



APPEAL 2023-00003

Murrieta Hot Springs Road at Jefferson Residences Apartments

Staff Presentation

Aaron Rintamaki, Associate Planner

Jarrett Ramaiya, Deputy Director

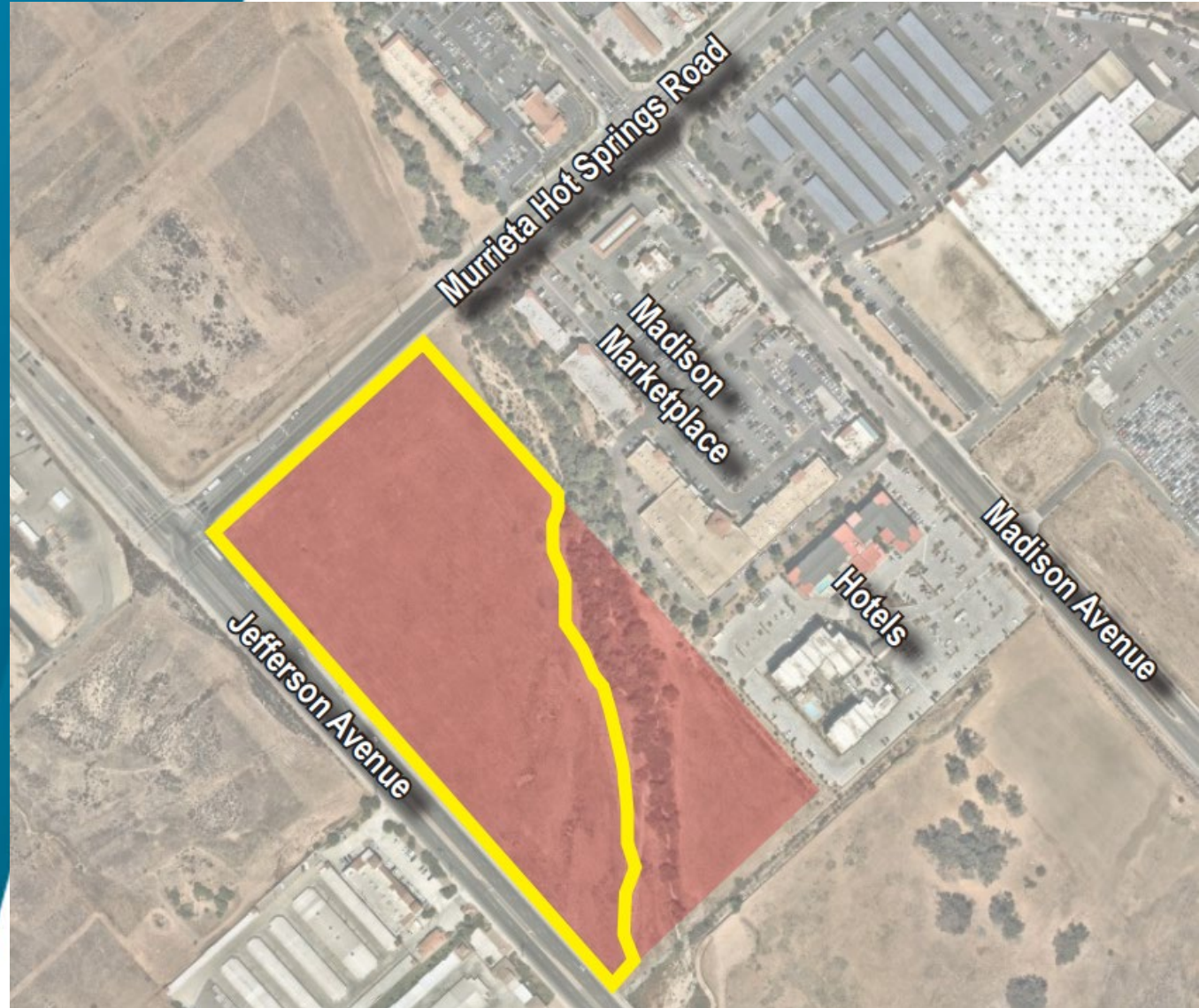
Brian Stephenson, City Traffic Engineer

City Council May 7, 2024

Planning Commission

March 27, 2024:

