

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: Carl Stiehl, City Planner

PREPARED BY: Aaron Rintamaki, Associate Planner

SUBJECT: Development Plan Permit 2022-2605/2023-00006 (DP-2022-2605/2023-00006) Murrieta Hot Springs at Jefferson Apartments

RECOMMENDATION

1. Consider and approve the Notice of Determination and adopt the Mitigated Negative Declaration (MND) pursuant to the California Environmental Quality Act Guidelines (CEQA), (see Attachment 3); and
2. Adopt a Resolution entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MURRIETA ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING 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), based on the Findings and subject to the Conditions of Approval in Exhibit A, as found in Attachment 1.

ENVIRONMENTAL

A Mitigated Negative Declaration has been prepared for this Project pursuant to the California Environmental Quality Act (Public Resources Code 21000-21189) and its implementing guidelines (CEQA Guidelines - California Code of Regulations Title 14, Division 6, Chapter 3 Sections 15000-15387). Please see Attachment 3.a. for the Initial Study, including the Mitigation Monitoring & Reporting Program (MMRP) found in Attachment 3.b.xii., and supporting documentation for more specific information.

EXECUTIVE SUMMARY

The site is located at the southeast corner of the Murrieta Hot Springs Road and Jefferson Avenue intersection and proposes to construct 387 multi-family apartment units, totaling 521,178 square feet on an 18-acre parcel. The proposal includes 1-to-3-bedroom units spread amongst 15 three-story apartment buildings. A two-story clubhouse/leasing building and additional amenities, including but not limited to a spa terrace, pool courtyard, dog park, and fitness center, are also included in the proposed development. Access into the site would be via driveways located along Murrieta Hot Springs Road and Jefferson Avenue. Parking includes 780 spaces located in surface parking areas, garages, and carports which would support residents and guests. The site has a General Plan and zoning designation of Commercial with the Transit Oriented Development (TOD) Overlay that allows multi-family residential development at 30 units per acre minimum.

The proposed development is consistent with the standards applied to the Community Commercial Zone and TOD overlay.

The development would require improvements to Murrieta Hot Springs Road and Jefferson Avenue, including but not limited to a required second right turn lane from Jefferson Avenue onto Murrieta Hot Springs Road. Three existing SCE transmission lines along Jefferson Avenue at the subject property's frontage would obstruct the construction of the required second right turn lane and must be relocated due to their voltage exceeding the limit set by the Murrieta Municipal Code for undergrounding. Quarterra, LLC (Applicant) is responsible for this relocation, either on-site or across Jefferson Avenue, under SCE's guidance. The Permittee has proposed an interim improvement that would leave the transmission lines in place for an undetermined period and restripe an existing through lane along Jefferson Avenue as a temporary second right turn lane. However, the City has communicated to the applicant that this interim scenario cannot be supported as it would create new traffic-related public safety impacts along the roadway.

The proposed land use and site improvements are subject to mitigation measures, development standards and conditions of approval to ensure the proposal will not have a significant effect on the environment. The Project must comply with the City of Murrieta Storm Water and Runoff Management and Discharge Controls Ordinance as provided in the conditions of approval, including a water quality management plan (WQMP) restrictive covenant or other mechanism to ensure the ongoing operation, maintenance, and funding of the final project-specific WQMP to prevent and mitigate any potential water quality impacts. Existing public utilities and services are available to service the proposed facility. The uses and improvements described above are hereinafter referred to as the "Project".

The Project is subject to certain provisions in state law that limit the City's ability to reduce the Project's housing density or deny the Project unless certain findings can be made with respect to the Project's impact on public health and safety such as environmental impacts that cannot be mitigated.

BACKGROUND

PROJECT DESCRIPTION

Application Type:	Development Plan 2022-2605/2023-00006, Environmental Assessment 2022-2613
Applicant:	Quarterra, LLC
Property Owner:	Quarterra, LLC
Site Area:	18 gross acres, 13 net acres
Project Location:	Southeast corner of the Murrieta Hot Springs Road at Jefferson Avenue intersection (Assessor Parcel Number 910-410-011)
Site General Plan/Zoning:	Commercial/Community Commercial (CC) with Transit Oriented Development (TOD) Overlay;
Adjacent Zoning/Land Use:	Community Commercial (CC) Zoning / Vacant Commercial
North:	approved entitlement for Multi-family housing

South:

East:

West:

