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## OC DEVELOPMENT SERVICES REPORT

ITEM # 1

**DATE:** July 6, 2023

**TO:** Orange County Zoning Administrator

**FROM:** OC Development Services / Planning

**SUBJECT:** Public Hearing on a Planning Application PA23-0030

**PROPOSAL:** A request to establish a model homes sales complex for the Cielo Vista development and to modify the parking standards. The applicants are requesting to utilize on-street parking to serve the model homes where the Zoning Code would require off-street parking. The proposed on-street parking would be on a cul de sac that would serve only the model homes until the final phases of development.

The project lies within the City of Yorba Linda, who has an agreement with the County of Orange for the processing of the initial grading and building permits.

**ZONING:** Cielo Vista Project Alternative 5 Area Plan (County of Orange R1 “Single Family Residence”)

**GENERAL PLAN:** “Specific Plan” (City of Yorba Linda)

**LOCATION:** The project is located on Rideline Road in the Cielo Vista development in the City of Yorba Linda , CA within the Third Supervisorial District.

**APPLICANT:** Lennar Homes (Brett Hamara, Project Manager)  
Joe Lambert, Agent

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

### RECOMMENDED ACTIONS

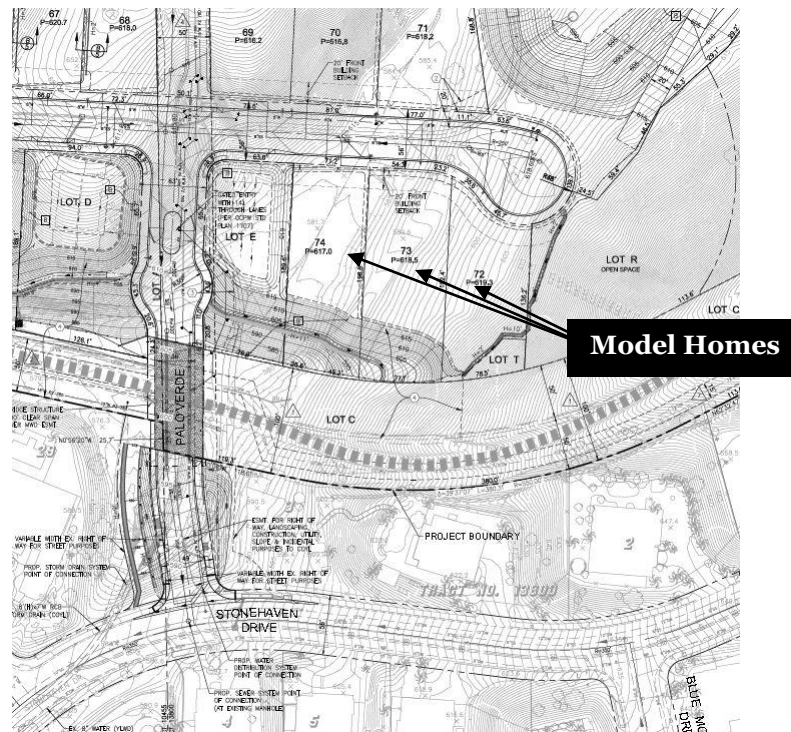
OC Development Services/Planning recommends the Zoning Administrator:

- a) Receive staff report and public testimony as appropriate;
- b) Find that the proposed project was covered by Final EIR No. 615, which was certified by the Board of Supervisors on December 13, 2016, and satisfies the requirements of the California Environmental Quality Act (CEQA) Guidelines and County of Orange procedures; and,
- c) Approve Planning Application PA23-0030 for a Site Development Permit for a model homes sales complex and a Use Permit to modify off-street parking standards subject to the attached Findings and Conditions of Approval.

## BACKGROUND AND EXISTING CONDITIONS

The overall Cielo Vista development project area has been annexed into the City of Yorba Linda however the City and the County have a cooperative agreement that grants the County authority for the reviewing and issuing of permits for the initial development of the new community, from grading and improvement plans through the issuance of Certificates of Occupancy for residential units. The entire project area is currently being rough graded. The project was originally approved for 80 single-family lots but has been redesigned to a total of 74 lots with a minimum lot area of 7,200 square feet.

## PROJECT SITE



## PROPOSED PROJECT

The project includes a Site Development Permit for the establishment of three model homes with an on-site sales office in the garage of one of the homes, and the associated signage. The model homes will be utilized for three years or until all homes within the tract have been sold. A one-year extension of the three-year period may be requested. Model homes sales complexes are required to provide 10 off-street parking spaces, including one accessible space. Because the applicant proposes to utilize on-street parking to serve the models, a Use Permit is required to modify the parking standards.

