

OC DEVELOPMENT SERVICES REPORT

HEARING DATE: January 6, 2020

TO: Subdivision Committee

FROM: OC Development Services/Planning

SUBDIVISION MAP: Vesting Tentative Tract Map 17950

PROPOSAL: A request by Development Services/Planning and the project applicant to add a Condition of Approval to VTTM 17950, an approved subdivision for 25 single family lots in Planning Area 7 of the Coto de Caza Specific Plan.

ZONING: Coto de Caza Specific Plan – “Rural Residential” District

PROPOSED DENSITY: 0.39 du/ac

GENERAL PLAN DESIGNATION: 1B Suburban Residential

LOCATION: 24331 Coto de Caza Drive, Coto de Caza (Fifth District)

APPLICANT: William Lyon, Property Owner

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

RECOMMENDED ACTIONS

OC Development Services recommends that the Committee:

1. Receive staff report and public testimony as appropriate;
2. Find that FEIR 624, previously certified by the Planning Commission on May 24, 2017, is adequate, complete and appropriate environmental documentation for the Project consistent with CEQA, the State CEQA Guidelines, and the County Local CEQA Procedures Manual
3. Approve the addition of new Condition of Approval No. 19 to VTTM 17950.

BACKGROUND

Vesting Tentative Tract Map 17950 was approved by the Subdivision Committee on August 21, 2017. It proposed the creation of 25 residential lots, each with a 2-acre minimum lot size, in Planning Area 7 (Rural Residential) of the Coto de Caza Specific Plan area. An extension of time to record was approved by the Director on August 25, 2020.

The map's existing approvals, including PA 150054 and FEIR 624, require full compliance with the applicable Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) covering the Coto de Caza area. Compliance will require several biological surveys, preservation and replanting of identified plant species, designation of preservation easements and the review and approval by both state and federal resource agencies of the required plans and studies.

PROPOSED AMENDMENT

In September 2020, staff was contacted by the US Fish and Wildlife Services (USFWS) regarding their annual review and reporting on approved projects within the HCP/NCCP area. USFWS noted that there was not a condition of approval that specifically required the applicant to secure a Certificate of Inclusion (COI) from OCPW relating to the required biologic mitigation measures. The COI serves as an official certification that USFWS uses to document compliance with federal programs and requirements associated with HCP/NCCP and the Endangered Species Act.

In responding to USFWS, Planning staff, and the applicant, acknowledged the COI requirement, and further noted that it was the OCPW interpretation that the COI requirement was already included within and was a necessary component of other existing conditions and mitigation measures. USFWS responded that for their monitoring and reporting purposes it was essential that the COI requirement be specifically noted within a condition or mitigation measure.

The Subdivision Code allows for modifications to maps and conditions of approval. A key consideration in the review and approval of a proposed modification is a determination of whether the proposed modification is minor or of no significant effect. Because staff considers the requirement of securing a COI as currently included within the components of other conditions and mitigation measures, the proposal to add the specific requirement as a condition is not considered significant.

CEQA COMPLIANCE

The proposal does not add or change any elements of the analysis contained with Final EIR 624, and it therefore remains applicable to this action.

CONCLUSION

To meet the reporting needs of USFWS, staff recommends that the Subdivision Committee approve the addition of Condition No. 19, as follows:

19	CERTIFICATE OF INCLUSION	VTTM17950 (Custom)
Prior to the issuance of grading permits, or other actions that would impact the special status plant species on the project site, as identified in FEIR 624, the applicant will secure a Certificate of Inclusion from the County of Orange.		

Submitted by:



Brian Kurnow, Land Use Manager
Planning, OC Development Services

CERTIFICATION

I hereby certify that the Vesting Tentative Tract Map 17950 was amended by the Orange County Subdivision Committee on January 6, 2021, to add Condition of Approval No. 19. All previous Findings and Conditions of Approval remain in full force and effect as approved by the Committee on August 21, 2017 and as extended by action of the Director on August 25, 2020.

Richard Vuong
Chairman, Subdivision Committee

ATTACHMENTS:

1. Final Subdivision Committee Report on VTTM 17950 (August 21, 2017)
2. VTTM 17950, as approved

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Subdivision Committee on this permit to the OC Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing deposit of \$500 filed at the County Service Center, 601 N. Ross St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else in written correspondence delivered to OC Development Services / Planning.

