



ITEM #3

**FINAL
SUBDIVISION COMMITTEE REPORT**

DATE: July 17, 2019

TO: OC Subdivision Committee

FROM: OC Development Services

SUBJECT: Tentative Parcel Map No. 2018-194

PROPOSAL: The applicant is requesting the approval of a Tentative Parcel Map to subdivide a 30,961 square foot property into two lots. The proposed new parcels will be 15,654 square feet and 15,316 square feet in area. No property improvements are proposed with this application.

ZONING: 100-E4 "Small Estates"

GENERAL PLAN: 1B, Suburban Residential

LOCATION: 18921 Fairhaven Avenue, unincorporated North Tustin area, Third Supervisorial District (APN 393-011-18)

**LANDOWNER/
SUBDIVIDER:** Green Hall Management, owner
Hank Jong, EGL Associates, engineer

**STAFF
CONTACT:** Kevin Canning, Contract Planner
Phone: (714) 667-8847 Email: Kevin.Canning@ocpw.ocgov.com

RECOMMENDED ACTIONS

Development Services/Planning recommends that the Subdivision Committee:

- a) Receive staff report for the proposed map and public testimony as appropriate;
- b) Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA), under the Class 15 (Minor Land Divisions) exemption pursuant to Section 15315 of the California Environmental Quality Act (CEQA) Guidelines and County of Orange procedures; and,
- c) Approve TPM 2018-194 subject to Attachment 1 Findings and Conditions.

BACKGROUND AND EXISTING CONDITIONS

The property was previously developed with a single-family home and a detached garage/storage building. Both were demolished in December 2018. The site abuts both Fairhaven Avenue and Old Foothill Boulevard. The vicinity is developed primarily with single family homes on parcels of a similar size as is proposed with this map. The property is generally flat and level.

PROPOSED PROJECT

The applicant is requesting the approval of a Tentative Parcel Map to subdivide a 30,961 square foot property into two lots. The proposed new parcels will be 15,654 square feet and 15,316 square feet in area.

DISCUSSION/ANALYSIS

The minimum building site area in the E4 District is 10,000 square feet. The proposed lot area for Parcel 1 is 15,013 square feet (net) and for Parcel 2 is 15,316 square feet (net). This map is consistent with and in conformance with the General Plan and the applicable zoning district standards.

Drainage

The map is not located within a Master Plan of Drainage (MPD) area. No MPD facilities are involved and no MPD fees are required.

Recreation and Open Space

Master Plan of Regional Recreation Facilities

There are no Master Plan regional park dedication requirements for the map.

Master Plan of Regional Riding and Hiking Trails

There are no Master Plan of regional Riding and Hiking Trails requirements for the map.

Master Plan of Local Parks (Local Park Code)

The Local Park Code requirement for the project is 0.016 net usable acre of park land. The Local Park Code requirements for the project will be satisfied through the payment of in-lieu fees prior to the issuance of building permits.

Resources Element- Open Space Component

There are no Resource Element open space dedication requirements for his map.

OCTA Strategic Plan for Bikeways

There are no bikeway requirements for this map.

Public Services and Utilities

School

This map is within the boundaries of the Orange Unified School District. Prior to the issuance of any building permit for a dwelling unit, the developer is subject to the payment of school impact fees or other mitigating measures.

Facilities Fee Programs

This project is not located in a facilities fee program area, as the program is defined in Section 7-9-702 of the Codified Ordinances of Orange County, for the funding of library service, fire station, and sheriff substation facilities.

Water

The City of Tustin stated in their "will serve" letter that they can provide an adequate supply of domestic water.

Sewer

The Orange County Sanitation District has stated in a comment letter that the property can be serviced by means of a public sanitary sewage system.

Water Quality Control

Any future development on the site will be required to operate in accordance with requirements prescribed by the California Regional Water Quality Control Board, Santa Ana Region.

Fire Protection and Safety

Existing and proposed fire protection services are capable of providing an adequate level of fire protection services to this site. The property is not located within a Very High Fire Hazard Severity Zone.

Circulation

Master Plan of Scenic Highways

There are no Master Plan of Scenic Highways requirements applicable to this map.

Access/Highways/Streets/Roads

Access to the site is and will continue to be served from Falrhaven Avenue and Old Foothill Blvd, both being public streets that are improved to varying widths within the vicinity. Development Support (Traffic) has reviewed the varying types of existing lot frontage improvements in the vicinity of the subject site and does not recommend any condition or requirement for street frontage improvements for the proposed map.

Major Thoroughfare and Bridge Fee Programs

This project is within the area of benefit of a Major Thoroughfare and Bridge Fee Program, the Foothill/Eastern Transportation Corridor, Zone B. A condition is recommended to require the payment of appropriate fees.

Off-Site Fee Program

This project is not responsible for participation in fee programs off-site which would involve expenditures in excess of \$236,790. Accordingly, the provisions of Section 66452.6(a) of the Subdivision Map Act do not apply to this project.

