



## **CITY OF MENIFEE**

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SUBJECT: Tract No. 32102 "Banner Park" Minor Tract Condition Modification

MEETING DATE: June 14, 2023

TO: Planning Commission

PREPARED BY: Brandon Cleary, Associate Planner

REVIEWED BY: Orlando Hernandez, Deputy Community Development Director

APPROVED BY: Cheryl Kitzerow, Community Development Director

APPLICANT: Darren Warren, Pulte Home Co, LLC

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### **RECOMMENDED ACTION**

1. Approve Minor Tract Condition Modification for Tract 32102 "Banner Park" Condition of Approval No. 198 and 271 related to park and public improvement construction timing.

### **PROJECT DESCRIPTION**

**Minor Modification for Tract 32102 Banner Park PLN 23-00574** proposes to modify Condition of Approval No. 198 public improvement requirements and Condition No. 271 city park installation requirements for Tract Map No. 32102 Banner Park to help facilitate Pulte Home's construction timeline and the need for public facilities to be open in a timely manner. Under this modification, the city would allow an additional 22 occupancies subject to specific milestones described below.

With these modifications, up to 226 out of the total 256 homes would be allowed to close with an additional 30 homes remaining under construction within the tract totaling a value of roughly \$17.5M. In addition, Pulte Home Company has outstanding bonds in place totaling roughly \$23M to complete all public improvements required by the City.

### **PROJECT LOCATION**

The Project site is located north of Domenigoni Road, east of Lindenberger Road, south of the Salt Creek Channel and west of Briggs Road within the City of Menifee (APN: 340-640-029).

### Vicinity Map



### **BACKGROUND**

Banner Park, Tract No. 32102, was approved by Riverside County on September 27, 2005, for a 277-unit single family subdivision. Originally set to expire on September 27, 2008, the previous owner applied for five 1-year extension of times bringing the ultimate expiration to August 28, 2019. Additional Covid-19 state and local ordinances allowed the City to add an additional 12-18 months on the map expiration. On July 14, 2020, the previous owner submitted a substantial conformance that reduced the overall number of units to the current 256. The map was recorded on September 30, 2020, with the first building permits being issued on July 9, 2021.

### **DISCUSSION**

The Minor Modification for Tract 32102 "Banner Park" Condition of Approval No. 198 and 271 is presented to Planning Commission for approval. While a minor modification to a tract map condition of approval can be approved administratively, the Community Development Director

has elevated the approval to Planning Commission due to the importance of providing public improvements and recreation amenities for the residents of this development. Modifications are noted in red below.

Condition No. 271 requires a five-acre city park to be constructed, installed and open to the public prior to the 200th occupancy within the Tract. The condition gave authority to the Community Services Director to approve up to an 80% deferral of the park construction or 204 units with the tract, an additional four units above the original condition threshold. The applicant proposes to modify the condition to allow for up to 226 (88%) of the total 256 units in the tract to be occupied (22 over the current condition threshold) subject to the following milestones:

- Seven occupancies with the deposit of \$1M to guarantee construction,
- Five additional occupancies upon completion of the City Park (anticipated July 31), with the installation of security fencing in the park between the playground equipment and nearby Domenigoni and Lindenberger Road.

Condition No. 198 requires various public improvements to be completed prior to the occupancy of 80% of the total units within the tract (204 units). The applicant proposes to modify the condition subject to the following milestones:

- An additional five occupancies upon completion of missing sidewalk segments within the tract, Briggs Road storm drain and wet utilities, and completion of curb, gutter and paving of Falcon Hill Drive.
- An additional five units for the remediation of a borrow site located north of the project to be completed and inspected by the City, along with the completion of all on-site and off-site landscaping (except for Briggs Road POC's [Point of Connection] 8, 9 and 12) shall be installed.
- Deferral for the completion of the storm drain crossing and pavement rehabilitation through the south half of the intersection of Lindenberger Road at Domenigoni Road with deposit of a cash deposit (amount determined by the Public Works Director) until the construction of said improvements are completed by proposed Tract 37671 located on the south side of Domenigoni Road between Lindenberger Road and Briggs Road.

