



Exhibit B

City of Manteca Development Services Department

Conditions of Approval McDonald's March 7, 2023

Project Name: Marketplace@Main McDonald's
Project File: SPC 23-89
Applicant: Core States Group
4240 E Jurupa St. #402
Ontario, CA 91761
Project Location: 1901 S. Main Street
Manteca, CA 95337
APN 224-021-47

This list of conditions is not intended to be a comprehensive list of City regulations. All conditions are referenced to the Plans dated December 7, 2023, which are on file with the City of Manteca, Development Services Department.

Development Services Department: Planning

- 1) **Approval.** This Site Plan Review is approved subject to these specific conditions. Any variation from the approved plans, proposals, supporting documents or presentations is subject to review and approval prior to implementation.
- 2) **Conformance to Plans.** This approval is dependent upon and limited to the proposals and plans contained, supporting documents submitted, and presentations made to staff, the Planning Commission, and/or City Council as affirmed to by the applicant and presented on the plans dated December 7, 2023. Any variation from these plans, proposals, supporting documents or presentations is subject to review and approval prior to implementation.
- 3) **Expiration.** The Site Plan Review shall expire two years from this date on **March 7, 2026**, unless altered and/or extended per State law. Prior to expiration, the owner/developer may apply for an extension, to be approved by the Development

Services Director, not to exceed a total of one (1) year from the original date of expiration.

- 4) **Owner Obligation.** All conditions of approval shall be satisfied by the owner/developer. If at any time, any of the Conditions of Approval are found to be in non-compliance, City enforcement action may be implemented pursuant to Manteca Municipal Code, Article 1, Chapter 1.10. All costs associated with compliance with the conditions shall be at the owner/developer's expense.
- 5) **Fees.** The developer shall pay all applicable processing fees, permit fees, City development fees, fire fees, school fees, drainage fees, habitat conservation fees and other public entity fees in effect at the time of the issuance of the applicable permit.
- 6) **Utility Companies.** The applicant is responsible for contacting all appropriate utility companies to obtain agreements for extension and/or relocation of services necessary for the proposed development.
- 7) **Signs.** No business identification signs or any advertising signs shall be installed or displayed without the review and approval of the Development Services Department, and all proposed advertising signs shall comply with Section 20.14.20 of the Zoning Ordinance.
- 8) **Vested Rights.** This approval does not vest applicant's rights regarding future development. All ordinances, resolutions, rules, regulations and official policies governing design, improvement and construction standards and specifications applicable to the project and public improvements to be constructed by the Developer shall be those in force and effect at the time the applicable plan or permit approval is granted.
- 9) **Responsible Agencies.** The Developer is responsible for contacting all responsible and commenting agencies and ensuring compliance with any applicable fees and/or rules. This project is subject to the requirements of other agencies including but not limited to San Joaquin County Multi-Species Habitat Conservation & Open Space Plan, San Joaquin Valley Air Pollution Control District, and PG&E.
- 10) **Subsequent Development.** All activities undertaken in accordance with this approval shall comply with the City's General Plan and Municipal Code. In cases of conflict between the City's Municipal Code or map-specific conditions of approval, the governing priority shall be, to the extent legally permitted, as follows: 1) Municipal Code regulations, 2) project-specific conditions, and 3) standard conditions. The applicant shall comply with all regulations and code requirements of the Development Services Director, City Engineer, and Building Official, the Fire Chief, the Police Chief, and any other agencies requiring review of the project. If required, these agencies shall be supplied copies of the final maps, site plans, public improvement plans, grading plans, and building plans.
- 11) **Building Plans.** The project developer shall write all conditions of approval for this project on all building permit plan check sets submitted for review and approval. These conditions of approval shall be on, at all times, all grading and construction plans kept on the project site. It is the responsibility of the building developer to

ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from the Planning Manager must be received before any changes are constituted in site design, grading, building design, building colors or materials, etc.

