



City of Menifee

City Council &
Planning Commission
Workshop

February 26, 2025

Presented by:
Mark Teague
Placeworks



OVERVIEW

- General Plans & Zoning
- Specific Plans
- Other Standards
- Role of the Council
- Role of the Commission
- Role of Staff
- How Projects are Reviewed
 - General Plan
 - Zoning
 - Findings
- CEQA



LEGAL BASIS FOR PLANNING



Federal

- National Environmental Policy Act (NEPA)
- Endangered Species Act (ESA)
- Clean Water Act (CWA)
- Clean Air Act
- Religious Land Use and Institutionalized Persons Act (RLUIPA)
- Federal court decisions

State

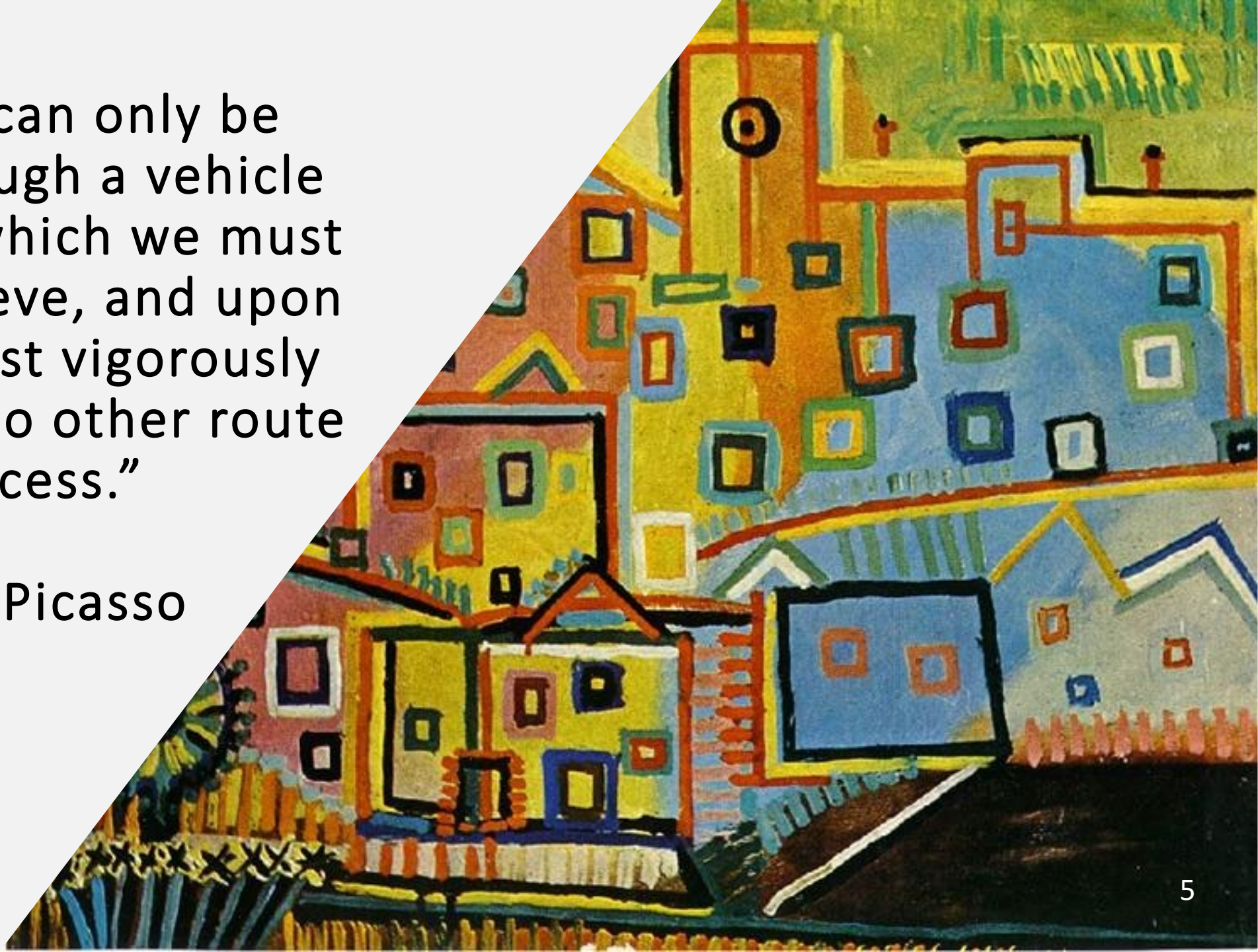
- Planning and Zoning Law
- Subdivision Map Act
- California Environmental Quality Act (CEQA)
- Permit Streamlining Act (PSA)
- Mitigation Fee Act
- California Coastal Act
- Ralph M. Brown Act
- Political Reform Act
- Government Code/Legislation
- State court decisions

LEGAL BASIS FOR PLANNING



“Our goals can only be reached through a vehicle of a plan, in which we must fervently believe, and upon which we must vigorously act. There is no other route to success.”