- Planning Commission held a public hearing on this project, and
- Approved Development Plan permit 2022-2605 by a vote of 3-1-1



Off-site City-owned property and portion Yoder Wash

MURRIETA HOT SPRINGS ROAD

Secondary ingress/egress

Main Entry

JEFFERSON AVENUE

Gated Emergency Access

VICINITY MAP

VACANT LAND

BEYOND THE JURISDICTIONAL WATERCOURSE - EXISTING TO REMAIN

Yoder Wash





Appellant:

Environmental document is deficient in the analysis and disclosure of impacts as required by the California Environmental Quality Act (CEQA).

Appellant Statement and Supporting Evidence
Council Member Lisa DeForest, Third District

As an elected City Council Member of the City of Murrieta in District 3, where this project is proposed, it is of the utmost importance to me to ensure development projects fully disclose project impacts under the California Environmental Quality Act (CEQA). This is a basic requirement of CEQA.

The proposed project - Development Plan Permit 2022-2605/2023-00006 (DP-2022-2605/2023-00006) and its accompanying Initial Study and supporting documents adequately disclose certain potentially adverse impacts and making conclusions not in compliance with CEQA.

per analysis and disclosure steps, existing and future information I believe should be adopted for the purpose of the project. The project's analysis and disclosure is deficient in the analysis and disclosure of impacts as required by the California Environmental Quality Act (CEQA). However, CEQA requires a project will substantially impact the environment. Furthermore, the project's analysis and disclosure is deficient in the analysis and disclosure of impacts as required by the California Environmental Quality Act (CEQA). This is also an impact under CEQA.

CITY OF MURRIETA
Development Services Department
Planning Division
1 Town Square | Murrieta, CA 92562 | 951-461-6000
www.murrietaca.gov

Application for Appeal (DS-210)

For Planning Division Office Use Only

Case Number: _____ Date Submitted: _____ Received by: _____

Original Case Number: DP-2022-2605/ 2023-00006 Original Approval Date: March 27, 2024

PROJECT TITLE AND DESCRIPTION
Development Plan Permit 2022-2605/ 2023-00006

Project Name/Name of Center: (if applicable) Murrieta Hot Springs at Jefferson Apartments

APPELLANT

Contact Name: Dr. Lisa DeForest

Company Name: City of Murrieta City Council

Mailing Address: 1 Town Square
Murrieta
City
State CA
92562

Daytime Phone No: (951) 461-6000

APPELLANT INFORMATION

E-Mail: ldeforest@murrietaca.gov

E-Mail: _____

CONTACT PERSON (If different from appellant)

Contact Name: DR. LISA DEFOREST

Company Name: _____

Mailing Address: _____

Daytime Phone No: () _____ City _____ State _____ Fax No.: () _____ ZIP _____

Signature of Appellant: *[Signature]*

E-Mail: _____

E-Mail: _____

Daytime Phone No: () _____ City _____ State _____ Fax No.: () _____ ZIP _____

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4/24/24
4/3/24



Appeal Points

LOS C vs. D (Murrieta Hot Springs Road)

