

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

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENIFEE, CALIFORNIA APPROVING DEV2023-002 CONSISTING OF TENTATIVE PARCEL MAP NO. 38674 (PLN23-0025) AND PLOT PLAN NO. PLN23-0026 FOR DI CAPRI RESIDENTIAL LOCATED AT THE SOUTHWEST CORNER OF CHAMBERS AVENUE AND MURRIETA ROAD (APN 335-080-008)**

**WHEREAS**, on February 7, 2023, the applicant, Menifee Fellowship 2022, LLC filed a formal application with the City of Menifee for a Tentative Parcel Map (TPM) No. 38674 (PLN23-0025) and Plot Plan (PP) No. PLN23-0026, collectively known as DEV2023-002 – Di Capri Residential, to subdivide an existing 7.65-net acre vacant lot into three parcels for condominium purposes for the development of 61 single-family units on the southwest corner of Chambers Avenue and Murrieta Road; and

**WHEREAS** pursuant to the requirements of the California Environmental Quality Act (CEQA), an Initial Study (IS) and Mitigated Negative Declaration (MND) have been prepared to analyze the Project's potentially significant environmental impacts; and

**WHEREAS**, between February 11, 2024 and March 1, 2024, the 20-day public review period for the Draft IS/MND took effect, which was publicly noticed by a publication in a newspaper of general circulation, notice to owners within 300 feet of the Project site boundaries, related agencies and government agencies; and

**WHEREAS**, Conditions of Approval for the Project have been prepared and attached hereto as Exhibit "A" of the resolution; and

**WHEREAS** on March 13, 2024, the Planning Commission 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 adoption of the IS/MND for DEV2023-002 – Di Capri Residential, which hearing was publicly noticed by a publication in *The Press Enterprise*, a newspaper of general circulation, an agenda posting, notice to property owners within 300 feet of the Project boundaries, on-site posting at the Project site, and to persons requesting public notice.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Menifee makes the following Findings:

**Section 1:** The Planning Commission hereby makes the following findings for PLN23-0025 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 as 5.1-8 du/ac Residential (5.1-8R) according to the City of Menifee General Plan. The intent of this designation is to create "Single-Family attached and detached

residences” with a density range between 5 and 8 du/ac. The Project includes 61 detached units on approximately 7.65 net acres (8.03 gross acres) for a density of approximately 7.97 residential units per acre. The Project is consistent with the 5.1-8R Land Use designation, because the Project will provide a residential use within the established density range.

The Project site is zoned Low-Medium Density Residential (LMDR). The intent of the LMDR designation (consistent with the Land Use designation) is to create “Single-Family attached and detached residences” with a density range between 5 and 8 du/ac. The Project meets all the Development Code standards of Title 9, including but not limited to, parking requirements, setbacks/land use buffering, landscape coverage, floor area ratio (FAR) and height requirements of the LMDR zone. Moreover, the Project was reviewed against and found consistent with the Citywide Design Guidelines.

The TPM proposes to subdivide the Project area into three lots for condominium purposes to support 61 residential units. The Project includes common areas for recreational uses, open space areas, internal roads, and easements. 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 is for a tentative parcel map; the subject site is relatively flat and does not contain steep slopes or other features that would be incompatible with the proposed development. The site is bounded by residential developments in all directions with the addition of commercial zoning to the north. The surrounding area is also relatively flat. Therefore, the site is considered physically suitable for the type of development and the proposed land use of the site.

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 Department, Engineering and Public Works Department, and Office of the Fire Marshal. These Departments

have also 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 of 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.*

An IS/MND pursuant to the California Environmental Quality Act (CEQA) was prepared for the Project. In the IS/MND it was found that with implementation of mitigation measures, the proposed project would not result in any significant impacts. A Mitigation Monitoring and Reporting Plan (MMRP) was prepared and identifies all mitigation measures that will be required for the project.

The approval of the TPM will not result in conditions detrimental to the public health, safety, or general welfare as designed and conditioned. The map has been reviewed and conditioned by the City of Menifee Community Development and Engineering Departments, and Office of the Fire Marshal, to ensure that it will not create conditions materially detrimental to the surrounding uses.

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

The Project has been reviewed and conditioned by the City of Menifee Community Development, Engineering, and Police Departments, and Office of the Fire Marshal, to ensure that it will not create conditions materially detrimental to the surrounding uses. In addition, environmental impacts resulting from the Project have been analyzed in an IS/MND. The IS/MND determined that potential impacts would all be less than significant with the necessary mitigation incorporated. Therefore, the proposed subdivision is 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.*

The Project will be designed with passive or natural heating opportunities such as solar amenities. The Project will be consistent with the development code and the requirements of California Code of

Regulations of Title 24, including requirements for energy efficiency, thermal insulation, and solar panels.

