

RESOLUTION NO. 2025-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING A CONDITIONAL USE PERMIT (PA24-0348) TO ALLOW A RESTAURANT DRIVE-THRU AT THE SOUTHWEST END OF BEDFORD COURT APPROXIMATELY 160 FEET SOUTHWEST OF THE TEMECULA PARKWAY AND BEDFORD COURT INTERSECTION (APN 922-210-042)

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Procedural Findings. The City Council of the City of Temecula does hereby find, determine and declare that:

A. On May 4, 2023, the applicant submitted Planning Application PA23-0197, a Development Plan, PA23-0198, a Conditional Use Permit to allow a car wash, PA23-0204, a Tentative Parcel Map to create two parcels from one existing parcel, and PA23-0280, a Planned Development Overlay. On September 17, 2024 the applicant submitted PA24-0348, a Conditional Use Permit to allow for a drive-thru. Taken together, the applications will permit for the development and operation of a commercial center consisting of two structures that will house a carwash and coffee shop. These applications (collectively “Project”) were filed in a manner in accord with the City of Temecula General Plan and Development Code.

B. The Project was processed including, but not limited to a public notice, in the time and manner prescribed by State and local law, including the California Environmental Quality Act.

C. The Project was processed, including but not limited to all public notices, in the time and manner prescribed by State and local law, including the California Environmental Quality Act, Public Resources Code 21000, et seq. and the California Environmental Quality Act Guidelines, 14 Cal. Code Regs 15000 et seq. (collectively referred to as “CEQA”).

D. The City contracted with De Novo Planning Group (De Novo) for the independent preparation of an Initial Study to analyze the potential environmental effects of the Project. Based on the information contained in the Initial Study, De Novo concluded, and City staff concurred, that the Project could have a significant effect on the environment, but that mitigation measures could be implemented to reduce such impacts to a less than significant level. Based upon this determination, De Novo prepared, and City staff concurred in, a Draft Mitigated Negative Declaration (“Draft MND”) in accordance with CEQA Section 21080(c) and Section 15070 of the State CEQA Guidelines. The Draft MND was subsequently circulated, comments were received, and responses to comments were prepared resulting in the preparation of the Final Mitigated Negative Declaration (“Final MND”).

E. On April 16, 2025, the Planning Commission held a duly noticed public hearing on the Project and considered the Final MND and Mitigation Monitoring and Reporting Program, at

which time the City staff and interested persons had an opportunity to, and did testify either in support of or opposition to this matter.

F. Following consideration of the entire record of information received at the public hearings and due consideration of the proposed Project, the Planning Commission adopted Resolution Nos. 2025-10, 2025-11, 2025-12, 2025-13, 2025-14, and 2025-15, recommending that the City Council approve the Project and the Final MND and Mitigation Monitoring and Reporting Program.

G. On May 13, 2025, the City Council of the City of Temecula considered the Project, the Final MND, and Mitigation Monitoring and Reporting Program at a duly noticed public hearing at which time all interested persons had an opportunity to and did testify either in support or in opposition to this matter. The Council considered all the testimony and any comments received regarding the Project, Final MND, and Mitigation Monitoring and Reporting Program prior to and at the public hearing.

H. Following consideration of the entire record before it at the public hearing and due consideration of the Project the City Council adopted Resolution No. 2025- “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA ADOPTING THE FINAL MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE BEDFORD COURT PROJECT CONSISTING OF APPROXIMATELY 1.88 ACRES GENERALLY LOCATED ON THE SOUTHWEST SIDE OF BEDFORD COURT APPROXIMATELY 160 FEET SOUTHWEST OF THE TEMECULA PARKWAY AND BEDFORD COURT INTERSECTION (APN 922-210-042)”.

I. All legal preconditions to the adoption of this Resolution have occurred.

Section 2. Legislative Findings. The City Council in approving the Conditional Use Permit hereby makes the following findings:

A. The proposed conditional uses are consistent with the General Plan and the Development Code;

The conditional use consists of a drive-thru facility. These uses are permitted upon the approval of a Conditional Use Permit per the City of Temecula Development Code and the proposed Planned Development Overlay.

B. The proposed conditional use is compatible with the nature, condition and development of adjacent uses, buildings and structures and the proposed conditional use will not adversely affect the adjacent uses, buildings or structures;

The proposed project will be surrounded by Highway Tourist and High-Density Residential uses. The drive-thru will be located adjacent to Bedford Court and is screened by landscaping and a structure. Therefore, the use is compatible with the nature, condition and development of adjacent uses, buildings and structures and the proposed conditional use will not adversely affect the adjacent uses, buildings or structures.

