

ORDINANCE NO. 2020-300

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENIFEE APPROVING SPECIFIC PLAN NO. 2017-187, WHICH ESTABLISHES THE ALLOWED LAND USES, DEVELOPMENT STANDARDS AND DESIGN GUIDELINES FOR A PLANNED RESIDENTIAL AND COMMERCIAL DEVELOPMENT KNOWN AS THE LEGADO SPECIFIC PLAN ON A TOTAL OF 331 GROSS ACRES ON PROPERTY SOUTH OF ROUSE ROAD, EAST OF ENCANTO DRIVE AND WEST OF ANTELOPE ROAD

WHEREAS, on June 19, 2017, the applicant BLC Fleming, LLC filed a formal application with the City of Menifee for the approval of Specific Plan No. 2017-187 ("Project") to establish a Specific Plan on the property as identified as APNs 333-020-009, 333-020-010 (partial), 333-030-012, 333-030-013, 333-030-021, and 333-030-022 (partial); and

WHEREAS, the application for the Specific Plan is being processed concurrently with applications for a change of zone (CZ2017-188) to change the zoning of the site from Fleming Ranch Specific Plan to the Legado Specific Plan; Tentative Tract Map No. 2017-264 (TM37391) a large lot subdivision of the specific plan area for conveyance purposes; Vesting Tentative Tract Map No. 2018-137 (TM37408) for the subdivision of the western portion of the Specific Plan area into 475 residential lots; Vesting Tentative Tract Map No. 2018-138 (TM37409) for the subdivision of the eastern portion of the Specific Plan area into 547 residential lots; and Development Agreement No. 2018-277 for the establishment of provisions for development of the Project such as, but not limited to infrastructure improvements, park benefits, vesting of development rights and timing of public improvements; and

WHEREAS, on May 13, 2020, the Planning Commission held a duly noticed public hearing on Specific Plan No. 2017-187, 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 May 13, 2020 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 adopt Specific Plan No. 2017-187; and,

WHEREAS, on June 3, 2020, 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: *Consistency with the General Plan. The specific plan is consistent with the intent of the goals and policies of the General Plan and is not inconsistent with any element thereof.*

Consistency with General Plan

The General Plan land use designation of the site is Specific Plan (Fleming Ranch); however, the Fleming Ranch Specific Plan was never adopted nor approved. At the time of the preparation of the General Plan in 2013, the Fleming Ranch Specific Plan Project was considered to be in process and the Land Use Element Background Report specifies that the specific plan land use designation represents both approved or in process Projects. It was assumed that the Fleming Ranch Specific Plan would be approved soon after the adoption of the General Plan, which occurred in December 2013, and if not, the developer of the Project area would need to process a Specific Plan for the development of the area.

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. Since no Specific Plan is in place for the property, the applicant has prepared and processed the Legado Specific Plan (which was previously called the Fleming Ranch Specific Plan) to provide the policies, standards and criteria for development of the area.

The proposed Legado Specific Plan is consistent with the General Plan. The Specific Plan provides land uses, development standards and design guidelines that implement the goals and policies of the General Plan. Roadways, trails, bike lanes, enhanced landscape corridors, and a possible opportunity for a City gateway monument have been incorporated into the Specific Plan consistent with the General Plan.

Existing General Plan land use designations north of the Project site include "Commercial Office (CO)," "Commercial Retail (CR)," "2.1-5 dwelling units per acre (du/ac) Residential (2.1-5 R)," and "Rural Residential – 5 acre minimum (RR5)." Lands to the east of the Project site are designated as "2.1-5 du/ac Residential (2.1-5 R)," "5.1-8 du/ac Residential (5.1-8 R) and "Rural Residential – 5 acre minimum (RR5)." Lands to the south of the Project site are designated as "Economic Development Corridor (EDC)," "Public/Quasi Public Facilities (PF)," "Recreation (OS-R)," and "5.1-8 du/ac Residential (5.1-8 R)." Properties located to the west of the Project site are designated as "Economic Development Corridor (EDC)" and "2.1-5 du/ac Residential (2.1-5 R)." Where existing residential designations occur, the Project proposes residential uses or recreational uses. Commercial planning areas are adjacent to Encanto Road, away from existing residential uses. The Planning Area containing the proposed sports park has incorporated buffering through landscaping and lighting will be shielded. The Project is compatible with surrounding land uses.

