

## **EXHIBIT “A”**

### **REVISED CONDITIONS OF APPROVAL**

**Planning Application No.:** Plot Plan No. PLN21-0290 – Ethanac and Barnett Warehouse(s)

**Project Description:** **Plot Plan No. PLN21-0290** proposes to construct two (2) 125,568 square feet (approx..) concrete tilt-up buildings, totaling 251,133 sq. ft. (approx..), which includes 20,000 sq. ft. of office space on a vacant 13.89 gross acre project site. The proposed buildings have a maximum overall height of 45 feet and each will include 15 dock-high doors and two (2) on-grade roll up doors. The project also includes 414 proposed parking spaces, on-site landscape and irrigation and full on-site and off-site improvements.

**Assessor’s Parcel No.:** 331-060-036 and 331-060-021

**MSHCP Category:** Industrial

**DIF Category:** Industrial/Business Park

**TUMF Category:** Industrial (determined by Western Riverside Council of Governments {WRCOG})

**Quimby Category:** N/A

**Approval Date:** June 7, 2023

**Expiration Date:** June 7, 2026

### **Within 48 Hours of the Approval of This Project**

1. **Filing Notice of Determination.** The applicant/developer shall deliver to the Planning Division a cashier's check or money order made payable to the City of Menifee in the amount of Two Thousand Eight Hundred Fourteen Dollars and No Cents (\$2,814.00) which includes the Two Thousand Seven Hundred Sixty-Four Dollars and No Cents (\$2,764.00) fee, required by Fish and Wildlife Code Section 711.4(d)(3) plus the Fifty Dollars (\$50.00) County administrative fee, to enable the City to file the Notice of Determination for the Mitigated Negative Declaration required under Public Resources Code Section 21152 and California Code of Regulations Section 15075. Per Fish and Wildlife Code Section 711.4(l)(3), a project shall not be operative, vested or final and local government permits for the project shall not be valid until the filing fees required are paid.
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**

**Section III: Engineering/Public Works Department**

**Section IV: Building and Safety Department**

**Section V: Riverside County Fire Department**

**Section VI: Other Agency/Departments**

**Section I:**

**Conditions Applicable to all**  
**Departments**

## **General Conditions**

3. **Definitions.** The words identified in the following list that appear in all capitals in the attached conditions of Plot Plan No. PLN21-0290 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 No. PLN21-0290 dated November 16, 2022

APPROVED EXHIBIT B = Elevations for Plot Plan No. PLN21-0290 dated November 16, 2022

APPROVED EXHIBIT C = Floor Plans for Plot Plan No. PLN21-0290 dated November 16, 2022

APPROVED EXHIBIT G = Conceptual Grading Plan for Plot Plan No. PLN21-0290 dated November 16, 2022

APPROVED EXHIBIT L = Conceptual Landscaping and Irrigation Plan for Plot Plan No. PLN21-0290 dated November 16, 2022

APPROVED EXHIBIT M = Color and Materials Board for Plot Plan No. PLN21-0290 dated November 16, 2022

APPROVED EXHIBIT P = Photometric Plans for Plot Plan No. PLN21-0290 dated November 16, 2022

PLOT PLAN = Plot Plan No. PLN21-0290

MND = Mitigated Negative Declaration

MMRP = Mitigation Monitoring & Reporting Program for MND

4. **Mitigation Monitoring and Reporting Program.** The developer shall comply with the mitigation monitoring and reporting program ("MMRP") which is incorporated by reference as part of these conditions of approval.
- 4a. Cold storage and Transport Refrigeration Units (TRU) are prohibited use(s) as a part of this plot plan. Additional environmental analysis shall be required by the tenant and/or property owner prior to the establishment of the use and the operation of TRU's; the property owner shall submit an application to modify the approved plot plan prior to the establishment of cold storage and TRU's on-site (Updated for City Council hearing May 3, 2023).
5. **Causes for Revocation.** In the event the use hereby permitted under this Plot Map 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.
6. **Property Maintenance.** All parkways, including within the right-of-way, entryway, landscaping, walls, fencing, and on-site lighting shall be maintained by the property owner or maintenance association.

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 Clerk.
8. **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 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**

## **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 and shall conform substantially to the adopted plan as filed in the office of the City of Menifee Community Development Department, unless otherwise amended.

The development of the premises shall conform substantially with that as shown on APPROVED EXHIBIT A, B, C, G, L, and M unless otherwise amended by these conditions of approval.

11. **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.
12. **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.
13. **Colors and Materials.** Building colors and materials shall be in substantial conformance with those shown on APPROVED EXHIBITS.
14. **Phases.** Construction of this project may be done progressively in phases provided a phasing plan is submitted with appropriate fees to the Community Development Department and approved prior to issuance of any Building Permits.
15. **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.

Use	Per Square Foot	Breakdown	Required
Industrial Uses	1 space per 250 sq ft of office	20,000/250=	80 spaces
	1 space per 500 sq ft of fabrication area	24,992/500=	51 spaces
	1 space per 1000 sq ft of storage	207,501/1000	207 spaces
<b>Total</b>			<b>338 spaces</b>

A minimum of **338** parking spaces shall be provided as shown on the APPROVED EXHIBIT A. Any reduction in the number of parking stalls provided shall be reviewed against the parking requirements of City Municipal Code and approved by the Community Development Director. The project is providing **414** total parking spaces.

16. **ADA Parking Spaces:** A minimum of nine (9) accessible parking spaces within the proposed project site, as shown on APPROVED EXHIBIT A 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.

17. **Bicycle Facilities:** Class I or Class II bicycle parking facilities with a minimum of 14 spaces shall be provided to facilitate bicycle access to the project (17 provided). The bicycle facilities shall be shown on project landscaping and improvement plans submitted for Community Development Department approval and shall be installed in accordance with those plans. Bicycle rack designs that employ a theme are highly encouraged.
  - a. Class I. Covered, lockable enclosures with permanently anchored racks.
  - b. Class II. Lockable bicycle rooms with permanently anchored racks.
18. **Loading Areas.** Loading and/or unloading of goods/supplies shall occur in designated loading areas as shown on APPROVED EXHIBIT A only. No loading or unloading is allowed within drive aisles, parking areas, or on adjacent public streets. Loading areas shall be kept free of debris and clean throughout the life of this plot plan.
19. **Sign Permit Required.** A sign permit has not been approved with this application. As such, the applicant shall submit a detailed sign plan in the form of a plot plan application to the Community Development Department prior to construction plan submittal to the Building and Safety Department. The proposed signage shall compliment the design of the proposed buildings. Furthermore, building permits for all signage shall be reviewed and approved by the Community Development Department to confirm conformance with Menifee Municipal Code Chapter 9.220 and the APPROVED EXHIBITS.
20. **Dark Sky Ordinance.** All streetlights and other outdoor lighting shall be shown on electrical plans submitted to the Department of Building and Safety and the Community Development Department for plan check approval and shall comply with the requirements of Menifee Municipal Code Chapter 6.01, the "Dark Sky Ordinance", and the General Plan.
21. **No Outdoor Storage.** No outdoor storage is allowed within or upon the site except for truck trailers to be located at the parking areas as shown on APPROVED EXHIBIT A.

