

ORDINANCE NO. 2024-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENIFEE,
CALIFORNIA APPROVING ZONE CHANGE NO. PLN21-0376 FOR
VILLAGIO VILLAS LOCATED SOUTH OF MCCALL BOULEVARD AT
THE SOUTHERN TERMINUS OF ENCANTO DRIVE**

WHEREAS, on November 29, 2021, the applicant, Villagio Villas, filed a formal application with the City of Menifee for the approval of a General Plan Amendment (GPA) No. PLN21-0377, Zone Change (ZC) No. PLN21-0376 and a Plot Plan (PP) No. PLN21-0375 to construct two new two-story apartment buildings as part of an existing apartment complex, known as Villagio Villas; and

WHEREAS, the application for the Zone Change (ZC) No. PLN21-0376 is being processed concurrently with General Plan Amendment (GPA) No. PLN21-0377 and Plot Plan (PP) No. PLN21-0375, collectively, all the applications are referred to as the "Project" or "Villagio Villas"; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) were completed for the Project and concluded that no significant impacts would be caused by the Project, therefore, the MND and MMRP have been recommended for adoption; and

WHEREAS, the proposed Project site was previously part of the freeway right-of-way and had no General Plan Land Use or Zoning designations. The proposed General Plan Land Use density is 20.1-24 dwelling units per acre (du/ac) with a Zoning designation of High Density Residential (HDR); and

WHEREAS, an exhibit for ZC No. PLN21-0376 has been prepared and attached hereto as Exhibit "A" of the Ordinance; and

WHEREAS, on June 26, 2024, the Planning Commission conducted a duly noticed public hearing and voted 5-0 recommending approval to the City Council of ZC No. PLN21-0376, as well as GPA No. PLN21-0377 and PP No. PLN21-0375; and

WHEREAS, on August 21, 2024, the City Council held a duly noticed public hearing on the Project, considered all public testimony as well as all materials in the staff report and accompanying documents, 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, and notice to property owners within 400 feet of the Project boundaries as well as to persons requesting public notice.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Menifee makes the following Findings:

Section 1: The City of Menifee City Council hereby makes the following findings for ZC No. PLN21-0376 in accordance with Title 9, Article 2, Chapter 9.115.070 – Findings for Approval:

Finding 1 - The proposed zone or amendments to this Title is consistent with the intent of the goals and policies of the General Plan.

The parcel does not currently have a zoning designation as it was previously owned by Caltrans and therefore, before the site can be developed a zoning code amendment must be approved to establish a zone. The Project site was previously owned by Caltrans until 2017 when it was purchased by the Project applicant with the intention of developing the site. The existing apartment complex to the north and east of the Project site has a zoning classification of HDR. The intent of the HDR Zone is for multifamily dwellings, including apartments and condominiums with a density range of 20 – 24 du/ac. Before the site can be developed, a ZC must be approved; the Project proposes to establish the zoning classification of HDR which is consistent with nearby properties.

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

- *Policy HE-1.2 Specific Plans. Support residential growth and infill in specific areas and along corridors where comprehensive neighborhood planning is completed, and adequate infrastructure is planned.*

The Project site is surrounded by existing multifamily developments. The Project includes infill development of a vacant site where existing infrastructure is in place.

- *Policy HE-3.6 Fair Housing. Support and implement housing law in all aspects of the building, financing, sale, rental, or occupancy of housing based on protected status in accordance with state and federal law.*

The Project includes six affordable income qualified units. Approval of the Project will help the City in meeting required state mandates on affordable housing.

- *Policy 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 Project is located within an area that is intended for residential uses, with existing multifamily developments to the north, south, east, and west. The Project is consistent with this policy as it leads to the concentration of growth in strategic locations and preserves rural areas within the City and provides infill development.

- *Policy 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 proposes new residential units in a developed area that allows for ease of access to commercial uses to the north. Pedestrians are encouraged to use the existing sidewalks and bike lanes along Encanto Drive and McCall Boulevard.

- *Policy LU-3.4 Require that approval of new development be contingent upon the project's ability to secure appropriate infrastructure services.*

The Project includes Conditions of Approval which require appropriate infrastructure. In addition, the Project has been reviewed and conditioned for consistency with the requirements for domestic water, fire protection, sewage disposal, fencing, and electrical communication facilities.

