

ORDINANCE NO. 2022-____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENIFEE
APPROVING CHANGE OF ZONE NO. PLN21-0101, WHICH CHANGES
THE ZONING CLASSIFICATION OF FOUR PROPERTIES
CONSISTING OF 6.4 ACRES ON PROPERTY EAST OF TRUMBLE
ROAD, WEST OF DAWSON ROAD, SOUTH OF ETHANAC ROAD AND
NORTH OF MCLAUGHLIN ROAD FROM HEAVY INDUSTRIAL AND
BUSINESS PARK TO MENIFEE NORTH SPECIFIC PLAN.**

WHEREAS, on March 10, 2021, the applicant, Core5 Industrial Partners, LLC filed a formal application with the City of Menifee for the approval of Change of Zone No. PLN21-0101 to change APN 331-140-021 and 331-110-027 from Heavy Industrial (HI) to Menifee North Specific Plan (SP) and 331-140-021 and 331-140-018 from Business Park (BP) to Menifee North Specific Plan (SP); and

WHEREAS, the application for the Change of Zone is being processed concurrently with applications for a general plan amendment (PLN21-0100), specific plan amendment (2019-006), tentative parcel map (PLN21-0205) and a plot plan (2019-005) for the construction of two concrete tilt-up industrial buildings for a total square footage of 1,640,130 square feet on approximately 72.12 net acres located east of Trumble Road, west of Dawson Avenue, south of Ethanac Road, and north of McLaughlin Road. Collectively, all the applications are referred to as the "Project" or "Menifee Commerce Center"; and,

WHEREAS, on September 28, 2022, the Planning Commission held a duly noticed public hearing on Change of Zone No. PLN21-0101, 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 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 approve Change of Zone No. PLN21-0101; and,

WHEREAS, on October 19, 2022, the City Council held a duly noticed public hearing concerning the Ordinance, introduced and conducted a first reading of the Ordinance, and considered testimony and evidence at the public hearing held with respect thereto; and;

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

Section 1: *The proposed Change of Zone is consistent with the intent of the goals and policies of the General Plan*

The land use and zoning designation of the site is Specific Plan, Heavy Industrial and Business Park. The change of zone proposes to change the zoning of APN 331-140-010 and 331-110-027 from Heavy Industrial (HI) to Menifee North Specific Plan and APN 331-140-021 and 331-140-018 from

Business Park (BP) to Menifee North Specific Plan. All parcels would be zoned as Menifee North Specific Plan, Planning Area 2 (Industrial).

The intent of the Specific Plan general plan land use designation is to recognize areas where an existing specific plan is in place and to provide policies, standards and criteria for the development or redevelopment of these areas. All three designations (Menifee North SP "Industrial", Heavy Industrial, and Business Park) allow for the development of industrial and warehousing related uses which the proposed project is consistent. However, because four parcels making up a minority of the Project site differ from the Menifee North SP designation, Discretionary Actions and Approvals are being required to consolidate the site's designation to Menifee North SP, and thus, provide for a single set of development and design standards to be uniformly applied to the entirety of the Project site under the Menifee North SP PA 2. The project is consistent with the development standards and design guidelines of the Menifee North Specific Plan and therefore consistent with the General Plan.

The Project site is not identified in the City's Housing Element as a Housing Opportunity Site for residential. The Housing Element did not assume the site would contribute any dwelling units. The Project would, therefore, not conflict with any density range anticipated in the Housing Element for the site. For these reasons, the Project is not inconsistent with and of the City's General Plan elements and is consistent with its objectives, policies, and programs.

In addition, the Change of Zone 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 industrial project is in close proximity (approximately 1/2 mile) to the I-215 freeway Ethanac Road interchange. The location is well suited for industrial development to promote easily accessible routes for employees and delivery personnel 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.

