



# *CITY COUNCIL AGENDA REPORT*

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MEETING DATE: JANUARY 19, 2016

ITEM NUMBER: **CC-5**

**SUBJECT:** FINAL MAP FOR TRACT NO. 17779 LOCATED AT 1239 VICTORIA STREET, COSTA MESA, CALIFORNIA

**DATE:** JANUARY 7, 2016

**FROM:** PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

**PRESENTATION BY:** ERNESTO MUNOZ, PUBLIC SERVICES DIRECTOR

**FOR FURTHER INFORMATION CONTACT:** FARIBA FAZELI, CITY ENGINEER, AT 714-754-5335

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## **RECOMMENDATION:**

Approve the Final Map for Tract No. 17779 (Attachment 1) and authorize signing of the Map and Covenant and Agreement to Hold Property as One Parcel (Lot Tie Agreement).

## **BACKGROUND:**

The Vesting Tentative Map for Tract No. 17779 (Attachment 2) and Conditions of Approval were approved by the City Council on May 5, 2015. The Map consisted of a common interest residential development subdivision with 28 numbered lots and 4 lettered lots on a 2.04-acre lot to accommodate the common areas and private streets.

However, the Final Tract Map proposes to subdivide the 2.04-acre lot into 8 numbered lots and 5 lettered lots.

## **ANALYSIS:**

The City Council approved Vesting Tentative Map for Tract No. 17779 which consisted of a master plan for development of a Residential Planned Development consisting of a condominium development for a total of 28 residential units. While the project description was revised to reflect a residential common-interest development, the approved vesting map depicted 28 numbered lots and 4 lettered lots. The applicant has complied with the conditions of approval of the Vesting Tentative Tract Map. Since then, the applicant requested a slight modification to the numbering/lettering of the lots from twenty-eight (28) numbered lots and four (4) lettered lots to eight (8) numbered lots and five (5) lettered lots. However, the total number of units would remain the same.

According to the applicant, this change would achieve the following objectives:

- To be consistent with the original project approval as a condominium project.
- To allow phased development of the property into phases for sales and financing purposes.
- To ensure that the proposed 8 numbered lots could not be sold independently pursuant to a Lot Tie Agreement.

Under the Subdivision Map Act, a final map that is in substantial compliance with the vesting tentative tract map, ordinances, policies, and standards in place at the time the application for the map was completed may be approved, California Government Code Section 66498.1(b). The City Attorney's office determined that, in accordance with Government Code section 66498.1(b), the change in the number of parcels is in substantial compliance with the Vesting Tentative Tract Map No. 17779 since the number of total units remains the same, it requires no modifications in the design or density, the conditions approved by the City Council remain the same, and the applicant has complied with all of the required conditions of approval. However, the City Attorney's office proposes the applicant record the attached lot tie agreement requiring the property is held as one parcel until such time as the entire project is completed in order to ensure that the project is constructed together.

The Final Tract Map has been checked and found to be technically correct, and includes the ingress and egress easement for emergency and public security vehicle purposes, the release and relinquishment of access rights and a sidewalk easement to be accepted by the City.

**ALTERNATIVES CONSIDERED:**

Because the proposed final map, in conjunction with the Lot Tie Agreement, would technically comply with the original planning approvals, staff is not proposing other alternatives at this time.

**FISCAL REVIEW:**

All tract map filing fees have been paid for.

**LEGAL REVIEW:**

The City Attorney's Office has reviewed and approved this report.

**CONCLUSION:**

Staff recommends that the City Council approve the Final Map; and authorize the City Clerk and the City Engineer to sign the Lot Tie Agreement and Final Map.

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**ERNESTO MUNOZ**  
Public Services Director

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**FARIBA FAZELI**  
City Engineer

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**YOLANDA M. SUMMERHILL**  
City Attorney

- ATTACHMENTS:
1. [Final Tract Map](#)
  2. [Covenant and Agreement to Hold Property as One Parcel \(Lot Tie Agreement\)](#)
  3. [Vesting Tentative Tract Map](#)
  4. [Resolution](#)
  5. [Letter of Conditions](#)

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