

EXHIBIT “B”

CONDITIONS OF APPROVAL

Planning Application No.: **Conditional Use Permit Minor Modification No. PLN 22-0119**

Project Description: **Conditional Use Permit Minor Modification No. PLN 22-0119** proposes a minor modification to the previously approved Conditional Use Permit No. 20-0165. It includes an increase in the number of classrooms within the same general building footprint of the day care building previously approved under Plot Plan No. PLN 20-0167 and Conditional Use Permit No. PLN 20-0165. The number of classrooms would increase from 5 to 10 and the number of anticipated students would in turn increase from 120 to 153.

Background

The Boulders Mixed Use Project was originally approved by the City of Menifee Planning Commission under **Plot Plan No. PLN 20-0167** and **Conditional Use Permit No. PLN 20-0165** on November 10, 2021, which was approved for a mixed-use commercial and multi-family residential project consisting of a three-story office building with an area of 25,745 square feet, an 8,370 square-foot day care building with outdoor play area, and a 234-unit apartment complex consisting of nine (9) three-story apartment buildings with a 3,455 square clubhouse on 10.14 gross acres.

Assessor's Parcel No.: 339-200-080

Approval Date: November 10, 2021 (Original Entitlement: Plot Plan No. PLN 20-0167)

December 14, 2022 (Major Modification)

Expiration Date: November 10, 2024

Within 48 Hours of the Approval of This Project

1. **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.
2. **Filing Notice of Determination (NOD).** The applicant/developer shall deliver to the Planning Division a cashier's check or money order made payable to the County Clerk in the amount of Fifty Dollars (\$50.00) for the County administrative fee, to enable the City to file the Notice of Determination (NOD) as required under Public Resources Code Section 21152 and California Code of Regulations Section 15075. Per Fish and Wildlife Code Section 711.4(c)(3), a project shall not be operative, vested or final and local government permits for the project shall not be valid until the filling fees required are paid.

Section I: Conditions Applicable to All Departments

Section II: Community Development Department Conditions of Approval

Section I:

Conditions Applicable to All
Departments

3. **Definitions.** The words identified in the following list that appear in all capitals in the attached conditions of Plot Plan Major Modification No. PLN 22-0120 shall be henceforth defined as follows:

Permittee, Applicant, Project Permittee(s), Project Developer(s) shall all mean the Permittee of this project.

APPROVED EXHIBIT A = Site Plan for Plot Plan Major Modification No. PLN 22-120, dated September 26, 2022.

APPROVED EXHIBIT G = Conceptual Grading Plan for Plot Plan Major Modification No. PLN 22-120, dated September 26, 2022.

APPROVED EXHIBIT B = Elevations, Roof Plan, and Floor Plans for Plot Plan Major Modification No. PLN 22-120, dated September 26, 2022.

APPROVED EXHIBIT L = Conceptual Landscaping and Irrigation Plan for Plot Plan No. PLN 20-0167, dated September 29, 2021.

APPROVED EXHIBIT M = Color and Materials Board for Plot Plan Major Modification No. 22-120, dated September 26, 2022.

4. **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.
5. **Mitigation Monitoring and Reporting Program.** The developer shall comply with the mitigation monitoring and reporting program ("MMRP") which is attached and incorporated as part of these conditions of approval.
6. **Cause for Revocation.** In the event the use hereby permitted under this permit, a) is found to be in violation of the terms and conditions of this permit, b) is found to have been obtained by fraud or perjured testimony, or c) is found to be detrimental to the public health, safety or general welfare, or is a public nuisance, this permit shall be subject to the revocation procedures.
7. **Business Registration.** 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 registration, contact the City of Menifee.
8. **Expiration Date.** This approval shall be used within three (3) years of the original approval date (original approval date: November 10, 2021); 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 a 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. Prior to the expiration of the three-(3)-year period, the permittee may request up to a three-(3)-year extension of time in which to begin substantial construction or use

of this permit. Should the three-(3)-year extension be obtained and no substantial construction or use of this permit be initiated within six (6) years of the approval date this permit, shall become null and void.

9. **Modifications or Revisions.** The permittee shall obtain City approval for any modifications or revisions to the approval of this project.

Section II:

Community Development Department Conditions of Approval

General Conditions

10. **Comply with Ordinances.** The development of these premises shall comply with the standards of the City of Menifee Development Code and City of Menifee Municipal Code and all other applicable ordinances and State and Federal codes and regulations.
11. **Compliance with Plot Plan No. PLN 20-0167.** The general site development standards as well as the site design, layout, location, setbacks, parking, landscaping, walls, building elevations, project phasing, and other features for the assisted living facility and gas station shall be in substantial conformance with those approved for Plot Plan No. PLN 20-0167 as modified per Plot Plan Major Modification No. PLN 22-0120.
12. **Subsequent Submittals.** 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 any successor thereto. Each submittal shall be accompanied with a letter clearly indicating which condition or conditions the submittal is intended to comply with.
13. **Ceased Operations.** In the event the uses hereby permitted cease operation for a period of one (1) year or more, excluding renovation and casualty, this approval shall become null and void.

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)