



## CITY OF MURRIETA

September 8, 2005

Washington Murrieta I, LLC  
P.O. Box 3609  
Seal Beach, CA 90740  
Attn: Albert Womble

Subject: Vesting Tentative Tract Map 30953 & Development Plan 02-492-TUMF Fee

Dear Mr. Womble:

The purpose of this letter is to respond to your letter requesting clarification of the requirement to pay the Transportation Uniform Mitigation Fee (TUMF) for the above-mentioned project. Research indicates that the project was originally considered as a *complete application* February 2003 for 126 units. Several amended site plans showing additional units were resubmitted from August 2003 to the date of approval. The project was approved for 134 units. Because additional units were added after the TUMF program was in effect, the fee is only applicable to the units that exceed the original 123 units at the time of *completeness*. Therefore, 8 units are subject to the TUMF fee.

Your request to delete condition of approval #89d, which mentions the requirement to pay the TUMF fee, cannot be accommodated at Staff level and would require the request to be heard at a public hearing with the Planning Commission.

If you have any questions or comments, feel free to contact Dennis Watts at (951) 461-6037.

Sincerely,

Jack McGee  
Planning Director

cc: Jim Kinley, City Engineer



## CITY OF MURRIETA

September 1, 2005

Washington Murrieta, LLC  
P.O. Box 3609  
Seal Beach, CA 90740  
Attn: Al Womble

Re: Case 01-491 (Vesting Tentative Tract Map 30953) and 01-492 (Development Plan)

Dear Mr. Womble:

At its meeting of August 10, 2005 the City of Murrieta Planning Commission acted to approve the above referenced project subject to the attached Findings and Conditions of Approval. Please note that the Planning Commission amended or added some conditions of approval. The ten-day appeal period has ended and no appeals were submitted to the City, therefore the Planning Commission's decision is final.

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

Sincerely,

Dennis Watts  
Associate Planner

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**FINDINGS OF APPROVAL FOR  
VESTING TENTATIVE TRACT MAP 30953 (CASE 02-491)  
AUGUST 10, 2005**

**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 Vesting 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 15.30 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 Tract Map is for condominium purposes and is consistent with the associated development plan for a condominium project. All necessary service facilities are available to service the site. Drainage facilities must comply with local, state and federal regulations.

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

FACTS: An Initial Study was prepared for the project 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.

The proposed Vesting Tentative Tract Map is consistent with the provisions of the Multiple Species Habitat Conservation Plan (MSHCP) as it is not located within a criteria cell, nor does the site contain any riparian, woodland, wetland, or vernal pool habitat.

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 02-492  
AUGUST 10, 2005**

**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 multi-family project (condominiums) is consistent with the Multiple Use-3 (MU-3) zoning district, which allows residential development up to 18 dwelling units to the acre. The proposed project is at a density of 14.08 units to the acre. The facility meets the parking, landscaping, building design standards and other development regulations of the Multiple Use 3 zoning.

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, which allows multi-family residential development up to 18 dwelling units per acre. There is no specific plan applicable on the subject site.

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 adjacent to vacant land. The site is not located within the special geologic hazard zone, liquefaction, subsidence, fault, flood, 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 multi-family development, Section 16.08.040 of the Murrieta Development Code and Section 16.44.060-Condominiums. Landscaping and masonry walls provide buffering from adjacent properties.

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 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. Potentially significant impacts that required mitigation measures to reduce the impact to a level of less than significant include impacts related to noise, traffic, air quality, and water quality.

The proposed Development Plan is consistent with the provisions of the Multiple Species Habitat Conservation Plan (MSHCP) as it is not located within a criteria cell, nor does the site contain any riparian, woodland, wetland, or vernal pool habitat.

