



File

## CITY OF MURRIETA

November 3, 2005

Mr. Tim Stavrakis  
Date Street Plaza  
31970 Hwy. 79 South  
Temecula, CA 92593

SUBJECT: Development Plan #DPO-004-231

Dear Mr. Stavrakis:

At its meeting of October 26, 2005 the City of Murrieta Planning Commission acted to approve your Development Plan application #DPO-004-231 based on the attached findings and conditions of approval. You may have noticed that I corrected the numbering of the conditions of approval from those that were in the Planning Commission staff report, and eliminated redundancy by referencing and attaching the lists of conditions from Public Works/Engineering and the City's Landscape Architect. The new references are in conditions #31 and #62.

The Planning Commission's approval of the Development Plan included minor modifications to conditions of approval #23 and #70. In addition, the Commission required that you: (1) provide an easement for a City-standard entry monument sign at the corner of Date Street and Margarita Road to identify the overall commercial center; (2) provide spandrel glass and landscaped areas on the rear facades of the building; (3) any sign program shall strive to minimize the effect of sign lighting on the residential neighbors; and (4) temporary left turn prevention measures shall be in place where such turns are prohibited pending completion of permanent measures.

Please feel free to contact me at (951) 461-6065 if you have any questions.

Sincerely,

Jim Mackenzie, AICP  
Senior Planner

**FINDINGS OF APPROVAL  
DEVELOPMENT PLAN 004-231  
October 26, 2005**

**Based upon the hearing evidence, written information, oral comments, and documents and exhibits which are contained in the staff report for the project, the Planning Commission finds as follows:**

1. The proposed use is allowed within the subject zoning district and complies with all applicable provisions of the Murrieta Development Code.

FACTS: The proposed commercial center, as conditioned, is consistent with the Neighborhood Commercial (NC) zoning district, which allows commercial uses. As conditioned, the site complies with (or will comply with) Development Code requirements including, but not limited to, on-site parking, floor area ratio, setbacks, drainage and landscaping.

2. The proposed use would be consistent with the objectives, policies, general land uses and programs of the General Plan and any applicable specific plan.

FACTS: The proposed commercial center, as conditioned, is consistent with General Plan policies and objectives of the Neighborhood Commercial Land Use designation and no specific plans are applicable. The project is located at the intersection of Margarita Road and Date Street, both of which provide regional access in addition to serving neighborhood shopping needs. Road improvements have been required to mitigate potential traffic impacts.

3. The site of the proposed use is physically suitable for the type and density/intensity of development being proposed.

FACTS: The proposed center is located on two major streets, and is buffered from nearby residential properties by vacant properties. The site is not located within a fault hazard, flood hazard, special geologic hazard zone, liquefaction, subsidence, or dam inundation hazard zone.

4. The location, size, design and operating characteristics of the proposed use would, as conditioned, be compatible with existing land uses within the general area in which the proposed use is to be located.

FACTS: The building layouts and site design, as conditioned, include measures that will ensure that the site is physically suitable for development and is compatible to the surrounding properties. The proposed facility will comply with the City's architectural standards for commercial development pursuant to Section 16.10.030 of the Murrieta Development Code.

5. There are adequate provisions for sanitation, water, and public utilities to ensure public convenience, health, safety, and general welfare.

FACTS: The Eastern Municipal Water District will provide sewer and water services; electricity by Southern California Edison Company; and gas by the Gas Company. These facilities are available through connections from the existing street network.

6. The proposed use is in compliance with the provisions of the California Environmental Quality Act.

**FACTS:** The project has been determined to be exempt from environmental review in accordance with Section 15332 of the California Environmental Quality Act Guidelines.

