



## CITY OF MURRIETA

February 7, 2007

Daphne Shen  
Pacific Design Group  
8071 Irvine Blvd  
Tustin, CA 92780

**Re: Development Plan 005-1806 (Los Alamos Furniture Store) – to construct an approximately 15,042 square foot furniture/retail building**

Dear Ms. Shen:

At its meeting on February 2, 2006 the City of Murrieta Planning Director acted to approve the above referenced project subject to the attached Findings and Conditions of Approval. There is a ten-day appeal period, which ends on February 12, 2007.

Pursuant to Section 711.4 of the State of California Fish and Game Code, a check made payable to the Clerk of the County of Riverside, in the amount of \$50.00, must be submitted to the City of Murrieta Planning Department for the filing of a Notice of Exemption. In addition, enclosed is check No. 1008 in the amount of \$45.00 payable to UC Regents. The check was not needed to process your application.

If you have any questions, please contact me at (951) 461-6415.

Sincerely,

  
Cathy Davis  
Assistant Planner

encl.

**CONDITIONS OF APPROVAL  
DEVELOPMENT PLAN (DP0-005-1806)/VARIANCE 007-2213  
LOS ALAMOS FURNITURE STORE  
JANUARY 22, 2007**

**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 Development Plan No. 005-1806. 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 a Development Plan consisting of a 15,042 square foot retail commercial center with associated parking, access, and landscaping requirements.
4. The project shall be developed in conformance with all approved exhibits dated January 22, 2007. 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. Materials and colors used in the construction of the building(s) shall be consistent with those approved with this application.
5. Pursuant to Section 711.4 of the State of California Fish and Game Code, the applicant is required to pay a \$50.00 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 and applicable provisions of the City's Development Code and all other applicable State and Federal codes and ordinances in effect at the time of building permit issuance.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.

15. 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.
16. *The screen wall along the trash enclosure/loading area needs additional architecture features and must include a cap on the top of the wall as well as some column elements consistent with the building. Final design is subject to the approval of the Planning Department (added by staff January 10, 2007).*
17. *Color of the building needs to be compatible and consistent with the adjacent development known as the "Home Center". Final approval of the color of the building must be approved by the Planning Department (added by staff January 10, 2007).*
18. Mechanical or other utility equipment shall be screened whether it is located on the roof, side of the building or on the ground. The method of screening shall be architecturally integrated in terms of materials, color and form. Roof top equipment should be integrated into the design of the building.
  - a. Any mechanical equipment and vents (ground or rooftop) shall be screened from view from any public right of ways, landscaping area, open space and parking area. Line of sight details shall be included in the plans for building permit issuance and stamped by a licensed architect. In addition, details including the height of the roof-top equipment and height of the parapet must be a detail within the plans for building permit issuance. Also, during the Planning Department review of the building plans, the design of a proposed screening method shall be included within the building plans in the event the roof top equipment is visible.
  - b. If any time during the building inspection process, any roof-top equipment is found to exceed the height provided in the details of the approved plans for building permit issuance, the applicant must submit proposed method for screening of the equipment. Approval of such screening method is at the discretion of the Planning Department.
  - c. Planning Department Approval and Building Permit Issuance must be obtained prior to any installation of the proposed screening method.
19. 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<sup>1</sup> or overhead high pressure sodium vapor lighting with shields or cut off luminaries, shall be utilized.
20. 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.
21. 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.

22. Parking for this project was determined primarily on the basis of Development Code Section 16.34 and requires a minimum of 31 spaces (parking ratio of 1 per 500) based on the use being an appliance, furniture or bulk goods store. The project is providing 50 spaces. *If fast food uses are proposed, the parking shall be allocated as 12,541 square feet with a parking ratio of 1 per 500 (25 spaces) and fast food use with 2,500 square feet at a parking ratio of 1 per 100 (25 spaces). (Added by staff on January 16, 2007)*
23. A minimum of 2 accessible parking spaces(s) for persons with disabilities shall be provided as shown on 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.
24. A minimum of two (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 January 5, 2007. The loading spaces 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.
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. 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.
27. No signs are approved as part of this project approval. Prior to the installation of any on-site advertising or directional signs, a signing program shall be submitted to and approved by the Planning Department pursuant to the requirements of Section 16.38 of the City's Development Code.
28. 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.
29. 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.

