

**RESOLUTION NO. 24-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENIFEE, CALIFORNIA DENYING APPEAL NO. PLN24-0182 AND APPROVING TENTATIVE PARCEL MAP NO. 38139 (PLN22-0041) TO COMBINE EIGHT PARCELS INTO ONE PARCEL, AND PLOT PLAN NO. PLN21-0370 FOR THE 700,037 SQUARE-FOOT WAREHOUSE/INDUSTRIAL BUILDING ON APPROXIMATELY 40.03 GROSS ACRES LOCATED NORTH OF CORSICA LANE, SOUTH OF KUFFEL ROAD, EAST OF WHEAT STREET, AND WEST OF BYERS ROAD.**

**WHEREAS**, on November 15, 2021, the applicant, CADO Menifee, LLC (“Applicant”), filed a formal application with the City of Menifee for the approval of Tentative Parcel Map (TPM) No. 38139 (PLN22-0041) to consolidate eight parcels into one industrial parcel for a total of approximately 40.03 gross acres and 36.81 net acres, and Plot Plan (PP) No. PLN21-0370 for the construction of a 700,037 square-foot warehouse/industrial building with 10,000 square feet of office space and 690,037 square feet of warehouse space on the same 40.03 gross acre site. The Project site is generally located north of Corsica Lane, south of Kuffel Road, east of Wheat Street, and west of Byers Road within the City of Menifee (City), County of Riverside, State of California (APNs: 330-190-002 through -005 and 330-190-010 through -013); and

**WHEREAS**, collectively, all the applications are referred to as the “Project” or “CADO Menifee Industrial Warehouse Project”; and

**WHEREAS**, Conditions of Approval for TPM No. 38139 (PLN22-0041) and PP No. PLN21-0370 have been prepared and attached hereto as Exhibit “A” of the resolution; and

**WHEREAS**, on August 14, 2024, at a legally noticed public hearing, the Planning Commission voted 3-1-1 to certify the Environmental Impact Report (EIR) and approve TPM No. 38139 (PLN22-0041) and PP No. PLN21-0370 for the Project; and

**WHEREAS**, on August 23, 2024, an application to appeal Planning Commission certification of the EIR for the Project and approval of TPM No. 38139 (PLN22-0041) and PP No. PLN21-0370 was submitted by the City of Perris; and

**WHEREAS**, on November 6, 2024, at a legally noticed public hearing, the City Council voted unanimously to continue the public hearing on the Project to a date certain (i.e., November 20, 2024); and

**WHEREAS**, on November 20, 2024, the City Council held the continued public hearing on the appeal of the Planning Commission’s certification of the EIR and approval of TPM No. 38139 (PLN22-0041) and PP No. PLN21-0370 and Resolution Nos. PC24-0639 and PC24-0640, which hearing was not required to be re-noticed, because the project was continued to a date certain (i.e., November 20, 2024) at the November 6, 2024 hearing, considered all public testimony as well as all materials in the staff report and accompanying documents; and

**WHEREAS**, all other legal prerequisites to the adoption of this resolution have occurred.

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

**Section 1:** The City of Menifee's City Council hereby makes the following findings for TPM No. 38139 (PLN22-0041) in accordance with Title 7, Article 2, Chapter 7.20.090 "Findings for Approval for Tentative Maps" of the City of Menifee Subdivision Code:

**Finding 1 - The proposed subdivision and the design and improvements of the subdivision is consistent with the Development Code, General Plan, any applicable specific plan, and the Menifee Municipal Code.**

The Project site is designated Economic Development Corridor – Northern Gateway (EDC-NG), according to the City of Menifee General Plan. The proposed TPM would combine eight parcels (APNs 330-190-002 through -005 and 330-190-010 through -013) totaling 40.03 gross acres into one parcel to accommodate the development of the site. The majority of the Project site is vacant and undeveloped. One of the existing parcels contains two single-family residential structures and associated out-buildings; the existing structures are proposed to be demolished. Vehicular access to the site is provided via Ethanac Road to Wheat Street or Byers Road. These roadways would provide the necessary fire access roads. The Project meets the requirements of the Development Code and General Plan.