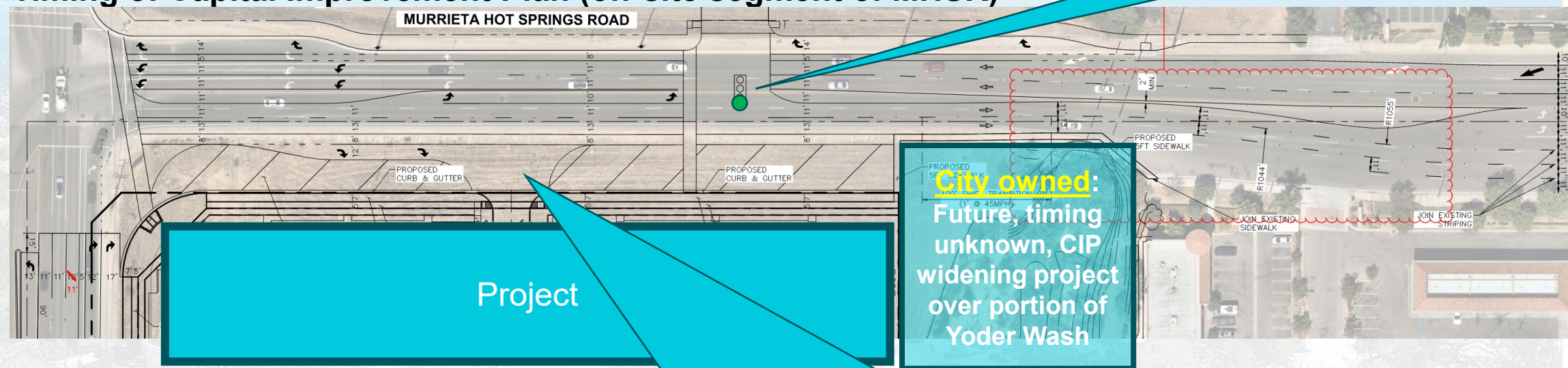
LOS F for proposed southbound left turn intersectional movements (Jefferson Avenue)

The lack of disclosure for LOS deficiencies that would address traffic safety, is an environmental impact



Appeal Points

Timing of Capital Improvement Plan (off-site segment of MHSR)



Project

City owned:
Future, timing
unknown, CIP
widening project
over portion of
Yoder Wash

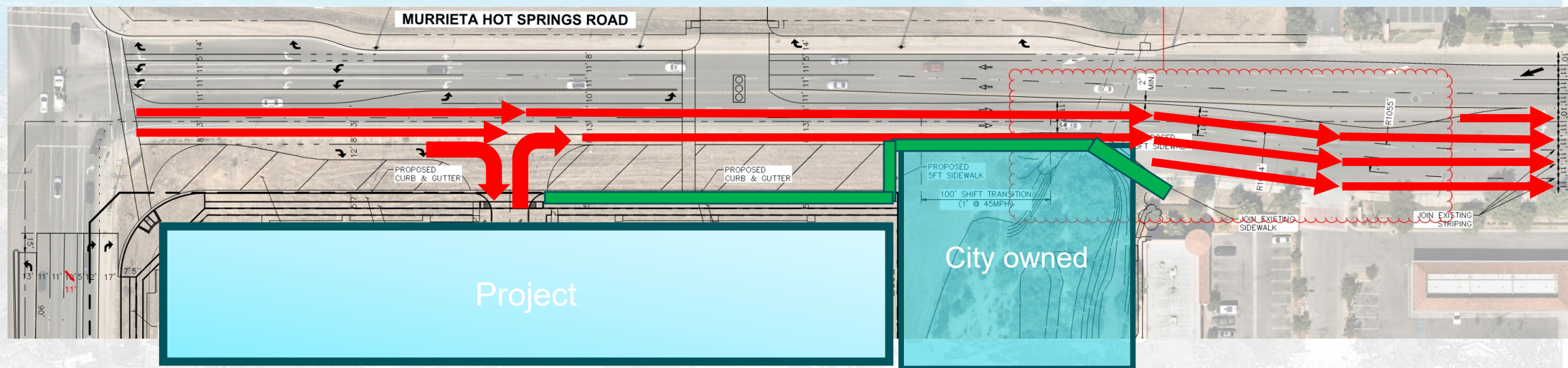
Future signalized intersection to be
implemented by another project

Project: halfway street improvements, two through lanes, striping, right turn lane for ingress, new driveway (right in/right out only), off-site striping, and off-site sidewalk



