

PC RESOLUTION NO. 2025-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TEMECULA RECOMMENDING THAT THE CITY COUNCIL ADOPT A RESOLUTION ENTITLED “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING TENTATIVE PARCEL MAP 38924 (PA23-0204) TO DIVIDE ONE EXISTING PARCEL TOTALING 1.88 ACRES INTO TWO PARCELS AT THE SOUTHWEST END OF BEDFORD COURT APPROXIMATELY 160 FEET SOUTHWEST OF THE TEMECULA PARKWAY AND BEDFORD COURT INTERSECTION (APN 922-210-042)”

Section 1. Procedural Findings. The Planning Commission 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 Zone Change/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.

C. The Planning Commission, at a regular meeting, considered the project and environmental review on April 16, 2025, at a duly noticed public hearing as prescribed by law, at which time the City staff and interested persons had an opportunity to and did testify either in support or in opposition to this matter.

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

Section 2. Further Findings. The Planning Commission, in recommending approval of Tentative Parcel Map Application No. PA23-0204, hereby finds, determines and declares that: Tentative Parcel Map Application No. PA23-0204 is consistent with the General Plan for the City of Temecula and with all applicable requirements of State law and other Ordinances of the City:

Tentative Maps, Municipal Code Section 16.09.140

A. The proposed subdivision and the design and improvements of the subdivision are consistent with the Development Code, General Plan, any applicable Specific Plan and the City of Temecula Municipal Code;

As designed and conditioned, the proposed map is consistent with the Subdivision Ordinance, Temecula General Plan, and the City of Temecula Municipal Code. This is because it is consistent with size, setbacks, water quality, and other applicable standards.

B. The Tentative Map does not propose to divide land which is subject to a contract entered into pursuant to the California Land Conservation Act of 1965, or the land is subject to a Land Conservation Act contract but the resulting parcels following division of the land will not be too small to sustain their agricultural use.;

The proposed map does not impact land designated for conservation or agricultural use.

C. The site is physically suitable for the type and proposed density of development proposed by the Tentative Map.

The proposed map subdivides 1.88 acres into two parcels to allow for commercial uses. The two resulting sites are physically suitable for the proposed carwash and restaurant drive thru uses.

D. The design of the subdivision and the proposed improvements, with conditions of approval, are not likely to cause significant environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The project consists of a Tentative Parcel Map on vacant property. A Mitigated Negative Declaration (MND) has been prepared for the project. As conditioned, the project is not likely to cause significant environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

E. The design of the subdivision and the type of improvements are not likely to cause serious public health problems.

The project has been reviewed and conditioned by the Fire, Public Works, Planning, and Building and Safety Departments. As a result, the project is consistent or has been conditioned to be consistent with Fire and Building Codes and the City's General Plan and Municipal Code which contain provisions to protect the health, safety, and welfare of the public.

F. The design of the subdivision provides for future passive or natural heating or cooling opportunities in the subdivision to the extent feasible.

The design of the subdivision provides for future passive or natural heating or cooling opportunities to the extent feasible. All development must meet all appropriate Building and Fire Code requirements as they relate to passive or natural heating or cooling opportunities.

G. The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision, or the design of the alternate easements which are substantially equivalent to those previously acquired by the public will be provided.

All acquired rights-of-way and easements have been provided on the Tentative Map. The City has reviewed these easements and has found no potential conflicts.

H. The subdivision is consistent with the City's parkland dedication requirements (Quimby Act).

The project involves the construction of a commercial development. No residential units are proposed that will be subject to the Quimby Act.

Section 3. Environmental Findings. The Planning Commission hereby makes the following environmental findings and determinations in connection with the approval of the Tentative Parcel Map Application PA23-0204:

A. 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").

B. 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 and City staff concluded 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.

C. On April 16, 2025, the Planning Commission held a duly noticed public hearing on the Project and considered the Mitigated Negative Declaration 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.

D. Following consideration of the entire record before it at the public hearing and due consideration of the Project the Planning Commission adopted Resolution No. 2025- "A RESOLUTION OF THE OF THE PLANNING COMMISSION OF THE CITY OF TEMECULA RECOMMENDING THAT THE CITY COUNCIL ADOPT 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)".