**FINAL CONDITIONS OF APPROVAL  
VESTING TENTATIVE TRACT MAP NO. 30953 (CASE 02-491)  
AND DEVELOPMENT PLAN (02-492)  
AUGUST 10, 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 \$1250 and \$64.00 (one check) County of Riverside 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. Vesting Tentative Tract Map No. 30953 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.
5. 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.
6. The applicant understands and accepts that requests for future extensions of time to implement the approved application(s) may be subject to the TUMF, MSHCP, and other fees that have been adopted by the City since the date that vested rights were established.
7. The project approval is for a Tentative Tract Map and Development Plan consisting of a 134-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 August 10, 2005. 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. 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.
10. All exterior lighting shall comply with Section 16.18-Lighting Standards of the City of Murrieta Development Code.
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. All proposed fences and walls shall meet the standards of the Development Code and are subject to final review and approval by the Planning Department.
13. The use of signs, pennants, banners, streamers, flags, or similar attention getting devices is prohibited, unless specifically approved by the Planning Department.
14. If phasing is proposed, a phasing plan shall be submitted and approved by the Planning Manager prior to building permit issuance.
15. All parking requirements shall be in conformance as identified on the approved exhibit and improved pursuant to Section 16.34 of the Murrieta Development Code. Based on 35 2-bedroom and 99 3-bedroom units, the project requires 268 garage spaces, 44 guest spaces, and 50 open resident spaces for a total of 362 parking spaces.

**Prior to recordation of the final map:**

16. 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 Tract Map boundaries, with direction to contact the City of Murrieta.
17. Any delinquent property taxes shall be paid prior to the recordation of the final map.
18. The Final Tract Map shall include easements for reciprocal access and parking.
19. 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, private streets, common areas, and any recreational lots. *(Amended by Planning Commission)*

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 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.

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 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:**

20. The applicant shall comply with the provisions of any existing City ordinance established as a mitigation measure for the Stephens Kangaroo Rat.
21. Grading plans must be reviewed by the Planning Department for compliance with the approved map. The applicant is aware that the plan check fee is subject to change and that the fee in effect at the time of plan check submittal shall be applicable.
22. Three (3) sets of a fence and wall plan shall be submitted for review and approval prior to building permit issuance. The plan must show the design and location of a six-foot decorative masonry block wall along the project perimeter.

23. The project shall provide a recreation amenity within the larger common open space area, as proposed on the conceptual landscape plan. This amenity shall be of a nature to provide recreational opportunities to the residents within the project (tot-lot, pool and spa, and recreation building as shown on the approved plans). The project applicant shall submit the final proposed amenities for review and approval of the Planning Department. *(Amended by Planning Commission)*

**Prior to building permit issuance:**

24. "Universal Design" Standards shall be incorporated into the building design floor plans, including but not limited to reduced entry steps, wider door widths and entries. *(Amended by Planning Commission)*
25. If a model home complex is proposed, 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.
26. 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.
27. Landscape plans shall be approved, prior to building permit issuance.

**Prior to the issuance of occupancy permits:**

28. Prior to occupancy of any units the final map shall be recorded for the phase that the units are located within.
29. 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 Department 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**

30. Sight distance at the project entrance shall be reviewed with respect to the standard Caltrans and City of Murrieta sight distance standards at the time of preparation of final grading, landscaping and street improvement plans.
31. The project site shall be surveyed for burrowing owls by a qualified biologist no more than 30-days prior to the commencement of ground disturbance. In the event that burrowing owls have inhabited the site and have initiated nesting in a burrow, burrows will be avoided and protected in place until such time as the nestlings have fledged. Upon verification by a qualified biologist that owls are not nesting on the site, the biologist will excavate and collapse the burrow(s).
32. In the event that historic or cultural resources are exposed during initial ground disturbance, ground disturbance activities in the vicinity of the discovery will be terminated immediately until such time as a qualified monitor evaluates the find and indicates that it is appropriate to proceed

with ground disturbing activities. If discovered resources merit long-term consideration, adequate funding will be provided to collect, curate, and report these resources in accordance with standard management requirements. A copy of the final report of findings prepared by an archeologist will be submitted to the City within 60 days from the completion of the grading/monitoring of the site in the event that resources are encountered on the site.