**CONDITIONS OF APPROVAL FOR  
DEVELOPMENT PLAN DPO-004-231**

**DATE STREET PLAZA  
Date Street and Margarita Road**

**PLANNING DEPARTMENT**

**General**

1. The applicant shall defend (with attorneys approved by the City), indemnify and hold harmless the City of Murrieta, its agents, officers, and employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul an approval of the City, its advisory agencies, appeal boards, or legislative body concerning this approval of **DPO-004-231**. The City will promptly notify the permittee of any such claim, action, or proceeding against the City and will cooperate fully in the defense.
2. Any fees due the City of Murrieta for processing this project shall be paid to the City within thirty (30) calendar days of final action by the approval authority. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted. No permits, site work, or other actions authorized by this action shall be processed by the City, nor permitted, authorized or commenced until all outstanding fees are paid to the City.
3. The project approval is for **Date Street Plaza located at Date Street and Margarita Road**. All construction plans shall be in substantial conformance with the approved site plans, floor plans, elevations, material and color board(s), landscaping plans and grading plans dated **October 26, 2005**. Any proposed change substantially different than the approved plan shall require an amendment to this approval in accordance with the Development Code.
4. The project shall be in substantial conformance with all adopted environmental mitigation measures, any written project proposal information and any verbal agreements or representations made to the decision making body as part of its consideration of the project. Any proposed change substantially different than the approved project shall require an amendment to this approval in accordance with the Development Code.
5. Pursuant to Section 711.4 of the State of California Fish and Game Code, the applicant is required to pay a \$64.00 handling fee. Said fees shall be paid to the Clerk/Recorder of the County of Riverside at the time the Notice of Exemption is filed pursuant to Section 21152 of the Public Resources Code. If this fee is not paid, the approval of this project shall not be operative, vested, or final. In order to comply with State mandated time lines for filing of a Notice of Exemption the above fee must be delivered to the Planning Department within **two (2)** working days after the date of final approval.
6. The development of these premises shall comply with the standards of the City's Development Code and all other applicable State and Federal codes.

7. Subsequent modifications of this approval, which do not intensify the use, including but not limited to reorientation of structures, alteration of parking and circulation design, minor changes to the conditions of approval, interpretations of the conditions of approval relative to intent, necessity of, and timing, may be approved by the Planning Director, unless the Director requires a Substantial Conformance or Revised Permit application in accordance with the Development Code.
8. The applicant shall pay all applicable impact and/or mitigation fees or provide proof that all required fees have been paid in accordance with City policies and ordinances in effect at the time of permit issuance.
9. Any portion of the property to remain unused or undeveloped, shall be designated as "NO USE PROPOSED," and shall require approval of an appropriate land use application prior to that portion being used for any purpose as set forth in the City of Murrieta Development Code.
10. At all times during the conduct of the use(s) allowed by this permit, the use(s) shall maintain and keep in effect valid licensing from appropriate local, state and/or federal agencies as required by law. Should such required licensing be denied, expire or lapse at any time in the future, this permit shall become null and void.
11. Any existing approval for the use of, or development on, this property shall become null and void upon final approval of a grading or building permit by the City of Murrieta.
12. In the event the use hereby permitted under this permit is: (a) found to be in violation of the terms and conditions of this permit; (b) found to have been obtained by fraud or perjured testimony; or (c) found to be detrimental to the public health, safety or general welfare, or a public nuisance; this permit shall be subject to the revocation procedures in Section 16.82 of the Development Code.
13. In the event the use hereby permitted ceases operation for a period of one (1) year or more, this approval shall become null and void.
14. The Developer shall comply with all applicable provisions of federal, state and local ordinances in effect at the time of building permit issuance.
15. The applicant shall obtain approval of all necessary plans for the construction of structures on the subject property in accordance with the Murrieta Development Code. Such plans include, but are not limited to, site plans, floor plans, building elevations, grading plans and landscaping plans.
16. This approval shall be used within two (2) years of approval date, otherwise it shall become null and void and of no effect whatsoever. "Used," means the beginning of substantial construction contemplated by this approval which is thereafter diligently pursued to completion or to the actual occupancy of existing buildings or land under the terms of the authorized use.