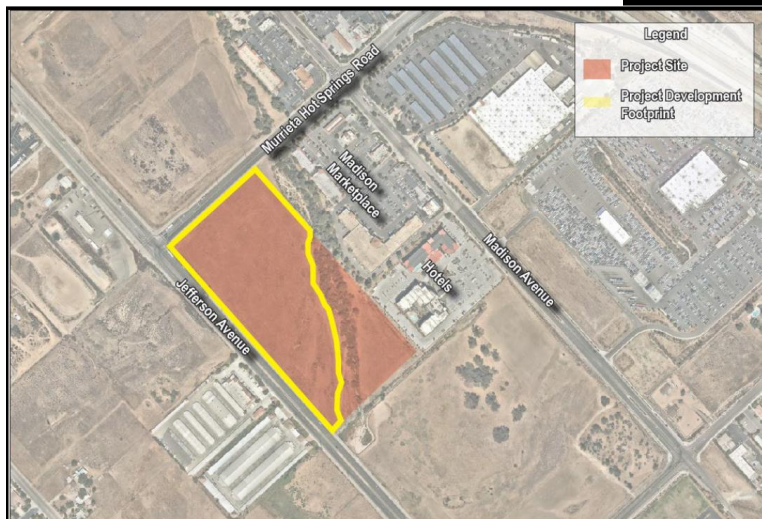
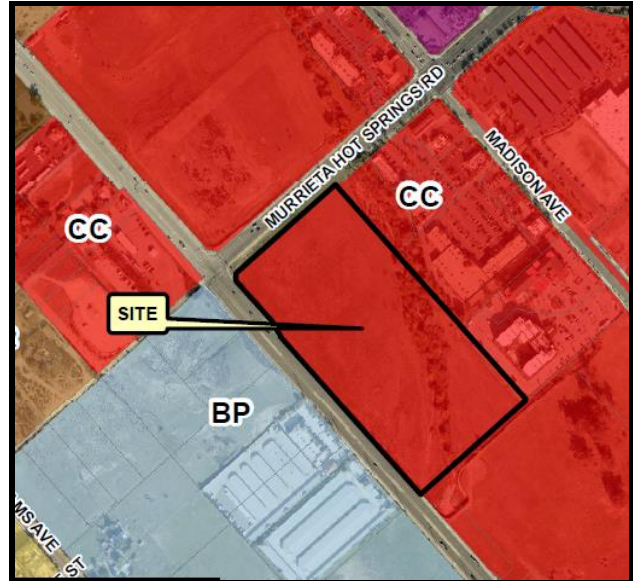
Community Commercial (CC) Zoning / vacant undeveloped land

Community Commercial (CC) Zoning / existing shopping center

Business Park (BP) Zoning / existing self-storage and retail



----- Transit Oriented Development Overlay



The above image and aerial show the project location as indicated by the black and yellow outlines. Also shown is the Project zoning, and a portion of the TOD overlay, including the site.

Pursuant to the Development Code (Title 16 of the Murrieta Municipal Code) the Project proposes a Development Plan permit described by Chapter 16.56 of the Murrieta Municipal Code to construct 387 multi-family housing units on an 18-acre parcel. Approximately 13 acres of the site will be developed, with a five-acre area containing grasslands and drainage to be avoided (see Attachment 4.b. for the site plan).

The Project includes 15 three-story, 45-foot-in-height residential buildings and a two-story, 34-foot-in-height leasing/amenity building for a total of 16 buildings (the Development Code allows up to 150 feet in height in this zoning area). The Project must provide a minimum setback of 10

feet and meet a minimum density of 30 dwelling units per acre (du/ac) per the zone standard. The Project design meets setback requirements (along Murrieta Hot Springs Road: 10' / Jefferson Avenue: 10') and minimum density (30 du/ac). The 15 residential buildings would include units ranging from one- to three-bedroom within 209 one-bedroom units, 155 two-bedroom units, and 23 three-bedroom units for a total of 387 multifamily residential units. The Project includes only market-rate units as proposed, there is no affordable component.

The following table illustrates the proposed unit data for the project:

Unit	Floor Area	Number of Units
1 Bed, 1 Bath (A1)	700 SF	123
1 Bed, 1 Bath (A2)	825 SF	86
2 Bed, 2 Bath (B1)	1,053 SF	111
2 Bed, 2 Bath (B2)	1,061 SF	44
3 Bed, 2 Bath (C1)	1,414 SF	9
3 Bed, 2 Bath (C2)	1,309 SF	2
3 Bed, 2 Bath (C3)	1,385 SF	12
Total Units:		387

The Project includes on-site amenities, including a spa terrace, a pool courtyard, an outdoor balcony, a view lawn, barbeque, fire pit areas, and a dog park. The proposed indoor amenities in the leasing and amenity building include a fitness center, club room, game room, co-working space, conference rooms, and private offices. Also, each apartment unit would feature a private balcony with varying balcony sizes depending on the unit plan type.

Parking:

The total amount of parking provided for the Project is 780 spaces. The minimum parking required for the Project is 779 spaces, which meets the minimum required in the Development Code. The Project includes parking for compliance with the Americans with Disabilities Act (ADA) to provide accessible parking. This includes six open stalls or vans, three carport stalls, five garage stalls, and five guest stalls to meet the minimum required per the ADA. The parking tabulation includes 78 electric vehicle charging stations (EVCS). As per the California Green Building Standards Code (CALGreen), the Project exceeds the minimum of 5% of the parking as EV, including those for ADA purposes, as it proposes 10% EVCS. Per the Development Code, a 1-bedroom unit requires 1.5 parking spaces, a 2-bedroom unit requires a minimum of 2 parking spaces, and for the 3-bedroom, 2.5 parking spaces are required. In addition, guest spaces are at a rate of 0.25 per unit.

TOTAL PARKING REQUIRED

UNIT TYPE	UNITS	RATIO	QTY.
1 BR	209	1.50	314
2 BR	155	2.00	310
3 BR	23	2.50	58
RESIDENT TOTAL	387		682
GUEST		0.25	97
TOTAL REQUIRED			779