No storage lockers, sheds, or bins shall be allowed to be stored outside the building unless first reviewed and approved by the Community Development Department. All trailer parking within the truck courts shall be fully screened from all adjacent streets with a screen wall and landscaping.

22. **Screening.** Sliding gates into loading areas visible from the street shall be constructed with wrought iron or tubular steel and high-density perforated metal screening or equivalent durable material. The gate shall be painted to match or complement adjacent walls.
23. **Sound Dampening.** The design of dock-high loading doors shall minimum noise through installation of devices such as rubber seals and/or other sound-dampening features and shall be included on the building permit plans.
24. **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.
25. **Completion of Conditions Prior to Operations.** Pursuant to City of Menifee Municipal Code, the proposed uses approved under this Plot Plan 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.
26. **Riverside County Department of Environmental Health Conditions of Approval.** Conditions of approval for the project from the Riverside County Department of Environmental Health (Letter dated January 26, 2022) have been attached to this document and shall be complied with accordingly.
27. **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. 22-1229 (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.
28. **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.

29. **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).
30. **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).
- a. 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.
  - b. 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.
  - c. 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.
  - d. 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.
  - e. 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."

**31. 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.

**32. Inadvertent Paleontological Find.** In the event that fossils or fossil-bearing deposits are discovered during construction, excavations within fifty (50) feet of the find shall be temporarily halted or diverted. The contractor shall notify a qualified paleontologist to examine the discovery. The paleontologist shall document the discovery as needed in accordance with Society of Vertebrate Paleontology standards, evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the Community Development Department to determine procedures that would be followed before construction is allowed to resume at the location of the find. If in consultation with the paleontologist, the Project proponent determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the Project on the qualities that make the resource important. The plan shall be submitted to the Community Development Department for review and approval and the Project proponent shall implement the approval plan.

## **LANDSCAPING**

33. **Interim Landscaping.** Graded but undeveloped land shall be maintained in a condition so as to prevent a dust and/or blow sand nuisance and shall be either planted with interim landscaping or provided with other wind and water erosion control measures as approved by the Community Development Department and the South Coast Air Quality Management District (SCAQMD).
34. **Landscape Plans.** All landscaping plans shall be prepared in accordance with the City's Water Efficient Landscape Ordinance. Such plans shall be reviewed and approved by the Community Development Department, and the appropriate maintenance authority. All privately maintained landscaping and irrigation plans shall be reviewed and approved by the Planning Department while all city or CFD maintained landscaping and irrigation plans shall be reviewed by the Engineering Department.
35. **Viable Landscaping.** All plant materials within landscaped areas shall be maintained in a viable growth condition and free of weeds and debris throughout the life of this plot plan. To ensure that this occurs, the Community Development Department shall require inspections prior to final inspection and one year after the final inspection.
36. **Maintenance of Parkways and Landscaping.** All landscaping and similar improvements not properly maintained by a property owners association, individual property owners, or the common area maintenance director must be annexed into a Lighting and Landscape District, or other mechanism as determined by the City of Menifee.

## **Prior to Issuance of Grading Permit**

37. **Mitigation Monitoring.** The permittee shall prepare and submit a written report to the Community Development Director for review and approval demonstrating compliance with the standard conditions of approval and mitigation measures identified in the MND for this project which must be satisfied prior to issuance of grading permits. The Community Development Director may require inspection or other monitoring to ensure such compliance.
38. **Rough and Precise Grading Plan Review.** The Community Development Department shall review the rough and precise grading plans for consistency with the approved site plan and conceptual grading plan (Approved Exhibit A and G) and the conditions of approval.

*The following two (2) conditions shall be verbatim on all grading plan submittals.*

39. **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 dusty 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 receipt.

40. **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.

41. **Construction and Demolition Debris.** The developer shall contact the City's franchised solid waste hauler for disposal of construction and demolition debris and shall provide the Building & Safety Division verification of arrangements made with the City's franchise solid waste hauler for disposal of construction and demolition debris. Only the City's franchisee may haul demolition and construction debris.

42. **Nesting Bird Survey.** Birds and their nests are protected by the Migratory Bird Treaty Act (MBTA) and California Department of Fish and Wildlife (CDFW) Codes. Since the project supports suitable nesting bird habitat, removal of vegetation or any other potential nesting bird habitat disturbances, shall be conducted outside of the avian nesting season (February 1st through August 31st). If habitat must be cleared during the nesting season, a preconstruction nesting bird survey shall be conducted. The preconstruction nesting bird survey must be conducted by a biologist who holds a

current MOU with the City of Menifee. Surveys shall cover all potential nesting habitat areas that could be disturbed by each phase of construction. Surveys shall also include areas within 500 feet of the boundaries of the active construction areas. The biologist shall prepare and submit a report, documenting the results of the survey, to the City of Menifee Community Development Department for review and approval. If nesting activity is observed, appropriate avoidance measures shall be adopted to avoid any potential impacts to nesting birds.

43. **Burrowing Owl Preconstruction 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 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 30 days of the survey a new survey shall be required.

If construction and/or disturbance of the site is suspended for a period of days (30) days or more, a new survey shall be required.

### **PALEONTOLOGY**

44. **Paleontologist Required.** This site is mapped as having a high potential for paleontological resources (fossils) at shallow depth. Therefore, PRIOR TO ISSUANCE OF GRADING PERMITS:

The permittee shall retain a qualified paleontologist approved by the City of Menifee 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 Community Development Department for review and approval prior to 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:

- A. 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.
- B. 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.
- C. 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.
- D. If fossil remains are encountered by earthmoving activities when the project paleontologist is not onsite, these activities will be diverted around the fossil site and the project paleontologist called to the site immediately to recover the remains.
- E. If fossil remains are encountered, 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.
- F. 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.

- G. 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 Community Development Department for review and approval prior to building final inspection as described elsewhere in these conditions.

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 Community Development Department along with a copy of this condition, deposit-based fee and the grading plan for appropriate case processing and tracking.

## **ARCHEOLOGY**

- 45. 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.

46. **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 Tribes 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.
47. **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 Tribal 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.
48. **Archeology Report - Phase III and IV.** Prior to final inspection of the first building permit associated with each phase of grading, the developer/permit holder shall prompt the Project Archeologist to submit an electronic copy of the Phase III Data Recovery report (if conducted 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, an electronic copy shall be submitted to the Eastern Information Center (EIC) at the University of California Riverside (UCR) and to the Consulting Tribe(s) Cultural Resources Department(s).