- *Policy CD-3.19 Design walls and fences that are well integrated in style with adjacent structures and terrain and utilize landscaping and vegetation materials to soften their appearance.*

The Project includes landscaping, as well as street trees, which will soften the appearance of the perimeter and site interior walls. A 20-foot building/landscape setback along the western side of the Project is being proposed as well. The walls that will be visible to the public will be constructed of decorative masonry block and pilasters which will be well integrated with the adjacent sites to the north and east which also contain decorative masonry block walls.

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

The Project was reviewed for compliance with the Development Code and City-wide Design Guidelines. The proposed Project is consistent with these guidelines and compatible with the architecture of the existing apartment complex as well as other nearby apartment complexes.

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

The proposed elevations contain elements of Tuscan and Italianate architecture that utilizes tower elements on the corners, clay tile roofing, decorative cornices, arched doorways/windows, stone veneer, window planters, decorative shutters, smooth stucco exterior finish and other detailed treatments consistent with the architectural theme. The roof lines are broken up to reduce the overall mass of the building and the four-sided tower elements provide additional depth and relief.

Finding 2 - The proposed zone or amendments to this Title prescribes reasonable controls and standards to ensure compatibility with other established uses.

The existing apartment complex was approved by the County of Riverside in the late 1980's and was constructed in the early 1990's and was consistent with the rules and regulations in place at the time of approval.

The Project as proposed is consistent with the HDR Zoning classification. The Project has been designed to include reasonable controls and standards such as development regulations, including, parcel size, building coverage, setbacks, site landscaping, to ensure compatibility with existing/proposed surrounding uses. The Project is consistent with all established controls and

standards outlined in the HDR section of the City of Menifee Municipal Code (MMC) and is compatible with adjacent land uses and development standards.

Finding 3 - The proposed zone or amendments to this Title provides reasonable property development rights while protecting environmentally sensitive land uses and species.

The Project proposes two new two-story apartment buildings totaling 22,588 square feet at an existing apartment complex. Each building proposes 12 units (24 total) bringing the total number of units within the Villagio Villas apartment complex to 120 units (96 existing). The property development rights of the subject parcel is compatible and consistent with surrounding developments and will be consistent with the MMC and General Plan.

A MND was prepared for the Project and analyzed several areas of environmental importance as identified and required by CEQA. Furthermore, biological reports were conducted to determine sensitive plant and animal species onsite and applicable mitigation measures included in the MND were included for their protection. The MND also includes additional reports to determine consistency with the Western Riverside County Multiple Species Habitat Conservation Plan (WR-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. Therefore, the Project provides reasonable property development rights while protecting environmentally sensitive land uses and species.

Finding 4 - The proposed zone or amendments to this Title ensures protection of the general health, safety and welfare of the community.

The Project will not result in conditions detrimental to public health, safety, or general welfare as designed and conditioned. The associated entitlements have been reviewed and conditioned by the City of Menifee Community Development and Engineering Departments, Office of the Fire Marshal and numerous outside agencies to ensure that it will not create conditions materially detrimental to the surrounding uses.

In addition, environmental impacts resulting from the implementation of the proposed Project have been analyzed in the MND and no significant impacts (with mitigation measures incorporated) are expected as a result of the Project. 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.

Section 2: **CEQA Compliance.** The City Council hereby resolves that the MND has been completed for the Project in accordance with CEQA, State and local CEQA guidelines and pursuant to a separate Resolution, finds that the facts presented within the public record provide the basis to adopt the MND, which has been completed for the Project.

Section 3: **Effective Date.** The Ordinance shall take effect 30 days after its second reading and adoption.

Section 4: **Severability.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivision, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 5: **Notice of Adoption.** The City Clerk is authorized and directed to cause this Ordinance to be published within 15 days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, cause this Ordinance to be published in the manner required by law using the alternative summary and posting procedure authorized under Government Code Section 36933(c).

This Ordinance was introduced for first reading on August 21, 2024, and **PASSED, APPROVED AND ADOPTED** this 4th day of September 2024.

Bill Zimmerman, Mayor

Attest:

Stephanie Roseen, Acting City Clerk

Approved as to form:

Jeffrey T. Melching, City Attorney