Furthermore, staff has reviewed and conditioned the subdivision for consistency with subdivision ordinance requirements for lot sizes and dimensions, streets, domestic water, fire protection, sewage disposal, and other applicable requirements. The subdivision is consistent with the Subdivision Ordinance requirements.

**Finding 2 - The tentative map does not propose to divide land which is subject to a contract entered into pursuant to the California Conservation Act of 1965, or the land is subject to a Land Conservation Act contract but the resulting parcels following division of the land will be of an adequate size to sustain their agricultural use.**

The tentative map does not propose to divide land which is subject to a contract entered into pursuant to the California Land Conservation Act of 1965.

**Finding 3 - The site is physically suitable for the type of development and the proposed land use of the development.**

The proposed Project includes the proposal for a TPM; the subject site is relatively flat and does not contain steep slopes or other features that would be incompatible with the proposed development. The surrounding area is also relatively flat. The Project site has a natural drainage pattern to the northeast corner. The Project proposes to preserve the existing drainage pattern. Therefore, the site is physically suitable for the type of development and the proposed land use of the site.

The Project has been reviewed by various Departments to ensure compliance with applicable regulations, including, but not limited to City of Menifee Community Development Department, Engineering and Public Works Department, Police Department, and the Office of the Fire Marshal, as well as the Riverside County Department of Environmental Health. These Departments have provided conditions of approval as appropriate to ensure compliance with applicable regulations.

**Finding 4 - The design of the subdivision and the proposed improvements, with conditions of approval, are either:**

- 1. Not likely to cause significant environmental damage or substantially and avoidable injure fish or wildlife or their habitat; or**
- 2. Subject to an environmental impact report under which a finding has been made pursuant to Public Resources Code Section 21081(a)(3) that specific economic, social, or other considerations make infeasible mitigation measures or project alternatives identified in the environmental impact report.**

Pursuant to the California Environmental Quality Act (CEQA), an EIR was prepared for the Project. In the EIR, it was found that with implementation of mitigation measures, the proposed Project would not result in any significant impacts related to biological resources such as plant and animal species or their habitat. A Mitigation Monitoring and Reporting Plan (MMRP) was prepared and identifies all mitigation measures that will be required for the Project.

Biological reports were conducted to determine sensitive plant and animal species onsite and applicable mitigation measures included in the EIR were included for their protection. The EIR also includes additional reports to determine consistency with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) such as riparian/riverine areas, vernal pools, narrow endemic plant species, burrowing owl, and fairy shrimp. Review and mitigation coordination occurred with the applicable state and federal wildlife agencies.

The MSHCP does not identify any covered or special-status fish species as potentially occurring on the Project site. Further, no fish or hydrogeomorphic features (e.g., perennial creeks, ponds, lakes, reservoirs) that would provide suitable habitat for fish were observed on or within the vicinity of the Project site. Therefore, no fish are expected to occur and are presumed absent from the Project site. In addition, the EIR discusses amphibians, reptiles, birds, mammals, and invertebrates. Any significant impacts associated with biological resources have been mitigated to less than significant. In addition, standard conditions of approval pertaining to Stephens Kangaroo Rat and cultural resources still apply in this case and shall be addressed as part of standard monitoring in the Conditions of Approval. As such, the subdivision will not cause environmental damage or injure fish, wildlife, or their habitat.

The CADO Menifee Industrial Warehouse Project EIR (State Clearinghouse No. 2022040622) has been completed for the Project and will be certified by the City Council pursuant to a separate resolution. The TPM at issue is consistent with the EIR, which the City Council has considered as part of its proceedings.

