



CITY OF MURRIETA

October 2, 2007

DR Horton
5790 Fleet Street
Carlsbad, CA 92008
Attn: Mr. Tom Lombardi

Subject: Development Plan (2007-2512), Phasing Plan for DP 004-065, Murrieta North Oaks

Dear Mr. Lombardi:

On August 16, 2007 the City of Murrieta's Administrative Officer acted to approve the above referenced project for a Development Plan for a phasing plan consisting of eight (8) phases (1 through 4B) for the Murrieta North Oaks project (DP-004-065). The project is subject to the attached original conditions of approval dated May 25, 2005 and conditions of approval dated October 2, 2007.

This decision will be final unless it is appealed to the Planning Commission within 10 days, which ends on October 12, 2007.

Sincerely,

Paul Swancott
Project Planner

Att: Conditions of Approval dated May 25, 2005.
Conditions of Approval dated October 2, 2007

cc: File DP0-2007-2512, DP0-004-065

Encl.

**CONDITIONS OF APPROVAL
FOR
DEVELOPMENT PLAN NO. (2007-2512)
PHASING PLAN
MURRIETA NORTH OAKS (DR HORTON)
OCTOBER 2, 2007**

PLANNING:

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. 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. This approval is for a Development Plan for a Phasing Plan that consists of eight (8) phases as identified on the approved exhibit dated October 2, 2007.
4. The project shall be subject to the original conditions of approval and mitigation measures dated May 25, 2005 (attached) unless amended by conditions included within this approval, Development Plan (2007-2512) for a Phasing Plan dated October 2, 2007.
5. The phasing plan (8-phases) shall construct in conformance with Development Code section 16.80 Permit Implementation (section(s) 16.80.040 and 16.80.50). Phasing timing for the project shall be subject to all applicable Development Code, Building and Safety and Engineering Department standards and requirements. The final phase eight shall be completed prior to April 1, 2010 (subject to compliance with all applicable City requirements).
6. The project shall be completed in compliance with mitigation measures and requirements of any Federal or State agencies.

Prior to final Inspection of each Phase:

7. The applicant shall provide signed documentation stating compliance with all/any applicable regulatory agencies prior to occupancy of any phase as of the date of this approval, October 2, 2007.
8. Each phase shall be completed in compliance with all conditions of approval, and requirements to serve each phase including but not limited to; required parking spaces, guest parking spaces, landscaping, and approved access.
9. Each phase shall require review and clearance from all City agencies. Clearance shall be required by the Planning Department prior to any final inspection.

10. Occupancy of any phase is not permitted without prior approval of the phase scheduled for inspection.
11. The applicant shall contact the Planning Department a minimum of 72-hours to allow for scheduling of any planning related inspection for this project.
12. Prior to final inspection of each phase, 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.

LANDSCAPING:

Prior to final occupancy issuance of Phase 2B.

13. The applicant shall complete/install all landscaping along all public street frontages (Sierra Lane and McElwain Road). All landscaping included interior slopes shall be installed in compliance with all approved landscaping conditions of approval. Landscaping shall be subject to review and approval by the City's Landscape Architect.
14. Condition #79 from approved May 25, 2005. Permanent, evergreen shrubs capable of mature growth between 42 inches and 48 inches high, at a minimum shall be designed to screen the perimeter of the project near the fence lines. **The project shall incorporate and identify on landscape plans a dense landscape design along the western property line adjacent to the residential zoned properties.**

(Added by Planning Commission on 5/25/05)

ENGINEERING:

The Engineering Division has completed a review of the above referenced Development Plan for a phasing plan, and provides the following condition of approval:

15. The project shall be developed in conformance with all applicable conditions of approval provided for with the approved TPM No. 32475 and Development Plan No. 004-65 dated May 25, 2005 (attached).

FIRE DEPARTMENT:

16. The Tentative Tract Map and Development Plan shall comply with and implement all provisions of the Departments letter dated December 9, 2004 (1 through 17), Approved on May 25, 2005 (attached).

