

## **RESOLUTION PC 22-\_\_\_\_**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENIFEE, CALIFORNIA APPROVING PLOT PLAN MAJOR MODIFICATION NO. PLN 22-0120 AND CONDITIONAL USE PERMIT MINOR MODIFICATION NO. PLN 22-0119 FOR BOULDERS MIXED-USE PROJECT LOCATED ON THE NORTHEAST CORNER OF BEREA ROAD AND NORMANDY ROAD**

**WHEREAS**, on May 5, 2022, the applicant filed a formal application with the City of Menifee for the approval of Plot Plan Major Modification No. PLN 22-0120 to allow for the construction of a two-level parking podium adjacent to the previously approved (not-yet-constructed) office building approved under Plot Plan No. PLN 20-0167. The parking podium would include 95 stalls (47 ground level standard stalls and 48 upper-level standard stalls). This change would increase the total number of parking stalls from a total of 431 to 477 (an increase of 46 stalls). The Major Modification also includes a modification to the previously approved (not-yet-constructed) day care building. The day care building was approved as an 8,370 gross sq. ft. building and the proposed building would be 8,616 gross sq. ft. The Major Modification also includes a modification to the previously approved (not-yet-constructed) office building. The office building was approved as an 25,745-square-foot building and the proposed building would be 26,861 square feet; and

**WHEREAS**, on May 5, 2022, the applicant, Boulders Menifee, LLC, filed a formal application with the City of Menifee for the approval of Conditional Use Permit Minor Modification No. PLN 22-0119 to allow for an increase in the number of classrooms within the same general building footprint of the day are building previously approved under Plot Plan No. PLN 20-0167 and Conditional Use Permit No. PLN 20-0165. The number of classrooms would increase from 5 to 10 and the number of anticipated students would in turn increase from 120 to 153; and

**WHEREAS**, collectively, all the applications are referred to as the “Project” or “Boulders Mixed Use Project”; and

**WHEREAS**, the Boulders Mixed Use Project was originally approved by the City of Menifee Planning Commission under Plot Plan No. PLN 20-0167 and Conditional Use Permit No. PLN 20-0165 on November 10, 2021, which was approved for a mixed-use commercial and multi-family residential project consisting of a three-story professional office building with an area of 25,745 square feet, an 8,370 square-foot day care building with outdoor play area, and a 234-unit apartment complex consisting of nine (9) three-story apartment buildings with a 3,455 square clubhouse on 10.14 gross acres; and

**WHEREAS**, the currently proposed Boulders Mixed Use Project, with the proposed Plot Plan Major Modification and Conditional Use Permit Minor Modification described above, is a mixed-use commercial and multi-family residential Project consisting of a three-story medical office building with an area of 26,861 square feet, a two-level parking podium adjacent to the office building, an 8,616 square-foot day care building with outdoor play area, and a 234-unit apartment complex consisting of nine (9) three-story apartment buildings with a 3,455 square clubhouse on 10.14 gross acres; and

**WHEREAS**, Conditions of Approval have been prepared for Plot Plan Major Modification No. PLN 22-0120 and Conditional Use Permit Minor Modification No. PLN 22-0119 and attached hereto as Exhibit A and Exhibit B (respectively) of the resolution; and

**WHEREAS**, on December 14, 2022, the Planning Commission 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 Plot Plan Major Modification No. PLN 22-0120 and Conditional Use Permit Minor Modification No. 22-0119, which hearing was publicly noticed by a publication in the newspaper of general circulation, an agenda posting, and notice to property owners within 300 feet of the Project boundaries, and to persons requesting public notice.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Menifee resolves as follows:

**Section 1:** The City of Menifee's Planning Commission hereby makes the following findings for Plot Plan Major Modification No. PLN 22-0120 in accordance with Title 9, Article 2, Chapter 9.80.070 "Plot Plan: Findings for Approval" and Title 9, Article 2, Chapter 9.70.070 "Minor Exception: Findings of Approval" of the City of Menifee Comprehensive Development Code:

*Finding 1: Consistency with the General Plan. The proposed design and location of the Plot Plan is consistent with the adopted General Plan and any applicable specific plan:*

Consistency with General Plan

The Project site is designated Economic Development Corridor – Newport Road (EDC-NR) Subarea according to the City of Menifee General Plan. The intent of this designation is to create a dynamic east-west corridor by adding neighborhood-oriented commercial uses to support residential development and grow the City's tax base. Within the EDC-NR subarea zone, commercial retail, office, and residential uses are envisioned to provide a buffer and a logical transition to the adjacent single-family residential neighborhoods to the north.

