

**ORDINANCE NO. 24-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENIFEE, CALIFORNIA APPROVING SPECIFIC PLAN AMENDMENT NO. 5 (PLN21-0276) PROPOSING TO COMBINE PLANNING AREAS 22 AND 23A AND ESTABLISH ACREAGE, DENSITY, NUMBER OF DWELLING UNITS, DEVELOPMENT STANDARDS AND PERMITTED USES FOR PLANNING AREA 9, LOCATED SOUTH OF WATSON ROAD, EAST OF PALOMAR ROAD, WEST OF JUNIPERO ROAD AND NORTH OF HIGHWAY 74, AND PLANNING AREA 22 LOCATED SOUTH OF WATSON ROAD, EAST OF MALONE AVENUE, WEST OF BRIGGS ROAD AND NORTH OF HIGHWAY 74**

**WHEREAS**, on August 5, 2021, the applicant, Richland Ventures, Inc., filed a formal application with the City of Menifee for the approval of Specific Plan Amendment (SPA) No. 5 (PLN21-0276) to combine Planning Areas (PA) 22 and PA 23A, establish density, minimum lot sizes, development standards, land uses, number of proposed dwelling units and address technical corrections for PA 9 and PA 22; and

**WHEREAS**, the application for the SPA No. 5 is being processed concurrently with applications for two tentative tract maps including Tentative Tract Map (TTM) No. 38132 (PLN21-0274) that proposes to subdivide the 29.4 acre PA 9 of the Menifee North Specific Plan No. 260 (SP 260) into a 169 dwelling unit subdivision and TTM No. 38133 (PLN21-0272) that proposes to subdivide the newly established 26.5 acre PA 22 into a 145 dwelling unit subdivision; and

**WHEREAS**, SP 260 is amended as reflected on Exhibit "A"; and

**WHEREAS**, On February 14, 2024 the Planning Commission voted to continue the project to a future Planning Commission Hearing; and

**WHEREAS**, on March 13, 2024, the Planning Commission 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 300 feet of the Project boundaries as well as to persons requesting public notice; and

**WHEREAS**, at the March 13, 2024, Planning Commission public hearing, based upon the materials in the staff report and accompanying documents, public comment, and Planning Commission discussion, the City of Menifee Planning Commission recommended the City Council adopt an ordinance approving SPA No. 5 (PLN21-0276); and

**WHEREAS**, on April 3, 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 for the Project, which hearing was publicly noticed in *The Press Enterprise*, a newspaper of general circulation, an agenda posting, on-site posting, notice to property owners within 300 feet of the Project boundaries, and to persons requesting public notice.

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

**Section 1:** *The specific plan amendment is consistent with the intent of the goals and policies of the General Plan and is not inconsistent with any element thereof.*

The proposed Project is located in three different Planning Areas within SP 260: PA 9, 22, and 23A.

The proposal would modify PA 9 from Medium Residential to Medium Density Residential and establish a density of 5.8 dwelling units per acre on a 29.4-acre property (originally 30.5 acres, modified to account for modified frontage improvement and road configurations along the perimeter of PA 9) yielding 170 dwelling units. Additionally, the amendment establishes development standards, permitted uses, and the approximate location of a tot lot and water quality basin for PA 9.

Additionally, SPA No. 5 proposes to consolidate PA 22 and PA 23A into PA 22, and establish a density of 5.5 dwelling units per acre on a 26.5-acre property (originally the combined acreage of 19.1 acres from PA 22 and 23A due to modified frontage improvement and road improvement configurations along the perimeter roads) yielding 145 dwelling units. Additionally, the amendment establishes development standards, permitted uses and the approximate location of a tot lot and water quality for PA 22.

Furthermore, SPA No. 5 proposes to redesignate PA 23B as PA 23 due to the consolidation of PA 22 and 23A and modified language and acreage calculations due to the removal of specific plan areas outside of City of Menifee boundaries (areas located in unincorporated Riverside County east of Briggs Road) and updates the Circulation Plan within the Menifee North Specific Plan to be consistent with City of Menifee General Plan Circulation.

In addition, the Specific Plan 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.*

PA 9 is adjacent to PA 11, which has been approved for Very High Density Residential. SPA No. 5 allows for the proposed modifications to PA 9 to act as a buffer between existing Rural Residential zoned properties to the north and existing medium density to the west. The Rural Residential zoned properties to the north are not within SP 260 however the medium density lots to the west are within PA 6 of SP 260. Additionally, the lots along the northern boundary of PA 9 are proposed to be larger to allow a transition between the smaller lots within this planning area and the rural residential lots to the north.

PA 22 is adjacent to the Marion Ashley Community Center and Harvest Valley Elementary School which will allow the proposed modifications to this Planning Area to facilitate development of TTM 38133. TTM 38133 will provide efficient infrastructure to facilitate the use of alternative transit options including walking and bicycles by constructing pavement in the form of streets and sidewalks. The modifications proposed by SPA No. 5 will provide a buffer between the more intensive uses of a community center and school and the rural residential to the north.