Minimum Parking Requirements per Murrieta Municipal Code

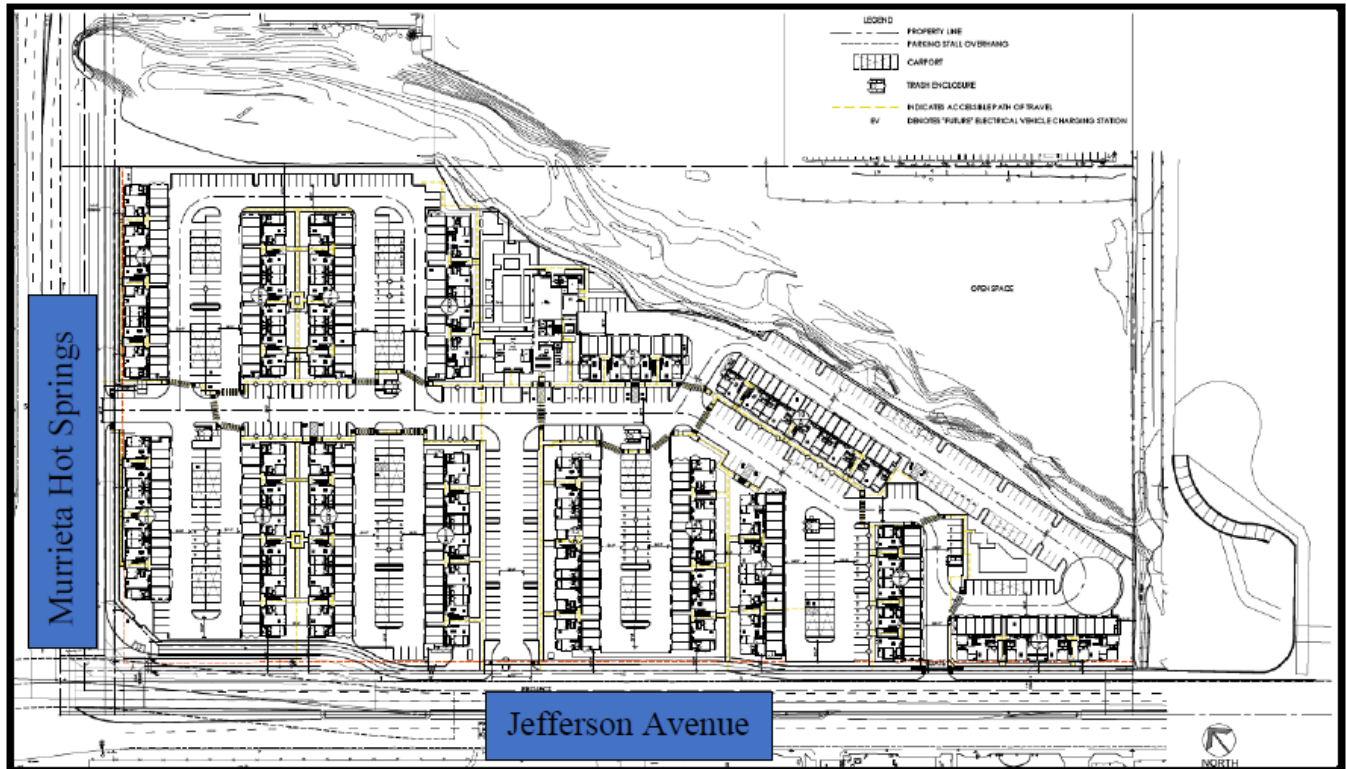
TOTAL PARKING PROVIDED

RESIDENT PARKING PROVIDED	QTY.	%	ACCESSIBLE*
GARAGE	252	37%	5
STANDARD STALL	289	42%	6
CARPORT	142	21%	3
TOTAL RESIDENT	683	100%	14
RESIDENT PARKING RATIO	1.76	STALL/ DU	
GUEST	97		5
TOTAL PROVIDED	780		19
*INCLUDED IN TOTAL			
EVCS (10% OF TOTAL STALLS PROVIDED)		78	

Parking Tables

Grading:

Grading activities would result in approximately 317 cubic yards (CY) of cut material and 66,317 CY of fill material, resulting in a net import of 51,000 CY. The Project also includes associated off-site improvements for remedial grading and road improvements. Grading activities are anticipated to begin in 2024 following the approval of a grading permit.



Above is the site plan for the proposed project (see Attachment 4.b.)

ANALYSIS

Cultural and Tribal Cultural Resources:

As detailed in the Cultural Report (see Attachment 3.b.iv), the Property has been evaluated for potential impacts upon cultural resources as required by CEQA. Through Assembly Bill 52 (AB 52) state law consultation process, staff has worked earnestly and respectfully with consulting tribes (Pechanga Band of Indians) to determine the significance of the site, as well as for the treatment of any discovered resources at the site during future grading and trenching operations. Staff thanks the consulting sovereign governments for diligently working with the City, and the process under AB 52 has been completed. Staff will continue coordination with all parties during condition satisfaction to ensure the applicable General Plan mitigation measures are implemented and followed through the grading permit process. A specific location has been identified on-site, which will be confidential and will be used as a reburial location for any inadvertent finds. In addition, easements have been identified to ensure tribal access to these areas for future ceremonies. Through the implementation of the City's cultural-related General Plan Mitigation Measures, including requirements for inadvertent archaeological and historical finds along with project-specific conditions of approval and mitigation measures, potential impacts to tribal cultural resources would be less than significant. See also Attachment 1, Exhibit A, for the Project Conditions of Approval.

Biological Resources:

The site is within the Western Riverside County Regional Conservation Authority's Multiple Species Habitat Conservation Plan (MSHCP), Southwest Area Plan. The site is within the Santa Ana Mountains Habitat Management Unit but is not mapped as within or adjacent to a Criteria

Cell or Cell Group of the MSHCP. The habitat assessment indicates that Project implementation would result in the loss of foraging and nesting habitat. However, the site has been disturbed by previous agricultural uses. A jurisdictional watercourse also bisects the site in a north-south direction toward the eastern half of the site. Project implementation would cause approximately five acres of the 18-acre site, including the jurisdictional watercourse, to remain undisturbed open space, thereby avoiding any direct impacts on the jurisdictional watercourse. This would further limit the loss of suitable habitat as no development would occur in these areas. In addition, the Project would be required to adhere to standard best management practices during construction and Project operations to ensure that disturbances would not occur. Lastly, due to the presence of suitable riparian habitat located adjacent to the site, indirect impacts to nesting least Bell's vireo and southwestern willow flycatchers could occur because of Project activities during the breeding season, project-specific conditions of approval and mitigation measures related to burrowing owl and nesting bird surveys would be required. See Attachment 1 for conditions of approval and Attachment 3.a. for the Initial Study, Attachment 3.b.xii for the MMRP, and Attachment 3.b.ii for the Biological Technical Assessment.