### **FEES**

49. **Stephen's Kangaroo Rat (SKR) Fee.** Prior to the issuance of a grading permit, the applicant shall comply with the provisions of 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 13.89 acres (gross) in accordance with APPROVED EXHIBIT A. 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 mitigation fee ordinance, payment of the appropriate fee set forth in that ordinance shall be required.

50. **Fees.** Prior to the issuance of grading permits, the Community Development Department shall determine the status of the deposit-based fees. If the fees are in a negative status, the permit holder shall pay the outstanding balance.

**Prior to Issuance of Building Permit**

51. **Mitigation Monitoring.** The permittee shall prepare and submit a written report to the Community Development Director for review and approval demonstrating compliance with the standard conditions of approval and mitigation measures identified in the MND for this project which must be satisfied prior to issuance of building permits. The Community Development Director may require inspection or other monitoring to ensure such compliance.
52. **Resolution No. 22-1264 (DIF).** Prior to building permit issuance, the applicant shall comply with the provisions of Resolution No. 22-1264, which requires the payment of the appropriate impact fee set forth in the Resolution. Resolution No. 22-1264 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 Resolution, and it establishes the authorized uses of the fees collected.

In the event Resolution No. 22-1264 is rescinded, this condition will no longer be applicable. However, should Resolution No. 22-1264 be rescinded and superseded by a subsequent City mitigation fee ordinance or resolution, payment of the appropriate fee set forth in that ordinance or resolution shall be required.

53. **Open Space Fee (MSHCP).** Prior to the issuance of a building permit, the applicant shall comply with the provisions of City of Menifee Municipal Code Chapter 8.27, Multiple Species Habitat Conservation Plan Fee (hereinafter Chapter 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 Chapter 8.27 is rescinded, this condition will no longer be applicable. However, should Chapter 8.27 be rescinded and superseded by a subsequent mitigation fee ordinance, payment of the appropriate fee set forth in that ordinance shall be required.

54. **School District Impact Fees.** The appropriate school district impact fees shall be mitigated in accordance with California State law. Receipts of payments shall be submitted to the Community Development Department prior to building permit issuance.
- a. **Romoland School District.** Impacts to the Romoland School District shall be mitigated in accordance with California State law.
  - b. **Perris Union High School District.** Impacts to the Perris Union High School District shall be mitigated in accordance with California State law.

55. **Deposit Fees.** Prior to issuance of building permits, the Community Development Department shall determine if the deposit-based fees for project are in a negative balance. If so, any outstanding fees shall be paid by the permittee.
56. **Downspouts.** All downspouts shall be internalized. Downspouts located within the truck courts and where not visible from the public right-of-way may be exempt at the discretion of the Community Development Director.
57. **Lighting.** The building plans shall show the location and types of light fixtures that will be within the project site and on the building. Lighting fixtures shall be decorative in nature; shoe-box-type lighting will not be allowed. Architecturally appropriate themed lighting fixtures shall be located along the project perimeter, project entrances, and other focal points on the project site and shall be subject to Community Development Department review and approval. All outdoor lighting shall be shown on electrical plans submitted to the Department of Building and Safety for plan check approval.
58. **Walls and Fencing.** Walls and fences shall require anti-graffiti coatings, where applicable and as determined by the Community Development Director.
59. **Roof-Mounted Equipment Plans.** Roof-mounted equipment shall be shielded from ground view of the following: subject property, adjacent properties, and the adjacent rights-of-way. All building plans shall show 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.
60. **Security Systems.** Prior to the issuance of Building Permits, the applicant shall prepare a security plan for the site and submit to the Menifee Police Department for review and approval. 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 the building containing the management office for this development, or inside a security office or other place acceptable to the City of 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 Police Department and/or Community Development Department shall verify that the security system has been installed prior to final occupancy.

In addition, the trash enclosure shall be properly secured and have a lock as well as a covering to keep unauthorized persons from entering the dumpster area.

## **LANDSCAPING**

61. **Landscape and Irrigation Plans.** The permittee shall submit *On-site Landscaping and Irrigation Plans* to the Planning Division for review and approval. Said plan shall be submitted to the Division pursuant to City Municipal Code along with the current fee.

The plan shall be in substantial conformance to APPROVED EXHIBIT L, Menifee Municipal Code and the conditions of approval. The plan shall show all common open space areas (e.g., outdoor gathering areas). The plan shall address all areas and conditions of the project requiring landscaping and irrigation to be installed including, but not limited to, slope planting, water quality basins, common area and/or outdoor gathering area landscaping.

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

The irrigation plan shall be in compliance with Menifee Municipal Code, 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.

The location, number, genus, species, and container size of plants shall be shown.

If the above-mentioned landscaping plans do not include shading and parking landscaping, prior to issuance of building permits, a Shading, Parking, Landscaping, and Irrigation Plan shall be submitted to and approved by the Planning Department.

Landscaping and Irrigation Plans shall meet all applicable requirements of Menifee Municipal Code (as adopted and any amendments thereto), the Riverside County Guide to California Friendly Landscaping, and Eastern Municipal Water District requirements.

62. **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. At applicant's election, a cash security may also be used for amounts exceeding \$2,500.
63. **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 submitted 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?"
64. **Utility Screening.** All utilities shall be screened from public view. Landscape construction drawings shall show and label all utilities and provide appropriate screening. Provide a three-foot clear zone around fire check detectors as required by the Fire Department before starting the screen. Group utilities together in order to reduce intrusion. Screening of utilities is not to look like an after-thought. Plan planting beds and design around utilities. Locate all light poles on plans and ensure that there are no conflicts with trees.

65. **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.
66. **Interim Landscaping.** Graded but undeveloped land shall be maintained in a condition so as to prevent a dust and/or blow sand nuisance and shall be either planted with interim landscaping or provided with other wind and water erosion control measures as approved by the Community Development Department and the State air quality management authorities.
67. **Crime Prevention through Environmental Design Guidelines.** All plants, landscaping and foliage shall fall within current CPTED (Crime Prevention through Environmental Design) guidelines.
68. **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.
69. **Landscape Inspections.** Prior to building permit issuance, the permit holder shall open a Landscape Deposit Based Fee case and deposit the prevailing deposit amount to cover the pre-inspection, initial installation inspection, Six (6) Month and One Year Landscape Inspections. The number of hours for the inspections will be determined by the Community Development Department's Landscape personnel prior to approval of the requisite Minor Plot Plan for Planting and Irrigation.
- The permittee landscape architect responsible for preparing the Landscaping and Irrigation Plans shall arrange for a Pre-Landscape installation inspection with the Community Development Department. The pre-landscape inspection shall be arranged at least 15 working days prior to installation of landscaping.

