

## **ORDINANCE NO. 607-24**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA, APPROVING AND ADOPTING SPECIFIC PLAN AMENDMENT NO. 2 (SPECIFIC PLAN 276 AMENDMENT NO. 2 - FORMERLY NAMED MURRIETA SPRINGS MALL) FOR A 64.3 ACRE SITE LOCATED SOUTHERLY OF MURRIETA HOT SPRINGS ROAD, EAST OF INTERSTATE 15 AND WEST OF INTERSTATE 215, APN'S (910-390-001 THROUGH 910-390-003, 910-390-008 THROUGH -018, 910-390-020 THROUGH 910-390-022, 910-400-001 THROUGH -018) (PLANNING CASE NO. SP-2023-00003)**

**WHEREAS**, the applicant, Tres Estrellas, LLC (hereafter Tres Estrellas) (Applicant) on behalf of Tres Estrellas, LLC and Domenigoni Barton Properties, LLC (DBP) (Owner) submitted three applications to the City of Murrieta (City) for Specific Plan Amendment No. 2 (SP-2023-00003) to Specific Plan 276 (The Triangle) on October 30, 2023, and Tentative Tract Map 38622 (TTM-2022-2706) and a Development Plan 2022-2705 on October 24, 2022, to a 64.3 acre area (the Project); and

**WHEREAS**, the Project site is generally located south of Murrieta Hot Springs Road and between Interstate Highway 15 (I-15) and 215 (I-215) in the City of Murrieta and County of Riverside; and

**WHEREAS**, the project area legal description is described as Parcels 1 through 29 of Parcel Map 28280, in the city of Murrieta, County of Riverside, State of California, as per plat recorded in Book 197, Pages 4 through 16, inclusive of parcels maps, records of said county. APN's 910-390-001 through 910-390-003, 910-390-008 through -018, 910-390-020 through 910-390-022, 910-400-001 through -018 all owned by Tres Estrellas and DBP; and

**WHEREAS**, Specific Plan 276 (Murrieta Springs Mall) was originally adopted by the County of Riverside on October 30, 1990 for an indoor retail mall, including uses such as offices, restaurant, entertainment, and hotel, with a maximum of approximately 1.7 million square feet, which also included certification of Environmental Impact Report (EIR) 358 (SCH No. 90020608); and

**WHEREAS**, the County of Riverside subsequently entered into a Development Agreement (D.A. #54) vesting the Murrieta Springs Mall Specific Plan and, upon the City's incorporation, the City of Murrieta amended the Development Agreement, which amendment was recorded on February 23, 1994 and expired on April 23, 2023; and

**WHEREAS**, on October 15, 2013, the City Council adopted Ordinance No. 481-13, Specific Plan Amendment No. 1, an amendment and restatement to Specific Plan 276, which included changing the name from "Murrieta Springs Mall" to "The Triangle" and alterations to the Specific Plan; and

**WHEREAS**, on October 1, 2013, City Council adopted Resolution No. 13-3151, certifying Subsequent Environmental Impact Report (SEIR) associated with the approval of Specific Plan Amendment No. 1, finding that short term and long term traffic impacts and air quality impacts (operational, cumulative, and AQMP Consistency) associated with the development of the project

could not be reduced to a level of less than significance even with the imposition of feasible mitigation measures. All other project impacts were found to either be less than significant or less than significant with the adoption of mitigation measures; and

**WHEREAS**, pursuant to the provisions of the California Environmental Quality Act, Public Resources Code Section 21000 *et seq.* (CEQA) any legislative approvals for the Project are subject to review under CEQA, and the City of Murrieta as the lead agency, is responsible for assessing the environmental impacts, if any, which may result from the Project; and

**WHEREAS**, in accordance with CEQA Guidelines (Cal. Code. Regs. Title 14) Section 15162 and 15164, an Addendum was prepared for the Project and the City Council determined at its meeting of August 20, 2024 by the adoption of Resolution No. 24-4779, prior to the approval of first reading of Ordinance No. 607-24 approving and adopting Specific Plan Amendment No. 2, that the Project falls within the scope of the previously certified SEIR as none of the following criteria under CEQA Guidelines Section 15162 have occurred: (1) there are no substantial changes to the Project that require major revisions to the SEIR due to new significant environmental effects, (2) there are no substantial changes with respect to the circumstances under which the Project is considered that involve any new significant environmental effects or substantial increase in the severity of previously identified significant effects, and (3) no new information that shows the Project will have more significant effects not previously discussed, no new significant effects previously examined will be substantially more severe than previously shown, no new mitigation measures are necessary; and

