can be found in the County of Riverside Guide to California Friendly Landscaping page 16, #7, "What is required in a Soil Management Plan?"
76. **Landscape/Irrigation Install Inspection.** The permittee landscape architect responsible for preparing the Landscaping and Irrigation Plans shall arrange for a Pre-Landscape installation inspection and a Landscape Completion Installation Inspection with the Community Development Department. The pre-landscape inspection shall be arranged at least fifteen (15) working days prior to installation of landscaping. The landscape completion inspection shall be arranged at least fifteen (15) working days prior to final inspection of the structure or issuance of occupancy permit, whichever occurs first. A One Year Post-Establishment Inspection will also be required. The Community Development Department will require a deposit in order to conduct the landscape inspections.
77. **Landscape Installation.** All required landscape planting and irrigation, including but not limited to onsite, shall have been installed in accordance with approved Landscaping, Irrigation, and Shading Plans, Menifee Municipal Code (as adopted and any amendments thereto), Eastern Municipal Water District requirements and the Riverside County Guide to California Landscaping. All landscape and irrigation components shall be in a condition acceptable to the Community Development Department. The plants shall be healthy and free of weeds, disease or pests. The irrigation system shall be properly constructed and determined to be in good working order.
78. **Final Landscape Approval.** The final landscape approval following installation shall be subject to the review and approval of the City's Landscape Architectural Consultant and the Community Development Director. The Community Development Director may require additional trees, shrubs and/or groundcover as necessary, if site inspections reveal landscape deficiencies that were not apparent during the plan review process.

FEES

79. **Fees.** Prior to issuance of occupancy/final inspections, the Community Development Department shall determine if any deposit-based fee accounts related to the project are in a negative balance. If so, any outstanding fees shall be paid by the permittee.

Section III:

Engineering/Public Works

Department

Conditions of Approval

The following are the Public Works / Engineering Department Conditions of Approval for this project which shall be satisfied at no cost to the City or any other Government Agency. All questions regarding the intent of the following conditions shall be referred to the Public Works / Engineering Department, Land Development Section. The developer / property owner shall use the standards and design criteria stated in the following conditions, and shall comply with all applicable City of Menifee standards and ordinances. Should a conflict arise between City of Menifee standards and design criteria, and any other standards and design criteria, those of the City of Menifee shall prevail.

A. GENERAL ENGINEERING CONDITIONS

80. **Engineering Conditions** – This application, DEV2021-006, is being processed for Parcel 2 of the recorded Parcel Map 38129, which had its own set of Conditions of Approval. The conditions for this application shall be satisfied in concurrence with the Conditions of Approval for the Parcel Map.
81. **Subdivision Map Act** – The developer / property owner shall comply with the State of California Subdivision Map Act.
82. **Mylars** – All improvement plans and grading plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch Mylar and signed by a registered civil engineer and/or other registered/licensed professional as required.
83. **Bond Agreement, Grading and Improvement Security** – To guarantee the construction of all required grading and improvements, the developer / property owner shall enter into Bond Agreements and post security or bonds in accordance with applicable City policies and ordinances. The improvements shall include, but not limited to: onsite/offsite grading, erosion control, street improvements, street lights, traffic signals, signing and striping, public landscape improvements, recreational paseos, parks, water/sewer/recycled water improvements, water quality BMPs, and storm drainage facilities. Bond agreements and bond posting shall be required prior to grading, building, or construction permit issuance, whichever is applicable. It should be noted that with the exception of grading bond agreements, all other bond agreements require council approvals. Therefore, it shall be the responsibility of the developer / property owner to coordinate their project timing with City council calendar when requesting City approvals of Bond Agreements.
84. **Bond Replacement, Reduction, and Releases** – All requests for bond replacements (such as in changes of property ownerships), reductions (such as in partial completion of improvements), releases (such as in completion of improvements), shall conform to City policies, standards and applicable City ordinances. It shall be the responsibility of the developer / property owner to notify the City in time when any of these bond changes are necessary. The City shall review all changes in Bond Agreements and the accompanying bonds or security. Similarly, with the exception of grading bond agreements all other agreement changes require City Council approvals. Therefore, it shall be the responsibility of the developer / property owner to coordinate

their project timing with City Council calendar when requesting changes to the bond agreements.

85. **Existing and Proposed Easements** - The final grading plan shall correctly show all existing easements, traveled ways, and drainage courses. Any omission or misrepresentation of these documents may require said plan to be resubmitted for further consideration.
86. **Plan Check Submittals** - Appropriate plan check submittal forms shall be completed and submittal check list provided that includes required plan copies, necessary studies / reports, references, fees, deposits, etc. Prior to final approval of improvement plans by the Public Works / Engineering Department, the developer / property owner shall submit to the Public Works / Engineering Department CAD layers of all improvements to be maintained by the City (pavement, sidewalk, street lights, etc.). A scanned image of all final approved grading and improvement plans on a Universal Serial Bus (USB) drive, also known as a "flash" drive or "thumb" drive, shall be submitted to the Public Works / Engineering Department, in one of the following formats: (a) Auto CAD DXF, (b) GIS shapefile (made up of ESRI extensions .shp, .shx and .dbf) or (c) Geodatabase (made up of ESRI extension .gdb). CAD files created with the latest version shall only be accepted if approved by the Public Works Director / City Engineer.
87. **Plan Approvals** – Improvement plans and grading plans shall be submitted with necessary supporting documentation and technical studies (hydrology, hydraulics, traffic impact analysis, geotechnical studies, etc.) to the Public Works / Engineering Department for review and approval. All submittals shall be signed and date stamped by the Engineer of Record. The plans must receive Public Works / Engineering Department approval prior to issuance of any construction permit, grading permit, or building permits as applicable and as determined by the Public Works Director / City Engineer. All submittals shall include a completed City Fee or Deposit Based Worksheet and the appropriate plan check.
88. **As-Built Plans** - Upon completion of all required improvements, the developer / property owner shall cause the civil engineer of record to as-built all project plans, and submit project base line of work for all layers on a USB drive to the Public Works / Engineering Department, in one of the following formats: (a) Auto CAD DXF, (b) GIS shapefile (made up of ESRI extensions .shp, .shx and .dbf) or (c) Geodatabase (made up of ESRI extension .gdb). The timing for submitting the as-built plans shall be as determined by the Public Works Director / City Engineer.
89. **Construction Times of Operation** - The developer / property owner shall monitor, supervise, and control all construction and construction related activities to prevent them from causing a public nuisance including, but not limited to, strict adherence to the following:
 - (a) Construction activities shall comply with City of Menifee ordinances relating to construction noise. Any construction within the city located within one-fourth mile from an occupied residence shall be permitted

Monday through Saturday, except on nationally recognized holidays, 6:30 a.m. to 7:00 p.m. in accordance with Municipal Code Section 8.01.010. There shall be no construction permitted on Sunday or nationally recognized holidays unless approval is obtained from the City Building Official or City Engineer.

- (b) Removal of spoils, debris, or other construction materials deposited on any public street no later than the end of each working day.
- (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site. Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant to remedies as set forth in the City Municipal Code. In addition, the Public Works Director / City Engineer or the Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such a time it has been determined that all operations and activities are in conformance with these conditions.
- (d) A Pre-Construction meeting is mandatory with the City's Public Works Inspection team prior to start of any construction activities for this site.