– Pablo Picasso





TOOLS OF THE TRADE

General plan – State Law

Zoning – Implements the General Plan

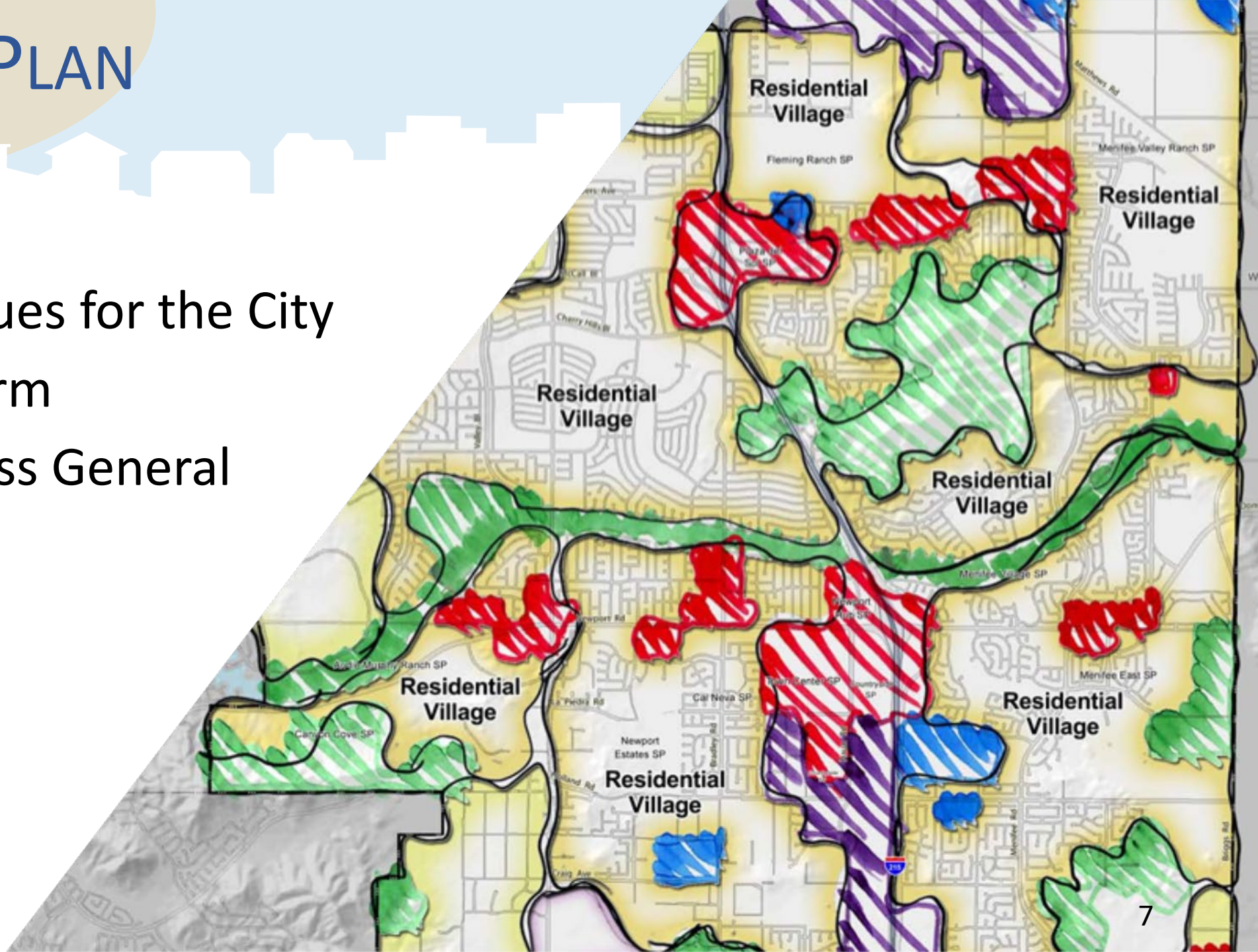
Specific Plans – Optional, can be Zoning

Other – ex. Objective Design Standards

CEQA – Not Regulatory but an Influence

GENERAL PLAN

- Vision & Values for the City
- Very long term
- Becoming less General



DIFFERENCES IN FOCUS

State Requirements for a Land Use Element

a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, greenways, as defined in Section 816.52 of the Civil Code, and other categories of public and private uses of land. The location and designation of the extent of the uses of the land for public and private uses shall consider the identification of land and natural resources pursuant to paragraph (3) of subdivision (d). The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall identify and annually review those areas covered by the plan that are subject to flooding identified by flood plain mapping prepared by the Federal Emergency Management Agency (FEMA) or the Department of Water Resources.



DIFFERENCES IN FOCUS

State Requirements for a Housing Element

(a) The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The housing element shall contain all of the following: (a) An assessment of housing needs and an inventory of resources and constraints that are relevant to the meeting of these needs. The assessment and inventory shall include all of the following: (1) An analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584. (2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (3) An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites, and an analysis of the relationship of the sites identified in the land inventory to the jurisdiction's duty to affirmatively further fair housing. (4) (A) The identification of one or more zoning designations that allow residential uses, including mixed uses, where emergency shelters are allowed by a zoning ordinance, or other discretionary permit and that are suitable for residential uses. The identified zoning shall have sufficient capacity, as described in subdivision (b), to accommodate at least one year-round emergency shelter. If the local government cannot identify a zoning designation or designations with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zoning designations where emergency shelters are permitted with a conditional use permit. The local government shall also demonstrate that existing or proposed permit processing, development, and management standards that apply to emergency shelters are objective and encourage and facilitate the development of, or conversion to, emergency shelters. (I) The zoning designation or designations shall have sufficient sites meeting the requirements of subparagraph (H) to accommodate the need for shelters identified pursuant to paragraph (7). The number of people experiencing homelessness that can be accommodated on any site shall be demonstrated by dividing the square footage of the site by a minimum of 200 square feet per person, unless the locality can demonstrate that one or more shelters were developed on sites that have fewer square feet per person during the prior planning period or the locality provides similar evidence to the department demonstrating that the site can accommodate more people experiencing homelessness. Any standard applied pursuant to this subparagraph is intended only for calculating site capacity pursuant to this section, and shall not be construed as establishing a development standard applicable to the siting, development, or approval of a shelter. (5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees, and other exactions required of developers, local processing and permit procedures, historic preservation practices and policies and an assessment of how existing and proposed historic designations affect the locality's ability to meet its share of the housing need pursuant to paragraph (1), and any locally adopted ordinances that directly impact the cost and supply of residential development. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7).

Word Salad





LINKING CONCEPTS TO ACTIONS

VALUE: We value that our City comprises a collection of distinctive communities and neighborhoods.

GOAL: A unified and attractive community identity that complements the character of the City's distinctive communities.

