

**PLANNING COMMISSION  
RESOLUTION NO. 2008- 12**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MURRIETA APPROVING TENTATIVE MAP 006-2170 (TTM #35223) BY WESTMAR COMMERCIAL BROKERAGE TO SUBDIVIDE AN EIGHT OFFICE BUILDING COMPLEX INTO 33 OFFICE CONDOMINIUM SUITES LOCATED ALONG THE NORTH SIDE OF MURRIETA HOT SPRINGS ROAD BETWEEN JACKSON AVENUE AND WHITEWOOD AVENUE**

WHEREAS, on October 27, 2006 an application was filed by Westmar Commercial Brokerage for the subdivision of an eight office building complex into 33 office condominium suites located on the north side of Murrieta Hot Springs Road between Jackson Avenue and Whitewood Avenue. A tentative map is required by Murrieta Development Code Section 16.86.040. The application was deemed complete on November 27, 2006; and

WHEREAS, a public hearing was duly noticed for the Planning Commission meeting of April 23, 2008, by mailing a notice to property owners within a 500 foot radius of the site on April 11, 2008, publishing the notice in The Californian newspaper on April 13, 2008, and posting the site on April 13, 2008; and

WHEREAS, the property, as proposed, is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15315 (Minor Land Divisions) of the CEQA Guidelines. The proposed condominium map is zoned commercial, the division involves four or fewer parcels and is in conformance with the General Plan and zoning; no variances or exceptions are required for the site; all services and access to the proposed parcels are available; the parcel has not been involved in the division of a larger parcel within the past two years; and the parcel does not have an average slope greater than 20 percent,

Now, therefore, the Planning Commission of the City of Murrieta resolves as follows:

SECTION 1. In accordance with Section 16.94.080 of the Murrieta Municipal Code, and based upon the facts, testimony and information provided and of record in these proceedings, the Planning Commission makes the following findings regarding Tentative Map 35223 (Case No. TTM-006-2170):

**FINDINGS OF APPROVAL FOR  
TENTATIVE MAP 35223 (TTM-006-2170)  
THE SPRINGS CORPORATE CENTER  
JULY 23, 2008**

1. The proposed map, design or improvement is consistent with the objectives, policies, general land uses, and programs of the general plan and any applicable specific plans and all applicable provisions of the Murrieta Development Code.

FACTS: The proposed subdivision is consistent with General Plan Policy LU-1.2d – Professional office centers will provide personal, medical and business services. The proposed subdivision is intended to allow businesses the opportunity to purchase the units versus leasing. The entire building is proposed to be occupied by various office uses.

2. The site is physically suitable for the type or density of development proposed.

FACTS: The site is physically suitable for development and is compatible to the surrounding properties. Once graded, the site will be relatively flat, with slopes towards existing developments and adjacent to an arterial street. The development is adequate in size to accommodate the proposed office uses while complying with or exceeding the City's development standards. The other uses adjacent to the proposed subdivision are existing single family residential and an existing commercial development. The project site is not located within the wildland fire, FEMA, or dam inundation hazard area.

3. The design of the subdivision or the proposed improvements are unlikely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

FACTS: The proposed subdivision will not cause any environmental damage or injure any habitat area as the previously approved development plan for the buildings found the project exempt from CEQA. The proposal will change only the ownership arrangement of space within the buildings and will not change the building configuration, site design, or use.

4. The design of the subdivision or type of improvements is not likely to cause serious public health problems.

FACTS: The proposed subdivision will not cause any public health problems as the proposal only addresses a change to the ownership of space within the buildings and does not propose any use or activity that is inconsistent or exceeds prior approvals for development.

5. The design of the subdivision and the type of improvements would not conflict with easements, acquired by the public at large for access through or use of property within the proposed subdivision.

FACTS: All space within the proposed subdivision is confined to the space within the 47,756 square foot office complex and will not impact any easements or any other use of the property.

6. The proposed subdivision is consistent with the Multi-Species Habitat Conservation Plan (MSHCP).

FACTS: The proposed subdivision is within MSHCP cell 6185 and the previously approved Development Plan 004-227 addressed the burrowing owl habitat through conditions on the project.