**FINAL
SUBDIVISION COMMITTEE REPORT
PREPARED AUGUST 21, 2017**

HEARING DATE: August 9, 2017

TO: Subdivision Committee

FROM: OC Planning

SUBDIVISION MAP: Tentative Tract Map 17950

PROPOSAL: Subdivision of 63.9 acres for 25 single family lots with a minimum area of 2 acres in area in Planning Area 7 of Coto de Caza.

ZONING: Coto de Caza Specific Plan – “Rural Residential” District

PROPOSED DENSITY: .39 du/ac

GENERAL PLAN DESIGNATION: 1B Suburban Residential

LOCATION: 24331 Coto de Caza Drive, Coto de Caza (Fifth District)

APPLICANT: William Lyon, Property Owner

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

RECOMMENDED ACTIONS

OC Development Services recommends that the Committee:

1. Receive staff report and public testimony as appropriate;
2. Find that FEIR 624, previously certified by the Planning Commission on May 24, 2017, is adequate, complete and appropriate environmental documentation for the Project consistent with CEQA, the State CEQA Guidelines, and the County Local CEQA Procedures Manual
3. Conditionally approve VTTM 17950 subject to the attached Findings and Conditions.

BACKGROUND AND EXISTING CONDITIONS

Existing Conditions:

The proposed project is a portion of 137 acre estate developed with a main residence and several detached accessory structures. In April 2016, the Subdivision Committee approved TPM 2016-106 to divide the property into two parcels. Parcel 1 is 73.7 acres and includes the main residence, accessory structures, the formally landscaped areas, and the main entry gate.

VTTM 17950 covers Parcel 2 of that map and is the southerly 64 acres of the estate. This area is currently undeveloped except for an orange and citrus tree orchard planted by the applicant in the late 1980s. The project is proposed by William Lyon as an individual property owner.

Proposed Project:

The proposed map would subdivide 63.9 acres into 25 residential lots, 2 private street lots and one lot for a storm water treatment basin. The proposed subdivision will have its own separate access to Coto de Caza Drive.

Zoning Approval:

On May 24, 2017, the Planning Commission approved PA150054, an Area Plan and transfer of dwelling unit allocations and certified FEIR 624 for the project. The subject map is consistent with that approval.

COMMENTS FROM THE PUBLIC AND OTHERS NOTIFIED

The notice of public meeting was mailed on July 28, 2017 to all property owners within 300 feet of the project site. Any comments received will be forwarded to Committee members.

On March 1, 2017, the Coto de Caza Planning Advisory Committee (CPAC) reviewed the project and recommended approval.

CEQA COMPLIANCE

The proposed project is covered by FEIR 624, certified on May 24, 2017 by the Planning Commission. Prior to action on Vesting Tentative Tract Map 17950, the Subdivision Committee must find that FEIR 624 is adequate to satisfy the requirements of CEQA for the proposed project. A finding for that purpose is included in Appendix A.

A complete copy of FEIR 624 may be accessed on-line at the web link listed as Attachment 4 below. Additionally, the PA150054 Staff Report (Attachment 2) contains a summary of the FEIR findings as well as a copy of the Mitigation Monitoring and Reporting Program (MMRP).

DRAINAGE

The subject property is located within the Canada Gobernadora area Master Plan of Drainage (MPD). No MPD facilities are involved and no MPD fees are required. The project has received

approval of a preliminary hydrology and hydraulics report and a Conceptual Water Quality Management Plan demonstrating compliance with hydromodification requirements.

RECREATION AND OPEN SPACE

Master Plan of Regional Recreation Facilities

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

Master Plan of Regional Riding and Hiking Trails

There are no Master Plan riding and hiking trail requirements for the project.

Master Plan of Local Parks (Local Park Code)

The Coto de Caza Specific Plan has an approved Park Modification (PM 86-02) and a Master Local Parks Implementation Plan adopted with the South Ranch Area Plan in 1995. In May, 1995, the Park Implementation Plan was approved as adequately documenting that all local park requirements had been met for buildout of the community.

Resources Element – Open Space Component

The Coto de Caza Specific Plan identifies certain areas within the community for resource preservation. Scenic areas, which serve as a buffer between resource preservation and development areas, are defined on a map-by-map basis. There currently exists an approximate 5 acre resource preservation easement on the larger 137 acre estate property. No additional open space would be required by the Specific Plan. However, the applicant has designed the project to create a development pad area on each 2-acre lot and proposes to designate the remainder of each lot with a resource preservation overlay easement. Thus, the proposed project would increase the amount of dedicated open space by 27.7 acres.