90. **Dry Utility Installations** – Electrical power, telephone, communication, street lighting, and cable television lines shall be placed underground in accordance with current City ordinances, or as approved by the Public Works Director / City Engineer. Exemption from undergrounding low voltage lines shall only be by the Public Works Director / City Engineer or as directed by the City Council.

B. GRADING AND DRAINAGE

91. **Introduction** – Improvement such as grading, filling, over excavation and re-compaction, and base or paving which require a grading permit are subject to the Public Works Department conditions of approval stated herein.
92. **Grading Regulations Chapter 8.26** – Any construction activity such as over excavation, re-compaction, cut, fill, base or paving which require a grading permit and shall conform to the requirements of City Grading Regulations Chapter 8.26. Additionally grading permits are subject to the Public Works Department conditions of approval stated herein.
93. **Regulations and Ordinance on Grading Within the City** – In addition to compliance with City Chapter 8.26, grading activities shall also conform to the latest edition of the California Building Code, City General Plan, other City Ordinances, City design standards and specifications and all other relevant laws, rules and regulations governing grading in the City of Menifee. Prior to commencing any grading, clearing, grubbing or any topsoil disturbances, the applicant shall obtain a grading permit from the Public Works / Engineering Department. Grading activities that are exempt from a grading permit as outlined by the City ordinance may still require a grading permit by the Public Works Director / City Engineer when deemed necessary to prevent the potential for adverse impacts upon drainage, sensitive environmental features, or to protect property, health safety, and welfare.

94. **Grading Permit for Disturbed Soil** – City ordinance on grading requires a grading permit prior to clearing, grubbing or any top soil disturbances related to construction grading.
95. **Dust Control** – All necessary measures to control dust shall be implemented by the developer during grading. Fugitive dust shall be controlled in accordance with Rule 403 of the California Air Quality Control Board.
96. **2:1 Maximum Slope** - Graded slopes shall be limited to a maximum steepness ratio of 2:1 (horizontal to vertical) unless otherwise approved by the Public Works / Engineering Department.
97. **Slope Setbacks** – Observe slope setbacks from buildings and property lines per the California Building Code and City ordinance on grading.
98. **Slope Landscaping and Irrigation** – All slopes greater than or equal to 3 feet in vertical height shall be irrigated and landscaped with grass or ground cover. Drip irrigation shall be used for all irrigated slopes.
99. **Slope Erosion Control Plan** - Erosion control and/or landscape plans are required for manufactured slopes greater than 3 feet in vertical height. The plans shall be prepared and signed by a registered landscape architect and bonded per applicable City ordinances.
100. **Slope Stability Report** – A slope stability report shall be submitted to the Public Works / Engineering Department for all proposed cut and fill slopes steeper than 2:1 (horizontal:vertical) or over 20 feet in vertical height, unless addressed in a previously city approved report.
101. **Erosion Control Plans** – All grading plans shall require erosion control plans prior to approval. Temporary erosion control measures shall be implemented immediately following rough grading to prevent deposition of debris onto downstream properties or drainage facilities. Plans showing erosion control measures may be included as part of the grading plans or submitted as a separate set of plans for city review and approval. Graded but undeveloped land shall provide, in addition to erosion control planting, any drainage facilities deemed necessary to control or prevent erosion. Erosion and sediment control BMPs are required year-round in compliance with all applicable City of Menifee Standards and Ordinances and the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit from the California State Water Resources Control Board (SWRCB). Additional Erosion protection may be required during the rainy season.
102. **Water Quality Management Plan** - All grading plans shall require an approved copy of the Water Quality Management Plan sheet per the approved WQMP report. The developer / property owner shall comply with the requirements of the WQMP report, and City standards and specifications.

103. **Design Grade Criteria** – Onsite parking areas shall be designed in accordance with the current version of City of Menifee Standards and Specifications. Non-compliance may require a redesign of the project. Significant redesigns may require a revised Plot Plan and/or Tentative Parcel Map.
104. **Drainage Grade** - Minimum drainage design grade shall be 1.5% on asphalt concrete pavement and 1.0% on Portland cement concrete surfaces. In areas of concentrated flow on Portland cement concrete the minimum grade shall be 0.4%. The engineer of record must submit a variance request for design grades less than those above with a justification for a lesser grade.
105. **Finish Grade** – Finish grades shall be sloped to provide proper drainage away from all exterior foundation walls in accordance with City of Menifee Standard Plan 300.
106. **Use of Maximum and Minimum Grade Criteria** – Actual field construction grades shall not exceed the minimum and maximum grades for ADA and approved project grading design, to allow for construction tolerances. Any improvement that is out of the minimum and maximum values will not be accepted by the City Inspector, and will need to be removed and replaced at developer's or owner's expense.
107. **Site Drainage** - Positive drainage of the site shall be provided, and water shall not be allowed to pond behind or flow over cut and fill slopes. Where water is collected and discharged in a common area, protection of the native soils shall be provided by planting erosion resistant vegetation, as the native soils are susceptible to erosion by running water. All cut and fill slopes shall have a maximum 2:1 (H:V) grade, 2 horizontal to 1 vertical.
108. **Alteration of Drainage Patterns** – Prior to grading permit issuance or approval of improvement plans, the final engineering plans submitted by the applicant shall address the following: The project drainage system shall be designed to accept and properly convey all on- and off-site drainage flowing on or through the site. The project drainage system design shall protect downstream properties from any damage caused by alteration of drainage patterns such as concentration or diversion of flow. Concentrated drainage on commercial lots shall be diverted through parkway drains under sidewalks.
109. **Licensed Geotech** - A licensed geotechnical engineer shall perform final determination of the foundation characteristics of soils within on-site development areas.
110. **10 Year Curb – 100 Year ROW** - The 10 year storm flow shall be contained within the top of curb, and the 100 year storm flow shall be contained within the street right-of-way. When either of these criteria is exceeded, additional drainage facilities shall be installed. The property shall be graded to drain to the adjacent street or an adequate outlet.

111. **100 Year Drainage Facilities** - All drainage facilities shall be designed to accommodate 100 year storm flows as approved by the City of Menifee Public Works / Engineering Department.
112. **100 Year Design Criteria** - In final engineering and prior to grading permit issuance, subsurface storage systems shall be designed with emergency overflow inlets to mitigate flows in excess of the 100 year storm event in a controlled manner to the satisfaction of the Public Works / Engineering Department.
113. **100 Year Sump Outlet** - Drainage facilities outletting sump conditions shall be designed to convey the tributary 100 year storm flows. Additional emergency escape shall also be provided.
114. **On-Site Storm Drain System** – Prior to issuance of a grading permit, the proposed on-site storm drain system shall be designed such that any ponding in the 100 year storm, shall be contained within the site; it shall not encroach onto any adjacent property, and shall maintain a minimum 1-foot freeboard to the proposed building pad elevation. When the system reaches capacity, storm flow will be conveyed to an existing ribbon gutter and shall not flow within the driveway approach. The stormwater will then flow northerly to connect with the municipal storm drain system on Newport Road.
115. **Retaining Walls** – Sections, which propose retaining walls, will require separate permits. They shall be obtained prior to issuance of any other building permits – unless otherwise approved by the Building Official. The walls shall be designed by a registered civil engineer and conform to City Standards.