#### Proposed Modified Condition of Approval No. 271

**271. Park Construction.** The park and amenities located within Planning Area 4-7B of the Menifee Village Specific Plan (Lot 277 as shown on the tentative map) shall be installed and open to the public prior to issuance of occupancy of the 200th 226th building permit within the subdivision (all phases). The park and amenities shall be installed per City approved park plans. The park and amenities will be inspected by City staff to verify that this has occurred. Failure to comply with any deadline for the development of the improvements and/or amenities shall halt the issuance of building permits and suspension of all building inspections for residential dwelling units within the subdivision. The Community Services Director shall have the ability to defer the installation of the park landscaping and amenities as noted below but may require performance securities and additional deposits to cover administrative costs. Under no circumstance shall landscaping be deferred if 80% 88% of the tract has been occupied.

A). Seven occupancies can be issued when a \$1M cash deposit is posted with the City of Menifee to guarantee construction of the park.

B). An additional five occupancies can be issued when the park is completed and open to the public along with the installation of an approximately 850 foot long and five-foot-tall black security fence between the sidewalk along Domenigoni and Lindemberger and the remainder of the park as determined by City Staff to protect public safety.

Proposed Modified Condition of Approval No. 198

**198. 80% Completion of Total Lots.** Occupancy releases will not be issued to Building and Safety for any lot exceeding ~~88%~~80% of the total recorded residential lots within any map or phase of map prior to completion of the following requirements:

A). Primary and Alternate (secondary) access roads shall be completed and paved to finish grade according to the limits indicated in the improvement plans and as noted elsewhere in these conditions.

B). Interior roads shall be completed and paved to finish grade according to the limits indicated in the improvement plans and as noted elsewhere in these conditions. All curbs, gutters, sidewalks and driveway approaches shall be installed.

1). An additional five occupancies to be issued upon completion of missing sidewalk segments, completion of curb, gutter and paving on Falcon Hill Drive and the water, storm drain and wet utilities in Briggs Road.

C). Storm drains and flood control facilities, but not including Best Management Practices (BMP) that are part of the project's approved Water Quality Management Plan (WQMP). Post development BMPs proposed in the project's approved WQMP shall be completed according to City approved improvement plans and WQMP, and as noted elsewhere in these conditions. Written confirmation of acceptance for use by the Flood Control District, if applicable, is required.

1). Deferral for the Lindemberger Storm Drain Crossing with a cash deposit (amount determined by the Public Works Director) until completed as part of the construction for Tract 37671 located on the south side of Domenigoni Road.

D). Water system, including fire hydrants, shall be installed and operational, according to the improvement plans and as noted elsewhere in these conditions. All water valves shall be raised to pavement-finished grade. Written confirmation of acceptance from water purveyor is required.

E). Sewer system shall be installed and operational, according to the improvement plans and as noted elsewhere in these conditions. All water valves shall be raised to pavement-finished grade. Written confirmation of acceptance from sewer purveyor is required.

F). Landscaping and irrigation, water and electrical systems shall be installed and operational in accordance with County Ordinance 461.

1). An additional five units for the remediation of a borrow site located north of the project to be completed and inspected by the City, along with the completion of all



on-site and off-site landscaping (except for Briggs Road POC's 8, 9 and 12) shall be installed.