OCTA Strategic Plan for Bikeways

No bikeways on the OCTA Strategic Plan for Bikeways are within the area of this project.

PUBLIC SERVICES AND UTILITIES

Schools

This project is within the boundaries of the Capistrano Unified School District. The developer will satisfy this requirement by paying school fees to the Capistrano Unified School District.

Facilities Fee Programs

This project area is not included within a facilities fee program area.

Water

The Santa Margarita Water District stated in their “will serve” letter that they can provide an adequate supply of domestic water to this project.

Sewer

The Santa Margarita Water District stated in their “will serve” letter that they can serve this project by a public sanitary sewage system.

Water Quality Control

This project will be required to operate in accordance with requirements prescribed by the California Regional Water Quality Control Board, San Diego Region.

Fire Protection and Safety

Existing fire protection services are provided by the Orange County Fire Authority (OCFA). This property is located in a very high fire hazard area due to wildland exposure, as identified in the State Responsibility Area map. The applicant has received approval of a Fire Master Plan from OCFA.

CIRCULATION

Scenic Highway Corridors:

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

Access/Highways/Streets/Roads

Access to this site is taken from Coto de Caza Drive, which is a fully improved private street.

Major Thoroughfare and Bridge Fee Programs

This project lies within the area of benefit of the below listed fee programs. The developer is required to pay Major Thoroughfare and Bridge fees in accordance with the adopted program(s):

- Foothill/Eastern Transportation Corridor Fee Program
- Foothill Circulation Phasing Program

Off-Site Fee Program

This project is responsible for participation in fee programs off-site which will involve expenditures in excess of \$182,500. However, the project could involve the development of custom homes on individual lots by future lot owners. Accordingly, the provisions of Section 66452.6(a), Subdivision Map Act, may apply to this project. If the current project developer contributes the applicable fee for the seven lots, then the provisions of the referenced Subdivision Map Act section will apply. If payment of fees are deferred to future individual lot owners, Section 66452.6(a) would no longer apply.

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

The subdivider is requesting the following deviations to the County standards:

1. A deviation to OCPW Standard Plan 1107 to allow 'A' Street to be constructed with curb to curb width of 32' instead of the required 36' curb to curb width as 'A' Street is largely a single loaded road and the proposed reduced width will allow adequate room for two travel lanes and parking on one side. In addition, the proposed large lots will provide more on-site parking than a smaller lot project.
2. A deviation to Orange County Highway Design Manual, section 203.2, to allow 'A' Street to be constructed with less than the required 250' minimum radius, however the design does meet the required site distances required by Standard Plan 1117 using a 25 MPH speed limit.

The above deviations also allow the proposed plan to avoid sensitive biological site features, and the resulting street alignment and configuration are similar to those in the surrounding community. The deviation requests have been reviewed and supported by Traffic Engineering

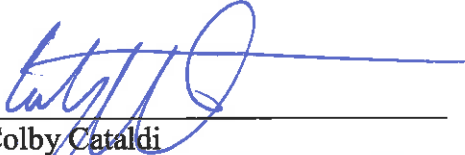
CONCLUSION

Staff recommends that the Subdivision Committee approved VTTM 17950, subject to the attached Findings and Conditions of Approval.

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 Vesting Tentative Tract Map 17950 was approved by the Orange County Subdivision Committee on August 9, 2017, per the findings and conditions in Appendices A and B, and will expire on August 9, 2020 per Orange County Subdivision Code Section 7-9-258, unless otherwise extended.



Colby Cataldi
Chairman, Subdivision Committee

APPENDICES

- A. Recommended Findings
- B. Recommended Conditions of Approval

ATTACHMENTS

1. VTTM 17950 map
2. Staff Report, Findings and Conditions of Approval for PA150054
3. PA150054 Area Plan
4. Deviation Request letter

5. FEIR 624 may be viewed at

http://www.ocpublicworks.com/ds/planning/projects/lyon_subdivision_coto_de_caza

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 fee of \$500.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to OC Planning.



