

**ORDINANCE NO. 23-\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENIFEE, CALIFORNIA APPROVING ZONING CODE AMENDMENT NO. PLN21-0201 FOR TENTATIVE TRACT MAP NO. 31194 "GOLDEN MEADOWS"**

**WHEREAS**, on May 20, 2021, the applicant, Richland Planned Communities, Inc., filed a formal application with the City of Menifee for the approval of a Zoning Code Amendment (ZCA) No. PLN21-0201 to amend Chapter 9.155.030(E) (PD-5: Golden Meadows {TR31194}) of the City of Menifee Municipal Code (MMC) by revising the development standards of County of Riverside approved Tentative Tract Map (TTM) No. 31194; and,

**WHEREAS**, on May 20, 2021, the applicant, Richland Planned Communities, Inc., filed a formal application with the City of Menifee for the approval of a Major Modification (MJMOD) No. PLN21-0199 to revise Phase 4 of approved TTM No. 31194; and,

**WHEREAS**, pursuant to the California Environmental Act (CEQA), an Addendum to a Certified Environmental Impact Report (EIR) (State Clearinghouse No. 2003061122) and Mitigation Monitoring Program were completed for the MJMOD and concluded that no significant impacts would be caused by the Project, therefore, an Addendum has been recommended for adoption; and

**WHEREAS**, the Project is valid until October 10, 2024 having received multiple time extensions on the City and state level; and

**WHEREAS**, on February 8, 2023, the Planning Commission held a duly noticed public hearing and voted 5-0 to recommend denial to City Council of the ZCA No. PLN21-0201 and MJMOD No. PLN21-0199, along with the Addendum to the certified FEIR; and,

**WHEREAS**, on June 7, 2023, the City Council held a duly noticed public hearing and voted 5-0 to remand the project back to the Planning Commission to allow the project applicant the opportunity to continue working with Staff and the surrounding neighbors in an effort to address community concerns to present to the Planning Commission for consideration; and,

**WHEREAS**, on July 26, 2023, the Project was presented to the Planning Commission as a workshop item as recommended by the City Council in an effort to address community concerns with the proposed modifications to Phase 4. The Planning Commission and nearby residents provided feedback on the proposed project, in which the applicant incorporated into the site plan; and,

**WHEREAS**, Zoning Code Amendment No. PLN21-0201 updates Development Standards Table as shown on Exhibit "A"; and,

**WHEREAS**, on November 8, 2023, the Planning Commission conducted a duly noticed public hearing and voted 4-0 (Thomas absent) recommending approval to the City Council of ZCA No. PLN21-0201 and MJMOD No. PLN21-0199 for TTM No. 31194; and,

**WHEREAS**, on December 6, 2023, 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 ZCA No. PLN21-0201 and MJMOD No. PLN21-0199, which hearing was publicly noticed by a publication 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 City of Menifee City Council hereby makes the following findings for ZCA No. PLN21-0201 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.**

TTM No. 31194 was originally approved by the County of Riverside prior to the City's incorporation; at the time the Project was approved, the zoning of the site was R-1 – One Family Dwellings, R-4 – Planned Residential and R-5 – Open Area Combined Development. The Planned Development Overlay designation was established by the City in January 2020 to identify planned development projects ("County Projects") approved by the City (shortly after incorporation) or the County of Riverside prior to the City's incorporation and in most cases, the projects contain special development standards specific to the planned development project. The Project is identified as a Planned Development by Title 9 of the MMC. The zoning of the site is currently Planned Development Overlay (PDO-5 or PD-5).

The General Plan land use designation for the subject parcels is 2.1-5 du/ac Residential (2.1-5R) and Rural Residential – 5 Acre Minimum (RR5). Surrounding properties to the north and to the east have a similar designation, while the properties to the south are designated Rural Residential ½ Acre Minimum (RR ½) and 1 Acre Minimum (RR1) and the properties to the west are designated RR1 and Public Facilities (PF). The intent of the project's land use designation is for single-family detached residences with a density range of 2.1-5 dwelling units per acre. The proposed overall density of TTM No. 31194 is 2.69 dwelling units per acre and the proposed density within Phase 4 is 2.72 dwelling units per acre. The proposed Project is consistent with the existing General Plan land use designation of 2.1-5R as said use is intended to support the surrounding residential land uses. The proposed development standards remain consistent with the General Plan.