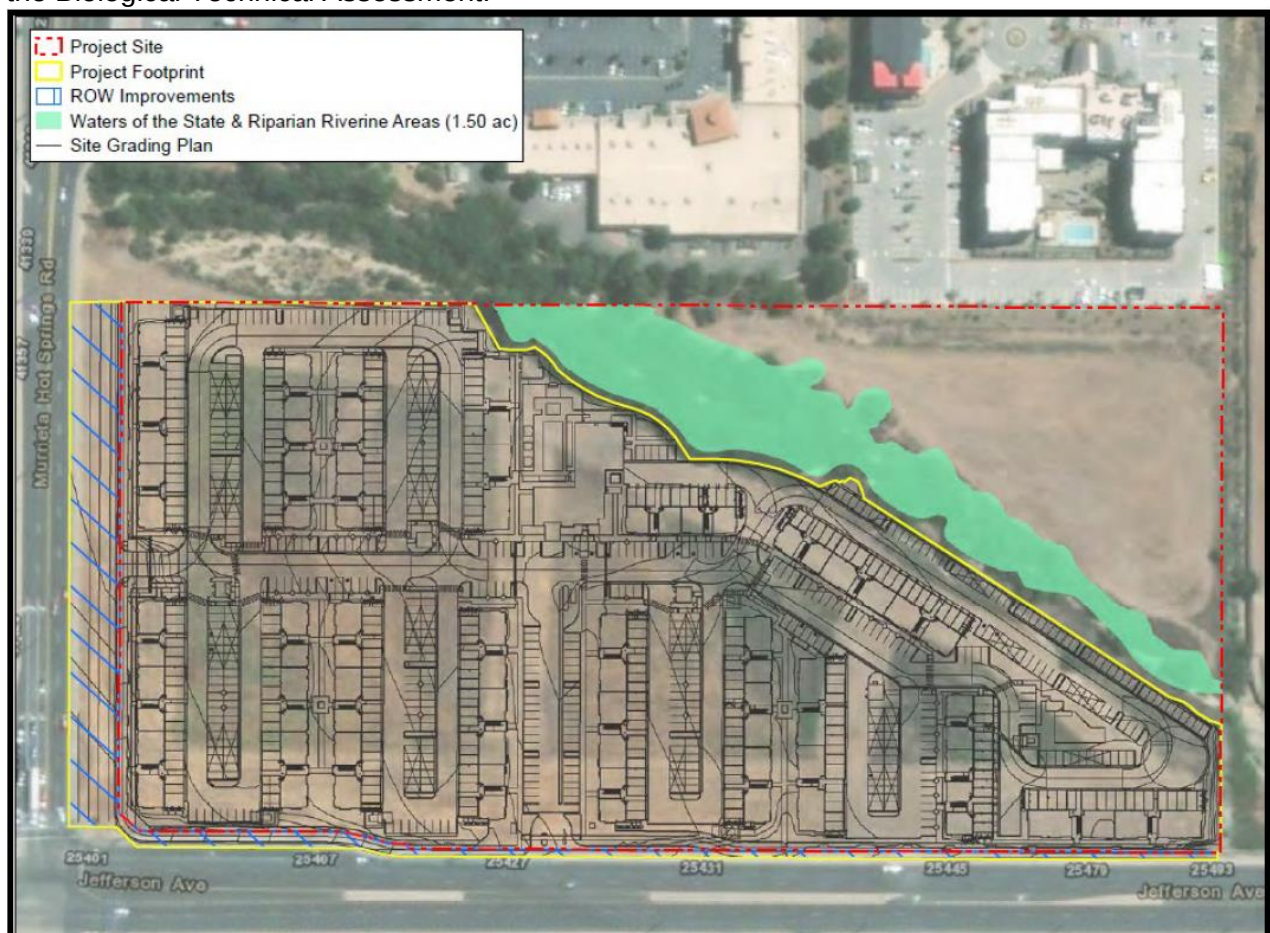


Image above shows the on-site Jurisdictional watercourse in green

Architecture:

The Project's architecture is designed using a contemporary Spanish style. It would incorporate a mix of building materials in neutral, muted colors, with faux wood corbels, faux clay gable pipes, and colored porcelain tiles for wall accents that would complement the existing development in the surrounding area. Rooftops would be finished in barrel-roof concrete tiles to complement the

Spanish architecture. The buildings would have varying rooflines, façade articulation, awnings, and enhanced building materials to vary building massing.



Architecture Example - Building A Front Elevation



Architecture Example - Building B Front Elevation



Architecture Example – Clubhouse/Leasing Building Front Elevation

Amenities:

Per the Transit Development Oriented Overlay General Development Standards, found in the Development Code, for projects containing 25 or more residential units in stand-alone multi-family residential developments, one common recreational amenity shall be provided for every 30 units or fraction thereof. Based on the proposed 387 units, 13 amenities are required for the Project. The Project complies with this requirement as it provides 16 recreational amenities inclusive of a clubhouse, pool court, dog park, balcony for outdoor dining, fitness center, linear courtyards, a club/game room, and coworking spaces. The Development Code recognizes that certain

recreational facilities will serve more people than others, may have a wider interest, and/or occupy more area; therefore, those amenities are allowed to be counted twice, as shown in the chart below.