Prior to Grading Permit Issuance:

116. **Geotechnical Report** – The following documentation was reviewed and approved by the City:
 - a. *Geotechnical Engineering Report, Proposed O'Reilly's Development*, prepared by Professional Service Industries, Inc., Project No. 0066-1995, dated February 5, 2021.

Two copies of City-approved geotechnical/soils report, no more than three (3) years from date of application for a grading permit, shall be provided to the City Public Works / Engineering Department with initial submittal of a grading plan. If there is no approved report and/or said report is past the three (3) years from date of application, a new geotechnical/soils report and/or update letter, respectively, shall be prepared and submitted to City for review and approval. The geotechnical/soils, compaction and inspection reports will be reviewed in conformance with the latest edition of the Riverside County Technical Guidelines for Review of Geotechnical and Geologic Reports. A fee for review of the geotechnical/soils report and/or update letter shall be paid to the City, the amount of which shall be determined by the City at the first submittal of the report.

A pre-grading meeting, certifications, approvals and inspection procedures will be implemented in accordance with City Public Works - Inspection process. All grading shall be done in conformance with the recommendations of the City approved geotechnical/soils reports, and under the general direction of a licensed geotechnical engineer.

117. **Drainage Study** – The following preliminary report was reviewed and approved by the City:

a. *O'Reilly Auto Parts – Menifee, Preliminary Hydrology & Hydraulics Report, APN: 364-030-009*, prepared by Kimley-Horn and Associates, Inc., dated June 2022.

Two copies of a final drainage study (also referred to as Hydrology/Hydraulics Report) shall be submitted to the City for review and approval. The study shall analyze at a minimum the following: project site drainage flow; all future improvements drainage flow; Q10, Q100, pre- and post- condition flow rates; anticipated total drainage flow into existing storm drain; and existing storm drain capacity. The project shall comply with all mitigation recommended by the approved drainage study. A fee for review of the Drainage Study shall be paid to the City, the amount of which shall be determined by City at first submittal of report.

118. **Grading Permit for Clearing and Grubbing** – City ordinance on grading requires a grading permit prior to clearing, grubbing, or any topsoil disturbances related to construction grading activities.

119. **Compliance with NPDES General Construction Permit** – The developer/property owner shall comply with the National Pollutant Discharge Elimination System (NPDES) General Construction Permit (GCP) from the State Water Resources Control Board (SWRCB).

Prior to approval of the grading plans or issuance of any grading permit, the developer / property owner shall obtain a GCP from the SWRCB. Proof of filing a Notice of Intent (NOI) and monitoring plan, shall be submitted to the City; and the WDID number issued by the SWRCB shall be reflected on all grading plans. For additional information on how to obtain a GCP, contact the SWRCB.

120. **SWPPP** - Prior to approval of the grading plans, the developer / property owner shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for the development. The developer / property owner shall be responsible for uploading the SWPPP into the State's SMARTS database system, and shall ensure that the SWPPP is updated to constantly reflect the actual construction status of the site. A copy of the SWPPP shall be made available at the construction site at all times until construction is completed. The SWRCB considers a construction project complete once a Notice of Termination has been issued by SWRCB. The City shall require submittal of NOTs for requests to fully release associated grading bonds.

121. **SWPPP for Inactive Sites** - The developer / property owner shall be responsible for ensuring that any graded area that is left inactive for a long period of time has appropriate SWPPP BMPs in place and in good working condition at all times until construction is completed and the Regional Board has issued a Notice of Termination (NOT) for the development.
122. **Grading Bonds** – Prior to commencing any grading of 50 or more cubic yards of dirt, the applicant shall obtain a grading permit from the Public Works / Engineering Department. Prior to issuance of the permit, adequate performance grading security shall be posted by the developer / property owner with the Public Works / Engineering Department.
123. **Import/Export** – In instances where a grading plan involves import or export, prior to obtaining a grading permit, the developer/property owner shall have obtained approval for the import/export location from the Public Works / Engineering Department. If an Environmental Assessment did not previously approve either location, a Grading Environmental Assessment shall be submitted to the Planning Director for review and comment and to the Public Works Director / City Engineer for approval. Additionally, if the movement of import/export occurs using City roads, review and approval of the haul routes by the Public Works / Engineering Department will be required. Import or export materials shall conform to the requirements of Chapter 8.26.
124. **Offsite Grading** – Prior to the issuance of a grading permit, it shall be the sole responsibility of the developer/property owner to obtain all proposed or required easements and/or permissions necessary to perform offsite grading, from affected landowners; including any off-site grading to construct any necessary public improvements. Notarized and recorded agreement or documents authorizing the offsite grading shall be submitted to the Public Works / Engineering Department.

Prior to Building Permit Issuance:

125. **Submit Plans** – A copy of the improvement plans, grading plans, BMP improvement plans, and any other necessary documentation along with supporting hydrologic and hydraulic calculations shall be submitted to the Public Works / Engineering Department for review. All submittals shall be date stamped by the engineer and include a completed City Deposit or Fee Based Worksheet and the appropriate plan check fee or deposit.
126. **No Building Permit Without Legal Lot** – Prior to issuance of any building permit, the developer / property owner shall ensure that the underlying parcels for such buildings are complying with City Ordinances, Codes, and the Subdivision Map Act.
127. **No Building Permit without Grading Permit** - Prior to issuance of any building permit for any new structures or appurtenances, the developer / property owner shall obtain a grading permit and/or approval to construct from the Public Works / Engineering Department.

128. **Final Rough Grading Conditions** – Prior to issuance of a building permit for any new structures or appurtenances, the developer / property owner shall cause the Civil Engineer of Record and Soils Engineer of Record for the approved grading plans, to submit signed and wet stamped rough grade certification and compaction test reports with 90% or better compaction, for the lots for which building permits are requested. The certifications shall use City approved forms, and shall be submitted to the Public Works / Engineering Department for verification and acceptance.
129. **Conformance to Elevations/Geotechnical Compaction** - Rough grade elevations for all building pads and structure pads submitted for grading plan check approval shall be in substantial conformance with the elevations shown on approved grading plans. Compaction test certification shall be in compliance with the approved project geotechnical/soils report.

Prior to Issuance of Any Certificate of Occupancy:

130. **Final Grade Certification** – The developer / property owner shall cause the Civil Engineer of Record for the approved grading plans, to submit a signed and wet stamped final grade certification on City approved form, for each building for which a certificate of occupancy is requested. The certification shall be submitted to the Public Works / Engineering Department for verification and acceptance.
131. **Conform to Elevations** – Final grade elevations of all building or structure finish floors submitted for grading plan check approval shall be in substantial conformance with the elevations shown on the approved grading plans.
132. **Plant & Irrigate Slopes** – All manufactured slopes shall be irrigated and landscaped with grass or approved ground cover, and shall have some type of drainage swale at the toe of the slope to collect runoff. Slopes greater than or equal to 3' in vertical height shall have erosion control measures provided. Slopes that exceed 15' in vertical height are to be planted with additional shrubs and trees as approved by the Public Works / Engineering Department. Drip irrigation shall be provided for all irrigated slopes.