**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 TPM proposes to subdivide the project area into three lots for condominium purposes to support 61 residential units. The subdivision makes provisions for all existing and future easements for all utilities and public use purposes.

**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).*

The proposed subdivision will fulfill Quimby obligations though the payment of fees as determined by the Community Services Department. Fees are required for consistency with the Quimby Act.

**Section 2:** The City of Menifee Planning Commission hereby makes the following findings for PP No. PLN23-0026, in accordance with Title 9, Article 2, Chapter 9.80.070(B) – Plot Plan, Findings for Approval:

**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 is designated as 5.1-8 du/ac according to the City of Menifee General Plan. The intent of this designation is to create "Single-Family attached and detached residences" with a density range between 5 and 8 du/ac. The Project includes 61 detached units on approximately 7.65 net acres (8.03 gross acres) for a density of approximately 7.97 residential units per acre. The Project is consistent with the 5.1-8R Land Use designation, because the Project will provide a residential use within the established density range.

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 Project is located on the southwest corner of Chambers Ave and Murrieta Road, both of which are designated as Secondary Roadways per the General Plan Circulation Element. The location is well suited for the proposed development 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.

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

The building is designed to meet the City of Menifee Design Guidelines such as building form, roof form, massing and articulation, materials and colors, windows, door and entries. The project includes three architectural elevations (Craftsman, Farmhouse and Spanish) and four unique floor plans ranging in size.

- *CD-3.13: Utilize architectural design features (e.g., windows, columns, offset roof planes, etc.) to vertically and horizontally articulate elevations in the front and rear of residential buildings.*

The buildings for the Project utilize a variety of design features that are appropriate for each architectural style. This includes, but is not limited to, varying roof treatments and styles, variations on veneer, mullions and window treatments, and distinctive architectural finishes such as clay pipes and shutters. The proposed architectural styles contain balanced four-sided architecture, yet the proposed layout of the elevation types was under careful consideration.

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

The Project site is zoned LMDR. The intent of the LMDR designation (consistent with the Land Use designation) is to create “Single-Family attached and detached residences” with a density range between 5 and 8 du/ac. The Project meets all the Development Code standards of Title 9, including but not limited to, parking requirements, setbacks/land use buffering, landscape coverage, floor area ratio (FAR) and height requirements of the LMDR zone. Moreover, the Project was reviewed against and found consistent with the Citywide Design Guidelines.

Therefore, the proposed design and location of the Project 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.*

The Project is compatible with the surrounding land uses, General Plan land use designations, and zoning classifications and is adequately sized, shaped, designed and located to accommodate the proposed uses. As

noted above in Sections 1 and 2, the Project includes uses that are compatible and serve surrounding residents and future businesses.

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 Marshal, and Riverside County Environmental Health. These Departments have also provided conditions of approval as appropriate to ensure compliance with applicable regulations.

The Project incorporates quality architecture and landscaping which will enhance the area. Environmental impacts resulting from the project have been analyzed in an MND. The MND determined that potential impacts, would all be less than significant. Therefore, the Project is 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 3:** *Compliance with CEQA. Processing and approval of the permit application are in compliance with the requirements of CEQA.*

The City of Menifee Community Development Department has determined the above Project will not have a significant effect on the environment with incorporation of mitigation measures and standard conditions of approval and has recommended adoption of the IS/MND.

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.

The WR-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 MND 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 burrowing owl, nesting birds, Stephen's 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. Furthermore, jurisdictional permits were obtained by the project applicant from the appropriate wildlife agencies.

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

1. That the Planning Commission determine that the “Findings” set out above are true and correct.
2. That the Planning Commission determine the IS/MND and MMRP has been completed for the Project in accordance with CEQA, State and local CEQA guidelines.
3. That the Planning Commission, pursuant to a separate resolution, finds that the facts presented within the public record provide the basis to approve the IS/MND which has been completed for the Project.
4. That the Planning Commission finds that the facts presented within the public record and within the resolution provide the basis to approve TPM No. 38674 (PLN23-0025) and PP No. PLN23-0026 and that the Planning Commission 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 13<sup>th</sup> day of March, 2024.

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Jeff LaDue, Chairman

Attest:

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Rachel Valencia, Administrative Assistant

Approved as to form:

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Thai Phan, Assistant City Attorney