Appeal Points

Design speed on Murrieta Hot Springs Road



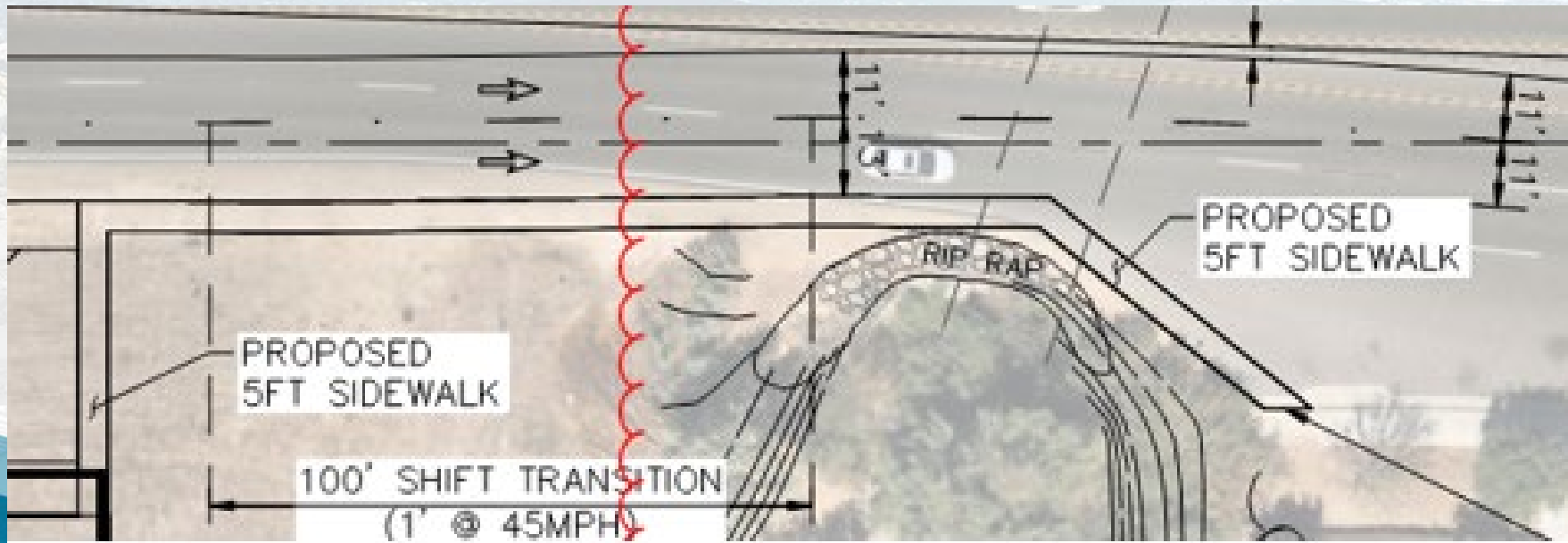
Red: traffic lane 
Green: sidewalk 



Appeal Points

Design speed on Murrieta Hot Springs Road

Applicant has designed the Street Improvement Plan for a design speed of 45 MPH; 60 MPH is the standard.