**WHEREAS**, the proposed Specific Plan Amendment No. 2 includes Commercial (C) land uses and associated infrastructure; and

**WHEREAS**, the proposed Specific Plan Amendment No. 2 maintains the originally approved development area of approximately 1.7 million square feet of retail commercial, office, entertainment, and restaurant uses anticipated by Specific Plan Amendment No.1; and

**WHEREAS**, pursuant to Chapter 16.66, Specific Plans, of the Murrieta Development Code, this Project requires an Amendment to Specific Plan 276, which may be adopted by ordinance and include regulations and criteria for development of a site; and

**WHEREAS**, a public hearing was duly noticed for the Planning Commission meeting of July 24, 2024, by mailing a notice to property owners within a 300-foot radius of the site, publishing the notice in The Press Enterprise newspaper, and posting the Project site on or before July 14, 2024; and

**WHEREAS**, on July 24, 2024, the Planning Commission held a duly noticed public hearing, and considered all written and oral reports of staff, public testimony on the matter, and written and oral testimony provided by the Applicant and such other matters as are reflected in the record of this matter; and

**WHEREAS**, the Planning Commission used its independent judgement and considered all the reports, recommendations, and testimony; and

**WHEREAS**, on July 24, 2024, the Planning Commission recommended that the City Council adopt the environmental determination as satisfying the requirements of CEQA and approve The Triangle Specific Plan Amendment No. 2 (SP-2023-00003) with a vote of 3-0-1-1; and

**WHEREAS**, a public hearing on the matter was duly noticed as provided in Murrieta Development Code section 16.78.050 for the City Council meeting of August 20, 2024; and

**WHEREAS**, the City Council held a duly-noticed public hearing on August 20, 2024, at which time, the City Council considered the Planning Commission recommendations, staff report and recommendations and public comments, both oral and written; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURRIETA**, in accordance with Chapter 16.66 of the Murrieta Municipal Code, and based upon the facts and statements of public and city staff, and information of record provided at the public hearing in this matter, the City Council of the City of Murrieta makes the following findings regarding Specific Plan Amendment SP-2023-00003:

**SECTION 1:** Findings for Approval of Specific Plan 276 Amendment No. 2 (The Triangle).

1. The proposed specific plan amendment is consistent with the objectives, policies, general land uses, programs, and actions of all elements of the general plan.

**FACTS:** SPA No. 2 is consistent with the following objective, policies, general land uses, programs, and actions of all applicable elements of the general plan. For example, the SPA is consistent or implements the following goals and policies:

*General Plan Goal LU-1 - “A complimentary balance of land uses throughout the community that meets the needs of existing residents and businesses as well as anticipated growth, and achieves the community’s vision.”*

- *Policy LU-1.2, Ensure future development provides for a variety of commercial, industry, and housing that serve the spectrum of incomes within the region.*
- *Policy LU-1.3, Establish a range of residential density and non-residential intensities to encourage a wide range of development opportunities.*
- *Policy LU-1.5, Encourage a wide variety of retail and commercial services, such as restaurants, and cultural arts/entertainment, in appropriate locations.*

*Goal LU-7 “Economically viable, vital, and attractive commercial centers throughout the City that serve the needs of the community.”*

- *Policy LU-7.1, Work with property owners of vacant commercially zoned property to develop their sites into appropriate, economically viable projects.*
- *Policy LU7.5, Provide convenient freeway access for regionally-serving commercial centers to attract a regional customer base.*
- *Policy LU-7.6, Focus commercial retail centers adjacent to major transportation corridors*

- *Policy LU-7.8, Encourage consolidation of parking and reciprocal access agreements between adjacent business and commercial center property owners.*
- *Policy LU-7.9, Encourage opportunities for complementary retail and service uses to serve local residents and the daytime employment population.*
- *Policy LU-7.10, Encourage a range of retail uses that serve local residents in the region.*

*Goal LU-8 – “A community that provides opportunities for mixed use and/or transit-oriented development.”*

- *Policy LU-8.1, Encourage integrated development that incorporates a mix of uses (residential, commercial, office) in mixed use or transit-oriented development areas.*
- *Policy LU-8.6, Encourage higher density residential, commercial, and employment development near a future Metrolink or High Speed Rail Station, along other major public transportation routes, and at other suitable locations.*