Section 4. Recommendation. The Planning Commission of the City of Temecula recommends that the City Council adopt a Resolution approving Planning Application No. PA23-0204, a Tentative Parcel Map to divide one existing parcel totaling 1.88 acres into two parcels to allow for a commercial center generally located at the southwest end of Bedford Court, in substantially the same form attached to this Resolution as Exhibit "A", subject to the Conditions of Approval set forth on Exhibit B, attached hereto, and incorporated herein by this reference.

PASSED, APPROVED AND ADOPTED by the City of Temecula Planning Commission this 16th day of April 2025.

Lanae Turley-Trejo, Chair

ATTEST:

Matt Peters
Secretary

[SEAL]

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

I, Matt Peters, Secretary of the Temecula Planning Commission, do hereby certify that the foregoing PC Resolution No. 2025- was duly and regularly adopted by the Planning Commission of the City of Temecula at a regular meeting thereof held on the 16th day of April 2025 , by the following vote:

AYES: PLANNING COMMISSIONERS:

NOES: PLANNING COMMISSIONERS

ABSTAIN: PLANNING COMMISSIONERS

ABSENT: PLANNING COMMISSIONERS

Matt Peters
Secretary

RESOLUTION NO. 2025-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING TENTATIVE PARCEL MAP 38924 (PA23-0204) TO DIVIDE ONE EXISTING PARCEL TOTALING 1.88 ACRES INTO TWO PARCELS 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 Zone Change/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.

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-_____, recommending that the City Council approve the Project and the Final MND and Mitigation Monitoring and Reporting Program.

G. On May ____, 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 Tentative Parcel Map No. 38924 hereby makes the following findings:

A. The proposed subdivision and the design and improvements of the subdivision are consistent with the Development Code, General Plan, any applicable Specific Plan and the City of Temecula Municipal Code;

As designed and conditioned, the proposed map is consistent with the Subdivision Ordinance, Temecula General Plan, and the City of Temecula Municipal Code. This is because it is consistent with size, setbacks, water quality, and other applicable standards.

B. The Tentative Map does not propose to divide land which is subject to a contract entered into pursuant to the California Land Conservation Act of 1965, or the land is subject to a Land Conservation Act contract but the resulting parcels following division of the land will not be too small to sustain their agricultural use.;

The proposed map does not impact land designated for conservation or agricultural use.

C. The site is physically suitable for the type and proposed density of development proposed by the Tentative Map.

The proposed map subdivides 1.88 acres into two parcels to allow for commercial uses. The two resulting sites are physically suitable for the proposed carwash and restaurant drive thru uses.

D. The design of the subdivision and the proposed improvements, with conditions of approval, are not likely to cause significant environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The project consists of a Tentative Parcel Map on vacant property. A Mitigated Negative Declaration (MND) has been prepared for the project. As conditioned, the project is not likely to cause significant environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

E. The design of the subdivision and the type of improvements are not likely to cause serious public health problems.

The project has been reviewed and conditioned by the Fire, Public Works, Planning, and Building and Safety Departments. As a result, the project is consistent or has been conditioned to be consistent with Fire and Building Codes and the City's General Plan and Municipal Code which contain provisions to protect the health, safety, and welfare of the public.

F. The design of the subdivision provides for future passive or natural heating or cooling opportunities in the subdivision to the extent feasible.

The design of the subdivision provides for future passive or natural heating or cooling opportunities to the extent feasible. All development must meet all appropriate Building and Fire Code requirements as they relate to passive or natural heating or cooling opportunities.

G. The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision, or the design of the alternate easements which are substantially equivalent to those previously acquired by the public will be provided.

All acquired rights-of-way and easements have been provided on the Tentative Map. The City has reviewed these easements and has found no potential conflicts.

H. The subdivision is consistent with the City's parkland dedication requirements (Quimby Act).

The project involves the construction of a commercial development. No residential units are proposed that will be subject to the Quimby Act.

Section 3. Conditions of Approval. The City Council of the City of Temecula hereby approves Planning Application No. PA23-0204, a Tentative Parcel Map to divide one existing

parcel totaling 1.88 acres into two parcels 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 day of , .

