

RESOLUTION NO. 22-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENIFEE,
CALIFORNIA CERTIFYING AN ENVIRONMENTAL IMPACT REPORT
(SCH# 2021060247) FOR THE MENIFEE COMMERCE CENTER
PROJECT, MAKING CERTAIN FINDINGS PURSUANT TO THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING A
STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING
A MITIGATION MONITORING AND REPORTING PROGRAM**

WHEREAS, on January 7, 2019, the applicant, Motte Town Center One, LLC, filed a formal application with the City of Menifee for the approval of Specific Plan Amendment No. 2019-006 (fourth amendment to the Menifee North Specific Plan) to modify the boundary of the Menifee North Specific Plan to include APN 331-140-010, 331-140-018, 331-140-021 and 331-110-027 within Planning Area 2 and to provide technical corrections, and Plot Plan No. 2019-005 for the construction of two concrete tilt-up industrial buildings for a total square footage of 1,325,063 square feet on approximately 69.7 net acres located east of Trumble Road, west of Dawson Avenue, south of Ethanac Road, and north of McLaughlin Road; and,

WHEREAS, on September 25, 2019, the project applicant changed from Motte Town Center One, LLC to Core5 Industrial Partners, LLC, represented by Jon Kelly; and

WHEREAS, on March 10, 2021, the project applicant filed a formal application for the approval of General Plan Amendment No. PLN21-0100 and Change of Zone No. PLN21-0101 to change APN 331-140-021 and 331-110-027 from Heavy Industrial (HI) to Specific Plan (SP) and 331-140-021 and 331-140-018 from Business Park (BP) to Specific Plan (SP). The project site area increased from 69.7 net acres to 72.12 net acres by incorporating two additional parcels. The total building square footage increased to 1,640,130 square feet; and

WHEREAS, on May 26, 2021, the project applicant filed a formal application for the approval of Tentative Parcel Map No. 38156 (PLN21-0205) to combine (APNs 331-140-010, 331-140-018, 331-140-021, and 331-140-025) into one parcel for a total of 56 gross acres and a proposal to combine (APNs 331-110-035, 331-110-027, and 331-110-041) into one parcel for a total of 21.79 gross acres; and

WHEREAS, collectively, all the applications are referred to as the "Project" or "Menifee Commerce Center"; and

WHEREAS, on June 11, 2021, the City of Menifee publicly noticed its decision to prepare an environmental impact report (EIR) for the Project by noticing the State Clearinghouse, and other agencies in compliance with Section 15082 of the California Environmental Quality Act (CEQA) guidelines, and surrounding property owners within a 300-foot radius from the Project site boundaries; and

WHEREAS, on June 29, 2021, the City of Menifee held a duly noticed public scoping meeting regarding the preparation of the EIR to discuss and hear from the public on the potential environmental impacts, which meeting was publicly noticed in compliance with Section 15082 of the CEQA guidelines, and surrounding property owners within a 300 foot radius from the Project site boundaries; and

WHEREAS, between June 7, 2022 and July 21, 2022, the City complied with the State-mandated forty-five day public review period for the Menifee Commerce Center Draft Project EIR ("Draft EIR") took effect, which was publicly noticed in accordance with Section 15087 of the CEQA guidelines and mailed to surrounding property owners and non-owner residents within 300 feet of the Project site. A copy of the Draft EIR was sent to the State Clearinghouse (SCH# 2021060247), and a copy of the Draft EIR was placed at the City Hall public counter, Menifee Library and Sun City Library; and

WHEREAS, the Draft EIR, and Final EIR ("Final EIR"), including the technical appendices were placed on the City of Menifee's website for public review; and

WHEREAS, during the public review period, comments on the Draft EIR were received from the Riverside Transit Agency, California Department of Fish and Wildlife, Blum Collins & Ho, LLP Attorneys at Law, Adams Broadwell Joseph & Cardozo, Advocates for the Environment, City of Perris, Peggy Tuttle, Linda Jones, and Adam Salcido; and

WHEREAS, the Final EIR, consisting of comments received during the forth-five day public review and comment period on the Draft EIR, written responses to those comments, and revisions and errata to the Draft EIR, was submitted with the inclusion of a Statement of Overriding Consideration and a Mitigation Monitoring and Reporting Program for the City Council's consideration. For the purposes of this Resolution, the Final EIR shall refer to the Draft EIR, as revised by the Final EIR's errata section together with the other sections of the Final EIR; and

WHEREAS, the Final EIR was distributed to all public agencies and commentors at least 10 days prior to certification of the Final Project EIR in accordance with CEQA; and

WHEREAS, no evidence of new significant impacts, as defined by CEQA Guidelines Section 15088.5, have been received by the City after circulation of the Draft EIR which would require re-circulation; and

WHEREAS, the Draft EIR for the Project, dated June 2022, and Final EIR for the Project, dated August 2022 provides an assessment of the environmental impacts associated with the Project and has been prepared in accordance with the California Environmental Quality Act, Public Resources Code Section 21000 et seq. ("CEQA"), and State regulations in Title 14 of the California Code of Regulations, Section 15000 et seq. ("CEQA Guidelines"); and

WHEREAS, on September 28, 2022, 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 Project including the consideration of the Final Project EIR, 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, and to persons requesting public notice; and