C. COVENANTS, CONDITIONS & RESTRICTIONS (CC&Rs)

133. **Common Area Maintenance** – Common areas shall be maintained by a property owners association, individual property owner, or as otherwise established by CC&R. If common areas will be maintained by a maintenance organization, the following conditions would apply:
- a. A permanent master maintenance organization shall be established for the project area, to assume maintenance responsibility for all common areas. The organization may be public (City CFD, or another agency) or private (e.g., property owners' association). Merger with an area-wide or regional organization shall satisfy this condition provided that such organization is legally and financially capable of assuming the

responsibilities for maintenance. When necessary, property dedication or easement dedications shall be granted to the maintenance organization through map dedication, or separate recordable instrument, and shall be in a form acceptable to the city.

- b. The maintenance organization shall be established prior to issuance of any building permit.

134. **Conditions, Covenants and Restrictions (Private Common Areas)** – In the event that the Community Facilities District will not maintain all common areas, the establishment of a property owner association (POA) shall be the mechanism to maintain such common areas.

135. **CC&R Content, Submittal Process and Timing** – Prior to issuance of any building permit, the developer/property owner shall submit to the Public Works / Engineering Department for review and approval CC&R documents consisting of the following:

- a. One hard copy and an electronic version of the CC&R's. A completed application form to review the CC&Rs, available at the Public Works / Engineering front counter. There is a fee associated with the application and required backup documents to review. The declaration of CC&R's shall:
 - i. provide for the establishment of a property owner's association,
 - ii. provide for the ownership of the common area by the property owner's association,
 - iii. contain provisions approved by the Public Works / Engineering Department, Community Development Department and the City Attorney,
 - iv. Contain provisions with regards to the implementation of post development Water Quality Best Management Practices identified in the project's approved WQMP.
 - v. Contain provisions notifying initial occupants, or tenants of the project of their receipt of educational materials on good housekeeping practices which contribute to the protection of storm water quality. These educational materials shall be distributed by the property owners' association and/or the developer.
 - vi. Contain provisions for allowing the City a Right of Entry to maintain BMPs that are otherwise not maintained by responsible property owners. If a separate Right of Entry Agreement has been executed, this provision is not necessary to be in the CC&Rs.
- b. As part of the CC&R document submittal, exhibit(s) identifying the areas or improvements that will be maintained by the POA, the CFD or other entities shall be provided. The exhibit shall be reviewed and approved by the City.
- c. Once approved, the developer / property owner shall provide a hard copy of the CC&R's wet-signed and notarized to the Public Works /

Engineering Department. The Public Works / Engineering Department shall record the original declaration of CC&R's prior to issuance of any building permit.

- d. A deposit to pay for the review of the CC&Rs pursuant to the City's current fee schedule at the time the above-referenced documents are submitted to the Public Works / Engineering Department.

D. STREETS AND DEDICATIONS

- 136. **Street Improvements** – Street improvements shall conform to all applicable City Design Standards and Specifications, the City General Plan, and all other relevant laws, rules and regulations governing street construction in the City.

The development includes improvements to Meniffee Road along the project frontage. Vehicular access to the project as shown on the site plan will be provided via an existing driveway to Meniffee Road, and two internal driveways from the private drive aisle between the proposed building and the existing buildings. For the purposes of these conditions of approval, Driveway #1 is located at Meniffee Road, Driveway #2 is located at the internal drive aisle east of the proposed building, and Driveway #3 is located at the internal drive aisle west of the proposed building.

- a) **Meniffee Road Drive** – Prior to issuance of any building permit, the developer shall construct or guarantee the construction of the public street improvements within Meniffee Road fronting the property to the centerline plus an additional 12 feet past centerline or to the existing median, as approved by the Public Works Director / City Engineer. The design of the street improvements shall be reviewed and approved by the City Engineer. If needed, it shall be the sole responsibility of the developer/property owner to obtain all proposed or required easements and/or permissions necessary to perform offsite grading, from affected landowners where necessary to construct the street improvements. Notarized and recorded agreement or documents authorizing the offsite grading shall be submitted to the Public Works / Engineering Department.
- b) **Reconstruction or Resurfacing of Meniffee Road** – The improvements to Meniffee Road shall bring the roadways to meet current City Standards and have a Pavement Condition Index of at least 80 as determined by the Public Works Director / City Engineer. The Public Works Director / City Engineer may consider reconstruction or resurfacing of existing Meniffee Road paving fronting the development, provided the road is found to meet the minimum City standards for pavement conditions at the time of project construction, and has an adequate structural section for the design Traffic Index and subgrade R-value in conformance with the Caltrans Highway Design Manual. If it is determined that the existing road is found to be substandard, then the Public Works Director / City Engineer will require the developer / property owner to provide full reconstruction as provided for in these conditions of approval. At the discretion of the City Engineer,

the developer may evaluate the existing pavement section with available As-Built plans, or the developer may core the existing pavement during project design to confirm the required improvements to bring the roadways to current standards, and any findings shall be incorporated into the project design. The Public Works Director / City Engineer shall have the final approval for all road conditions.

137. **Private Drive Aisle** – Details regarding site improvements for access through the existing driveway on Menifee Road and the internal drive aisle shall be designed in final engineering. Vehicle turning movements shall be stop controlled where needed to protect public health and safety as determined by the Public Works Director / City Engineer. The existing Rite Aid Pharmacy drive through lanes will need to merge into one, and a curb may be needed to separate said lanes from the driveway westbound traffic.
138. **Soils and Pavement Report** – Street pavement structural designs shall comply with the recommendations in the City approved project soils report, and must meet minimum City standards and specifications, as approved by the Public Works Director / City Engineer. The preliminary pavement design shown on the plans shall be based on R-Value testing of representative soils. The final pavement design shall be performed following grading and be based on R-Value testing of subgrade soils at locations approved by the City's Public Works Inspector, and the approved Traffic Index (TI).
139. **Driveways** – Final driveway geometrics may be modified in final engineering as approved by the Public Works Director / City Engineer. Driveways shall meet current standard radii on all existing and proposed commercial drive approaches used as access to the proposed development. The developer shall adhere to all City standards and regulations for access and ADA guidelines.
140. **Acceptance of Public Roadway Dedication and Improvements** – Where needed, easements and right-of way for public roadways shall be granted to the City through an acceptable recordable instrument.
141. **ADA Compliance** – ADA path of travel shall be designed at the most convenient accesses and the shortest distance to the buildings in accordance with ADA design standards and to the satisfaction of the Public Works Director / City Engineer and the City Building Official.
142. **Paving or Paving Repairs** – The applicant shall be responsible for obtaining the paving inspections required by Ordinance 461. Paving and/or paving repairs for utility street cuts shall be per City of Menifee Standards and Specifications and as approved by the Public Works Director / City Engineer.
143. **Concrete Work** – All concrete work including curbs, gutters, sidewalks, driveways, cross gutters, catch basins, manholes, vaults, etc. shall be constructed to meet a 28-day minimum concrete strength of 3,250 psi.

144. **Signing and Striping** – A signing and striping plan for Meniffee Road and the internal drive aisle is required for this project. The applicant shall be responsible for any additional paving and/or striping removal caused by the striping plan.
145. **Street Light Plan** – Street lights requiring relocations, or any required new street lights shall be designed in accordance with current City Standards for LS-3 type streetlights. Street light construction plans shall be prepared as separate plans or combined with the public street improvement plans as approved by the Public Works Director / City Engineer.
146. **Street Sweeping and Pavement Maintenance** – The property owner shall file for annexation or inclusion into the Citywide Community Facilities Maintenance District, CFD for street sweeping services and street pavement maintenance.