SECTION 2. Pursuant to the above findings, the Planning Commission of the City of Murrieta hereby approves Tentative Map TTM-006-2170 (#35223) subject to the conditions in Exhibit A attached hereto and incorporated herein by reference:

PASSED, APPROVED AND ADOPTED THIS 23<sup>rd</sup> DAY OF JULY, 2008

  
Planning Commission, Chairperson

ATTEST:

  
\_\_\_\_\_  
Mary E. Lanier, Planning Director

I, Mary E. Lanier, Planning Director, City of Murrieta, California do hereby certify under penalty of perjury that the foregoing Resolution was duly adopted at a regular meeting of the Planning Commission on the 23<sup>rd</sup> DAY OF JULY, 2008 by the following roll call vote:

MOTION MADE BY COMMISSIONER LANE

SECONDED BY COMMISSIONER BUTLER

AYES: Butler, Cohen, Fitzpatrick, Lupro and Lane  
NOES: None  
ABSTAIN: None  
ABSENT: None

  
\_\_\_\_\_  
Mary E. Lanier, Planning Director

**CONDITIONS OF APPROVAL FOR  
TENTATIVE MAP TTM 006-2170  
(TENTATIVE MAP 35223)**

**PLANNING DEPARTMENT:**

**General:**

1. The project approval is for a 33 unit commercial condominium for office use only, within a 47,756 square foot, multi-building project approved as DP0-004-227 issued to The Springs Corporate Center, LLC.
2. The permittee 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 Tentative Map 006-2170. 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 shall comply with all conditions of approval for DP0-004-227.
5. Tentative Map No. 35223 for condominium purposes 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 of Murrieta Development Code ("Development Code")
6. The Planning Commission approval date of the original Tentative Map 35223 occurred on April 23, 2008. All determinations of whether the land division is eligible for an extension of time shall be based on this original approval date.
7. This land division shall comply with the State of California Subdivision Map Act and to all requirements of the City's Development Code, unless modified by the conditions listed herein and all other applicable State and Federal codes.
8. The permittee, or any successor-in-interest to permittee, shall be responsible for maintenance and upkeep of all common areas until such time as those operations are the responsibility of the individual condominium owners association or any other successor-in-interest.
9. 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. Any proposed change substantially different than the approved project shall require an amendment to this approval in accordance with the Development Code.

10. Pursuant to Section 711.4 of the State of California Fish and Game Code, the permittee 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.
11. 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.
12. The permittee 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.
13. 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.
14. The permittee shall obtain approval of all necessary plans for the construction of structures on the subject property in accordance with the Development Code. Such plans may include, but are not limited to, floor plans, tenant improvement plans, and/or building elevations.
15. The project shall be developed in compliance with all applicable requirements and standards identified within the Development Code.
16. The following requirements apply to the creation of separate condominium units:
  - a) Prior to the issuance of any certificate of occupancy, the construction plans shall comply with all Fire Department requirements for separate ownership of each unit including, but not limited to: fire alarm systems; fire sprinkler controls; and roof/unit accessibility.
  - b) Prior to the issuance of any certificate of occupancy, the construction plans shall comply with all Water District requirements for separate ownership of each unit including, but not limited to: water meters; and water and sewer laterals.
  - c) Prior to the issuance of any certificate of occupancy, the construction plans shall comply with all Building Department requirements for separate ownership of each unit including, but not limited to: handicapped accessibility; street addresses; utility metering; ingress and egress; electrical systems; heating, cooling and mechanical systems; and, alarm systems.

- d) Prior to the issuance of any certificate of occupancy, all Planning Department requirements for the separate ownership of each unit shall be met including, but not limited to: preparation of covenants, conditions and restrictions (CC&Rs) addressing common area maintenance; reciprocal parking and access; and, formation of an owner's association.