30. The retail commercial development shall follow all standards of the Community Commercial zone and Community Commercial Design standards located in section 16.10.020, and all other applicable standards within the City's of Murrieta's Development Code.
31. 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.
32. 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.
33. 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.
34. 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.
35. Outside storage is not approved/permitted as part of this project.
36. Dismantling of wrecked cars and outside storage is not permitted as part of this Development Plan approval.
37. Any vehicle repair and service activities shall be wholly contained within an enclosed building.
38. 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.
39. 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.

40. Alcoholic beverage sales shall be allowed in conformance with Development Code Section 16.44.030. Off-site beverage sales are not permitted at this site except where exempted by the Development Code Standard.

**Prior to application for a grading permit:**

41. The applicant shall submit an application with payment of the applicable fees for project addressing to the planning Department for review and approval prior to Grading permit issuance (minimum 30-days).

**Prior to issuance of a grading permit:**

42. The applicant shall comply with the provisions of any existing City ordinance established as a mitigation measure for the Stephens Kangaroo Rat.
43. Grading plans must be reviewed by the Planning Division for compliance with the approved site plan.
44. 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.
45. 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

**Prior to building permit issuance:**

45. *Prior to the issuance of building permits, a copy of the recorded reciprocal access and loading area agreement between the adjacent property owner must be provided to the Planning Department (added by staff on January 10, 2007).*
46. The applicant shall contact the Planning Department a minimum of 72-hours to allow for scheduling of any inspection required for this project.
47. Landscape plans shall be approved, prior to building permit issuance.

**Prior to the issuance of occupancy permits:**

48. Prior to building tenant any occupancy, the applicant shall submit a comprehensive sign program for review and approval by the Planning Department.

**Final Inspection:**

49. Unless otherwise indicated, all conditions, mitigation measures and other requirements shall be fully constructed and implemented prior to final inspection of the building and/or site improvements.

**LANDSCAPING:**

**Prior to the issuance of building permits:**

50. Three copies of construction landscaping plans shall be submitted to the Planning Division and approved. A licensed Landscape Architect shall prepare the plans.
51. The above-described plans shall be in substantial conformance with the plans approved by the City Landscape Architect, City Administrative Staff, Planning Commission and/or City Council. Notes, details, and specifications shall be included.
52. All landscape and irrigation plans shall be consistent with Title 16.28 of the Murrieta Municipal Code.
53. All parking lot planting areas, curbing, irrigation, and bumper overhang shall be consistent with Title 16.34.070-H. of the Murrieta Municipal Code. Parking spaces shown at less than 18 feet in length require additional dedication of landscape area for required bumper overhang. The additional landscape area will not count towards satisfying parking lot landscaping requirements. Provide separate square footage for overhand area and for the overall landscape area.
54. Landscape plans shall be drawn at a scale of 20 feet equal to 1 foot or larger. The City Landscape Architect will not accept plans drawn in 30 feet scale or smaller without prior approval.
55. No light fixture shall be designed for any location in a planting area, which would make it necessary to eliminate a tree. All overhead light fixtures shall be identified on the site plan prior to approval of the site plan.
56. Plant materials shall be installed from container sizes consistent with Murrieta Municipal Code, 16.28.080, Table 3-5, Minimum Required Mix of Plant Materials.
57. All ground covers shall be installed from living plant materials. Spacing shall be such that 100% coverage is achieved within 2 years of the installation.
58. **All planter areas shall be a minimum of 5 feet wide excluding curbs and required concrete strip adjacent to parking spaces (12" wide by 4" deep plus 6" wide curb or 12" wide by 12" deep integrally poured curb).**