POLICY: Strengthen the identity of individual neighborhoods or communities with entry monuments, flags, street signs, and/or special tree streets, landscaping, and lighting.

IMPLEMENTATION ACTION: Identify specific locations for community gateways and install landscaping, signage, lighting, and other design features to announce arrival.

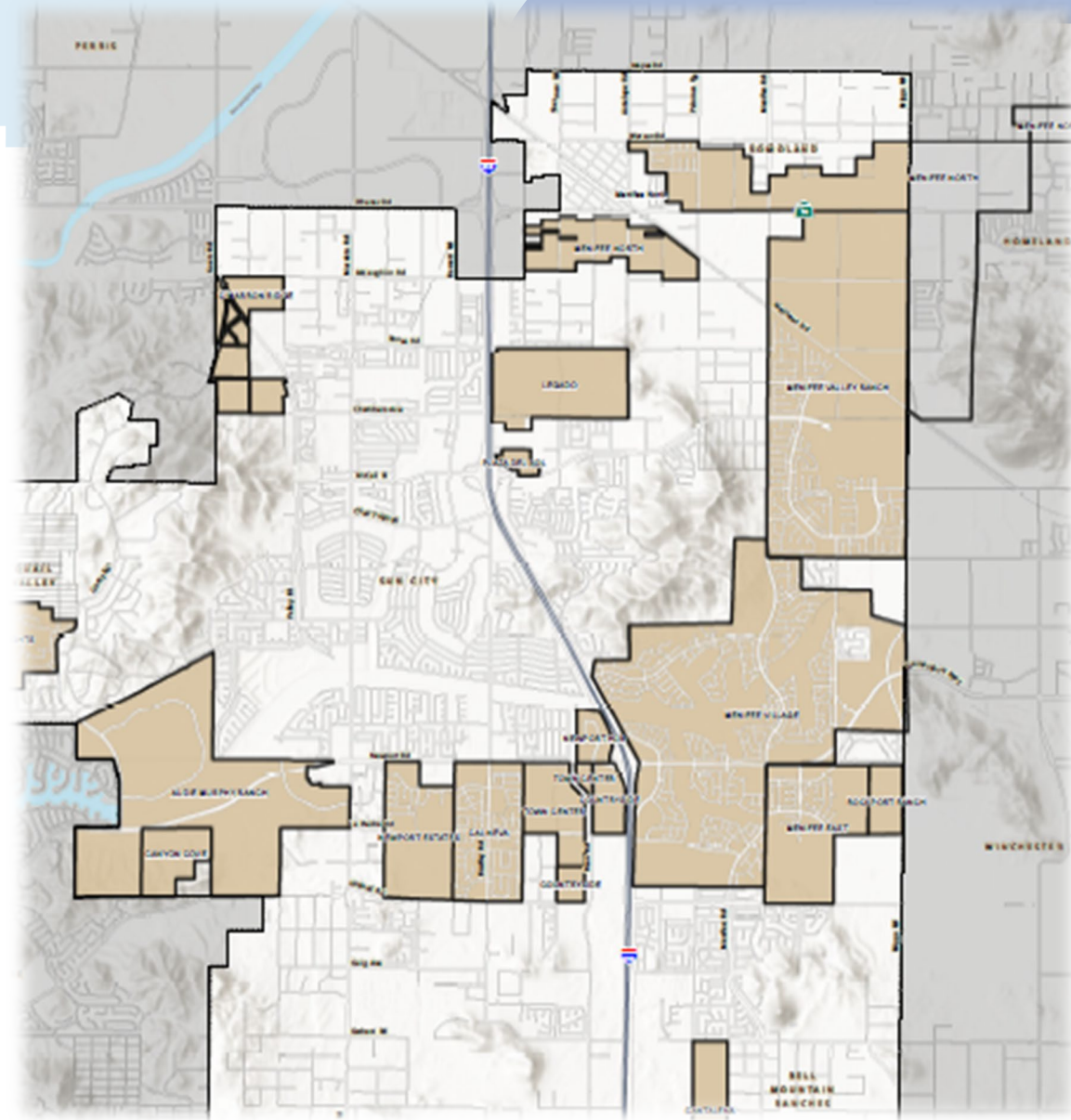


MENIFEE GENERAL PLAN ELEMENTS

1. Land Use
2. Circulation
3. Open Space & Conservation
4. Community Design (optional)
5. Economic Development (optional)
6. Housing
7. Noise
8. Safety