Deviations from Standard of Design

The developer may request deviations from County approved standard design criteria in accordance with Subdivision Code section 7-9-291. In the absence of any specifically approved deviation request, the County approved standard design criteria will prevail.

Deviations Requested
None have been requested.

REFERRAL FOR COMMENT AND PUBLIC NOTICE

The North Tustin Advisory Committee (NTAC) was scheduled to review TPM 2018-194 at its June 19, 2019 meeting. However, due to the resignation of a committee member on the day of the meeting, the meeting was cancelled due to a lack of quorum. At this time NTAC does not have enough members to hold a meeting and no recommendation is able to be provided by the advisory committee. Staff has conferred with County Counsel's office and determined that the subject map may proceed directly to the Subdivision Committee.

Copies of the map were distributed for review and comment to County staff and all comments were addressed through plan revisions and incorporated into project or attached as conditions of approval. As of the writing of this staff report, no further comments have been received by any County divisions.

Public notices were mailed to all owners of record within 300 feet of the subject property, and posted in front of the project site, the Orange County Hall of Administration at 333 W. Santa Ana Boulevard, and in the lobby at the HGO building located at 300 N. Flower Street at least ten days prior to this public hearing, as required by established public hearing posting procedures. No public comments have been received to date.

CEQA COMPLIANCE

The California Environmental Quality Act (CEQA) allows categorical exemptions for projects that have been determined not to have a significant effect on the environment. The project would qualify as a Class 15 Minor Land Divisions categorical exemption (CEQA Guidelines §15315).

Class 15 exemptions consist of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

CONCLUSION

Staff recommends that the Subdivision Committee approve, TPM 2018-194, pursuant to the Orange County Subdivision Code, Orange County Codified Ordinances (OCCO) Subarticle 5 (Processing Procedures for Tentative Maps) and subject to the attached Findings and Conditions of Approval.

Submitted by

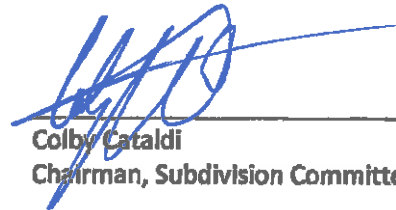


Richard Vuong, Division Manager
OC Development Services/Planning

NOTE: Per State Law, for any improvements required prior to the recordation of a final map, the developer may instead enter into an agreement with the County of Orange guaranteeing the improvements. Said agreement shall be accompanied by financial security.

CERTIFICATION

I hereby certify that the Tentative Parcel Map 2018-194 was approved by the Orange County Subdivision Committee on July 17, 2019, per the findings and conditions applicable to each map in attachments provided and will expire on July 17, 2022 per Orange County Subdivision Code Section 7-9-258, unless otherwise extended.



Colby Cataldi
Chairman, Subdivision Committee

APPEAL PROCEDURE

Any interested person may appeal the decision of the Subdivision Committee on this application to the Orange County Planning Commission within 10 calendar days of the decision upon submittal of required documents and a filing deposit of \$500.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.

ATTACHMENTS

1. Findings & Conditions
2. TPM 2018-194



Attachment 1

Findings

TPM 2018-194

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|----------|--------------------------|---------------------|
| 1 | CEQA COINSISTENCY | TPM 2018-194 |
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- That the proposed project is Categorically Exempt from the provisions of CEQA as a Class 15 (Minor Land Divisions) per Section 15315 of the CEQA Guidelines.
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| 2 | FISH AND GAME CODE | TPM 2018-194 |
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- That pursuant to Section 711.4 of the California Fish and Game Code, this project has received a 'No Effect Determination Notice' from California Department of Fish & Wildlife who has determined that no adverse impacts to wildlife resources will result from the project.
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| 3 | NCCP PROGRAM | TPM 2018-194 |
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- That the proposed project will not have a significant unmitigated impact upon Coastal Sage Scrub habitat and, therefore, will not preclude the ability to prepare an effective Sub regional Natural Communities Conservation Planning (NCCP) Program.
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| 4 | GENERAL WELFARE | TPM 2018-194 |
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- That the proposed map will not result in conditions or circumstances contrary to the public health and safety and the general welfare.
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| 5 | GENERAL PLAN CONSISTENCY | TPM 2018-194 |
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- That the proposed map is consistent with the Orange County General Plan.
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| 6 | DESIGN & IMPROVEMENT | TPM 2018-194 |
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- That the design and improvement of the proposed subdivision are consistent with the Orange County General Plan.
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| 7 | DEVELOPMENT TYPE | TPM 2018-194 |
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- That the proposed site is physically suitable for the proposed type of development.
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| 8 | DEVELOPMENT DENSITY | TPM 2018-194 |
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- That the proposed site is physically suitable for the proposed density of development.
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| 9 | ENVIRONMENTAL DAMAGE | TPM 2018-194 |
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- That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.
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| 10 | PUBLIC HEALTH | TPM 2018-194 |
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- That the design of the subdivision and the type of improvements proposed are not likely to cause serious public health problems.
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11 PUBLIC EASEMENTS TPM 2018-194

That the design of the subdivision and the type of improvements proposed will not conflict with easements of record or established by court judgment acquired by the public-at-large for access through or use of property within the proposed subdivision.

