

**ORDINANCE NO. 2022-338**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENIFEE, CALIFORNIA APPROVING CODE AMENDMENT LR21-0287, AMENDING THE DEVELOPMENT CODE (TITLE 9 OF THE MENIFEE MUNICIPAL CODE) TO COMPLY WITH STATE LAW (SENATE BILL 35) BY ESTABLISHING A MULTI-FAMILY MINISTERIAL REVIEW APPLICATION PROCEDURE AND REQUIREMENTS FOR MULTI-FAMILY MINISTERIAL REVIEW**

**WHEREAS**, the proposed Code Amendment and Multi-Family Objective Design Standards (ODS) are a City-initiated effort to develop objective design standards to comply with and implement Senate Bill (SB) 35, which was signed into law by the Governor in September of 2017; and

**WHEREAS**, SB 35 requires cities and counties to streamline review and approval of eligible affordable housing projects through a ministerial process and may only apply objective standards to such projects, exempting such projects from environmental review under the California Environmental Quality Act ("CEQA"); and

**WHEREAS**, a streamlined ministerial process shall be available for multi-family developments that include units affordable to households; and

**WHEREAS**, based on the state's most recent "SB 35 Statewide Determination Summary", the City of Menifee must provide the streamlined ministerial process to projects with 10 percent or more of the total number of units of the project affordable to households making at or below 80% of the Average Median Income level (AMI); and

**WHEREAS**, to qualify for a streamlined ministerial review, a project site must be an infill site meeting the "infill" requirements of SB 35 and be zoned for residential or mixed-use development; and

**WHEREAS**, applicants must also demonstrate that a project site is not within Prime Farmland, or farmland of statewide importance, wetlands, a very high fire hazard zone, an earthquake fault zone, special flood hazard area, protected habitat area, or a conservation easement; and

**WHEREAS**, the preparation of the ODS by the City's consultant (PlaceWorks) is funded by the Department of Housing and Community Development (HCD) SB2 Planning Grant Program; and

**WHEREAS**, the proposed ODS would apply to proposals for new multifamily development within the City of Menifee, except those areas located within the boundary of a Specific Plan; and

**WHEREAS**; the ODS includes objective design standards that supplement the minimum Zoning Code requirements for multi-family residential development, and which include six architectural styles which speak to the heritage of the Southern California region, as well as aspirations for the future built environment of Menifee; and

**WHEREAS**, for each architectural style, specific required architectural elements listed under categories of form and massing, roof design, window design, materials and color, and

decorative accents and details; and

**WHEREAS;** this proposal also includes an amendment to the Development Code (Title 9 of the Menifee Municipal Code) to establish a new SB 35 Multi-family Ministerial Review Permit process for qualified projects under SB 35; and

**WHEREAS;** the proposed Code Amendment adds a new chapter (Chapter 9.87 - SB 35 Multi-Family Ministerial Review), and amends existing Code Chapters 9.160 - General Development Standards, and Chapter 9.30, Table 9.30.090-1: Designated Authority for Permits and Approvals to establish procedural requirements for SB35 applications; and

**WHEREAS;** the proposed Code Amendment incorporates the ODS by reference into the Development Code; and

**WHEREAS,** on April 15, 2021, a draft ODS framework and architectural styles were presented to the City's Developer Stakeholder Group, from which the group provided input and participated in an on-line polling tool indicating their preferences on architectural styles to be included in the ODS; and

**WHEREAS,** on September 22, 2021, the Planning Commission conducted a workshop discussion of the Draft ODS and provided their input to City staff; and

**WHEREAS,** Code Amendment No. LR21-0287 and ODS were publicly noticed for a Planning Commission public hearing to be held on January 26, 2022, provided by a publication in *The Press Enterprise* (a newspaper of general circulation), an agenda posting, and to persons requesting public notice; and

**WHEREAS,** on January 26, 2022, the City of Menifee Planning Commission, continued Code Amendment No. LR21-0287 and ODS to the next regularly scheduled meeting of the Planning Commission on February 9, 2022; and

**WHEREAS,** on February 9, 2022, the City of Menifee Planning Commission, held the continued public hearing on Code Amendment No. LR21-0287 and ODS, which hearing was not required to be re-noticed, because the project was continued at the January 26, 2022 hearing to a date certain (i.e., February 9, 2022), considered all public testimony as well as all materials in the staff report and accompanying documents for Code Amendment No. LR21-0287 and ODS; and

**WHEREAS,** on February 9, 2022, the City of Menifee Planning Commission, unanimously adopted Resolution No. PC 22-556 recommending that the City Council approve Code Amendment No. LR21-0287 and ODS; and

**WHEREAS,** Code Amendment No. LR21-0287 and ODS were publicly noticed for a City Council public hearing to be held on March 2, 2022, provided by a publication in *The Press Enterprise* (a newspaper of general circulation), an agenda posting, and to persons requesting public notice; and

**WHEREAS,** on March 2, 2022, the City of Menifee City Council, continued Code Amendment No. LR21-0287 and ODS to the next regularly scheduled meeting of the City Council on March 16, 2022; and