33. If any human remains are encountered on the project site all ground disturbance activities in the vicinity of the discovery will be terminated immediately and the County Coroner's office and the Pechanga Band of the Luiseno Indians and other designated representatives will be contacted to arrange for management of such remains.
34. Prior to grading permit issuance, the Pechanga Band of the Luiseno Indians shall be contacted to develop a management plan to afford the Band an opportunity to monitor ground disturbing activities and to participate in any decisions regarding collection and curation of any such resources. Pechanga monitors shall be present during any grading of previously undisturbed areas, regardless of grading depth. Evidence of compliance shall be provided to the Planning Department prior to any ground disturbance on the site.
35. During construction activities, any spills or leakage of petroleum products will be remediated in compliance with applicable state and local regulations regarding cleanup and disposal of the contaminant released. Any contaminated waste will be collected and disposed of at an appropriately licensed disposal or treatment facility. This measure will be incorporated into the SWPPP and monitored by City inspectors on a regular basis until project completion.
36. Prior to precise grading permit issuance, the applicant shall provide three copies of an updated noise analysis taking into account any proposals for perimeter walls and the latest site plan.
37. All glazing assemblies used throughout the project should be well fitted and weather-stripped. At some locations approximately corresponding to the area designated in the Acoustical Evaluation (Appendix C) or as designated by the updated noise analyses identified in mitigation measure 14-1; windows, sliding-glass, and French doors should be sound-rated assemblies with a sound transmission class (STC) of up to 28.
38. Front entry doors should be well weather-stripped solid core assemblies at least 1-3/4" thick.
39. The interior noise standard is to be met in all homes with windows and doors closed. Therefore ventilation is needed in all units as per the Uniform Building Code standards in order to provide a habitable environment. This is usually achieved with standard air conditioning. Any fresh air intake ducts located in the area designated by the Acoustical Evaluation (Appendix C) or as designated by the updated noise analyses identified in mitigation measure 14-1; should be oriented away from Washington Avenue and incorporate at least 6' of flexible fiberglass ducting and at least one 90° bend. There should be no other openings (mail slots, vents, etc.) in the exterior walls facing Washington Avenue.
40. Attic vents located in the area designated by the Acoustical Evaluation (Figure 2) should be oriented away from Washington Avenue. If such orientation cannot be avoided, then an acoustical baffle should be placed in the attic space behind the vent.

41. Exterior walls of all units should be constructed with gypsum wall board interior, minimum 7/8" stucco exterior, with minimum R-11 insulation batts between the studs. All joints should be well fitted and/or caulked to form an airtight seal.
42. The roof system at all units should have minimum 1/2" plywood sheeting that is well sealed to form a continuous barrier to traffic noise. Minimum R-19 insulation batts should be placed in the rafter space.
43. Skylights should not be used on elevations facing Washington Avenue.
44. Prior to the issuance of a grading permit, the developer will submit a Dust Control Plan (DCP) to the City consistent with SCAQMD guidelines. The DCP will include activities to reduce onsite and offsite dust production. Such activities will include, but are not limited to, the following:
  - a. Throughout grading and construction activities, exposed soil on the construction site and any haul roads will be kept moist through a minimum of twice daily watering with reclaimed water to reduce fugitive dust (typically 12 percent moisture content).
  - b. Street sweeping will be conducted by private contractors at developers expense to the satisfaction of the City, when visible soil accumulations occur along site access roadways to remove dirt dropped by construction vehicles or dried mud carried off by trucks moving dirt or bringing construction materials. Site access driveways and adjacent streets will be washed or swept if there are visible signs of any dirt track-out at the conclusion of any workday.
  - c. "Spill-over" effects will be reduced by washing or physically removing mud from the tires of vehicles entering public roadways from dirt off-road project areas, and washing or sweeping project access to public roadways on a regular schedule, to the satisfaction of the City.
  - d. During high wind conditions (i.e., wind speeds exceeding 35 mph), areas with disturbed soil will be watered hourly, and activities on unpaved surfaces will be terminated until wind speeds no longer exceed 35 mph.

**LANDSCAPING:**

**Prior to the issuance of building permits:**

45. Three copies of construction landscaping plans shall be submitted to the Planning Department and approved. A licensed Landscape Architect shall prepare the plans.
46. 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.
47. All landscape and irrigation plans shall be consistent with Title 16.28 of the Murrieta Municipal Code.

48. 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 require additional dedication of landscape area for required bumper overhang. The additional landscape area will not count towards satisfying parking lot landscaping requirements.
49. 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.
50. 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 grading or site plan prior to approval of the site plan.
51. 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.
52. 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.
53. All planter areas shall be a minimum of 5 feet wide excluding curbs and required concrete strip adjacent to parking spaces (12" wide plus 6" wide curb or 12" wide integrally poured curb). Planter areas shall not be bisected with fencing, which would make the planter smaller than 5 feet wide.
54. An approved concrete mow strip shall separate all turf and shrub beds.
55. All trash enclosures shall be covered with a wood arbor or other approved architectural treatment to blend with the buildings. All three sides of trash enclosure walls shall have a minimum 5 feet wide planting area (excluding curbing and walkway strip). Flowering vines shall be trained on to the walls. Trees, shrubs and ground covers shall be included.
56. Planting areas adjacent to Washington Avenue shall have street trees provided at the rate of 30 feet on center. The street trees shall be *Olea europaea* (Fruitless Olive) in a natural form as approved by the City Landscape Architect. All street trees shall be installed from 36" box containers.
57. Mature specimen trees in 36-inch and 48-inch boxes shall be supplied in sufficient quantity to provide variety and emphasis at the Washington Avenue entry driveways and other main focal areas.
58. Above ground utility locations shall be approved with prior permission of the Planning Department. 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.
59. 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.

