Recommended Action:

1. Adopt a Resolution approving Final Parcel Map 2017-176 Parcel 1 of Lot Line Adjustment 96-031 for condominium purposes, approved by City Council October 18, 2017 as Tentative Parcel Map 2017-100.

Fiscal Impact:

There is no fiscal impact.

Background:

The Orosco Group are the property owners of Parcel 1 of Lot Line Adjustment 96-031. Staples and Five Below currently occupy the building at Parcel 1. The Orosco Group has requested to subdivide the building airspace at Parcel 1 into two units for condominium purposes: Unit A for Staples and Unit B for Five Below.

Discussion:

The proposed subdivision was requested by the owner, The Orosco Group, as a necessary step to provide its tenants, Staples and Five Below, their own retail units. Tentative Parcel Map 2017-100 was approved with the following conditions.

1. Prior to the final map submittal, the applicant shall obtain approval or deferral of the tentative map from the Aliso Viejo Community Association Master Architectural Committee ("AVCA MAC"). (See AVCA CC&Rs § 7.03 (Orange County Instrument No. 82-118353, recorded April 6, 1982).) As part of the final
map submittal, the applicant shall provide documentation of the AVCA MAC’s approval or deferral. For purposes of this project, documentation of deferral will be satisfied by the letter dated March 4, 2009 from the AVCA General Manager to the City Planning Department, which explains AVCA’s relinquishment of review for non-residential projects. By signing off on this condition, the City is not guaranteeing satisfaction of any required private approval by AVCA or any other entity.

2. Prior to the final map submittal, the applicant shall obtain approval of the covenants, conditions, and restrictions (“CC&Rs”) for the property owners from the Director of Planning Services, Director of Public Works, and City Attorney. The CC&Rs shall include, without limitation, provisions for use and maintenance of the parking lot, site landscaping, on-site utilities, infrastructure, as well as any other common areas, facilities, and improvements. As part of the final map submittal, the applicant shall provide a copy of the draft CC&Rs and documentation of the Director or Planning Services’, Director of Public Works’, and City Attorney’s approval. Sign off on this condition does not represent the City’s approval of any proposed sign design, placement, or program in the CC&Rs nor does it represent that any such sign provisions are consistent with the Aliso Viejo Municipal Code or any applicable adopted sign program.

3. Any signage proposed in the CC&Rs shall be consistent with the Aliso Viejo Municipal Code and any applicable adopted sign programs. Any signage proposed in the CC&Rs must still obtain the appropriate the applicable permits and approvals from the City. Any signage proposed in the CC&Rs that is inconsistent with these the Municipal Code and sign programs shall not be approved by the City and, if installed without applicable City permits and approvals, shall be subject to fines and code enforcement action.

For purposes of this approval conditions #1 and #2 have been satisfied, and #3 shall remain in effect in perpetuity with the Final Parcel Map.

The City Council’s approval of the proposed map is exempt from the California Environmental Quality Act pursuant to CEQA Section 15183. The proposed map makes no changes to the development density established by existing zoning or general plan policies for which the 2004 General Plan EIR, the basis for the project level Addendum, was certified. There are no project specific effects which are peculiar to the map. There are no project specific impacts which the 2004 General Plan EIR, and subsequent Addendum, failed to analyze as significant effects. There are no potentially significant off-site and/or cumulative impacts which the 2004 General Plan EIR, and subsequent Addendum, failed to evaluate. There is no substantial new information which results in
more severe impacts than anticipated by the 2004 General Plan EIR, and subsequent Addendum.

According to State CEQA Guidelines, section 15268(b)(3), the City Council’s approval of the Final Parcel Map 2017-176 would be statutorily exempt from CEQA.

Shaun S. Pelletier
City Engineer

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL

David A. Doyle
City Manager

Attachments:  Resolution 2017-xxx
              Final Parcel Map 2017-176
RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, ACCEPTING AND APPROVING FINAL PARCEL MAP 2017-176 FOR PARCEL 1 OF LOT LINE ADJUSTMENT 96-031 FOR CONDOMINIUM PURPOSES

WHEREAS, on October 24, 2017, the Applicant, The Orosco Group, submitted Final Parcel Map 2017-176 for Parcel 1 of Lot Line Adjustment 96-031 for condominium purposes; and

WHEREAS, pursuant to Aliso Viejo Municipal Code (AVMC) Section 14.18.010, when a subdivision is proposed to be created through the tentative map process, a final map shall be filed pursuant to California Government Code Section 66466; and

WHEREAS, pursuant to Aliso Viejo Municipal Code (AVMC) Section 14.18.020, the City Council may approve a Final Map that is in conformance with the approved Tentative Map; and

WHEREAS, on November 15, 2017, the City of Aliso Viejo City Council met to take action as prescribed by law and accepted and approved Final Parcel Map 2017-176; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Recitals. The above recitals are incorporated herein by reference and are made a substantive portion of these findings.

SECTION 2. Findings for CEQA. The City Council's approval of the final map is exempt from the California Environmental Quality Act pursuant to CEQA Section 15268(b)(3).

