



SUBDIVISION COMMITTEE PRELIMINARY REPORT

DATE: December 6, 2023

TO: OC Subdivision Committee

FROM: OC Development Services / Planning

SUBJECT: Vesting Tentative Tract Map 19161 for a 44-unit Planned Development

PROPOSAL: A proposed map for condominium purposes to facilitate the development of a 44-unit Planned (Unit) Development with the creation of eight lots for residential, communal, or recreational uses, and various lettered lots for internal private streets. The associated Planning Application PA21-0111 was approved for a Planned Development by the Planning Commission on November 8, 2023.

ZONING: C1(SR)(H) "Local Business" District with Sign Restriction and Housing Opportunities overlay zoning designations

GENERAL PLAN: 1B Suburban Residential

LOCATION: The Project is located at 6821 Fairlynn Boulevard (at the intersection of Esperanza Road), in the unincorporated Yorba Linda area, within the Third (3rd) Supervisorial District. (APN 349-071-17.)

OWNER ROI Esperanza LLC, Property owner
/SUBDIVIDER: Alex Wong, Applicant

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

RECOMMENDED ACTIONS

OC Development Services recommends that the Subdivision Committee:

1. Receive staff report and public testimony as appropriate;
2. Find that Mitigated Negative Declaration No. IS/MND PA21-0111, previously adopted by the Planning Commission on November 8, 2023, for PA21-0111, the Fairlynn Townhomes project, reflects the independent judgment of the County of Orange and is adequate to satisfy the requirements of CEQA for VTTM 19161 based on the following additional findings:
 - a. The circumstances of the project are substantially the same and Mitigated Negative Declaration No. IS/MND PA21-0111 adequately addressed the effects of the proposed project. No substantial changes have been made in the project, no substantial changes have occurred in the circumstances under which the project is being undertaken and no new information of

- substantial importance to the project which was not known or could not have been known when the previous Mitigated Negative Declaration No. IS/MND PA21-0111 was adopted has become known; therefore, no further environmental review is required.
- b. Mitigated Negative Declaration No. IS/MND PA21-0111 is adequate to satisfy the requirements of CEQA for Vesting Tentative Tract Map (VTTM) 19161.
3. Approve VTTM19161, subject to the attached Findings and Conditions of Approval, as may be modified by the Committee at the hearing.

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 all required improvements. Said agreement shall be accompanied by financial security.

BACKGROUND AND EXISTING CONDITIONS

The proposed project would replace the existing developed retail center (Esperanza Village shopping center), which has approximately 20,000 square feet in three standalone single-story multi-tenant commercial buildings with surface parking and ornamental landscaping. The project site wraps around an existing gas service station located at the intersection that will remain.

The project is being processed under the State's Housing Accountability Act. Government Code Section 65589.5 (Housing Accountability Act or HAA) amended state law to address the housing availability crises by establishing measures to promote and facilitate the development of housing. Pursuant Government Code section 65589.5(j)(4), a local approving authority may not require a zone change where the Project is consistent with objective general plan standards and criteria but is not consistent with the site's zoning due to an inconsistency between the zoning and the general plan. In such a case, the Project shall be reviewed using standards and criteria that are consistent with the Project's General Plan designation.

The subject site's General Plan designation is 'Suburban Residential', which allows residential development at densities between 0.5 to 18.0 dwelling units per acre. The project proposes a residential development at 17.1 units per acre and is therefore consistent with all applicable objective standards in the General Plan. The site's Zoning designation is C1 "Local Business" District with (SR) Sign Restriction and (H) Housing Opportunities overlay zoning designations. The C1 District itself does not allow residential development, but with the Housing Opportunities overlay it permits rental housing projects only that are 100% affordable for low or very low income households. Thus, there is an inconsistency between the General Plan's allowing general market rate housing and this site's Zoning designation which would restrict any housing to 100% affordable rental projects.

At their meeting of November 8, 2023, Planning Commission considered PA21-0111, a proposed Use Permit for a Planned Development of 44 units and one parking standard modification. Their consideration included written comments submitted regarding the proposed Mitigated Negative Declaration as well as additional comments presented by speakers at their public hearing. The Commission voted to approve planning application PA21-0111 and to adopt the proposed IS/MND PA21-0111.

Proposed Project

The applicant is proposing to develop the 2.57-acre Project site with a 44-unit townhome planned development with several small passive use pocket parks and private interior streets. The planned units will consist of the 44 attached townhome units in 8 three-story (35 feet in height) structures with either 5 or 6 units in each structure. Three basic floorplans will offer three bedrooms and 3.5 baths, ranging in

living area from 1,670 to 1,950 square feet. Each unit will have an attached two-car garage. The proposed density will be 17.1 dwelling units per acre as permitted by the 1B Suburban Residential General Plan designation.