Within the EDC-NR subarea zone, professional and medical offices are a permitted use. However, day care center and multi-family dwellings require the approval of a conditional use permit. (Note the day care center and multi-family dwellings were previously approved under CUP No. PLN 20-0165, as modified under CUP Minor Modification No. PLN 22-0119, which is being processed concurrently with Plot Plan Major Modification No. PLN 22-0120).

The provision of the day care center is important, because it provides this services in close proximity to residences and the multi-family dwellings is important because it offers a wider range of dwelling options to the area and acts as a transition between Spirit Park and the residential uses to the north.

The Project, which includes the proposed day care center and multi-family dwellings, in addition to the proposed office uses, is consistent with the EDC-NR land use designation, because the Project will provide offices and residential uses and neighborhood-oriented commercial uses

that support the adjacent residential development to the north and south as envisioned in the General Plan.

The Project provides services designated to serving patrons within the vicinity of the Project site as well as those from surrounding communities. Newport Road is a major commercial corridor within the City with Interstate 215 located in relatively close proximity to the east.

In addition, the Project is consistent with the following City of Menifee General Plan policies:

### **Project Design**

- *CD-3.5 Design parking lots and structures to be functionally and visually integrated and connected; off-street parking lots should not dominate the street scene.*

Perimeter landscaping have been provided to visually screen the parking lot, drive aisles, and this drive thru from surrounding roadways along both Berea Road and Normandy Road.

- *CD-3.9 Utilize Crime Prevention through Environmental Design (CPTED) techniques and defensible space design concepts to enhance community safety.*

The Project is required to include security cameras at the entrances as well as within the property and the site has been designed to limit concealed areas to allow for greater visibility and security.

### **Building Design**

- *CD-3.10 Employ design strategies and building materials that evoke a sense of quality and permanence.*

The Project includes quality architectural features, such as stone and brick and limestone veneers, metal awnings, architectural trim, wall articulation, distinct roof elements, decorative light fixture, and tower elements. In addition, the varied color palette creates a warm modern aesthetic and ranges from grays and deep muted reds to bright reds accents, which will complement the more modern architectural elements of the Project.

- *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.

### **Enhanced Landscape Corridors**

- *CD-4.2 Design new and, when necessary, retrofit existing streets to improve walkability, bicycling, and transit integration; strengthen connectivity; and enhance community identity through improvements to the public right-of-way such as sidewalks, street trees, parkways, curbs, street lighting, and street furniture.*

The Project will provide sidewalks on Berea Road, which are currently absent. Sidewalks on Normandy Road are already existing. The Project will also provide parkway, street trees, and street lighting on its adjacent roadways and will accommodate a Class III bike route on Berea Road.

### **Lighting**

- *CD-6.4 Require that lighting and fixtures be integrated with the design and layout of a project and that they provide a desirable level of security and illumination.*

The applicant is proposing decorative down-shielded building mounted lighting, as well as decorative down-shielded free-standing lighting.

- *CD-6.5 Limit light leakage and spillage that may interfere with the operations of the Palomar Observatory.*

The Project has been conditioned for all lighting fixtures to comply with Menifee Municipal Code Chapter 6.01, "Dark Sky Ordinance", which will have the effect of limiting leakage and spillage of light. All lighting is to be down-shielded as described above.

### **Policies**

- *ED-2.1 Promote retail development by locating needed goods and services in proximity to where residents live to improve quality of life, retain taxable spending by Menifee residents and attract residents from outside the City to shop in Menifee.*
  - *Locate businesses providing convenience goods and services in retail centers that are on arterials adjacent to neighborhoods and communities throughout the City but not in rural residential areas.*
  - *Encourage comparison goods businesses to locate in larger retail centers located on major arterials near freeway interchanges, because businesses that provide comparison goods tend to draw customers from larger areas.*

The Project would provide additional commercial service options and greater convenience to residential and commercial uses in the Project vicinity. The Project locates these services along a major east/west and north-south commercial corridor (Newport Road and Bradley Road, respectively).