Appeal Points

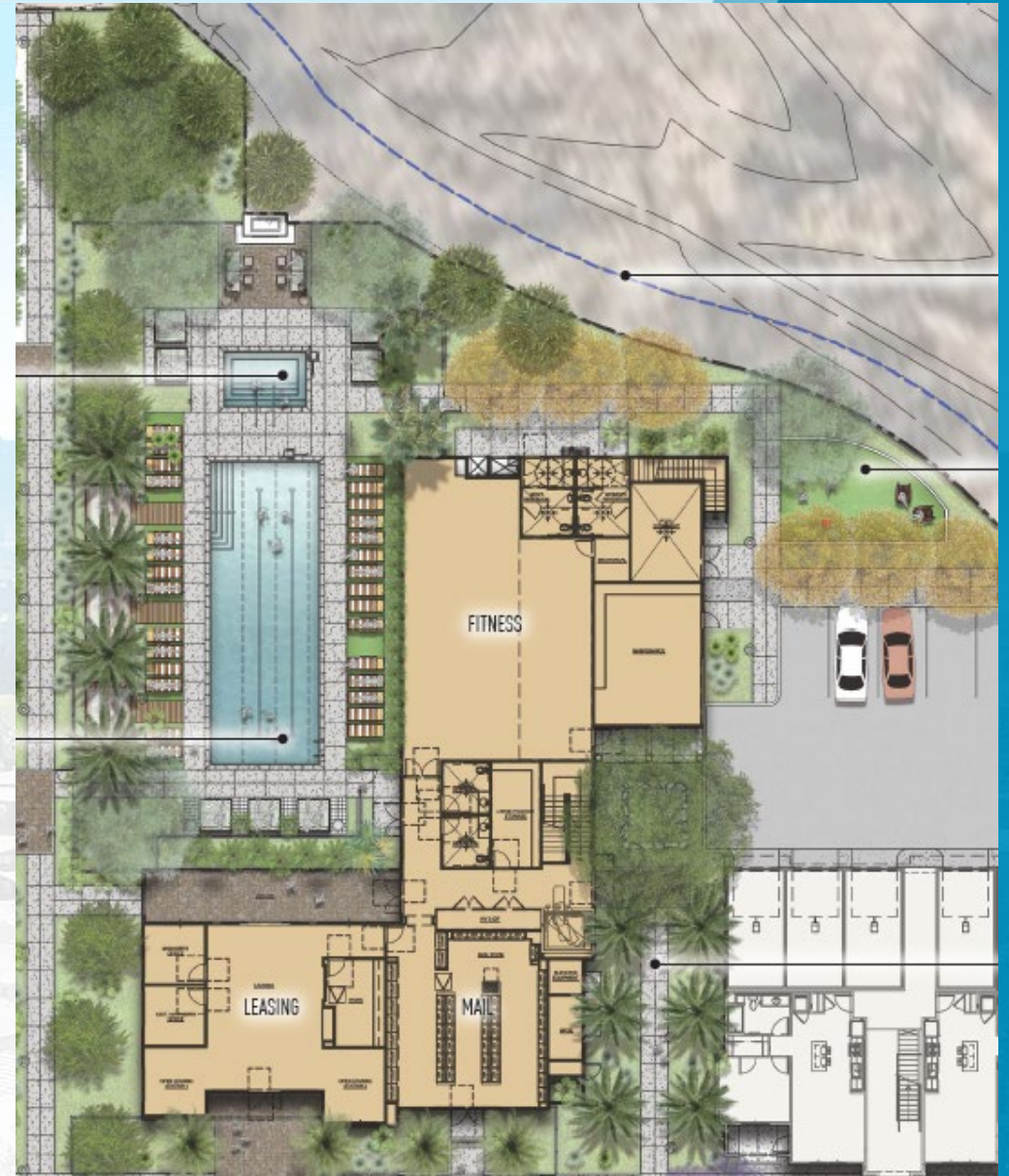
Development Plan permit

Recreational Amenities:

Planning Commission raised concerns with lack of age-appropriate amenities (e.g., infants, toddlers, children, youth, teen, families).

The appellant requests an updated plan that addresses the lack of amenities that speak to the spectrum of future residents (families, children, teenagers, young adults/professionals, and retirees).

The Development Plan portion of the appeal will be scheduled once the Project's CEQA appeal is concluded.





MEET AND CONFER

Per the Development Code, before an appeal is heard by the city council or planning commission, the director shall provide an opportunity through a meet and confer process to discuss the issues on appeal and determine whether a common solution to the appeal exists.

Meeting held on 05/01/24 (Appellant, Applicant, Staff)

No agreements were made.