WHEREAS, at the September 28, 2022 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 that the City Council certify an EIR for the Menifee

Commerce Center Project, adopt the Statement of Overriding Consideration and adopt a Mitigation Monitoring and Reporting Program; and,

WHEREAS, on October 19, 2022, 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 Menifee Commerce Center Project, including the consideration of the Final Project EIR, which hearing was publicly noticed by *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, and to persons requesting public notice; and

WHEREAS, the City Council of the City of Menifee has read and considered all environmental documentation comprising the Final Project EIR, has found that the Final Project EIR considers all potentially significant environmental impacts of the proposed project and is complete and adequate, and fully complies with all requirements of CEQA; and

WHEREAS, it is the policy of the State of California and the City of Menifee, in accordance with CEQA and the CEQA Guidelines, that the City shall not approve a project that has significant effects on the environment unless there is no feasible way to lessen or avoid the significant effects and that the benefits of approving the project outweigh the unavoidable significant impacts, such that the impacts are acceptable based on CEQA Guideline Section 15093; and

WHEREAS, the CEQA Guidelines provide that no public agency shall approve or carry out a project for which an EIR has been completed and which identifies one or more significant effects of the project unless the public agency makes written findings for each of the significant effects, accompanied by a statement of facts supporting each finding; and

WHEREAS, the City Council has reviewed the attached CEQA Findings of Fact and Statement of Overriding Considerations; and

WHEREAS, prior to taking action on the Project, the City Council has considered all significant impacts, mitigation measures, and project alternatives identified in the EIR, and has found that all potentially significant impacts on the Project have been lessened or avoided to the extent feasible; and

WHEREAS, pursuant to CEQA Guideline Section 15093(b), the City must state in writing the reasons to support its action based on the Final Project EIR and/or other information in the record.

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

Section 1: Recitals. The Recitals above are true and correct, based on substantial evidence in the record, including the Final EIR, and incorporated herein by this reference.

Section 2: Final Project EIR. For purposes of this Resolution, the City Council hereby confirms that the Final Project EIR, as certified by this Resolution, is comprised of the Draft EIR and technical appendices (dated June 2022) and Final EIR (dated August 2022).

Section 3: Certification of EIR. Based on its review and consideration of the Final Project EIR and all written communications and oral testimony regarding the proposed project which have been submitted to, and received by, the City, and all other substantial evidence in the administrative record, the City Council certifies that the Final Project EIR has been completed in compliance with CEQA and the State and local CEQA Guidelines. The City Council finds that the Final Project EIR reflects the City Council's independent judgment and analysis as lead agency under CEQA, and adopt and certify the Final Project EIR as complete and adequate. The City Council certifies that the Final Project EIR was presented to the City Council and that the City Council reviewed and considered the information contained in it prior to approving the Project.

Section 4: CEQA Findings of Fact and Statement of Overriding Considerations. The City Council adopts the CEQA Findings of Fact and Statement of Overriding Considerations attached as "Exhibit A," which exhibit is incorporated herein as though set forth in full.

Section 5: Significant Impacts. The significant impacts of the Project under the categories of Air Quality, and Greenhouse Gases have not been reduced to a level of insignificance. The City Council finds that the significant unavoidable adverse impacts of the Project are clearly outweighed by the economic, social and other benefits of the Project, as set forth in the Findings of Fact and Statement of Overriding Considerations.

Section 6: Alternatives. The Project EIR has described all reasonable alternatives to the Project that could feasibly obtain the basic objectives of the Project, even when those alternatives might impede the attainment of Project objectives and might be more costly.

Section 7: Good Faith. A good faith effort has been made to seek out and incorporate all points of view in the preparation of the Final Project EIR as indicated by the public record for the Project and the Final Project EIR.

Section 8: Mitigation Plan Approval. Although the Final Project EIR identifies certain significant environmental effects that would result from approval of the Project, certain environmental effects can feasibly be avoided or mitigated and will be avoided or mitigated by imposition of mitigation measures included in the Final Project EIR and the Mitigation Monitoring and Reporting Program. Pursuant to Public Resources Code section 21081 and CEQA Guidelines section 15097, the City Council adopts and approves the Mitigation Monitoring and Reporting Program attached hereto as Exhibit "B," which is incorporated herein by reference as though set forth in full. The City Council further find that the mitigation measures identified are feasible.

Section 9: No Significant New Information Added to Draft EIR. The information provided in the various reports submitted in connection with the proposed Project and in the responses to comments on the Draft EIR, the information added to the Final Project EIR, and the evidence presented in written and oral testimony at public hearings on the Project and the Draft EIR, do not constitute significant new information that would require recirculation of the Draft EIR pursuant to Public Resources Code section 21092.1 and CEQA Guidelines section 15088.5.

Section 10: Location and Custodian of Record of Proceedings. The Community Development Department of the City of Menifee, located at 29844 Haun Road, Menifee, CA 92586, is hereby designated as the custodian of the documents and other materials

which constitute the record of proceedings upon which the City Council's resolution is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act (Government Code §§ 6250 et seq.) during normal business hours.

PASSED, APPROVED AND ADOPTED this 19th day of October 2022.

Bill Zimmerman, Mayor

Attest:

Stephanie Roseen, Acting City Clerk

Approved as to form:

Jeffrey T. Melching, City Attorney