Appendix A Findings VTTM 17590

1	GENERAL PLAN	VTTM17590
	That the use or project proposed is consistent with the objectives, policies, and general land uses and programs specified in the General Plan adopted pursuant to the State Planning and Zoning Law.	
2	DESIGN & IMPROVEMENT	VTTM17590
	That the design and improvement of the proposed subdivision are consistent with the Orange County General Plan	
3	FINAL EIR NO. 624	VTTM17590
	<p>A. That Final EIR No. 624, previously certified by the Planning Commission on May 24, 2017, reflects the independent judgment of the County of Orange and satisfies the requirements of CEQA for the Vesting Tentative Tract Map 17590, Lyon Subdivision, which is a necessary element included and contemplated as part of the whole of the action.</p> <p>B. That EIR No. 624 is adequate to satisfy the requirements of CEQA for the Vesting Tentative Tract Map 17590.</p> <p>C. That all mitigation measures are fully enforceable pursuant to CEQA (Public Resources Code) Section 21081.6(b) and have either been adopted as conditions, incorporated as part of the project design, or included in the procedures of project implementation.</p>	
4	DEVELOPMENT TYPE	VTTM17590
	That the proposed site is physically suitable for the proposed type of development.	
5	DEVELOPMENT DENSITY	VTTM17590
	That the proposed site is physically suitable for the proposed density of development.	
6	NCCP NOT SIGNIFICANT	VTTM17590
	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 subregional Natural Communities Conservation Planning (NCCP) Program.	
7	PUBLIC HEALTH	VTTM17590
	That the design of the subdivision and the type of improvements proposed are not likely to cause serious public health problems.	
8	PUBLIC EASEMENTS	VTTM17590
	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.	
9	DESIGN COMPLIANCE	VTTM17590
	That the design and improvement of the proposed subdivision is 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.

10	COMPATIBILITY	VTTM17590
That the use, activity or improvement(s) proposed, subject to the specified conditions and adopted Mitigation Monitoring and Reporting Program (MMRP), is consistent with the provisions of the Zoning Code regulations applicable to the property.		

11	PUBLIC FACILITIES	VTTM17590
That the approval of the map is in compliance with Codified Ordinance Section 7-9-711 regarding public facilities (fire station, library, sheriff, etc.).		

12	SUBDIVISION AND ZONING CODE COMPLIANCE	VTTM17590
That the proposed subdivision complies with the requirements set forth in the Orange County Subdivision Code and the Orange County Zoning Code.		

13	SEWER SYSTEM	VTTM17590
That the discharge of waste from the proposed subdivision into the existing sewer system of the Orange County Sanitation District will not result in violations of existing requirements prescribed by the California Regional Water Quality Control Board, Santa Ana Region.		

14	ALTERNATIVE DEVELOPMENT STANDARDS	VTTM17590
That alternative development standards will result in an equivalent or better project in terms of adverse impacts and public benefits to the immediate and surrounding community.		



Attachment B
Conditions of Approval
VTTM17950

1 BASIC/ZONING REGULATIONS VTTM17950

This approval constitutes approval of the proposed project only to the extent that the project complies with the Orange County Zoning Code and any other applicable zoning regulations. Approval does not include any action or finding as to compliance or approval of the project regarding any other applicable ordinance, regulation or requirement.

2 BASIC/TIME LIMIT VTTM17950

This approval is valid for a period of 36 months from the date of final determination. If the use approved by this action is not established within such period of time, this approval shall be terminated and shall thereafter be null and void.

3 BASIC/PRECISE PLAN VTTM17950

Except as otherwise provided herein, this permit is approved as a precise plan. If the applicant proposes changes regarding the location or alteration of any use or structure, the applicant shall submit a changed plan to the Director, OC Planning, for approval. If the Director, OC Planning, determines that the proposed change complies with the provisions and the spirit and intent of the original approval action, and that the action would have been the same for the changed plan as for the approved plot plan, he may approve the changed plan without requiring a new public hearing.

4 BASIC/COMPLIANCE VTTM17950

Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Orange County Planning Commission.

5 INDEMNIFICATION VTTM17950

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, Zoning Administrator, Director of OC Public Works, or Director of Planning concerning this application. 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 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.

6 BASIC/APPEAL EXACTIONS VTTM17950

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.