**Finding 5 - The design of the subdivision and the type of improvements are not likely to cause serious public health problems.**

The proposed subdivision is being proposed concurrently with PP No. PLN21-0370. The Project has been reviewed and conditioned by the City of Menifee Community Development, Engineering, and Police Departments, as well as the Office of the Fire Marshal and the Riverside County Department of Environmental Health to ensure it will not create conditions materially detrimental to the surrounding uses. In addition, environmental impacts resulting from the implementation of the Project and associated subdivision have been analyzed in the EIR. The EIR determined that potential impacts would all be less than significant with the necessary mitigation incorporated, except for significant and unavoidable impacts to Greenhouse Gas (GHG) Emissions. A Statement of Overriding Considerations (SOOC) is included for the EIR stating that the impacts of the Project are outweighed by the benefits of the Project. With the exception of the environmental category (GHG Emissions), the proposed entitlements are not anticipated to create conditions materially detrimental to the public health, safety and general welfare or injurious to or incompatible with other properties or land uses in the Project vicinity.

**Finding 6 - The design of the subdivision provides for future passive or natural heating or cooling opportunities in the subdivision to the extent feasible.**

This TPM would create one parcel for construction of an industrial building pursuant to PP No. PLN21-0370. The Project will be designed with passive or natural heating opportunities such as solar amenities. Energy efficiency/energy conservation attributes of the Project would be complemented by increasingly stringent state and federal regulatory actions addressing enhanced building/utilities energy efficiencies mandated under California building codes (e.g., California Code of Regulations Title 24, including requirements for energy efficiency, thermal insulation, and solar panels and California Green Building Standards Code). Compliance with applicable Title 24 standards would ensure that the Project energy demands would not be inefficient, wasteful, or otherwise unnecessary.

**Finding 7 - The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision, or the design of the alternate easements which are substantially equivalent to those previously acquired by the public will be provided.**

The subdivision makes provisions for all existing and future easements for all utilities and public use purposes to avoid any conflict.

**Finding 8 - The subdivision is consistent with the City's parkland dedication requirements (per the Quimby Act) as applicable, in accordance with Chapter 7.75 (Parkland Dedication and fees).**

This Project is for the subdivision of a proposed industrial development and does not include residential units. For this reason, no Quimby Act fees or dedications are required.

**Section 2:** The City of Menifee's City Council hereby makes the following findings for PP No. PLN21-0370 in accordance with Title 9, Article 2, Chapter 9.80.70, "Findings for Approval for Plot Plans" of the City of Menifee Comprehensive Development Code:

**Finding 1 - The proposed design and location of the Plot Plan is consistent with the adopted General Plan and any applicable specific plan.**

The Project site has a General Plan land use designation of EDC-NG which is intended to provide economic vitality and flexibility in land use options to promote economic development along the City's major corridors. All development and design standards of the City of Menifee Development Code have been uniformly applied to the entirety of the Project, and the Project is consistent with the General Plan.

In addition, the Project is consistent with the following City of Menifee General Plan policies:

- *LU-1.1: Concentrate growth in strategic locations to help preserve rural areas, create place and identity, provide infrastructure efficiently, and foster the use of transit options.*

The proposed industrial Project is in close proximity (approximately 300 feet) to Ethanac Road, a designated truck route per the City's General Plan. Ethanac Road directly connects to the I-215 freeway interchange. The location is well suited for industrial development to promote easily accessible routes for employees and delivery personnel and the location helps concentrate activity and development near the major transit corridors of the City as opposed to the rural areas or traveling through residential areas.

- *LU-1.5: Support development and land use patterns, where appropriate, that reduce reliance on the automobile and capitalize on multimodal transportation opportunities.*

The Project's infrastructure improvements include new roadways, roadway widening, intersection improvements such as traffic signals and turn lanes, bike routes, and sidewalks. All these improvements will help promote multimodal transportation opportunities for employees and residents surrounding the Project site.

- *CD-3.5 Design parking lots and structures to be functionally and visually integrated and connected; off-street parking lots should not dominate the street scene.*

Perimeter landscaping have been provided to visually screen the parking lots, truck court, and drive aisles from surrounding roadways.

- *CD-3.9 Utilize Crime Prevention through Environmental Design (CPTED) techniques and defensible space design concepts to enhance community safety.*

The Project is required to include security cameras at the entrances as well as within the property and the site has been designed to limit concealed areas to allow for greater visibility and security.