60. Canopy shade trees shall be located directly adjacent to uncovered parking spaces without walkways or paving between the tree and parking space. The trees shall be located no farther than 25 to 30 feet on center (depending on the canopy spread of the species) to provide the required percentage of parking spaces shaded at 15 years growth. Carport and garage areas do not require shade trees.
61. Landscaping shall encompass a minimum of 25.8% of the total site, as shown on the conceptual landscape plan.
62. All areas of the site not intended for a specific use and for future development or phasing, shall be landscaped with at least a temporary hydro-seed mix and sub-grade irrigation system approved by the City Landscape Architect.
63. No building roof drain shall daylight into a planter area or splash block. Roof drains located at planter areas shall be adapted to convey excess water through the planter via drain pipes, which daylight through the curb into the adjacent gutter or over paved areas into the adjacent gutter or street.
64. Landscaping shall be incorporated and planned as an integral part of the overall project design around the buildings. Landscaping should not interfere with pedestrian or handicap accessibility. Pedestrian and handicap accessibility shall be designed not to interfere with landscaping required around the building.
65. All trees shall be double staked with rubber type ties nailed to the lodge pole stakes in at least two vertical locations. Trunk protection devices shall be provided to all trees located in turf grass areas.
66. A rain shut off device shall be installed connected with the irrigation controller. An "e.t." controller shall be installed to conserve water. Drip irrigation (drilled laser tubing) is encouraged. Pressure regulating irrigation spray heads or low-flow rotor spray heads (MP Rotator/Rain Bird Rotary Nozzles or equal) are required.
67. Permanent, evergreen shrubs capable of mature growth between 42 inches and 60 inches high, at a minimum shall be designed to screen the perimeter of the project outside the wall (or inside the fence is acceptable, if a view fence is proposed).
68. Plantings, which are not compatible with local weather conditions or those, which are currently unavailable in the nursery industry in sufficient size to meet normal specifications, shall not be designed into the landscape (*Alnus rhombifolia*, *Ulmus parvifolia*, *Lantana* species, *Tecomaria capensis*, *Bougainvillea* species). Shrub mature sizes shall be appropriate for the space available without constant pruning being required.
69. The plant palette shall coordinate with the existing landscaping theme established along Washington Avenue at the direction of the City of Murrieta Landscape Architect.
70. The streetscape planting area along Washington Avenue (including public right-of-way) shall be at least 5 feet wide between the property line and any proposed solid wall/fence.

71. The wall or fence along Washington Avenue shall be staggered to provide a minimum of 10 feet between the property line and the wall/fence at Buildings 21, 23, 25, and 27. The staggering shall be designed to provide a minimum 20-foot long by 10-foot deep recess at these locations.
72. All proposed utilities shall be shown and labeled on the landscape plans to ensure no conflict between the utilities and required planting areas. Utilities to be labeled are: overhead lights, water meters, electrical vaults, cable boxes, fire hydrants, fire detector check assemblies, backflow prevention units, air conditioning units, and gas meters.

**Prior to Construction:**

73. The City Landscape Architect shall meet with the job site superintendent and the landscape contractor for a pre-job meeting. A copy of the soil fertility recommendations shall be presented. No landscaping shall occur prior to the meeting.

**Prior to the issuance of occupancy permits:**

74. Performance securities, in the amount determined by the City to guarantee the adequate maintenance of the landscaping materials and irrigation system in accordance with the approved plans for a period of one (1) year from the date of final clearance of the installed landscaping by the City, shall be posted with the Planning Department. Acceptable forms of security shall be limited to cash deposit, cash bonds, or irrevocable letters of credit. The performance securities shall be released one (1) year after final clearance of the installed landscaping by the City, upon written request by the owner, if the landscaping has been adequately maintained. A deposit to cover re-inspection of the landscape, at the current City rate shall be posted with the Planning Department prior to re-inspection for maintenance bond release.
75. All required landscaping and irrigation systems shall be installed in a condition acceptable to the City. The owner's Landscape Architect shall provide inspection of the landscaping. The owner's Landscape Architect shall provide the City with a Certificate of Compliance stating that the landscaping was installed per the approved plans. The City will review the Certificate of Compliance and conduct inspections to ensure that the landscape installation is in compliance with the approved landscape plans.