59. Permanent, evergreen shrubs capable of mature growth to between 36 inches and 42 inches high shall be designed to screen the perimeter parking.
60. An approved concrete mow strip shall separate all turf and shrub beds in both the Murrieta Community Services Department (MCSD) and privately owned and maintained landscape areas. The mow strip shall separate all privately owned landscape areas from MCSD owned landscape areas.
61. All trash enclosures shall be covered with a wood arbor or other approved architectural treatment to blend with the buildings. All exposed sides of trash enclosure walls shall have a minimum 5 feet wide planting area (excluding curbing and walkway strip). Flowering vines shall be trained on to the walls. Trees, shrubs and ground covers shall be included.
62. Planting areas adjacent to Rancho Acacias shall have trees provided at the rate of one for each 20 lineal feet of landscaped area. All plant material shall match the existing theme established by the adjacent Home Center project.
63. Mature specimen trees in 36-inch and 48-inch boxes shall be supplied in sufficient quantity to provide variety and emphasis at the driveways and other main focal areas.
64. Above ground utility locations shall be approved with prior permission of the Planning Division. Building backflow prevention units shall be located in shrub areas outside of the City right-of-way. All double detector check and backflow assemblies shall be located in shrub beds clearly identified on the grading plan prior to approval of the grading plan. The detector check/backflow device shall be painted a neutral/earth tone color and any pipes extending above ground shall be finished and painted to match the device.
65. No required canopy shade tree planting area or shrub planting bed shall be narrower than 5 feet wide without permission from the City Landscape Architect.
66. Canopy shade trees shall be located directly adjacent to public parking spaces no farther than 25 to 30 feet on center (depending on the canopy spread of the species) to provide the required percentage of parking spaces shaded at 15 years growth.
67. Landscaping shall encompass a minimum of 20% of the total site.
68. No building roof drain shall daylight into a planter area or splash block. Roof drains located at planter areas shall be adapted to convey excess water through the planter via drain pipes, which daylight through the curb into the adjacent gutter or approved vegetative swale.
69. All trees facing streets shall be installed from 24" box containers from a species to match the existing street tree theme and as approved by the City of Murrieta Landscape Architect.

70. Landscaping shall be incorporated and planned as an integral part of the overall project design around the building. Landscaping should not interfere with pedestrian or handicap accessibility. Pedestrian and handicap accessibility shall be designed not to interfere with landscaping required around the building.
71. All trees shall be double staked with rubber type ties nailed to the lodge pole stakes in at least two vertical locations. Trunk protection devices shall be provided to all trees located in turf grass areas.
72. A rain shut off device shall be installed connected with the irrigation controller.
73. A weather-based "smart controller" that measures evapo-transpiration shall be provided. Drip irrigation is encouraged as a best management practice to conserve water.
74. All irrigation shall be protected in place in the MCSD areas. Damaged irrigation shall be replaced at the direction of the MCSD inspector at the owner's expense.
75. Additional trees may be required to be added to the MCSD areas at the direction of the MCSD inspector.
76. Additional trees and shrubs may be required on the landscape construction drawings as directed by the City Landscape Architect for screening, accent, massing of shrubs, etc.
77. *Lonicera japonica 'Halliana'* shall not be planted on site.

**Prior to Construction:**

78. The City Landscape Architect and MCSD Inspector shall meet with the job site superintendent and the landscape contractor for a pre-job meeting. A copy of the soil fertility recommendations shall be presented prior to the meeting. No landscaping shall occur prior to the meeting.

**Prior to the issuance of occupancy permits:**

79. Performance securities, in the amount determined by the City to guarantee the adequate maintenance of the landscaping materials and irrigation system in accordance with the approved plans for a period of one (1) year from the date of final clearance of the installed landscaping by the City, shall be posted with the Planning Department. Acceptable forms of security shall be limited to cash deposit, cash bonds, or irrevocable letters of credit. The performance securities shall be released one (1) year after final clearance of the installed landscaping by the City, upon written request by the owner, if the landscaping has been adequately maintained. A deposit to cover re-inspection of the landscape, at the current City rate shall be posted with the Planning Department prior to re-inspection for maintenance bond release.
80. All required landscaping and irrigation systems shall be installed in a condition acceptable to the City. The owner's Landscape Architect shall provide inspection of the

landscaping. The owner's Landscape Architect shall provide the City with a Certificate of Compliance stating that the landscaping was installed per the approved plans. The City will review the Certificate of Compliance and conduct inspections to ensure that the landscape installation is in compliance with the approved landscape plans.