END OF CONDITIONS

**CONDITIONS OF APPROVAL
TENTATIVE TRACT MAP NO. 32475 (TTM-004-059)
AND DEVELOPMENT PLAN (DP0-004-065)
NORTH OAKS (D.R.HORTON)
MAY 25, 2005
*(Amended By Planning Commission)***

PLANNING:

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. 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. 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 Determination 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 Determination, the above fee must be delivered to the Planning Department within two (2) working days after the date of final approval.
4. The proposed project lies within an area designated by the Western Riverside Council of Governments (WRCOG) and the City of Murrieta for the area wide Transportation Uniform Mitigation Fee (TUMF). The City adopted the TUMF Program on April 7, 2003. The project will be subject to the payment of these fees prior to issuance of building permits unless exempted by ordinance. The fees shall be subject to the provisions of the enabling ordinance and based upon the fee schedule in effect at the time of building permit issuance.
5. Tentative Tract Map No. 32475 shall record within two (2) years from the date of the approval or it shall become null and void unless an extension of time is granted pursuant to City ordinance.
6. The applicant shall pay all applicable 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.
7. The project approval is for a Tentative Tract Map and Development Plan consisting of a 213-unit condominium complex and all associated parking, access, and landscaping requirements. The project shall be developed in conformance with all approved exhibits dated May 25, 2005. 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 Community Services Director, unless the Director requires a Substantial Conformance or Revised Permit application in accordance with

Prior to recordation of the final map:

15. Developers shall prepare a statement to be provided to the potential purchaser of each unit, and included in escrow for the sale thereof, indicating the General Plan and zone designations for all properties abutting the Final Map boundaries, with direction to contact the City of Murrieta.
16. Any delinquent property taxes shall be paid prior to the recordation of the final map.
17. The Final Map shall include easements for reciprocal access and parking.
18. The subdivider/applicant shall submit the following documents to the City for review and approval by the City Attorney. A Homeowner's Association shall be established for maintenance of the private parking areas, streets, common areas and the recreational lots.

A declaration of covenants, conditions, and restrictions; and

A sample document conveying title to the purchaser of an individual lot or unit, which provides that, the CC&Rs are incorporated therein by reference.

The CC&Rs submitted for review shall (a) provide for a minimum term of 60 years, (b) provide for the establishment of a property owners association comprised of the owners of each individual lot or unit, (c) provide for ownership of the common area by either the property owners association or the owners of each individual lot or unit as tenants in common and (d) contain the following provisions verbatim:

- i. Notwithstanding any provision in this Declaration to the contrary, the following provision shall apply:
- ii. The property owners association shall have the right to assess the owners of each individual lot or unit for the reasonable cost of maintaining the private parking areas, common areas, and recreational lots and shall have the right to lien the property of any such owner who defaults in the payment of a maintenance assessment.
- iii. An assessment lien, once created, shall be prior to all other liens recorded subsequent to the notice of the assessment or other document creating the assessment lien.
- iv. This declaration shall not be terminated or substantially amended without prior written consent of the Development Services Director of the City of Murrieta or the City's successor-in-interest.
- v. A proposed amendment shall be considered substantial if it affects the extent, usage or maintenance of the private streets, common areas, and recreational lots.
- vi. In the event of any conflict between this Declaration and the Articles of Incorporation, the Bylaws or the property owners association Rules and Regulations, if any, this declaration shall control.

In addition the CC&Rs shall provide a method for the maintenance of the common areas, private streets, and privately maintained slopes within the final map, and shall provide to the extent they are not adequately enforced as to the requirements in these conditions of approval the City shall have the right there upon to enforce them, at the cost of the owner(s). Once approved, the declaration of covenants, conditions and restrictions shall be recorded at the same time that the final map is recorded.

