



CITY OF MURRIETA

May 15, 2006

Orchard Development Group, LLC
22875-F Savi Ranch Parkway
Yorba Linda, CA 92887
Attn: Allan Davis

Re: Development Plan 2005-1800 (Orchards-North)

Dear Mr. Davis:

At its meeting of May 2, 2006 the City of Murrieta City Council acted to approve the above referenced project subject to the attached Findings and Conditions of Approval.

If you have any questions, please contact me at (951) 461-6037.

Sincerely,

A handwritten signature in cursive script that reads "Dennis Watts".

Dennis Watts
Acting Senior Planner

encl.

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**FINDINGS OF APPROVAL FOR
DEVELOPMENT PLAN 005-1800
APRIL 26, 2006**

Based upon the hearing evidence, all written and oral testimony, and documents and exhibits which are contained in the staff report for the above referenced 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 building is consistent with the Business Park (BP) zoning district, which allows various warehouse retail, light industrial, and office uses. The site complies with the Development Code requirements including but not limited to setbacks, on-site parking, floor area ratio, 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 building allows for uses that are consistent with General Plan policies and objectives of the General Plan designation. The proposed building would provide for office uses, which is consistent with the Business Park General Plan designation.

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

FACTS: The site is physically suitable for development and is compatible to the surrounding properties. The proposed project is located on two major streets complying with the General Plan requirements. Further, the site location is such that the proposed project will have minimal interface with the residential properties in the nearby area. The site is not located within any 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 be compatible with existing land uses within the general area in which the proposed use is to be located.

FACTS: 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 industrial development, Section 16.12.030 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 will be available through construction of infrastructure of McElwain Road and from connections from the existing street network.

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

FACTS: The proposed project adds an 8.5-acre parcel to the previously approved Orchards Development Plan; however no additional square footage is proposed beyond what the original EIR considered. Therefore, an addendum to the Orchards Final Environmental Impact Report (EIR) has been prepared in accordance with Section 15164 of the California Environmental Quality Act. All previous mitigation measures are still in effect

**CONDITIONS OF APPROVAL FOR
DEVELOPMENT PLAN 2005-1800**

MAY 2, 2006

(Amended by City Council)

PLANNING DEPARTMENT

General:

1. Conditions of Approval for Development Plan 03-161, Tentative Tract Map 32893, Variance 04-059, Development Agreement 04-057, and mitigation measures approved by the City Council on September 21, 2004 are in effect for this Development Plan, unless modified herein, attached.

Development Plan 2005-1800 represents a request to construct a 221,000 square foot retail building and 5,000 square foot canopy for a 12-pump fueling facility requiring 747 parking spaces on 17 acres, hereby replacing the previous approval of the northerly portion of the project. The adopted Environmental Impact Report for Development Plan 03-161 considered the proposed building square footage, therefore this project is subject to all mitigation measures identified in the Final EIR and Addendum.

2. 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 Development Plan 2005-1800. The City will promptly notify the permittee of any such claim, action, or proceeding against the City and will cooperate fully in the defense.
3. 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.
4. The project approval is for a 221,000 square foot retail building and a 5,000 square foot canopy with a 12-pump fueling facility on 17.0 acres, 747 parking spaces, and associated landscaping. 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 May 2, 2006. Any proposed change substantially different than the approved plan shall require an amendment to this approval in accordance with the Development Code.

5. 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 and made a part of the approved motion. Any proposed change substantially different than the approved project shall require an amendment to this approval in accordance with the Development Code.
6. 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.
7. The development of these premises shall comply with the standards of the City's Development Code and all other applicable State and Federal codes.
8. 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.
9. 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 and in accordance with any applicable Development Agreement.
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. 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.
15. The project shall be developed in compliance with all applicable requirements and standards identified within the Business Park (BP) zone.
16. No tenant improvement permit, or any other building permit, shall be granted for any second story, second floor, mezzanine, or interior balcony provided the total area does not exceed 221,000 square feet, 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.
17. 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.
18. 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.
19. 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.

Design and Lighting:

20. 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.

21. 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.
22. 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.
23. 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 16.18.100-Lighting and 16.18.110-Mt Palomar Lighting Standards.
24. 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 and shall provide a minimum of 848 square feet of refuse storage area (424 square feet for refuse and 424 for recycling). Alternatively, if trash compactors are proposed, then it shall be demonstrated that the compactor provides adequate provisions for handling waste and refuse.

Parking:

25. Parking for this project was determined primarily on the basis of Development Code Section 16.34 and requires a minimum of 746 parking spaces (1 space per 300 square feet) for 226,000 square feet.
26. 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.
27. A minimum of four (4) loading spaces(s) shall be provided in accordance with Section 16.34.100 of the Development Code as shown on the approved plans. 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:

28. One additional 45-foot high freeway sign is permitted at the location shown on the site plan, subject to a 5-foot setback from the property line. The design shall be per the approved sign program. No other signs are approved as part of this project approval except as specifically identified in the previously approved sign

program. Prior to the installation of any signs, an amendment to the approved comprehensive sign 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.

Final Inspection:

29. 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.
30. All pre-existing and temporary outdoor advertising displays, signs or billboards shall be removed that are not a part of the project.
31. If the project has been phased, all facilities meant to serve the current phase of development shall be installed in a usable condition. Project landscaping may not all be deferred until the final phase.

Landscaping:

32. Three copies of construction landscaping plans shall be submitted to the Planning Division and approved. A licensed Landscape Architect shall prepare the plans.
33. 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.
34. All landscape and irrigation plans shall be consistent with Title 16.28 of the Murrieta Municipal Code.
35. 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 that overhang landscaped areas (up to 3 feet maximum) require additional dedication of landscape area for required bumper overhang. Any landscaped overhang area will not count towards satisfying parking lot landscaping requirements.
36. 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.

37. 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 or photometric plan prior to approval of the site plan.
38. 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.
39. 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.
40. 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).
41. Permanent, evergreen shrubs capable of mature growth to between 36 inches and 42 inches high shall be designed to screen the perimeter parking, walls and fencing.
42. An approved concrete mow strip shall separate all turf and shrub beds.
43. All trash enclosures shall be covered with a wood arbor or other approved architectural treatment to blend with the buildings. Flowering vines shall be trained on to the walls. Trees, shrubs and ground covers shall be included.
44. Planting areas adjacent to Linnel Lane and McElwain Road shall have trees provided at the rate of one for each 20 lineal feet of landscaped area. The City Landscape Architect shall approve street trees. All street trees shall be installed from 24" box containers or larger.
45. Mature specimen trees in 36-inch and 48-inch boxes or palms with 12 feet of brown trunk, shall be supplied in sufficient quantity to provide variety and emphasis at the entry driveways, within street view, faces of buildings, and other main focal areas.
46. 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 devices shall be painted a neutral/earth tone color and any pipes extending above ground shall be finished and painted to match the device, subject to Fire Department and EMWD approval.
47. 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.