SECTION 3. Findings for the Final Parcel Map. In accordance with AVMC 14.18, the City Council hereby finds that the Final Parcel Map 2017-176 substantially conforms to Tentative Parcel Map 2017-100, and the City Council hereby accepts and approves Final Parcel Map 2017-176 subject to the conditions set forth in Exhibit “A” previously approved as part of Tentative Parcel Map 2017-100.

SECTION 4 Location of Documents. The documents and materials that constitute the record of proceedings on which these findings in this Resolution have been based are
located at the City of Aliso Viejo, 12 Journey, Suite 100, Aliso Viejo CA 92656. The custodian for these records is the Director of Public Works.

SECTION 5. City staff shall cause a Notice of Exemption to be filed and posted with the County of Orange Registrar-Recorder/County Clerk and the State Clearinghouse within five (5) working days of the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 15th day of November 2017.

________________________________________
David C. Harrington
Mayor

ATTEST:

________________________________________
Mitzi Ortiz, MMC
City Clerk

APPROVED AS TO FORM:

________________________________________
Scott C. Smith
City Attorney
I, MITZI ORTIZ, City Clerk of the City of Aliso Viejo, California, DO HEREBY CERTIFY that foregoing Resolution No. 2016-XXX was duly passed and adopted by the City Council of the City of Aliso Viejo at their regular meeting held on the 19th day of October 2016, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:  

NOES: COUNCIL MEMBERS:  

ABSENT: COUNCIL MEMBERS:  

MITZI ORTIZ, MMC  
CITY CLERK  

(SEAL)

I hereby certify that the foregoing is the original of Resolution No. 2017-XXX duly passed and adopted by the Aliso Viejo City Council at its regular meeting held November 15, 2017.  

(SEAL)
EXHIBIT “A”

CONDITIONS OF APPROVAL

General Conditions

1. Any signage proposed in the CC&Rs shall be consistent with the Aliso Viejo Municipal Code and any applicable adopted sign programs. Any signage proposed in the CC&Rs must still obtain the appropriate the applicable permits and approvals from the City. Any signage proposed in the CC&Rs that is inconsistent with these the Municipal Code and sign programs shall not be approved by the City and, if installed without applicable City permits and approvals, shall be subject to fines and code enforcement action.
FOR CONDOMINIUM PURPOSES

SURVEYOR'S STATEMENT:

This map was prepared by me or under my direction, and was compiled from record data in compliance with the requirements of the Subdivision Map Act and local ordinance at the request of the Crossed Group. On April 3, 2017, I hereby state that this parcel map substantially conforms to the approved or conditionally approved tentative map.

Derek J. Mcgregor, L.S. 8496

COUNTY SURVEYOR'S CERTIFICATE:

This parcel is acceptable for recording.

Dated this ___ day of ____, 2017.

Herr R. Hills, County Surveyor
US Bati Expiration Date: 12-31-17

BY: ___________ DEPUTY SURVEYOR

CITY SURVEYOR'S STATEMENT:

I hereby state that I have examined this map and have found it to conform with the provisions of the Subdivision Map Act and it is declared to be technically correct.

Dated this ___ day of ____, 2017.

Angela P. Vereda, P.S. 8485
CITY SURVEYOR

CITY ENGINEERS' STATEMENT:

I hereby state that I have examined this map and have found it to be substantially in conformance with the tentative map as filed with amendments and approved by the City of Aliso Viejo that all provisions of the Subdivision Map Act and City Subdivision Regulations have been complied with.

Dated this ___ day of ____, 2017.

S. Pelletier, P.E. 17280
CITY ENGINEER, CITY OF ALISO VIEJO

COUNTY TREASURER-TAX COLLECTOR'S CERTIFICATE:

STATE OF CALIFORNIA
COUNTY OF ORANGE

I hereby certify that according to the records of my office, there are no liens against the land covered by this map or any part thereof for unpaid State, County, Municipal or Local Taxes, or Special Assessments collected as Taxes, except the taxes or special assessments collected as taxes not yet payable.

This certificate is for the recipient of Orange County in this parcel that the provisions of the Subdivision Map Act have been compiled with the required deposits to secure payment of taxes or special assessments collected as taxes on the land covered by this parcel.

Dated this ___ day of ____, 2016

Shelli L. Ferguson
COUNTY TREASURER-TAX COLLECTOR

DISTRICT ATTORNEY

STATE OF CALIFORNIA
COUNTY OF ORANGE

I hereby certify that this parcel map was presented for approval to the City Council of the City of Aliso Viejo at a regular meeting thereof held on the ___ day of ____, 2017, and that thereupon said Council did, by an order duly passed and entered, approve said map.

Dated this ___ day of ____, 2017

City Clerk, City of Aliso Viejo
PARCEL NO. 2017-176

IN THE CITY OF ALISO VIEJO, COUNTY OF ORANGE, STATE OF CALIFORNIA.