The Project and the properties situated to the west of the Project site share the same General Plan designation (i.e., EDC-NR). Properties to the east are designated 5.1-8 Dwelling Units per Acre – Residential (5.1-8R). Properties to the north are designated 2.1-5 Dwelling Unit per Acre – Residential (2.1-5R). Properties to the south are within the Audie Murphy Specific Plan and are designated for park uses.

The Project is compatible with the surrounding uses and augments and supports the land uses in the vicinity of the Project.

#### Consistency with Multiple Specie Habitat Conservation Plan (MSHCP)

The City of Menifee has two (2) active conservation plans within the City's boundary, the Western Riverside County MSHCP, and the Stephens' Kangaroo Rat Habitat Conservation Plan (SKR-HCP). The subject site is within the jurisdiction of the SKR-HCP and the Western Riverside County MSHCP. The Project site is located inside the Stephen's Kangaroo Rat (*Dipodomys stephensi*) (SKR) Fee Area. The Project is located within the boundaries of the Western Riverside County Multiple Species Habitat Conservation Plan; however, the Project is not located with a Criteria Cell or Cell Group. The Project will be subject to the payment of fees for a commercial Project consistent with City of Menifee Municipal Code Chapter 8.27 and Ordinance 663 as adopted by the City of Menifee. Therefore, the Project will not conflict with the provisions of the adopted HCP, Natural Conservation Community Plan, or other approved local, regional, or State conservation plan and the impact is considered less than significant.

#### Minor Exception

Approval of the Minor Exception would allow for a reduction in the number of required parking stalls by 20 spaces. Reduction of 20 spaces would be compatible with the existing and proposed land uses in the surrounding area. The 20 spaces would not be incompatible due to the mixed-use nature of the Project and the potential for shared parking within the Project. The 20 spaces equate to approximately 4.2 percent of the overall Project's required parking total.

The proposed design and location of the Plot Plan with inclusion of the Minor Exception is consistent with the adopted General Plan and is compatible with the existing and proposed land uses in the surrounding area.

*Finding 2: Consistency with the Zoning Code. The proposed design and location of the Plot Plan meet all applicable standards of development and operation of the City's Zoning Code, including any applicable specific use regulations.*

The Project site is zoned Economic Development Corridor – Newport Road (EDC-NR). Surrounding zoning classifications include EDC-NR to the west. Properties zoned Low Density Residential-2 (LDR-2) (7,200 sq.

ft.) are located to the north. Properties zoned Low Medium Density Residential (LMDR) are located to the east. Properties to the south are within the Audie Murphy Specific Plan. These zoning classifications are all compatible with the zoning for the Project site.

The proposed Project requires the processing of a Plot Plan Major Modification for the associated changes to the layout of the parking areas, the inclusion of the two-level parking podium, and the changes to the previously approved office and day care buildings. It also requires the approval of the associated Conditional Use Permit Minor Modification to allow for the increase in the number of classrooms for the day care center. All other uses proposed within the Project (e.g., medical offices) are permitted uses or have already received the approval of a conditional use permit (i.e., the multi-family residential).

As stated in the City's Development Code (Section 9.140.020), the EDC-NR zone is intended to provide neighborhood-oriented commercial uses that support the adjacent residential development to the north and south. Business park, office, or residential uses are envisioned along Bradley Road, to provide a buffer for the commercial corridor and a logical transition to the adjacent single-family residential neighborhoods to the north.

The Project proposes a neighborhood-oriented day care center, which would support the adjacent residential developments, professional offices and multi-family dwellings. The multi-family dwelling in the northerly portion of the Project would in fact act as a transition to the adjacent single-family residential neighborhoods to the north.