**Prior to final map recordation:**

- 17. After approval of the Tentative Map and prior to the expiration of the map, the permittee shall cause the real property included within the Tentative Map, or any part thereof, to be surveyed and a Final Map be submitted to the Engineering Department for review and approval.
- 18. The Planning and Engineering Department's shall review any final map to ensure compliance with approved tentative map and all other Development Code requirements for the Neighborhood Commercial (NC) zone, and Development Plan 004-227.
- 19. The subdivider/permittee shall submit the following documents to the City for review and approval by the City Attorney. A Property Owner's Association shall be established for maintenance of the common areas, including landscaping, private drives and parking:

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:

Notwithstanding any provision in this Declaration to the contrary, the following provision shall apply:

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 streets, and common areas, and shall have the right to lien the property of any such owner who defaults in the payment of a maintenance assessment.

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.

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.

A proposed amendment shall be considered substantial if it affects the extent, usage or maintenance of the private streets, common areas, and recreational lots.

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 privately maintained slopes, and post construction Best Management Practice's (BMP's) 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.

20. The Property Association shall maintain the parking area for the use of all tenants without any encumbrances. Parking spaces shall not be designated for individual owners or tenants.
21. Each condominium unit shall have allocated to it the required minimum number of parking spaces per the square footage of the unit as per the approved parking ratio of Development Plan 004-227. Any change of use shall require the use to comply with the parking standards of Section 16.34 of the City of Murrieta Development Code.

**Final Inspection:**

22. 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.

**ENGINEERING DEPARTMENT:**

**PROJECT SPECIFIC CONDITIONS OF APPROVAL**

23. Prior Conditions, for underlying development plan DP0-004-227, apply, paying specific attention to Engineering Condition of Approval No. 80, which states that the permittee shall construct a raised median along the Murrieta Hot Springs property frontage.

**STANDARD CONDITIONS OF APPROVAL**

**SIGHT DISTANCE**

24. Signage and landscaping shall be located so as not to interfere with sight distance per City Standards.

## DRAINAGE

25. Permittee shall provide a drainage study prepared by a registered Civil Engineer identifying storm water runoff quantities expected from the site and upstream of the site. The study shall show all existing or proposed off-site public or private drainage facilities intended to discharge this runoff. The study shall include a capacity analysis verifying the adequacy of the facilities. Runoff from the development or partial phase of development of the property shall not exceed the existing natural discharge quantities with respect to the following criteria:
- A. Detention shall not be required for developments of less than one acre if the development uses volume based water quality measures.
  - B. For projects less than 10 acres, including those less than one acre NOT using volume based water quality measures shall analyze and mitigate the difference in developed and undeveloped runoff for a 10-year storm. A simplified hydrograph method shall be used that simulates the hydrograph with a triangle. The Rational method flow rate shall be the top value of the triangle and the base width shall be two times the time of concentration ( $T_c$ ). The difference in area between the developed condition triangle and the existing condition triangle represents the required storage volume. Based upon the storage volume head, the outlet structure shall have an outlet flow no larger than the existing flow rate.
  - C. Projects that are 10 acres or greater shall analyze for the 1,3,6 and 24-hour duration for the 2,5 and 10-year frequency storms.

The design of detention basins shall provide for the retention of nuisance flow. Development shall detain the year and duration incremental storm runoff developed and or increased by means of on-site detention. Detention techniques shall include, but not be limited to: Parking lot detention or on-site detention basin or other methods approved by the City Engineer. Detention shall not be required in the event facilities down stream from the point of discharge are shown to be designed for and have been constructed to convey the 100 year storm event. Evidence of a maintenance mechanism shall be provided for the basins. If project discharges/connects to an off-site detention basin, provide permission to drain/connect correspondence from the owner of basin or system. Off-site detention basins require a Declaration of Dedication.

26. Street storm flows shall not exceed top of curb for the 10-year storm event and must be contained within the street right-of-way for the 100-year storm event.
27. The permittee shall accept and properly dispose of all offsite drainage flowing onto or through the site.
28. If possible all drainage shall be conveyed onto public property. No cross lot drainage shall be permitted.
29. Permittee shall protect all downstream properties from damages caused by alteration of the drainage patterns, i.e., concentrations or diversion of flow. Protection shall be provided by constructing adequate drainage facilities including enlarging existing facilities and/or by securing a drainage easement. A maintenance mechanism shall be in place for any private drainage facilities constructed on-site or off-site. Any grading or drainage onto private off site or adjacent property shall require a written permission to grade and/or a permission to drain letter from the affected landowner.