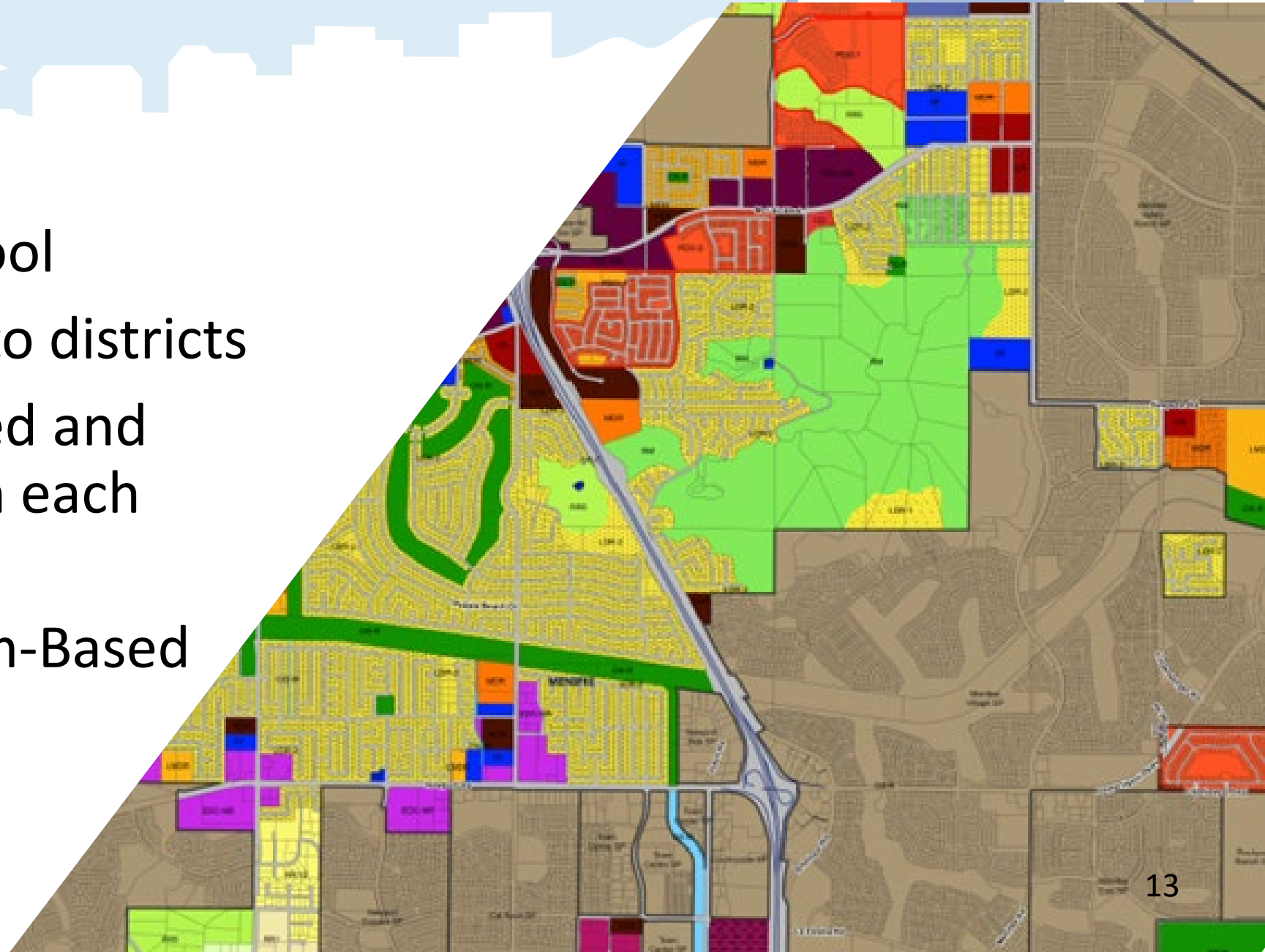


- Focus on a smaller area of the City
- Contains standards for land use densities, streets, and other public facilities in greater detail than the general plan



ZONING MAKES IT HAPPEN... OR NOT

- The General Plan's implementation tool
- Divides the city into districts
- Identifies permitted and conditional uses in each district
- Euclidian and Form-Based (hybrid too)





KEY ZONING DISTINCTION

Land Use Types
Divided into
Districts

Within Each
District A Land Use
Can Be Ministerial
or Discretionary

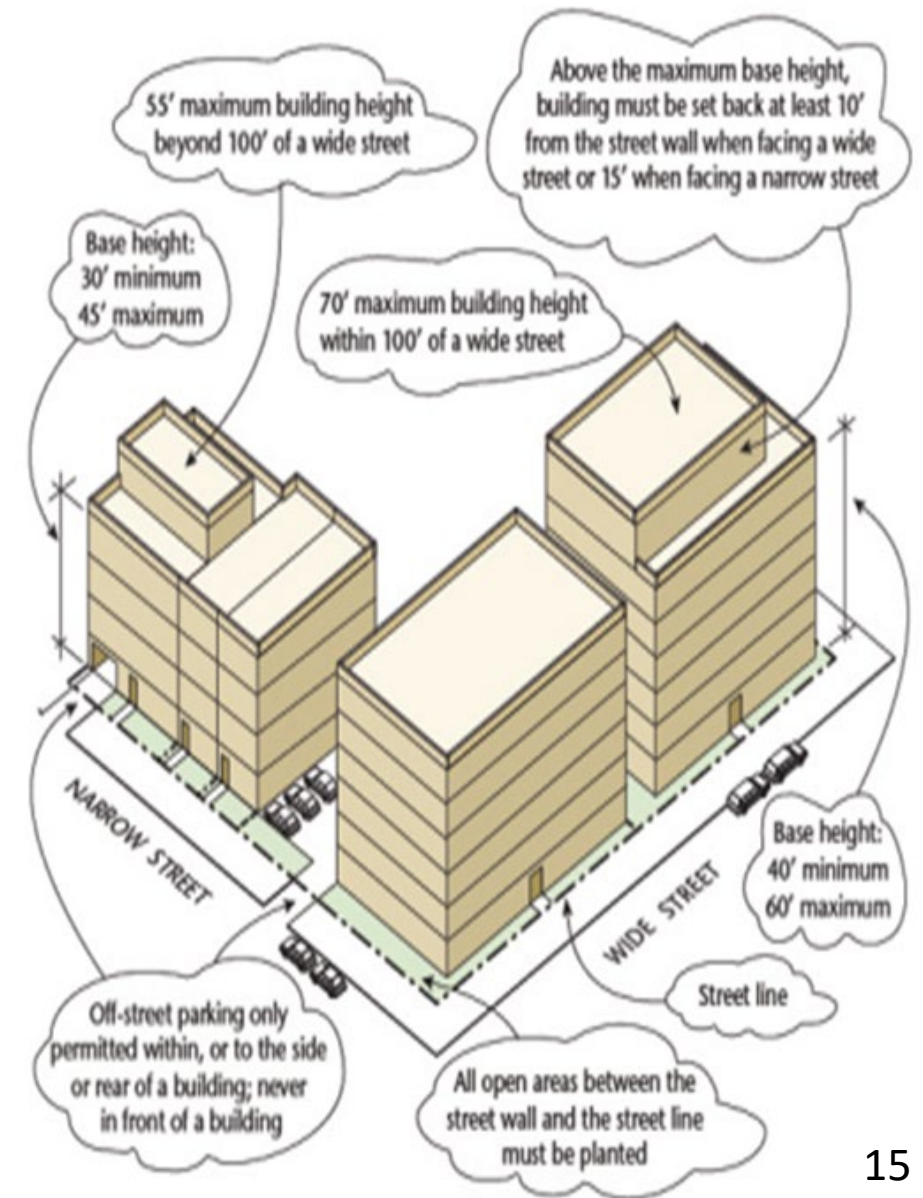
Ministerial Land
Uses Permitted
Automatically

