

**PLANNING COMMISSION
RESOLUTION NO. PLANNING COMMISSION-2007-12**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MURRIETA APPROVING DEVELOPMENT PLAN 2007-2382, AN APPLICATION BY ISABEL NOVAK TO CONSTRUCT A 6,544 SQ. FT. MEDICAL OFFICE BUILDING AND ASSOCIATED ON-SITE PARKING ON A 28,000 SQ FT. PROPERTY LOCATED APPROXIMATELY 300 FEET EAST OF MARGARITA ROAD AND 300 NORTH OF DATE STREET, MURRIETA, CALIFORNIA.

The Planning Commission of the City of Murrieta hereby resolves as follows:

SECTION 1. On May 15, 2007 an application for Development Plan No. 2007-2382 was filed by Isabel Novak, for the construction of a 6,544 sq. ft. medical office building on a vacant parcel located approximately 300 feet east of Margarita Road and 300 feet north of Date Street. A Development Plan is required by Section 16.56.020 and can be referred to the Planning Commission by the Planning Director. The application was deemed complete on July 11, 2007.

SECTION 2. A public hearing was duly noticed for the Planning Commission meeting of August 8, 2007, by mailing a notice to property owners within a 500 foot radius of the site on July 27, 2007, publishing the notice in The Californian newspaper on July 27, 2007, and posting the site on July 27, 2007.

SECTION 3. The proposal is Categorically Exempt from environmental review per California Environmental Quality Act (CEQA) Guidelines Section 15332. In-Fill Development Projects. This determination is based on the findings that the proposed medical office building is a permitted land use by the City's General Plan and Zoning Ordinance; the proposed site improvements are in compliance to the City's development standards; the project site is less than 5 acres in size and is substantially surrounded by urban uses; the project site in its present condition and with the existing surrounding development does not have value for habitat for endangered, rare or threatened species; the proposed land use and site improvements are subject to development standards and conditions to ensure the proposal will not have a significant effect on traffic, noise, air quality, and water quality; and existing public utilities and services are available to service the proposed land use.

SECTION 4. In accordance with Section 16.56.040 of the Murrieta Municipal Code (MMC), the Planning Commission makes the following findings regarding Development Plan 2007-2382:

**FINDINGS OF APPROVAL FOR
DEVELOPMENT PLAN 2007-2382
NOVAK MEDICAL OFFICE BUILDING
AUGUST 8, 2007**

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

FACTS: The project site is zoned Neighborhood Commercial (NC), which allows the proposed medical office use as a permitted land use (MMC Section 16.10.010 – Table 2-4).

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 medical office use is consistent with the objectives and polices of the City's General Plan in that Land Use Element (LU) 1.2d encourages professional office uses to provide medical services and project intensity is consistent with that established by the General Plan (LU 1.2i). The project site is not located within the boundaries of any specific plan.

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

FACTS: The project site is physically suitable for the proposed medical office building and the operation of the medical offices because it previously has been graded and leveled in anticipation of an office use, and vehicular public access to the site is via existing drive aisles connecting to public streets (Date Street and Margarita Road). Additionally, the operation of the proposed medical offices will be of similar intensity as existing commercial and medical service uses located to the west and south of the project site.

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

FACTS: The proposed medical office building and the operation of the medical offices is compatible with existing and future land uses on parcels adjacent to the project site because to the west and south exist medical and commercial uses operated in a manner similar to the proposal, to the east is vacant land planned to be developed for office and commercial uses. The proposal is not anticipated on having an impact on the existing day care center located to the north and adjacent to the project site because the proposed use is conducted wholly indoors and traffic to the project site is originated to the south and away from the day care center. The proposal is not anticipated on having an impact on the nearest residences to the project site because of the distance (approximately 132 feet) separating the uses and the proposal does not involve the creation of loud noises. Additionally, traffic associated with the proposal access via major arterials (Date Street and Margarita Road) and not through any residential areas.

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

FACTS: Eastern Municipal Water will provide sewer and the Rancho California Water District will provide water services; electricity by Southern California Edison Company; and gas by the Southern California 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 proposal is Categorically Exempt from environmental review per California Environmental Quality Act (CEQA) Guidelines Section 15332 In-Fill Development Projects. This determination is based on the findings that the proposed medical office building is a permitted land use by the City's General Plan and Zoning Ordinance; the proposed site improvements are in compliance to the City's development standards; the project site is less than 5 acres in size and is substantially surrounded by urban uses; the project site in its present condition and with the existing surrounding development does not have value for habitat for endangered, rare or threatened species; the proposed land use and site improvements are subject to development standards and conditions to ensure the proposal will not have a significant effect on traffic, noise, air quality, and water quality; and existing public utilities and services are available to service the proposed land use.

SECTION 6. Pursuant to the above findings, the Planning Commission of the City of Murrieta hereby approves Development Plan 2007-2382 subject to the following conditions:

**CONDITIONS OF APPROVAL
DEVELOPMENT PLAN (DPO-2007-2382)
NOVAK MEDICAL OFFICE BUILDING
AUGUST 8, 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 DPO No. 2007-2382. 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 on a 28,000 sq. ft. parcel is for a Development Plan consisting of the construction of a two-story, 6,544 sq. ft. building to be used for medical offices and related site improvements for parking, drive aisles, and landscaping.
4. The project shall be developed in conformance with all approved exhibits dated August 8, 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 \$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 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. 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.
15. Provide an electrical switch gear and fire riser equipment room with provisions for direct exterior access.
16. All parking shall be designed and improved pursuant to Murrieta Development Code (MDC) Section 16.34, and shall be in conformance with the approved plans.
17. Parking for this project was determined primarily on the basis of Development Code Section 16.34 and requires a minimum of 33 spaces (calculated based on a parking ratio

of 1 space per 200 sq. ft. gross building area). The project shall provide 33 on-site parking spaces, as shown on the site plan.