Prior to Issuance of Building Permit:

147. **Encroachment Permits** – The developer / property owner shall obtain all required encroachment permits and clearances prior to start of any work within City, State, or local agency right-of-way.
148. **Improvement Bonds** – Prior to issuance of any construction permit for all required onsite and offsite public improvements, the developer/project owner shall post acceptable bonds or security to guarantee the construction of all required improvements. The bonds shall be in accordance with all applicable City ordinances, resolutions and municipal codes (*See also bond agreement condition under General Condition*).

Prior to Issuance of Any Certificate of Occupancy:

149. **Meniffee Road Improvements** – Improvements on Meniffee Road fronting the development shall be completed prior to issuance of Certificate of Occupancy. It shall be the sole responsibility of the developer/property owner to obtain all proposed or required easements and/or permissions necessary to perform offsite grading, from affected landowners where necessary to construct the street improvements. Notarized and recorded agreement or documents authorizing the offsite grading shall be submitted to the Public Works / Engineering Department.
150. **Driveways and Driveway Approaches** – Driveways and Driveway Approaches as shown on the site plan shall be designed and constructed prior to issuance of Certificate of Occupancy. The driveways shall be designed and constructed per City of Meniffee No. 208.

E. TRAFFIC ENGINEERING

151. **Traffic Impact Analysis Report** – The development shall comply with all the improvements and mitigation measures identified in the Traffic Letter by

Kimley Horn and Associates, Inc. The improvements shall be included in all improvement plans for review and approval by the Public Works Department. Additional improvements may be required to address public safety and welfare, as determined by the Public Works Director / City Engineer.

Prior to Issuance of Construction Permit:

152. **Sight Distance Analysis** – Sight distance analysis shall be conducted at all project driveways for conformance with City sight distance standards. The analysis shall be reviewed and approved by the Public Works Director / City Engineer, and shall be incorporated in the final the grading plans, street improvement plans, and landscape improvement plans.
153. **Signing and Striping Plan** – Prior to issuance of a construction permit, any necessary signing and striping for Menifee Road and the internal drive aisle shall be approved by the Public Works Director / Traffic Engineer in accordance with City ordinances, standards and specifications, and with the latest edition of the CAMUTCD.
154. **Driveway Geometrics** – Final driveway geometrics may be modified in final engineering as approved by the City Engineer / Public Works Director. Driveways shall meet current standard radii on all existing and proposed commercial drive approaches used as access to the proposed development. The developer shall adhere to all City standards and regulations for access and ADA guidelines.
155. **Construction Traffic Control Plan** – Prior to start of any project related construction, the developer / property owner shall submit to the Public Works / Engineering Department for review and approval, a Construction Traffic Control Plan in compliance with all applicable City ordinances, standards and specifications, and the latest edition of the CAMUTCD. This traffic control plan shall address impacts from construction vehicular traffic, noise, and dust and shall propose measures to mitigate these effects. The traffic control plan shall include a Traffic Safety Plan for safe use of public roads right of way during construction. The plan shall specify the following mitigation measures to address the following:
 - a. Dust and dirt fallout from truck loads that gets entrained onto City roadways: (1) Biweekly street sweeping during construction activity, and daily during all grading operations. (2) Approved BMPs shall be installed at all approved construction entrances as part of the SWPPP.
 - b. Noise from construction truck traffic: Include construction time and operation of vehicles through surrounding residential streets.
 - c. Traffic safety within the road right-of-way: Include temporary traffic control measures and devices.

Prior to Issuance of Any Certificate of Occupancy:

156. **Construction of Roadway Improvements** – The developer / property owner shall design and construct the following roadway improvements:
- a. **Menifee Road Frontage Improvements** - Reconstruct or resurface Menifee Road as a modified Arterial (4 lane divided) designation. The design shall be finalized during review of final construction drawings.
 - b. **Menifee Road Driveway #1** – The existing geometrics to remain:
 - i. Northbound: Three through lanes (no access)
 - ii. Southbound: One through lane, one shared through / right turn lane
 - iii. Eastbound: One right turn lane
 - c. **Private Drive Aisle Driveway #2** – Construct the following improvements at the driveway to the private drive aisle east of the building. Note that the drive through to the Rite Aid Pharmacy will require signing, striping, and a raised median to direct traffic into the intersection:
 - i. Westbound: One shared through / right turn / left turn lane
 - ii. Eastbound: One shared through / right turn / left turn lane (stop controlled)
 - iii. Northbound: One shared through / right turn / left turn lane (stop controlled)
 - iv. Southbound: One shared through / right turn / left turn lane (stop controlled)
 - d. **Private Drive Aisle Driveway #3** – Construct the following improvements at the driveway to the private drive aisle west of the building:
 - v. Westbound: One shared through / left turn lane
 - vi. Eastbound: One shared through / right turn lane
 - vii. Northbound: One shared right turn / left turn lane
157. **Fair Share Cost Participation for Off-site Improvements** – Newport Road shall be improved by the future developer of Parcel 1 of PM38129 to a modified Urban Arterial designation with an ultimate half width Right of Way of 77 feet. Street improvements will include widening of eastbound Newport Road to provide dual left turn lanes to northbound Menifee Road. Fair share cost payments for Parcel 2 of PM38129 will be due prior to issuance of any Building Permit for Parcel 2 as detailed below.
- a. The developer / property owner shall contribute a fair share for improvements to Newport Road. This fair share has been determined to be \$96,700 and is based on a preliminary cost estimate of \$528,000. Please refer to the recorded Development Covenant, Instrument No. 2022-0333302, recorded by County of Riverside on July 27, 2022.

F. NPDES and WQMP

158. **Stormwater Management** - All City of Menifee requirements for NPDES and Water Quality Management Plans (WQMP) shall be met per City of Menifee Municipal Code Chapter 15.01 for Stormwater/Urban Runoff Management Program and as determined and approved by the Public Works Director / City Engineer. This project is required to submit a project specific WQMP prepared in accordance with the latest WQMP guidelines approved by the Regional Water Quality Control Board.
159. **Trash Enclosures Standards and Specifications** – Storm runoff resulting in direct contact with trash enclosure, or wastewater runoff from trash enclosure are prohibited from running off a site onto the City MS4 without proper treatment. Trash enclosures in new developments and redevelopment projects shall meet new storm water quality standards including:
- a) Provision of a solid impermeable roof with a minimum clearance height to allow the bin lid to completely open.
 - b) Constructed of reinforced masonry without wooden gates. Walls shall be at least 6 feet high.
 - c) Provision of concrete slab floor, graded to collect any spill within the enclosure.
 - d) All trash bins in the trash enclosure shall be leak proof with lids that are continuously kept closed.
 - e) The enclosure area shall be protected from receiving direct rainfall or run-on from collateral surfaces.
 - f) The trash enclosure shall be lockable and locked when not in use with a 2-inch or larger brass resettable combination lock. Only employees and staff authorized by the enclosure property owner shall be given access.

Any standing liquids within the trash enclosures without floor drain must be cleaned up and disposed of properly using a mop and a bucket or a wet/dry vacuum machine. All non-hazardous liquids without solid trash may be put in the sanitary sewer as an option, in accordance with Eastern Municipal Water District (EMWD) criteria.

