

CITY OF TEMECULA

CONDITIONS OF APPROVAL ACCEPTANCE

Planning Application Number: PA23-0499

Parcel Number(s):

922-036-011

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.: PA23-0499

Project Description: A Modification to an existing building to revise the colors of the building, addition of a rear accessible entrance, enclosed trash area, and site improvement located at 28645 Old Town Front Street.

Assessor's Parcel No.: 922-036-011

MSHCP Category: N/A (No New Square Footage or Grading)

DIF Category: N/A (No New Square Footage)

TUMF Category: N/A (No New Square Footage)

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

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

Approval Date: April 2, 2025

Expiration Date: April 2, 2028

PLANNING DIVISION

Within 48 Hours of the Approval

1. Applicant Filing Notice of Exemption.

APPLICANT ACTION REQUIRED:

The applicant/developer is responsible for filing the Notice of Exemption as required under Public Resources Code Section 21152 and California Code of Regulations Section 15062 within 48 hours of the project approval. If within said 48-hour period the applicant/ developer has not filed the Notice of Exemption as required above, the approval for the project granted shall be void due to failure of this condition. Failure to submit the Notice of Exemption will result in an extended period of time for legal challenges.

FEES:

Fees for the Notice of Exemption include the Fifty Dollar County (\$50.00) administrative fee. The County of Riverside charges additional fees for credit card transactions.

FILING:

The City shall provide the applicant with a Notice of Exemption within 24 hours of approval via email. If the applicant/developer has not received the Notice of Exemption within 24 hours of approval, they shall contact the case Planner immediately. All CEQA documents must be filed online with the Riverside County Assessor – County Clerk- Recorder. A direct link to the CEQA filings page is available at TemeculaCA.gov/CEQA.

COPY OF FILINGS:

The applicant shall provide the City with a digital copy of the required filings within 48 hours.

General Requirements

2. 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.

3. Expiration. This approval shall be used within three 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 three 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.

A modification made to an approved development plan does not affect the original approval date of a development plan.

4. 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 three extensions of time, one year at a time.

A modification made to an approved development plan does not affect the original approval date of a development plan.

5. Consistency with Specific Plans. This project and all subsequent projects within this site shall be consistent with the Old Town Specific Plan No. (SP #5).

6. 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.

7. Signage Permits. A separate building permit shall be required for all signage.

8. Materials and Colors. The Conditions of Approval specified in this resolution, to the extent specific items, materials, equipment, techniques, finishes or similar matters are specified, shall be deemed satisfied by City staff's prior approval of the use or utilization of an item, material, equipment, finish or technique that City staff determines to be the substantial equivalent of that required by the Conditions of Approval. Staff may elect to reject the request to substitute, in which case the real party in interest may appeal, after payment of the regular cost of an appeal, the decision to the Planning Commission for its decision.

Material	Color
Paint	Classical White (SW2829)
Paint	Colonial Revival Tan (SW2828)
Paint	Colonial Revival Stone (SW2827)
Paint	Colonial Revival Green Stone (SW2826)

9. Modifications or Revisions. The developer shall obtain City approval for any modifications or revisions to the approval of this project.

10. Roof Mounted Mechanical Equipment Screening. The applicant shall be required to fully screen roof mounted equipment from public view, including views from any adjacent properties, within the project site and public right of ways. If upon final inspection it is determined that any roof equipment or backs of building parapet walls are visible from any portion of adjacent properties, within the project site or public right of ways, the developer shall provide screening that shall be reviewed and approved by the Director of Community Development.

11. 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 Planning 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.

PUBLIC WORKS DEPARTMENT

General Requirements

12. Conditions of Approval. The developer shall comply with all Conditions of Approval, the Engineering and Construction Manual and all City codes/standards at no cost to any governmental agency.
13. Entitlement Approval. The developer shall comply with the approved site plan and other relevant documents approved during entitlement. Any significant omission to the representation of site conditions may require the plans to be resubmitted for further review and revision.
14. Precise Grading Permit. A precise grading permit for on site improvements (outside of public right-of-way) shall be obtained from Public Works.
15. Encroachment Permits. Prior to commencement of any applicable construction, encroachment permit(s) are required and shall be obtained from Public Works for public offsite improvements.
16. Private Drainage Facilities. All onsite drainage and water quality facilities shall be privately maintained.