The Project proposes text revisions to Section 9.155.030(E) of the MMC (Planned Development Districts - PD-5: Golden Meadows {TR 31194}) for purposes of establishing new minimum development standards to support the increase in residential lots within Phase 4 of approved TTM No. 31194, including but not limited to, revisions to the minimum lot size, maximum allowable building coverage and building setbacks. The uses permitted in this PDO shall be the same as those allowed in the Low

Density Residential (LDR-2) Zone for those lots within Phases 1-3 and Low Medium Density Residential (LMDR) Zone for Phase 4. The proposed amendments to Title 9, Section 9.155.030(E) are consistent with the intent and goals of the General Plan and the PDO-5 standards as modified.

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

TTM No. 31194 was originally approved by the County of Riverside and through the approval process, project Findings were made, including adjacent land use compatibility and consistency for the approved Project. The proposed Project includes text revisions to Section 9.155.030(E) of the MMC (Planned Development Districts - PD-5: Golden Meadows {TR 31194}). The uses permitted in this Planned Development Overlay (PDO) shall be the same as those allowed in the Low Density Residential (LDR-2) Zone for those lots within Phases 1-3 and Low Medium Density Residential (LMDR) Zone for Phase 4. Surrounding properties to the north and to the east have a similar designation of LDR-2, while the properties to the south are designated Rural Residential ½ Acre Minimum and 1 Acre Minimum and the properties to the west are designated Rural Residential – 1 Acre Minimum and Public Facilities (PF).

In addition, the proposed Project allows for a variety of housing types and price points within the City and more specifically, the Golden Meadows community, resulting in expanded homeownership opportunities for first time buyers and the senior demographic. Furthermore, the Project has been designed to include reasonable controls and standards such as allowable use limitations, development regulations, including parcel size, building coverage, setbacks, site landscaping (including public park space and open space lots), to ensure compatibility with existing/proposed surrounding uses. The Project is consistent with all established controls and standards outlined in the PDO 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 to develop 240 residential lots, while preserving approximately 41-acres of natural open space within Phase 4. The ZCA proposes revisions to the approved development standards within the PDO. The most substantial change between the approved development standards and the proposed development standards is to the minimum lot sizes within Phase 4, which is proposed to be reduced from 6,000 square feet to 4,000 square feet (6,000 square foot minimum along Wickard Road). This was done so that the Project could remain within the previously approved development footprint of the original Project, in an

effort to maintain the boundary and amount of natural open space approved with the original Project.

The Project is compatible and consistent with surrounding developments and will be consistent with the MMC and General Plan.

Moreover, an EIR for the approved Project was certified by the County on April 10, 2007 (State Clearinghouse No. 2003061122). The Certified EIR addressed potential impacts to the physical environment that would or may occur from implementation of the approved Project. An Addendum to the Certified EIR has been prepared in accordance with Sections 15162 and 15164 of the California Environmental Quality Act (CEQA) Guidelines. The City, as the lead agency under CEQA, has prepared an Addendum to the Certified EIR to consider environmental impacts associated with proposed Change of Zone, which would entail changes to Phase 4 of approved TTM No. 31194 and changes to the approved zoning code through a zoning text amendment.

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 (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. Jurisdictional permits were obtained by the project applicant from the appropriate wildlife agencies. Therefore, the ZCA 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 ZCA will not result in conditions detrimental to public health, safety, or general welfare as the TTM is designed and conditioned. The associated entitlements have been reviewed and conditioned by the City of Menifee Community Development, Engineering Department, Building and Safety Division, and Office of the Fire Marshal and numerous outside agencies to ensure that it will not create conditions materially detrimental to the surrounding uses. Conditions of Approval include landscaping (parks and open space), roadway improvements consistent with the General Plan, expanded sidewalks/trail and a network of bike lanes and 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 proposed Project and associated ZCA have been analyzed in the Addendum to the Golden Meadows EIR. The proposed Project does not exacerbate impacts identified in the EIR and no new mitigation measures

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are required as a result of the proposed 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 determines that the Addendum to the Golden Meadows Final Environmental Impact Report (FEIR) has been completed for the Project in accordance with the 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 Addendum to the FEIR which have been completed for the project.

**Section 3: Effective Date.** The Ordinance shall take effect thirty (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 fifteen (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 December 6, 2023 and **PASSED, APPROVED AND ADOPTED** this 17<sup>th</sup> day of January 2024.

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Bill Zimmerman, Mayor

Attest:

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Sarah Manwaring, City Clerk

Approved as to form:

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Jeffrey T. Melching, City Attorney