The Project was reviewed against the City's Development Code. The design of the Project is consistent with the development standard of the Development Code. Therefore, the proposed design and location of the Plot Plan meets all applicable standards of development and operation of the City's Zoning Code, including any applicable specific use regulations.

*Finding 3: Surrounding Uses. 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 site is located at the northeast corner of Berea Road and Normandy Road. Uses surrounding the Project site include a mini-storage facility (Champion RV and Boat Storage) to the west, vacant land to the east, existing single-family residential homes to the north (beyond the existing flood control channel), and Spirit Park to the south.

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 under Findings 1 and 2, the Project includes uses that are compatible and serve surroundings residents and businesses.

The Project will provide a day care center, offices, and multi-family dwellings along the Newport Road corridor. The Project incorporates quality architecture and landscaping which will enhance the area.

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

Environmental impacts resulting from the Project have been analyzed in an Initial Study/Mitigated Negative Declaration (IS/MND). The IS/MND for the Project determined that impacts would all be less than significant and impacts related to biological resources, cultural resources, geology and soils and tribal cultural resources would be less than significant with the incorporation of the required mitigation measures. Therefore, the Project would not 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.

#### Minor Exception

The applicant is requesting approval of a Minor Exception in the amount of 20 spaces or 4.2 percent of the overall Project's required parking total. Due to the relatively small percentage of the overall parking requirement and the mixed-use nature of the Project, which will inherently have offset peak parking demand hours, the Minor Exception is not anticipated to affect the interests of the public or the interests of residents and property owners in the vicinity of the Project.

*Finding 4: Any exceptions to or deviations from the requirements or development standards result in the creation of appropriate and necessary project design solutions that would not be available through adherence to otherwise required provision of this Title provisions.*

#### Minor Exception

Chapter 9.70.020 of the City's Development Code allows for a reduction in off-street parking requirements (excluding stall and aisle dimensions) to a maximum of 10 percent with approval of a Minor Exception. In this case, 10 percent equates to 47 spaces. The applicant is requesting approval of a Minor Exception in the amount of 20 spaces or 4.2 percent of the overall Project's required parking total. This exception to the otherwise required number of parking stalls constitutes an appropriate and necessary Project design solution.

The Project is a mixed-use development and therefore there would be a portion of the parking demand that would be shared across the three different uses (i.e., day care center, professional offices, and multi-family residences) and there would be varying peak parking demand hours across the various uses.

**Section 2:** The City of Menifee's Planning Commission hereby makes the following findings for Conditional Use Permit Minor Modification No. PLN 22-0119 in accordance with Title 9, Article 2, Chapter 9.40.070 "Conditional Use Permit: Findings for Approval" of the City of Menifee Comprehensive Development Code:

*Finding 1: Consistency with the General Plan. The proposed design and location of the Conditional Use Permit is consistent with the adopted General Plan and any applicable specific plan:*

Consistency with General Plan

The Project site is designated Economic Development Corridor – Newport Road (EDC-NR) Subarea according to the City of Menifee General Plan. The intent of this designation is to create a dynamic east-west corridor by adding neighborhood-oriented commercial uses to support residential development and grow the City's tax base. Within the EDC-NR subarea zone, business park, office, and residential uses are envisioned to provide a buffer and a logical transition to the adjacent single-family residential neighborhoods to the north.

Within the EDC-NR subarea zone, professional and medical offices are a permitted use. However, day care center and multi-family dwellings require the approval of a conditional use permit. (Note the day care center and multi-family dwellings were previously approved under CUP No. PLN 20-0165, as modified under CUP Minor Modification No. PLN 22-0119, which is being processed concurrently with Plot Plan Major Modification No. PLN 22-0120).

The provision of the day care center is important, because it provides this services in close proximity to residences and the multi-family dwellings is important because it offers a wider range of dwelling options to the area and acts as a transition between Spirit Park and the residential uses to the north.

The Project, which includes the proposed day care center, multi-family dwellings, and office uses, is consistent with the EDC-NR land use designation, because the Project will provide offices and residential uses and neighborhood-oriented commercial uses that support the adjacent residential development to the north and south as envisioned in the General Plan.