#### **Prior to Final Inspection**

70. **Mitigation Monitoring.** The permittee shall prepare and submit a written report to the Community Development Director for review and approval demonstrating compliance with the standard conditions of approval and mitigation measures identified in the MND for this project which must be satisfied prior to final inspection. The Community Development Director may require inspection or other monitoring to ensure such compliance.
71. **Paleontological Monitoring Report.** Prior to issuance of a certificate of occupancy, the permittee shall submit to the Community Development Department, an electronic copy 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.
72. **Archeology Report - Phase III and IV.** Prior to final inspection of the first building permit associated with each phase of grading, the developer/permit holder shall prompt the Project Archeologist to submit an electronic copy of the Phase III Data Recovery report (if conducted 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, an electronic copy shall be submitted to the Eastern Information Center (EIC) at the University of California Riverside (UCR) and the Consulting Tribe(s) Cultural Resources Department(s).

73. **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 Exhibit A, G and L 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 Exhibit L. 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.
74. **Roof Mounted Equipment.** Prior to final occupancy, Community Development staff shall verify that all roof-mounted equipment has been screened in compliance with the approved plans.
75. **Wall and Fence Locations.** Wall and/or fence locations shall be in conformance with the Approved Exhibit A and L or subsequent approved wall and fence plan.
76. **Sound Dampening.** Prior to final occupancy, Community Development staff shall verify that all dock-high loading doors have devices such as rubber seals and/or other sound-dampening features in compliance with the approved building plans.
77. **Phasing.** If the project has been phased, all facilities meant to serve the current phase of development shall be installed in a usable condition. Project landscaping may not all be deferred until the final phase.
78. **Condition Compliance.** The Community Development Department shall verify that the Development Standards of this approval and all other preceding conditions have been complied with prior to any use allowed by this permit.
79. **Final Planning Inspection.** The permittee shall obtain final occupancy sign-off from the Planning Division for each Building Permit issued by scheduling a final Community Development Department inspection prior to the final sign-off from the Building Department. Community Development staff shall verify that all pertinent conditions of approval have been met, including compliance with the approved elevations, site plan, parking lot layout, etc. The permittee shall have all required paving, parking, walls, site lighting, landscaping and automatic irrigation installed and in good working condition.

## **LANDSCAPING**

80. **Landscape Installation.** All required landscape planting and irrigation shall have been installed in accordance with approved Landscaping, Irrigation, and Shading Plans, Menifee Municipal Code, 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.
81. **Landscape Inspection.** The permittee landscape architect responsible for preparing the Landscaping and Irrigation Plans shall arrange for a Landscape Completion Installation Inspection with the Community Development Department. The inspection shall be arranged at least 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 to conduct the inspections.
82. **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**

83. **Fees.** Prior to issuance of occupancy/final inspections, the Community Development Department shall determine if the deposit based fees for 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**

84. **Project Description** – The proposed development includes construction of two industrial buildings in two parcels west of Barnett Road and South of Ethanac Road. Building A is located on the north side of the site, and Building B is located on the south side of the site. Each building has a footprint of approximately 126,000 square feet.
85. **Subdivision Map Act** - The developer / property owner shall comply with the State of California Subdivision Map Act.
86. **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.
87. **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 map recordation, 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.
88. **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.
89. **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.

90. **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.
91. **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. For improvements proposed to be owned and maintained by the Riverside County Flood Control and Water Conservation District (Flood Control District), improvement plans must receive district approval prior to Building permit issuance or as determined by the District.
92. **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.
93. **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.

94. **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. This applies also to existing overhead lines which are 33.6 kilovolts or below along the project frontage and within the project boundaries. In cases where 33.6kV or below lines are collocated with high voltage lines (for example, 115kV), the low voltage lines shall still be placed underground even when the high voltage lines are exempt from relocation or undergrounding in accordance with City standards and ordinances. Exemption from undergrounding low voltage lines shall only be by the Public Works Director / City Engineer or as directed by the City Council. Improvements shall include traffic signal interconnect conduit along General Plan Circulation Element roadways in accordance with City Standard Plan No. 1005

## **B. GRADING**

95. **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.
96. **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.
97. **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.
98. **Grading Permit for Disturbed Soil** – City ordinance on grading requires a grading permit prior to clearing, grubbing or any topsoil disturbances related to construction grading.
99. **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.

100. **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.
101. **Slope Setbacks** – Observe slope setbacks from buildings and property lines per the California Building Code and City ordinance on grading.
102. **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.
103. **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.
104. **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.
105. **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.
106. **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. The WQMP Maintenance agreement shall be recorded prior to plan approval.
107. **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.
108. **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 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.
109. **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.

110. **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.
111. **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.
112. **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.
113. **Licensed Geotech** - A licensed geotechnical engineer shall perform final determination of the foundation characteristics of soils within on-site development areas.
114. **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:**

115. **Geotechnical Report** – The following geotechnical report was reviewed by the City:
  - a. *Geotechnical Engineering Investigation, Propose Industrial Warehouse Development, Southwest Corner of Barnett Road and Ethanac Road*, prepared NorCal Engineering, Project Number 22603-21, dated June 14, 2021.

A 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.

116. **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.
117. **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.

118. **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.
119. **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.
120. **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.
121. **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. The proposed import / export shall conform with Chapter 8.26.140 *Import and Export of Earth Material* of the City's Municipal Code, including environmental requirements, and submitted 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.
122. **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 the necessary transitions. Notarized and recorded agreement or documents authorizing the offsite grading shall be submitted to the Public Works / Engineering Department.

**Prior to Building Permit Issuance:**

123. **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.
124. **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.
125. **Parcel Merger** – The proposed development includes two parcels. Prior to issuance of any building permit, the developer / project owner shall record a parcel merger connecting the parcels. The parcel merger shall be submitted to the Public Works / Engineering Department for review and approval prior to recordation.
126. **Restricted Access** – The proposed development has restricted access along Barnett Road as recorded on Parcel Map 37289. Prior to issuance of any building permit, the developer / property owner shall remove limited access at the project driveways with an acceptable recordable instrument. The document shall be submitted to the Public Works / Engineering Department for review and approval prior to recordation.
127. **Reciprocal Access Agreement** – The proposed development shares two driveways and drive aisles with the adjacent Ethanac Square project. Prior to issuance of any building permit, the developer / project owner shall record a reciprocal access agreement for access between the projects along the shared project driveways and drive aisles.
128. **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.
129. **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.
130. **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:**

131. **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.
132. **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.
133. **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. DRAINAGE**

**General Conditions**

134. **Drainage Study** – The following preliminary drainage report was reviewed and approved by the City:
  - a. *Preliminary Drainage Study (Hydrology and Hydraulics) for Phelan-Barnett*, prepared by SDH & Associates, Inc., dated March 7, 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.
135. **Area Drainage Plan (ADP) Fees** - The proposed development is located within the bounds of the Homeland / Romoland ADP of the Riverside County Flood Control and Water Conservation District (Flood Control District), for which drainage fees have been established by the Riverside County Board of Supervisors. Applicable ADP fees will be due (in accordance with the Rules and Regulations for Administration of Area Drainage Plans) prior to building permits for this project. The fee due will be based on the fee in effect at the time of payment.
136. **Proposed Drainage Concept** - The development proposes to construct two industrial buildings. A system of storm drain pipes will collect onsite drainage flows and route them to water quality BMPs on the west side of each building. The water quality BMPs will connect to Line A along the west side of the development. Stormwater within Barnett Road will be collected and routed to the Homeland / Romoland ADP Line A via Lateral A-13 to

be constructed by the developer and maintained by the City of Menifee and the Flood Control District through a cooperative agreement. The following regional storm drain facilities will be constructed:

