

**RESOLUTION NO. 22-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENIFEE,  
CALIFORNIA APPROVING 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**

**WHEREAS**, on May 26, 2021, the applicant, Core5 Industrial Partners, LLC filed a formal application with the City of Menifee 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**, the application for the Tentative Parcel Map is being processed concurrently with applications for a general plan amendment (PLN21-0100), change of zone (PLN21-0101), specific plan amendment (2019-006), 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 Tentative Parcel Map No. 38156 (PLN21-0205), 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*, an agenda posting, notices placed on the Project site, and notice to property owners and non-owner residents 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 Tentative Parcel Map No. 38156 (PLN21-0205); and,

**WHEREAS**, on October 19, 2022, the City Council held a duly noticed public hearing on Tentative Parcel Map No. 38156 (PLN21-0205), considered all public testimony as well as all materials in the staff report and accompanying documents, which hearing was publicly noticed by *The Press Enterprise*, an agenda posting, notices placed on the Project site, and notice to property owners and non-owner residents within 300 feet of the Project boundaries, and to persons requesting public notice; and,

**WHEREAS**, all other legal prerequisites to the adoption of this resolution have occurred.

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

**Section 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 Specific Plan (SP), Heavy Industrial (HI), and Business Park (BP) according to the City of Menifee General Plan. The Project is proposing to change the General Plan land use designation and zone of four of the seven project site parcel to Menifee North Specific Plan for consistency across the entire Project site. The proposed Tentative Parcel Map would combine APNs 331-140-010, 331-140-018, 331-140-021, and 331-140-025 into one parcel totaling 56 gross acres and combine APNs 331-110-035, 331-110-027, and 331-110-041 into one parcel totaling 21.79 gross acres. The majority of the Project site is vacant and undeveloped. Two of the existing parcels contain legal non-conforming residential units. Street access is provided for both parcels via Trumble Road, Sherman Road, and Dawson Road. These roadways would provide the necessary fire access roads between the parcels. The Project meets the requirements of the Development Code, General Plan, and the Menifee North Specific Plan.

Furthermore, 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.

In addition, the Tentative Parcel Map 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.

For these reasons, the Tentative Parcel Map is consistent with the City's General Plan objectives, policies, and programs.

**Section 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.

**Section 3:** *The site is physically suitable for the type of development and the proposed land use of the development.*

The proposed Project includes the proposal 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 surrounding area is also relatively flat. The Project site has a natural drainage pattern to the southwest. The Project proposes to preserve the existing drainage pattern. Therefore, the site is physically suitable for the type of development and the proposed land use of the site.

The Project has been reviewed by various Departments to ensure compliance with applicable regulations, including, but not limited to City of Menifee Building and Safety, Engineering and Public Works, and Riverside County Fire. These Departments have provided conditions of approval as appropriate to ensure compliance with applicable regulations.

**Section 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 or 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.*

Pursuant to the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) was prepared for the project. In the EIR, it was found that with implementation of mitigation measures, the proposed project would not result in any significant impacts related to biological resources such as plant and animal species or their habitat. A Mitigation Monitoring and Reporting Plan (MMRP) was prepared and identifies all mitigation measures that will be required for the project.

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.

The 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 EIR discusses amphibians, reptiles, birds, mammals, and invertebrates. Any significant impacts associated with biological resources has been mitigated to less than significant. In addition, standard conditions of approval pertaining to burrowing owl, nesting birds, Stephens 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.

The Menifee Commerce Center Environmental Impact Report (State Clearinghouse No. 2021060247) has been completed for the Project and recommended for certification by the City Council pursuant to a separate Resolution. The tentative parcel map at issue is consistent with the EIR, which the Planning Commission has considered as part of its proceedings. The EIR includes a finding made pursuant to California 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.

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

The proposed subdivision is being proposed concurrently with Plot Plan No. 2019-005. The Project has been reviewed and conditioned by the City of Menifee Planning, Engineering, Police, and Fire Departments to ensure that it will not create conditions materially detrimental to the surrounding uses. In addition, environmental impacts resulting from the implementation of the Project and associated subdivision 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 6:** *The design of the subdivision provides for future passive or natural heating or cooling opportunities in the subdivision to the extent feasible.*

This tentative parcel map would create two separate parcels for construction of industrial buildings pursuant to Plot Plan No. 2019-005. The Project will be designed with passive or natural heating opportunities such as solar amenities. Energy efficiency/energy conservation attributes of the Project would be complemented by increasingly stringent state and federal regulatory actions addressing enhanced building/utilities energy efficiencies mandated under California building codes (e.g., California Code of Regulations Title 24, including requirements for energy efficiency, thermal insulation, and solar panels and California Green Building Standards Code). Compliance itself with applicable Title 24 standards would ensure that the Project energy demands would not be inefficient, wasteful, or otherwise unnecessary.

**Section 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 subdivision makes provisions for all existing and future easements for all utilities and public use purposes to avoid any conflict.

**Section 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).*

This project is for the subdivision of a proposed industrial development and does not include residential units. For this reason, no Quimby Act fees or dedications are required.

**Section 9: 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 10: Approval of the Tentative Parcel Map.** The City Council finds that the facts present within the public record and within this Resolution provide the basis to approve Tentative Parcel Map No. 38156 (PLN21-0205) subject to the Conditions of Approval as set forth in the attached Exhibit provided in this resolution.

**Section 11:** 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 19<sup>th</sup> DAY OF OCTOBER 2022.

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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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Jeffrey T. Melching, City Attorney