Prior to issuance of a grading permit:

19. The applicant shall comply with the provisions of any existing City ordinance established as a mitigation measure for the Stephens Kangaroo Rat.
20. Grading plans must be reviewed by the Planning Division for compliance with the approved map.
21. Three (3) sets of a fence and wall plan including elevations and design for proposed access drives in conformance with the Development Code's Section 16.08.040 2. Access Drives. The plans shall be submitted for review to the planning department prior to permit issuance. The plans must include proposed design and location of all proposed fence and walls including along the project perimeter.
22. The project is subject to the requirements of the Multi-Species Habitat Conservation Plan (MSHCP). Per the Riverside County Multiple Species Habitat Conservation Plan (MSHCP), a habitat assessment shall be prepared by a qualified biologist, which at a minimum must address potential habitats for the Burrowing Owl, and other Criteria Area Species, Mammalian Species, and Narrow Endemic Plant Species as required by MSHCP for this project site.

Prior to building permit issuance:

23. An application for a model home complex must be submitted in conformance with the City's submittal requirements for review and approval prior to building permit issuance.
24. The applicant shall contact the Planning Department a minimum of 72-hours to allow for scheduling of any inspection required for this project.
25. The project plans shall provide recreation amenities in the designated areas. The amenities shall provide recreational opportunities to the residents within the project and **shall include a swimming pool, spa/hot tub, showers, tot-lot, basketball court, or other similar facility.** The project applicant shall submit the final proposed amenity for review and approval of the Planning Division prior to issuance of the first building permit.
(Amended by Planning Commission on 5/25/05)
26. The proposed garages/carports and recreation building shall be in substantial conformance and theme (design) of the main complex. The project applicant shall submit three copies of proposed garage(s) and recreational building exterior elevations to the Planning Division for review and approval prior to a building permit being issued.
27. The local postal delivery office shall review and approve all proposed postal delivery arrangements, including location and access to all mailboxes. The applicant shall provide the City with evidence of postal service approval.

28. Landscape plans shall be approved, prior to building permit issuance.

Prior to the issuance of occupancy permits:

29. Prior to occupancy of any units the final map shall be recorded for the phase that the units are located within.
30. Prior to occupancy clearance for the sales office, the developer shall post in a conspicuous place within the sales office a copy of the City's most recent General Plan/Zoning Map (or Specific Plan Land Use Map). A copy of the map shall be obtained from the Planning Division at the Developer's cost. In the event the map is amended, the developer shall post the amended map, to be paid for by the developer. The City will notify the developer if the map is amended.

MITIGATION MEASURES:

The mitigation measures identified below (No's 31 through 56) were adopted as part of the Mitigated Negative Declaration for a prior application on this site (TTM 29556). The current project (TTM 32475 & Development Plan 004-065) is subject to these mitigation measures except where it can be demonstrated to the satisfaction of City staff that compliance with a measure(s) has already been satisfied.

31. The developer shall submit a fire management plan in accordance with the MFPD's Fuel Modification Plan requirements that shall provide adequate buffer to ensure that new structures and development are protected from wildland fire hazards on all sides of the property and where the open space lot will be retained in its natural condition. The performance standard for this measure shall be adequate fire flow and sufficient distance or buffer that will ensure the structures are not exposed to significant wildland fire hazards during dry, Santa Ana conditions.
32. The project will either detain the incremental increase in storm water runoff on the project site, or ensure that an offsite facility of adequate capacity is available to capture and detain such increases from the project site as part of managing the cumulative increase in runoff contributed to both stream channels located on the project site. The detention system proposed by the developer shall be reviewed and approved by the City of Murrieta.
33. The project developer shall install all onsite and offsite circulation system improvements in accordance with City engineering requirements to ensure that direct effects of new trips generated by the project do not degrade circulation system flows below City significant thresholds.
34. The developer shall install a covered mass transit stop along McElwain Road (or in the immediate vicinity) in front of the multi-family residential developed area, if mass transit service is currently available or will be available in the future or will coordinate with the City of Murrieta for installation of a mass transit stop at another location that may better meet City transit needs.
35. The developer of the project site shall incorporate sufficient detention basins or other runoff control features to control the volume of surface runoff leaving the project site to that it does not exceed the current surface runoff discharge from the project site. These features shall be included in the final tract map and shall be approved by the City prior to issuance of a grading permit for the site.