

CONDITIONS OF APPROVAL

PROJECT: PA 2024-16/CUP 2024-09
PROJECT NAME: Natural Foot Spa
PROJECT LOCATION: APNs: 363-172-018 and 363-172-019
APPROVAL DATE:
EFFECTIVE DATE:
EXPIRATION DATE:

GENERAL

1. Planning Application No. 2024-16 (Conditional Use Permit No. 2024-09) proposes to establish a new massage establishment, Natural Foot Spa. The project is located within a 1,117 square-foot tenant suite of an existing multi-tenant commercial center. The massage establishment proposes a total of five (5) massage rooms, including three (3) single massage rooms, one (1) couple massage room, and one (1) foot massage room, as well as an entry reception area and ancillary rooms (e.g. storage, restroom, utility closet). Natural Foot Spa will provide a range of therapeutic services, including cupping, deep tissue massage, foot massage, and full-body massage. The business proposes to operate daily from 10:00 AM to 9:00 PM. The project site is located near the intersection of Diamond Drive and Mission Trail at 31736 Mission Trail which includes Assessor Parcel Numbers (APNs) 363-172-018 and 363-172-019.
2. The applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City, its Officials, Officers, Employees, Agents, and its Consultants (Indemnitees) from any claim, action, or proceeding against the Indemnitees to attack, set aside, void, or annul an approval of the City, its advisory agencies, appeal boards, or legislative body concerning the approval, implementation, and construction of CUP 2024- 09, which action is brought within the time period provided for in California Government Code Sections 65009 and/or 66499.37, and Public Resources Code Section 21167, including the approval, extension, or modification of CUP 2024-09 or any of the proceedings, acts or determinations taken, done, or made prior to the decision, or to determine the reasonableness, legality or validity of any condition attached thereto. The Applicant's indemnification is intended to include, but not be limited to, damages, fees and/or costs awarded against or incurred by Indemnitees and costs of suit, claim or litigation, including without limitation attorneys' fees, penalties and other costs, liabilities and expenses incurred by Indemnitees in connection with such proceeding. The City will promptly notify the applicant of any such claim, action, or proceeding against the City. If the project is challenged in court, the City and the applicant shall enter into formal defense and indemnity agreement, consistent with this condition.
3. Within 30 days of Project approval, the applicant shall sign and complete an "Acknowledgement of Conditions," and shall return the executed original to the Community Development Department for inclusion in the case records.

PLANNING DIVISION

4. Conditional Use Permit No. 2024-09 shall lapse and become void two years following the date on which the Conditional Use Permit became effective, unless one of the following: prior to the expiration of two years, a building permit related to the conditional use permit is issued

and construction commenced and diligently pursued toward completion; or (2) prior to the expiration of two years, the applicant has applied for and has been granted an extension of the approval pursuant to subsections (A), (B) and (C) of Lake Elsinore Municipal Code (LEMC) Section 17.415.070.D.2. Subject to the provisions of LEMC Section 17.415.070.I, a conditional use permit granted pursuant to the provisions of this section shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the Conditional Use Permit application.

5. The Applicant shall meet all applicable City Codes and Ordinances.
6. The applicant shall at all times comply with Section 17.176 (Noise Ordinance) of the LEMC.
7. An application for modification, expansion or other change in a Conditional Use Permit shall be reviewed according to the provisions of the LEMC, Title 17 in a similar manner as a new application.
8. A business license shall be obtained prior to a certificate of occupancy of the proposed establishment.
9. The use shall be operated as a Massage Establishment. Additionally, all future massage practitioner(s) or massage therapist(s), working under a conditionally approved Massage Establishment, must hold a valid massage practitioner or massage therapist certification issued by the California Massage Therapy Council (CAMTC) or apply for the City of Lake Elsinore Massage Technician Permit, pursuant to City's provisions contained in LEMC Chapter 5.20.
10. Business hours shall be Monday through Sunday from 10:00 AM to 9:00 PM. In the event the applicant proposes to modify the hours of operation, the modification shall be subject to review by the Community Development Director. The Community Development Director may approve the modification or refer the matter to the Planning Commission if judged to be substantial.
11. There shall be no loitering in or around the business.
12. All events shall be conducted entirely indoors within the interior of the business's tenant suite(s). No events shall be conducted outdoors without an approved Temporary Use Permit or Special Event Permit, as applicable, obtained prior to conducting any outdoor events on the subject property.
13. Conditional Use Permit No. 2024-09 shall be limited to the floor plan prepared by the applicant and included in the staff report. In the event the applicant proposes to modify the floor plan, the modification shall be subject to review by the Community Development Director or designee. The Community Development Director or designee may approve the modification or refer the matter to the Planning Commission if judged to be substantial.

14. If operation of this use triggers concerns related to parking, noise, traffic, or other impacts, at the discretion of the Community Development Director, this Conditional Use Permit may be referred back to the Planning Commission for subsequent review at a Public Hearing. If necessary, the Planning Commission may modify or add conditions of approval to mitigate such impacts or may revoke said Conditional Use Permit.
15. All Conditions of Approval shall be reproduced on page one of building plans prior to their acceptance by the Building and Safety Division, Community Development Department. All Conditions of Approval shall be met prior to the issuance of each individual Certificate of Occupancy.
16. Any proposed exterior signage shall comply with LEMC Section 17.196.180 requirements.
17. If any of the conditions of approval set forth herein fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny or further condition issuance of all future building permits, deny revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted; record a notice of violation on the property title; institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation.

BUILDING DIVISION

18. The Applicant shall meet all applicable Building Codes in effect at the time, including requirements for the occupancy.
19. Any internal or external modifications to the building shall require a building permit.

CITY OF LAKE ELSINORE FIRE MARSHAL

20. The applicant/operator shall comply with all requirements of the Riverside County Fire Department Lake Elsinore Office of the Fire Marshal.

I hereby state that I acknowledge receipt of the approved Conditions of Approval for the above named project and do hereby agree to accept and abide by all Conditions of Approval as approved by the Planning Commission of the City of Lake Elsinore on _____. I also acknowledge that all Conditions shall be met as indicated.

Date: _____

Applicant's Signature: _____

Print Name: _____

Address: _____

Phone Number: _____