**ENGINEERING:**

The Engineering Department provides the following comments and conditions to be completed prior to issuance of a building permit or as determined by the City Engineer:

76. Line F-3 from the project limits to Lemon Street shall be reviewed and approved for maintenance responsibility by the Flood Control District, if not already the case. Any deficiencies found by the District of Line F-3 shall be improved to provide capital (100) year protection to the proposed project. Show any anticipated improvements on the map.
77. Dedicate right of way, design and construct half-width street improvements on Washington Avenue per the City Circulation Element, City Standard 104 Modified.

Note: Applicant agrees to provide east side street road improvements on Washington Avenue from the north property line of the Sonrisas Condominiums (TR 30555-APN 906-040-

016) northerly to and including the southeast corner return at the Washington Avenue and Magnolia Street intersection. Development Impact Fee (DIF) credits and reimbursement agreement may be in acceptance for this project. (Added by Planning Commission)

78. Project shall submit a traffic signal modification plan at the intersection of Fullerton and Washington. Signing and striping plans shall be submitted. An electrical easement shall be dedicated for traffic signal equipment.
79. Applicant shall acquire permission to grade letter from surrounding property owner when necessary to allow grading off property site.
80. Applicant shall obtain a reciprocal access agreement or easement in order to construct the street improvements required on "A Street" to provide access to the project from the Fullerton/Washington intersection.
81. Project shall provide for secondary access from Washington Avenue. Access shall be 28 feet in width to accommodate the Fire Department. Secondary access shall include a curb cut and driveway apron off of Washington Avenue per City Standard 310 C. Access shall be right turn in/right turn out only. Project shall construct a raised median on Washington Avenue to the satisfaction of the City Engineer per City Standard 104.
82. Project shall coordinate all street improvements on Washington Avenue with the City of Murrieta Capital Improvement Manager to verify horizontal and vertical coordination with ongoing City projects in the vicinity.
83. Install public streetlights per City Standard 620 & 620A on Washington Avenue.
84. The project shall contribute \$80,000 toward the cost of the existing traffic signal at the intersection of Washington Avenue and Fullerton Road.
85. Designate on the Final Map, privately maintained drainage easements within, over and through the Lots. Provide a drainage facility maintenance agreement for approval by the City Attorney. By separate instrument secure privately maintained drainage easements to accept or discharge runoff to offsite property.
86. Obtain and upgrade if necessary, an approved hydrology and hydraulic analysis and report from the City Engineer prior to issuance of a grading permit. The report shall analyze the entire tributary area and existing and proposed facilities within the project area. Properly retrofit or abandon any eastside storm drain structures to the existing Line F-3 storm drain in Washington Avenue.
87. Verify internal street dimensions with both the Planning and the Fire Department for adequacy. A minimum of 24 feet of paved width for Fire Department "hammerhead" and 28 feet of paved width for fire lanes shall be provided. Street curves shall accommodate truck turning radii.
88. The developer shall comply with all environmental mitigation measures identified in conditions 31-46, unless modified by any conditions of approval.

89. Washington Avenue, "A" Street, and "E" Drive street improvements shall be completed and operational prior to issuance of first occupancy permit.

## **STANDARD CONDITIONS OF APPROVAL**

### **REQUIRED FEES AND PERMITS**

90. The applicant shall pay all applicable Development Mitigation Impact Fees, including but not limited to;
- a. Development impact fees, Ordinance 196-98 payable prior to issuance of building permit.
  - b. Kangaroo Rat Fee, payable at issuance of grading permit
  - c. Riverside County Area Drainage Fees, payable at issuance of grading permit.
  - d. TUMF Fees, payable at issuance of a building permit
  - e. MSHCP Fees, payable at issuance of a building permit

Fees shall be based upon Multi-Family Residential Rates.