TYPE	QTY.	S.F.
MISC. LANDSCAPE AREAS	2	5,823
LINEAR COURTYARD	5	36,817
DOG PARK	1	5,225
POOL COURT	2	16,956
CLUB/GAME ROOM	2	1,902
BALCONY: OUTDOOR DINING	1	467
FITNESS	2	1,672
COWORKING	1	1,155
TOTAL PROVIDED	16 *	70,017

*13 recreational amenities are required
Recreational Amenities/Facilities

Lighting:

Site lighting would consist of street pole lights provided throughout internal drive aisles and driveway entrances. Pedestrian walkways would have bollard lighting to illuminate paths of travel. The attached garages would have a wall-mounted sconce above the garage doors, and carports would have downlights for security and wayfinding. The common recreation area would have pendant decorative lighting with Spanish-themed pole lighting in the shared open space areas. In addition, new streetlights along Murrieta Hot Springs Road and Jefferson Avenue will be installed as part of the Project. All project lighting would be oriented inward to the site and shielded to prevent light spillage. The Project's southeast boundary, bordering the biologically sensitive area, would have minimal lighting.

Project lighting would be subject to compliance with Development Code Section 16.18.100. Specifically, the light would be directly downward and shielded to prevent glare onto adjacent parcels. In addition, the City's Planning and Building Division would review any proposed lighting to ensure conformance with the California Building Code, Title 24 (California Code of Regulations), as well as the California Green Building Standard Code (Part 11 of Title 24, California Code of Regulations), such that only the minimum amount of lighting is used, and no light spillage occurs.

Further, the proposed landscaping plan includes Arizona Sycamores and Mediterranean Fan Palms, which would serve as a landscape screen to limit light pollution in the watercourse area. Although the proposed project would introduce new light sources, the surrounding area is a developing suburban area already illuminated. The proposed lighting conditions would be similar to those surrounding the project site.

Landscaping:

The Project proposes planting and irrigating 427 trees throughout the site. Common area landscaping would be provided throughout the site, including the recreation and amenity areas. Landscaping in the common recreation area would include fruitless olive trees, Saratoga Laurel trees, Medjool date palms, maverick thornless honey mesquite, and Italian cypress. The dog park

The proposed conceptual landscape plan is designed to buffer and screen the site from public vantage points, such as parking areas, while enhancing and complementing the architectural design. Along Jefferson Avenue, the project site frontage will be landscaped with sawleaf zelkova trees, African sumac, coastal oak, Arizona sycamore, and eastern redbuds.



All landscaping would be served by permanent irrigation using an automatic underground irrigation system with low precipitation rate sprinkler heads. A drip tubing system would be used in all planting areas adjacent to walkways, drives, and common area activity spaces. The Project would include a main entry with enhanced landscaping along Jefferson Avenue, enhanced plantings, and monument signage at Murrieta Hot Springs Road and Jefferson Avenue. See Attachment 4.b. for the conceptual landscape plan. The Development Code requires the Project to provide a minimum 20% landscaped area as the underlying CC zoning requires. Staff worked with Pechanga and the applicant to preserve an existing on-site Elderberry bush through the Assembly Bill 52 (AB 52) process.

According to the most recent Alquist-Priolo Fault Zone and Seismic Hazard Zone Map, a known earthquake fault is located near or known to traverse the project site. Specifically, the Elsinore Fault Zone extends approximately 350 feet into the project site. The Elsinore Fault Zone comprises the Willard Fault and the Wildomar Fault. The City requires any proposed development of four or more dwelling units to investigate the potential for and to set back development from ground rupture hazards. The Geotechnical Exploration Study notes that previous site-specific fault

trench studies did not find evidence indicating that the Wildomar Fault extends into the site. As a result, no building restrictions or setbacks are required as part of project development. However, given the strong potential for ground shaking at the site, the proposed Project would be required to implement seismic design recommendations outlined in the Geotechnical Exploration Study under mitigation measures identified in the MMRP, see Attachment 3.b.xii. In addition, the project must comply with Title 24 Building Code requirements as conditioned.

Zoning / General Plan Consistency:

The proposed Development Plan permit is consistent with and implements the City's General Plan and the Goals and Policies outlined in the plan, including but not limited to those included in this staff report. The Development Code and General Plan findings are in the Resolution (Attachment 1). The following pages highlight how the Project implements infrastructure and design requirements that align with the goals and policies of the City's General Plan.

Transit Oriented Development (TOD) Overlay District:

The Property's General Plan Land Use is designated as Commercial in the Murrieta General Plan 2035 and zoned Community Commercial with a TOD Overlay that allows additional uses such as multi-family. As per Section 16.16.040 of the Development Code, the purpose of the TOD Overlay is to allow a mixture of residential and non-residential development within proximity to transit to encourage mixed land uses for enhanced transit and pedestrian activity. The TOD Overlay provides additional development rights, which property owners may exercise under certain conditions while retaining all development rights conferred by the underlying zone to property owners within the TOD Overlay.

Multifamily land uses are permitted within the TOD Overlay when at least 30 dwelling units per acre are provided. The TOD area was created to support the Regional Housing Need Allocation (RHNA) in a prior housing cycle, which was carried forward into the current 6th Cycle Housing Element (2021-2029). Designating the TOD as a housing-rich area in the prior RHNA cycle enabled the City to preserve residential zoning patterns in other areas at the existing density levels.