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

- *Policy 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 Specific Plan places appropriate uses within an area designated Specific Plan per the General Plan (GP). Growth has been concentrated in this strategic location to help preserve rural areas. Through the land use plan, development standards, and the design guidelines, the Specific Plan will create a unique place and develop its own identity. The Land Use Plan, Circulation Plan, Grading Plan, and Phasing Plan of the Specific Plan will ensure that that development will provide infrastructure efficiently. A combination of pathways, paseos, walkways, or similar pedestrian accesses are provided that connect the individual Planning Areas in the SP to commercial areas and recreation areas. The Project includes bus stops and shelters to promote transit. The Specific Plan also accommodates Neighborhood Electric Vehicle (NEV) routes consistent with the General Plan and a future I-215 overcrossing at Rouse Road.

- *Policy LU-1.2: Provide a spectrum of housing types and price ranges that match the jobs in the city and make it possible for people to live and work in Menifee and maintain a high quality of life.*

The Specific Plan provides a variety of lot sizes that can accommodate different housing types and price ranges. The Specific Plan contains residential, commercial and/or office, and recreational uses, which makes it possible for people to live and work in Menifee and maintain a high quality of life.

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

The Specific Plan provides pedestrian connections, trails, bike lanes, NEV lanes and bus stops to facilitate multimodal transportation. The Project was designed to add pedestrian connections at the ends of cul-de-sacs to allow for more efficient access by residents to other streets and parks, to promote walkability. In addition, a pedestrian connection was added from the residential portion of Project to the commercial area to provide another path of travel to encourage walking of future residents to the future commercial uses.

- *LU-1.7 Ensure neighborhood amenities and public facilities (natural open space areas, parks, libraries, schools, trails, etc.) are distributed equitably throughout the City.*

The Specific Plan includes a Community Park, Neighborhood Parks, Private Recreation Center and Paseos. The parks and paseos are distributed strategically through the Project area so that recreational amenities are near all residents. The Paseo Legado design provides a recreational amenity and acts as a connection between the two neighborhood parks and private recreation center. A Community Center is planned at the Community Park.

- *LU-2.1 Promote infill development that complements existing neighborhoods and surrounding areas. Infill development and future growth in Menifee is strongly encouraged to locate within EDC areas*

to preserve the rural character of rural, estate, and small estate residential uses.

The proposed Project is located within an urbanized area, near Interstate 215 and the McCall Boulevard Interchange. The Project site is primarily surrounded by existing residential uses, residential developments that are currently under construction, a middle school, and commercial businesses. The proposed Project will promote infill development and complements these existing and proposed adjacent land uses.

- *Policy C-1.1 Require roadways to: Comply with federal, state and local design and safety standards.*

The Specific Plan includes roadway standards for Encanto Drive, Sherman Road, Rouse Road and Chambers Road which will be implemented through the tract maps that include Conditions of Approval which require the dedication and installation (or bonding) of roadway improvements consistent with the City's General Plan and the City's Public Works and Engineering Department Standard Details.

- *Policy C-2.2 Provide off-street multipurpose trails and on-street bike lanes as our primary paths of citywide travel and explore the shared use of low speed roadways for connectivity wherever it is safe to do so.*

The Project provides bike lanes and NEV lanes consistent with the General Plan. Trails and expanded sidewalks are also provided throughout the Specific Plan.

- *Policy CD-1.3: Strengthen the identity of individual neighborhoods-communities with entry monuments, flags, street signs, and/or special tree streets, landscaping, and lighting.*

The Specific Plan includes entry monuments with a common architectural theme that will strengthen the identity of the development. Special trees and landscaping have been incorporated into the overall design of the monuments and streetscapes. Expanded parkways are also included on several streets to enhance the streetscapes. Roundabouts are provided within the Project to add to the community identity as well.

- *CD-3.8 Design retention/detention basins to be visually attractive and well integrated with any associated Project and with adjacent land uses.*

The basins have been designed to include substantial landscaping and to be screened from adjacent roadways.