Discretionary May
or May Not be
Permitted and May
be Conditioned

EUCLIDIAN ZONING

Establishes Detailed Standards

- Building uses
- Building size (height, lot coverage and setbacks)
- Landscaping
- Signs and billboards
- Parking requirements
- Other performance standards



MINISTERIAL VS. DISCRETIONARY PROJECTS



Ministerial:

Little personal judgment, use of fixed or objective standards

Discretionary:

Requires exercise of judgment or deliberation

Mixed Decision Projects:

Considered discretionary

PERMIT APPROVALS

Legislative = Council Approves

Discretionary = Commission Approves

Ministerial = Staff Level (counter)

Table 9.30.090-1: Designated Authority for Permits and Approvals

Permit or Approval Type (Chapter)	Type of Action	Designated Authority ¹		
		Community Development Director	Planning Commission	City Council
AB 2011 Multi-Family Ministerial Application	Ministerial	A		
Conditional Use Permit, Minor (9.40)	Discretionary	A		
Conditional Use Permit, Major (9.40)	Discretionary	R	A	
Development Agreement (9.45)	Legislative	R	R	A
Finding of Public Convenience and Necessity (9.250)	Discretionary	R	A	
General Plan Amendment (9.50)	Legislative	R	R	A
Home Occupation Permit (9.55)	Ministerial	A		
Home-Based Business (9.55)	Discretionary	A		
Large Family Daycare Permit (9.60)	Ministerial	A		
Master Sign Program, Minor (9.65)	Ministerial	A		
Master Sign Program, Major (9.65)	Discretionary	R	A	
Minor Exception (9.70)	Discretionary	A		
Official Code Interpretation (9.10)	Discretionary	A		
Planned Development Overlay (9.105)	Legislative	R	R	A
Planned Development (9.75)	Discretionary	R	A	
Plot Plan, Minor (9.80)	Ministerial	A		
Plot Plan, Major (9.80)	Discretionary	R	A	
Reasonable Accommodation (9.85)	Discretionary	A		
SB35 Multi-Family Ministerial Review Permit	Ministerial	A		
Sign Permit (9.90)	Ministerial	A		
Similar Use Determination (9.95)	Discretionary	A		
Specific Plan (9.100)	Legislative	R	R	A
Substantial Conformance Determination (9.25)	Discretionary	A		
Temporary Use Permit, Minor (9.105)	Discretionary	A		
Temporary Use Permit, Major (9.105)	Discretionary	A		
Two-Unit Development (9.296)	Ministerial	A		
Urban Lot Split (9.296)	Ministerial	A		
Variance (9.110)	Discretionary	R	A	
Zone Change/Zoning Code Amendment (9.105)	Legislative	R	R	A

¹ A = Approving Authority; R = Recommending Authority

LAND USE BY ZONE

P = Permitted

C = Conditional

-- = Not Allowed

Table 9.135.030-1 Commercial and Industrial Zones - Allowed Uses and Approval Requirements

Allowed Use	CR	CO	BP	HI	Additional Requirements
Adult businesses	--	--	--	--	See Ordinance XX
Airport	--	--	--	C	
Ambulance services	C	C	P	P	
Amusement arcade	P	--	C	--	
Amusement park, (including multiple activities such as simulated flying, racing, mini-golf, etc.)	P C	--	P C	--	
Indoor Outdoor					
Animals, Small (e.g. hamsters, rabbits, chinchillas, and similar sized animals)	P --	P --	P --	P --	Chapter 9.235 (Animal Keeping)
Non-Commercial Commercial					
Animal hospitals and veterinary services (with outdoor facilities)	P C	--	P C	C --	
Animal Rescue	--	--	C	C	Chapter 9.235 (Animal Keeping)
Antique shops, pawn shops, thrift stores	P	--	C	--	Outside collection bins prohibited
Art gallery, library, reading room, museum.	P	P	--	--	
Art supply shops and studios.	P	P	P	--	
Auction Houses	P	--	P	--	
Auditoriums, event centers and assembly areas, including live entertainment:	P C	C --	P C	-- --	
Indoor Outdoor					
Bakery goods distributors.	P	--	P	P	



CITY COUNCIL ROLE

- Body of final decision
- Sets policy for the City
- Directs the Planning Commission on items to study
- Hears appeals from decisions made by lower bodies
- The final determiner of higher level planning decisions
- Prepares and adopts the budget
- Establishes the priorities for the City



ROLE OF THE PLANNING COMMISSIONER

YOU AND THE CITY COUNCIL

Appointed by the City Council

Communicating with the Council will Take Various Forms

- Liaison
- Study Sessions and Periodic Workshops
- Policy and Procedure Training Sessions
- Public Events

Opportunity to Exchange Ideas, Thoughts and Opinions

Ensure Consistency of the Vision for the Community



ROLE OF THE PLANNING COMMISSION

§ 2.20.100 FUNCTIONS AND DUTIES OF PLANNING COMMISSION.

The Planning Commission shall have the following functions and duties:

- (A) Study and make recommendations to the City Council regarding the General Plan;
- (B) Develop and make recommendations to the City Council regarding specific plans;
- (C) Advise the City Council regarding the city's proposed capital improvement program for consistency with the city's General Plan;
- (D) Assist, advise and make recommendations to the City Council regarding the comprehensive zoning ordinance;
- (E) Recommend to the City Council actions to be taken on proposed projects, or take final action on projects as provided by state law and this code or other city ordinances;
- (F) Hear appeals of Community Development Director decisions;
- (G) Hear public nuisance matters; and
- (H) Undertake other duties as provided by state law or as assigned by the City Council.



