

**SUBDIVISION COMMITTEE PRELIMINARY REPORT**

**DATE:** November 15, 2023

**TO:** Orange County Subdivision Committee

**FROM:** OC Development Services/Planning Division

**SUBJECT:** Public Hearing on Tentative Parcel Map 2021-131

**PROPOSAL:** A proposal to subdivide a vacant 4.20 acre property into three parcels each of a minimum area of 1 acre in the unincorporated North Tustin area. The proposed subdivision was previously approved as TPM 2015-119, but that approval was allowed to expire.

**GENERAL PLAN DESIGNATION:** 1B “Suburban Residential”

**ZONING:** R1-1 “Single-Family Residence” (1 acre minimum building site)

**LOCATION:** The project is located at 10591 Bent Tree, in the unincorporated area of North Tustin within the Third Supervisorial District (APN 104-290-16).

**APPLICANT:** Business Done Right, Applicant  
Parkside Estates Holdings LLC, Property Owner

**AGENT:** Tera Wray, 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 Division recommends that the Subdivision Committee:

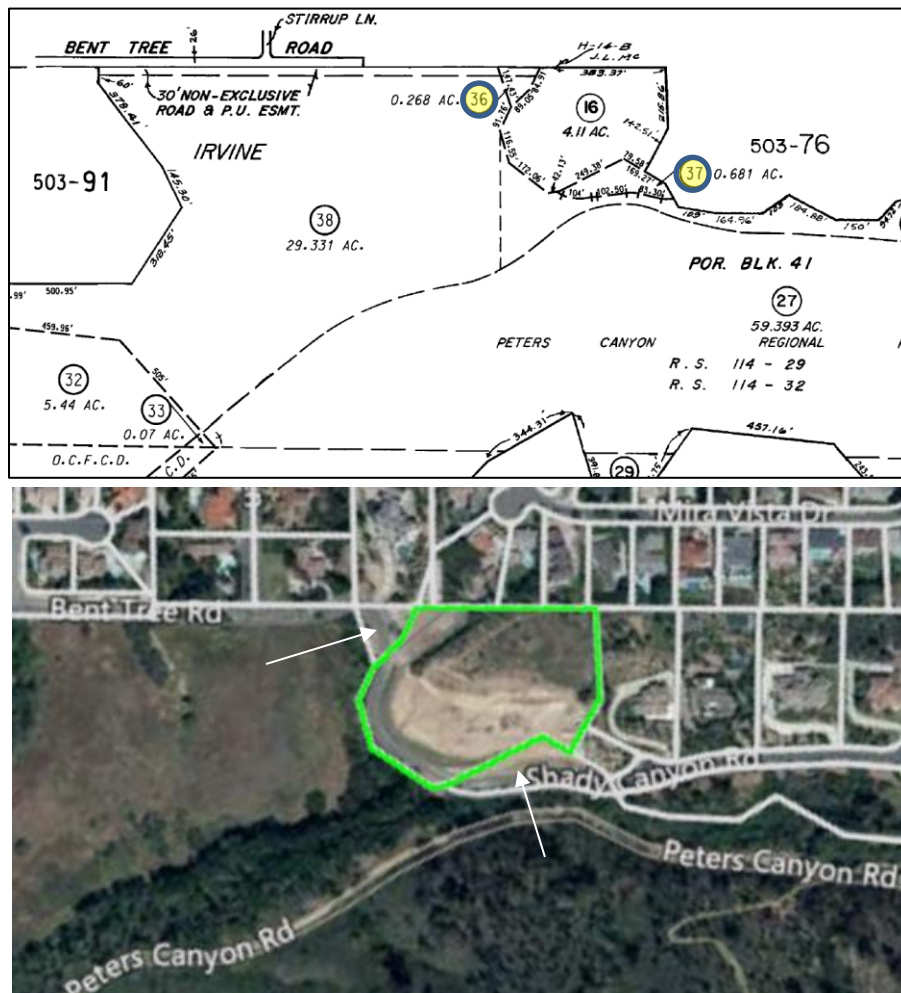
- 1) Receive staff report and public testimony as appropriate; and,
- 2) That Final Mitigated Negative Declaration No. PA150046, previously approved by Board of Supervisors on September 27, 2016, reflects the independent judgment of the County of Orange and is adequate to satisfy the requirements of CEQA for Tentative Parcel Map 2021-131 based on the following additional findings:
  - a. That the circumstances of the project are substantially the same and Mitigated Negative Declaration No. PA150046 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. PA150046, was adopted had become known; therefore, no further environmental review is required, and;

- b. That Mitigated Negative Declaration No. PA150046 is adequate to satisfy the requirements of CEQA for Tentative Parcel Map 2021-131.
- 3) Approve Tentative Parcel Map TPM 2021-31 subject to the attached Findings and Conditions of Approval.