- *CD-6.1 Recognize the importance of street trees in the aesthetic appeal of residential neighborhoods and require the planting of street trees throughout the City.*

The proposed Project includes street trees throughout the Project site.

Consistency with Housing Element.

The Housing Element has identified sites within the Specific Plan area that meet the City's affordable housing sites under the RHNA. Recently adopted Senate Bill 166 prohibits cities from allowing their inventory of available sites to be insufficient to meet their remaining unmet RHNA share for lower and moderate-income housing. California Government Code Section 65863 requires cities to make certain findings that the remaining housing element sites can accommodate the RHNA requirements by income level.

The Menifee Housing Element states that General Plan designations in the range of 20.1-24.0 dwelling units/acre can be used to meet the City's Very Low and Low income requirement of 2,495 units. The City has designated a number of parcels with that residential density to both vacant land and under-utilized sites in Romoland towards meeting the Very Low and Low RHNA numbers for 2014-2021. All these parcels provide for a total 3,063 potential units thereby exceeding the RHNA criteria by 568 units. The Housing Element assumed the Project site would provide 344 units at the 20.1-24.0 dwelling units/acre density. If these 344 units were removed from the available site inventory, there would still be a remaining extra capacity of 224 planned Very Low and Low income units within the City of Menifee above the City's requirement of 2,495 Very Low and Low income units. Thus, implementation of the Project would not conflict with the City's ability to meet the affordable housing sites as identified in the Housing Element.

In addition, the Housing Element also assumes that General Plan designations in the range of 2.1 to 20R can be used to meet the City's Moderate and Above Moderate income requirement of 3,750 units. The City has designated a potential of 21,134 units allowed on vacant parcels with these residential densities towards meeting the 1,140 Moderate income and the 2,610 Above Moderate income RHNA unit numbers for 2014-2021. The Housing Element assumed Project site would provide 1,384 units within the 2.1 to 14R density. The Project allows up to 1,061 dwelling units in the 2.1-5R density designation. If 304 units were removed from the vacant land inventory, there would still be remaining extra capacity of 20,830 planned Moderate and Above Moderate income units. Thus, implementation of the Project would not conflict with the City's ability to meet the affordable housing sites as identified in the Housing Element.

The Project would be consistent with or otherwise would not conflict with any of the adopted Housing Goals. Additionally, the Project would provide for up to 1,061 residential homes on lot sizes ranging from 5,000 s.f. to 10,000 s.f. in size, which would assist the City in meeting its share of the Moderate and Above Moderate regional housing need. Additionally, open space has been set aside to preserve a knoll in the northeast corner of the site and densely planned landscape is provided along Encanto Drive. A

community park/community center and paseos/neighborhood parks proposed by the Project would provide community trails and paths that encourage an active, healthy lifestyle. Infrastructure and transportation plans have been coordinated in the proposed Legado Specific Plan to ensure phasing of facilities with development. Furthermore, implementation of the Project would not conflict with the City's ability to meet the affordable housing requirements due to the extra capacity of potential sites in the City of Menifee. Accordingly, the Project would not conflict with the Housing Element, and impacts would be less than significant.

For these reasons, the proposed Specific Plan No. 2017-187 is consistent with the City's General Plan objectives, policies, and programs. The Specific Plan is not inconsistent with any element of the General Plan.

Section 2: *The Specific Plan prescribes reasonable controls and standards for affected land uses to ensure compatibility and integrity of those uses with other established uses.*

The Project site is bounded as follows: Rouse Road and residential development to the north; Chambers Avenue, residential development, the Hans Christensen Middle School, a mobile home community, a convalescent facility (Life Care Center), commercial retail, and a motel to the south; the future extension of Antelope Road and vacant land (under construction for residential uses) to the east; and Encanto Road and Interstate 215, beyond which is a residential community, a mobile home community, and a golf course (North Golf Course) to the west. The proposed Specific Plan is compatible with the surrounding land uses, General Plan land use designations and zoning classifications.