C. The site for a proposed conditional use is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, buffer areas, landscaping, and other development features prescribed in this Development Code and required by the Planning Commission or City Council in order to integrate the use with other uses in the neighborhood.

The site has been reviewed and determined to be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, buffer areas, landscaping, and other development features prescribed in the Development Code and proposed Planned Development Overlay and required by the Planning Commission and City Council in order to integrate the use with other uses in the neighborhood. The project meets or exceeds all requirements of the proposed PDO requirements. For example, the proposed PDO requires that a project site provide 25% landscape coverage and the project proposes to offer 37% of landscape coverage. In addition, the proposed PDO requires 26 parking spaces while the actual project will provide 35 parking spaces.

D. The nature of the proposed conditional use is not detrimental to the health, safety and general welfare of the community.

The conditional use has been reviewed in order to ensure compliance with all requirements of the Development, Building, and Fire Codes. These codes contain provisions designed to ensure the health, safety, and general welfare of the community. No negative impacts are anticipated.

E. That the decision to approve, conditionally approve, or deny the application for a conditional use permit be based on substantial evidence in view of the record as a whole before the Planning Director, Planning Commission, or City Council on appeal.

The decision to conditionally approve the application will be based on substantial evidence in view of the record as a whole before the City Council.

Section 3. Conditions of Approval. The City Council of the City of Temecula hereby approves Planning Application No. PA24-0348, a Conditional Use Permit to allow a restaurant drive-thru at the southwest end of Bedford Court, subject to the Conditions of Approval set forth on Exhibit “A”, attached hereto, and incorporated herein by this reference.

Section 4. Certification. The City Clerk shall certify to the adoption of this Resolution and it shall become effective upon its adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Temecula
this 13th day of May, 2025.

Brenden Kalfus, Mayor

ATTEST:

Randi Johl, City Clerk

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Randi Johl, City Clerk of the City of Temecula, do hereby certify that the foregoing Resolution No. 2025- was duly and regularly adopted by the City Council of the City of Temecula at a meeting thereof held on the 13th day of May, 2025, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Randi Johl, City Clerk

CITY OF TEMECULA

CONDITIONS OF APPROVAL ACCEPTANCE

Planning Application Number: PA24-0348

Parcel Number(s):

922-210-042

By signing below, I/we have agreed to the following Conditions of Approval, including (but not limited to) any referenced documents, local, state, or federal regulations, statement of operations, hours of operation, floor plans, site plans, and Conditions that may require the payment or reimbursement of fees, as described. I/we have read the attached Conditions of Approval and understand them. I/we also understand that violations or non-compliance with these Conditions of Approval, may delay a project, and/or result in the revocation of a permit in accordance with the Temecula Municipal Code. I/we are also responsible for disclosing these Conditions of Approval to any successive owners/operators. I/we agree and commit to the City of Temecula that I/we will implement and abide by the Conditions of Approval, including any indemnification requirements imposed by those conditions.

Property Owner Printed Name

Property Owner Signature & Date

Applicant Printed Name

Applicant Signature & Date

EXHIBIT A
CITY OF TEMECULA
DRAFT CONDITIONS OF APPROVAL

Planning Application No.: PA24-0348

Project Description: Bedford Court Drive-Thru CUP: A CUP to allow for a coffee shop drive-thru. The project is located approximately 160 feet south of the Temecula Parkway/Bedford Court intersection on Bedford Court (APN 992-210-042).

Assessor's Parcel No.: 922-210-042

MSHCP Category: Commercial

DIF Category: Retail Commercial

TUMF Category: Per WRCOG Requirements

Quimby Category: N/A (Non-Residential Project)

New Street In-lieu of Fee: N/A (Not Located within the Uptown Specific Plan)

