

**CITY OF YORBA LINDA**  
**Community Development Department**

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**M E M O R A N D U M**

*To:* Honorable Chairwoman and Members of the Planning Commission

*From:* David Brantley, AICP  
Community Development Director

*By:* Gabriel Diaz,  
Associate Planner

*Date:* For the Planning Commission meeting of May 11, 2022

*Subject:* Continued Public Hearing on Conditional Use Permit 2022-07 - Raczek

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**BACKGROUND**

This item was initially heard at the regularly scheduled Planning Commission meeting of April 27, 2022. At the meeting, Mr. James Honer, the neighbor of the paired home at 3620 Blue Gum Drive (easterly neighbor), raised concerns regarding obstructed views, property values, and flooding/shading due to the proximity of the proposed structure to his property. Another neighbor, at 3640 Blue Gum (westerly neighbor), echoed similar concerns for obstructed views and reductions in property value. As a result, the Planning Commission recommended the owner, Doug Raczek, work out an agreeable solution to the concerns raised by neighbors. Accordingly, the Planning Commission approved, by a vote of 4-0, continuation of this matter to the next regular meeting of May 11, 2022.

Mr. Raczek, informed staff on April 28, 2022, that he had reached out to the adjacent neighbor residing at 3620 Blue Gum Drive in late January 2022 to discuss the original project concept. This initial version would be built to the shared side property line with a zero lot-line setback as allowed within the Planned Development zone. The neighbors were not agreeable to this concept as it would require an access easement to construct and maintain the new addition. In order to address the concerns raised by his neighbor, Mr. Raczek and his architect decided to include a five-foot setback from the side property line. The neighbors were notified on February 4, 2022 of the updated proposal. According to Mr. Raczek, on April 27, 2022, the day of the Planning Commission meeting, his neighbors informed him that they were opposed to any addition to the back of the property.

According to Mr. Raczek, he also spoke with his neighbor at 3640 Blue Gum Drive in November 2021 regarding the second-story addition. According to Mr. Raczek, he has been unable to find a compromise with his neighbors that would mutually satisfy each of their interests. Mr. Raczek informed staff that he decided to move forward with his original

design with no proposed changes. Based on the concerns expressed by the adjacent property owners at the Planning Commission meeting, staff has completed a more detailed analysis of the project's impact in regard to privacy and architecture.

## **DISCUSSION**

The proposed second story addition has been found to meet all of the required development standards for the Planned Development zone. The thirteen-foot, eight inch (13'-8") proposed projection of the addition to the rear, if proposed as a single-story addition, could be ministerially approved by-right. Thus, the potential impacts to view and shading would be of a comparable nature. The Conditional Use Permit review process does not authorize staff to protect or guarantee private views. However, staff is required to make findings in terms of **privacy** and **architecture**.

Staff has found the applicant's proposal to be sensitive to **privacy** concerns as it utilizes a five-foot (5') setback at the easterly (left side) property line and a ten-foot (10') setback from the westerly (right side) property line. The side setbacks for this Planned Development area allow for zero side yard setbacks on both sides. In addition, the applicant has not included windows on either side of the proposed addition nor towards the street. Lastly, balconies are not included as part of this proposal. In terms of shading impacts, raised by the property at 3620 Blue Gum Drive, this property is on the easterly side of the subject property. Thus, it would be able to enjoy direct sunlight for the majority of the day albeit minimal shading expected in the early evening hours. The applicant has informed staff that water runoff concerns will be addressed by utilizing rain gutters and directing runoff to the existing on-site drainage.

The proposed roofline would be located at the rear of the existing structure and would utilize the same exterior materials to match the existing paired home. It has been found that the proposed addition is well integrated in terms of **architecture** and design. In order to determine architectural compatibility with the neighborhood, staff researched a similar project in the area. The most applicable example is the second-story addition at 3770 Blue Gum Drive that was approved under CUP 2000-42. This property is also a paired home on the south side of Blue Gum Drive. Like the subject property, it is also on the westerly side of the paired home structure. This addition projects out towards the rear yard at a similar distance and utilizes a zero-side yard setback. Furthermore, the entitlement at 3770 Blue Gum Drive included the approval of a second story balcony that projects even further towards the rear yard. Due to the project under current review being of a similar but less impactful scope, it has been determined that it poses a lesser impact in terms of privacy and architecture concerns. Furthermore, it has been found that the proposed construction would have a lesser impact on the neighboring attached dwelling due to the design changes that have been employed by the applicant.

For the Planning Commission's reference, staff has attached the April 27, 2022 staff report and draft minutes related to this matter, which provides a detailed analysis of the project design, window locations, and associated privacy considerations, etc.

**RECOMMENDATION**

Staff recommends that the Planning Commission approve Conditional Use Permit 2022-07 – Raczek.

Attachments:

- 1) Plans
- 2) PC staff report from the April 27, 2022 meeting, with attachments
- 3) Excerpt from draft minutes from the April 27, 2022 Planning Commission hearing