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CITY OF MURRIETA

February 8, 2006

Alexander Communities
3184-H Airway Avenue
Costa Mesa, CA 92626
Att: Mr. Jim McMenamin

**Re: Re-Hearing of the Appeal of Vesting Tentative Tract Map 31467 and
Development Plan (03-328) A.C. Washington**

Dear Mr. McMenamin:

At its meeting of February 7, 2006 the City of Murrieta City Council acted to deny Appeal (2005-1796) and uphold the Planning Commission's approval of VTTM 31467 and Development Plan (03-328) Amendment No. 4 for the A.C. Washington project subject to the attached Findings and Conditions of Approval.

Pursuant to Section 711.4 of the State of California Fish and Game Code, check made payable to the Clerk of the County of Riverside, in the amount of \$64:00 must be submitted to the City of Murrieta Planning Department for the filing of an updated Notice of Determination.

Sincerely,

A handwritten signature in black ink that reads "Paul Swancott".

Paul Swancott
Associate Planner

CC: File No's Appeal (2005-1796) VTTM 03-327, Dp 03-328

encl.

**FINDINGS OF APPROVAL FOR
VESTING TENTATIVE TRACT MAP 31467 (CASE 03-327)
A.C. WASHINGTON
FEBRUARY 7, 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 City Council finds as follows:

1. The proposed Tentative Tract Map is consistent with the General Plan.

FACTS: The proposed project site is within the Multiple Use 3 (MU-3) General Plan designation, which permits multi-family development at a density of no greater than 18 dwelling units to the acre. The project proposes 11.01 dwelling units per acre.

2. The proposed Tentative Tract Map is consistent with the Murrieta Municipal Code and the Subdivision Map Act and complies with all applicable requirements of state law and local ordinances.

FACTS: The project is consistent with the Murrieta Municipal Code and the Subdivision Map Act related to parcel size and width, landscaping, on-site parking, setbacks, access, density, and condominium requirements. The subdivision configuration provides opportunities for passive/solar heating since landscaping would provide passive cooling opportunities via shading of each building/unit.

3. The site of the proposed Tentative Tract Map is physically suitable for the type and density of the proposed development, is in harmony in scale, height, bulk, density and coverage, and creates a compatible physical relationship to the surrounding properties for which this area has been planned.

FACTS: The site is a relatively flat terrain (no slopes exceeding 15%) and is physically suitable for the development and is compatible with the surrounding properties. The existing structures and trees will be removed prior to development of the associated project, with the existing onsite telecommunications tower (monopine) remaining on site. The Tract Map proposes one parcel for condominium purposes. All necessary service facilities are available to service the site. Drainage facilities must comply with local, state and federal regulations.

4. The proposed Tentative Tract Map is in compliance with the provisions of the California Environmental Quality Act.

FACTS: An Initial Study was prepared for the project site in accordance with the California Environmental Quality Act Guidelines and found that the project will not have a significant effect on the environment. A Mitigated Negative Declaration was prepared and issued for the project in compliance with Section 15070 of the California Environmental Quality Act Guidelines.

5. The proposed project will not adversely affect the public health, safety, and welfare, nor be materially detrimental to the use, enjoyment, or valuation of persons or other property in the surrounding area.

FACTS: The site is not located in any known areas of subsidence, special geologic study zone, or liquefaction and the project will not involve the release or production of hazardous materials. The project will have adequate buildable area, street improvements, access and public improvements provided. Development of the project is not likely to cause substantial environmental damage, nor

substantially and avoidably injure fish, wildlife, or their habitat since no threatened, or protected vegetation or wildlife habitat occurs on the site, as determined during the environmental review.

**FINDINGS OF APPROVAL FOR
DEVELOPMENT PLAN 03-328
A.C. WASHINGTON
FEBRUARY 7, 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 City Council 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 multi-family project (condominiums) is consistent with the Multiple Use-3 (MU-3) zoning district, which allows 18 dwelling units to the acre. The proposed project is at a density of 11.1 units to the acre.

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 multi-family project is consistent with General Plan policies and objectives of the Multiple Use-3 designation. The facility meets the parking, landscaping, and development regulations of the Multiple Use 3 zoning, and the Condominium standards. The project meets the design standards of the Murrieta Development Code with regards to architecture, height, and hardscape.

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 existing structures and trees will be removed prior to development of this project, with the existing onsite telecommunications tower (monopine) remaining on site. The proposed project is adjacent to existing approved residential development and vacant land. The site is not located within the special geologic hazard zone, liquefaction, subsidence, or dam inundation hazard zone. The project site is located in the fault hazard and flood hazard zone but has been designed to comply with the requirements of this 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 multi-family development, Section 16.08.040 of the Murrieta Development Code and Section 16.44.060 Condominium. Landscaping and masonry walls provide buffering from adjacent residential uses.