The Land Use Plan of the Specific Plan was designed to ensure compatibility of proposed land uses with other established uses. The Project places residential uses adjacent to the existing and under construction residences surrounding the site and commercial uses adjacent to areas with existing commercial uses. The lot sizes and development standards of the specific plan are consistent with surrounding existing residential developments. The Community Park is located adjacent to the Middle School's sports field which is a compatible use. Where the Community Park borders the existing mobile home park and convalescent home, the conceptual plans show enhanced landscaping for buffering. In addition, the lighting plans will be reviewed to ensure shielding and acceptable light levels at these adjacent uses. Therefore, the Specific Plan prescribes reasonable controls and standards for affected land uses to ensure compatibility and integrity of those uses with other established uses.

Section 3: *The Specific Plan 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. The proposed density and intensity of the Specific Plan is reasonable based on site and other constraints, including but not limited to drainage and surrounding existing and planned roadway infrastructure.

The Project conserves as open space steep and environmentally sensitive property in the northeast corner of the Specific Plan. Jurisdictional drainages throughout the site were analyzed with the Legado Environmental Impact Report (EIR) review and mitigation coordinated with applicable wildlife agencies. Biological reports were conducted to determine sensitive species onsite and applicable mitigation measures included in the Legado EIR were included for their protection.

Therefore, the Specific Plan provides reasonable property development rights while protecting environmentally sensitive land uses and species.

Section 4: *The Specific Plan provides for the protection of the health, safety, and/or general welfare of the community.*

The Specific Plan 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 substantial landscaping, park and other amenities to support the proposed residential component, roadway improvements consistent with the General Plan, expanded sidewalks and a network of bike lanes and NEV lanes 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 Specific Plan have been analyzed in an 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, Greenhouse Gas, and Traffic. 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, Greenhouse Gas, and Traffic) 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: *Compliance with CEQA. Processing and approval of the permit application are in compliance with the requirements of the California Environmental Quality Act.*

The Legado EIR (SCH# 2009091118) has been completed for the Project and certified on June 3, 2020 by the City Council pursuant to a separate Resolution. The Specific Plan at issue is consistent with the EIR, which the City Council has considered as part of its proceedings.

Section 6: **Establishment of Specific Plan.**

The City Council hereby approves Specific Plan No. 2017-187 establishing a Specific Plan on the property as identified as APNs 333-020-009, 333-

020-010 (partial), 333-030-012, 333-030-013, 333-030-021, and 333-030-022 (partial).

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.

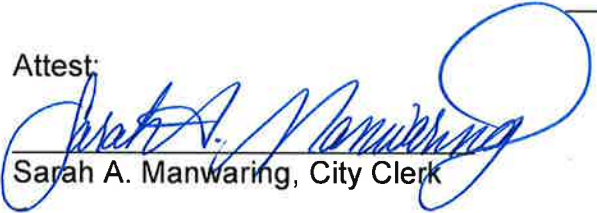
The City Clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, cause this Ordinance to be published in the manner 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 3rd day of June, 2020 and **PASSED, APPROVED AND ADOPTED** this 17th day of JUNE, 2020.



Bill Zimmerman, Mayor

Attest:



Sarah A. Manwaring, City Clerk

Approved as to form:



Jeffrey T. Melching, City Attorney



STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF MENIFEE)

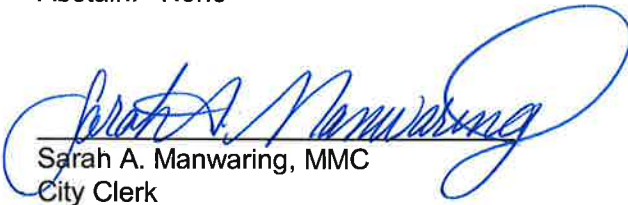
I, Sarah A. Manwaring, City Clerk of the City of Menifee, do hereby certify that the foregoing Ordinance No. 2020-300 was duly adopted by the City Council of the City of Menifee at a meeting thereof held on the 17 of June 2020 by the following vote:

Ayes: August, Deines, Sobek, Liesemeyer, Zimmerman

Noes: None

Absent: None

Abstain: None



Sarah A. Manwaring, MMC
City Clerk