ROLE OF THE PLANNING COMMISSIONER YOU AND STAFF

Link Between the Planning Commission and Staff

- Brings Items Before Commission When Ready
- Make Changes, Additions and Suggestions
- Overall Coordination of the Commission

A Good Planning Commission Will:

- Read Staff Reports and Conduct Site Visits
- Not Blindside Staff – Call Beforehand, Allow Time to Research
- Establish a Collaborative Working Relationship
- Be Respectful

MAKING DECISIONS AS A PLANNING COMMISSION



- Review the Staff Report
- Decide on the appropriate CEQA Compliance (recommended in the staff report)
- Conduct the Public Hearing
- Discuss
- Usually one of three outcomes:
 1. Approve or Recommend Approval
 2. Continue for Reasons
 3. Deny
- Staff report will have Findings for the staff recommendation
- Findings are from state law and our own Municipal Code



FINDINGS

1. The actual decision, including any conditions imposed on or modifications to the proposal
2. The standards applied to the decision
3. Findings of Facts upon which the decision was based and the conclusions derived from those facts
4. A statement explaining the process to appeal



FINDINGS FROM OUR ORDINANCE

9.40.070 Findings for Approval Prior to approving an application for a **Minor Conditional Use Permit** or a **Major Conditional Use Permit**, the approving authority shall make all the following findings:

- A. The proposed design and location of the conditional use is consistent with the adopted General Plan and any applicable specific plan.
- B. The proposed design and location of the conditional use meets all applicable standards of development and operation of this Title, including any applicable specific use regulations.
- C. That the proposed site is adequate in size and shape to accommodate the conditional use in a manner that is compatible with existing and planned uses in the vicinity.
- D. That the proposed design and location of the conditional use will not be detrimental to the public health, safety or welfare, or materially injurious to uses, properties or improvements in the vicinity.

STATE LAW FINDING FOR A VARIANCE

65906. Government Code

Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property. The provisions of this section shall not apply to conditional use permits.

9.110.070 Findings for Approval Prior to approving an application for a Variance, the approving authority shall make all the following findings:

- A. Because of special circumstances applicable to the property (size, shape, topography, location or surroundings) or the intended use of the property, the strict application of the standards of this Title deprives the property of privileges enjoyed by other properties in the vicinity in the same zone.
- B. Granting of the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the vicinity in the same zone.
- C. Granting of the variance will not be materially detrimental to the public health, safety and/or welfare, or injurious to property or improvements.
- D. Granting of the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located.
- E. Granting of the variance does not allow a use or activity which is prohibited by the zone in which the property is located.
- F. Granting of the variance will not be inconsistent with the goals and policies of the adopted General Plan or applicable specific plan.



INTENT OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

- ❖ To provide objective information regarding the environmental consequences of a proposed project to the decision makers who will be reviewing and considering the project.
- ❖ To provide the public and applicable regulatory agencies the ability to participate in the public decision-making process and comment on the environmental effects of a proposed project (based on established thresholds).

TYPES OF CEQA DOCUMENTS



Substantial Evidence

- Exemptions
 - Statutory
 - Categorical
- Environmental Impact Reports
 - Subsequent
 - Supplement
 - Master
 - Program
 - Project
- Addendum to EIR

Fair Argument

- Negative Declarations
 - Negative Declaration (No Mitigation Measures)
 - Mitigated Negative Declaration
- Addendum to Negative Declaration



EXEMPTIONS

Once a lead agency has determined that an activity is a project subject to CEQA, a lead agency **shall** determine whether the project is exempt from CEQA.

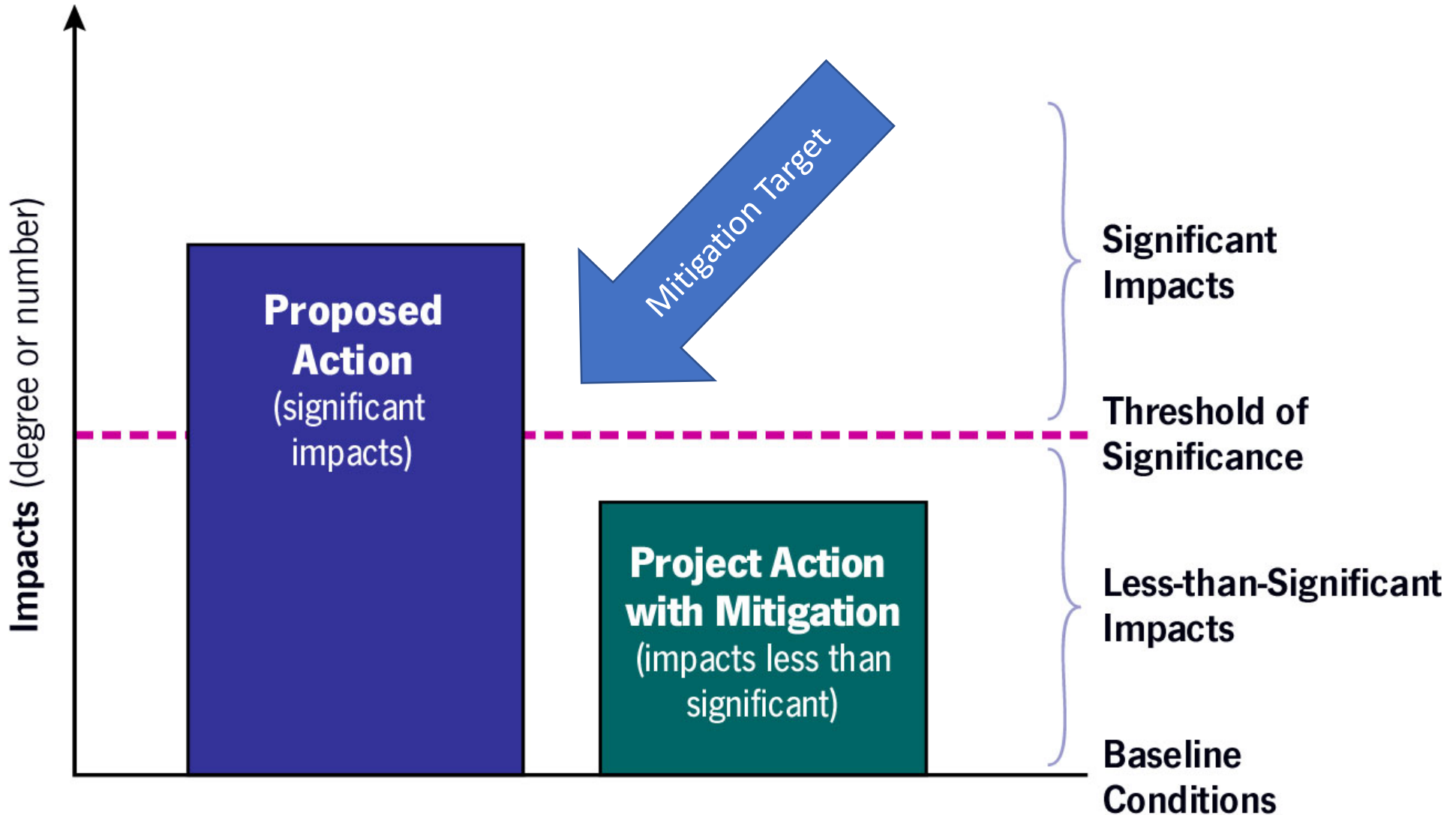
Statutory Exemption: Exempt from CEQA by legislative intent. Not always in the CEQA Guidelines.

