



Exhibit B

**City of Manteca
Development Services Department**

Conditions of Approval
Manteca Responsible and Compliant Retail, LLC (“Embarc”) Conditional Use
Permit
Conditional Use Permit 24-22
May 2, 2024

Project Name: Manteca Responsible and Compliant Retail, LLC (“Embarc”)¹
Project File: SPC 24-22
Applicant: Embarc
1616 ½ Webster Street
Alameda, CA 94501
Project Location: 1140 S. Main Street
Manteca, CA 95337
APN: 221-050-26

This list of conditions is not intended to be a comprehensive list of City regulations. All conditions are referenced to the Plans dated May 3, 2023, which are on file with the City of Manteca, Development Services Department.

Development Services Department: Planning

- 1) **Approval.** This Conditional Use Permit 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 May 3, 2023. Any variation from these plans, proposals, supporting documents or presentations is subject to review and

¹ Because Embarc’s anticipated Community Benefit Agreement (CBA) is made with the entity “Manteca Responsible and Compliant Retail, LLC”, the instant Project is referencing the same entity. Any references herein to “Embarc Cannabis Retail” or “Embarc Manteca” include and mean “Manteca Responsible and Compliant Retail, LLC” as does the term “Embarc.”

approval prior to implementation. Nothing in this paragraph limits the applicant's responsibility to fulfill the obligations and adhere to the conditions and terms set forth in their Community Benefit Agreement approved by the City Council.

- 3) **Expiration.** The Conditional Use Permit shall be exercised within 12 months from the date of approval, consistent with the requirements set forth in MMC Section 5.64.150(B).
- 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 Environmental Health Department, 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 May 3, 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 May 3, 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.
- 26) **Cannabis Retailer Permit.** The cannabis retailer shall maintain a Cannabis Retailer Permit pursuant to MMC Chapter 5.64, and that it at all times conform to the requirements of Sections 5.64.360 through 5.46.460, as applicable.

Development Services Department: Building Safety Division

- 1) 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.
- 2) 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.
- 3) Adequate sanitary facilities shall be provided per the requirements of Chapter 4 of the California Plumbing Code and CPC Table 422.1.

- 4) At the time of building permit submittal, the developer shall incorporate all Conditions of Approval from all departments and imprint them into the submittal set of construction documents/plans.
- 5) All work shall require building permits prior to the start of any demolition or construction and shall comply with the most current editions of the California Building Codes (Title 24).
- 6) All permit fees and impact fees shall be paid prior to permit issuance.

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 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.
- 3) 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.
- 4) Plans proposed to be listed as deferred submittals shall be clearly labeled on the cover building permit plan submittal cover sheet.
- 5) 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.
- 6) 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.
- 7) All above ground gas meters, regulators, and piping exposed to vehicular damage shall be protected in an approved manner.
- 8) 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.

- 9) 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.
- 10) 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