



CITY OF MURRIETA

April 15, 2009

Jack Lucas
The Spanos Corporation
41593 Winchester Road, Suite 212A
Temecula, CA 92590

Re: Adessa Landing Apartments GPA-2008-2666, ZCO-008-2667

Dear Mr. Lucas:

At its meeting of March 11, 2009, the City of Murrieta Planning Commission acted to deny the above referenced project. The final Resolution has been signed and a copy is enclosed.

Sincerely,

Lorie Abeles
Planning Secretary

Enclosures: Signed Planning Commission
Resolution with conditions

cc: file

**PLANNING COMMISSION
RESOLUTION NO. 2009- 5**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MURRIETA RECOMMENDING THAT THE CITY COUNCIL DENY GENERAL PLAN AMENDMENT (GPA 2008-2666), ZONE CHANGE (2008-2667) CHANGING THE EXISTING COMMUNITY COMMERCIAL AND MULTIPLE FAMILY 2, RESIDENTIAL ZONE TO MULTIPLE FAMILY 2, RESIDENTIAL AND OPEN SPACE, AND DEVELOPMENT PLAN (2008-2668) TO CONSTRUCT A 400-UNIT APARTMENT COMPLEX KNOWN AS THE ADESSA LANDING APARTMENTS WITH ASSOCIATED ONSITE PARKING, LANDSCAPING AND AMENITIES LOCATED AT THE SOUTHEAST CORNER OF INTERSTATE 215 AND CLINTON KEITH ROAD, WEST OF CREIGHTON STREET, MURRIETA.

WHEREAS, on February 11, 2009, the Planning Commission of the City of Murrieta held a meeting to consider the application filed by the Spanos Corporation, with consent of the property owner, Hill Country, SA, ("Applicant") for a General Plan Amendment and Zone Change to change the existing zone on a 37.68 parcel from Community Commercial (CC) and Multiple Family 2, Residential to Multiple Family 2, Residential (25.46-acres) and Open Space (12.22-acres), and for a Development Plan Permit to construct a 400-unit apartment complex with associated onsite parking, landscaping, and amenities (the "Project"); and

WHEREAS, the Project site is located at the southeast corner of Interstate 215 (I-215) and Clinton Keith Road west of Creighton Street in the City of Murrieta; and

WHEREAS, a public hearing was duly noticed for the Planning Commission meeting of February 11, 2009, by mailing a notice to property owners within 1,000 feet of the perimeter of the property on January 30, 2009 publishing the notice in *The Californian* newspaper on January 31, 2009, and posting the site on January 30, 2009; and

WHEREAS, an Initial Study was prepared for the Project in accordance with Section 15070 of the California Environmental Quality Act (CEQA) Guidelines, which determined that a Mitigated Negative Declaration could be adopted for the Project. The Initial Study did not identify any potentially significant environmental effects that could not be mitigated to a less-than significant level. Mitigation measures are required to reduce the impacts to transportation/circulation, biological resources, cultural/historical, geology/soils, hazards, aesthetics, noise, air, and water quality; and

WHEREAS, on February 11, 2009, the Planning Commission held a public hearing and considered the staff written and oral reports and testimony and the testimony and written evidence submitted by and on behalf of the Applicant and by members of the public,

NOW, THEREFORE, BE IT RESOLVED, it is found, determined and resolved by the Planning Commission of the City of Murrieta as follows:

Section 1. Environmental Certification

The Planning Commission recommends the City Council not adopt the Mitigated Negative Declaration, as the recommendation is to deny the requested project and therefore based upon CEQA Guidelines section 15352, certification of an environmental document is not required.

Section 2. Findings and Recommended *Denial* for General Plan and Zoning Amendment

The Planning Commission recommends the City Council deny the application for General Plan Amendment (2008-2666) and Zone Change (2008-2667) and recommends that the existing Community Commercial zoning and Multiple Family 2, Residential zoning remain at the site because the Planning Commission does not find the proposal meets the affirmative findings required by Development Code section 16.58.080 and instead, finds as follows:

1. The proposed General Plan Amendment and Zone Change are not consistent with the objectives, policies, general land uses, programs, and actions of all elements of the general plan.