Categorical Exemptions: Specific actions determined exempt from CEQA, currently 33 of them. They have specific requirements and often studies needed to support them.

General: A determination that the project will not result in direct or reasonably foreseeable indirect physical change in the environment. This is known as the *common sense* exemption. (15060(c))

Interesting Exemptions: Section 15183 which says “projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified **shall** not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.”

UNDERSTANDING THRESHOLDS



MITIGATION MEASURES



Requirement to mitigate does not confer to agencies any new legal authority:

- “...a public agency may exercise only those express or implied powers provided by law other than this division.” (PRC 21004)

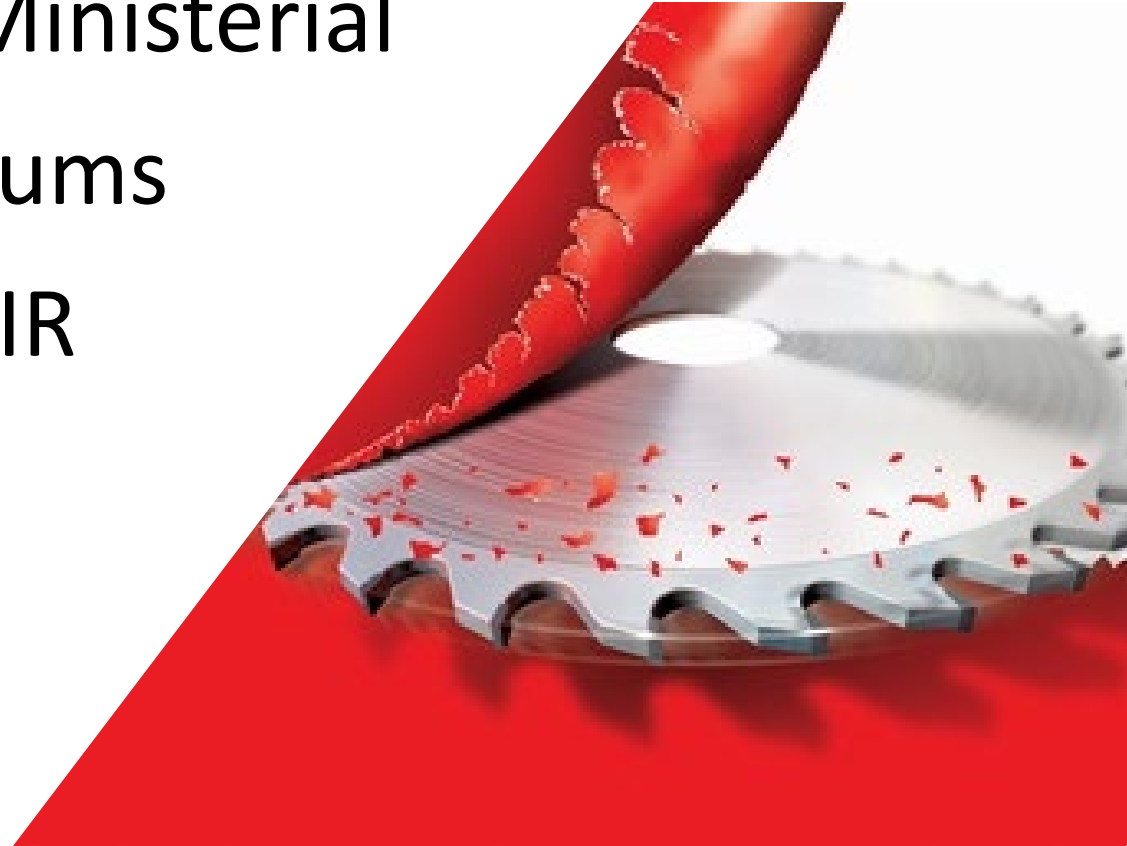
Measures must be enforceable.