- 12) **Failure to Comply.** Should the project be found, at any time, not to comply with any of the Conditions of Approval, or should the applicant construct or operate this development in any way other than as specified in the Application or Supporting documents or presentations to staff, the Planning Commission, or City Council, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to be violated.
- 13) **Indemnification.** The applicant shall indemnify and hold harmless the City, its council members and commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs and fees, including without limitation attorneys' fees, incurred by the City and/or awarded to any plaintiff in any action related to or arising out of the City's approval of this project or subdivision Map or any environmental or other documentation related to this project or subdivision Map. The applicant further agrees to provide a defense for the City in any such action.
- 14) **Limits of Approval.** Approval of this application does not constitute approval of any other entitlement or any other necessary permit, license, or approval.
- 15) **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local and state laws. No part of this approval shall be construed to permit a violation of any part of the Manteca Municipal Code. This Site Plan and design Review shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance.
- 16) **Changes in Law.** This approval shall not preclude the application to development of the property of changes in City laws, regulations, plans or policies, the term of which are specifically mandated and required by changes in State or Federal laws or regulations.
- 17) **Other entitlements.** Approval of this application does not constitute approval of any other entitlement or any other necessary permit, license, or approval.
- 18) **Performance Standards.** Developer shall ensure ongoing compliance with City of Manteca Performance Standards, pursuant to Manteca Municipal Code Chapter 17.58.
- 19) **Parking, Loading Areas, On-Site Circulation.** All on-site parking, loading areas, and on-site circulation shall conform to the approved plans dated December 7, 2023, and conform to the parking analysis provided for this project.
- 20) **Landscaping.** On-site landscaping shall conform to the approved plans, and conform to the Manteca Municipal Code. Required planting areas shall be permanently maintained by water, clearing debris and litter, weeding, pruning, insect control, and replacement of plant materials and irrigation equipment as needed to preserve the health and appearance of plant materials. All landscaping shall be maintained in such a manner as to not restrict designated pedestrian access. All trees, shrubs, and plants which, due to accident, damage, disease, or other cause, fail to show a healthy

growth shall be replaced, in kind, pursuant to the approved landscape plans within 30 days from the identified damage date.

- 21) **Storage, Screening, and Fencing.** All storage, screening, and fencing shall conform to the approved plans dated December 7, 2023, and conform to the Manteca Municipal Code.
- 22) **Roof-mounted Equipment.** Applicant/developer shall ensure all roof-mounted equipment shall remain screened from public street view.
- 23) **Lighting.** All on-site lighting for parking areas, pedestrian areas, and vehicular or pedestrian paths of travel shall be LED lighting. The telecommunications tower and related equipment shall be unlit except for the minimum tower lighting required under Federal Aviation Administration regulations and a manually operated or motion-detector-controlled light above the equipment shed door, compliant with section 17.88.060.D of the Manteca Municipal Code. Any new lighting is required to submit a photometric plan for review showing it complies with section 17.50.060.D. of the Manteca Municipal Code.
- 24) **Site maintenance.** The site shall be permanently maintained in a neat and clean manner free of weeds, trash, and debris.
- 25) **CPTED.** Landscaping and lighting shall be maintained to compliance with Crime Prevention through Environmental Design (CPTED) guidelines. Shrubs shall be limited to two feet in height, and mature trees shall be limbed up to six feet above the ground. Dead or dying plants shall be replaced with materials of equal size and similar variety.

Development Services Department: Building Safety Division

- 1) Accessible parking spaces complying with CBC § 11B-502 shall be provided in accordance with CBC Table 11B-208.2. These parking space(s) shall be located as close as possible to the primary entrance to the building. CBC § 11B-208.2 and § 11B-208.2.4.
- 2) Accessible routes shall be provided per CBC § 11B-206. At least one accessible route shall be provided within the site from accessible parking spaces and accessible passenger drop-off and loading zone; public streets and sidewalks; and public transportation stops to the accessible buildings or facility entrance they serve. Where more than one route is provided, all routes must be accessible. CBC §11B-206.2.1.
- 3) At least one accessible route shall connect accessible buildings, accessible facilities, accessible elements, and accessible spaces that are on the same site. CBC §11B-206.2.2.
- 4) All entrances and exterior ground-floor exits to buildings and facilities shall be accessible and shall comply with CBC § 11B-404. CBC § 11B-206.4.1.
- 5) Adequate sanitary facilities shall be provided per the requirements of Chapter 4 of the California Plumbing Code and CPC Table 422.1.
- 6) Construction to provide electric vehicle infrastructure and facilitate electric vehicle charging shall comply with CGBSC Section 5.106.5.3.:

- a. EV Capable spaces shall be provided in accordance with Table 5.106.5.3.1.
 - i. With 41 proposed parking spaces, eight (8) EV capable spaces are required.
 - ii. With 41 proposed parking spaces, two (2) EVCS (EV Capable spaces provided with EVSE) are required.
 1. With 2 EVCS, one van accessible EVCS is required per CBC Table 11B-228.3.2.1.
 - iii. Construction documents shall indicate the location of proposed EV capable and EVCS.
- 7) If the new project or an addition or alteration is anticipated to generate visitor traffic, provide permanently anchored bicycle racks within 200 feet of the visitors' entrance, readily visible to passers-by, for 5 percent of new visitor motorized vehicle parking spaces being added, with a minimum of one two-bike capacity rack.
- 8) With 41 parking spaces, three (3) bicycle parking spaces are required per CGBSC Section 5.106.4.
- 9) The Developer shall submit a certification prepared by a licensed land surveyor or registered civil engineer to the Chief Building Official, certifying that the building location (setbacks) are pursuant to the approved plans prior to receiving a foundation inspection.
- 10) The project shall comply with the more restrictive of the outdoor potable water reduction requirements of the California Green Building Standard and the Manteca Water Efficient Landscape Ordinance. Please note this on the plans.
- 11) At time of building permit submittal, the developer shall incorporate all Conditions of Approvals from all departments and imprint into the submittal set of construction documents/plans.

City of Manteca Engineering Department

General

- 1) Prior to the first final inspection of a Building Permit for this project, the improvements conditioned on the Marketplace at Main Retail Center, File Nos. TPM 21-154, UPN 21-155 and SPC 21-153 which are needed to support this project shall be installed and approved as complete by Engineering Inspection staff. These improvements include but are not limited to access roadways, utilities, Storm Drain Master Plan compliance and Post-Construction Manual compliance.

City of Manteca Fire Department, Office of the Fire Marshal

- 1) Site Address: Building address numbers shall be plainly visible from the street fronting the property. Said building address numbers shall contrast with their background and be a minimum of 12" in height.
- 2) Fire Department Access: A diagram showing proposed "Fire Lane" shall be submitted for approval to the Office of the Fire Marshal. Fire Lanes shall be marked in

accordance with California Fire Code (Appendix D103.6 SIGNS and Manteca Fire Code 15.24

- 3) Fire Hydrants: Plans and specifications for fire hydrant systems shall be submitted for review and approval prior to construction.
 - a. Additional fire hydrants may be required to meet the minimum spacing requirement of hydrants within 90 feet of Fire Department Connections, (FDC) for Fire Sprinkler Systems.
 - b. The on-site fire protection system (fire hydrants and associated water mains) shall be installed prior to the issuance of building permits.
 - c. Total Fire Flow (appendix B of CFC) shall be calculated and submitted as part of the permit submittal.
- 4) Underground piping for the fire sprinkler shall be approved by the Fire Department prior to permit issuance.
- 5) All above ground gas meter, regulators, and piping exposed to vehicular damage shall be protected in an approved manner.
- 6) Fire Suppression Systems: All buildings must be protected by an approved monitored automatic sprinkler system in accordance to NFPA 13, CFC, CBC, and Manteca Municipal Code Section 15.24.
 - a. Fire Alarm/Sprinkler monitoring shall be point ID.
- 7) Fire Suppression Approval. Plans and specifications for fire suppression systems shall be submitted for review and approval prior to construction. If work differs from approved plans, a set of "as built" shall be submitted to the Fire Department prior to final inspection.
- 8) Plans proposed to be listed as deferred submittals shall be clearly labeled on the cover building permit plan submittal cover sheet.
- 9) Inspections. Fire protection systems (fire hydrants, water mains, etc.) shall be installed, tested and approved by the City prior to the issuance of any building permits. The Fire Department shall witness all system and acceptance tests. Please provide 24-hour notice prior to any system or acceptance tests. 209-456-8340.
- 10) A Fire Department approved "key lock box" shall be properly installed near the main entrance. A 3200 series lock box(s) can be order online directly from KNOXBOX.COM. Contact the Office of the Fire Marshal at FireMarshal@mantecafire.org for additional information.
- 11) All above ground gas meters, regulators, and piping exposed to vehicular damage shall be protected in an approved manner.