## **ENGINEERING:**

### **GENERAL CONDITIONS**

81. The applicant shall pay all applicable Development Mitigation Impact Fees, including but not limited to:
  - A. Development Impact Fees, Ordinance 196-98 payable prior to issuance of building permit.
  - B. Kangaroo Rat Fee, payable at issuance of grading permit.
  - C. Riverside County Area Drainage Fees, payable at issuance of grading permit.
  - D. Transportation Uniform Mitigation Fee (TUMF), payable at building permit issuance.
  - E. MSHCP Fee, payable prior to issuance of a grading permit.Fees shall be based upon Commercial Development Rates.
82. Prior to any work being performed in the public right of way, fees shall be paid and an encroachment permit shall be obtained from the Engineering Department. The applicant shall apply for an encroachment permit from the City for utility trenching, utility connection or any other encroachment onto public right-of-way. The applicant shall be responsible for the associated costs and arrangements with each public utility.
83. Prior to the issuance of building permits, unless other timing is indicated, the applicant shall complete all street improvement, signing, striping, and signal plans (if required) in conformance with all applicable City ordinances and standards, submit and obtain approval, post securities and execute agreements. Prior to occupancy, unless other timing is indicated, all public improvements shall be installed in accordance with all applicable City ordinances.
84. All construction equipment shall be properly maintained and tuned to reduce emissions.

### **GRADING**

85. A project-specific water quality management plan (WQMP) shall be submitted to the Engineering Department for approval with the grading plan check application. The WQMP shall be approved by the Engineering Department prior to the issuance of a

grading permit. The post-construction best management practices (BMPs) outlined in the approved project-specific WQMP shall be incorporated in the grading plans. A copy of the approved project-specific WQMP shall be provided to the Engineering Department and a copy shall be maintained by the applicant and kept on-site.

At the completion of the project, the applicant shall enter into a maintenance agreement for the post-construction BMPs. This agreement shall be based on the as-built WQMP. BMPs and shall be recorded.

A copy of the as-built WQMP (approved WQMP updated to include any changes made during construction) shall be submitted to the Engineering Department prior to the release of grading and erosion control bonds. The applicant shall keep a copy of the as-built WQMP on-site at all times.

86. Prior to issuance of a grading permit and other construction activities, the applicant shall provide to the Engineering Department, a copy of the Notice of Intent (NOI) and waste discharge identification (WDID) number from the State Water Resources Control Board.

An adequate storm water pollution prevention plan (SWPPP) shall be available to state and city public works inspectors at the construction site prior to commencing and throughout construction. The applicant shall be responsible for implementation, monitoring, operations and maintenance of the SWPPP until construction is complete and a Notice of Termination (NOT) has been filed with the State Water Resources Control Board.

87. All grading activities shall minimize dust through compliance with AQMD Rule 403 which requires watering during earth moving operations.
88. A soils investigation study shall be completed and approved prior to issuance of a grading permit. If the project is located within an earthquake fault zone, a third party review shall be required of the soils investigation report. All recommended measures identified in the soils report shall be incorporated into the project design. On the grading plan, identify all faults located within the project from the Fault Location Map. All plans and maps shall show seismic zones as well as the minimum fault setbacks. Notes shall be placed on all plans if the project is entirely within or outside the seismic zone as the case may be.
89. If appropriate, prior to issuance of any grading permit or ground disturbance, applicant shall obtain necessary approvals and permits from applicable Federal and State regulatory agencies. If the site contains regulated waters, the applicant shall obtain a 404 permit from the Corps of Engineers, a 401 certification from the Regional Water Quality Control Board, a section 1603 Department of Fish and Game stream bed alteration agreement, and file a Notice of Intent of ground disturbance with the State Water Resources Control Board.
90. Prior to commencing of any grading in excess of 50 cubic yards, paving in excess of 3,000 square feet, or alteration of existing drainage patterns, the applicant shall obtain a