FACTS: The proposal does not comply with the General Plan objectives in the following respects:

- a. Multi-Family housing is not needed at this time due to current housing (including Multi-family housing) vacancy rates in the community. Changing the zone at this site and removing the 26-acre zoned commercial portion to allow Multi-Family Use is not in compliance with the General Plan's Land Use Goal LU-1 Balanced Community, "a balanced distribution and orderly growth of residential, commercial, industrial, recreational, civic and open space land uses."
- b. Any change of zone in this area should be based on results of the City's on-going land use study for the area.

The General Plan's Land Use Element, objective LU-1.1e states, "Multi-Family designations will be spread throughout the City and not clustered in any one community or neighborhood." The proposed project is in close proximity to a mixed residential development which has a multi-family (condominium housing "for sale") development to the east on Clinton Keith Road and to a multi-family condominium development to the west across the I-215 freeway. Allowing residential development at this site would not be in compliance with the General Plan as it pertains to clustering of multi-family development in any one community or neighborhood.

Land Use Element, policy LU-1.2f Commercial Land Uses states, "Commercial complexes will be encouraged to locate at the interchanges of the City's major streets and the I-15 and I-215 Freeways." The current zoning is in compliance with this General Plan requirement and future growth within the city will demand a commercial center at this location.

- c. Concerns with increased traffic generated by this use at the site, along with the proximity to the high school and lack of street improvements at this location.

The General Plan's Circulation Element, objective C-1.2 is to "Establish adequate measures to ensure traffic safety." The project's main access route onto Clinton Keith Road from Creighton Street would be limited to a right-in, right-out only. The Commission finds this is a safety concern as residents would likely make illegal turning (u-turn) movements left on Clinton Keith Road to access the I-215 and the City in general. General Plan Policy C-1.2d requires that "future movement roads and improvements to existing roads be designed to minimize conflicting traffic movements such as turning and, curb parking and frequent stops." The Commission is concerned that having a large number of residents, at this location at this time without full improvements (completed) at the off-ramp and along Clinton Keith Road, will result in likely illegal turning movements. In addition, with proximity to the adjacent school, unsafe curb parking and frequent stops could take place.

2. The proposed General Plan Amendment and Zone Change would be detrimental to the public convenience, health, safety, or general welfare of the City.

FACTS: The Planning commission has concerns with increased traffic generated by this use at the site, along with the proximity to the high school and lack of street improvements at this location.

The General Plan's Circulation Element objective C-1.2 is to "Establish adequate measures to ensure traffic safety." The project's main access route onto Clinton Keith Road from Creighton Street would be limited to a right-in, right-out only. This is as a safety concern as noted residents would likely make illegal turning (u-turn) movements left on Clinton Keith Road to access the I-215 and the City in general. General Plan Policy C-1.2d requires that "future movement roads and improvements to existing roads be designed to minimize conflicting traffic movements such as turning and, curb parking and frequent stops." The commission is concerned that having a large number a of residents at this location at this time without full improvements (completed) at the off-ramp and along Clinton Keith Road will result in likely illegal turning movements. In addition, with proximity to the adjacent school, unsafe curb parking and frequent stops could take place.

The City has a number of multi-family projects that have many vacancies. Because of the current economic downturn and current multi-family vacancies that there was not a need for upscale luxury apartment housing in Murrieta. Moreover, the Commission does not see a demonstrated need for a luxury 400-unit apartment complex at this location.