17. Prior to the expiration of this approval, the permittee may request a one (1) year extension of time in which to use this approval. A maximum of three one-year extensions of time requests shall be permitted. Should the time period established by any of the extension of time requests lapse, or should all three one-year extensions be obtained and no substantial construction or use of this approval be initiated within five (5) years of the effective date of the issuance of this approval, this approval shall become null and void.
18. Prior to issuance of a grading or building permit, the Planning Department shall determine if the deposit-based fees for processing this application are in a negative balance. If so, any outstanding fees shall be paid by the applicant/developer.
19. All trash bins shall be stored in approved enclosures and screened in compliance with Sections 16.18.120 and 16.18.150 of the Murrieta Development Code. The location of the enclosures must be shown on the precise grade plan. Alternatively, if the applicant can provide approval from Waste Management that each unit may use individual trash bins, then only one enclosure shall be required at a location approved by the Planning Department.
20. All existing buildings, structures and uses on the entire property shall conform to all the applicable requirements of Development Code, and the conditions of this permit.

### **Design and Lighting**

21. All mechanical equipment and vents (ground or rooftop) shall be screened from public view. Screening method and location shall be reviewed and approved by the Planning Department.
22. Roof gutters and downspouts are not permitted on the exterior of the building unless satisfactorily integrated into the architecture as determined by the Planning Department prior to building permit issuance.
23. Prior to issuance of a building permit, the building elevations shall be modified to include additional design elements as follows: (a) add awnings to the east elevation of Building "B"; (b) add awnings, signage and increased spandrel glass to the east elevation of Building "A"; and (c) add awnings, signage and increased spandrelglass to the north elevation of Building "C".
24. The City is located within the Mt. Palomar Special Lighting Area, as defined in Section 16.18.110 of the Development Code, low pressure sodium vapor lighting or overhead high pressure sodium vapor lighting with shields or cut off luminaries, shall be utilized.

### **Parking**

25. Prior to the execution of any purchase contract or tenant lease agreements, a detailed statement disclosing to perspective buyer/tenant(s) the amount of parking provided for each unit, and that the City's parking requirements could significantly restrict a proposed use. Additionally, the disclosure shall advise buyers/tenants to confirm with the City the parking requirements for the any proposed use. Any use requiring additional parking above that provided or otherwise made available shall not be permitted.

26. Parking for this project was determined primarily on the basis of Development Code Section 16.34 and requires a minimum of **68** spaces.
27. All parking shall be designed and improved pursuant to Section 16.34 of the Murrieta Development Code, and shall be in conformance with the approved plans.

### **Signage**

28. No signs are approved as part of this project approval except as specifically identified in these conditions. Prior to the installation of any on-site advertising or directional signs, a signing plan shall be submitted to and approved by the Planning Department pursuant to the requirements of Section 16.38 of the City's Development Code.

### **Landscaping**

29. Drought tolerant and native plant species shall be preferred over non-drought tolerant and non-native species. However, the quantity and extent of those species shall depend on the project's climatic zones. Alternative types of low volume irrigation are encouraged to be used in order to conserve water.
30. All plant materials within landscaped areas shall be maintained in a viable growth condition throughout the life of this permit.
31. The project shall comply with the attached "Landscape Architect's Conditions of Approval" list dated September 6, 2005.

### **Planning Department General Conditions**

32. The project shall be developed in compliance with all applicable requirements and standards identified within the Development Code.
33. Construction of this project may be done progressively in phases provided a plan is submitted (with appropriate fees) to the Planning Department and approved prior to issuance of any building permits.
34. No tenant improvement permit, or any other building permit, shall be granted for any second story, second floor, mezzanine, or interior balcony unless a Development plan, conditional use permit, substantial conformance or a revised permit is approved by the Planning Department in order to assure adequate parking remains within the property. Only a one-story building was approved as part of this permit and reviewed for parking standards.
35. Outside storage is not approved/permitted as part of this project.
36. The project shall comply with all of the applicable requirements of the National Pollution Discharge Elimination System (NPDES) and shall conform to NPDES Best Management Practices for Stormwater Pollution Prevention Plans during the life of this permit.