*Goal LU-12 – “A focused development and economic development strategy that emphasizes specialized land use policies within identified Focus Areas.”*

- *Policy LU-12.1, Provide for the highest level of retail and job-creating uses in areas adjacent to the I-15 and I-215 freeways. This includes the North Murrieta Business Corridor, Golden Triangle North (Central Murrieta), and South Murrieta Business Corridor Focus Areas.*

Goal ED-1- “A highly visible and attractive commercial mixed-use regional hub located at the confluence of the I-15 and I-215 freeways in central Murrieta” and policies ED-1.1 & ED-1.3. The project provides the opportunity for a variety of commercial uses including retail, food/restaurant, and service uses which is conveniently located near two major freeways that will serve the region and the local residents. The planned additional services, employment opportunities, and potential fiscal revenue sources are intended to bring further balance to the existing and planned future residential uses in the city. The Specific Plan allows for a higher intensity of development and the Development Plan represents a phase within the specific plan with additional vacant land remaining for future development.

Other specific goals and policies the Project is consistent with are: General Plan Goal CIR-1. “A circulation system that serves the internal circulation needs of the City, while also addressing the inter-community or through travel needs and corresponding policies” (Policy CIR-1.1, CIR-1.3, CIR-1.10), Goal CIR-6 “Alternative travel modes and facilities are available to serve residents and employers/employees and reduce vehicle miles traveled”. (Policy CIR-6.8, CIR-6.9, and CIR-6.13).

The project is limited to two main access drives and a restricted turning movement for the third access drive. The project is conditioned to provide a bus stop (turnout), shelter, and bench and is required to provide a Trip Reduction Plan prior to occupancy. Murrieta Hot Springs Road has a bike lane and the project is designed with bike lanes on the primary

drive access. Additionally, a landscaped area will be provided between the road and the sidewalk along Murrieta Hot Springs Road.

The project meets Infrastructure Element Goal INF-1, “*New development and redevelopment is coordinated with the provision of adequate infrastructure for water, sewer, storm water, and energy.*” and corresponding policies INF-1.1, INF-1.4, and INF-1.21. The project will construct facilities both on- and off-site to support the area and help protect off-site areas from inundation. These facilities will be constructed by the developer and then dedicated to the appropriate public agency for ownership.

The consistency of the Specific Plan Amendment with the general plan is more specifically addressed in Section 1.4.4 of the Specific Plan Amendment and is incorporated herein by reference.

2. The proposed specific plan amendment is necessary and desirable in order to implement the general plan.

**FACTS:** The amendment is necessary and desirable in order to implement the general plan as the amendment allows greater flexibility in implementing the specific plan while maintaining the objectives and goals of the Specific Plan and General Plan. Many of the requested changes involve reduced landscape setbacks; however, the proposed setbacks are still equivalent or exceed city standards.

3. The proposed specific plan amendment would not adversely affect the public convenience, health, safety, or general welfare, or result in an illogical land use pattern.

**FACTS:** Adopted SPA No. 1 was determined to not adversely affect the public convenience, health, safety, or general welfare, or result in an illogical land use pattern. This proposed second amendment is not proposing any changes that would affect the original determination as the development standards still meet or exceed city requirements and the proposed changes to the uses are primarily consistent with the Regional Commercial zone. The project site currently has a General Plan designation of Commercial (C) and acknowledges SP 276 as a commercial development of up to 1.76 million square feet.

4. The development standards contained in the specific plan amendment would result in a superior development to that which would occur using standard zoning and development regulations.

**FACTS:** The development standards in the amendment results in an elevated development design to that which would occur using standard zoning and development regulations. For example, the Plan accounts for greater landscape setbacks, pedestrian connectivity between Planning Areas, and an enhanced drive aisle design. In addition, any development of the project area would be completed in accordance with the provisions of The Triangle Specific Plan and Triangle Design Guidelines and would require a Development Plan application for City review and approval. Common project theme/elements would be prevalent in

development throughout the center, including landscape palate, site lighting, paving features, benches, signage, and other site amenities.

5. The proposed specific plan amendment would be in compliance with the provisions of the CEQA.

**FACTS:** In accordance with CEQA Guidelines (Cal. Code. Regs. Title 14) Section 15164, an Addendum was prepared and determined that the project falls within the scope of the previously certified SEIR as none of the following criteria under CEQA Guidelines Section 15162 have occurred; (1) there are no substantial changes to the Project that require major revisions to the SEIR due to new significant environmental effects, (2) there are no substantial changes with respect to the circumstances under which the Project is considered that involve any new significant environmental effects or substantial increase in the severity of previously identified significant effects, and (3) no new information that shows the Project will have more significant effects not previously discussed, no new significant effects previously examined will be substantially more severe than previously shown, no new mitigation measures are necessary. The Project is subject to the previous Mitigation Measures identified in the Mitigation Monitoring and Reporting Program (MMRP).