12 SUBDIVISION / ZONING CODE CONSISTENCY TPM 2018-194

That the proposed subdivision, as conditioned, complies with the requirements set forth in the Orange County Subdivision Code and the Orange County Zoning Code.

13 ZONING CONSISTENCY TPM 2018-194

That the design and improvement of the proposed subdivision are suitable for the uses proposed, and the subdivision can be developed in compliance with applicable zoning regulations pursuant to Section 7-9-254 of the Subdivision Code.

14 SEWER SYSTEM TPM 2018-194

That the discharge of waste from the proposed subdivision into the existing sewer system of the Water District will not result in violations of existing requirements prescribed by the California Regional Water Quality Control Board, Santa Ana Region.

15 NATURAL HEATING AND COOLING TPM 2018-194

That the design of the subdivision and its improvements do provide, to the extent feasible, for future passive or natural heating or cooling opportunities as specified in Section 66473.1 of the Government Code (Subdivision Map Act).

16 EXPIRATION OF MAPS TPM 2018-194

That because of non-participation in fee programs for off-site improvements, this project will not qualify for consideration under Section 66452.6 of the Subdivision Map Act.

17 LOCAL PARK CODE TPM 2018-194

That the Local Park Code requirement can be met by the payment of in-lieu fees at the time of building permit issuance for the dwelling unit on Parcel 2.

18 APPEAL OF EXACTIONS TPM 2018-194

That the applicant is hereby provided notice that the fees, dedications, reservations or other exactions imposed on this project are as described in this approval as well as the reports and actions accompanying this approval and that the 90-day approval period in which the applicant may protest pursuant to Government Code Section 66020 has begun.



Attachment 2

Conditions of Approval

TPM 2018-194

1	PERIOD OF VALIDITY	TPM 2018-194	(Custom)
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Tentative Parcel Map 2018-194 is valid for a period of thirty-six (36) months from the date of the Subdivision Committee's approval. An extension of time for the map to be recorded may be requested pursuant to the Orange County Subdivision Code Section 7-9-258.

2	PROPERTY IMPROVEMENTS	TPM 2018-194	(Custom)
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The approval of TPM 2018-194 does not include the approval of any other improvements to the subject property. Prior to the issuance of any permits for property improvement, building or grading permits, additional review and approval of permits may be required. The applicant is advised to consult with the Manager, Permit Services to determine any required or applicable permits or reviews prior to any proposed property improvement.

3	IN LIEU PARK FEE	TPM 2018-194	(Custom)
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Prior to the recordation of the final map, a note shall be placed on the face of the map that residential construction on Parcel 2 will be required to pay the in-lieu park fee in effect at the time of permit issuance. The property is located within Community Analysis Area (CAA) 43.

4	INDEMNIFICATION	TPM 2018-194
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Applicant shall defend with counsel approved by the County of Orange in writing, indemnify and hold harmless the County of Orange, its officers, agents and employees from any claim, action or proceeding against the County, its officers, agents or employees to attack, set aside, void, or annul any approval of the application or related decision, or the adoption of any environmental documents, findings or other environmental determination, by the County of Orange, its Board of Supervisors, Planning Commission, Subdivision Committee, Zoning Administrator, Director of OC Public Works, or Deputy Director of OC Development Services concerning this application. The County may, at its sole discretion, participate in the defense of any action, at the applicant's expense, but such participation shall not relieve applicant of his/her obligations under this condition. The County may, at its sole discretion, require the Applicant to post a bond, enter into an escrow agreement, obtain an irrevocable letter of credit from a qualified financial institution, or provide other security, to the satisfaction of the County, in anticipation of litigation and possible attorney's fee awards. Applicant shall reimburse the County for any court costs and attorney's fees that the County may be required to pay as a result of such action. The County shall promptly notify the applicant of any such claim, action or proceeding.

5	BASIC/APPEAL EXACTIONS	TPM 2018-194
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Pursuant to Government Code Section 66020, the applicant is hereby informed that the 90-day approval period in which the applicant may protest the fees, dedications, reservations or other exactions imposed on this project through the conditions of approval has begun.

6	ROAD FEE PROGRAM	TPM 2018-194
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Prior to the recordation of the final map, a note shall be placed on the face of the map that residential construction on Parcel 2 will be required to pay applicable fees for the Major Thoroughfare and Bridge Fee Program listed below, in a manner meeting the approval of the Manager, Permit Services.

A. Foothill/Eastern Transportation Corridor, Zone B

7 REVISED MAP EXHIBIT TPM 2018-194 (Custom)

Within 60 days of the Subdivision Committee's approval of the project, the applicant will submit a revised tentative parcel map exhibit revising the street cross-sections shown to reflect the Traffic Division's determination that no street frontage improvements will be required. The revised exhibit will be completed in a manner approved by the Division Manager, OC Development Services/Planning.