

## **EXHIBIT “1”**

### **CONDITIONS OF APPROVAL**

**Planning Application No.: PLN23-0015, Major Modification for McCall Square**

**Project Description: Major Modification No. PLN23-0015** is a request to modify the previously approved Plot Plan (“PP”) No. 2017-090 and Tentative Parcel Map (“TPM”) No. 37624 (2017-091) located in Phase II of the McCall Square Shopping Center, previously approved as Heritage Square Shopping Center. The Major Modification proposes to replace the pharmacy with a quick serve restaurant and drive-thru, modify the circulation and parking around the grocer, and add Pad E, which is approximately 4,000 sq. ft of building area. The updated parking count for Phase II is approximately 360 parking stalls. Phase II will decrease the total building area by 6,730 sq. ft. Below is the proposed building area square footage for the east side of McCall Square (Phase II): Major Market A: 46,800 sq. ft. (increased by 1,800 sq. ft.), Shops adjacent to Major Market 9,300 sq. ft. (decreased by 1,700 sq. ft.), Pad D Drive-Thru Quick Serve Restaurant: 4,270 sq. ft. (formerly Pharmacy, decreased by 10,330 sq. ft.), and a new PAD E Restaurants and shops: 4,000 sq. ft. Additionally, the Project proposes a revision to TPM No. 37624 (2017-091) which was approved as part of the original project. At the time of the approval, the TPM was proposed to be developed in two phases consisting of seven commercial parcels. As part of the request for the Major Modification, parcel 8 will be added to Phase II and establish Pad E as part of the development of 4,000 sq. ft. of building area for restaurants and shops. The Phase II portion of the TPM has not been recorded, and therefore, the revision to the TPM is the adequate approval process.

The project site is located within the City of Menifee. The site is located north of McCall Road, east of Junipero Road and west of Menifee Road.

<b>Assessor’s Parcel No.:</b>	333-070-092, 333-070-093
<b>MSHCP Category:</b>	Commercial
<b>DIF Category:</b>	Commercial/Retail
<b>TUMF Category:</b>	Retail – Service Station (Applicant should contact WRCOG to determine fee category)
<b>Quimby Category:</b>	N/A

**Approval Date:** September 27, 2023

**Expiration Date:** January 16, 2024 (Original Approval Expiration)

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

**Section I: Community Development Conditions of Approval**

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

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

# **Section I: Community Development Conditions of Approval**

## **General Conditions**

1. **Definitions.** The words identified in the following list that appear in all capitals in the attached conditions of Major Modification No. PLN23-0015 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 PLN23-0015, dated September 5, 2023.

APPROVED EXHIBIT G = Conceptual Grading Plan for PLN23-0015, dated August 17, 2023.

APPROVED EXHIBIT B = Elevations, Roof Plan for PLN23-0015, dated August 17, 2023.

APPROVED EXHIBIT C = Floor Plans for PLN23-0015, dated August 17, 2023.

APPROVED EXHIBIT = Tentative Parcel Map No. 37624, dated August 17, 2023

APPROVED EXHIBIT L = Conceptual Landscaping and Irrigation Plan for PLN23-0015, dated September 5, 2023.

2. **Comply with Previous Conditions of Approval.** The development of this Major Modification shall comply and adhere to the previously approved Conditions of Approval for McCall Square Shopping Center, formerly Heritage Square Shopping Center, under PP No. 2017-090, TPM No. 37624 (2017-091), Conditional Use Permit ("CUP") No. 2017-089, and CUP No. 2018-250.

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

The development of the premises shall conform substantially with that as shown on APPROVED EXHIBIT A, C, B, G, L, otherwise amended by these Conditions of Approval.

4. **Security Systems.** Prior to the final occupancy, the applicant shall prepare a security plan for the site. The security plan for this project shall include a comprehensive security camera system that clearly depicts the entire parking field. This security camera system shall be based in one of the buildings containing the management office for this development, or inside a security office located within one of the retail buildings or other places acceptable to the Menifee Police Department, that is accessible to law enforcement at all times of the day and night. This security camera system shall have a recording capacity to minimally save footage for the period of one month. The above camera surveillance system shall include LPR (License Plate Recognition) cameras installed at the entrances/exits to this project. 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 final occupancy.