91. Prior to any work being performed in the public right of way, fees shall be paid and an encroachment permit shall be obtained from the Engineering Department. The applicant shall apply for an encroachment permit from the City for utility trenching, utility connection or any other encroachment onto public right-of-way. The applicant shall be responsible for the associated costs and arrangements with each public utility.
92. Prior to the issuance of building permits, unless other timing is indicated, the applicant shall complete all street improvement plans, in conformance with all applicable City ordinances and standards, submit and obtain approval, post securities and execute agreements. Prior to occupancy, all public improvements shall be installed in accordance with all applicable City ordinances.

### **DRAINAGE**

93. Applicant 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. 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 (Tc). 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.

94. 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.
95. The applicant shall accept and properly dispose of all offsite drainage flowing onto or through the site.
96. If possible all drainage shall be conveyed onto public property. No cross lot drainage shall be permitted.
97. Applicant 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.
98. All construction equipment shall be properly maintained and tuned to reduce emissions.

#### GRADING

99. Prior to issuance of a grading permit, if applicable for this project, the applicant shall obtain, if required, a Notice of Intent form from the State Water Resources Control Board (SWRCB) and provide a copy of the NOI with the waste discharge identification number (WDID) to the City of Murrieta. This permit requires the applicant to develop an adequate Storm Water Pollution Prevention Plan (SWPPP) prior to commencement of construction activities. The applicant shall be responsible for implementation, monitoring, operation, and maintenance of the SWPPP until the construction is complete and a Notice of Termination (NOT) is filed with the State Water Resources Control Board. A copy of the SWPPP shall be maintained at the construction site throughout construction.

If applicable, an approved final project specific Water Quality Management Plan (WQMP) shall be submitted to the City prior to the issuance of a grading permit. Copies of the final project-specific WQMP shall be maintained by the applicant.

100. All grading activities shall minimize dust through compliance with AQMD Rule 403 which requires watering during earth moving operations.
101. A soils investigation study shall be completed and approved prior to issuance of a grading permit. Report shall be submitted for independent third party review of Geologic Special Studies Zone. All recommended measures identified in the soils report shall be incorporated into the project design. Identify all faults located within the project from the Fault Location Map.
102. If appropriate, prior to issuance of any grading permit or ground disturbance, applicant shall obtain all necessary approvals and permits from all Federal and State regulatory agencies. If the site contains regulated waters, the applicant shall obtain a 404 permit from the Corps of Engineers, a 401 certification from the Regional Water Quality Control Board, a section 1603 Department of Fish and Game stream bed alteration agreement and file a Notice of Intent of ground disturbance with the State Water Resources Control Board.

103. Prior to commencing of any grading in excess of 50 cubic yards or paving in excess of 3,000 square feet, the applicant shall obtain a grading permit and approval prior to issuance of a building permit. The developer shall have an approved permit prior to the commencement of any clearing or grading of the site.
104. Prior to hauling dirt or construction materials to any proposed construction site within this project, the developer shall submit to and receive approval from the City Engineer for the proposed haul route. The developer shall comply with all conditions and requirements the City Engineer may impose with regards to the hauling operation.
105. In instances where a grading permit involves import or export, prior to obtaining a grading permit, the applicant shall obtain approval of the import/export location by the City Engineer.
106. Permission from property owners shall be required for any work located on adjacent properties.

#### CLEAN WATER RUNOFF

107. Clean water measures shall be in place and designed per the guidelines provided in the California Storm Water Best Practice Handbook.
108. Runoff discharge from the construction and fully developed site shall meet NPDES water quality requirements by implementing Best Management Practices (BMP's) 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 Best Management Practices (BMP's) 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 BMP's shall be provided on-site. Maintenance of on-site BMP's shall be the responsibility of the applicant. Proof of a maintenance mechanism shall be provided prior to issuance of building permit.

#### LANDSCAPING

109. Plant and irrigate all slopes greater than or equal to 3 feet in vertical height with ground cover to the satisfaction of the City Engineer. Slopes that exceed 15 feet in vertical height are to be planted with shrubs and/or trees.

#### UNDERGROUNDING

110. The applicant shall provide for the under grounding of all existing and proposed utility distribution facilities within the project unless exempt per Development Code. The applicant shall be responsible for the associated costs and arrangements with each public utility.

#### WATER AND SEWER

111. The applicant shall install all required water and sewer systems necessary to serve the project.

#### MONUMENTS

112. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB 1414. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the applicant/developer 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 Recorder's office as required by law (AB 1414).