Meeting Sign-in Sheet		
Project Name & Number		Meeting Date
Appeal of Murrieta Hot Springs Road at Jefferson Residences APL-2024-00003		05/01/24
Attendance Roster		Meeting Chair
Name	E-mail	Phone Number
Lisa DeForest, Appellant, Council Member	LDeForest@murrietaca.gov	
Alec Chasman, applicant, Quatterra	Alec.Chasman@quatterra.com	
Dan Ferguson, applicant, Quatterra	Dan.Ferguson@quatterra.com	
Chris Burt, applicants attorney, Cox Castle	CBurt@coxcastle.com	
David Chantarangsu, Director	DChantarangsu@murrietaca.gov	
Jarrett Ramaiya, Deputy Director	JRamaiva@murrietaca.gov	
Aaron Rintamaki, Associate Planner	ARintamaki@murrietaca.gov	
John Fox, City Attorney's office, Aleshire & Wynder, LLP	JFox@awattorneys.com	

Meeting Record		
Project Name & Number	Meeting Chair	Meeting Date
Appeal of Murrieta Hot Springs Road at Jefferson Residences APL-2024-00003	J. Ramaiya	05/01/24
Action Item:		
Action to be taken: Proceed to City Council hearing 05/07/24		
Decision:		
1. None.		
Decisions / Agreements reached:		Responsible Party
		Staff
Copy of record provided to all?		Result of the meeting summarized?
Yes		Yes
Signature of meeting chair		



Letter received from Cox Castle on 05/05/24



Cox, Castle & Nicholson LLP
3121 Michelson Drive, Suite 200
Irvine, California 92612-5678
P: 949.260.4600 F: 949.260.4699

Christopher Burt
949.260.4606
CBurt@coxcastle.com

File No. 103611

May 5, 2024

VIA E-MAIL

City Council
City of Murrieta
1 Town Square
Murrieta, CA 92562

Re: Appeal of the Planning Commission's Approval of the Murrieta Hot Springs at
Jefferson Apartments Development Plan Permit 2022-2605/2023-00006

Dear Mayor Stone and City Council:

This firm represents LMC Murrieta Holdings, LLC ("LMC"), the applicant for the 387-unit project located at the southeast corner of Murrieta Hot Springs Road and Jefferson Avenue (the "LMC Project"). The property is zoned Community Commercial and TOD Overlay District ("TOD Overlay"). ***The LMC Project is consistent with all applicable, objective standards of the TOD Overlay, as confirmed in the Planning Commission's staff report.***

The LMC Project was approved by the City's Planning Commission on March 27, 2024. An appeal of the Planning Commission's approval was *filed* on March 29, 2024, by Dr. Lisa DeForest (the appellant), a member of the City Council. However, when filed, the appeal stated only general objections to the LMC Project and did provide any substance regarding the specifics of her appeal. LMC was not provided any information about the appellant's specific arguments until April 22, 2024, 23 days after the appeal was filed. This letter provides a response to the appeal, explaining why each of the appeal's allegations are meritless.

However, two threshold matters must first be address. First, LMC contends that the appeal is invalid because it failed to adhere to the requirements of the Murrieta Municipal Code ("MMC"), including with respect to (1) filing an appeal that states, in writing, "the specific reasons for the basis of the appeal" upon filing and (2) providing the required mailing labels. The appellant's failure to comply with the procedural and substantive requirements of the MCC mean that the appeal cannot properly be heard by the City Council without violating LMC's procedural and substantive due process rights.

Second, the appellant presents an unacceptable probability of bias and must recuse from considering the merits of her own appeal. The appellant has clearly demonstrated her objection to the project, as designed, and is committed to a result – denial of the project or a mandate to



Substantial Evidence to support Appeal

Memo provided by Engineering

Recommendations

(to deny the appeal):

Adopt Resolution No. 24-4739 entitled: A 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 and Upholding the MND for Development Plan Permit 2022-2605/2023-00006, Relating to the Proposal to Construct 387 Multi-Family Apartment Units, Totaling 521,178 square feet on an 18-Acre Parcel.



