

NOTICE OF DETERMINATION

**City of Murrieta
Planning Division**

To: Office of Planning and Research
PO BOX 3044
1400 Tenth Street, Room 222
Sacramento, CA. 95812-3044

From: (Public Agency)

City of Murrieta
1 Town Square
Murrieta, CA 92562

County of Riverside
County Clerk
2720 Gateway Dr.
Riverside, CA 92507

Project Proponent:
Candee Family, LLC

Subject: Filing: Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Project Title: Vineyard II Retail Development project.

2018061602
State Clearinghouse Number

Jarrett Ramaiya, City Planner
Lead Agency Contact Person

(951) 461-6069
Area Code/Tele/Ext

Project Location: The site is located east of Warm Springs Parkway and north of Clinton Keith Road (APNs: 392-290-057, 059), City of Murrieta, CA; County of Riverside.

Project Description: The project consists of a Development Plan for a 9.58 acre site that is located on the east side of Warm Springs Parkway, north of Clinton Keith Road. The Project proposes approximately 72,000 square feet of commercial retail development. The building's square footage is divided into five (5) building structures. The other portion of the project, Costco/Vineyard II Retail Development Project, has been previously approved and the EIR was certified by the Planning Commission, and the analysis/mitigation for the current Development Plan permit was previously assessed in the FEIR.

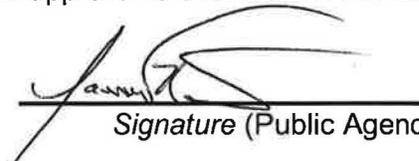
This is to advise that the City of Murrieta approved the above-described project on, December 27, 2022 and has made the following determination regarding the described project:

1. The project will not have a significant effect on the environment.
2. An EIR was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of the approval of the project.
4. A statement of Overriding Considerations was adopted for this project.
5. Findings were made pursuant to the provisions of CEQA.

This is to certify that the 15162/15164 Consistency and previously certified Environmental Impact Report and Mitigation Monitoring & Reporting Program are with and record of project approval is available to the General Public at: City of Murrieta, 1 Town Square, Murrieta, CA 92562

Jarrett Ramaiya, City Planner

December 27, 2022


Signature (Public Agency)

Date: _____ Date Received for filing at OPR: _____



CITY OF MURRIETA

December 27, 2022

Environmental Review Update Checklist Form For Projects with Previously Approved Environmental Documents

FOR PURPOSES OF CONSIDERATION OF Planning Case No. Development Plan Permit (DP-2018-1656)

The California Environmental Quality Act (CEQA) Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration (ND) or a previously certified environmental impact report (PEIR) covering the project for which a subsequent discretionary action is required. This Environmental Review Update Checklist Form has been prepared in accordance with CEQA Guidelines Section 15164(e) to explain the rationale for determining whether any additional environmental documentation is needed for the subject discretionary action.

1. Background on the previously adopted EIR:

On October 6, 2020, the City of Murrieta Planning Commission certified an Environmental Impact Report and approved (Costco/Vineyard II Retail Development Project) by Adopting a Resolution Certifying the Final Environmental Impact Report ("FEIR"), Adopting the Statement of Overriding Considerations, and the Mitigation and Monitoring Reporting Program; and Adopting a Resolution approving Development Plan 2018-1652, Conditional Use Permit 2018-1653, and Tentative Parcel Map 2018-1654 (TPM 37511) based on the findings and subject to the conditions of approval and the Mitigation Monitoring Reporting Program (MMRP). The Assessor's Parcel Numbers for the project site are: 392-290-025, -026, -028, -029, -051, 392-270-030 and -033. The APNs for the Vineyard II portion of the site are 392-290-057 and -059.

Tentative Parcel Map 37511 proposed a total of eight parcels and two letter lots and was broken up into two units. Unit 1 is located on the west side of proposed Warm Springs Parkway and consists of two parcels. Unit 2 is located on the east side and consists of six parcels. The lettered lots represent dedications for public roads, Warm Springs Parkway and Antelope Road.

Development Plan 2018-1652 proposed to develop 16.42 acres on the western side of Warm Springs Parkway (Unit 1 of TPM 37511) as a 153,362 square foot warehouse retail store with a 32 pump fueling station.