Approval Date: May 13, 2025

Expiration Date: May 13, 2027

PLANNING DIVISION
General Requirements

1. Indemnification of the City. Indemnity, Duty to Defend and Obligation to Pay Judgments and Defense Costs, Including Attorneys' Fees, Incurred by the City. The Applicant shall defend, indemnify, and hold harmless the City, its elected officials, officers, employees, volunteers, agents, and those City agents serving as independent contractors in the role of City officials (collectively "Indemnitees") from and against any claims, damages, actions, causes of actions, lawsuits, suits, proceedings, losses, judgments, costs, and expenses (including, without limitation, attorneys' fees or court costs) in any manner arising out of or incident to the Planning Commission's actions, this approval and the City Council's actions, related entitlements, or the City's environmental review thereof. The Applicant shall pay and satisfy any judgment, award or decree that may be rendered against City or the other Indemnitees in any such suit, action, or other legal proceeding. The City shall promptly notify the Applicant of any claim, action, or proceeding and the City shall reasonably cooperate in the defense. If the City fails to promptly notify the Applicant of any claim, action, or proceeding, or if the City fails to reasonably cooperate in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City or the Indemnitees. The City shall have the right to select counsel of its choice. The Applicant shall reimburse the City, and the other Indemnitees, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Nothing in this condition shall be construed to require the Applicant to indemnify Indemnitees for any claim arising from the sole negligence or willful misconduct of the Indemnitees. In the event such a legal action is filed challenging the City's determinations herein or the issuance of the approval, the City shall estimate its expenses for the litigation. The Applicant shall deposit said amount with the City or, at the discretion of the City, enter into an agreement with the City to pay such expenses as they become due.
2. Expiration. This approval shall be used within two years of the approval date; otherwise, it shall become null and void. Use means the beginning of substantial construction contemplated by this approval within the two-year period, which is thereafter diligently pursued to completion, or the beginning of substantial utilization contemplated by this approval, or use of a property in conformance with a Conditional Use Permit.
3. Time Extension. The Director of Community Development may, upon an application being filed prior to expiration, and for good cause, grant a time extension of up to five (5) extensions of time, one year at a time.
4. Compliance with IS/MND. The project and all subsequent projects within this site shall comply with all mitigation measures identified within IS/MND (SCH#2025010334).
5. Conformance with Approved Plans. The development of the premises shall substantially conform to the approved site plan and elevations contained on file with the Planning Division.

6. Water Quality and Drainage. Other than stormwater, it is illegal to allow liquids, gels, powders, sediment, fertilizers, landscape debris, and waste from entering the storm drain system or from leaving the property. To ensure compliance with this Condition of Approval:
 - a. Spills and leaks shall be cleaned up immediately.
 - b. Do not wash, maintain, or repair vehicles onsite.
 - c. Do not hose down parking areas, sidewalks, alleys, or gutters.
 - d. Ensure that all materials and products stored outside are protected from rain.
 - e. Ensure all trash bins are covered at all times.
7. Modifications or Revisions. The developer shall obtain City approval for any modifications or revisions to the approval of this project.
8. Statement of Operations. The applicant shall comply with their Statement of Operations submitted October 31, 2024, on file with the Planning Division, unless a conflict exists between the Statement of Operations and these Conditions of Approval, in which case the Conditions of Approval control.
9. Revocation of CUP. This Conditional Use Permit may be revoked pursuant to Section 17.03.080 of the City's Development Code.
10. City Review and Modification of CUP. The City, its Director of Community Development, Planning Commission, and City Council retain and reserve the right and jurisdiction to review and modify this Conditional Use Permit (including the Conditions of Approval) based on changed circumstances. Changed circumstances include, but are not limited to, the modification of business, a change in scope, emphasis, size of nature of the business, and the expansion, alteration, reconfiguration or change of use. The reservation of right to review any Conditional Use Permit granted or approved or conditionally approved hereunder by the City, its Director of Community Development, Planning Commission and City Council is in addition to, and not in-lieu of, the right of the City, its Director of Community Development, Planning Commission, and City Council to review, revoke or modify any Conditional Use Permit approved or conditionally approved hereunder for any violations of the conditions imposed on such Conditional Use Permit or for the maintenance of any nuisance condition or other code violation thereon.

BUILDING AND SAFETY DIVISION

General Requirements

11. Final Building and Safety Conditions. Final Building and Safety conditions will be addressed when building construction plans are submitted to Building and 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.
12. Compliance with Code. All design components shall comply with applicable provisions of the most current edition of the California Building, Plumbing and Mechanical Codes; California Electrical Code; California Administrative Code, Title 24 Energy Code, California Title 24 Disabled Access Regulations, and Temecula Municipal Code as identified in Title 15 of the Temecula Municipal Code.