- a. **MDP Line A-13** - The developer / property owner is required to construct Line A-13 along Barnett Road to capture the runoff from the tributary area west of the Interstate 215 southbound onramp, South of Ethanac Road, and north and east of Line A. The proposed lateral is shown on the Drainage Study Map in the above referenced *Preliminary Drainage Study*. The report indicates the line will be constructed of 36-inch diameter reinforced concrete pipe (RCP), and it will connect to the existing Line A13 on the north side of Ethanac Road.

This drainage concept and the associated drainage study shall be subject to the Flood Control District review and approval. Line A is owned and maintained by the Flood Control District, and connection to this master line requires approval and a permit from the Flood Control District. The developer / property owner may apply for credit from the Flood Control District for building the storm drain lines that connect to Line A; however, the design shall be reviewed and approved by the Flood Control District. The developer / property owner understands that the proposed drainage concept / study will be considered "at risk" if, during the Final Engineering stage, the proposed drainage concept / study is not approved by the Flood Control District. In such a scenario, the Flood Control District will not accept the proposed storm drain lines connecting to Line A and no credit will be granted for building the facilities. In such a scenario, the developer / property owner will still be responsible for any and all work and costs that are required for the project to have an adequate outlet for the increased drainage flows generated by the new development.

The proposed Line A-13 improvements will cross the City of Menifee and City of Perris boundary along the centerline of Ethanac Road and may cross the city boundary along Barnett Road. Encroachment permits and coordination with the City of Perris will be required for approval of the improvement plans. The developer / property owner shall be responsible for coordinating all permitting activities that will be required.

137. **Completion of Drainage Improvements** - All onsite and offsite water quality / drainage systems must be constructed and operational prior to the issuance of any certificate of occupancy.
138. **MDP and ADP** - Prior to initiation of the final construction drawings for those facilities required to be built as part of the Romoland MDP and Homeland / Romoland ADP, the developer shall contact the Flood Control District to ascertain the terms and conditions of design, construction, inspection, transfer of ROW, project credit in lieu of charges and reimbursement schedules which may apply. The developer acknowledges that if the estimated cost for required MDP / ADP facilities exceeds the required ADP fees and the developer wishes to receive credit for reimbursement in excess of their fees, the facilities will be constructed as a public works contract. Scheduling for construction of these facilities will be at the discretion of the Public Works / Engineering Department and the Flood Control District.

139. **Drainage Facilities for Ownership and Maintenance by the Flood Control District -** Some of the proposed drainage facilities may be requested for ownership and maintenance by the Flood Control District. For such drainage facilities, applicable Flood Control District standards and guidelines shall be complied with, including conditions of approval required for said drainage facilities. Prior to the issuance of any Certificate of Occupancy, the developer / property owner shall enter into a three-party cooperative agreement with the City and the Flood Control District. Both the Riverside County Board of Supervisors and the City Council shall approve the agreement.
140. **Conditions for Acceptance of Drainage Facilities by the Flood Control District -** For drainage facilities requested for ownership and maintenance by the Flood Control District, a written request must be submitted to the Flood Control District. The request shall note the project number, location, brief description of the system (sizes and lengths) and an exhibit that shows the proposed storm drain alignment.

If the Flood Control District is willing to maintain the requested drainage systems, the developer / property owner shall complete the following prior to issuance of any Certificate of Occupancy:

- Submit to the Flood Control District preliminary title reports, plats and legal descriptions for all drainage facilities, ROW, or easements to be conveyed to the Flood Control District, and secure such ROW or easements to the satisfaction of the Flood Control District;
- Execute a three-party cooperative agreement with the City and the Flood Control District, establishing the terms and conditions of inspection, operation and maintenance of said drainage facilities;
- Process approval of drainage plans by the Flood Control District's General Manager-Chief Engineer. The plans cannot be approved prior to execution of the agreement;
- Submit an application and applicable fee to the Flood Control District to draw up the agreement; and
- Provide guarantee bonds for the drainage facility, and necessary certificate of insurance.

The developer / property owner will need to submit proof of Flood Control District facility bonds and a certificate of insurance to the Flood Control District's Inspection section before a pre-construction meeting can be scheduled.

141. **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.
142. **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.
143. **100 Year Design Criteria -** In final engineering and prior to grading permit issuance, subsurface drainage/BMP facilities 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.

144. **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.
145. **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. The 100-year storm flow from the site shall not flow over the proposed parkway or within the driveway approach.

#### **D. LANDSCAPING**

146. **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 Community Facilities District, or other mechanism as determined by the City of Menifee.

#### **E. STREETS AND DEDICATIONS**

147. **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 Barnett Road and Ethanac Road along the project frontage. Turning movements at driveways will be as approved by the Public Works Director / City Engineer. Raised medians will be required to restrict turning movements based on the roadway General Plan Designation or where deemed necessary for public health and safety. The developer is responsible to obtain all right of way necessary to accommodate the required improvements.

Vehicular access to the project as shown on the Plot Plan will be provided via four driveways: three on Barnett Road and one on Ethanac Road. The following driveway designations are from the approved Traffic Impact Analysis report:

- Driveway #1 is located along the south side of Ethanac Road and is shared with the adjacent Ethanac Square project.
  - Driveway #2 is located along the west side of Barnett Road at the northern end of Building A and is shared with the adjacent Ethanac Square project.
  - Driveway #3 is located along the west side of Barnett Road between Building A and Building B.
  - Driveway #4 is located along the west side of Barnett Road at the south end of Building B.
- a) **Barnett Road** – Barnett Road shall be improved along the project frontage to a Secondary (4 lane) designation with an ultimate half-width Right of Way of 50 feet, width of 36 feet paved curb to centerline, and a 14 foot landscaped parkway with a 6 foot sidewalk. The improvements shall include the necessary offsite transitions to the existing pavement width, as approved by the Public

Works Director / City Engineer. A raised median shall be constructed to restrict turning movements at Driveway #2 to right-in, right-out only. Class III Community On-Street bike lanes shall also be provided. Prior to building permit, the developer shall construct or guarantee the construction of the public street improvements fronting the property to the centerline plus an additional 12 feet past the median or centerline, including the necessary offsite transitions, 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) **Ethanac Road** – Ethanac Road shall be improved along the project frontage to an Expressway (6 lane divided) designation with an ultimate half-width Right of Way of 100 feet, 68 feet paved curb to centerline, and a 32 foot wide landscaped parkway with a 6 foot sidewalk. The improvements shall include the necessary offsite transitions to the existing pavement width, as approved by the Public Works Director / City Engineer. The existing raised median shall be modified if necessary. Prior to building permit, the developer shall construct or guarantee the construction of the public street improvements fronting the property to the centerline plus an additional 12 feet past the median or centerline, including the necessary offsite transitions, 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.
- c) **Reconstruction or Resurfacing of Barnett Road and Ethanac Road** – The improvements along the project frontage 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 roads 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.

