

RESOLUTION NO. PC 24-\_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENIFEE, CALIFORNIA APPROVING TENTATIVE TRACT MAP NO. 38766 (PLN23-0246) AND PLOT PLAN NO. PLN23-0247 FOR A 67-LOT (134 UNIT TOTAL) SUBDIVISION ON AN APPROXIMATELY 18.25-ACRE PROJECT SITE LOCATED ON THE NORTHWEST CORNER OF GARBANI ROAD AND EVANS ROAD (APN: 360-180-021).**

**WHEREAS**, on January 2, 2024, the applicant, Matthew Blain of BrightSky Residential, LLC. (Applicant) filed a formal application with the City of Menifee for the approval of Tentative Tract Map (TTM) No. 38766 (PLN23-0246) for a 67-lot subdivision consisting of 67 single-family dwelling units and 67 accessory dwelling units (ADU) on an 18.25 acre property at 3.67 dwelling units per acre (du/ac) pursuant to Senate Bill (SB) 330 Housing Crisis Act of 2019; and

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

**WHEREAS**, the Applicant proposes to use the provisions of SB 330 Housing Crisis Act of 2019 to freeze the Development Impact Fees (DIF) and City of Menifee User Fees for a period of 2.5 years from the date of Project approval; and

**WHEREAS**, pursuant to the requirements of the California Environmental Quality Act (CEQA), the City of Menifee determined that no further environmental analysis was required pursuant to Section 15183 of the CEQA Guidelines; and

**WHEREAS**, Conditions of Approval have been prepared and attached hereto as Exhibit “A” of the Resolution; and

**WHEREAS**, on September 25, 2024, the Project was continued to a date uncertain; and

**WHEREAS**, on October 9, 2024, 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 TTM No. 38766 (PLN23-0246), which hearing was publicly noticed by a publication in the newspaper of general circulation, an agenda posting, on-site, and notice to property owners 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, BE IT RESOLVED** the Planning Commission of the City of Menifee makes the following findings

**Section 1:** The City of Menifee’s Planning Commission hereby makes the following findings for TTM No. 38766 (PLN23-0246) in accordance with Title 7, Article 2, Chapter 7.20.090 “Findings for Approval for Tentative Maps” of the City of Menifee Subdivision Code:

**Finding 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 (MMC).**

The Project site has a General Plan Land Use Designation of 2.1-5 du/ac. The intent of the designation established in the General Plan is residential development within the 2.1 to 5 du/ac density range. The Project is proposed at a density of 3.67 du/ac which is consistent with the General Plan land use designations and with the surrounding community.

The Project is consistent with the following City of Menifee General Plan 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 subdivision proposes two housing product types to help reduce the housing costs. The Project will include a main house and an ADU on each lot which will add an additional housing type within the City.

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

The TTM proposes improvements for roadways, including Garbani Road, Evans Road, and internal tract streets, which are consistent with the City's General Plan and the City's Public Works and Engineering Department Standard Details. Additionally, the internal tract streets will be privately maintained.

- *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 Project will include enhancements at the entry off Evans Road including decorative pavers, landscaped median, entry identification sign along with dedicated amenities for the residents of the tract including a recreation center, linear paseo and dog park. The conceptual landscape plan includes the entire tract to provide a consistent and unique landscape plan for the entire community.

*Consistency with the Zoning Code. The Tentative Tract Map is consistent with the zone designation map.*

The Project site is zoned Low Density Residential (LDR-2). The TTM proposes to subdivide the Project area into 67 single-family lots with an additional 67 ADUs which is a permitted use within this zone. Additional lots are proposed for open space areas, amenities, and internal roads.

Staff has reviewed and conditioned the subdivision for consistency with subdivision ordinance requirements streets, domestic water, fire protection,

sewage disposal, and other applicable requirements. The subdivision is consistent with the development code and the Subdivision Ordinance requirements.

**Finding 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 proposed Project site is not under a contract entered into pursuant to the California Land Conservation Act of 1965.

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

The site is bounded by residential developments to the north and east, vacant land to the west and the existing Menifee Valley Middle School and Menifee Union Scholl District Corporate Yard. The site is relatively flat and is suitable for a tract development and is compatible with surrounding land uses. Additionally, the site has been designed to be physically suitable to accommodate the development with the proposed number of lots as well as all other proposed improvements. Therefore, the site is considered physically suitable for the type of development and the proposed land use of the site.

The Project has been reviewed by the development Departments to ensure compliance with applicable regulations, including, but not limited to City of Menifee Community Development, Engineering and Public Works, and the Office of the Fire Marshal. These Departments have also provided conditions of approval as appropriate to ensure compliance with applicable regulations.