SURROUNDING LAND USE

The surrounding development is a mix of commercial and multi-family residential development. The County of Orange General Plan designates the Project site and vicinity as “Suburban Residential” (1B) which permits residential densities between 0.5 and 18.0 dwelling units per gross Project acre.

Zoning and existing land uses for other surrounding properties near the Project site are as follows:

Direction	Zoning	Existing Land Use
Subject Site	C1 ‘Local Business’ District with (SR) Sign Restrictions and (H) Housing Opportunities	Commercial, food and retail center
North/Northwest	R4 ‘Suburban Multifamily’ with (SR) Sign Restrictions and PD(3000) Planned Development with 3,000 square feet land area per unit	Attached townhomes, planned development (Fairgreen community)
West	C1 ‘Local Business’ District with (SR) Sign Restrictions, (H) Housing Opportunities and Ordinance C3476	Automotive (tire) sales and fast food restaurant
East	R2(2000) ‘Multifamily Dwelling’ with 2,000 square feet land area per unit, (SR) Sign Restrictions and Ordinance C2477	Attached townhomes, planned development (Woodgate community)
South	C1 ‘Local Business’ District with (SR) Sign Restrictions,(H) Housing Opportunities, and (SS) Service Station	Gas station

DISCUSSION/ANALYSIS

Drainage

The applicant has submitted a Conceptual Water Quality Management Plan and a Preliminary Hydrology and Hydraulics Report which have been reviewed and found acceptable. A Final WQMP will be required prior to the issuance of grading permits.

Recreation and Open Space

The proposed map is not required to provide any improvements or dedications associated with the County Master Plan of Regional Recreation Facilities; Master Plan of Regional Riding and Hiking Trails; Resources Element (Open Space Component); or the County Bikeway Plan. The developer will be required to pay in-lieu local park fees for Community Analysis Area (CAA) 9 prior to the issuance of building permits. The project will also include some passive on-site private recreational facilities for its future occupants.

Public Services & Utilities

- Schools - This property is within the boundaries of the Placentia-Yorba Linda Unified School District. The developer is subject to the provisions of Assembly Bill AB 2926, or other mitigating measures designed to provide for school facilities and/or funding, such as community facilities districts.
- Water/Sewer – Water service will be provided by Golden State Water Company and sewer service will be provided by the Yorba Linda Water District. These agencies did not identify any system

deficiencies that this project would exacerbate. Each agency may require its own agreements or improvements from the developer prior to any service connections.

- Fire Protection and Safety – Orange County Fire Authority (OCFA) stated in their review of IS/MND 21-0111 that existing and proposed fire protection services are capable of providing an adequate level of fire protection services to this development. Conditions are also proposed to require subsequent review and approval of fire safety measures (Fire Master Plan) prior to the issuance of grading permits.

Traffic/Circulation

- Scenic Highway Corridors – There are no Scenic Highways applicable to this map.
- Access/Highways/Streets/Roads - Access to the site is provided by Esperanza Road and Fairlynn Blvd. Internal tract access will be provided by a system of private streets.
- Major Thoroughfare and Bridge Fee Program - This project lies within the area of benefit of the Foothill/Eastern Transportation Corridor, Zone B. The developer is required to pay Foothill/Eastern Major Thoroughfare and Bridge fees in accordance with the adopted program.

DEVIATION REQUEST

The applicant has requested a deviation from County Standard Plan 1201 to allow the use of a modified rolled curb for the interior private streets of the project.

Staff supports the request and recommends Committee approval.

REFERRAL FOR COMMENT AND PUBLIC NOTICE

Copies of the tentative map application submittal package were distributed for review and comment to County staff. Through a collaborative effort with County staff, the applicant adequately addressed all comments. As of the writing of this staff report, no further comments have been received from any County divisions.

A Notice of Public Meeting was mailed to all property owners of record within 300 feet of the subject site on November 22, 2023. Additionally, notices were posted at the site, and a notice was published in a newspaper of general circulation, as required by established public hearing posting procedures. No public comments have been received to date.

CEQA COMPLIANCE

At their meeting of November 8, 2023, Planning Commission considered and approved PA21-0111 and adopted IS/MND PA21-0111. The Commission's consideration included written comments as well as additional comments presented by speakers at their November 8 public hearing.