Recommendations

Adopt Resolution No. 24-4740 entitled: A Resolution of The City Council of the City of Murrieta Approving the Appeal and Overturning the Planning Commission Decision Adopting 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 finding that: (i) there is substantial evidence in the record that supports a fair argument that further environmental study concerning traffic safety and hazards, General Plan conflicts, and the Project's lack of compliance with City roadway standards which were not adequately analyzed or disclosed to the public in the MND for Development Plan Permit 2022-2605/2023-0006 pursuant to the requirements of CEQA, and (ii) that the Project requires the preparation of further analysis of Project environmental impacts pertaining to traffic safety hazards, General Plan conflicts, and compliance with City roadway standards as specified in the resolution, and (iii) the Development Services Director is directed Page 7 of 8 City Council Meeting Agenda May 7, 2024 to consider any new information obtained concerning the Project's environmental impacts related to the Project as described above and proceed in a manner in compliance with CEQA to include the new information in the Project's Initial Study supporting the MND and to identify feasible mitigation measures to avoid or substantially lessen the potentially significant impacts identified by the additional environmental analysis or require the preparation of an Environmental Impact Report if the impacts identified are determined to be significant and can't be mitigated to less than significant.

Based upon the additional information and issues raised in the appeal regarding the Initial Study's incomplete analysis of certain potential traffic safety impacts, staff recommends the City Council grant the Appeal on the basis of substantial evidence presented by the Appellant.