**Finding 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 of 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.**

The TTM will not result in conditions detrimental to the public health, safety, or general welfare as designed and conditioned. A memorandum and technical studies were prepared pursuant to Section 15183 ("Projects Consistent with a Community Plan or Zoning") which concludes that further environmental analysis is not necessary as the Project is consistent with the General Plan and Zoning Code and was previously analyzed in the General Plan Environmental Impact Report (EIR), therefore the City of Menifee has determined that no further environmental analysis is required and the Project

is not likely to cause significant environmental damage and will avoid injuries to fish or wildlife and their habitat.

The map has been reviewed and conditioned by the City of Menifee Community Development and Engineering Departments, and the Office of the Fire Marshal to ensure that it will not create conditions materially detrimental to the surrounding uses.

**Finding 5 - Consistency with Multiple Species Habitat Conservation Plan (MSHCP)**

The City of Menifee has two active conservation plans within the City's boundary, the Western Riverside County MSHCP, and the Stephen's 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 SKR-HCP (Dipodomys stephensi) Fee Area. The proposed Project is located within the boundaries of the Western Riverside County MSHCP; however, the Project is not located within a Criteria Cell or Cell Group. The biology report prepared for this Project notes the Project's consistency with the findings of the MSHCP. The Project will be subject to the payment of fees consistent with MMC Chapter 17.03 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 6 - The design of the subdivision and the type of improvements are not likely to cause serious public health problems.**

The public health, safety and general welfare are protected through Project design, conditions of approval. The Project site is surrounded by existing single-family residences to the north and east along with vacant residential land to the west, and the Menifee Valley Middle School and Menifee Union School District Corporate Yard to the south.

The Project has been reviewed and conditioned by the City of Menifee Community Development, Engineering, and Police Departments, and the Office of the Fire Marshal to ensure that it will not create conditions materially detrimental to the surrounding uses, nor will be detrimental to the public health, safety and general welfare or incompatible with other properties or land uses in the Project vicinity.

**Finding 7 - The design of the subdivision provides for future passive or natural heating or cooling opportunities in the subdivision to the extent feasible.**

The Project will be designed with passive or natural heating opportunities. The Project will be consistent with the Development Code and the requirements of California Code of Regulations of Title 24, including requirements for energy efficiency, thermal insulation, and solar panels.

**Finding 8 - 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. Therefore, no conflicts with easements will occur with the design of the subdivision.

**Finding 9 - 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).**

The proposed subdivision will fulfill Quimby obligations through the payment of fees determined by the Community Services Department. Fees or dedication of park land are required for consistency with the Quimby Act.

**Section 2:** The City of Menifee's Planning Commission hereby makes the following findings for PP No. PLN23-0247 in accordance with Title 9, Article 2, Chapter 9.80.070 "Findings for Approval" of the MMC:

**Finding 10 - The proposed project is consistent with the adopted General Plan and any applicable specific plan.**

The Project site has a General Plan Land Use Designation of 2.1-5 du/ac. The intent of the designation established in the General Plan is residential development within the 2.1 to 5 du/ac density range. The Project is proposed at a density of 3.67 du/ac which is consistent with the General Plan land use designations and with the surrounding community. No specific plans are applicable to this Project site.

**Finding 11 - The proposed project meets all applicable standards for development and provisions of this Title.**

The proposed Project is in compliance with all applicable development standards of the Low Density Residential Zone (LDR-2) and the MMC.

**Finding 12 - 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 public health, safety and general welfare are protected through Project design, conditions of approval. The Project site is surrounded by existing single-family residences to the north and east along with vacant residential land to the west, and the Menifee Valley Middle School and Menifee Union School District Corporate Yard to the south.

The Project has been reviewed and conditioned by the City of Menifee Community Development, Engineering, and Police Departments, and the

Office of the Fire Marshal to ensure that it will not create conditions materially detrimental to the surrounding uses, nor will be detrimental to the public health, safety and general welfare or incompatible with other properties or land uses in the Project vicinity.

**BE IT FURTHER RESOLVED**, 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 TTM No. 38766 (PLN23-0246) and PP No. PLN23-0247 subject to the Conditions of Approval set forth in Exhibit "A" to this Resolution.
3. That the Project is in compliance with the General Plan and its adopted EIR and no further environmental analysis is required pursuant to the requirements of Section 15183 of the CEQA Guidelines.
4. 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 the 9<sup>th</sup> day of October 2024.

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Jeff LaDue, Chairman

Attest:

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Rachel Valencia, Administrative Assistant

Approved as to form:

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Thai Phan, Assistant City Attorney