13. 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 trash enclosures, clubhouses, and picnic areas.
15. County of Riverside Mount Palomar Ordinance. Applicant shall submit, at time of plan review, a complete exterior site lighting plan 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 and Safety Division. 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 or below.
16. Street Addressing. Applicant must obtain street addressing for all proposed buildings by requesting street addressing and submitting a site plan for commercial or multi-family residential projects or a recorded final map for single-family residential projects.
17. Clearance from TVUSD. A receipt or clearance letter from the Temecula Valley Unified School District shall be submitted to the Building and Safety Department to ensure the payment or exemption from School Mitigation Fees.
18. Obtain Approvals Prior to Construction. Applicant must obtain all building plans and permit approvals prior to commencement of any construction work.
19. Obtaining Separate Approvals and Permits. Trash enclosures, patio covers, light standards, and any block walls will require separate approvals and permits. Solid covers are required over new and existing trash enclosures.
20. Sewer and Water Plan Approvals. On-site sewer and water plans will require separate approvals and permits.
21. Hours of Construction. Signage shall be prominently posted at the entrance to the project, indicating the hours of construction, as allowed by the City of Temecula Code Section 9.20.060, for any site within one-quarter mile of an occupied residence. The permitted hours of construction are Monday through Saturday from 7:00 a.m. to 6:30 p.m. No work is permitted on Sundays and nationally recognized Government Holidays.

FIRE PREVENTION

General Requirements

22. Fire Hydrants. The Fire Prevention Bureau is required to set minimum fire hydrant distances per CFC Appendix C. Super fire hydrants (6" x 4" x (2) 2 ½" outlets) shall be located on fire access roads and adjacent public streets. For all Commercial projects hydrants shall be spaced at 350 feet apart. The required fire flow shall be available from any adjacent hydrant(s) in the private water system. The fire line may be required to be a looped system. (CFC Appendix C and Temecula Municipal Code Section 15.16.020).
23. Fire Dept. Plan Review. Final fire and life safety conditions will be addressed when building plans are reviewed by the Fire Prevention Bureau. These conditions will be based on occupancy, use, the California Building Code (CBC), California Fire Code (CFC), and related codes which are in force at the time of building plan submittal.

24. Fire Flow. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial and residential buildings per CFC Appendix B. The developer shall provide for this project, a water system capable of delivering 2,000 GPM at 20-PSI residual operating pressure for a 2-hour duration for this commercial projects. The fire flow as given above has taken into account all information as provided. (CFC Appendix B and Temecula Municipal Code Section 15.16.020).

Prior to Issuance of Grading Permit(s)

25. Access Road Widths. Fire Department vehicle access roads shall have an unobstructed width of not less than 24 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches (CFC Chapter 5 and Temecula Municipal Code Section 15.16.020).
26. All Weather Access Roads. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be with a surface to provide all-weather driving capabilities. Access roads shall be 80,000 lbs. GVW with a minimum of AC thickness of .25 feet. In accordance with Section 3310.1, prior to building construction, all locations where structures are to be built shall have fire apparatus access roads. (CFC Chapter 5 and Temecula Municipal Code Section 15.16.020).

Prior to Issuance of Building Permit(s)

27. Required Submittals (Fire Underground Water). The developer shall furnish an electronic copy of the water system plans to the Fire Prevention Bureau for approval prior to installation for all private water systems pertaining to the fire service loop. Plans shall be signed by a registered civil engineer, contain a Fire Prevention Bureau approval signature block, and conform to hydrant type, location, spacing and minimum fire flow standards. Hydraulic calculations will be required with the underground submittal to ensure fire flow requirements are being met for the on-site hydrants. The plans must be submitted and approved prior to building permit being issued (CFC Chapter 33 and Chapter 5).

Prior to Issuance of Certificate of Occupancy

28. Hydrant Verification. Hydrant locations shall be identified by the installation of reflective markers (blue dots) (Temecula Municipal Code Section 15.16.020).
29. Knox Box. A "Knox-Box" shall be provided for this building. The Knox-Box shall be installed a minimum of six feet in height and be located to the right side of the electrical room since there is no fire sprinkler riser room on this building (CFC Chapter 5).
30. Addressing. New buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Commercial buildings shall have a minimum of 12-inch numbers with suite numbers being a minimum of six inches in size. All suites shall have a minimum of 6-inch high letters and/or numbers on both the front and rear doors. (CFC Chapter 5 and Temecula Municipal Code Section 15.16.020).