## SURROUNDING LAND USE

The project site is zoned for residential uses, as are all surrounding areas. The Cielo Vista project is currently under rough grading operations. There are existing single-family residential homes to the south, however the closest of these is separated from the project site by the 100-foot wide Blue Mud Canyon drainage area.

**DISCUSSION/ANALYSIS**

Model homes sales complexes are permitted subject to the approval of a Site Development Permit by the Planning Director. Because the request for a modification to parking standards requires approval of a Use Permit by the Zoning Administrator, the combined application requires approval by the Zoning Administrator.

Below is a table comparing the development standards for “Single-Family Residence” District with the proposed project:

**R1 “Single-Family Residence” District Site Development Standards**

STANDARD	REQUIRED
Building Site Area	7,200 square feet
Maximum Building Height	35 feet maximum
Structural Front Setback	20 feet minimum
Structural Rear Setback	25 feet minimum
Structural Side Setback	5 feet minimum
Off-street parking (model homes)	10 off-street spaces

**MODEL HOME SALES COMPLEX**

The applicant has proposed to build three model homes and will temporarily use one of the garage areas as a sales office. The sales office area must be converted back to its garage use within 90 days of the closing of the sales offices. The project plans include details regarding the proposed directional and informational signage to be located onsite and in the immediate vicinity. The developer will be offering three floor plans and three elevations for the project.

**PROPOSED ELEVATION STYLES**



The model complex location will be on a cul de sac street nearest the entrance to the development, therefore there will be no construction traffic on the street while the models operate. The on-street parking spaces will be required to be striped. A condition of approval is recommended that would prohibit the issuance of building permits on Lots 69, 70 and 71 (residential lots across from the models,

accessed by the same cul de sac) until the models are closed, or some other alternative is proposed that would ensure public safety.

### PRELIMINARY LANDSCAPE PLAN



### REFERRAL FOR COMMENT AND PUBLIC NOTICE

A Notice of Hearing was mailed to all property owners of record within 300 feet of the subject site June 22, 2023. Additionally, a notice was posted on the project's main entry and a notice was published in a newspaper of general circulation in the area affected by the proposed project. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to County Divisions, Orange County Fire Authority, and the City of Yorba Linda. The City had no comment on the project.

All comments by County Divisions and OCFA have been addressed through incorporation of proposed Conditions of Approval provided as Attachment 2.

### CEQA COMPLIANCE

The Cielo Vista development was covered by Final EIR No. 615, which was certified by the Board of Supervisors on December 13, 2016 and satisfies the requirements of the California Environmental Quality Act (CEQA) Guidelines and County of Orange procedures. An appropriate finding is included.

## CONCLUSION

Staff has reviewed the applicant's request for a Site Development Permit and Use Permit and found the proposed project to be consistent with the Cielo Vista project as approved. Staff supports approval of the planning application subject to the Findings and Conditions of Approval provided as Attachments 1 and 2.

Submitted by:

Concurred by:



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Kevin Canning, Planning Consultant  
Planning, OC Development Services



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Justin Kirk, Deputy Director  
OC Public Works/Development Services

## ATTACHMENTS

1. Recommended Findings
2. Recommended Conditions of Approval
3. Applicant's Letter
4. Project Plans
5. City/County Cooperative Agreement

## APPEAL PROCEDURE

Any interested person may appeal the decision of the Zoning Administrator on this permit to the OC Planning Commission within 15 calendar days of the decision upon submittal of required documents and a fee of \$500 filed at the County Administration South building, 601 N. Ross Street, 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 at the public hearing described in this report, or in written correspondence delivered to OC Development Services/Planning.



**Attachment 1**  
**Findings**  
 PA23-0030

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- |          |  |                                   |
|----------|--|-----------------------------------|
| <b>1</b> | <b>GENERAL PLAN</b>  | <b>PA23-0030</b>                  |
|          | 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.                |                                   |
| <hr/>    |  |                                   |
| <b>2</b> | <b>ZONING</b>  | <b>PA23-0030</b>                  |
|          | That the use, activity, or improvement(s) proposed, subject to the specified conditions, is consistent with the provisions of the Zoning Code, or specific plan regulations applicable to the property.              |                                   |
| <hr/>    |  |                                   |
| <b>3</b> | <b>COMPATIBILITY</b>   | <b>PA23-0030</b>                  |
|          | That the location, size, design, and operating characteristics of the proposed use will not create unusual conditions or situations that may be incompatible with other permitted uses in the vicinity.              |                                   |
| <hr/>    |  |                                   |
| <b>4</b> | <b>GENERAL WELFARE</b>   | <b>PA23-0030</b>                  |
|          | That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.  |                                   |
| <hr/>    |  |                                   |
| <b>5</b> | <b>COOPERATIVE AGREEMENT</b>   | <b>PA23-0030</b><br><b>CUSTOM</b> |
|          | That the approval of the permit application is in compliance with the Cooperative Agreement between the County and the City of Yorba Linda dated October 22, 2019, regarding the processing of Cielo Vista projects. |                                   |
| <hr/>    |  |                                   |
| <b>6</b> | <b>PREVIOUS DOCUMENTATION</b>  | <b>PA23-0030</b><br><b>CUSTOM</b> |
|          | Find that the proposed project was covered by Final EIR No. 615, which was certified by the Board of Supervisors on December 13, 2016 and satisfies the requirements of CEQA.  |                                   |
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**Attachment 2**  
**Conditions of Approval**  
PA23-0030