The Project provides services designated to serving patrons within the vicinity of the Project site as well as those from surrounding communities. Newport Road is a major commercial corridors within the City with Interstate 215 located in relatively close proximity to the east.

In addition, the Project is consistent with the following City of Menifee General Plan policies:



### **Project Design**

- *CD-3.5 Design parking lots and structures to be functionally and visually integrated and connected; off-street parking lots should not dominate the street scene.*

Perimeter landscaping have been provided to visually screen the parking lot, drive aisles, and this drive thru from surrounding roadways along both Berea Road and Normandy Road.

- *CD-3.9 Utilize Crime Prevention through Environmental Design (CPTED) techniques and defensible space design concepts to enhance community safety.*

The Project is required to include security cameras at the entrances as well as within the property and the site has been designed to limit concealed areas to allow for greater visibility and security.

### **Building Design**

- *CD-3.10 Employ design strategies and building materials that evoke a sense of quality and permanence.*

The Project includes quality architectural features, such as stone and brick and limestone veneers, metal awnings, architectural trim, wall articulation, distinct roof elements, decorative light fixture, and tower elements. In addition, the varied color palette creates a warm modern aesthetic and ranges from grays and deep muted reds to bright reds accents, which will complement the more modern architectural elements of the Project.

- *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.

### **Enhanced Landscape Corridors**

- *CD-4.2 Design new and, when necessary, retrofit existing streets to improve walkability, bicycling, and transit integration; strengthen connectivity; and enhance community identity through improvements to the public right-of-way such as sidewalks, street trees, parkways, curbs, street lighting, and street furniture.*

The Project will provide sidewalks on Berea Road, which are currently absent. Sidewalks on Normandy Road are already existing. The Project will also provide parkway, street trees, and street lighting on

its adjacent roadways and will accommodate a Class III bike route on Berea Road.

### **Lighting**

- *CD-6.4 Require that lighting and fixtures be integrated with the design and layout of a project and that they provide a desirable level of security and illumination.*

The applicant is proposing decorative down-shielded building mounted lighting, as well as decorative down-shielded free-standing lighting.

- *CD-6.5 Limit light leakage and spillage that may interfere with the operations of the Palomar Observatory.*

The Project has been conditioned for all lighting fixtures to comply with Menifee Municipal Code Chapter 6.01, "Dark Sky Ordinance," which will have the effect of limiting leakage and spillage of light. All lighting is to be down-shielded as described above.

### **Policies**

The Project and the properties situated to the west of the Project site share the same General Plan designation (i.e., EDC-NR). Properties to the east are designated 5.1-8 Dwelling Units per Acre – Residential (5.1-8R). Properties to the north are designated 2.1-5 Dwelling Unit per Acre – Residential (2.1-5R). Properties to the south are within the Audie Murphy Specific Plan and are designated for park uses.

The Project is compatible with the surrounding uses and augments and supports the land uses in the vicinity of the Project.

### **Consistency with Multiple Specie Habitat Conservation Plan (MSHCP)**

The City of Menifee has two (2) active conservation plans within the City's boundary, the Western Riverside County MSHCP, and the Stephens' Kangaroo Rat Habitat Conservation Plan (SKR-HCP). The subject site is within the jurisdiction of the SKR-HCP and the Western Riverside County MSHCP. The Project site is located inside the Stephen's Kangaroo Rat (*Dipodomys stephensi*) (SKR) Fee Area. The Project is located within the boundaries of the Western Riverside County Multiple Species Habitat Conservation Plan; however, the Project is not located with a Criteria Cell or Cell Group. The Project will be subject to the payment of fees for a commercial project consistent with City of Menifee Municipal Code Chapter 8.27 and Ordinance 663 as adopted by the City of Menifee. Therefore, the Project will not conflict with the provisions of the adopted HCP, Natural Conservation Community Plan, or other approved local, regional, or State conservation plan and the impact is considered less than significant.

