

RESOLUTION NO. 24-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENIFEE, CALIFORNIA APPROVING APPEAL NO. PLN 24-0214 OVERTURNING PLANNING COMMISSION'S DECISION THEREBY CERTIFYING AN ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2023110162) FOR THE MURRIETA ROAD WAREHOUSE PROJECT, MAKING CERTAIN FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, on July 12, 2022, the applicant, IPT Menifee CC LLC (“Applicant”), filed a formal application with the City of Menifee for the approval of Plot Plan (PP) No. PLN 22-0179 for the construction of a 517,720 square-foot (SF) speculative warehouse building on an approximately 28.27-acre site. This environmental analysis includes a development buffer to account for final design changes, equivalent to three percent of the building square footage, or 15,532 SF, which would result in a building area of 533,252 SF and a floor area ratio of 0.50. The Project site is generally located south of Floyd Avenue, east of Geary Street, west of Murrieta Road, and north of McLaughlin Road within the City of Menifee (City), County of Riverside, State of California (APNs: 330-210-010, -011, -013, and -062, 330-560-001 through 330-560-040, 330-570-001 through 330-570-033, and 330-571-001 through 330-571-005); and

WHEREAS, collectively, all the applications are referred to as the “Project” or “Murrieta Road Warehouse Project”; and

WHEREAS, on November 7, 2023, the City of Menifee publicly noticed its decision to prepare an Environmental Impact Report (EIR) for the Project by noticing the State Clearinghouse (SCH), and other agencies in compliance with Section 15082 of the California Environmental Quality Act (CEQA) guidelines, and surrounding property owners within a 300-foot radius from the Project site boundaries; and

WHEREAS, on November 28, 2023, the City of Menifee held a duly noticed public scoping meeting regarding the preparation of the EIR to discuss and hear from the public on the potential environmental impacts, which meeting was publicly noticed in compliance with Section 15082 of the CEQA guidelines, and surrounding property owners within a 500-foot radius from the Project site boundaries; and

WHEREAS, between May 24, 2024 and July 8, 2024, the City complied with the State-mandated 45-day public review period for the Project Draft EIR took effect, which was publicly noticed in accordance with Section 15087 of the CEQA guidelines and mailed to surrounding property owners and non-owner residents within 500 feet of the Project site. A copy of the Draft EIR was sent to the State Clearinghouse (SCH No. 2022040622), and a copy of the Draft EIR was placed at the City Hall public counter, Menifee Library, and Sun City Library; and

WHEREAS, during the public review period, comments on the Draft EIR were received from the following agencies, organizations, and individuals:

Agencies

- Agua Caliente Band of Cahuilla Indians
- Airport Land Use Commission
- City of Perris
- Riverside County Department of Waste Resources
- Southern California Gas
- South Coast Air Quality Management District

Organizations

- Adams Broadwell Joseph & Cardozo, on behalf of Coalition for Californians Allied for a Responsible Economy
- Center for Community Action and Environmental Justice
- Golden State Environmental Justice Alliance

Individuals

- Adrienne Vendor
- Bob Powell
- Kimberly and Moo Tang; and

WHEREAS, the Final EIR (FEIR), consisting of comments received during the 45-day public review and comment period on the Draft EIR, written responses to those comments, and revisions and errata to the Draft EIR, was submitted with the inclusion of Findings of Fact (Findings), a Statement of Overriding Consideration (SOOC) and a Mitigation Monitoring and Reporting Program (MMRP) for the City Council's consideration. For the purposes of this Resolution, the Final EIR shall refer to the Draft EIR, as revised by the FEIR's errata section together with the other sections of the FEIR; and

WHEREAS, no evidence of new significant impacts, as defined by CEQA Guidelines Section 15088.5, have been received by the City after circulation of the Draft EIR which would require re-circulation; and

WHEREAS, the Draft EIR for the Project, dated May 2024, and FEIR for the Project, dated September 2024 provides an assessment of the environmental impacts associated with the Project and has been prepared in accordance with the Public Resources Code Section 21000 *et seq.* (CEQA), and State regulations in Title 14 of the California Code of Regulations, Section 15000 *et seq.* (CEQA Guidelines); and

WHEREAS, on October 23, 2024, at a legally noticed public hearing, the Planning Commission made a motion to approve the Project entitlements (i.e., PP No. PLN22-0179) and certify the EIR; however, that motion failed to pass by a 2-3 vote; and

WHEREAS, on October 31, 2024, an application to appeal Planning Commission's decision to not approve the PP No. PLN22-0179 and not certify the EIR was submitted by the Project Applicant's representative, Allen Matkins Leck Gamble Mallory & Natsis, LLP (Appeal No. PLN24-0214); and

WHEREAS, on December 4, 2024, the City Council of the City of Menifee held a public hearing on the Project, considered all public testimony as well as all materials in the staff report and accompanying documents for the Project including the consideration of the FEIR, which hearing was publicly noticed by a publication in *The Press Enterprise*, a

newspaper of general circulation, an agenda posting, notices placed on the Project site, notice to property owners and non-owner residents within 500 feet of the Project boundaries, notice to all relevant agencies and to persons requesting notification; and