7 WATER QUALITY MANAGEMENT PLAN VTTM17950

Prior to the recordation of a final map or issuance of any grading or building permits, whichever occurs first, the applicant shall submit for review and approval by the Manager, Permit Services, a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used

onsite to control predictable pollutant runoff. The applicant shall utilize the Orange County Drainage Area Management Plan (DAMP), Model WQMP, and Technical Guidance Manual for reference, and the County's WQMP template for submittal. This WQMP shall include the following:

- Detailed site and project description
- Potential stormwater pollutants
- Post-development drainage characteristics
- Low Impact Development (LID) BMP selection and analysis
- Structural and Non-Structural source control BMPs
- Site design and drainage plan (BMP Exhibit)
- GIS coordinates for all LID and Treatment Control BMPs
- Operation and Maintenance (O&M) Plan that (1) describes the long-term operation and maintenance requirements for BMPs identified in the BMP Exhibit; (2) identifies the entity that will be responsible for long-term operation and maintenance of the referenced BMPs; and (3) describes the mechanism for funding the long-term operation and maintenance of the referenced BMPs

The BMP Exhibit from the approved WQMP shall be included as a sheet in all plan sets submitted for plan check and all BMPs shall be depicted on these plans. Grading and building plans must be consistent with the approved BMP exhibit.

8 COMPLIANCE WITH THE NPDES IMPLEMENTATION PROGRAM VTTM17950

Prior to the issuance of a certificate of use and occupancy, the applicant shall demonstrate compliance with the County's NPDES Implementation Program in a manner meeting the satisfaction of the Manager, OC Inspection, including:

- Demonstrate that all structural Best Management Practices (BMPs) described in the BMP Exhibit from the project's approved WQMP have been implemented, constructed and installed in conformance with approved plans and specifications
- Demonstrate that the applicant has complied with all non-structural BMPs described in the project's WQMP
- Submit for review and approval an Operations and Maintenance (O&M) Plan for all structural BMPs (the O&M Plan shall become an attachment to the WQMP;
- Demonstrate that copies of the project's approved WQMP (with attached O&M Plan) are available for each of the initial occupants;
- Agree to pay for a Special Investigation from the County of Orange for a date twelve (12) months after the issuance of a Certificate of Use and Occupancy for the project to verify compliance with the approved WQMP and O&M Plan
- Demonstrate that the applicant has RECORDED one of the following:
 1. The CC&R's (that must include the approved WQMP and O&M Plan) for the project's Home Owner's Association;
 2. A water quality implementation agreement that has the approved WQMP and O&M Plan attached; or
 3. The final approved Water Quality Management Plan (WQMP) and Operations and Maintenance (O&M) Plan.

9 STORMWATER POLLUTION PREVENTION PLAN VTTM17950

Prior to the recordation of a final map or issuance of any grading or building permits, whichever occurs first, the applicant shall demonstrate compliance with California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number; or other proof of filing in a manner meeting the satisfaction of the Manager, Permit Intake. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for County review on request

Prior to the issuance of any grading or building permits, whichever occurs first, the Applicant shall demonstrate to the Manager, Permit Services that construction documents require the construction contractors comply with South Coast Air Quality Management District (SCAQMD) Rules 402 and 403, in

order to minimize short term emissions of dust and particulates. SCAQMD Rule 402 requires that air pollutant emissions not be a nuisance off site. SCAQMD Rule 403 requires that fugitive dust be controlled with the best available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. This requirement shall be included as notes on the contractor specifications. Table 1 of Rule 403 prescribes the Best Available Control Measures that are applicable to all construction projects and is included in Appendix B

16	GEOTECHNICAL REPORT	VTTM17950
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Prior to the issuance of any grading or building permits, whichever occurs first, the applicant shall submit a geotechnical report to the Manager, Permit Services, for approval. The report shall include the information and be in the form as required by the Grading Code and Grading Manual

17	LANDSCAPE PLAN	VTTM17950 (Custom)
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Prior to the issuance of grading permits for the proposed land development area, a preliminary landscape plan shall be reviewed and approved by the Manager, EMA Development Services. The plan shall be prepared and certified by a licensed landscape professional, taking into account approved Area Plans, County of Orange standard plans, and applicable specific plan regulations and grading code erosion control requirements. The plan shall address FEIR 624 Mitigation Measures Bio-1 through Bio-6.

18	RESOURCE PRESERVATION EASEMENT	VTTM17950 (Custom)
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Prior to the issuance of any grading permits or recordation of a final map, whichever occurs first, the landowner shall provide evidence acceptable to the Planning Director that resource preservation areas consistent with PA150054 Area Plan have been identified. Grading plans shall include measures to protect these areas from grading activities (other than approved fuel modification). The final map shall designate these areas as resource preservation areas subject to the same limits and restrictions of similar resources preservation areas within Coto de Caza. The limits and restrictions of uses for the resource preservation areas shall be reviewed and approved by the Planning Director and shall be recorded with the final map.