- *LU-1.5: Support development and land use patterns, where appropriate, that reduce reliance on the automobile and capitalize on multimodal transportation opportunities.*

The projects infrastructure improvements including roadways, intersection improvements such as traffic signals and turn lanes, bike lanes and sidewalks will help promote multimodal transportation opportunities for employees and residents surrounding the Project site.

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

The proposed industrial project utilizes industrial architecture which focuses on efficiency for processing goods and products. The building is designed to prioritize employee safety and functionality. Nonetheless, the building is still designed to meet Menifee North Specific Plan architectural guidelines as well as City of Menifee Design Guidelines such as building form, roof form, massing and articulation, materials and colors, windows, door and entries.

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

The architecture of the Project incorporates varied colors, recesses, material changes, varied roof lines, wall plane changes, accent materials, and other architectural treatments that break up wall areas to avoid any long expanses of blank, monotonous walls. Screen walls have also been designed to incorporate architectural elements from the building for compatibility. Additionally, densely landscaped berms are proposed to reduce the visual height of the walls from the public right of way and to provide a visually pleasing street scene.

Section 2: *The proposed change of zone prescribes reasonable controls and standards to ensure compatibility with other established uses.*

The project site is generally bounded by Ethanac Road to the north, a flood control channel, Southern California Edison Easement and McLaughlin Road to the south, Trumble Road to the west, and Dawson Road to the east. The proposed change of zone as described above, is compatible with the surrounding established uses. Surrounding uses include non-conforming residential uses, commercial establishments, and other industrial uses. The project site is surrounded by business park zoning, public utility corridor zoning, or other parts of the Menifee North Specific Plan, Planning Area 2. The project has been designed to include reasonable controls and standards such as increased setbacks, screen walls, shielded lighting, and landscape buffers to ensure compatibility with established uses. The Project complies with all other established controls and standards outlined in the Menifee North Specific Plan.

Section 3: *The proposed change of zone 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 Menifee North Specific Plan. All proposed properties that are proposed with the change of zone are directly adjacent to existing areas of the Menifee North Specific Plan. Planning Area 2 in the Menifee North Specific

Plan would be increased by 6.4 acres from 138.8 acres to 145.2 acres (4.6% increase).

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. Therefore, the change of zone provides reasonable property development rights while protecting environmentally sensitive land uses and species.

Section 4: *The proposed change of zone ensures protection of the general health, safety and welfare of the community.*

The Change of Zone 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, Engineering, Building and Safety and Fire Departments 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 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 Project and associated Change of Zone have been analyzed in the Menifee Commerce Center Environmental Impact Report (EIR). The EIR determined that potential impacts would all be less than significant with the necessary mitigation incorporated, except for significant and unavoidable impacts to Air Quality and Greenhouse Gas. A Statement of Overriding Considerations is included for the EIR stating that the impacts of the project are acceptable and outweighed by the benefits of the project. With the exception of these environmental categories (Air Quality, and Greenhouse Gas) 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 5: CEQA Compliance. The City Council hereby determines that the Menifee Commerce Center Environmental Impact Report (Project EIR) has been completed for the Project in accordance with the California Environmental Quality Act, State and local CEQA guidelines and pursuant to a separate Resolution, finds that the facts presented within the public record provide the basis to certify the Project EIR, adopt the Findings of Fact and Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program, which have been completed for the project.

Section 6: Approval of the Change of Zone. The City Council hereby approves Change of Zone No. PLN21-0101 0101 to change APN 331-140-021 and 331-110-027 from Heavy Industrial (HI) to Menifee North Specific Plan (SP) and 331-140-021 and 331-140-018 from Business Park (BP) to Menifee North Specific Plan (SP).

Section 7: Effective Date. The Ordinance shall take effect and be in full force and operation thirty (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 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 and read on the 19th day of October, 2022 and PASSED, APPROVED AND ADOPTED this ____ day of _____, 2022.

Bill Zimmerman, Mayor

Attest:

Stephanie Roseen, Acting City Clerk

Approved as to form:

Jeffrey T. Melching, City Attorney