WHEREAS, the City Council of the City of Menifee has read and considered all environmental documentation comprising the FEIR, has found that the FEIR considers all potentially significant environmental impacts of the proposed Project and is complete and adequate, and fully complies with all requirements of CEQA; and

WHEREAS, it is the policy of the State of California and the City of Menifee, in accordance with CEQA and the CEQA Guidelines, that the City shall not approve a project that has significant effects on the environment unless there is no feasible way to lessen or avoid the significant effects and that the benefits of approving the project outweigh the unavoidable significant impacts, such that the impacts are acceptable based on CEQA Guideline Section 15093; and

WHEREAS, the CEQA Guidelines provide that no public agency shall approve or carry out a project for which an EIR has been completed and which identifies one or more significant effects of the project unless the public agency makes written findings for each of the significant effects, accompanied by a statement of facts supporting each finding; and

WHEREAS, the City Council has reviewed the CEQA Findings and SOOC attached as Exhibit "C"; and

WHEREAS, prior to recommending action on the Project, the City Council has considered all significant impacts, mitigation measures, and Project alternatives identified in the EIR, and has found that all potentially significant impacts on the Project have been lessened or avoided to the extent feasible; and

WHEREAS, pursuant to CEQA Guideline Section 15093(b), the City must state in writing the reasons to support its action based on the FEIR and/or other information in the record.

NOW, THEREFORE, the City Council of the City of Menifee resolves as follows:

Section 1: Recitals. The Recitals above are true and correct, based on substantial evidence in the record, including the FEIR attached as "Exhibit A," and incorporated herein by this reference.

Section 2: Certification of EIR. Based on its review and consideration of the FEIR and all written communications and oral testimony regarding the proposed Project which have been submitted to, and received by the City, the City Council certifies that the FEIR has been completed and is in compliance with CEQA and the State and local CEQA Guidelines. The City Council finds that the FEIR reflects the City Council's independent judgment and analysis as lead agency under CEQA, and adopt and certify the FEIR as complete and adequate. The City Council further certifies that the FEIR was presented to the City Council and that the City Council reviewed and considered the information contained in it prior to approving the Project.

Section 3: CEQA Findings and SOOC. The City Council adopts the CEQA Findings and the SOOC attached as "Exhibit C", which exhibit is incorporated herein as though set forth in full.

Section 4: Significant Impacts. The significant impacts of the Project under the category of Greenhouse Gas Emissions and Noise have not been reduced to a level of insignificance. The City Council finds that the significant unavoidable adverse impacts of the Project are clearly outweighed by the economic, legal, social, or technological benefits independent of any other benefits of the Project, as set forth in the Findings and SOOC.

Section 5: Alternatives. The FEIR has described all reasonable alternatives to the Project that could feasibly obtain the basic objectives of the Project, even when those alternatives might impede the attainment of Project objectives and might be more costly.

Section 6: Good Faith. A good faith effort has been made to seek out and incorporate all points of view in the preparation of the FEIR as indicated by the public record for the Project and the FEIR.

Section 7: Mitigation Plan Approval. Although the FEIR identifies certain significant environmental effects that would result from approval of the Project, certain environmental effects can feasibly be avoided or mitigated and will be avoided or mitigated by imposition of mitigation measures included in the FEIR and the MMRP. Pursuant to Public Resources Code section 21081 and CEQA Guidelines section 15097, the City Council adopts and approves the MMRP attached hereto as Exhibit "B," which is incorporated herein by reference as though set forth in full. The City Council further finds that the mitigation measures identified in the FEIR are feasible.

Section 8: No Significant New Information Added to Draft EIR. The information provided in the various reports submitted in connection with the proposed Project and in the responses to comments on the Draft EIR, the information added to the FEIR, and the evidence presented in written and oral testimony at public hearings on the Project and the Draft EIR, do not constitute significant new information that would require recirculation of the Draft EIR pursuant to Public Resources Code section 21092.1 and CEQA Guidelines section 15088.5.

Section 9: Location and Custodian of Record of Proceedings. The Community Development Department of the City of Menifee, located at 29844 Haun Road, Menifee, CA 92586, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the Planning Commission's approval is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act (Government Code §§ 6250 et seq.) during normal business hours.

Section 10: Approval of Appeal. The City Council finds the facts presented within the public record and within the Resolution provides the basis to approve Appeal No. PLN24-0214 overturning Planning Commission's decision thereby certifying the EIR and approving Plot Plan No. PLN 22-0179.

Murrieta Road Warehouse Project - EIR
December 4, 2024

PASSED, APPROVED AND ADOPTED this 4th day of December 2024.

Bill Zimmerman, Mayor

Attest:

Stephanie Roseen, Acting City Clerk

Approved as to form:

Jeffrey T. Melching, City Attorney