- *CD-3.12: Utilize differing but complementary forms of architectural styles and designs that incorporate representative characteristics of a given area.*

The proposed industrial Project utilizes industrial architecture which focuses on efficiency for processing goods and products. The building is designed to prioritize employee safety and functionality. Nonetheless, the building is still designed to meet the City's Industrial Good Neighbor Policies, as well as City of Menifee Design Guidelines such as building form, roof form, massing and articulation, materials and colors, windows, doors, and entries.

- *CD-3.14 Provide variations in color, texture, materials, articulation, and architectural treatments. Avoid long expanses of blank, monotonous walls or fences.*

The architecture of the Project incorporates varied colors, recesses, material changes, varied roof lines, wall plane changes, accent materials, and other architectural treatments that break up wall areas to avoid long expanses of blank, monotonous walls. Screen walls have also been designed to incorporate architectural elements from the building for compatibility. Additionally, densely perimeter landscaping is proposed to reduce the visual height of the building and truck court walls from the public rights-of-way and to provide a visually pleasing street scene.

**Finding 2 - The proposed project meets all applicable standards for development and provisions of this title.**

Per section 9.80.020 "Applicability" of the Development code, new construction of non-residential projects of more than 2,500 square feet of floor area requires the processing of a PP. The PP is for the site and architectural review, to allow for the construction of one 700,037 square foot industrial building.

The Project was reviewed against the City's Development Code,

Industrial Good Neighbor Policies, and Design Guidelines. The design of the Project is consistent with the development standards of the Development Code and the Industrial Good Neighbor Policies and Industrial Design Guidelines. Therefore, the proposed design and location of the PP meets all applicable standards of development and operation of the City's Zoning Code, including any applicable specific use regulations.

**Finding 3 - The establishment, maintenance, or operation of the proposed project will not be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the City.**

To ensure the Project would not affect the general health, safety and/or welfare of the community, an EIR was prepared to analyze potential impacts to the surrounding persons residing or working in the community. The EIR examined the Project including planning, construction and operation and determined potential impacts would all be less than significant with the necessary mitigation incorporated, except for significant and unavoidable impacts to GHG Emissions. A SOOC is included for the EIR stating the impacts of the project are outweighed by the benefits of the Project. With the exception of these environmental categories (GHG Emissions), the proposed entitlements are not anticipated to create conditions materially detrimental to the public health, safety and general welfare or injurious to or incompatible with other properties or land uses in the project vicinity.

In addition, the Project incorporates quality architecture and landscaping which will enhance the surrounding area. The Project has been reviewed by a variety of Departments to ensure compliance with applicable regulations, including, but not limited to City of Menifee Community Development, Engineering and Public Works, Office of the Fire Marshall, Police, Riverside County Environmental Health, Eastern Municipal Water District, Riverside County Flood Control District, California Department of Transportation, California Fish and Wildlife, and United States Department of Fish and Wildlife Resources. Some of these Departments have provided conditions of approval as appropriate to ensure compliance with applicable regulations.

**NOW THEREFORE,** the City Council of the City of Menifee hereby approves the following:

1. That the City Council determine that the "Findings" set out above are true and correct.
2. That the City Council determine the environmental review has been completed for the Project in accordance with State and local laws, and CEQA guidelines.
3. That the City Council, pursuant to a separate Resolution, finds the facts presented within the public record provide the basis to certify the CADO Menifee Industrial Warehouse Project FEIR, adopt the Findings of Fact and a SOOC, and

MMRP, which have been completed for the Project.

4. That the City Council finds the facts presented within the public record and within the City Council Resolution provide the basis to deny Appeal No. PLN24-0182 and approve TPM No. 38139 (PLN22-0041) and PP No. PLN21-0370, and that the City Council approve said entitlements.
5. The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Community Development Department – Planning Division, 29844 Haun Road, Menifee, CA 92586. This information is provided in compliance with Public Resources Code section 21081.6.

**PASSED, APPROVED AND ADOPTED** this the 20<sup>th</sup> day of November 2024.

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Bill Zimmerman, Mayor

Attest:

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Stephanie Roseen, Acting City Clerk

Approved as to form:

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Jeffrey T. Melching, City Attorney