- 12) Trash enclosures/dumpsters shall not be allowed within 5 feet of any combustible walls, openings, or combustible roof eaves, unless protected by an automatic fire sprinklers.
- 13) Operations that require operational permits (High Piled Storage, Hot Work, Compressed Gas, Battery Storage and all others listed in CFC 105) shall be identified on the plan submittal.
- 14) All above comments shall be listed in the Building Permit Plan Submittal in a section designated for Fire Comments. Additionally, the Authority Having Jurisdiction should be listed as:

Authority having Jurisdiction:

City of Manteca Fire Department,
Office of the Fire Marshal
Fire Inspector II Luis "Art" Salas
1154 S. Union Road, Manteca CA 95337
Firemarshal@Mantecafire.org

City of Manteca Public Works Department: Parks Division

General

- 1) Landscaping shall extend to back of sidewalk; all landscaping installed between back of sidewalk and property line shall be part of the on-site landscape, be controlled by its irrigation system and shall be maintained by the property owner.
- 2) Trees located on the property along W. Atherton Drive and S. Main Street shall be planted outside of the City right-of-way.
- 3) Current City of Manteca Standards and Specifications for Landscape Development shall be followed.
- 4) Any landscape must comply with current Model Efficient Landscape Ordinance (MWELo) requirements.

Medians/Landscape Areas

- 5) Upon development of medians, offsite construction plans for median landscaping shall be submitted to the City Engineering Division and Parks Planning and Projects division for review.

Community Facilities District (CFD) (or other funding source) Formation/Annexation Requirements

- 6) CFD or other approved funding source shall be formed or annexed into, at the developer's expense, to provide for the maintenance of the streetlights, open spaces and all associated streetscape/median/round-a-bout landscape improvements and the negative fiscal impacts associated with the provision of police protection, fire suppression and road maintenance services for new development. Said CFD, or other funding source, shall be in place prior to the occupancy of the building.
- 7) Developer shall be responsible for maintenance of improvements until sufficient funding through the collection of full special tax revenue is available/collected for City to maintain. This may be accomplished through a maintenance agreement, direct payment to City or other means

**ACKNOWLEDGEMENT OF TERMS AND CONDITIONS
MUST BE CERTIFIED BY A NOTARY PUBLIC**

The City reserves the right to withhold the finalization of the structure(s) and/or terminate City utilities (i.e., shut off water and sewer) until all conditions of the City-approved site plan have been completed. Please contact the Development Services Department if you are unable to complete the site plan improvements prior to occupancy of the project.

The fees associated with this project are payable at the time of building permit issuance. For information on fees associated with the project, please contact the Building Safety Division at 209-456-8550.

I, as the site plan applicant, or authorized agent for the site plan applicant, have read and understand the conditions of approval and requirements for this development project. I, further, understand that this site plan runs with the ownership of the land and any transfer of ownership must include all uncompleted site plan requirements. I hereby acknowledge all conditions and requirements of the site plan approval.

_____ Date	_____ Authorized Signature
_____ Date	_____ Authorized Signature