

**PLANNING COMMISSION
RESOLUTION NO. 2008- 8**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MURRIETA APROVING TENTATIVE TRACT MAP 007-2504 (TTM #35668) BY BISON BUILDING SYSTEMS (FAULKNER DEVELOPMENT) TO SUBDIVIDE A 2.47 ACRE PARCEL WITH FIVE BUILDINGS, AND 25,600 SQ. FT. OF COMMERCIAL AND OFFICE SPACE INTO FIFTEEN (15) CONDOMINIUM UNITS, LOCATED ALONG THE WEST SIDE OF MONROE AVENUE AND SOUTH OF CALIFORNIA OAKS ROAD.

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

WHEREAS, On August 7, 2007 an application was filed by Bison Building Systems for the subdivision of 2.47 acres with five buildings, and 25,600 sq. ft. total of commercial and office space. The subdivision is for condominium purposes to create a maximum of 15 units. The site is located at the northwest corner of Monroe Avenue and Symphony Park Lane (APN 949-590-039). A tentative map is required by Murrieta Development Code Section 16.86.040. The application was deemed complete on September 17, 2007.

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 Press Enterprise newspaper on April 11, 2008, and posting the site on April 11, 2008.

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 Regional Commercial (RC), 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 parcel 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.

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 Tract Map 35668 (Case No. TTM-007-2504):

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 Objective LU-1.2. Provide a mixture of Commercial land use designations that provide for the full spectrum of commercial needs. The proposed subdivision is intended to allow offices and commercial uses that are allowed in the Regional Commercial land use designation and provide the opportunity to purchase the units versus leasing.

SCANNED

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. The site is flat and adjacent to an arterial street that will connect to a second major arterial in the near future. The site is south of California Oaks Road. Construction of the third High School in the City of Murrieta will include the building of Monroe Avenue to connect with Los Alamos Road. 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 similar offices and commercial uses. The project site is not located within the wildland fire, FEMA, or dam inundation hazard area.

3. The design of the subdivision is 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 building 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 configurations, 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 building 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.

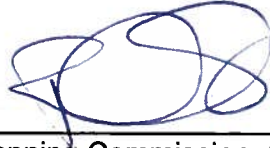
FACTS: All space within the proposed subdivision is confined to the space within the existing five buildings with 25,600 square feet of floor area and will not impact any easements or any other use of the property.

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

FACTS: The proposed subdivision is not within a MSHCP cell and the previously approved Development Plan 004-213 addressed the Plan.

SECTION 2. Pursuant to the above findings, the Planning Commission of the City of Murrieta hereby approves Tentative Tract Map TTM-007-2504 (#35668) subject to the conditions attached in Exhibit A:

PASSED, APPROVED AND ADOPTED THIS 23rd DAY OF APRIL, 2008



Planning Commission, Chairperson

ATTEST:



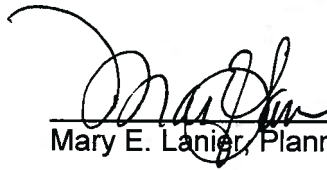
Mary E. Lanier, Planning Director

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 23rd DAY OF APRIL, 2008 by the following roll call vote:

MOTION MADE BY COMMISSIONER COHEN

SECONDED BY COMMISSIONER BUTLER

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



Mary E. Lanier, Planning Director

EXHIBIT "A"

CONDITIONS OF APPROVAL FOR TENTATIVE TRACT MAP TPM-007-2504 (TENTATIVE TRACT MAP 35668)

PLANNING DEPARTMENT:

General:

1. The project approval is for a commercial condominium with up to 15 units for offices and commercial uses within a 2.47 acre parcel, with five buildings totaling 25,600 square feet approved as DPO-004-213.
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 Tract Map 007-2504. 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 DPO-004-213, unless superseded by these conditions of approval.
5. Tentative Tract Map No. 35668 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 ordinance.
6. The Planning Commission approval date of the original Tentative Tract Map 35668 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 Murrieta 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 City's Development Code.

Prior to final map recordation:

16. **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.**
17. **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 Regional Commercial (RC) zone, and Development Plan 004-213.**

18. 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 drainage course 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.

19. 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.

20. 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 004-213. 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:

21. 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, BUILDING DEPARTMENT, FIRE DEPARTMENT:

22. The tentative map shall comply with the conditions of Development Plan 004-213.

ENGINEERING DEPARTMENT

23. Any easement owned by a public utility, public entity or subsidiary, not relocated or eliminated prior to final map approval, shall be delineated on the final map, in addition to having the name of the easement holder, and the nature of their interests, shown on the map.

MONUMENTS

24. All existing street and property monuments within or abutting the subject site shall be preserved consistent with Section 8771 of the California Business and Professions Codes. If monuments are damaged or destroyed, the applicant shall retain a qualified licensed land surveyor or civil engineer to reset those monuments per City Standards and file the necessary information with the County Surveyor's office as required by Section 8771.

Murrieta Community Services District.

25. The applicant must have in place an P.O.A. / Association to maintain all landscape within the project.

END OF CONDITIONS