**EARTHQUAKE**

113. Identify all faults located within the project from the Fault Location Map.
114. Slopes and retaining wall set backs at all property lines and right of way to provide a flat area a minimum of 3-5 feet in width according to the City of Murrieta grading manual. Slope easements as shown on the Tentative Map, shall not be allowed.

**FIRE DEPARTMENT:**

115. The Tentative Tract Map and Development Plan shall comply with and implement all provisions of the Departments letter Amendment #4 dated November 18, 2004, attached.

**COMMUNITY SERVICES DEPARTMENT:**

116. The applicant shall either form their own Association OR join the Community Services District (CSD) by forming a Landscape and Lighting District in order to maintain the local areas within this project. Should the applicant choose to form a Landscape and Lighting District instead of an Association, the applicant shall submit a Letter of Intent indicating such to this Department. Please note that tract approval cannot take place unless this office receives that Letter of Intent. The applicant shall contact the Community Services District (CSD) Bob Kast (909) 304-7275. Clearance from the CSD shall be required prior to grading permit issuance or final map, whichever comes first.

**BUILDING AND SAFETY DEPARTMENT:**

117. All structures and accessibility components shall comply with the current 2001 California Building Codes (CBC), and related Codes and Ordinances of the City of Murrieta.
118. Civil plans shall be reviewed and a permit shall be obtained, for on-site private domestic sewer and potable water underground wet utilities, unless dedicated easements and conveyance to local water/sewer districts is proposed. A deposit shall be paid to the Building Department at the time civil plans are submitted for plan check. Four (4) sets of civil designed underground "wet" utilities shall be submitted for review, prior to grading permit issuance. Maintenance agreements and / or, easements shall be Final recorded and verified prior to permit Finals, and building occupancies.

**MURRIETA VALLEY UNIFIED SCHOOL DISTRICT:**

119. The applicant shall pay school mitigation fees in place at the time of building permit. Contact the Murrieta Valley Unified School District at 909.696.1600 ext. 1182 for specific fees.

**MURRIETA COUNTY WATER DISTRICT:**

120. The applicant shall comply with all provisions and requirements of the Murrieta County Water District. These agreements and requirements must be completed prior to obtaining any type of water service.

**END OF CONDITIONS**



## CITY OF MURRIETA

**DATE: NOVEMBER 18, 2004**

**TO: CITY OF MURRIETA**

**ATTN: PLANNING DEPARTMENT / Dennis Watts**

**RE: 02-492 DP, 02-491 TTM 30953 Amendment 4**

**Ladies and Gentlemen:**

Fire Prevention has reviewed the plans submitted to our department. The following fire protection requirements must be provided in accordance with The City of Murrieta Ordinances and/or recognized fire protection standards.

### **BUILDING PLAN SUBMITTAL**

1. 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. The sprinkler system post indicator valve and fire department connection shall be located to the front of the project and no further than 40 feet from a super fire hydrant and on the same geographical side of any drive aisles. 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.
2. Fire sprinkler system shall conform to NFPA 13R.
3. Plans must illustrate designated location of fire lanes. Contact Fire Prevention for recommended designations.

- 4. Applicant must comply with conditions addressed in the California Administrative Code Titles 19 & 24.**
- 5. All buildings within the City of Murrieta shall have fire retardant roofing with a Class "B" minimum rating. The developer must submit documented fire rated listings, supplied by the manufacturer, to the Fire Marshal if he/she chooses to use wood shingles.**

**PRIOR TO BUILDING PLAN RELEASE**

- 6. A looped combination of an on-site/off-site fire protection water systems is required with (6" x 4" x 2-1/2" x 2-1/2") super fire hydrants. This system shall be designed and installed with no hydrant closer than 25 feet or no further than 165 feet from any portion of exterior walls as measured along vehicular travelways.**
- 7. Fire Prevention has established a required minimum fire flow for protection of the above referenced project. Using ISO guidelines for determining fire flows, 2250 GPM for a 3 hour duration at 20 PSI residual operating pressure must be available before any combustible material is placed on the job site.**
- 8. Fire Flow Requirements have been based on ISO guidelines for the determination of fire flow requirements. Factors considered were Type V construction and credit of 25% reduction was allotted for the installation of automatic sprinkler.**
- 9. Applicant/Developer shall furnish one copy of the water system plans to the Fire Department for review. Plans shall conform to fire hydrant types, location and spacing, and, the system shall meet the fire flow requirements. Plans shall be signed/approved by the water company having jurisdiction and a registered engineer must provide the following certification statement:**

