

**EXHIBIT A**  
**CITY OF TEMECULA**  
**DRAFT CONDITIONS OF APPROVAL**

**Planning Application No.:** PA20-1326

**Project Description:** A Tentative Tract Map to combine eight (8) existing contiguous parcels into a single parcel under TTM 38043

**Assessor's Parcel No.:** 944-370-001  
944-370-005  
944-370-006  
944-370-007  
944-370-008  
944-370-010  
944-370-012  
944-370-013

**MSHCP Category:** Residential (Greater Than 14.1 du/ac)

**DIF Category:** Residential-Attached

**TUMF Category:** Residential-Multi-Family

**Quimby Category:** Multi-Family Attached (5 or More Units)

**New Street In-lieu of Fee:** N/A (Project not located in Uptown Temecula Specific Plan area)

**Approval Date:** September 13, 2022

**Expiration Date:** September 13, 2025

**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 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 Tentative Map does not affect the original approval date of a development plan.

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.

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

4. Consistency with Planned Development Overlay. This project and all subsequent projects within this site shall be consistent with Temecula Village Planned Development Overlay (PDO-5)
5. Modifications or Revisions. The developer shall obtain City approval for any modifications or revisions to the approval of this project.

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

6. TCSD Service Levels. It shall be the developer's responsibility to provide written disclosure of the existence of the Temecula Community Service District (TCSD) and its service level rates and charges to all prospective purchasers.

7. 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**

8. Final Map. A copy of the Final Map shall be submitted to, and approved by, the Planning Division.
9. Environmental Constraint Sheet. A copy of the Environmental Constraint Sheet (ECS) shall be submitted to, and approved by, the Planning Division with the following notes:
  - a. This property is located within 30 miles of Mount Palomar Observatory. All proposed outdoor lighting systems shall comply with the California Institute of Technology, Palomar Observatory recommendations, Ordinance No. 655.

**PUBLIC WORKS DEPARTMENT**

**General Requirements**

10. Subdivision Map. The developer shall submit a complete Tract 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.
11. 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.
12. 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.
13. Private Drainage Facilities. All onsite drainage and water quality facilities shall be privately maintained.
14. Parkway Landscaping. All parkway landscaping areas shall be privately maintained.

**Prior to Recordation of the Final Map**

15. 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.
16. Plans, Agreements & Securities. The developer shall have executed subdivision monumentation agreement and posted securities.
17. Right-of-Way Dedications. All easements and/or right-of-way dedications shall be offered for dedication to the public or other appropriate agency and shall continue in force until the City accepts or abandons such offers. All dedications shall be free from all encumbrances as approved by Public Works.
18. Environmental Constraint Sheet (ECS). The developer shall prepare and record an ECS with the Tract 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.

19. Required Clearances. As deemed necessary by Public Works, the developer shall receive written clearance from the following agencies:
  - a. Rancho California Water District;
  - b. Southern California Edison Company or other affected agencies
20. Right of Access. Relinquish and waive right of access to and from Rancho California Road on the Tract Map with the exception of one opening as delineated on the approved Tentative Tract Map.
21. Easements. Note the following:
  - a. An easement shall be dedicated for public utilities and emergency vehicle access for all private streets and drives.
  - b. Easements (when required for roadway slopes, landscape, drainage facilities, utilities, etc.) shall be shown on the Tract Map if they are located within the land division boundary. All offers of dedication and conveyances shall be submitted for review and recorded, as directed by Public Works. Onsite drainage facilities located outside of road right-of-way shall be contained within drainage easements and shown on the Tract Map. A note shall be added to the Tract Map stating: "Drainage easements shall be kept free of buildings and obstructions."
22. Property Taxes. Any delinquent property taxes shall be paid.

**Prior to Issuance of a Grading Permit**

23. 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](http://www.TemeculaCA.gov/ECM)
24. 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.
25. 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](http://www.cabmphandbooks.com) for SWPPP guidelines. Refer to the following link: [http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml)

26. 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](http://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.
27. Area Drainage Plan (ADP) Fee to RCFC&WCD. The developer shall demonstrate to the City that the flood mitigation charge (ADP fee) has been paid to RCFC&WCD. If the full ADP fee has already been credited to this property, no new charge will be required.
28. 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.
29. RCFC&WCD Encroachment Permit. A copy of the grading and improvement plans, along with supporting hydrologic and hydraulic calculations, shall be submitted to the Riverside County Flood Control and Water Conservation District for approval.
30. 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.
31. Geological Report. The developer shall comply with the recommendations and/or proposed Conditions of Approval as identified during entitlement.
32. 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.
33. 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.
34. 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)**

35. 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.
36. 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.
37. Improvement Plans. All improvement plans (including but not limited to street, storm drain, traffic) shall be reviewed and approved by Public Works.
38. Street Trenching. All street trenches shall conform to City Standard No. 407; refer to the City's Paving Notes.

### **Prior to Issuance of Building Permit(s)**

39. Final Map. Prior to issuance of the first building permit, Tract Map Number 38043 shall be approved and recorded.
40. Precise Grading Plan. The building pad(s) 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**

41. 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.
42. 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.
43. 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.
44. Certifications. All necessary certifications and clearances from engineers, utility companies and public agencies shall be submitted as required by Public Works.