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 day of , , 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: PA23-0204

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.: PA23-0204

Project Description: Bedford Court TPM: A Tentative Parcel Map to create two lots from one. The project is located approximately 150 feet south of the Temecula Parkway and Bedford Court intersection (APN: 922-210-042).

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:

Expiration Date:

PLANNING DIVISION

Within 48 Hours of the Approval

1. Applicant Filing Notice of Determination. **APPLICANT ACTION REQUIRED:**
The applicant/developer is responsible for filing the Notice of Determination for the Mitigated or Negative Declaration required under Public Resources Code Section 21152 and California Code of Regulations Section 15075 within 48 hours of the project approval. If within said 48-hour period the applicant/ developer has not filed the Notice of Determination as required above, the approval for the project granted shall be void due to failure of this condition Failure to submit the Notice of Determination will also result in an extended period of time for legal challenges.

FEES:

Fees for the Notice of Determination are Two Thousand Nine Hundred Sixty-Six Dollars And Seventy-Five Cents (\$2,966.75) which includes the Two Thousand Nine Hundred Sixteen Dollars and Seventy-Five Cents (\$2,916.75) fee, required by Fish and Wildlife Code Section 711.4(d)(3) plus the Fifty Dollars (\$50.00) County administrative fee. The County of Riverside charges additional fees for credit card transactions.

FILING:

The City shall provide the applicant with a Notice of Determination within 24 hours of approval via email. If the applicant/developer has not received the Notice of Determination 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.
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 five (5) extensions of time, one year at a time.
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. Subdivision Map Act. The tentative subdivision shall comply with the State of California Subdivision Map Act and to all the requirements of Ordinance No. 460, unless modified by the conditions listed below. An Extension of Time may be approved in accordance with the Subdivision Map Act and Temecula Municipal Code, upon written request, if made 60 days prior to the expiration date.

Prior to Release of Power, Building Occupancy or Any Use Allowed by This Permit

9. Compliance with Conditions of Approval. All of the foregoing conditions shall be complied with prior to occupancy or any use allowed by this approval.

Prior to Recordation of the Final Map

10. Final Map. A copy of the Final Map shall be submitted to, and approved by, the Planning Division.
11. Submittal of CC&Rs. A copy of the Covenants, Conditions, and Restrictions (CC&Rs) shall be submitted and approved by the Director of Community Development. The CC&Rs shall include liability insurance and methods of maintaining open space, recreation areas, parking areas, private roads, exterior of all buildings, and all landscaped and open areas, including parkways. Applicants shall provide a deposit in the amount of \$3,750 for the review of new CC&Rs. Amended CC&Rs will require a deposit of \$2,000. The applicant shall be responsible for all costs incurred during the review of the CC&Rs and additional fees may be required during the course of the review.

12. Form and Content of CC&Rs. The CC&Rs shall be in the form and content approved by the Director of Community Development, City Engineer, and the City Attorney, and shall include such provisions as are required by this approval and as said officials deem necessary to protect the interests of the City and its residents.
13. Preparation of CC&Rs. The CC&Rs shall be prepared at the developer's sole cost and expense.
14. Review of CC&Rs. The CC&Rs and Articles of Incorporation of the Property Owners Association are subject to the approval of the Director of Community Development, Public Works Director, and the City Attorney.
15. CC&Rs and Management/Maintenance of Common Areas. The CC&Rs shall provide for the effective establishment, operation, management, use, repair, and maintenance of all common areas, drainage facilities, and pollution prevention devices outlined in the project's Water Quality Management Plan.
16. CC&Rs and Public Nuisance. The CC&Rs shall provide that the property shall be developed, operated, and maintained so as not to create a public nuisance.
17. Termination of CC&Rs. The CC&Rs shall provide that the association may not be terminated without prior City approval.
18. CC&Rs and Maintenance of Property. The CC&Rs shall provide that if the property is not maintained in the condition required by the CC&Rs, then the City, after making due demand and giving reasonable notice, may enter the property and perform, at the owner's sole expense, any maintenance required thereon by the CC&Rs or the Temecula Municipal Code. The property shall be subject to a lien in favor of the City to secure any such expense not promptly reimbursed.
19. Interest in Association. Every owner of a suite or lot governed by CC&Rs shall own as an appurtenance to such suite or lot, either: (1) an undivided interest in the common areas and facilities, or (2) a share in the corporation, or voting membership in an association owning the common areas and facilities.
20. Maintenance of Open Areas. All open areas and landscaping governed by CC&R shall be permanently maintained by the association or other means acceptable to the City. Such proof of this maintenance shall be submitted to the Planning Divisions and Public Works Department prior to the issuance of building permits.
21. Reciprocal Easements. Reciprocal access easements and maintenance agreements ensuring access to all parcels and joint maintenance of all roads, drives, parking areas, drainage facilities, and water quality features, shall be provided by the CC&Rs or by deeds and shall be recorded concurrent with the map or prior to the issuance of building permit where no map is involved.