37. Prior to the issuance of grading permits, the project applicant shall comply with the provisions of any existing City ordinance that has been established as a mitigation measure for the Stephens' Kangaroo Rat. These ordinances may include fee schedules, mechanisms for protecting habitat, or a combination thereof.
38. The project site shall be the point-of-sale for the purpose of collecting any sales tax on goods that are sold, delivered or rented on the site.
39. A clearance letter from Waste Management shall be provided to Planning staff verifying compliance with their conditions summarized as follows: The developer shall provide adequate area for collecting and loading recyclable materials such as paper products, glass and green waste in commercial, industrial public facilities and residential developments.
40. Any exterior lighting within parking areas adjacent to a residential zoning district shall not exceed 15-feet in pole height, with a maximum of 0.3 foot-candles illumination at adjacent residential property lines. All lighting fixtures shall be designed with shielding or cut-off fixtures to project in a downward manner to minimize glare and to not shine directly upon adjoining property or public rights-of-way.
41. All parking lot lights and other outdoor lighting shall be shown on electrical plans submitted to the Department of Building and Safety for plan check approval and shall comply with the requirements of Development Code Section 16.18.110; Mt Palomar Lighting Standards.
42. Prior to issuance of grading permits, the Planning Department shall determine if the deposit based fees for the project are in a negative balance. If so, any outstanding fees shall be paid by the applicant/developer.

### **Parking**

43. A minimum of 4 accessible parking spaces(s) for persons with disabilities shall be provided as shown on the approved plans. Each parking space reserved for persons with disabilities shall: (a) be identified by a permanently affixed reflective sign constructed of porcelain on steel, beaded text or equal, displaying the International Symbol of Accessibility; (b) not be smaller than 70 square inches in area; (c) be centered at the interior end of the parking space at a minimum height of 80 inches from the bottom of the sign to the parking space finished grade; and (d) have a surface identification sign duplicating the symbol of the accessibility in blue paint of at least 3 square feet in size.
44. A sign shall be posted in a conspicuous place at each entrance to the off-street parking area, not less than 17 inches by 22 inches, clearly and conspicuously stating the language provided by the Building and Safety Department regarding accessible parking.
45. A minimum of 2 loading spaces(s) shall be provided in accordance with Section 16.34.100 of the Development Code as shown on the approved plans dated October 26, 2005. The loading space shall be surfaced with six (6) inches of concrete over a suitable base and shall not be less than 15 feet wide by 25 feet long, with 14 feet vertical clearance.

### **Signage**

46. Prior to building tenant any occupancy, the applicant shall submit a comprehensive sign program for review and approval by the Planning Department.
47. No outdoor advertising display, sign or billboard (not including on-site advertising or directional signs) shall be constructed or maintained within the property subject to this approval.

### **Landscaping**

48. Prior to issuance of grading or building permits, three (3) copies of a Shading, Parking and Landscaping Plan shall be submitted to and approved by the Planning Department and City Landscape Architect. The location, number, genus, species, and container size of plants shall be shown.
49. All required landscape planting and irrigation shall have been installed in accordance with approved Landscaping, Irrigation, and Shading Plans and be in a condition acceptable to the City's Planning Department. The plants shall be healthy and free of weeds, disease or pests. The irrigation system shall be properly constructed and determined to be in good working order.

### **Noise**

50. Exterior noise levels produced by any use allowed under this permit, including, but not limited to, any outdoor public address system, shall not exceed 45 db (A), 10- LEQ, between the hours of 10:00 p.m. to 7:00 a.m., and 65 db (A), 10-minute LEQ, at all other times as measured at any residential, hospital, school, library, nursing home or other similar noise sensitive land use. In the event noise exceeds this standard, the permittee or the permittee's successor-in-interest shall take the necessary steps to remedy the situation, which may include discontinued operation of the facilities.
51. The permit holder may be required to submit periodic noise monitoring reports as determined by the Department of Building and Safety as part of a code enforcement action. Upon written notice from the Department of Building and Safety requiring such a report, the permittee or the permittee's successor-in-interest shall submit a report by a qualified person within thirty (30) calendar days to the Department of Building and Safety, unless more time is allowed through written agreement. The noise monitoring report shall be approved by the City. Any successor-in-interest shall be required to place on deposit sufficient funds to cover the costs of the preparation and review of the report approval prior to commencing the required report.
52. All compressors shall be located (in buildings) to eliminate impacts on adjacent properties.