

**PRELIMINARY
SUBDIVISION COMMITTEE REPORT
PREPARED March 23, 2016**

HEARING DATE: April 20, 2016

SUBDIVISION MAP: Tentative Parcel Map No. 2015-161

LANDOWNER/SUBDIVIDER: Elvia Blas, owner at 1652 Foothill Blvd
Phillip Johnson, owner at 1642 Foothill Blvd
Thomas Chappell, subdivider

LOCATION: 1652 and 1642 Foothill Blvd, Santa Ana, unincorporated North Tustin area,
Third Supervisorial District (APN 502-091-09, -10)

STAFF CONTACT: Kevin Canning **PHONE:** (714) 667-8847

PROPOSAL: The applicant requests the approval of TPM 2015-161, which would adjust the common property line between 1652 and 1642 Foothill Blvd and subdivide 1652 Foothill into two parcels. No improvements to the property are proposed with this application.

ZONING APPROVAL

The proposed project is consistent with zoning standards

GENERAL PLAN CONSISTENCY / ZONING COMPLIANCE

Land Use Element: 1B – “Suburban Residential”

Zoning: 125-E4-20,000 – “Small Estates”

The minimum building site area is 20,000 square feet with a minimum 125 foot lot width. Per Zoning Code Section 7-9-126.3 the lot width in a residential zone is measured 20 feet from the front property line or ultimate street right-of-way. The proposed lot areas (net) for Parcel 1 is 21,252 square feet, for Parcel 2 is 20,684, and for Parcel 3 is 21,092 square feet. This map is consistent with and in conformance with the General Plan and the applicable zoning district standards.

CEQA COMPLIANCE

CEQA allows categorical exemptions for projects that have been determined not to have a significant effect on the environment. The proposed project is consistent with a Class 15 Categorical Exemption, Minor Land Divisions (Section 15315).

Class 15 consists 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 two years, and the parcel does not have an average slope greater than 20 percent. The subject property has a slope ranging from 16% to 18%. A Notice of Exemption is included for your consideration and must be approved prior to project approval with a finding that it is adequate to satisfy the requirements of CEQA.

EXISTING CONDITIONS

The overall site is developed with two existing single family homes. The site fronts Foothill Boulevard on the east and Foothill Lane, a private drive, on the west. The proposed project would modify the two existing parcels and create one additional parcel.

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 0.008 acres of local parkland for the proposed additional lot. Compliance will be met with the payment of in-lieu fees at the time of issuance of the building permit. The subject site is with Community Analysis Area 43, the amount of the in-lieu fee will be \$8,000.

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 Tustin 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 Golden State Water Company has provided a will serve letter for the project stating that they can provide an adequate supply of domestic water.

Sewer

The Orange County Sanitation District has stated in a will serve 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 Foothill Boulevard, a public street that is improved to varying widths within the vicinity and Foothill Lane, a private drive.

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. Required fees will be collected at the issuance of a building permit for the residence on the additional lot. A condition is recommended to require an additional note on the face of the recorded map to notify buyers that the fee will be required.

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.

COMMENTS FROM PUBLIC AND OTHERS NOTIFIED

The North Tustin Advisory Committee (NTAC) reviewed TPM 2015-161 at its February 17, 2016 meeting. The Committee recommended approval of the project with a condition that the project be returned to NTAC in order to allow review of a Site Development Permit of the proposed grading. At this time, it is not known if any future development of the property would require a discretionary review due to grading or some other requirement. Staff has not included a condition of approval to require a discretionary review of grading. It should be noted that NTAC

has made this request on previous parcel map reviews and in one instance staff did recommend such a condition of approval. However in that case it was apparent that the future grading would require a Site Development Permit. If the Subdivision Committee should wish to apply such a condition of approval, staff will be prepared with a condition that would require the processing of a Site Development Permit prior to recordation.

DEVIATIONS FROM STANDARDS 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.

SUBDIVISION COMMITTEE ACTION

The attached findings and conditions (Attachment A) are offered for the Subdivision Committee's consideration.

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.

ATTACHMENTS:

- A. Findings & Conditions
- B. Environmental Documentation
- C. North Tustin Advisory Committee minutes

CERTIFICATION:

I hereby certify that Tentative Parcel Map 2015-161 was approved by the Orange County Subdivision Committee on April 20, 2016 per the findings and conditions in Attachment A, and will expire on April 20, 2019.