6. The proposed specific plan amendment would not create internal inconsistencies within the specific plan and is consistent with the purpose and intent of the specific plan it is amending.

**FACTS:** The SPA would not create internal inconsistencies within the Plan and is consistent with the purpose and intent of the original Specific Plan (SP 276).

## **SECTION 2:** Approval.

- A. Specific Plan Amendment No. 2 (The Triangle) (SP-2023-00003) attached to the Agenda Report is hereby adopted and incorporated herein by this reference, subject to the Conditions of Approval.
- B. The Conditions of Approval, attached as Exhibit A, will be incorporated into and made a part of The Triangle Specific Plan. The Project will be subject to subsequent subdivision maps and discretionary approvals, whether legislative or administrative, in accordance with Title 16 of the Murrieta Development Code.

- C. The Triangle Specific Plan area is more specifically described as 64.3 acres currently comprised of thirty-five (35) assessor parcels and a 13.02-acre parcel identified as Lot A:

(1) 910-390-001, (2) 910-390-002, (3) 910-390-003, (4) 910-390-008, (5) 910-390-009, (6) 910-390-010, (7) 910-390-011, (8) 910-390-012, (9) 910-390-013, (10) 910-390-014, (11) 910-390-015, (12) 910-390-016, (13) 910-390-017, (14) 910-390-018, (15) 910-390-020 (16) 910-390-021, (17) 910-390-022, (18) 910-400-001, (19) 910-400-002, (20) 910-400-003, (21) 910-400-004, (22) 910-400-005,

(23) 910-400-006, (24) 910-400-007, (25) 910-400-008, (26) 910-400-009,  
(27) 910-400-010, (28) 910-400-011, (29) 910-400-012, (30) 910-400-013,  
(31) 910-400-014, (32) 910-400-015, (33) 910-400-016, (34) 910-400-017,  
(35) 910-400-018 Lot A of PM 28280

D. The Specific Plan is legally described as follows:

Real property in the City of Murrieta, County of Riverside, State of California, described as follows:

Parcels 1 through 29 as shown on Parcel Map 28280 in the City of Murrieta, County of Riverside, State of California, as per map thereof on file in Book 197 of Parcel Maps, Pages 4 through 16, inclusive, of Parcel Maps in the office of the County Recorder of said Riverside County.

Lot A of Parcel Map 28280.

E. A location map of the Specific Plan area is shown on page 1-3 of the specific plan.

**SECTION 3:** Notice of Adoption.

The City Clerk shall certify to the adoption of this Ordinance and shall cause a copy of the same to be published in a manner prescribed by law. This Ordinance shall take effect thirty (30) days after the date of its adoption.

Introduced at a regular meeting of the City Council of the City of Murrieta, California, held on this 20<sup>th</sup> day of August 2024.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 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 J. 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 Ordinance No. 607-24 was duly passed and adopted by the City Council of the City of Murrieta at the regular meeting thereof, held on the \_\_\_\_th day of \_\_\_\_\_, 202\_\_, 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

I, Cristal McDonald, City Clerk of the City of Murrieta, California further certify that Ordinance No. 607-24 was duly published according to law and the order of the City Council of said City and the same was so published in Press Enterprise, a newspaper of general circulation on the following date(s):

Adopted Ordinance: \_\_\_\_\_, 2024.

In witness whereof, I have hereunto subscribed my name this \_\_ day of \_\_\_\_\_, 2024.

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Cristal McDonald, City Clerk



## EXHIBIT A

**DRAFT**  
**CONDITIONS OF APPROVAL**  
**SPECIFIC PLAN AMENDMENT 2023-00003**  
**THE TRIANGLE (SP 276-AMENDMENT NO. 2)**  
**SEPTEMBER 3, 2024**

All of the following conditions shall be subject to the approval of the City Council prior to the approval of permits implementing this project or in accordance with the mitigation measures contained in the environmental documentation for the project. These conditions are not intended to be all inclusive of the requirements that may be imposed on future discretionary permits required to construct this project. The City reserves the right to review future permit applications in accordance with City environmental review procedures. These conditions shall be attached to the resolution approving the Specific Plan document and placed on file with the City Clerk.

