

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF YORBA LINDA APPROVING CONDITIONAL USE
PERMIT 2022-13 – RUSSELL, WITH CONDITIONS

WHEREAS, an application for Conditional Use Permit 2022-13 was made by David and Carla Russell, 20594 Deodar Drive, Yorba Linda, CA 92886, to construct a 673 square foot second story addition to an existing 2,856 square foot two-story single-family residence, the area of second story construction within seventy feet (70') of another single-family residence, for the property addressed as 20594 Deodar Drive, Yorba Linda, CA 92886, located in the RS (Residential Suburban) zone; and,

WHEREAS, this matter requires a public hearing in conformance with applicable law; and,

WHEREAS, notice of a public hearing of the Planning Commission of the City of Yorba Linda concerning Conditional Use Permit 2022-13 was given in accordance with applicable law; and,

WHEREAS, on May 11, 2022, a public hearing on Conditional Use Permit 2022-13 was held by the Planning Commission; and,

WHEREAS, after consideration of the staff report and all of the information, testimony, and evidence presented at the public hearing, the Yorba Linda Planning Commission does hereby find that with incorporation of the conditions attached hereto as Exhibit "A":

- A. The proposed location of the conditional use is in accord with the objectives of the Zoning Code and the purpose of the zone in which the site is located in that Section 18.10.100.B of the Yorba Linda Zoning Code allows for the construction of a second story room addition within seventy feet of another single-family residence with approval of a Conditional Use Permit by the Planning Commission
- B. The location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or be materially injurious to properties or improvements in the vicinity in that the proposed second-story construction and windows would not unduly violate the privacy of adjacent property owners due to their orientation, location, separation from neighboring structures, and existing viewsheds. Furthermore, the design of the addition integrates within the design of the existing house and is architecturally compatible with the surrounding neighborhood.
- C. The proposed conditional uses will comply with each of the applicable provisions of the Zoning Code of the City of Yorba Linda.

- D. The project constitutes a Class 1 (Existing Facilities) Categorical Exemption, and is therefore, exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Title 14 California Code of Regulations Section 15301.
- E. As this project involves no repeal, amendment, or adoption of all or any part of the land use planning policy documents as specified in Section 18.01.020 of the Yorba Linda Municipal Code, this project is exempt from the provisions of Chapter 18.01 of the Yorba Linda Municipal Code, also known as the “Yorba Linda Right-to-Vote Amendment.”

NOW THEREFORE BE IT RESOLVED that the Yorba Linda Planning Commission does hereby approve Conditional Use Permit 2022-13, subject to the conditions of approval shown on Exhibit “A” attached to this Resolution and by this reference incorporated herein.

PASSED AND ADOPTED at a special meeting of the Planning Commission of the City of Yorba Linda on May 11, 2022.

KARALEE DARNELL
CHAIRWOMAN

TO WIT:

I HEREBY CERTIFY that the foregoing Resolution was duly adopted at a special meeting of the Yorba Linda Planning Commission on May 11, 2022, and carried by the following roll call vote:

| | |
|---------|----------------|
| AYES: | COMMISSIONERS: |
| NOES: | COMMISSIONERS: |
| ABSENT: | COMMISSIONERS: |

DAVID BRANTLEY, AICP
SECRETARY TO THE PLANNING COMMISSION

EXHIBIT “A”
FOR RESOLUTION NO.
APPROVING CONDITIONAL USE PERMIT 2022-13 – RUSSELL

A. Standard Conditions:

- Eng. 1. Best Management Practices (BMPs) shall be used during construction in accordance with the Construction Runoff Guidance Manual for Contractors, Project Owners, and Developers to prevent pollutants, construction materials, and soil from entering the storm drain.
2. **Prior to building permit**, an erosion and sediment control plan shall be submitted at the time of building permit review and be accepted by the City Engineer.
3. **Prior to building permit**, the applicant shall comply with the National Pollution Discharge Elimination System (NPDES) permit from the California Regional Water Quality Control Board (Santa Ana Region) as applicable.
- Bldg. 4. Construction and Development shall comply with the latest adopted California Building Code, California Residential Code, California Mechanical Code, California Plumbing Code, The California Electrical Code, California Green Building Standards Code, State Building Standards Title 24, and all other applicable codes.
5. All structures shall be designed in accordance with Section 1609 for the wind design and Section 1613 seismic design of the 2019 California Building Code. The design shall be site specific and include the necessary data to justify proposed design. The wind loading in Yorba Linda is 110 mph, using Basic Wind Speed and Exposure C.
6. Class A fire-rated roofing materials shall be provided for all buildings. In addition, roofing material must be installed to meet high wind velocity (110 mph), per table 1609.3.1, Basic wind design, of 2019 California Building Code and exposure “C” standards.
7. Applicant shall satisfy all requirements of the Orange County Fire Authority **prior to issuance of building permits and the final inspection. Contact Orange County Fire Authority at (714) 573-6100 for requirements.** Fire Sprinkler installations requirements are part of this requirement.

8. This project may be subject to applicable school fees, the payment of which shall be documented to the satisfaction of the Building Official **prior to the issuance of building permits.**

9. A bedroom shall be defined as any enclosed space that does not have one wall open to the rest of the house such as a bonus room, office, workout room, media room, and library, or any other enclosed room which could potentially be used as a bedroom. Thus, the proposed bonus room shall be defined as a bedroom and must meet the egress requirements of California Building Code, Section R310.

Applicant is also advised that there may be additional fees owed to the Orange County Sanitation District for the additional bedroom.

10. Applicant shall satisfy all conditions of approval and any other department or agency requirements prior to the building permit's final inspection.

Plng. 11. The cover sheet of the building construction drawings shall include a blue line print of the City's conditions of approval and shall be attached to each set of plans submitted for City approval.

12. Approval of this request shall not excuse compliance with all other applicable City ordinances and development standards in effect at this time.

13. Within 60 days of approval of this request the applicant shall agree and consent in writing to the conditions of approval, as adopted by the Planning Commission.

14. The applicant shall defend, indemnify, and hold harmless the City of Yorba Linda, its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the subject application by the City, its legislative body, advisory agencies or administrative officers. The City will promptly notify the applicant of any such claim, action or proceeding against the City and the applicant will either undertake defense of the matter and pay the City's associated legal costs, or will advance funds to pay for defense of the matter by the City Attorney.

15. Development shall occur substantially as shown on the plans approved by the Planning Commission and on file in the Community Development Department.

16. Conditional Use Permit 2022-13 shall lapse and become void as of May 11, 2023, unless building permits have been issued and construction is commenced and diligently pursued toward completion on the structure that is the subject of Conditional Use Permit No. 2022-13, or a time extension is requested in writing prior to that date.
17. The applicant shall provide to the Planning Division, **prior to issuance of building permits**, an electronic copy of the final plans approved by the Planning Commission. The copy shall be provided on a CD-ROM or USB drive in “.pdf” format.

B. Special Conditions:

- Plng.
18. Any modification to window design and/or placement, as approved by this permit, shall be subject to the review and approval of the Community Development Director, prior to the issuance of building permits. Such modifications may require the review and approval of the Planning Commission of a modified Conditional Use Permit, at the discretion of the Community Development Director.
 15. All exterior wall cladding, roofing material, and windows shall be consistent throughout the residence.
 16. Applicant shall eliminate the southern window along the left (east) elevation of the proposed addition to mitigate privacy concerns expressed by the neighboring property owners to the east. Any future addition/relocation of a window along the left (east) elevation shall require review and approval by the Planning Commission of a conditional use permit request.

- The End -