

## **RESOLUTION NO. 24-4739**

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURRIETA DENYING THE APPEAL OF THE PLANNING COMMISSION'S APPROVAL A MITIGATED NEGATIVE DECLARATION FOR DEVELOPMENT PLAN PERMIT NO. 2022-2605/2023-00006 (DP 2022- 2605/2023-00006) FOR CONSTRUCTION OF 387 MULTI-FAMILY UNITS AND ASSOCIATED AMENITIES AND IMPROVEMENTS, LOCATED SOUTHEAST OF THE INTERSECTION OF MURRIETA HOT SPRINGS ROAD AND JEFFERSON AVENUE (APN 910-410-011) AND ADOPTING THE MITIGATED NEGATIVE DECLARATION**

**WHEREAS**, on June 28, 2022, the City of Murrieta received an application for Development Plan Permit No. 2022-2605 (DP 2022-2605), (the "Project") pursuant to section 16.56 of the City of Murrieta Development Code proposing the construction of 387 multi-family units and associated amenities and off-site roadway infrastructure improvements; and

**WHEREAS**, the Project site is bordered by Jefferson Avenue and Business Park zoning to the west of the project site, Murrieta Hot Springs Road and Community Commercial (CC) zoning with the Transit Oriented Development (TOD) Overlay to the north, vacant land and CC zoning to the south, and watercourse and existing commercial development to the east along with CC zoning;

**WHEREAS**, the Project site on the City of Murrieta General Plan 2035 Land Use Map has a land use designation of Commercial; and

**WHEREAS**, the Project site on the City of Murrieta Zoning Map is zoned Community Commercial (CC) within the Transit Oriented Development (TOD) Overlay District. The CC zoning district permits destination centers, supermarkets, and smaller single-lot, commercial activities. Financial, office, and restaurant activities are also allowed. The TOD Overlay District allows a mix of residential and non-residential land uses that are near transit to encourage mixed land uses for enhanced transit and pedestrian activity. As described under Murrieta Municipal Code Section 16.16.040.C, all uses in the applicable underlying zoning district are allowed, in addition to multi-family residential and mixed-use developments with densities of at least 30 dwelling units per acre (du/ac) with the approval of a Development Plan permit; and

**WHEREAS**, the City of Murrieta has undertaken a review of the requests, including an environmental analysis pursuant to the California Environmental Quality Act (CEQA); and

**WHEREAS**, the Initial Study and Mitigated Negative Declaration were issued for a 30-day disclosure period between August 11, 2023, and September 11, 2023; and

**WHEREAS**, comments were received from public agencies, and responses were prepared and sent to each of the respective commenters; and

**WHEREAS**, it was determined that the Project as proposed, is consistent with the General Plan and Zoning designations, is served by the required utilities and public services, and a Mitigated Negative Declaration has been prepared for this Project, pursuant to the CEQA Guidelines; and,

**WHEREAS**, a public hearing was duly noticed for the Planning Commission meeting of March 27, 2024, by mailing a notice to property owners within 300 feet of the perimeter of the Project site on March 17, 2024, publishing the notice in “The Press-Enterprise” newspaper on March 17, 2024, and posting the site on March 17, 2024; and

**WHEREAS**, on March 27, 2024, the Planning Commission held a duly noticed public hearing and considered all written and oral reports of staff, heard and considered public testimony on the matter, received written and oral testimony from the Applicant, and considered related materials and communications which are reflected in the administrative record of this matter.

**WHEREAS**, the Planning Commission has considered the Development Plan Permit as proposed; and

**WHEREAS**, the Planning Commission adopted the Mitigated Negative Declaration for the project and the Mitigation Monitoring and Reporting Program (MMRP) and supporting documentation and approved the Development Plan Permit as proposed, and an appeal was filed on April 1, 2024; and

**WHEREAS**, as required by MMC section 16.78.040, a meet and confer conference was offered to the applicant for the dates of April 29, May 1, May 2, and May 3, 2024 with the Appellant and City Staff; and

**WHEREAS**, a public hearing was duly noticed for the City Council meeting of May 7, 2024, by mailing a notice to property owners within 300 feet of the perimeter of the Project site on April 27, 2024, publishing the notice in “The Press-Enterprise” newspaper on April 27, 2024, and posting the site on April 27, 2024; and

**WHEREAS**, a public hearing for the Project was held by the City Council on May 7, 2024, at which time reports, recommendations, and public statements were considered; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1.** In accordance with Title 16, Article IV of the Murrieta Municipal Code, and based upon the facts, the City Council makes the following findings regarding the Mitigated Negative Declaration prepared for Development Plan permit 2022-2605/2023-00006 (DP 2022-2605/2023-00006):

- 1) Pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration, circulated on August 11, 2023 ("Mitigated Negative Declaration"), and all comments received, with the imposition of mitigation measures, there is no

substantial evidence that the project will have a significant effect on the environment; The Mitigated Negative Declaration reflects the independent judgment and analysis of the City. The mitigation measures have been made enforceable conditions on the project. The Mitigated Negative Declaration and the Mitigation Monitoring Program prepared for the Mitigated Negative Declaration are hereby adopted.

**FACTS:** The proposed project would construct 387 multi-family units. The Murrieta Hot Springs at Jefferson Residences Project was analyzed in the Initial Study and prepared in compliance with CEQA (see Attachment 3.a. of the staff report). The Project will be subjected to additional review by federal, state, and county agencies, and tribal governments when subsequent permits are processed. The Project will also provide for fee payments that will go to drainage, Stephens Kangaroo Rat (SKR), and the Multiple Species Habitat Conservation Plan (MSHCP).

The proposed Project was also reviewed for consistency with the MSHCP for Western Riverside County. The Property is not within a criteria cell and the Project is demonstrating avoidance of the on-site jurisdictional watercourse through design and providing for fee payment as ordinance mitigation. The Project was also processed under AB 52 and involved meaningful consultation with Pechanga. Specific mitigation measures have been incorporated into the Project and MMRP to ensure that no cultural resources will be adversely impacted, and in the event that inadvertent finds are located during grading, an on-site reburial area will be identified in the avoidance area. With the implementation of the conditions of approval, and the MMRP, the Project is consistent with this finding.

**Section 2.** After consideration of the appeal and the written and oral testimony provided before and at the appeal hearing, the City Council denies the appeal and finds and determines as follows: Pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration, circulated on August 11, 2023 ("Mitigated Negative Declaration"), and all comments received, with the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment; The Mitigated Negative Declaration reflects the independent judgment and analysis of the City. The mitigation measures have been made enforceable conditions on the project. The Mitigated Negative Declaration and the Mitigation Monitoring Program prepared for the Mitigated Negative Declaration are hereby adopted.

**PASSED, AND ADOPTED** this 7<sup>th</sup> day of May 2024

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Lori Stone, Mayor

ATTEST:

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Cristal McDonald, City Clerk

APPROVED AS TO FORM:

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Tiffany Israel, City Attorney

STATE OF CALIFORNIA    )  
COUNTY OF RIVERSIDE   )§  
CITY OF MURRIETA        )

I, Cristal McDonald, City Clerk of the City of Murrieta, California, do hereby certify that the foregoing Resolution No. 24-4739 was duly passed and adopted by the City Council of the City of Murrieta at the regular meeting thereof, held on the 7<sup>th</sup> day of May, 2024, and was signed by the Mayor of the said City, and that the same was passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Cristal McDonald, City Clerk