**“I hereby state that the design of the water system within this project is in accordance with the requirements prescribed by the Murrieta Fire Department as to hydrant type and spacing, and will provide fire flow of 2250 GPM if sufficient water is available at the point of connection.”**

**10. City of Murrieta Fire Department requires all commercial buildings to provide flush mount Knox Box Access Systems. Applications are provided by our Planning/Prevention Bureau.**

### **GENERAL CONDITIONS**

**11. All standards, regulations and policies established for public safety and the protection of property established in Ordinances 348, 460 and 546 must be in compliance with the approval of all local authorities.**

### **ACCESS REQUIREMENTS**

**12. The Applicant/Developer shall agree to make application and agreements with the Murrieta Fire Protection District, to install a strobe light monitor receiver, with Knox key switch back-up, on all electrically controlled gates for vehicular access, prior to occupancy of any structure within this project.**

**13. The Applicant/Developer shall agree to make application and agreements with the Murrieta Fire Protection District, to install Knox padlocks on any non-motorized gates for emergency vehicular access, prior to occupancy of any structure within this project.**

**14. Secondary/alternate access points shall meet the requirements established for public safety and shall be installed prior to construction of this project.**

**15. Access will have a 56 foot turning radius capable of accommodating fire apparatus.**

- 16. Access will be a minimum of 28 feet wide to accommodate fire apparatus. Please note that the dead end parking garage access are allowed to be 24'**
- 17. Access will have a minimum of 13 foot 6 inches vertical clearance to accommodate fire apparatus.**
- 18. All access requirements shall be in place and approved by Fire Prevention prior to release of building permits.**

**PRIOR TO OCCUPANCY**

- 19. 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.**
- 20. Alarm systems with manual pull stations and capabilities for determining heat and smoke rise shall be installed in accordance with the Uniform Fire Code Article 14 and NFPA 72.**
- 21. Portable Multi-purpose fire extinguishers with a minimum rating of 2A-10BC must be installed. Contact a certified extinguisher company for proper placement of equipment.**

- 22. Federal law under SARA Title III (Right To Know Act) requires that facilities with hazardous materials must provide Material Safety Data Sheets to the local Fire Department, the local Emergency Planning Committee and the State Emergency Response Commission.**
- 23. All buildings will comply with NFPA 704 placard requirements when applicable. Contact Fire Department for information..**
- 
- 24. Address directory shall be provided next to all major entrance ways to this project. All buildings shall be clearly identified with designators 12" high with 1" strokes mounted on contrasting backgrounds. These designators shall be placed on all 4 sides of each building.**
- 25. All decorative materials must be flame resistive. Prior to release of occupancy, the Developer must submit manufactures State Fire Marshal's listings of all materials being used. Cloth and other flammables must display a label of the State Fire Marshal's seal of approval**
- 26. Prior to release of above referenced project, the Developer/Applicant is responsible to provide all fire protection measures and information required by Fire Prevention. If any of these conditions are not met before, during or after completion of the proposed buildings, the Developer understands that he is in violation of City of Murrieta Ordinance No. 546 and/or the Uniform Fire Code, and Fire Prevention has the authority to disrupt or permanently stop the construction of the project.**

**FIRE FEES REQUIRED**

- 27. A check or money order in the amount (see Fire Department for exact amount) shall be made payable to CITY OF MURRIETA FIRE DEPARTMENT for building plan review. Project number submitted by City of Murrieta Planning Department must be referenced in order to credit the appropriate project. Refer to Plan Check Fee/Mitigation Sheet attached to Building Plan Review letter.**

CITY OF MURRIETA  
PLANNING DEPARTMENT  
02-492 DP, 02-491 TTM 30953 Amendment 4  
NOVEMBER 18, 2004  
PAGE -6-

28. Murrieta City Resolution requires that fire impact mitigation fee totaling (see planning department) per unit, as part of the development impact fees, must be paid prior to release of the first building permit. 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 the first building permit.

29. Murrieta City Resolution requires that fire impact mitigation fees totaling (see Planning department) per square foot, as part of the City Development Impact Fees, must be paid prior to release of building permit. Contact Planning Department for exact amount.

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

All questions regarding the meaning of the conditions shall be referred to the Fire Department Planning and Engineering staff.

Sincerely,



Gary Whisenand, Battalion Chief  
CITY OF MURRIETA FIRE DEPARTMENT