3. The site is not physically suitable for the requested zoning designation(s) and anticipated land use development.

FACTS: The site is located on a major street complying with General Plan requirements. However, at present site and street configuration would require right turns out of the project by residents (from Creighton Street onto Clinton Keith Road) of the 400 apartment units and would likely result in illegal u-turns by residents in order to turn back west to access I-215. Although realignment of Antelope has been approved by City Council, actual realignment is uncertain in the near future. Without

adequate signals to allow for left turns out of the project or for legal u-turns to the east to access I-215, or alternative road configuration, the site is not suitable for the proposed development.

Section 3. Findings For Development Plan Denial.

Based on substantial evidence presented to this Planning Commission during the above-referenced meeting on February 11, 2009, including written and oral staff reports, and the record from the public hearing, this Planning Commission recommends City Council deny Development Plan (2008-2668) to construct a 400-unit apartment complex because the Planning Commission does not find the proposal meets the affirmative findings required by Development Code section 16.56.040 and instead, finds as follows:

1. The proposed use is not allowed within the subject zoning district and *does not* comply with all applicable provisions of the Development Code.

FACTS: The existing zoning is MF-2 and CC. Approximately 11-acres of the site is zoned MF-2 and would permit a multi-family residential use, whereas the project calls for 25.46 acres of residential development, much of it in the commercial zoned area of the site. Therefore, the proposed development, as designed, is inconsistent with and could not be approved under the existing and applicable zoning.

2. The proposed use is not consistent with the objectives, policies, general land uses, and programs of the general plan and any applicable specific plan.

FACTS: The existing General Plan designation for a large portion of the subject site is commercial. The Planning Commission does not find that a change in the General Plan designation to eliminate commercial use is appropriate at this location at this time as provided in the findings in Section 2, above. Residential multi-family development on the commercially designated areas is not consistent with the General Plan land use designation or with the objectives and policies discussed in Section 2, above.

3. The location, size, design, and operating characteristics of the proposed use would not be compatible with existing land uses within the general area in which the proposed use is to be located.

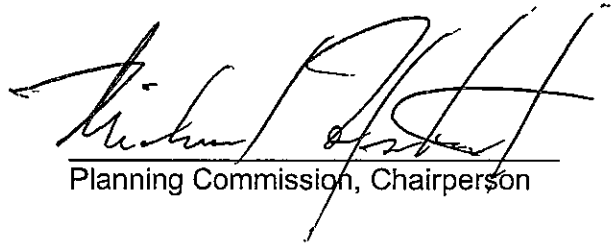
FACTS: The proposal calls for 400 units of multi-family housing in close proximity to an adjacent school and in close proximity to two other multi-family housing developments. Because the site configuration results in right turn in and right-turn out only drive pattern, and resultant illegal turns to provide westerly access, the Planning Commission finds the proposed development incompatible with the general area.

4. The subject site is physically suitable for the type and density/intensity of the use being proposed.

FACTS: The proposal calls for 400 units of luxury multi-family housing adjacent to a freeway, where the City's General Plan calls for commercial development. In addition, the site design and configuration results in right-turn in and right-turn out only drive pattern, with anticipated resultant illegal turns to provide westerly access. Therefore, the proposed intensity of use is not appropriate at this site at this time.

Based upon the findings provided herein, the Planning Commission recommends the City Council deny the proposed General Plan Amendment (2008-2666), Zone Change (2008-2667), and Development Plan (2008-2668).

ADOPTED THIS 11TH DAY OF MARCH, 2009



Planning Commission, Chairperson

ATTEST:



Mary E. Lanier, Planning Director

I, Mary E. Lanier, Planning Director, City of Murrieta, California do hereby certify under penalty of perjury that the foregoing Resolution was duly adopted at a regular meeting of the Planning Commission on the 11TH day of March, 2009 by the following roll call vote:

MOTION MADE BY COMMISSIONER LUPRO

SECONDED BY COMMISSIONER LONG

AYES: BUTLER, COHEN, LONG, LUPRO, FITZPATRICK

NOES: NONE

ABSENT: NONE

ABSTAINED: NONE



Mary E. Lanier, Planning Director