- Pay particular attention to “fair-share fees”
- Difficult to enforce future public behavior

Be linked to a significant impact – No significant impact, no mitigation

CEQA STREAMLINING

Declaring of Certain Projects Ministerial
Exemptions and Addendums
Tiering from existing EIR
Supplemental EIR



IMPACTS THAT CANNOT BE MITIGATED TO LESS THAN SIGNIFICANT

- Sometimes even with mitigation an impact remains significant
- The analysis must include all feasible mitigation
- Substantial evidence is needed to discard a suggested mitigation
- Cost should not be the only reason to discard the mitigation
- If you have them, you need an EIR
- With an EIR you can still approve the project
- Significant impacts *do not* (necessarily) stop a project



STATEMENT OF OVERRIDING CONSIDERATION

Reasons why the project should be approved even though it has significant environmental impacts

Supported by substantial evidence

We need the \$\$\$ isn't likely to survive challenge

List as many reasons as make sense, only one is needed to support the override

WHAT TO READ FIRST...

- Final EIR & Errata
- Project Description
- Comment Letters & Responses
- ***Findings***
- Staff Report

What to Skim

- Introduction & Setting
- Methodology & Thresholds

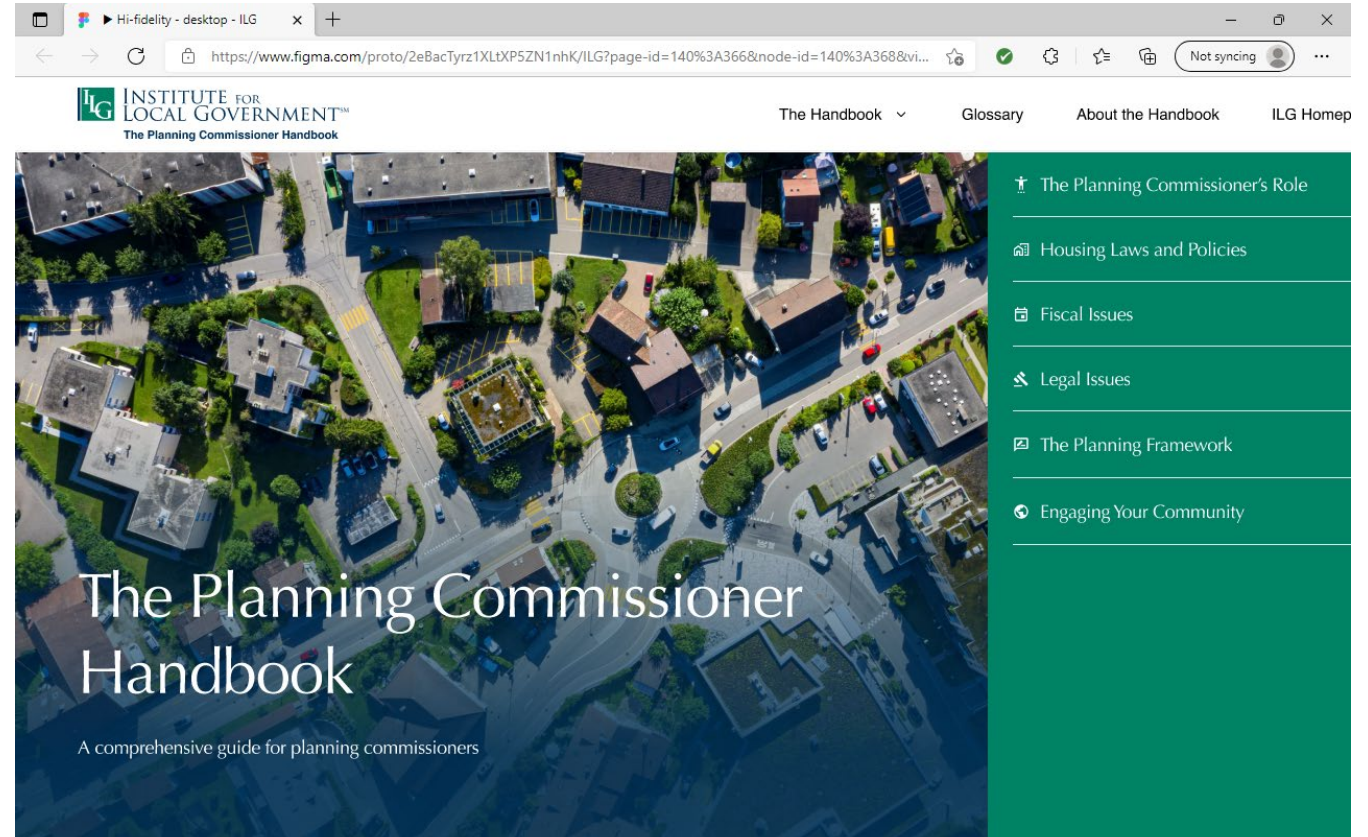


ADDITIONAL RESOURCES

- **Planning Commissioner Handbook**
 - <https://www.ilgplanninghandbook.org/>
- California Office of Planning and Research (OPR)
 - <https://lci.ca.gov/>
- California Environmental Quality Act (CEQA)
 - <https://lci.ca.gov/ceqa/getting-started/>
- California Legislative Information Code Search (laws)
 - <http://leginfo.legislature.ca.gov/faces/codes.xhtml>
- League of California Cities (Cal Cities)
 - <https://www.calcities.org/>
 - Planning and Community Development Department
www.calcities.org/Member-Engagement/Professional-Departments/Planning-Community-Development
- CalEnviroScreen
 - <https://oehha.ca.gov/calenvirosc>
- Housing and Community Development (HCD)
 - www.hcd.ca.gov/
- State Department of Finance (DOF)
 - www.dof.ca.gov/Forecasting/Demographics/
- CEQAnet
 - <https://ceqanet.opr.ca.gov/>
- Institute for Local Government
 - <https://www.ca-ilg.org/>

PLANNING COMMISSIONER HANDBOOK

- New digital toolkit for Planning Commissioners
- Updated content on:
 - CEQA
 - Community Engagement
 - Legal Issues
 - Housing Laws
 - Financing
 - & More!



ILGPlanningHandbook.org