22. Consent of City of Temecula. An Article must be added to every set of CC&Rs, following the Declarant's signature, to read as follows:
CONSENT OF CITY OF TEMECULA

The Conditions of Approval for Tentative Tract Map No. require the City of Temecula to review and approve the CC&Rs for the Parcel. The City's review of these CC&Rs has been limited to a determination of whether the proposed CC&Rs properly implement the requirements of the Conditions of Approval for the Parcel. The City's consent to these CC&Rs does not contain or imply any approval of the appropriateness or legality of the other provisions of the CC&Rs, including, without limitation, the use restrictions, private easements and encroachments, private maintenance requirements, architecture and landscape controls, assessments, enforcement of assessments, resolutions of disputes or procedural matters. Subject to the limitations set forth herein, the City consents to the CC&Rs.

Matt Peters
Director
Community Development

Approved as to Form:

Peter M. Thorson
City Attorney

23. Consent of City of Temecula. An Article must be added to every set of CC&Rs to read as follows:

Article _____
CONSENT OF CITY OF TEMECULA

____ 1. The Conditions of Approval of Tentative Tract Map Number requires the City to review and approve the CC&Rs for the Parcel.

____ 2. Declarant acknowledges that the City has reviewed these CC&Rs and that its review is limited to a determination of whether the proposed CC&Rs properly implement the requirements of the Conditions of Approval for the Parcel. The City's consent to these CC&Rs does not contain or imply any approval of the appropriateness or legality of the other provisions of the CC&Rs, including, without limitation, the use restrictions, private easements and encroachments, private maintenance requirements, architecture and landscape controls, assessment procedures, assessment enforcement, resolution of disputes or procedural matters.

____ 3. In the event of a conflict between the Conditions of Approval of the land use entitlements issued by the City for the Parcel or Federal, State, or local laws, ordinances, and regulations and these CC&Rs, the provisions of the Conditions of Approval and Federal, State or local laws, ordinances, and regulations shall prevail, notwithstanding the language of the CC&Rs.

____ 4. These CC&Rs shall not be terminated, amended or otherwise modified without the express written consent of the Director Community Development of the City of Temecula.

24. Operation of Association. No lot or suite in the development shall be sold unless a corporation, association, property owners group or similar entity has been formed with the right to assess all properties individually owned or jointly owned which have any rights or interest in the use of the common areas and common facilities in the development, such assessment power to be sufficient to meet the expenses of such entity, and with authority to control, and the duty to maintain, all of said mutually available features of the development. Such entity shall operate under recorded CC&Rs, which shall include compulsory membership of all owners of lots and/or suites and flexibility of assessments to meet changing costs of maintenance, repairs, and services. Recorded CC&Rs shall permit enforcement by the City for provisions required as Conditions of Approval. The developer shall submit evidence of compliance with this requirement to, and receive approval of, the City prior to making any such sale. This condition shall not apply to land dedicated to the City for public purposes.
25. Recordation of CC&Rs. CC&Rs shall be finalized and recorded at the time of Final Map Recordation.
26. Copies of CC&Rs. Three copies of the final recorded CC&Rs shall be provided to the Planning Division.