An alternate floor drain from the interior of the enclosure that discharges to the sanitary sewer may be constructed only after obtaining approval from EMWD. This option requires the following:

- a) The trash enclosure shall be lockable and locked when not in use with a 2-inch or larger brass resettable combination lock. Only employees and staff authorized by the enclosure property owner shall be given access. This requirement may not be applicable to commercial complexes with multiple tenants.
- b) A waterless trap primer shall be provided to prevent escape of gasses from the sewer line and save water.
- c) Hot and cold running water shall be provided with a connection nearby with an approved backflow preventer. The spigot shall be protected and located at the rear of the enclosure to prevent damage from bins.

160. **SWRCB, TRASH AMENDMENTS** – The State Water Resources Control Board (State Board) adopted amendments to the Water Quality Control Plan for Ocean Waters of California and the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries – collectively referred to as the “Trash Amendments.” Applicable requirements per these amendments shall be adhered to with implementation measures, prior to building permit issuance. Projects determined to be within Priority Land Uses as defined in the Trash Amendments, shall provide trash full capture devices to remove trash from all Priority Land Use areas that will contribute storm water runoff to the City of Menifee’s MS4. All trash full capture devices shall be listed on the State Board’s current list of certified full capture devices posted on their website (https://www.waterboards.ca.gov/water_issues/programs/stormwater/trash_implementation.shtml), or otherwise approved by State or Regional Water Quality Control Board staff. Storm water runoff from privately owned Priority Land Use areas shall be treated by full capture devices located within privately owned storm drain structures or otherwise located on the privately owned property, whenever possible. Runoff from Priority Land Use areas created or modified by the project, and which are proposed to be City owned, shall be treated by full capture devices located within city-owned storm drains or otherwise located within the public right of way.
- The storm water runoff along the project frontage flows north along Menifee Road to the existing catch basin on the west side of Menifee Road, south of Newport Road. As the proposed development qualifies as a Priority Land Use, the existing catch basin shall be retrofitted with an insert device selected from the list of approved devices by the Santa Ana Regional Water Quality Control Board.**

Prior to Grading Permit Issuance:

161. **Final Project-Specific Water Quality Management Plan (Final WQMP)** – The following report was reviewed and approved by the City:
- a. *Preliminary Project Specific Water Quality Management Plan, O’Reilly Auto Parts – Menifee, WQ-0289*, prepared by Kimley Horn & Associates, Inc., dated June 1, 2022.

Prior to issuance of a grading permit, a FINAL project specific WQMP in substantial conformance with the approved PRELIMINARY WQMP, shall be reviewed and approved by the Public Works / Engineering Department. The final developed project construction plans shall implement all structural and non-structural BMPs specified in the approved FINAL WQMP. One copy of the approved FINAL WQMP on a CD-ROM in pdf format shall be submitted to the Public Works / Engineering Department. The FINAL WQMP submittal shall include at the minimum the following reports/studies:

- a. *Hydrology/hydraulics report*
b. *Soils Report that includes soil infiltration capacity*

162. **Revising the Final WQMP** – In the event the Final WQMP requires design revisions that will substantially deviate from the approved Prelim WQMP, a revised or new WQMP shall be submitted for review and approval by the Public Works / Engineering Department. The cost of reviewing the revised/new WQMP shall be charged on a time and material basis. The fixed fee to review a Final WQMP shall not apply, and a deposit shall be collected from the applicant to pay for reviewing the substantially revised WQMP.
163. **WQMP Maintenance Agreement** – All water quality features or BMPs shall be located within the property limits, and the maintenance shall be the full responsibility of the developer / project owner. Prior to, or concurrent with the approval of the FINAL WQMP, the developer / property owner shall record Covenants, Conditions and Restrictions (CC&R's) that addresses the implementation and maintenance of proposed WQMP BMPs, or enter into an acceptable maintenance agreement with the City to inform future property owners of the requirement to perpetually implement the approved FINAL WQMP.

Prior to Issuance of Any Certificate of Occupancy:

164. **WQMP/BMP Education** – Prior to issuance of Certificate of Occupancy, the developer / project owner shall provide the City proof of notification to future occupants of all BMP's and educational and training requirements for said BMP's as directed in the approved WQMP. Proof of notification shall be provided to the Public Works / Engineering Department in forms determined acceptable by the Public Works Director / City Engineer. Public Education Program materials may be obtained from the Riverside County Flood Control and Water Conservation District's NPDES Section through their website at www.rcwatershed.org. The developer must provide to the Public Works / Engineering Department a notarized affidavit, or other notification forms acceptable to the Public Works Director / City Engineer, stating that the distribution of educational materials to future homebuyers has been completed prior to issuance of occupancy permits.

A copy of the notarized affidavit must be placed in the final WQMP report. The Public Works / Engineering Department MUST also receive the original notarized affidavit with the plan check submittal in order to clear the appropriate condition. Placing a copy of the affidavit without submitting the original will not guarantee clearance of the condition.

165. **Implement WQMP** - All structural BMPs described in the project-specific WQMP shall be constructed and installed in conformance with approved plans and specifications. It shall be demonstrated that the applicant is prepared to implement all BMPs described in the approved project specific WQMP and that copies of the approved project-specific WQMP are available for the future owners/occupants. The City will not release occupancy permits for any portion of the project until all proposed BMPs described in the approved project specific WQMPs, to which the portion of the project is tributary to, are completed and operational.

166. **Inspection of BMP Installation** – Prior to issuance of Certificate of Occupancy, all structural BMPs included in the approved FINAL WQMP shall be inspected for completion of installation in accordance with approved plans and specifications, and the FINAL WQMP. The Public Works Stormwater Inspection team shall verify that all proposed structural BMPs are in working conditions, and that a hard copy and / or digital copy of the approved FINAL WQMP are available at the site for use and reference by future owners/occupants. The inspection shall ensure that the FINAL WQMP at the site includes the **BMP Operation and Maintenance Plan**, and shall include the site in a City maintained database for future periodic inspection.

G. WATER, SEWER, AND RECYCLED WATER

167. **Meet Minimum Standards** – All public water, sewer and recycled water improvements shall be designed per the City adopted Riverside County Ordinances 460, 461 and 787; Eastern Municipal Water Districts (EMWD) standards and specifications, including required auxiliaries and appurtenances. The final design, including pipe sizes and alignments, shall be subject to the approval of EMWD and the City of Menifee.
168. **Utility Improvement Plans** – Public Water, Sewer and Recycled Water improvements shall be drawn on City title block for review and approval by the Public Works / Engineering Department and EMWD.
169. **Onsite and Offsite Sewer, Water and Recycled Water Improvements** – All public onsite and offsite sewer, water and recycled water improvements shall be guaranteed for construction prior to approval of improvement plans.
170. **Sewer Lines** – Any new public sewer line alignments or realignments shall be designed such that the manholes are aligned with the center of lanes or on the lane line and in accordance with Riverside County Ordinances 460/461 and Eastern Municipal Water District standards.
171. **Water Mains and Hydrants** - All water mains and fire hydrants providing required fire flows shall be constructed in accordance with the Riverside County Ordinance Numbers 460 and 787, and subject to the approval of the Eastern Municipal Water District and the Riverside County Fire Department.