Prior to Issuance of a Grading Permit

17. Environmental Constraint Sheet (ECS). The developer shall comply with all constraints per the recorded ECS with any underlying maps related to the subject property.
18. Grading/Erosion & Sediment Control Plan. The developer shall submit a grading/erosion & sediment control plan(s) to be reviewed and approved by Public Works. All plans shall be coordinated for consistency with adjacent projects and existing improvements contiguous to the site. The approved plan shall include all construction-phase pollution-prevention controls to adequately address non-permitted runoff. Refer to the City's Engineering & Construction Manual at: www.TemeculaCA.gov/ECM
19. Erosion & Sediment Control Securities. The developer shall comply with the provisions of Chapter 18, Section 18.24.140 of the Temecula Municipal Code by posting security and entering into an agreement to guarantee the erosion & sediment control improvements.
20. Drainage. All applicable drainage shall be depicted on the grading plan and properly accommodated with onsite drainage improvements and water quality facilities, which shall be privately maintained. Alterations to existing drainage patterns or concentration and/or diverting flows is not allowed unless the developer constructs adequate drainage improvements and obtains the necessary permissions from the downstream property owners. All drainage leaving the site shall be conveyed into a public storm drain system, if possible. The creation of new cross lot drainage is not permitted.
21. American Disability Act. The developer shall ensure that all frontage areas to the proposed development within the public right of way are ADA compliant. Any sidewalk within the public right of way found to be non-compliant shall be the responsibility of the property owner to be removed and replaced with ADA compliant sidewalk per the Streets and Highway Code Section 5610.

Prior to Issuance of Encroachment Permit(s)

22. Public Utility Agency Work. The developer shall submit all relevant documentation due to encroaching within City right-of-way; and is responsible for any associated costs and for making arrangements with each applicable public utility agency.
23. Traffic Control Plans. A construction area traffic control plan (TCP) will be required for lane closures and detours or other disruptions to traffic circulation; and shall be reviewed and approved by Public Works. The TCP shall be designed by a registered civil or traffic engineer in conformance with the latest edition of the Caltrans Manual on Uniform Traffic Control Devices (MUTCD) and City standards.
24. Improvement Plans. All improvement plans (including but not limited to street and traffic) shall be reviewed and approved by Public Works.
25. Street Trenching. All street trenches shall conform to City Standard No. 407; refer to the City's Paving Notes.

Prior to Issuance of a Certificate of Occupancy

26. Completion of Improvements. The developer shall complete all work per the approved plans and Conditions of Approval to the satisfaction of the City Engineer. This includes all on site work (including water quality facilities) and public improvements.
27. Utility Agency Clearances. The developer shall receive written clearance from applicable utility agencies (i.e., Rancho California and Eastern Municipal Water Districts, etc.) for the completion of their respective facilities and provide to Public Works.
28. Replacement of Damaged Improvements/Monuments. Any appurtenance damaged or broken during development shall be repaired or removed and replaced to the satisfaction of Public Works. Any survey monuments damaged or destroyed shall be reset per City Standards by a qualified professional pursuant to the California Business and Professional Code Section 8771.
29. Certifications. All necessary certifications and clearances from engineers, utility companies and public agencies shall be submitted as required by Public Works.

BUILDING AND SAFETY DIVISION

General Requirements

30. 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.
31. 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.

32. 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.
33. 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.
34. 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.
35. Obtain Approvals Prior to Construction. Applicant must obtain all building plans and permit approvals prior to commencement of any construction work.
36. 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.
37. Demolition. Demolition permits require separate approvals and permits.

FIRE PREVENTION

General Requirements

38. 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.
39. Fire Requirement. This building is a non-sprinklered building and will not be required to be retrofitted with fire sprinklers. The kitchen hood extinguishing systems will be required to be tied in and monitored by a fire alarm system.
40. Occupancy Management. Per the California Building Code and California Fire Code, along with Title 19 for Public Safety, the occupancy for this establishment must be complied with at all times. The owner will be responsible for assigning designees to count patrons as they enter and exit. At any given time, if the fire department and/or building department find you in violation of this they will be required to either close the facility entirely, have the owner remove patrons until the occupant load is at or less than allowed and request fines to be issued to the owner. If there is continued violations occurring within the establishment the building department and/or fire department will recommend that the city planning department revoke the owners CUP.

Prior to Issuance of Building Permit(s)

41. Required Submittals (Fire Alarm Systems). Fire alarm plans shall be submitted to the Fire Prevention Bureau for approval for all hood extinguishing systems. Fire alarm plans must be submitted electronically by the installing contractor to the Fire Prevention Bureau. The fire alarm system is required to have a dedicated circuit from the house panel. These plans must be submitted prior to the issuance of building permit.

Prior to Issuance of Certificate of Occupancy

42. Knox Box. A "Knox-Box" shall be provided. The Knox-Box shall be installed a minimum of six feet in height and be located to the right side of the fire riser sprinkler room (CFC Chapter 5).
43. Addressing. New and existing 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. (CFC Chapter 5 and Temecula Municipal Code Section 15.16.020).