### BACKGROUND AND EXISTING CONDITIONS

The subject property (APN 104-290-16) has an assigned address of 10591 Bent Tree Road, a public street that becomes a private road (Shady Canyon Road) approximately 300 feet before reaching the subject property. Shady Canyon Road also separates the site from Peters Canyon Regional Park to the east. A nearly identical tentative parcel map was approved in 2016 as TPM2015-119, but that map was allowed to expire. The blue line boundary of the previous and current tentative maps are identical, however individual parcels shapes are slightly changed. Since that time, the property owner has purchased two adjacent parcels (#36 and #37 below) from OC Parks in order to provide fuel modification on these areas. The two ‘fuel modification’ areas were not added to the current map because they will not be used as legal building sites and because these two areas are within the City of Tustin.



## **PROPOSED PROJECT**

The project proposes to subdivide a 4.2-acre property into three 1-acre minimum parcels. The map proposes grading the property to create the development pads. Access to Parcels 1 and 2 will be directly from Shady Canyon Road. Access to Parcel 3 will be provided either by a shared access with Parcel 2, or within a separate driveway located on the adjacent ‘fuel modification lot’ that is within the City of Tustin, if separate approval is granted.

## **SURROUNDING LAND USE**

The project site is designated as Suburban Residential by the General Plan and is bounded by existing single-family homes to the north, east and west and by Peters Canyon Regional Park to the south.

## **DISCUSSION/ANALYSIS**

The project applicants submitted data and information that demonstrated that the proposed map meets all zoning district standards for the requested subdivision.

## **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)

Because there is no record of a local park fee payment for a previously demolished residence on the property, the Local Park Code requirement for the project is 0.024 acres of local parkland for the three proposed dwellings. Compliance will be met with the payment of in-lieu fees at the time of issuance of the building permit. The subject site is within Community Analysis Area 43, the amount of the in-lieu fee is currently \$8,000 per dwelling unit.

### Resources Element- Open Space Component

There are no Resource Element open space dedication requirements for this 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. A condition of approval is recommended to require compliance prior to the issuance of any grading permit.

#### 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 located within a Very High Fire Hazard Severity Zone. OCFA has already reviewed and approved a Precise Fuel Modification Plan, including an alternative means and methods (SR 538737).

### **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 Bent Tree Road, a public street that becomes a private road approximately 300 feet before reaching the subject property

#### 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 a residence. 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.

### **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.

The North Tustin Advisory Committee (NTAC) reviewed the map at its meeting of July 19, 2023. The Committee voted in favor of the map.

As required by established public hearing posting procedures, at least ten days prior to the Committee's hearing, a Notice of Public Meeting was published in a newspaper of general circulation in the area, the Notice mailed to all property owners of record within 300 feet of the subject site, and the Notice was posted on-site. No public comments have been received to date.

### **CEQA COMPLIANCE**

Mitigated Negative Declaration (MND) No. PA150046 for the previous Zone Change and TPM 2015-119 was approved by the Board of Supervisors in September 2016. This MND addressed the potential environmental impacts for the previous project which is essentially identical to that currently proposed. Staff has reviewed the previous MND and the proposed project and determined that the previous environmental review adequately addresses the potential environmental impacts and that recommends that the Committee make such a finding.

### **CONCLUSION**

Staff has reviewed the applicant's proposed parcel map supports approval of the project subject to the Findings and Conditions of Approval provided as Attachments 1 and 2.

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 Tentative Parcel Map 2021-131 was approved by the Orange County Subdivision Committee on November 16, 2023, per the Findings included in Attachment 1 and the Conditions of Approval included in Attachment 2.

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Lily Sandberg, Deputy County Surveyor  
Subdivision Committee Chairperson

### **ATTACHMENTS:**

1. Recommended Findings
2. Recommended Conditions of Approval

3. NTAC minutes
4. Tentative Parcel Map TPM2021-180

**APPEAL PROCEDURE:**

Any interested person may appeal the decision of the Subdivision Committee on this application to the OC Planning Commission within 10 calendar days of the decision upon submittal of required documents and a deposit of \$500 filed at the Development Processing 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 raised at the public hearing described in this report, or in written correspondence delivered to OC Development Services / Planning.