30. All construction equipment shall be properly maintained and tuned to reduce emissions.

#### **CLEAN WATER RUNOFF**

31. Clean water measures shall be in place and designed per the guidelines provided in the California Storm Water Quality Best Management Practices Handbook.
32. Runoff discharge from the construction and fully developed site shall meet NPDES water quality requirements by implementing Best Management Practices (BMPs) on-site to prevent sediment, debris, oils, grease, and other pollutants from flowing through the public storm drain system. The plans shall specifically identify structural and non-structural BMPs that will be designed into and implemented on this project to reduce the discharge of pollutants into the storm drain system to the maximum extent practicable. Structural BMPs shall be provided on-site. Maintenance of on-site BMPs shall be the responsibility of the applicant. Proof of a maintenance mechanism shall be provided prior to issuance of building permit.

#### **COMMUNITY SERVICES DISTRICT:**

33. The Murrieta Community Services Department maintains the streetscape 6 inch water line in road right of way along this project. The permittee must contact the CSD office before beginning any construction in the area. The permittee shall not perform any work or construction, or encroach onto the property maintained in road right of way by the City of Murrieta without prior approval from the CSD.

#### **FIRE DEPARTMENT:**

34. City of Murrieta Ordinance No. 546 establishes the installation of a fire protection sprinkler system in all buildings with fire flows calculated with a base of 1500 GPM or greater and any multi family housing of over two units. The sprinkler system post indicator valve and fire department connection shall be located to the front of each building unit and no further than 40 feet from a super fire hydrant. These appliances shall be located at a minimum of 25 feet from any building. A statement that the building(s) will be automatically fire sprinklered must appear on the title page of the building plans.
35. A 13R fire sprinkler system will be acceptable for this project.
36. Proposed Schedule "A" projects require approved standard fire hydrants, (6" x 4" 2 ½") located one at each street intersection and spaced no more than 330 feet apart in any direction, with no portion of any lot frontage more than 165 feet from a hydrant. Minimum fire flow shall be 1500 GPM for 2 hours duration at 20 PSI.

#### **GENERAL CONDITIONS**

37. Permittee shall install a supervised sprinkler water flow detection alarm system as per National Fire Protection Association pamphlet No. 71. These plans must be designed by a certified fire alarm specialist and submitted for Fire Prevention approval prior to installation.

38. Prior to recordation of the final map, the permittee shall submit to following documents to the City of Murrieta Planning Department and Murrieta Fire Staff for review, which documents shall be subject to the approval of those departments: A declaration of covenants, conditions and restrictions (CC&R's); and a sample document conveying title to the purchaser or an individual lot or unit which provides that the declaration of covenants, conditions and restrictions is incorporated therein by reference.
39. The required CC&R's shall not be terminated or "substantially" amended without prior written consent of the Murrieta Fire Staff. A proposed amendment shall be considered "substantial" if it affects the unit/lot or open space fuel modification requirements as established in this document with consent of Murrieta Fire Staff.

#### **ROAD IMPROVEMENTS - FIRE ACCESS**

40. All roads, bridges and other improvements for road and water infrastructure designed for proper access and adequate fire flows, to this project, shall be installed, tested and accepted by the governing agencies of authority having jurisdiction.

#### **MITIGATION**

41. Prior to the recordation of the final map, the developer shall deposit with the Murrieta Fire Protection District a cash sum of (See Fire Department) per lot/unit as mitigation for fire protection impacts (As part of Development Impact Fees). Should the developer choose to defer the time of payment, he may enter into a written agreement with the District deferring said payment to the time of issuance of a building permit.

**PRIOR TO ANY BUILDING RELEASE, THE APPLICANT/ DEVELOPER SHALL SUBMIT APPROVED WATER PLANS AND PAY ALL REQUIRED FIRE FEE'S.**

**END OF CONDITIONS**