### **GENERAL CONDITIONS:**

1. The applicant or any successor-in-interest shall defend (with attorneys approved by the City), indemnify and hold harmless the City of Murrieta, its agents, officers, and employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul an approval of the City, its advisory agencies, appeal boards, or legislative body concerning this approval of Specific Plan 2023-00003. 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 ninety (90) 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. Specific Plan Amendment No. 2 shall comply with the original conditions of approval, issued as part of Specific Plan Amendment No. 1, Ordinance 481-13.
4. Specific Plan 2023-00003 shall consist of the following:
  - a. Specific Plan Document, which must include, but not be limited to the following items:
    1. City Council Specific Plan Ordinance.
    2. Findings for Approval.
    3. Conditions of Approval, including original Ordinance and Conditions of Approval
    4. Land Use Plan in both 8 ½" x 11" black and white and 11' x 17" color formats.

5. Specific Plan Text and Exhibits
- b. Environmental Package, which must include, but not be limited to, the following items.
  1. Environmental Consistency Analysis/Addendum to the Subsequent Environmental Impact Report
  2. Mitigation Reporting Monitoring and Program. (M/MRP)
  3. Technical Appendices (Consistency Analysis).
- c. Original Condition of Approval No. 4c shall be modified as follows:
  1. Remove all language referring to proposed new billboards.
  2. ~~Remove all language referring to reconstructing existing billboards to electronic display billboards.~~
  3. Remove all language referring to proposed gas stations/service stations.
  4. ~~Remove all language referring to proposed food related drive-through facilities, including in the allowed uses matrix and all related development standards. (Modified by City Council 10/1/13)~~
  5. Remove the word "Gaming Clubs" from the list of uses in Table 2-2 No.8 in the Specific Plan. *(Added by Planning Commission 5/8/13)*
  6. Add "Automotive Sales/Showroom Facility-Indoor only" as a permitted use within Table 2-1 of the Specific Plan *(Added by City Council 10/1/13)*
  7. ~~Modify "Warehouse Retail Stores" as a Conditional Use Permit (CUP) within Table 2-1 of the Specific Plan (Added by City Council 10/1/13).~~  
Modify "Warehouse Retail Stores-Over 70,000 square feet" as a Minor Conditional Use Permit.
  8. Clarify recycling facilities as "Small Recycling Facilities and Reverse Vending Machine Recycling Facilities" as identified in the Development Code *(Added by City Council 10/1/13)*.
  9. Remove "Motels" from the list of uses in Table 2-1 of the Specific Plan *(Added by City Council 10/1/13)*.
  10. Allow Convenience Stores only as part of an office building or other primary building, not as a stand-alone structure *(Added by City Council 10/1/13)*.

**Within 60 days of final adoption, "Four (4) certified copies of the final SPECIFIC PLAN and environmental document (Consistency Analysis to the Subsequent Environmental Impact Report) shall be submitted to the Development Services (Planning) Department for distribution. If any specific plan conditions of approval differ from the specific plan text or exhibits, the specific plan conditions of approval shall take precedence.**

5. Pursuant to Section 711.4 of the State of California Fish and Game Code, the permittee is required to pay a \$50.00 handling fee and a certification fee for the filing of a Notice of Determination (NOD) related to The Triangle (SP 276) Subsequent EIR. 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. To comply with State-mandated timelines for filing a Notice of Determination, the applicant shall file the NOD electronically to the Riverside County Clerk/Recorder's Office. Failure to remit the required fee in full within the time specified above will result in a delay of the start of the 180-day statute of limitations (SOL) on Court challenges to the approval under CEQA, whereas recordation of the NOD within five (5) days of project approval limits the SOL to 35 days. In order to comply with State mandated timelines for filing of a Notice of Determination, the above fee must be paid within five (5) days after the date of final approval.
6. The applicant has ninety (90) days from the date of the approval of these conditions to protest, in accordance with the procedures set forth in Government Code Section 66020, the imposition of any and all fees, dedications, reservations, and/or exactions imposed on this project as a result of the approval or conditional approval of this project.
7. The permittee/developer or their successor-in-interest shall comply with the Final Subsequent Environmental Impact Report (SEIR), Mitigation Monitoring and Reporting Program (MMRP) and are hereby incorporated herein as conditions of approval.

**END OF CONDITIONS**