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

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

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

FACTS: An Initial Study Checklist was prepared for the project site in accordance with the California Environmental Quality Act Guidelines. This review determined that mitigation measures were necessary to mitigate impacts to a level of less than significant and a Mitigated Negative Declaration is adopted for this project.

CONDITIONS OF APPROVAL
VESTING TENTATIVE TRACT MAP NO. 31467 (CASE 03-327)
AND DEVELOPMENT PLAN (03-328)
A.C. WASHINGTON
FEBRUARY 7, 2006
(Amended by Planning Commission 10/12/05)

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 and \$1250.00 certification 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. If the vesting tentative map does not record within two (2) years and an extension of time is required, the project may 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. Vesting Tentative Tract Map No. 31467 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 Vesting Tentative Tract Map and Development Plan consisting of a 64-unit condominium complex and all associated parking, access, and landscaping. All construction shall be in substantial conformance with approved plans, elevations, and material and color board dated February 7, 2006. Any proposed change substantially different than the approved plan shall require an amendment to this approval in accordance with the Development Code.

8. The attached Condominiums shall follow all standards of the Multiple Use-3 zone, and multi-family residential standards located in sections 16.08.040, and 16.44.060 and all other applicable standards within the City's of Murrieta's Development Code.
9. All exterior lighting shall comply with Section 16.18.10-Mount Palomar Lighting Standards of the City of Murrieta Development Code.
10. Any exterior lighting within parking lot areas shall not exceed 15-feet in pole height, with a maximum of 0.3 foot candles illumination at adjacent residential properties. All lighting fixtures where applicable shall include cut-off fixtures, and shall be designed to project in a downward manner to minimize glare to surrounding properties.
11. 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 near the recreation area.
12. The use of signs, pennants, banners, streamers, flags, or similar attention getting devices is prohibited, unless specifically approved by the Planning Division.
13. If phasing is proposed, a phasing plan shall be submitted to and approved by the Planning Manager.
14. All parking requirements shall be in conformance with as identified on the approved exhibit and designed and improved pursuant to Section 16.34 of the Murrieta Development Code. Based on 32 2-bedroom and 32 3-bedroom units, the project requires 128 enclosed garage spaces, 39-guest spaces, for a total of 167 parking spaces.
15. Proposed dwelling units located at the rear of the project site (northeast) shall provide a minimum 120-foot setback from the existing residential building to the east (APN 906-040-064). Setback shall be delineated on all plans/maps clearly identifying compliance with this requirement.
16. Proposed dwelling units for this project shall not exceed 2-stories in height.

Prior to recordation of the final map:

17. Developers shall prepare a statement to be provided to the potential purchaser of each unit, and included in escrow for the sale thereof, indication the General Plan and zone designations for all properties abutting the Final Map boundaries, with direction to contact the City of Murrieta.

18. The applicant shall coordinate with the property owner to the northeast of the project (APN 906-040-064) to complete and acceptance of the following:
 1. The installation of trees (including tree size) in locations acceptable to the property owner.
 2. Details of times pertaining to the use of the recreational amenity areas located at the rear of complex adjacent to the subject property. Agreed times and language shall be included in the covenants, conditions, and restrictions (CC&R's).

A signed letter from the property owner stating agreement with these requirements shall be provided for review to the Planning Department. The letter shall be stored in the project file for this project.

19. A note shall be delineated on the final map concerning the proposed dwelling units located to the rear of the project site (northeast). The note shall state and identify a 120-foot setback from the existing residential building to the east (APN 906-040-064).
20. Any delinquent property taxes shall be paid prior to the recordation of the final map.
21. The Final Map shall include easements for reciprocal access and parking.
22. The subdivider 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, 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 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:

- 23. The applicant shall comply with the provisions of any existing City ordinance established as a mitigation measure for the Stephens Kangaroo Rat.
- 24. Grading plans must be reviewed by the Planning Division for compliance with the approved map.
- 25. 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.

Prior to building permit issuance:

- 26. The project shall provide and identify (cross sections) on the wall and fence plan(s) a decorative masonry block wall/wrought iron fence along the north perimeter of the project adjacent to the Womble (VTTM 30953). The wall/fence shall be placed on the property line as perimeter fence for both Womble and this project.
- 27. The project shall provide and identify on the wall and fence plan(s) a design that incorporates a decorative block/wrought iron combination matching the fence and wall to be located along the frontage facing Washington Avenue. The fence/wall shall be located along the perimeter between the proposed Womble (VTTM 30953) project to the north.
- 28. The perimeter fence between the existing Sonrisas multi-family project to the south (will require removal of existing block wall) shall be replaced with a combination block/wrought iron fence matching the fence and wall to be located along the frontage facing Washington Avenue. The Changes (wall) shall be subject to approval by the Home Owners Association. A letter from the HOA accepting the new wall/fence shall be forwarded to the Planning Department.