*Finding 2: Consistency with the Zoning Code. The proposed design and location of the conditional uses meet all applicable standards of development and operation of the City's Zoning Code, including any applicable specific use regulations.*

The Project site is zoned Economic Development Corridor – Newport Road (EDC-NR). Surrounding zoning classifications include EDC-NR to the west. Properties zoned Low Density Residential-2 (LDR-2) (7,200 sq. ft.) are located to the north. Properties zoned Low Medium Density Residential (LMDR) are located to the east. Properties to the south are within the Audie Murphy Specific Plan. These zoning classifications are all compatible with the zoning for the Project site.

The proposed Project requires the processing of a Plot Plan Major Modification for the associated changes to the layout of the parking areas, the inclusion of the two-level parking podium, and the changes to the previously approved office and day care buildings. It also requires the approval of the associated Conditional Use Permit Minor Modification to allow for the increase in the number of classrooms for the day care center. All other uses proposed within the Project (e.g., medical offices) are permitted uses or have already received the approval of a conditional use permit (i.e., the multi-family residential).

As stated in the City's Development Code (Section 9.140.020), the EDC-NR zone is intended to provide neighborhood-oriented commercial uses that support the adjacent residential development to the north and south. Business park, office, or residential uses are envisioned along Bradley Road, to provide a buffer for the commercial corridor and a logical transition to the adjacent single-family residential neighborhoods to the north.

The Project proposes a neighborhood-oriented day care center, which would support the adjacent residential developments, professional offices and multi-family dwellings. The multi-family dwelling in the northerly portion of the Project would in fact act as a transition to the adjacent single-family residential neighborhoods to the north.

The Project was reviewed against the City's Development Code. The design of the Project is consistent with the development standard of the Development Code. Therefore, the proposed design and location of the conditional use meets all applicable standards of development and operation of the City's Zoning Code, including any applicable specific use regulations.

*Finding 3: Surrounding Uses. That the proposed site is adequate in size and shape to accommodate the conditional uses in a manner that is compatible with existing and planned uses in the vicinity and that the proposed design and location of the conditional use will not be detrimental to the public health, safety or welfare, or materially injurious to uses, properties or improvements in the vicinity.*

The Project site is located at the northeast corner of Berea Road and

Normandy Road. Uses surrounding the Project site include a mini-storage facility (Champion RV and Boat Storage) to the west, vacant land to the east, existing single-family residential homes to the north (beyond the existing flood control channel), and Spirit Park to the south.

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 surroundings residents and businesses.

The Project will provide a day care center, offices, and multi-family dwellings along the Newport Road corridor. The Project incorporates quality architecture and landscaping which will enhance the area.

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

Environmental impacts resulting from the Project have been analyzed in an Initial Study/Mitigated Negative Declaration (IS/MND). The IS/MND for the Project determined that impacts would all be less than significant and impacts related to biological resources, cultural resources, geology and soils and tribal cultural resources would be less than significant with the incorporation of the required mitigation measures. Therefore, the Project would not 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 applications are in compliance with the requirements of the California Environmental Quality Act.*

No Further Environmental Documentation is required, because (a) all potentially significant effects of the proposed Project have been adequately analyzed in an earlier Initial Study/Mitigated Negative Declaration (IS/MND) (SCH2021100027) adopted by the City of Menifee pursuant to applicable legal standards, (b) all potentially significant effects of the proposed Project have been avoided or mitigated pursuant to that earlier IS/MND, (c) the proposed Project will not result in any new significant environmental effects not identified in the earlier IS/MND, (d) the proposed Project will not substantially increase the severity of the environmental effects identified in the earlier IS/MND, (e) no considerably different mitigation measures have been identified, and (f) no mitigation measures found infeasible have become feasible.

**NOW, THEREFORE**, the Planning Commission of the City of Menifee makes the following findings:

1. That the Findings set out above are true and correct.
2. That the facts presented within the public record and within this resolution provide a basis to approve Plot Plan Major Modification No. PLN 22-0120 and Conditional Use Permit Minor Modification No. 22-0119 subject to the Conditions of Approval set forth in Exhibit A and Exhibit B of this Resolution.

**PASSED, APPROVED AND ADOPTED** this the 14<sup>th</sup> day of December, 2022.

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David White, Chairman

Attest:

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Rachel Valencia, Acting Deputy City Clerk

Approved as to form:

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V. Thai Phan, Assistant City Attorney