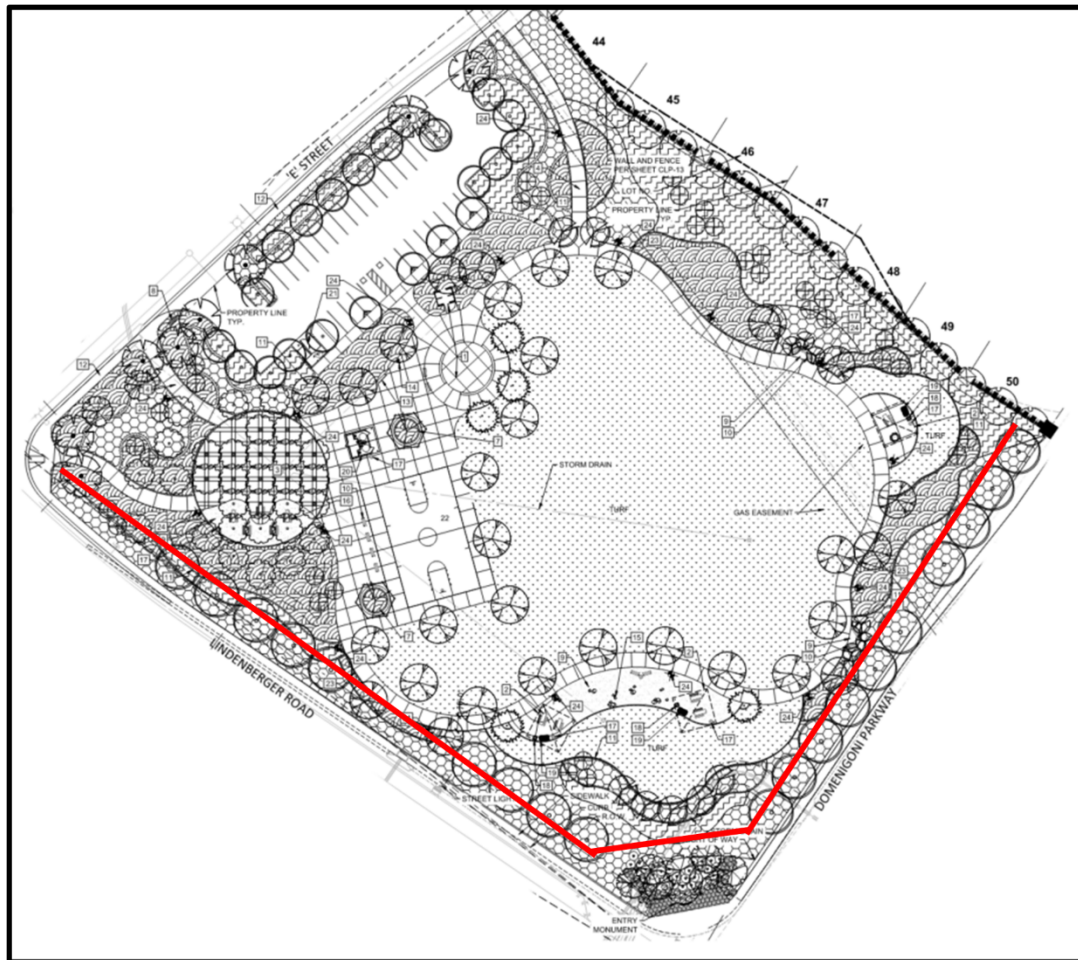
The 80% completion shall not apply to BMP facilities serving as water quality BMP in the project's approved WQMP, if one has been required; or in the project's overall low impact development design in lieu of a WQMP. These BMP facilities must be complete and operational prior to issuance of any Certificate of Occupancy.

Due to various unavoidable construction, processing and weather delays the park completion and certain public improvements have been delayed. The applicant is hereby requesting approval of a minor modification to the conditions allowing for up to 226 units (or 88%) of the homes to be granted occupancy prior to the planned park and certain public improvement completion dates to help facilitate their timeline.

To accommodate the public improvement condition request, Community Development in coordination with Engineering added two conditions to this approval that the applicant must comply with in order to receive additional occupancies:

- An additional five occupancies upon completion of missing sidewalk segments within the tract, Briggs Road storm drain and wet utilities, and completion of curb, gutter and paving of Falcon Hill Drive.
- An additional five units for the remediation of a borrow site located north of the project to be completed and inspected by the City, along with the completion of all on-site and off-site landscaping (except for Briggs Road POC's 8, 9 and 12) shall be installed.
- Deferral for the Lindenberger Storm Drain Crossing with a cash deposit (amount determined by the Public Works Director) until completed as part of the construction for Tract 37671 located on the south side of Domenigoni Road.

Conceptual Park Plan



\*The red line indicates proposed security fencing.

To accommodate the park condition change request, Community Development in coordination with Community Services added two conditions to this approval that the applicant must comply with prior to the park being built and open to the public:

- Provide additional security fencing on the park between the main roads (Domenigoni and Lindenberger) and park equipment/open turf areas to protect children from running into traffic. This equates to approximately 850' of new security fencing for public safety.
- Pulte Home Company will provide a performance security cash deposit in the amount of \$1M to ensure the park is completed. The \$1M will be refunded when the park is complete and open to the public.

Additionally, Community Services presented the proposed minor modification to the Parks, Recreation and Trails Commission on May 4, 2023, for consideration and recommended approval of the modification to the park timing condition.

In conclusion, staff recommends approval of the modified Condition of Approval No. 271 to help facilitate the buildout of Tract 32102 "Banner Park" and to help ensure the City park and public improvements is completed and open to the public in a timely manner.

**ATTACHMENTS**

None.