H. CITYWIDE COMMUNITY FACILITIES MAINTENANCE DISTRICT (CFD)

Prior to Building Permit:

172. **Annexation to the Citywide Community Facilities District (CFD)** – Prior to issuance of any building permit, the developer / property owner shall complete the annexation of the proposed development, into the boundaries of the City of Menifee citywide Community Facilities Maintenance District (Services). The citywide CFD shall be responsible for:

The maintenance of public improvements or facilities that benefit this development, including but not limited to, public landscaping, streetlights,

traffic signals, streets, drainage facilities, water quality basins, graffiti abatement, and other public improvements or facilities as approved by the Public Works Director / City Engineer.

The developer / property owner shall be responsible for all costs associated with the annexation of the proposed development in the citywide CFD.

173. **CFD Annexation Agreement** – In the event timing for this development's schedule prevents the developer / property owner from complying with condition of approval for CFD annexation, the developer shall enter into a CFD annexation agreement to allow the annexation to complete prior to the issuance of any building permit. The developer shall be responsible for all costs associated with the preparation of the CFD annexation agreement. The agreement shall be approved by the City Council prior to issuance of a building permit.
174. **Landscape Improvement Plans for CFD Maintenance** – Landscape improvements within public ROW and/or areas dedicated to the City for the citywide CFD to maintain shall be prepared on a separate City CFD plan for review and approval by the Public Works / Engineering Department.
175. **CFD Landscape Guidelines and Improvement Plans** – All landscape improvements for maintenance by the CFD shall be designed and installed in accordance with City CFD Landscape Guidelines, and shall be drawn on a separate improvement plan on City title block. The landscape improvement plans shall be reviewed and approved by the Public Works / Engineering Department prior to issuance of a construction permit.
176. **Landscaping on Meniffee Road** – The parkway areas behind the sidewalk within the public right-of-way fronting the entire property along Meniffee Road shall be landscaped and irrigated per City standards and guidelines. These areas shall be maintained by the CFD.
177. **Maintenance of CFD Accepted Facilities** – All landscaping and appurtenant facilities to be maintained by the citywide CFD shall be built to City standards. The developer shall be responsible for ensuring that landscaping areas to be maintained by the CFD have its own controller and meter system, separate from any private controller/meter system.

I. WASTE MANAGEMENT

178. **AB 341** - AB 341 focuses on increased commercial waste recycling as a method to reduce greenhouse gas (GHG) emissions. The regulation requires businesses and organizations that generate four or more cubic yards of waste per week and multifamily units of 5 or more, to recycle. A business shall take at least one of the following actions in order to reuse, recycle, compost, or otherwise divert commercial solid waste from disposal:
 - a. Source separate recyclable and/or compostable material from solid waste and donate or self-haul the material to recycling facilities.

- b. Subscribe to a recycling service with their waste hauler.
- c. Provide recycling service to their tenants (if commercial or multi-family complex).
- d. Demonstrate compliance with the requirements of California Code of Regulations Title 14.

For more information please visit:

www.rivcowm.org/opencms/recycling/recycling_and_compost_business.html#mandatory

179. **AB 1826** – AB 1826 (effective April 1, 2016) requires businesses that generate eight (8) cubic yards or more of organic waste per week to arrange for organic waste recycling services. The threshold amount of organic waste generated requiring compliance by businesses is reduced in subsequent years. Businesses subject to AB 1826 shall take at least one of the following actions in order to divert organic waste from disposal:

- a. Source separate organic material from all other recyclables and donate or self-haul to a permitted organic waste processing facility.
- b. Enter into a contract or work agreement with gardening or landscaping service provider or refuse hauler to ensure the waste generated from those services meet the requirements of AB 1826.
- c. Consider xeriscaping and using drought tolerant/low maintenance vegetation in all landscaped areas of the project.

As of January 1, 2019, the above requirements are now applicable to businesses that generate four (4) or more cubic yards of solid waste per week and one (1) or more cubic yards of organic waste per week. Additionally, as of January 1, 2019, a third trash bin is now required for organics recycling, which will require a larger trash enclosure to accommodate three (3) trash bins. This development is subject to this requirement.

Prior to Building Permit Issuance:

180. **Recyclables Collection and Loading Area Plot Plan** – Prior to the issuance of a building permit for each building, the applicant shall submit three (3) copies of a Recyclables Collection and Loading Area plot plan to the City of Menifee Engineering/Public Works Department for review and approval. The plot plan shall show the location of and access to the collection area for recyclable materials, along with its dimensions and construction detail, including elevation/façade, construction materials and signage. The plot plan shall clearly indicate how the trash and recycling enclosures shall be accessed by the hauler.

The applicant shall provide documentation to the Community Development Department to verify that Engineering and Public Works has approved the plan prior to issuance of a building permit.

181. **Waste Recycling Plan** – Prior to the issuance of a building permit for each building, a Waste Recycling Plan (WRP) shall be submitted to the City of Menifee Engineering/Public Works Department for approval. Completion of Form B “Waste Reporting Form” of the Construction and Demolition Waste Diversion Program may be sufficient proof of WRP compliance, as determined by the Public Works Director / City Engineer. At minimum, the WRP must identify the materials (i.e., concrete, asphalt, wood, etc.) that will be generated by construction and development, the projected amounts, the measures/methods that will be taken to recycle, reuse, and/or reduce the amounts of materials, the facilities and/or haulers that will be utilized, and the targeted recycling or reduction rate. During project construction, the project site shall have, at a minimum, two (2) bins; one for waste disposal and the other for recycling of Construction and Demolition (C&D) materials. Additional bins are encouraged to be used to further source separation of C&D recyclable materials. Accurate record keeping (receipts) for recycling of C&D recyclable materials and solid waste disposal must be kept. Arrangements can be made through the franchise hauler.

Prior to Issuance of Any Certificate of Occupancy

182. **Waste Management Clearance** – Prior to issuance of an occupancy permit for each building, evidence (i.e., receipts or other type of verification) shall be submitted to demonstrate project compliance with the approved WRP to the Engineering and Public Works Department in order to clear the project for occupancy permits. Receipts must clearly identify the amount of waste disposed and Construction and Demolition (C&D) materials recycled. Completion of Form C, “Waste Reporting Form” of the Construction and Demolition Waste Diversion Program along with the receipts may be sufficient proof of WRP compliance, as determined by the PW Director / City Engineer.

J. FEES, DEPOSITS AND DEVELOPMENT IMPACT FEES

183. **Fees and Deposits** – Prior to approval of grading plans, improvement plans, issuance of building permits, and/or issuance of certificate of occupancy, the developer / property owner shall pay all fees, deposits as applicable. These shall include the regional Transportation Uniform Mitigation Fee (TUMF), any applicable Traffic Signal Mitigation Fees, Development Impact Fees (DIF), Road and Bridge Benefit District (RBBD) Fee, and any applicable regional fees. Said fees and deposits shall be collected at the rate in effect at the time of collection as specified in current City resolutions and ordinances.
184. **Road Bridge Benefit District (RBBD)** – This project is within the Menifee Valley Zone D Road Bridge and Benefit District (RBBD). The applicant shall pay the RBBD fees based on the designated land use and areas, prior to issuance of a building permit. Should the project proponent choose to defer the time of payment, a written request shall be submitted to the City, deferring said payment from the time of issuance of a building permit to issuance of a certificate of occupancy. Fees which are deferred shall be based upon the fee schedule in effect at the time of issuance of the permit of each parcel.