The FEIR determined that there would be impacts related to traffic and air quality which could not be reduced to a level of less than significance, even with the imposition of feasible mitigation measures. Accordingly, the Planning Commission made a “Statement of Overriding Consideration” that concluded that the benefits of the project outweigh the unavoidable significant environmental impacts and deems those unavoidable significant impacts “acceptable.” Otherwise, all other project impacts associated with Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology/ Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Tribal Cultural Resources, Transportation and Traffic, Utilities and Service Systems, Wildfire, and Energy Conservation were found to be either less than significant or less than significant with the adoption of mitigation measures – see the Mitigation Monitoring & Reporting Program).

The 45-day public review period for the Draft EIR started on May 20, 2020, and ended on July 6, 2020. The City received twelve comments during the public review period: Based on the City’s review of the comments on the Draft EIR, minor modifications to the Draft EIR and mitigation measures were made to address comments in the comment letters. The specific Chapters/Sections of the Draft EIR modified were Chapter 1-Project Summary, Chapter 4.2-Air Quality, Section 4.6-Greenhouse Gas Emissions, and Section 4.16-Energy. None of the corrections or additions constitutes significant new information or substantial project changes required recirculation of the EIR.

It was recommended by staff that the Planning Commission certify that the Final EIR had been (1) prepared in compliance with CEQA; (2) the EIR was presented to the Planning Commission and the Planning Commission reviewed and considered the information in the EIR prior to approving the project, including a determination that the EIR contains mitigation measures that mitigate a majority of the environmental impacts to a level of less than significant; (3) for items not mitigated and therefore would potentially cause significant impacts, a Statement of Overriding Considerations had been prepared determining the project benefits outweigh the potential impacts, and (4) the EIR reflects the City of Murrieta’s independent judgment and analysis.

The Planning Commission certified the EIR, and the current project, DP-2018-1656 has been analyzed within that FEIR. No new impacts have been identified since certification of the FEIR.

2. Lead agency name and address:

City of Murrieta
Development Services Department, Planning Division
1 Town Square
Murrieta, CA 92562

- a. Contact: Jarrett Ramaiya, City Planner
- b. Phone number: (951) 461-6069
- c. E-mail: Jramaiya@MurrietaCA.gov

3. Project applicant's name and address:

Candee Family, LLC
P.O. Box 890700
Temecula, CA 92589-0700

4. Summary of the activities authorized by present permit/entitlement application(s):

The Project proposes approximately 72,000 square feet of commercial retail development. The building square footage is divided into five (5) building structures. The largest building structures (Buildings I, J, and K) include 64,900 sq. ft. of building area designed as in-line space, and are located on the eastern most portion of the site. Of the three (3) attached structures, Buildings J and K are anticipated to accommodate large, single use retail users, where Building I may be subdivided so as to accommodate small, general retail users. Adjacent to Warm Springs Parkway on the western most portion of the site, are the remaining two building structures. The larger building (Building L) includes 4,700 sq. ft. and is proposed as inline space that may accommodate as many as five general retail users. The smallest building is 2,400 sq. ft. and is located at the southwest corner of the site and is designed as a stand-alone, single use drive-thru.

5. Does the project for which a subsequent discretionary action is now proposed differ in any way from the previously approved project?

YES

NO

If yes, describe **ALL** differences.

6. **SUBJECT AREAS DETERMINED TO HAVE NEW OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT ENVIRONMENTAL EFFECTS COMPARED TO THOSE IDENTIFIED IN THE PREVIOUS ND OR PEIR.** The subject areas checked below were determined to be new significant environmental effects or to be previously identified effects that have a substantial increase in severity either due to a change in project, change in circumstances or new information of substantial importance, as indicated by the checklist and discussion on the following pages.

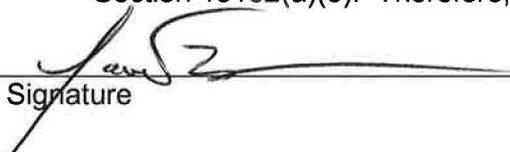
NONE

- | | | |
|--|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Air Quality | <input type="checkbox"/> Biological Resources |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology & Soils (Geophysical) | <input type="checkbox"/> Greenhouse Gas Emissions |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology & Water Quality | <input type="checkbox"/> Land Use & Planning |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Public Services | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities & Service Systems | | |

DETERMINATION:

On the basis of this analysis, the Department of Development Services has determined that:

- No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR or ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously adopted ND or previously certified PEIR is adequate.
- No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous PEIR or ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, because the project is a residential project in conformance with, and pursuant to, a Specific Plan with a EIR completed after January 1, 1980, the project is exempt pursuant to CEQA Guidelines Section 15182.
- Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). However, all new significant environmental effects or a substantial increase in severity of previously identified significant effects are clearly avoidable through the incorporation of mitigation measures agreed to by the project applicant. Therefore, a SUBSEQUENT ND is required.
- Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND or PEIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, a SUBSEQUENT or SUPPLEMENTAL PEIR is required.

 Signature	12/27/2022 Date
Jarrett Ramaiya Printed Name	City Planner Title

INTRODUCTION

CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted ND or a previously certified EIR for the project.

CEQA Guidelines, Section 15162(a) and 15163 state that when an ND has been adopted or an EIR certified for a project, no Subsequent or Supplemental EIR or Subsequent Negative Declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration; or
 - b. Significant effects previously examined will be substantially more severe than shown in the previously adopted Negative Declaration or previously certified EIR; or
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous Negative Declaration or EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines, Section 15164(a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent or Supplemental PEIR have occurred.

CEQA Guidelines, Section 15164(b) states that an Addendum to a previously adopted Negative Declaration may be prepared if only minor technical changes or additions are necessary.

If the factors listed in CEQA Guidelines Sections 15162, 15163, or 15164 have not occurred or are not met, no changes to the previously certified EIR or previously adopted ND are necessary.

The following responses detail any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that may cause one or more effects to environmental resources. The responses support the "Determination," above, as to the type of environmental documentation required, if any.

ENVIRONMENTAL REVIEW UPDATE CHECKLIST

I. AESTHETICS – Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to aesthetic resources including: (a) the obstruction of views from a scenic vista; (b) damage scenic resources within a state scenic highway, (c) degrade the existing visual character of the site and surroundings, or (d) generation of light or glare?

YES

NO

Aesthetics issues were discussed in the EIR. The EIR concluded that aesthetic impacts of developing the project site were less than significant. No new changes or impacts have been identified since certification of the EIR.

II. AIR QUALITY -- Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse physical impacts associated with (a) a conflict or obstruction of the implementation of the applicable air quality plan; (b) the violation of any air quality standards or contribution to an existing or projected air quality violation; (c) a cumulatively considerable net increase of criteria pollutants (d) exposure of sensitive receptors to pollutants; or (e) a creation of objectionable odors?

YES

NO

Air quality issues were discussed in the EIR. No new changes or impacts have been identified since certification of the EIR

III. BIOLOGICAL RESOURCES -- Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse physical impacts associated with (a) candidate, sensitive, or special status species; (b) any riparian habitat or other natural sensitive community; (c) wetland habitat; (d) wildlife dispersal or migration corridors; (e) conflict with local policies or ordinances protecting biological resources; or (f) conflict with the provisions of a habitat conservation plan?

YES

NO

Biological resource impacts were evaluated in the EIR. No new changes or impacts have been identified since certification of the EIR

IV. CULTURAL RESOURCES -- Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse physical impacts associated with (a) adverse change in the significance of a historical resource, (b) adverse change in the significance of an archaeological resource, or (c) directly or indirectly destroy a unique paleontological resource or site or unique feature; or (d) disturb any human remains, including those interred outside of formal cemeteries?

YES

NO

Cultural resource impacts were evaluated in the EIR. No new changes or impacts have been identified since certification of the EIR.

V. GEOLOGY AND SOILS (GEOPHYSICAL) -- Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse physical impacts associated with (a) rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides; (b) soil erosion or loss of topsoil; (c) being located on a geologic unit or soil that is unstable, that could result in landslide, lateral spreading, subsidence, liquefaction or collapse; (d) expansive soils; or (e) soils that are inadequate to support the use of septic tanks or alternative wastewater disposal systems?

YES

NO

Geology and soils impacts were evaluated in the EIR. No new changes or impacts have been identified since certification of the EIR.

VI. GREENHOUSE GAS EMISSIONS -- Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse physical impacts associated with (a) the generation of greenhouse gas emissions that may have a significant impact on the environment; or (b) a conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing greenhouse gas emissions?