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**1** **BASIC/ZONING REGULATIONS** **PA23-0030**

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 under the Cooperative Agreement dated October 22, 2019 between the County of Orange and the City of Yorba Linda. Approval does not include any action or finding as to compliance or approval of the project regarding any other applicable ordinance, regulation or requirement.

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**2** **BASIC/TIME LIMIT** **PA23-0030**

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.

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**3** **BASIC/PRECISE PLAN** **PA23-0030**

If the applicant proposes changes regarding the location or alteration of any use or structures, 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.

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**4** **BASIC/COMPLIANCE** **PA23-0030**

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 Zoning Administrator.

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**5** **INDEMNIFICATION** **PA23-0030**

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.

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**6 BASIC/APPEAL EXACTIONS PA23-0030**

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.

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**7 MODEL HOME COMPLEX PA23-0030**

A. The use approved by this action shall expire three (3) years from the issuance of the temporary certificate of use and occupancy. Applicant may apply for one (1) one-year extension for this permit.

B. Within ninety (90) days after the termination of the use of the subject property as a model home complex and real estate sales office, the applicant shall remove, all signage, all temporary fencing, and shall remove all on-street striping for parking, and convert the sales office and the model homes as necessary to comply with the current applicable zoning regulations.

C. The model signage copy shall be limited to matters relating to the recorded tract within which the signs are located. Such signs shall have a time limit of existence concurrent with the use of the permitted temporary offices within the recorded tract.

D. A maximum of fifteen (15) onsite (within tract limits) pennants are permitted in connection with the model home sales use.

E. The model home sales office shall be used solely for the first sale of dwelling units approved under this permit.

F. Model site trap fences shall not obstruct the flow of pedestrian or vehicular traffic passing through the model home complex. The applicant shall install all fencing behind the sidewalk unless otherwise approved by the Manager, Permit Services.

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**8 CONSTRUCTION NOISE PA23-0030**

A. Prior to the issuance of any grading or building permits, the project proponent shall produce evidence acceptable to the Manager, Building and Safety Division, that:

(1) All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with properly operating and maintained mufflers.

(2) All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).

(3) Stockpiling and/or vehicle staging areas shall be located as far as practicable from



dwellings.

B. Notations in the above format appropriately numbered and included with other notations on the front sheet of the project's permitted grading plans, will be considered as adequate evidence of compliance with this condition.

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**PRIVATE LANDSCAPING**

**PA23-0030**

- A. Prior to the issuance of precise grading permits, the applicant shall submit a detailed landscape plan for the project area which shall be approved by the Manager, Permit Services in consultation with the Manager, OC Planning. The plan shall be certified by a licensed landscape architect or a licensed landscape contractor, as required, as taking into account approved preliminary landscape plan (if any), County Standard Plans for landscape areas, adopted plant palette guides, applicable scenic and specific plan requirements, and water conservation measures contained in the County of Orange Landscape Code (Ord. No. 09-010) and shall comply with State's Model Water Efficient Landscape Ordinance (MWEL0 - Sections 490-495, Chapter 2.7, Division 2, Title 23 in the California Code of Regulations).
- B. Prior to the approval of final inspection, the applicant shall furnish said installation certification, including an irrigation management report for each landscape irrigation system, and any other implementation report determined applicable, to the Manager, Permit Services.
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**LIMITATION ON PERMITS FOR  
LOTS 69, 70 AND 71**

**PA23-0030**

Prior to the issuance of any building permits for Lots 69, 70, and 71, the on-street parking for the models will be removed and all painted parking stripes/markers shall be removed. If it is necessary to keep the model homes sales complex open and available to potential homebuyers, the developer may submit a Changed Plan to either: a) locate 10 off-street parking spaces (whose layout must meet required standards) on Lot 71, or b) shall modify the sales office to an appointment-only schedule with model parking provided within the driveway areas.