- d) Per Conditions 147a and 147b, this project is required to construct street improvements on Barnett Road and Ethanac Road along the project frontage, including offsite pavement transitions and improvements. Given the location of the shared driveways at the eastern limits (along Ethanac) and northern limits (along Barnett) of this property/project, the pavement transitions designed in accordance with the latest edition of the California Highway Design Manual will require this project to construct the pavement to its ultimate half-width. This project developer shall construct the widening of the south leg of the intersection of Ethanac & Barnett to accommodate two northbound lanes that will consist of one dedicated left turn lane and one dedicated right turn lane (added for March 8, 2023 PC Hearing).
  - e) The project developer shall pay a fair share contribution equal to 4.22% for the design and construction of the future realignment of Barnett Road from Ethanac Road south to its point of connection to the existing alignment (added for March 8, 2023 PC Hearing).
148. **Soils and Pavement Report** - Street pavement structural designs shall comply with the recommendations in the City approved project soils and pavement investigation 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 (T.I.).
149. **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. As outlined in the following conditions, medians may be required to restrict turning movements for public safety purposes as determined by the Public Works Director / City Engineer.
150. **Acceptance of Public Roadway Dedication and Improvements** – Easements and right-of way for public roadways shall be granted to the City through an acceptable recordable instrument. The easements shall be submitted to the Public Works / Engineering Department for review and approval prior to recordation.
151. **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.
152. **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.
153. **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.

154. **Signing and Striping** – A signing and striping plan for Barnett Road and Ethanac Road is required for this project. The applicant shall be responsible for any additional paving and/or striping removal caused by the striping plan.
155. **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.
156. **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:**

157. **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.
158. **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*).
159. **Barnett Road Dedication** - The developer / property owner shall construct or guarantee the construction of Barnett Road fronting the development to a Secondary (4 lane) designation with an ultimate half-width Right of Way of 50 feet, and 36 feet paved curb to centerline. Parcel Map 37289 dedicated 50 feet of right of way along Barnett Road. If additional right of way is needed, the developer / property owner shall dedicate the necessary right of way fronting the development.
160. **Ethanac Road Dedication** - The developer / property owner shall construct or guarantee the construction of Ethanac Road fronting the development to a Expressway (6 lane) designation with an ultimate half-width Right of Way of 100 feet, and 68 feet paved curb to centerline. Parcel Map 37289 dedicated 100 feet of right of way along Ethanac Road. If additional right of way is needed, the developer / property owner shall dedicate the necessary right of way fronting the development.

**Prior to Issuance of Any Certificate of Occupancy:**

161. **Barnett Road Improvements** – Improvements on Barnett Road fronting the development shall be completed to a Secondary (4 lane) designation with an ultimate half-width Right of Way of 50 feet and 36 feet paved curb to centerline, a raised median where applicable, and Class III Community On-Street bike lanes, prior to issuance of Certificate of Occupancy. The improvements shall be adequately transitioned to the existing or proposed street improvements. 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.

162. **Ethanac Road Improvements** – Improvements on Ethanac Road fronting the development shall be completed to a Expressway (6 lane) designation with an ultimate half-width Right of Way of 100 feet and 68 feet paved curb to centerline with a raised median, prior to issuance of Certificate of Occupancy. The improvements shall be adequately transitioned to the existing or proposed street improvements. 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.
163. **Driveways and Driveway Approaches** – Driveways and Driveway Approaches as shown on the approved plot plan shall be designed and constructed prior to issuance of Certificate of Occupancy. The driveways shall be designed and constructed per City of Menifee No. 208 and meet spacing requirements as well as other City requirements.

#### **F. TRAFFIC ENGINEERING**

164. **Traffic Impact Analysis Report** – The development shall comply with all the improvements and mitigation measures identified to be constructed or provided in the traffic impact analysis approved by the Public Works / Engineering Department. The following Traffic Study was reviewed and approved by the City:

- a. Ethanac/Barnett Warehouse Project, Traffic Impact Analysis Report, prepared by Environment Planning Development Solutions, Inc., dated January 5, 2023.

All required improvements and mitigations identified in the study 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:**

165. **Sight Distance Analysis** – Sight distance analysis shall be conducted at all project roadway entrances 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.
166. **Signing and Striping Plan** – Prior to issuance of a construction permit, any necessary signing and striping for Barnett Road and Ethanac Road or any offsite improvements shall be approved by the Public Works Director / City Engineer in accordance with City ordinances, standards and specifications, and with the latest edition of the CAMUTCD.
167. **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.

168. **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.
169. **Fair Share Cost Estimates** – The developer / property owner shall contribute fair share costs for associated intersection geometrics and roadway improvements. The fair share cost estimates shall reflect costs at the time of project construction and be based on conceptual exhibits showing the proposed improvements overlaid onto the existing roadway in order to determine the construction cost of said improvement. The developer / property owner shall submit the conceptual exhibits and cost estimates to the Engineering Department for review, and the cost exhibits shall be approved prior to issuance of a construction permit.

**Prior to Issuance of Any Certificate of Occupancy:**

170. **Construction of Roadway Improvements** – The developer / property owner shall design and construct the following roadway improvements. The improvements shall be complete prior to any certificate of occupancy.

If needed, it shall be the sole responsibility of the developer/property owner to obtain all proposed or required right-of-way dedications, easements and/or permissions necessary to perform offsite grading, from affected landowners where necessary to construct the street improvements. Notarized and recorded dedications, agreement or documents authorizing the offsite improvements and grading shall be submitted to the Public Works / Engineering Department.

- a. **Barnett Road Frontage Improvements** - Construct Barnett Road as a Secondary (4 lane) designation with Class III Community On-Street bike lanes along the project frontage. The improvements shall extend to the centerline plus an additional 12 feet past the median or centerline, including the necessary offsite transitions to the existing pavement width as approved by the Public Works Director / City Engineer. The design shall be finalized during review of final construction drawings.
- b. **Ethanac Road Frontage Improvements** - Construct Ethanac Road as a Expressway (6 lane) designation along the project frontage. The improvements shall extend to the centerline plus an additional 12 feet past the median or

centerline, including the necessary offsite transitions to the existing pavement width as approved by the Public Works Director / City Engineer. The design shall be finalized during review of final construction drawings.