Traffic Circulation / Access & Egress:

As discussed in the Project description, the proposed Project's design includes roadway and access improvements, consistent with the General Plan and Circulation Element. The Project has also been conditioned to ensure compliance with City, state, and federal regulations and standards. The Project is located near existing bike lanes, sidewalks, and bus routes, which would encourage using non-vehicular modes of travel and public transit. Vehicular access to the Project site would be provided via a main entry driveway along Jefferson Avenue (Project Driveway 1) with left-in/right-in and right-out only movements. Left turns leaving the site would be restricted from Project Driveway 1. Project implementation would include an emergency access-only driveway on Jefferson Avenue, just south of the main Project entry. A secondary access driveway would be constructed along Murrieta Hot Springs Road and restricted to right-in and right-out movements only. The Project includes several internal drive aisles with surface parking to navigate the site. Starting from the Project's northeasterly property line along Murrieta Hot Springs Road, an interim sidewalk will connect the Project site to the existing sidewalk fronting the adjacent commercial center. To fully improve the General Plan build-out connection along this Murrieta Hot Springs Road section, the Project must meet the threshold or nexus requiring off-site impact improvements.

This Project does not exceed this threshold noted above; therefore, the interim sidewalk will be replaced by the City when full improvements are completed as part of the General Plan build-out along this Murrieta Hot Springs Road section. The Capital Improvement Plan (CIP) lists Citywide infrastructure projects for future improvements. This Murrieta Hot Springs Road section will be added to the CIP list in the future and will require a project analysis and financial planning to budget, including determining the environmental permitting process that will be needed to augment the existing roadway that goes over Yoder Wash. The City will need to analyze, budget, and prioritize this section to include it as a project within the CIP.

Conditions of approval have been added to the Project for improvements to both Murrieta Hot Springs Road and Jefferson Avenue, including a traffic signal modification at the intersection of Murrieta Hot Springs Road and Jefferson Avenue. The recently approved JPI Development Project (DP-2022-2685) to the north which was approved by the Planning Commission to implement a traffic signal at the driveway along Murrieta Hot Springs Road. The JPI development project has submitted construction plans to the City for the project's development. City staff has made multiple requests of the Applicant to revise its site plan and coordinate the location of their driveway so that it would align with the new signalized intersection on Murrieta Hot Springs Road and the main driveway of the JPI Development Project. The Applicant declined repeated requests to align the driveways.

Should the Project be constructed as planned, Murrieta Hot Springs Road will be improved along the Project's frontage to a half-width of 67 feet from centerline to right-of-way (with additional width opposite centerline for required improvements). Improvements to the roadway would include a raised median, which would be constructed to prevent left turn movements into and out of the Project site along Murrieta Hot Springs Road. The Applicant will also be required to provide interim striping/improvements for Murrieta Hot Springs Road as well inclusive of a 5' sidewalk from Jefferson Avenue to the Project's northeasterly property line, and then an interim sidewalk to east of the open drainage channel, a parkway with enhanced landscaping along the Project's frontage, an interim eastbound right turn lane into the Project driveway, an 8' bike lane and two 11' eastbound thru lanes. The interim striping/improvements for Murrieta Hot Springs Road shall remain in place until the roadway is built out to its ultimate width from the Project's northeasterly property line to the existing improvements east of Yoder Wash.

Project implementation would also improve Jefferson Avenue along the Project's frontage to a half width of 55' from centerline to right-of-way. Improvements would include but are not limited to, dual right turn lanes from Jefferson Avenue to Murrieta Hot Springs Road, a right turn deceleration lane into the Project 1 Driveway, and a parkway with the enhanced landscape. A raised median would also be constructed along Jefferson Avenue to prevent left turn movements from Project Driveway 1.

All improvements required by the Project shall connect to existing improvements in the surrounding area and be designed according to current ADA standards and requirements, including all pedestrian sidewalks, ramps, crosswalks, etc. Specific lane configurations and geometry for the improvements have been detailed in the Traffic and Engineering conditions of approval for the Project.

Utilities

The Southern California Gas Company (SoCalGas) provides natural gas, and Southern California Edison (SCE) provides electrical service to the Project area. The proposed Project would connect to existing utility lines, with new or existing facilities that are 33 kV and lower placed underground.

Waste Management provides solid waste collection and services to the City. The Project would include several shared screened trash enclosures throughout the site near parking areas.

Three existing SCE transmission lines are along Jefferson Avenue at the Project's frontage. These transmission lines are 69kV and cannot be undergrounded per Development Code Section 16.108.040(D)(12) as they exceed 33kV. Therefore, the Applicant must relocate the three SCE-directed transmission lines on-site or across Jefferson Avenue from the Project site (potentially three or more poles). SCE would be the lead on determining whether the transmission lines can be relocated either on-site or off-site within the right-of-way, and SCE would provide direction to the Applicant through a separate application process. The application process can take time as per SCE's timeline, which the City does not have control over. The Applicant has asked staff for flexibility, by asking if the City can condition the Project to delay the timing of the implementation of the 2nd right turn lane at northbound Jefferson Avenue. The Applicant's interim improvement proposal would leave the transmission lines in place for an undetermined amount of time, and propose to borrow an existing through lane along Jefferson Avenue. In this scenario, only two lanes would remain open for northbound traffic, while the third lane would serve as one of the right turn lanes onto Murrieta Hot Springs Road. The City has studied this proposal and has communicated to the Applicant that this interim improvement proposal would create new traffic-related public safety impacts along Jefferson Avenue, as the current configuration of having three northbound lanes is a directive from City Council, and reducing to two lanes would not be supported by the City.