PARCEL 1, IN THE CITY OF ALISO VIEJO, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON EXHIBIT "E" ATTACHED TO AND RECORDED OCTOBER 7, 1996 AS INSTRUMENT NO. 19960510134 OF OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA.

DEREK J. McGRORDEC, L.S. 6496

DMC ENGINEERING

OCTOBER 2017

FOR CONDOMINIUM PURPOSES

SURVEYOR'S NOTES:

THERE ARE NO CONFLICTS WITH EXISTING VISIBLE IMPROVEMENTS AND THE EXTERIOR BOUNDARY LINE (DESCRIPTIVE BORDER) OF THIS MAP AS ESTABLISHED HEREON.

ABBREVIATIONS/LEGEND

- CENTRAL ANGLE
- ARC LENGTH
- RADIUS
- INDICATES EASEMENT AS PLOTTED AS SHOWN HEREON

BOUNDARY LINE
- RECORD BOUNDARY LINE
- CENTERLINE
- EASEMENT LINE

GENERAL NOTES:

( ) RECORD DATA PER LIA 96-031

CONTINUED FROM LOWER LEFT

RECORDED OCTOBER 16, 1997 AS INSTRUMENT NO. 1997-019506, OF OFFICIAL RECORDS.

RECORDED OCTOBER 20, 2006 AS INSTRUMENT NO. 2006-00071028, OF OFFICIAL RECORDS.

- COVENANTS, CONDITIONS AND RESTRICTIONS BUT OMITTING ANY COVENANTS ON RESTRIC... TO THE EXTENT THAT SAID COVENANT ON RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS SET FORTH IN THE DOCUMENT.

RECORDED DECEMBER 14, 1996 AS INSTRUMENT NO. 1996-0058530, OF OFFICIAL RECORDS.

EXCLUSIVE AGREEMENT BETWEEN LANDINGMEN.

RECORDED DECEMBER 29, 1995 AS INSTRUMENT NO. 1995-012752, OF OFFICIAL RECORDS.

- ALL VEHICULAR ACCESS RIGHTS TO ALISO CREEK ROAD AND ENTERPRISE, EXCEPT AT STREET INTERSECTION AND APPROVED ACCESS LOCATIONS, HAVE BEEN RELEASED AND REASSIGNED TO THE TITLE COMPANY.

RECORDED OCTOBER 20, 2006 AS INSTRUMENT NO. 2006-00071028, OF OFFICIAL RECORDS.

- COVENANT NOT TO ENFORCE.

RECORDED DECEMBER 6, 2015 AS INSTRUMENT NO. 20150031723, OF OFFICIAL RECORDS.

- EASEMENTS, COVENANTS AND CONDITIONS CONTAINED IN THE DOCUMENT RECORDED OCTOBER 7, 1996 AS INSTRUMENT NO. 1996-0058530, OF OFFICIAL RECORDS.

- SUBORDINATION, NON-DISCLOSURE AND ATTORNMENT AGREEMENT.

RECORDED OCTOBER 17, 2016 AS INSTRUMENT NO. 20160050683, OF OFFICIAL RECORDS.

COORDINATE SYSTEM:

- NATIONAL COORDINATE SYSTEM (NAD33) ZONE VI, 1983 MAF

EASEMENT NOTES:

- EASEMENT IN FAVOR OF CABLE COMMUNICATIONS PER INSTRUMENT NUMBER 19970219079 Q.4.

- EASEMENT ENCUMBERED AS RECORDED PER INSTRUMENT NUMBERS 20060915562 AND 20060915563 OR.

- EASEMENT IN FAVOR OF WATERTOWN WILDLIFE DISTRICT PER TRACT 15225 BOOK 12525 PAGE 1983.

- EASEMENT IN FAVOR OF SOUTHERN CALIFORNIA GAS COMPANY PER INSTRUMENT NUMBER 19900130674 Q.H.

- EASEMENT FOR PEDESTRIAN ACCESS PER TRACT NO. 15225, RECORDED IN BOOK 737 PAGES 7 THROUGH 17 INCLUSIVE OF MISCELLANEOUS MAPS.

- DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS.

- RECORD DATE AS SHOWN ON THE MAP OF TRACT NO. 15225, RECORDED IN BOOK 737 PAGES 7 THROUGH 17 INCLUSIVE OF MISCELLANEOUS MAPS.

- RECORDED JANUARY 27, 1997 AS INSTRUMENT NO. 1997-000353, OF OFFICIAL RECORDS.

- RECORDED JULY 13, 1997 AS INSTRUMENT NO. 1997-0224871, OF OFFICIAL RECORDS.

- DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS.

- RECORD DATE AS SHOWN ON THE MAP OF TRACT NO. 15225, RECORDED IN BOOK 737 PAGES 7 THROUGH 17 INCLUSIVE OF MISCELLANEOUS MAPS.

- RECORDED MARCH 28, 1996 PER INSTRUMENT NO. 1996-0158496, OF OFFICIAL RECORDS.

- RECORDED MAY 15, 1996 PER INSTRUMENT NO. 1996-0243591, OF OFFICIAL RECORDS.