PUBLIC WORKS DEPARTMENT

General Requirements

27. Subdivision Map. The developer shall submit a complete Final Map submittal for review and approval. Any omission to the representation of the site conditions may require the plans to be resubmitted for further review and revision.
28. Permit restriction. No permits shall be issued unless future Development Plan applications are submitted for approval.
29. Grading Permit. A grading permit for rough and/or precise grading shall be obtained from Public Works prior to commencement of any construction within private property. Grading shall be in accordance with the approved grading plan, grading permit conditions and City codes/standards.
30. Encroachment Permits. Prior to commencement of any applicable construction, encroachment permit(s) are required; and shall be obtained:
 - a. from Public Works for public offsite improvements; and
 - b. from the California Department of Transportation if encroaching within their right-of-way.
31. PW-005: Improvement Plans. The developer shall submit improvement plans (to include public street plans, etc.) as required for review and approval by Public Works. The designs shall be in compliance with Caltrans, Riverside County Flood Control and Water Conservation District and City codes/standards.
32. Private Drainage Facilities. All onsite drainage and water quality facilities shall be privately maintained.

Prior to Recordation of the Final Map

33. 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.
34. Plans, Agreements & Securities. The developer shall have approved improvement plans, executed subdivision improvement agreements and posted securities.

35. Environmental Constraint Sheet (ECS). The developer shall prepare and record an ECS with the Final Map to delineate identified environmental concerns. The developer shall comply with all constraints per the recorded ECS along with any underlying maps related to the property.
36. Required Clearances. As deemed necessary by Public Works, the developer shall receive written clearance from the following agencies:
 - a. San Diego Regional Water Quality Control Board;
 - b. Army Corps of Engineers;
 - c. California Department of Fish and Wildlife;
 - d. Riverside County Flood Control and Water Conservation District;
 - e. Caltrans;
 - f. Rancho California Water District;
 - g. Eastern Municipal Water District;
 - h. Cable TV Franchise;
 - i. Telephone Company;
 - j. Southern California Edison Company;
 - k. The Gas Company;
 - l. Metropolitan Water District or other affected agencies
37. Easements. Note the following:
 - a. An easement for a joint use driveway shall be provided prior to approval of the Parcel Map or issuance of building permits, whichever occurs first.
38. Public Street Improvements and Securities. The developer shall design and guarantee construction (i.e., posting of security and entering into agreements) of the following public improvements to the City's General Plan standards unless otherwise noted. Plans shall be approved by Public Works. All street improvement designs shall provide adequate right-of-way and pavement transitions per Caltrans' standards to join existing street improvements.
 - a. Improve Bedford Court (Collector (2 lanes undivided) Standard No. 103A – 66' R/W) to include installation of drainage facilities, utilities (including but not limited to water and sewer) and resurfacing with slurry application (at the discretion of the Director of Public Works).
39. Undergrounding Wires. All existing and proposed electrical and telecommunication lines, except electrical lines rated 34KV or greater, shall be installed underground per Title 15, Chapter 15.04 of the Temecula Municipal Code and utility provider's standards. The developer is responsible for any associated costs, for making arrangements with each utility agency and for obtaining the necessary easements.
40. Property Taxes. Any delinquent property taxes shall be paid.
41. Parcel Geometry. The applicant shall submit an editable projected digital version of the parcel geometry in a drawing exchange format (pursuant to Riverside County standards). Prior to final approval, the City's GIS Division shall conduct quality control on the data to verify accuracy and compatibility.

Prior to Issuance of a Grading Permit

42. Required Clearances. As deemed necessary by Public Works, the developer shall receive written clearance from the following agencies:
 - a. San Diego Regional Water Quality Control Board;
 - b. Army Corps of Engineers;
 - c. California Department of Fish and Wildlife;
 - d. Riverside County Flood Control and Water Conservation District; or other affected agencies.

43. 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 final WQMP water quality facilities and 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

44. 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.