Public transportation:

A Riverside Transit Agency (RTA) bus stop is located approximately 0.2 miles north of the Project site. RTA bus route 23 serves the transit stop providing close public transit for future residents.

Pedestrian access:

The Project is conditioned to provide public sidewalks along all Project site frontages with pedestrian access to and from the site on both Murrieta Hot Springs Road and Jefferson Avenue. The proposed sidewalks connect to neighboring off-site areas. As previously mentioned, interim striping will occur along Murrieta Hot Springs Road that will ensure pedestrian access along the Project's street frontage and further east past the drainage channel. In addition, the Project would improve the pedestrian ramp/crosswalk located at the southwesterly corner, inclusive of a ramp opposite the crosswalk to the northwest for improved pedestrian circulation. The Project includes internal sidewalks from the buildings and common area amenities connecting to the public sidewalks along Murrieta Hot Springs Road and Jefferson Avenue.

Water and Sewer:

The Project would be served by Western Municipal Water District (WMWD). While the site is not within the WMWD boundary, it is within the service area and is therefore considered a WMWD customer. The Project includes connections to the WMWD infrastructure on Murrieta Hot Springs Road and Jefferson Avenue. Through off-site improvements, the Project would connect to the existing water main in Murrieta Hot Springs Road via an 8-inch water line and laterals to serve the site.

WMWD would also provide wastewater service for the Project. The Project would result in installation of an 8-inch sewer line connecting to the existing Jefferson Avenue sewer main.

Please see Attachment 1, Exhibit B for the conditions of approval, and Attachment 3.b.xiii for copies of the service availability forms. The Project has been conditioned to coordinate with WMWD regarding design and construction requirements. WMWD has asked that applicants inform their future tenants to work with the on-site community Property Manager if there are concerns with water pressure, primarily on higher floors. The Applicant has been made aware of this request, and staff has asked the applicant to ensure they inform each prospective tenant not to contact WMWD with complaints, as there is an on-site solution to provide higher water pressure that reaches the higher floors at a rate that meets the expectation of residents. Staff notes a minimum requirement for water pressure is included in building code requirements, which the Applicant must meet.

Stormwater / Drainage:

The Project would not substantially alter the existing drainage patterns within the site. Implementing the Project would replicate existing stormwater patterns and include several drainage management areas (DMAs) to treat and collect surface flows. The Project would also install a 30-inch reinforced concrete storm drainpipe on Murrieta Hot Springs Road. Surface flows would be collected in catch basins along the main drive aisles to the Project site and then flow toward a proposed underground detention basin.

During final engineering, the Applicant will provide engineering designs for review and approval by the City. In addition, the proposed Project was reviewed by the Riverside County Flood Control and Water Conservation District (RCFC) as a part of the entitlement process. Per correspondence received from RCFC on November 4, 2022, and September 11, 2023, the Project will be conditioned for compliance with Area Drainage Fee requirements as it is within the limits of the Murrieta Valley Area Drainage Plan. In addition, RCFC has conditioned the project for additional review and the need for a cooperative agreement if the Project proposes channels, storm drains larger than 36 inches in diameter, or other facilities that could be considered regional and/or a logical extension of an RCFC facility. The Project does not propose any drainage-related improvements that will meet the threshold for requiring additional RCFC review.

Lastly, the November 4, 2022, letter from RCFC indicates that the project involves Line D of the Murrieta Master Drainage Plan and would be subject to further review by RCFC. However, staff clarified with RCFC that the jurisdictional watercourse located on the site, and flowing southeasterly, would be left in its natural state, and no disturbance would occur due to the Project. Therefore, no additional RCFC review is needed. See attachment 1, Resolution – Exhibit C.

School District:

The Project would include the development of 387 multifamily units and will add enrollment to private and public schools in the area. Based on the City's General Plan EIR (City of Murrieta 2020) student generation factors of 0.16 to 0.9 for K–5th-grade students, 0.1517 to 0.3 for middle school (6th–8th grade) students, and 0.16 to 0.6071 for high school (9th–12th grade) students, the estimated school generation rates for the Project are 63 to 351 K–5th-grade students, 60 to 117 middle school students, and 63 to 237 high school students. The Project is anticipated to generate between 186 and 705 new students in the Murrieta Valley Unified School District (MVUSD).

MVUSD currently requires fee payment based on the square footage for residential development. The DIF mitigation program of the MVUSD provides for fee payment. In addition, the Project is conditioned to provide proof that school impact fees have been paid before issuing a building

permit. Under state law (California Government Code Section 65995), payment of mitigation fees satisfies impacts on schools due to new development.