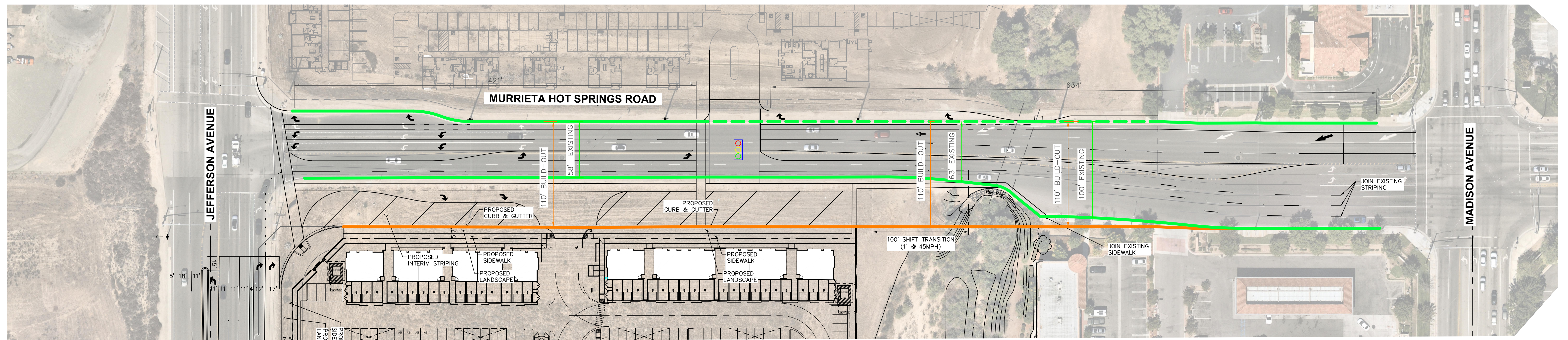


APPEAL 2023-00003

**Murrieta Hot Springs Road at Jefferson
Residences Apartments**

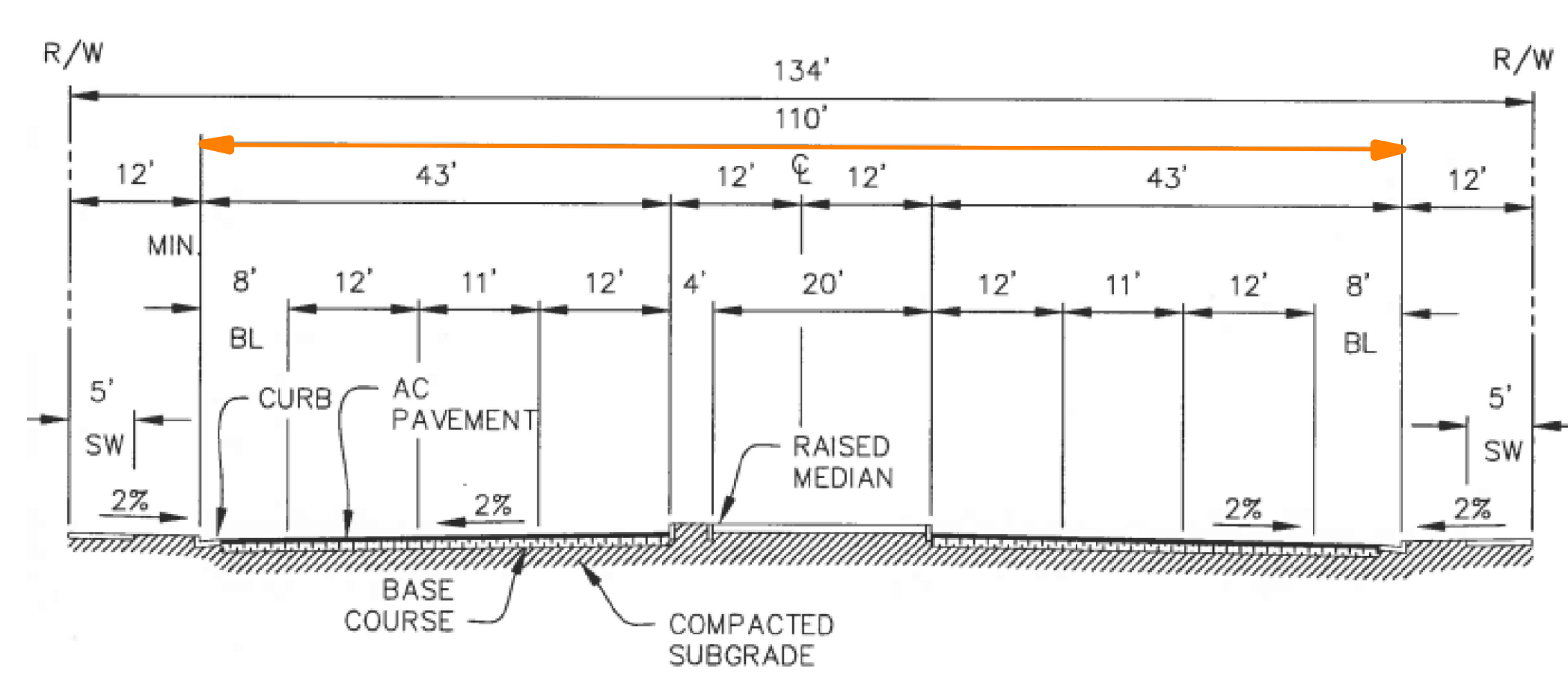
City Council May 7, 2024

JPI OVERLAY AND REVERSE CURVE @ 45 MPH

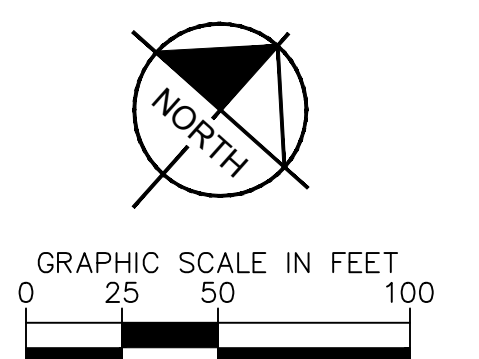


LEGEND

- EXISTING CURB-TO-CURB
- ULTIMATE CURB-TO-CURB



STANDARD 102 – URBAN ARTERIAL HIGHWAY



DATE: MAY 7, 2024