45. NPDES General Permit Compliance. The developer shall obtain project coverage under the State National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities and shall provide the following:
 - a. A copy of the Waste Discharge Identification number (WDID) issued by the State Water Resources Control Board (SWRCB);
 - b. The project's Risk Level (RL) determination number; and
 - c. The name, contact information and certification number of the Qualified SWPPP Developer (QSD).Pursuant to the State Water Resources Control Board (SWRCB) requirements and City's storm water ordinance, a Storm Water Pollution Prevention Plan (SWPPP) shall be generated and submitted to the Board. Throughout the project duration, the SWPPP shall be routinely updated and readily available (onsite) to the State and City. Review www.cabmphandbooks.com for SWPPP guidelines. Refer to the following link: http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml

46. Water Quality Management Plan (WQMP) and O&M Agreement. The developer shall submit a final WQMP (prepared by a registered professional engineer) with the initial grading plan submittal, based on the conceptual WQMP from the entitlement process. It must receive acceptance by Public Works. A copy of the final project-specific WQMP must be kept onsite at all times. In addition, a completed WQMP Operation and Maintenance (O&M) Agreement shall be submitted for review and approval. Upon approval from City staff, the applicant shall record the O&M agreement at the County Recorder's Office in Temecula. Refer to the WQMP template and agreement link: www.TemeculaCA.gov/WQMP. As part of the WQMP approval, the Engineer of Record shall report and certify BMP construction per City of Temecula NPDES requirements. Should the project require Alternative Compliance, the developer is responsible for execution of an approved Alternative Compliance Agreement.

47. Drainage Study. A drainage study shall be prepared by a registered civil engineer and submitted to Public Works with the initial grading plan check in accordance with City, Riverside County and engineering standards. The study shall identify storm water runoff quantities (to mitigate the 10 and 100-year storm event for 24-hour storm duration peak flow) from the development of this site and upstream of the site. It shall identify all existing or proposed offsite or onsite, public or private, drainage facilities intended to discharge this runoff. Runoff shall be conveyed to an adequate outfall capable of receiving the storm water runoff without damage to public or private property. The study shall include a capacity analysis verifying the adequacy of all facilities. Any upgrading or upsizing of drainage facilities necessary to convey the storm water runoff shall be provided as part of development of this project.
48. Soils Report. A soils report, prepared by a registered soil or civil engineer, shall be submitted to Public Works with the initial grading plan submittal. The report shall address the site's soil conditions and provide recommendations for the construction of engineered structures and preliminary pavement sections.
49. Letter of Permission/Easement. The developer shall obtain documents (letters of permission or easements) for any offsite work performed on adjoining properties. The document's format is as directed by, and shall be submitted to, Public Works for acceptance. The document information shall be noted on the approved grading plan.
50. Habitat Conservation Fee. The developer shall comply with the provisions of Chapter 8.24 of the Temecula Municipal Code (Habitat Conservation) by paying the appropriate fee set forth in the ordinance or by providing documented evidence that the fees have already been paid.
51. Americans with Disabilities 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 Building Permit(s)

52. Final Map. Parcel Map Number 38924 shall be approved and recorded.
53. Precise Grading Plan. A precise grading plan shall be submitted to Public Works for review and approval. The building pad shall be certified by a registered civil engineer for location and elevation; and the soils engineer shall issue a final soils report addressing compaction and site conditions.

Prior to Issuance of a Certificate of Occupancy

54. 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), public improvements and the executed WQMP Operation and Maintenance agreement.
55. 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.
56. 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.

57. Certifications. All necessary certifications and clearances from engineers, utility companies and public agencies shall be submitted as required by Public Works.
58. Water Quality Management Plan (WQMP) Verification. As part of the WQMP approval, the Engineer of Record shall report and certify BMP construction per City of Temecula NPDES requirements. Should the project require alternative compliance, the developer is responsible for execution of an approved Alternative Compliance Agreement.

BUILDING AND SAFETY DIVISION

General Requirements

59. 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.
60. 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.
61. 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.
62. Obtain Approvals Prior to Construction. Applicant must obtain all building plans and permit approvals prior to commencement of any construction work.
63. Sewer and Water Plan Approvals. On-site sewer and water plans will require separate approvals and permits.
64. 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

65. Fire Requirement. The overall site plan will have fire department access throughout the site between the two parcels/businesses proposed. Conditions of approval have been issued by the Fire Department under PA23-0197.