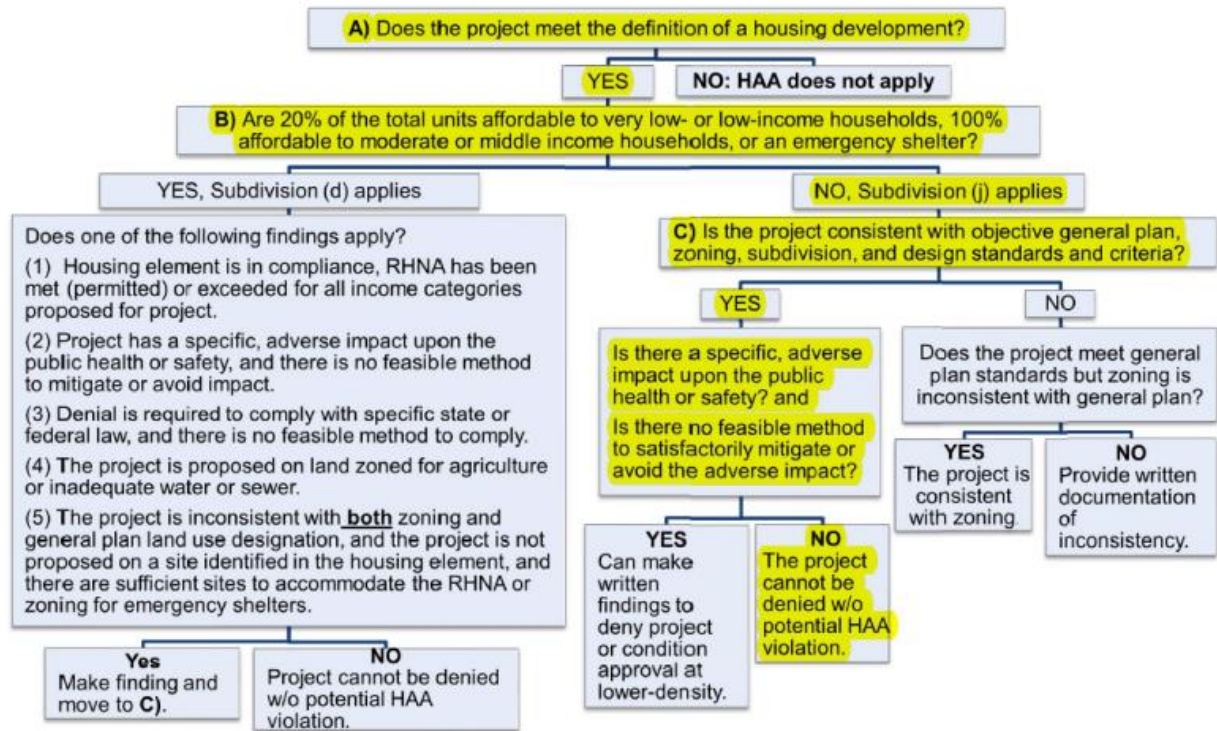
Housing Accountability Act:

State law, referred to as the Housing Accountability Act (HAA), constrains a city's ability to modify a housing project, reduce project density, or deny a housing project without meeting strict criteria found in state law. The staff has assessed how the HAA (Government Code Section 65589.5) applies to the Project. The HAA establishes the state's overarching policy that a local government cannot deny, reduce the density of, or make a housing development project infeasible when consistent with local development standards. The HAA was initially adopted in 1982, but in 2017, 2018, and 2019, the Legislature amended and strengthened its provisions to significantly limit the ability of a local government to deny an affordable or market-rate housing project consistent with local planning and zoning requirements. For development to qualify for protections under the HAA, it must meet the definition of a "housing development project." This means that a proposed project must consist of only residential units, a mixed-use development consisting of at least two-thirds of the square footage designated for residential use, or transitional or supportive housing. The development may occupy more than one parcel so long as the development is included in the same application. The Project is a multi-family, market-rate project, consisting of residential units only, and meets the definition of a "housing development project". The City's review is therefore governed by the HAA.

The state's Housing and Community Development Department has prepared a Housing Accountability Act Decision Matrix, depicted below. This matrix is intended to be used by local jurisdictions to understand how the HAA impacts their decision to approve, deny, or make a project infeasible. The matrix contains a highlighted decision path that applies to the Project. The outcome of applying the decision matrix is that the Project cannot be denied without a potential HAA violation. Should the City disapprove the Project or impose a condition that the Project be developed at a lower density, the City must base its decision on written findings that 1) the Project would have a specific adverse impact on public health or safety and 2) there is no feasible method to avoid or mitigate the adverse impact. In those situations the City's findings are based on a preponderance of evidence. If the City is found to have violated the HAA, a court will issue an order compelling compliance within 60 days. The court must impose a fine if the City fails to comply with the order. The minimum fine is \$10,000 per housing unit in the proposed Project. If the court finds that the City acted in bad faith, the fine becomes \$50,000 per unit. Staff notes that the City may not conduct more than five (5) hearings for projects subject to the HAA. The limit on the number of hearings includes both Planning Commission and City Council hearings, including appeals.

Housing Accountability Act Decision Matrix

This decision tree generally describes the components of the HAA. Both affordable and market-rate developments are protected by components of the HAA. The statute contains detailed requirements that affect the applicability of the HAA to a specific housing project based on its characteristics.



NOTICING

The notice of the Project to the public was provided under Chapter 16.76 of the Development Code consisting of a published public hearing notices in the Press Enterprise newspaper, a posted sign on the property, and notices mailed to all property owners within 300 feet of the project.

ATTACHMENTS

1. Resolution
 - Exhibit A – Conditions of Approval
 - Exhibit B – Conditions of Approval from WMWD
 - Exhibit C – Riverside County Flood Control and Water Conservation District Comments/Conditions
2. CEQA public review comment letters with responses
3. Environmental information including:
 - a. Initial Study
 - i. Notice of Completion
 - b. Appendices
 - i. Air Quality/Greenhouse Gas/Energy Data
 - ii. Biological Technical Assessment and MSHCP

- iii. Tree Inventory and Assessment
- iv. Cultural Resource Study
- v. Geotechnical Exploration Study
- vi. Paleontological Assessment
- vii. Phase I and II Environmental Site Assessment
- viii. Hydrology Studies
- ix. Noise Data
- x. VMT Assessment
- xi. Jurisdictional Delineation Exhibit
- xii. Mitigation Monitoring and Reporting Program
- xiii. Water and Sewer Availability Forms
- c. Notice of Determination
- 4. Project plans including:
 - a. Vicinity Map
 - b. Architect Plan Set, Civil Plan Set, Landscape Plan Set, Fire Master Plan