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

**Section II:**  
**Engineering/Grading/Transportation**  
**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, specifications 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 CONDITIONS:**

5. **Engineering Conditions for Major Modification.** The following conditions apply to the Major Modification for McCall Square Phase II (PLN23-0015). The previous Conditions of Approval for the project remain applicable unless superseded specifically herein, including the TPM No. 37624 (2017-091), PP No. 2017-090, Unit Phasing Map No. 2019-048, and the Minor Modification for Phase 1B (PLN22-0275). Current City Ordinances and Policies are applicable and should be reflected in the design and construction of the Project, unless otherwise modified by the Project Conditions of Approval.

**STREET IMPROVEMENTS AND TRAFFIC ENGINEERING**

6. **Traffic Impact Analysis Report.** The development shall comply with all the mitigation measures identified to be constructed or provided in the approved Traffic Impact Analysis ("TIA"), dated August 2, 2018 prepared by Albert A Webb Associates, and the Trip Generation Memorandum for the McCall Square Project dated March 23, 2023 prepared by Albert A Webb Associates. The developer / property owner shall be responsible for all improvements, such as but not limited to; right-of-way frontage improvements, traffic signal construction or mitigation, fair share fees, required or identified in the approved traffic study and according to these Conditions of Approval. All required improvements identified in the study shall be included in all improvement plans for review and approval by PW-Engineering. Additional improvements may be required to address public safety and welfare, as determined by the City Engineer / PW Director.
7. **Fair Share Costs.** This project is required to contribute fair share costs as outlined in the March 23, 2023 Trip Generation Memorandum for associated intersection and roadway geometric improvements with respect to ultimate roadway improvements. The fair share cost estimates for geometric improvements shall be prepared by the developer / property owner and based on conceptual exhibits. The conceptual exhibits shall show the proposed improvements overlaid onto the existing roadway in order to determine the construction cost of said improvement. The cost estimates shall be submitted to the Public Works / Engineering department for review and approved prior to issuance of any building permit. The fair share costs shall be paid prior to issuance of any certificate of occupancy.

# **Section III: Riverside County Fire** **Department Conditions of** **Approval**



8. **Surface Load and Capabilities.** Fire apparatus access roads shall be designed to support the impose loads of fire apparatus [75,000 pound live load (gross v75,000-poundght) 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. The fire apparatus access road shall be reviewed and approved by the Office of the Fire Marshal and in place during the time of construction. (CFC 501.3)
9. **Fire Apparatus Access.** Roads shall have an unobstructed width of not less than twenty-four (24) feet as approved by the Office of the Fire Marshal and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1)
10. **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.
11. **Turn Around.** Turn arounds shall be provided to all building sites on fire apparatus access roads over 150 feet in length and shall be within 50 feet of the building. The minimum outside turning radius for a turnaround shall be 38 feet, not including parking. If a hammerhead is used instead, the top of the "T" shall be a minimum of 110 feet in length.
12. **Sprinkler System.** Buildings or structures exceeding 3600 sq. ft are required to have approved CFC and NFPA 13 compliant fire sprinkler systems installed.
13. **Hydrants.** The minimum number of fire hydrants required, as well as the location and spacing of fire hydrants, shall comply with the C.F.C. and NFPA 24. Fire hydrants shall be located no closer than 40 feet from a building. A fire hydrant shall be located within 200 feet of the fire department connection for buildings protected with a fire sprinkler system. The size and number of outlets required for the approved fire hydrants are (6" x 4" x 2 ½" x 2 ½") (CFC 507.5.1, 507.5.7, Appendix C, NFPA 24-7.2.3)
14. **Blue Dot Reflectors.** Blue retro-reflective pavement markers shall be mounted on private streets, public streets and driveways to indicate location of fire hydrants. Prior to installation, placement of markers must be approved by the Riverside County Fire Department.
15. **Water Flow.** Minimum fire flow for the construction of all commercial buildings is required per CFC Appendix B and Table B105.1. Prior to building permit issuance, the applicant/developer shall provide documentation to show there exists a water system capable of delivering the fire flow based on the information given. Subsequent design changes may increase or decrease the required fire flow.
16. **Knox.** Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All electronically operated gates shall be provided with Knox key switches and automatic sensors for access by emergency personnel. (CFC 506.1)

**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)