- c. **Ethanac Road Driveway #1 (Right-in, Right-out only)** – Construct the following improvements at the Ethanac Road driveway intersection:
    - i. Eastbound: Two through lanes, one shared through / right turn lane
    - ii. Westbound: Existing Geometrics to remain
    - iii. Northbound: One right turn lane
  - d. **Barnett Road Driveway #2 (Right-in, Right-out only)** – Construct the following improvements at the northern Barnett Road driveway intersection including a raised median to restrict turns:
    - i. Northbound: One through lane
    - ii. Southbound: One through lane, One shared through / right turn lane
    - iii. Eastbound: One right turn lane
  - e. **Barnett Road Driveway #3** – Construct the following improvements at the middle Barnett Road driveway intersection:
    - i. Northbound: One through lane, one left turn pocket
    - ii. Southbound: One through lane, one shared through / right turn lane
    - iii. Eastbound: One shared right turn / left turn lane
  - f. **Barnett Road Driveway #4** – Construct the following improvements at the southern Barnett Road driveway intersection:
    - i. Northbound: One through lane, one left turn pocket
    - ii. Southbound: One through lane, one shared through / right turn lane
    - iii. East bound: One shared right turn / left turn lane
171. **Cost Participation through Payment of Fair Share** – Prior to issuance of any certificate of occupancy, the developer / property owner shall pay fair share costs for the offsite improvements as required by the approved Traffic Impact Analysis as follows:
- a. **Barnett Road / Ethanac Road / Case Road:** The developer / property owner shall pay a fair share to widen and restripe the intersection to provide an exclusive northbound to eastbound right-turn lane and a shared thru-left turn lane. The fair share shall include any needed modifications to the traffic signal. The fair share is 4.22% of the total cost of the improvements with the following geometrics:
    - i. Northbound: One shared through / left turn lane, one right turn lane
    - ii. Southbound: Existing geometrics to remain
    - iii. Eastbound: Existing geometrics to remain
    - iv. Westbound: Existing geometrics to remain
  - b. **Ethanac Road between Case Road and I-215 Southbound Ramps:** The developer / property owner shall pay a fair share to widen the roadway between Case Road and the I-215 southbound ramps including any needed modifications to the traffic signal and the raised median. The fair share is 2.48% of the total cost of the improvements with the following geometrics:
    - i. Westbound: Three through lanes
    - ii. Eastbound: Three through lanes

- c. **Ethanac Road between Murrieta Road and Barnett Road:** The developer / property owner shall pay a fair share to widen the roadway between Murrieta Road and Barnett Road including any needed modifications to the traffic signals and the raised median. The fair share is 0.31% of the total cost of the improvements with the following geometrics:
  - i. Westbound: Three through lanes
  - ii. Eastbound: Three through lanes

## **G. NPDES and WQMP**

- 172. **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.
- 173. **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.

174. **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](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.

**Prior to Grading Permit Issuance:**

175. **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, Phelan-Barnett, prepared by SDH & Associates, Inc., dated March 7, 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*

176. **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.

177. **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:**

178. **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 Flood Control District's NPDES Section through their website at [www.rcwatershed.org](http://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 tenants 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.

179. **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.
180. **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.

**H. WATER, SEWER, AND RECYCLED WATER**

181. **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.
182. **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.
183. **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 building permit and approval of improvement plans.
184. **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.
185. **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.

## **I. CITYWIDE COMMUNITY FACILITIES MAINTENANCE DISTRICT (CFD)**

### **Prior to Final Map Recordation:**

186. **Annexation to the Citywide Community Facilities District (CFD)** – Prior to 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, streets, drainage facilities, water quality BMPs, 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.
187. **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 occupancy. 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.
188. **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.

189. **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.
190. **Landscaping on Barnett Road and Ethanac Road** – The parkway areas around the sidewalk within the public right-of-way fronting the entire property shall be landscaped and irrigated per City standards and guidelines. These areas shall be maintained by the CFD.
191. **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.

## **J. WASTE MANAGEMENT**

192. **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](http://www.rivcowm.org/opencms/recycling/recycling_and_compost_business.html#mandatory)

193. **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:**

194. **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.

195. **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**

196. **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.

**K. FEES, DEPOSITS AND DEVELOPMENT IMPACT FEES**

197. **Fees and Deposits** – Prior to approval of grading plans, improvement plans, issuance of building permits, map recordation, 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), Development Impact Fees (DIF), and any applicable regional fees including potential Road and Bridge Benefit District (RBBD) 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.
198. **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**

## General Requirements

343. **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.
344. **Compliance with Code.** All Design components shall comply with applicable provisions of the 2022 edition of the California Building, Plumbing and Mechanical Codes; 2022 California Electrical Code; California Administrative Code, 2022 California Energy Codes, 2022 California Green Building Standards, California Title 24 Disabled Access Regulations, and City of Menifee Municipal Code. If a code cycle changes prior to submission of any plans or documents, the plans submitted shall be updated to the current State of California, Title 24, Code of Regulations, City of Menifee Ordinance, or any other state, federal, or city requirements.
345. **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.
346. **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 655 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.
347. **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.
348. **Obtain Approvals Prior to Construction.** Applicant must obtain all building plans and permit approvals prior to commencement of any construction work.
349. **Obtaining Separate Approvals and Permits.** Temporary construction/sales trailers, temporary power poles/generators, trash enclosures, patio covers, light standards, building and monument signage, and any block walls will require separate approvals and permits. Solid covers are required over new and existing trash enclosures.
350. **Demolition (If applicable).** Demolition permits require separate approvals and permits. AQMD notification and approval may be required.

351. **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.
352. **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.
353. **House Electrical Meter.** Provide a house electrical meter to provide power for the operation of exterior lighting, irrigation pedestals and fire alarm systems for each building on the site. Developments with single user buildings shall clearly show on the plans how the operation of exterior lighting and fire alarm systems when a house meter is not specifically proposed.
354. **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**

355. **Submitting Plans and Calculations.** Applicant must submit to Building & Safety one (1) complete set of each document listed below for electronic submittals or, seven (7) complete sets of plans and two (2) sets of supporting documents, two (2) sets of calculations for review including: **All plans shall be submitted on minimum 24" x 36" size paper or digital equivalent.**

#### **General Requirements**

- a. All sheets of the plans and the first sheet of the calculations are required to be signed by the licensed architect or engineer responsible for the plan preparation. (Business & Professions Code 5802), (Business & Professions Code 5536.1, 5802, & 6735)

#### **Cover Sheet**

- b. Vicinity Map
- c. Parcel number and Site Address
- d. Business Name
- e. Building data: Building Type of Construction, Square Feet of leased area intended use/occupancy, occupant loads, Building Code Data: 2022 California Building Code, 2022 California Electrical Code, 2022 California Mechanical Code, 2022 California Plumbing Code, 2022 California Green Building Code, 2022 California Energy Code, and 2022 California Fire Code.
- f. List any flammable/combustible materials, chemicals, toxics, or hazardous materials used or stored and total quantities or each, including MSDS reports.
- g. Indicate if the building has a fire sprinkler system.