YES

NO

Greenhouse gas emissions impacts were evaluated in the EIR. No new changes or impacts have been identified since certification of the EIR.

VII. HAZARDS AND HAZARDOUS MATERIALS -- Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse physical impacts associated with (a) the creation of a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; (b) the creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; (c) hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school; (d) being located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; (e) the creation of a safety hazard for people residing or working in the project area due to the project being located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport; (f) a safety hazard for people residing or working in the project area due to the project's vicinity to a private airstrip; (g) impairment of the implementation of or the physical interference with an adopted emergency response plan or emergency evacuation plan; or (h) exposure of people or structures to a significant risk of loss, injury, or death involving wildland fires, including, where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

YES

NO

Hazards and hazardous materials impacts were evaluated in the EIR. No new changes or impacts have been identified since certification of the EIR.

VIII. HYDROLOGY AND WATER QUALITY -- Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse physical impacts associated with (a) the violation of any water quality standards or waste discharge requirements; (b) substantially deplete groundwater supplies or interfere with groundwater recharge; (c) alteration of the existing drainage pattern of the site resulting in erosion or siltation; (d) alteration of the existing drainage pattern of the site or increase the rate or amount of surface runoff in a manner that would result in flooding; (e) creation or contribution of runoff water that would exceed the capacity of storm drain systems; (f) degradation of water quality; (g) placement of housing within, or impeding or redirecting flood flows, or expose people or structures to flooding; or (h) inundation by seiche tsunami or mudflow?

YES

NO

Hydrology and Water Quality impacts were evaluated in the EIR. No new changes or impacts have been identified since certification of the EIR.

IX. LAND USE AND PLANNING -- Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to land use and planning including: (a) physically divide an established community; (b) conflict with general plan or zoning for the site, or (c) conflict with applicable environmental plans or policies adopted by agencies with jurisdictions over the site?

YES

NO

Land use and planning impacts were evaluated in the EIR. No new changes or impacts have been identified since certification of the EIR

X. NOISE -- Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse physical impacts associated with (a) the exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; (b) the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; (c) a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; (d) a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; (or e) being located within an airport land use plan or within two miles of a public airport or public use airport, or within the vicinity of a private air strip, and expose people residing or working in the project area to excessive noise levels?

YES

NO

Noise impacts were evaluated in the EIR. No new changes or impacts have been identified since certification of the EIR.

XI. PUBLIC SERVICES -- Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental of the following public services: (a) fire protection, (b) police protection, (c) schools, (d) parks, or (e) library facilities ?

YES

NO

Public service impacts were evaluated in the EIR. No new changes or impacts have been identified since certification of the EIR.

XII. TRANSPORTATION/TRAFFIC -- Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to transportation/traffic including: (a) a conflict with an applicable plan, ordinance, or policy, establishing measures of effectiveness for the performance of the circulation system; (b) a conflict with an applicable congestion management program; (c) result in a change in air traffic patterns; (d) a substantial increase in hazards due to a design feature or incompatible use; (e) inadequate emergency access; or (f) conflicts with adopted policies supporting alternative transportation"

YES

NO

Traffic impacts were evaluated in the EIR. No new changes or impacts have been identified since certification of the EIR

XIII. UTILITIES AND SERVICE SYSTEMS -- Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to utilities and service systems including: (a) exceedance of wastewater treatment requirements; (b) construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; (c) construction of new storm water drainage facilities or expansion of existing facilities, the construction or which could cause significant environmental effects; (d) availability of sufficient water supplies to serve the project from existing entitlements and resources; (e) adequate wastewater treatment capacity to serve the project's projected demand in addition to the provider's existing commitments; (f) sufficient permitted landfill capacity to accommodate the project's solid waste disposal needs; or (g) compliance with federal, state, and local statutes and regulations related to solid waste?

YES

NO

Utilities and service system impacts were evaluated in the EIR. No new changes or impacts have been identified since certification of the EIR.

XIV. ENERGY Conservation -- Since the previous EIR was certified, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse physical impacts associated with: (a) the wasteful, inefficient, or unnecessary consumption of energy; (b) creating a conflict with existing energy standards and regulations; or (c) placing a significant demand on local and regional energy supplies or require a substantial amount of additional capacity?

YES

NO

Energy conservation impacts were evaluated in the EIR. No new changes or impacts have been identified since certification of the EIR.