In accordance with the California Environmental Quality Act (CEQA) Guidelines, an Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared for the proposed project in accordance with CEQA Guidelines Section 15070. The County provided the mandatory 20-day period for public and agency review. In addition, and in compliance with the Governor's Executive Order No. N-54-20, Section 8(b), the Notice of Intent to Adopt a Mitigated Negative Declaration and proposed IS/MND were uploaded to the State Clearinghouse CEQAnet Web Portal. The State Clearinghouse assigned SCH No. 2023070560 to the Project.

However, the proposed Project does not qualify as a project of Statewide, Regional, or Areawide Significance per CEQA Guidelines Section 15206, therefore the 20-day review period was satisfactory. In addition to the two online locations identified above, the public Notice of Intent to Adopt a Mitigated Negative Declaration was also provided in the following manner:

- Filed with the Orange County Clerk-Recorder from July 25 through August 24, 2023;
- Posted at the public entrance of the County Administrative South building from July 25 through August 24, 2023;
- Posted at the entrance to the Esperanza Village Shopping Center (Project Site) on July 25, 2023

During the public review period, comments were received on the proposed Initial Study/Mitigated Negative Declaration (IS/MND) from interested public agencies and private parties. Comments received after the close of the public comment period were also accepted and considered in the Final Initial Study and Mitigated Negative Declaration. Four public agency letters were received and addressed as necessary through the application of mitigation measures. Comments of support for the project were received from 31 individuals. Other comment of concern received from 22 persons or organizations. The topics of concern were grouped into topics/themes and have been addressed in the Final Initial Study and Mitigated Negative Declaration. Brief staff responses to some of the areas of concern are provided below.

- Displacement of current businesses

The subject site is private property and therefore may be used as the property owner desires. Staff notes that one comment was received from a commercial property manager (who also manages the commercial development on the subject site) who stated that there were additional commercial centers in the vicinity and that the subject was no longer viable as a commercial shopping center.

- Density and Character of Development

The project proposes development standards that are consistent with those applicable to the adjacent residential projects. It is noted that while the adjacent sites were/are allowed to develop to a height of 35 feet, they were not constructed to that height, whereas the subject project does. The type and character of the proposed development is consistent with the surrounding townhome projects.

- Parking

The most common concern expressed was that the proposed project would have insufficient off-street parking and that there would be spill-over into the adjacent residential projects. The subject project provides slightly more than the minimum number of off-street parking required. Regarding the proposed parking modification request of unassigned spaces greater than 200 feet from a unit, staff notes that the two adjacent projects have multiple situations in each where such a condition exists. Although staff could not locate County records of the adjacent projects to confirm, it does note that at the time of their construction (based upon Assessor's records), the County standards did permit parking to be based upon unit square footage rather than bedroom count. If this methodology was in fact used, staff estimates that as many as 50 or more additional off-street parking spaces would have been required in the adjacent projects, which may account for current day parking issues.

- Aesthetics

The subject project proposes three-story, 35-foot high townhomes. Although it is located slightly below the adjacent Fairgreen project, the top floor of the proposed units would be visible from portions of Fairgreen. The design of the proposed units has no exterior balconies or decks on the third level.

- Traffic

The traffic analysis in the Initial Study demonstrates that compared to the existing shopping center, and using Institute of Transportation Engineer (ITE) standards, the proposed project would generate less average daily traffic (by 731 fewer trip ends) and less traffic on both the morning and evening peak hours.

CONCLUSION

Based upon the review of the subject submittal, staff supports approval of the applicant's proposed Vesting Tentative Tract Map 19161, as well as the applicant's request for a deviation from Standard Plan 1201 to allow a modified rolled curb on the project's interior private streets, pursuant to the Orange County Subdivision Code, Orange County Codified Ordinances (OCCO), Subarticle 5 (Processing Procedures for Tentative Maps).

Submitted by:



Kevin Canning, Contract Planner
Planning, OC Development Services

Concurred by:



Justin Kirk, Deputy Director
OC Public Works/Development Services

CERTIFICATION

I hereby certify that Vesting Tentative Tract Map 191619 was approved by the Orange County Subdivision Committee on December 6, 2023, subject to any amendments reflected in the Final Staff Report and the findings in Appendix A and the conditions in Appendix B.

Lily Sandberg,
Subdivision Committee Chairperson

APPENDICES

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

ATTACHMENTS

1. VTTM19161 map exhibit
2. CEQA Documents
 - a. Mitigated Negative Declaration MND IS PA21-0111
 - b. Comments and Response
3. PA21-0111 (Planned Development Plans) – for information only

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 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 raised in written correspondence delivered to OC Development Services.