- h. Sheet Index

#### **Plot Plans**

- i. North Arrow
- j. Property Lines/Easements
- k. Street/Alleys
- l. Clearly dimension building setbacks from property lines, street centerlines, and from all adjacent buildings and structures on the site plan.
- m. Accessible parking/unload areas, curb ramps, exterior route of travel to the leased area entry door and at least one route to the public right-of-way.
- n. Calculations and locations for future electric vehicle charging station parking stalls and calculations and locations for the required clean air vehicle parking stalls.
- o. Precise grading plans indicating surface grades, locations and details for all accessible walkways, parking stalls, access aisles, ramps, etc...

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

- 356. 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.
- 357. 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**

- 358. 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.
- 359. Each Department is **required** to Approve, with a signature.

#### **Prior to Start of Construction**

- 360. 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**

- 361. 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**

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

**Prior to Final Inspection**

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

**Section V:**  
**Riverside County Fire Department**  
**Conditions of Approval**

364. **FIRE DEPARTMENT ACCESS-** Fire apparatus access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
365. **FIRE DEPARTMENT TEMPLATE-** Provide fire department access road turn template throughout the site showing the outside radius 38' and inside 14'.
366. **SURFACE LOAD AND CAPABILITIES-** Fire apparatus access roads shall be designed to support the impose loads of fire apparatus [80,000-pound live load (gross vehicular weight) distributed over two axles] and shall be surfaced so as to provide all-weather driving capabilities [rear wheel drive apparatus] for the length and grade(s) of the fire apparatus access road.
367. **GATES-** Gate access shall be equipped with a rapid entry system to include OPTICOM and Knox Electric switches. Plan shall be submitted to the Fire Department for approval prior to installation. Automatic/manual gate pins shall be rated with shear pin force, not to exceed 30 pounds. Automatic gates shall be equipped with emergency backup power. Gates activated by the rapid entry system shall remain open until closed by the rapid entry system.
368. **SECONDARY ACCESS-** shall be provided in the interest of public safety. The project shall provide an alternate or secondary access.
369. **FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICLE CLEARANCE-** Fire apparatus access roads shall have an unobstructed driving surface width of not less than 24 feet, exclusive of shoulders, with an unobstructed vertical clearance of 13 feet 6 inches.
370. **AERIAL FIRE APPARTATUS ACCESS ROADS-** Where the vertical distance between grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided. Aerial fire apparatus access roads shall have unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof.
371. **BLUE DOT REFLECTORS-** Blue retro-reflective pavement markers shall be mounted on private streets, public streets and driveways to indicate location of fire hydrants.
372. **HYDRANT LOCATION-** Fire Hydrants shall be located within 400' of all exterior portions of the structures without sprinkler systems, measured along required fire apparatus access roads, and adjacent to public streets in the quantities and up to the maximum distance as required by the California Fire Code and Riverside County Fire Department.
373. **HYDRANT FIRE FLOW-** Fire hydrant(s) shall be capable of delivering fire flow as required by the California Fire Code and Riverside County Fire Department standards.
374. **WATER MAINS-** The water mains shall be capable of providing required fire flow.
375. **WATER VERIFICATION-** The required water system, including all fire hydrant(s), shall be installed and accepted by the appropriate water agency and the Riverside County Fire

Department prior to any combustible material placed in an individual lot. Water plan must be at the job site.

376. **ADDRESS-** The address shall be posted per the Riverside County Fire Department standards and will be clearly visible from public roadway.

**Section VI:**  
**Other Agency/Department Conditions  
of Approval**



County of Riverside  
**DEPARTMENT OF ENVIRONMENTAL HEALTH**

P.O. BOX 7909 • RIVERSIDE, CA 92513-7909  
JEFF JOHNSON, DIRECTOR

January 26, 2022

City of Menifee, Planning Department  
Attn: Russell Brown  
29714 Haun Road  
Menifee, CA 92586

**SUBJECT: City of Menifee Plot Plan PLN21-0290 and PLN21-0291  
(ASSESSORS PARCEL NO. 331-060-036 and -021)**

Dear Mr. Brown,

The project listed in the subject heading of this letter proposes the following:

- PLN21-0290 proposes the construction of concrete tilt-up building totaling 253,050SF
- PLN21-0291 proposes a conceptual landscape plan that includes approximately 94,116SF of landscape area which covers approximately 15.56% of site.

The project is generally located south of Ethanac Road, west of Barnett Road, north of McLaughlin and east of Evans Road, in the City of Menifee.

In accordance with the agreement between the County of Riverside, Department of Environmental Health (DEH) and the City of Menifee, DEH has reviewed the planning case referenced in the subject heading of this letter and provides the following recommendations:

**POTABLE WATER AND SANITARY SEWER SERVICE:**

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, in addition to all other applicable agencies.

Prior to building permit issuance, provide documentation that establishes water and service for the project from EMWD.

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Phone (888)722-4234  
[www.rivcoeh.org](http://www.rivcoeh.org)

**REMOVAL/ABANDONMENT OF ANY EXISTING OWTS AND WELLS:**

Any existing wells and/or existing onsite wastewater treatment systems (OWTS) shall be properly removed and/or abandoned under permit with DEH.

**ENVIRONMENTAL CLEANUP PROGRAMS**

As part of the services offered to Contract Cities, the Department of Environmental Health Environmental Cleanup Programs (ECP) conducts environmental reviews on planning projects to ensure that existing site conditions will not negatively affect human health or the environment. The objective of the environmental reviews is: to determine if there are potential sources of environmental and/or human exposures associated with the project, identify the significance of potential adverse effects from the contaminants, and evaluate the adequacy of mitigation measures for minimizing exposures and potential adverse effects from existing contamination and/or hazardous substance handling.

**HAZARDOUS MATERIALS MANAGEMENT BRANCH (HMMB)**

Prior to building permit final, this facility shall be required to contact and have a review conducted by the Hazardous Materials Management Branch (HMMB). A business emergency plan for the storage of any hazardous materials, greater than 55 gallons, 200 cubic feet or 500 pounds, or any acutely hazardous materials or extremely hazardous substances will be required. If further review of the site indicates additional environmental health issues, HMMB reserves the right to regulate the business in accordance with applicable County Ordinances. Please contact HMMB at (951) 358-5055 to obtain information regarding any additional requirements.

For this project, the City of Menifee is taking on the responsibility to review the above aspects of the project.

Should you have any further questions about this letter or require further assistance, please contact me by email at [kakim@rivco.org](mailto:kakim@rivco.org) or by phone at (951) 955-8980.

Sincerely,  
Kristine Kim, Supervising REHS  
Environmental Cleanup Program

**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)