185. **TUMF Fees** – Prior to the issuance of an occupancy permit, the developer / property owner shall pay the Transportation Uniform Mitigation Fee (TUMF) in accordance with the fee schedule in effect at the time of issuance, pursuant to adopted City Ordinance governing the TUMF program.

Section IV:

Building and Safety Department
Conditions of Approval

80. **Final Building & Safety Conditions.** Final Building & Safety Conditions will be addressed when building construction plans are submitted to Building & 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.
81. **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 City of Menifee Municipal Code.
82. **ADA Access.** Applicant shall provide details of all applicable disabled access provisions and building setbacks on plans to include:
- a. Disabled access from the public way to the main entrance of the building.
 - b. Van accessible parking located as close as possible to the main entrance of the building.
 - c. Accessible path of travel from parking to the furthest point of improvement.
 - d. Path of accessibility from parking to furthest point of improvement.
 - e. Accessible path of travel from public right of way to all public areas on site, such as enclosures, clubhouses and picnic areas.
83. **County of Riverside Mount Palomar Ordinance.** Applicant shall submit, at the time of plan review, a complete exterior site lighting plan with a “photometric study” showing compliance with County of Riverside Mount Palomar Ordinance Number 655P for the regulation of light pollution. All streetlights and other outdoor lighting shall be shown on electrical plans submitted to the Building & Safety Department. Any outside lighting shall be hooded and aimed not to shine directly upon adjoining property or public rights-of-way. All exterior LED light fixtures shall be 3,000 kelvin and below.
84. **Street Name Addressing.** Applicant must obtain street name addressing for all proposed buildings by requesting street name addressing and submitting a site plan for commercial, residential/tract, or multi-family residential projects.
85. **Obtain Approvals Prior to Construction.** Applicant must obtain all building plans and permit approvals prior to commencement of any construction work.
86. **Obtaining Separate Approvals and Permits.** Trash Enclosures, patio covers, light standards, and any block walls will require separate approvals and permits. Solid covers are required over new and existing trash enclosures.
87. **Demolition.** (If applicable) Demolition permits require separate approvals and permits. AQMD notification and approval may be required.

88. **On-Site Sanitary Sewer and Domestic Water Plan Approvals.** On-site sanitary sewer and domestic water plans will require separate approvals and permits from Building and Safety. A total of 6 sets shall be submitted.
89. **Hours of Construction.** Signage shall be prominently posted at the entrance of the project indicating the hours of construction, as allowed by the City of Menifee Municipal Ordinance 8.01.010, for any site within one-quarter mile of an occupied residence. The permitted hours of construction are Monday through Saturday 6:30am to 7:00pm. No work is permitted on Sundays and nationally recognized holidays unless approval is obtained from the City Building Official or City Engineer.
90. **Roof Drains.** Drainage water collected from a roof, awning, canopy or marquee, and condensate from mechanical equipment shall not flow over a public walking surface.
91. **Protection and penetration.** Protection of joints and penetrations in fire resistance-rated assemblies shall not be concealed from view until inspected for all designed fire protection. Required fire seals/fire barriers in fire assemblies at fire resistant penetrations shall be installed by individuals with classification or certification covering the installation of these systems. Provide certification for the installation of each area and certification of compliance for Building Officials/Fire Marshal's approval.

At Plan Review Submittal

92. **Submitting Plans and Calculations.** Applicant must submit to Building & Safety seven (7) complete sets of plans and two (2) sets of supporting documents, two (2) sets of calculations or, one set of each document listed above for electronic submittals 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 precise grading plan to verify accessibility for persons with disabilities.
 - c. Truss calculations that have been stamped by the engineer of record of the building and the truss manufacturer engineer. Maybe a deferred submittal.
 - d. Eastern Municipal Water District (EMWD) First Release Required.

Prior to Issuance of Grading Permits

93. **On-site Domestic Water and Sanitary Sewer Plans.** On-site domestic water and sanitary sewer plans, submitted separately from the building plans, shall be submitted to Building & Safety for review and approval.
94. **Demolition Permits.** (If applicable) A demolition permit shall be obtained if there is an existing structure to be removed as part of the project. AQMD shall be notified

and a Permit/Release shall be submitted to Building and Safety, Prior to Permit Issuance.

Prior to Issuance of Building Permits

95. **Plans require Stamp of Registered Professional.** Applicant shall provide appropriate stamp of a registered professional with original signature on the plans. Electronic Signature is acceptable. All associated Building Fees to be paid.
96. Each Department is **required** to Approve, with a signature.

Prior to Start of Construction

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

Prior to Temporary Certificate of Occupancy

98. **Temporary Certificate of Occupancy.** Application and deposit to be submitted, **a minimum of 5 working days prior to effective date.** Each department is required to provide an Exhibit' clearly identifying those Conditions of Approval that remain outstanding with a signature.

Prior to Certificate of Occupancy

99. Each department is required to Review and Approve with a Signature, once ALL Conditions of Approval have been Met/Approved.

Prior to Final Inspection

100. Each department that has conditions shall have completed and approved their final inspection prior to requesting the final inspection by the Building and Safety Department.

Section V:

Riverside County
Fire Department
Conditions of Approval

105. **Access.** Fire Department apparatus access lanes will not be less than twenty-four feet (24') in width and will have an unobstructed vertical clearance not less than 13'6". Access lanes shall be designed to withstand the weight of 75,000 pounds over two axles. Fire apparatus shall be capable of maneuvering through the site with a minimum inside radius of 14'-0" and outside of 38'-0" throughout. Access lanes shall be constructed with a surface to provide all weather driving capabilities. Streets shall be constructed in accordance with the City of Menifee Engineering Street Standards. California Fire Code (CFC) 503.2
106. **Fire Sprinkler System.** an approved commercial fire sprinkler system designed by a current licensed California C-16 contractor in accordance with NFPA 13 is required for all new buildings and structures that are 3,600 square feet or greater. CFC 903.2 as amended by the City of Menifee Municipal Code.
107. Conditions subject to change with adoption of new codes, and ordinances. All final fire department conditions will be addressed when detailed site and building plans are submitted and reviewed. California Building Code (CBC) Section 107.

Section VI:

Riverside County Environmental Health Conditions of Approval

General Conditions

101. **Potable Water and Sanitary Sewer.** A “General Condition” shall be placed on the project indicating that the subject property is proposing to receive potable water service and sanitary sewer service from Eastern Municipal Water District (EMWD). It is the responsibility of this facility to ensure that all requirements to obtain potable water and sanitary sewer service are met with EMWD, as well as all other applicable agencies.
102. **Environmental Cleanup Programs (RCDEH-ECP).** If contamination or the presence of a naturally occurring hazardous material is discovered at the site, assessment, investigation, and/or cleanup may be required. Contact Riverside County Environmental Health - Environmental Cleanup Programs at (951) 955-8980, for further information.
103. **District Environmental Services (DES).** Floorplans provided for the review of this project did not include plans for a kitchen or other type of operation that handles food. If in the future there is a proposal to serve food from this site, the plans will require review by DES to ensure compliance with applicable California Health and Safety Codes. An annual operating permit for the food facility may be required. Please contact the Hemet DES office at (951) 766-2824.

The undersigned warrants that he/she is an authorized representative of the project referenced above, that I am specifically authorized to consent to all of the foregoing conditions, and that I so consent as of the date set out below.

Signed

Date

Name (please print)

Title (please print)