Colby Cataldi
Chairman, Orange County Subdivision Committee



Appendix A Findings TPM 2015-161

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|---|-----------------------------|---------------------|
| 1 | NEGATIVE DECLARATION | TPM 2015-161 |
|---|-----------------------------|---------------------|
- That the proposed project is Categorical 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 2015-161 |
|---|---------------------------|---------------------|
- 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 2015-161 |
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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 2015-161 |
|---|------------------------|---------------------|
- 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 2015-161 |
|---|---------------------------------|---------------------|
- That the proposed map is consistent with the Orange County General Plan.
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|---|---------------------------------|---------------------|
| 6 | DESIGN & IMPROVEMENT | TPM 2015-161 |
|---|---------------------------------|---------------------|
- 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 2015-161 |
|---|-------------------------|---------------------|
- That the proposed site is physically suitable for the proposed type of development.
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- | | | |
|---|----------------------------|---------------------|
| 8 | DEVELOPMENT DENSITY | TPM 2015-161 |
|---|----------------------------|---------------------|
- That the proposed site is physically suitable for the proposed density of development.
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| 9 | ENVIRONMENTAL DAMAGE | TPM 2015-161 |
|---|-----------------------------|---------------------|
- 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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- | | | |
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| 10 | PUBLIC HEALTH | TPM 2015-161 |
|----|----------------------|---------------------|
- 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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PUBLIC EASEMENTS**TPM 2015-161**

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.

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**SUBDIVISION / ZONING CODE
CONSISTENCY****TPM 2015-161**

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 2015-161**

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 2015-161**

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 2015-161**

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).

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EXPIRATION OF MAPS**TPM 2015-161**

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 2015-161**

That the Local Park Code requirement can be met by the payment of in-lieu fees at the time of building permit issuance.

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APPEAL OF EXACTIONS**TPM 2015-161**

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.



Appendix B

Conditions of Approval

TPM 2015-161

1	PERIOD OF VALIDITY	TPM 2015-161	(Custom)
<p>Tentative Parcel Map 2015-161 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.</p>			
2	PROPERTY IMPROVEMENTS	TPM 2015-161	(Custom)
<p>The approval of TPM 2015-161 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.</p>			
3	IN LIEU PARK FEE	TPM 2015-161	(Custom)
<p>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.</p>			
4	INDEMNIFICATION	TPM 2015-161	
<p>Subdivider 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 decisions, or the adoption of any environmental documents, finding or other environmental determination, by the County of Orange, its Board of Supervisors, Planning Commission, Zoning Administrator, Director of Public Works, or Director of Planning concerning this subdivision, which action is brought within the time period provided for in Government Code Section 66499.37. The County may, at its sole discretion, participate in the defense of any action, but such participation shall not relieve applicant of his/her obligations under this condition. Applicant shall reimburse the County for any court costs and attorneys fees 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. This condition is imposed pursuant to Government Code Section 66474.9(b).</p>			
5	BASIC/APPEAL EXACTIONS	TPM 2015-161	
<p>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.</p>			
6	ROAD FEE PROGRAM	TPM 2015-161	
<p>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</p>			

Bridge Fee Program listed below, in a manner meeting the approval of the Manager, Permit Services.

A. Foothill/Eastern Transportation Corridor, Zone B



**OC PUBLIC WORKS/OC DEVELOPMENT SERVICES
300 N. FLOWER STREET
P. O. BOX 4048
SANTA ANA, CALIFORNIA 92702-4048**

NOTICE OF EXEMPTION

TO: COUNTY CLERK
COUNTY OF ORANGE

FROM: COUNTY OF ORANGE
DEVELOPMENT SERVICES/PLANNING

Project Title: TPM2015-161 – Blas/Johnson map

Description, Nature, Purpose and Beneficiaries of Project: TPM 2015-161 adjusts the common property line between 1652 and 1642 Foothill Blvd and subdivides 1652 Foothill into two parcels. The effect of the map would create three residential lots where now there are two lots (with existing homes). No improvements to the property are proposed with this application

Location: 1652 and 1642 Foothill Blvd, Santa Ana, (Supervisorial District 3)

Name of Public Agency Approving Project: OC Subdivision Committee

Name of Property Owner Carrying Out Project: Elvia Blas, owner at 1652 Foothill Blvd
Phillip Johnson, owner at 1642 Foothill Blvd

Address of Property Owner Carrying Out Project: Elvia Blas, 433 W. Santa Clara Ave., Santa Ana CA 92706
Phillip Johnson, 1642 Foothill Blvd, Santa Ana CA 92705

Exempt Status: (Check One)

- Ministerial (Sec. 15268)
- Declared Emergency (Sec. 15269 (a)) Date of Decision _____
- Emergency Project (Sec. 15269(a)&(b))
- General Rule (Sec. 15061(b)(3))
- Statutory Exemption: State Code number
- Categorical Exemption: State class and section number(s):**
15315: Class 15 – (Minor Land Divisions)
- Affordable Housing Exemption:

Reasons why project is exempt: The proposed project is eligible for a Class 15 exemption because it is a 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 two years, and the parcel does not have an average slope greater than 20 percent. The project will not result in a cumulative impact, significant environmental effect or damage scenic or historic resources. Standard conditions of approval applied by the County for all construction projects of this nature will address any short-term construction related impacts.

Project & CEQA Contact Person: Kevin Canning Phone: (714) 667 - 8847

Signature: _____
Title: Project Planner