- *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 including roadways, intersection improvements such as turn lanes, bike lanes and sidewalks with ADA compliant ramps will help promote multimodal transportation opportunities for employees and residents surrounding the Project site. In PA 9, the proposed development will also provide pedestrian access to the future PA 10 Community Park. Additional pedestrian access improvements are proposed for PA 22 that will provide paved sidewalks to the existing elementary school and community center.

- *Policy LU-4.1: Ensure that land use decisions within the March Air Reserve Base and Perris Valley Airport areas of influence are consistent with applicable Airport Land Use Compatibility Plans. Comply with State law regarding projects subject to review by the Riverside County Airport Land Use Commission.*

The Project was routed for review to the Riverside County Airport Land Use Commission and has been conditioned per the Airport Land Use Compatibility Plan. Various conditions include building heights, basin drainage timeframes, directional/hooded lighting and a notice (and recorded as deed notice) to all prospective buyers and tenants of any future residents that their property is located in an Airport Land Use Compatibility Zone.

- *Policy C-1.1 Require roadways to: Comply with federal, state and local design and safety standards.*

SPA No. 5 proposes alterations to the current circulation plan within SP 260 to make it consistent with the City of Menifee General Plan Circulation Element. This will allow for the development of TTM No. 38132 and TTM No. 38133 approved under a separate resolution in addition to future development within the Specific Plan and surrounding areas.

For these reasons, the proposed SPA No. 5 is consistent with the City's General Plan objectives, policies, and programs. SP 260 is not inconsistent with any element of the General Plan.

**Section 2:** *The Specific Plan Amendment prescribes reasonable controls and standards for affected land uses to ensure compatibility and integrity of those uses with other established uses.*

The Project site in PA 9 of SP 260 is generally bounded by Watson Road to the north, Junipero Road to the east, Palomar Road to the west and Highway 74 to the south. The proposed SPA as described above, is compatible with the surrounding established uses. Surrounding uses include existing residential uses to the north and west along with vacant land to the east and south. The Project site is surrounded by medium density residential to the west, rural residential to the north, PA 10 (community park) to the east, and PA 11 (very high density residential) to the south. The Project has been designed to include larger lots to the north, adjacent to existing rural residential lots, and updated development standards consistent with the City of Menifee Municipal Code.

The Project site in PA 22 of SP 260 is generally bounded by Watson Road to the north, Malone Avenue to the west, Briggs Road to the east and Highway 74 to the south. The proposed SPA as described above, is compatible with the surrounding established uses. The Project site is surrounded by rural residential to the west and

north, PA 20 and 21 (community park and elementary school respectively) to the east, and PA 23 (commercial) to the south. The Project has been designed to include pedestrian access to the existing community center and updated development standards consistent with the City of Menifee Municipal Code.

The Project complies with all other established controls and standards outlined in the Menifee North Specific Plan to ensure compatibility and integrity of the Project with other established uses.

**Section 3:** *The Specific Plan provides reasonable property development rights while protecting environmentally sensitive land uses and species.*

The property development rights are compatible and consistent with surrounding developments and the adopted City of Menifee Municipal Code and SP 260. All proposed properties that are proposed with the SPA directly adjacent to existing areas of SP 260.

Biological reports were conducted to determine sensitive plant and animal species onsite and applicable mitigation measures included in the Environmental Impact Report (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 (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 SPA provides reasonable property development rights while protecting environmentally sensitive land uses and species.

**Section 4:** *The Specific Plan provides for the protection of the health, safety, and/or general welfare of the community.*

The SPA No. 5 will not result in conditions detrimental to the 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 Department, Engineering Department, and Office of the Fire Marshal, to ensure that it will not create conditions materially detrimental to the surrounding uses. Conditions of approval include landscaping, roadway improvements consistent with the General Plan, expanded sidewalks and a network of bike lanes to encourage non-vehicular travel, fire infrastructure, and drainage improvements that will benefit the Project site and surrounding areas.

In addition, environmental impacts resulting from the implementation of the Project and associated SPA have been analyzed in the original Menifee North Specific Plan EIR and the Addendum to the EIR prepared for this Project. The Addendum confirmed that the proposed Project will not have any environmental impacts that were not originally analyzed in the EIR prepared for the Menifee North Specific Plan.

**Section 5: California Environmental Quality Act (CEQA) Compliance.** The City Council hereby ordains that the SPA No. 5 Addendum No. 2 to the FEIR 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 Project Addendum, which has been completed for the Project.

**Section 6: Approval of the SPA.** The City Council hereby approves SPA No. 5 (PLN21-0276)

to combine PA 22 and 23A, modifications to density, minimum lot sizes, development standards, allowable land uses, number of proposed dwelling units and technical corrections as shown on Exhibit "A".

**Section 7: Effective Date.** The Ordinance shall take effect and be in full force and operation 30 days after its second reading and adoption.

**Section 8: 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 9: 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 AND READ** on the 3<sup>rd</sup> day of April 2024 and **PASSED, APPROVED AND ADOPTED** this the 17<sup>th</sup> day of April 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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Jeffery T. Melching, City Attorney