18. A minimum of 1 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.
19. 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.
20. A minimum of one loading space shall be provided in accordance with MDC Section 16.34.100 as shown on the approved plans dated July 23, 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.
21. 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 MDC Section 16.38.
22. 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.
23. 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.
24. The proposed site plan shall follow all standards of the NC (Neighborhood Commercial) zone standards located in Section 16.10.110, and all other applicable standards within the City's of Murrieta's Development Code.
25. 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.
26. 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.
27. 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.
28. Trellis for trash enclosures must meet the following design guidelines: 6X6 post, 6X6 beam, 4X4 or 4X6 rafter at 12" on center, 18" cantilever end cuts or chamfer.

29. The proposed building shall add exterior wainscoting of tile similar to that used on the existing medical office buildings located across the drive aisle and to the south of the project site.

PROPOSED USES

30. This project is designed for a medical office building for the purpose of providing general and or specialized medical services to the public.

PRIOR TO APPLICATION FOR A GRADING PERMIT

31. 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).
32. Grading plans must be reviewed by the Planning Department for compliance with the approved site plan.
33. 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.

PRIOR TO ISSUANCE OF BUILDING PERMITS

34. The applicant shall contact the Planning Department a minimum of 72-hours to allow for scheduling of any inspection required for this project.
35. Landscape plans shall be approved, prior to building permit issuance.
36. A copy of this resolution with the conditions of approval shall be incorporated into the cover sheet of the building plans submitted for the building permit.

PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS

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

Final Inspection:

38. Unless otherwise indicated, all conditions and other requirements shall be fully constructed and implemented prior to final inspection of the building and/or site improvements.
39. The applicant shall contact the Planning Department a minimum of 72-hours to allow for scheduling of any inspection required for this project.

LANDSCAPING

PRIOR TO THE ISSUANCE OF BUILDING PERMITS

40. Three copies of construction landscaping plans shall be submitted to the Planning Department and approved. A licensed Landscape Architect shall prepare the plans.
41. 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.
42. All landscape and irrigation plans shall be consistent with Title 16.28 of the Murrieta Municipal Code.
43. 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.
44. Landscape plans shall be drawn at a scale of 20 feet equal to 1 foot or larger. The City's Landscape Architect will not accept plans drawn in 30 feet scale or smaller without prior approval.
45. No light fixture or signage shall be designed for any location in a planting area, which would make it necessary to eliminate a required shade tree. All overhead light fixtures shall be identified on the site plan prior to approval of the site plan.
46. 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.
47. 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.
48. 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).
49. All trash enclosures shall be covered with architectural treatment to blend with the buildings as approved by the Planning Department. The walls of the trash enclosure shall have a minimum 5-foot wide planting area. Flowering vines shall be trained on to the walls. Trees, shrubs and ground covers shall be included.
50. Mature specimen trees in 36-inch and 48-inch boxes shall be supplied in sufficient quantity to provide variety and emphasis at all entry driveways, major corners, and other main focal areas.
51. Above ground utility locations shall be approved with prior permission of the Planning Department. Building backflow prevention units shall be located in shrub areas outside of the City right-of-way. All double detector check, electric transformers, 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 devices shall be painted a neutral/earth tone color and any pipes extending above ground shall be finished and painted to match the device. The electric transformer shall contain at least 5 feet of landscaping to screen it on all sides located outside the required landscape setback from the transformer (18 inches on the sides and 8 feet on the front).

52. No required canopy shade tree planting area or shrub planting bed shall be narrower than 5 feet wide or within parking overhang area. **Shade trees are required along the north side of the building in minimum 5-foot wide planting areas set back at least 30 inches from the end of the parking stall.**
53. Canopy shade trees shall be located directly adjacent to public parking spaces without walkways or paving between the tree and parking space to provide the required percentage of parking spaces shaded at 15 years growth. The trees shall be located no farther than 25 to 30 feet on center (depending on the canopy spread of the species) in continuous planting areas. Additional canopy trees and/or species that provide shade are be required within the parking lot along the face of the building at a maximum of 36 feet on center in tree wells (25 square feet minimum planting square footage) or planter islands containing at least 5 feet in width.
54. Landscaping shall encompass a minimum 23% of the total site or as required by zone.
55. 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 and directed into the detention basin.
56. Landscaping shall be incorporated and planned as an integral part of the overall project design around each 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.
57. All trees shall be double staked with rubber type ties nailed to the lodge pole stakes in at least two vertical locations.
58. A weather-based irrigation controller that measures evapo-transpiration is required. A rain shut off device shall be installed connected with the irrigation controller. Drip irrigation and low flow spray heads are required as a best management practice to conserve water.
59. A rain shut off device shall be installed connected with the irrigation controller.
56. All plantings shall be hydro-zoned according to WUCOLS or the "City of Murrieta Guide To Trees, Shrubs, and Ground Covers."
57. The detention basin shall contain a minimum of 5 feet of planting area at the top of the basin surrounding it, and at the same grade and elevation as the parking lot to screen the basin from view. If grasses are proposed in the bottom of the basin, they shall be installed from sod or 1 gallon containers.