

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF YORBA LINDA APPROVING CONDITIONAL USE  
PERMIT 2022-15 – PACE, WITH CONDITIONS

WHEREAS, an application for Conditional Use Permit 2022-15 was made by Chad Pace, 4630 Dorinda Road, Yorba Linda, CA 92887, to construct a 905 square foot addition, of which 449 square feet is proposed as a new second story, to an existing 1,794 square foot two-story single-family residence, the area of construction within seventy feet (70') of another single-family residence, on the property addressed as 4630 Dorinda Road, Yorba Linda, CA 92887, within the PD (Planned Development) zone; and,

WHEREAS, Section 18.10.100.B of the Yorba Linda Zoning Code requires that a Conditional Use Permit be granted by the Planning Commission for any proposed second story construction located within seventy feet (70') of an adjacent dwelling; 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 2022-15 was given in accordance with applicable law; and,

WHEREAS, on May 11, 2022, a public hearing on Conditional Use Permit 2022-15 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 Sections 18.10.100.B of the Yorba Linda Zoning Code allow 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 second story room addition will not unduly violate the privacy of adjacent property owners due to their orientation, location and separation from neighboring structures. 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 use 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, as it consists of minor alteration of an existing private structure and involves no expansion of the use. The project 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 2022-15, 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 regular meeting of the Planning Commission of the City of Yorba Linda on May 11, 2022.

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Karalee Darnell  
CHAIRWOMAN

TO WIT:

I HEREBY CERTIFY that the foregoing Resolution was duly adopted at a regular 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:

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DAVID BRANTLEY, AICP  
SECRETARY TO THE PLANNING COMMISSION

**EXHIBIT "A"**  
FOR RESOLUTION NO.  
APPROVING CONDITIONAL USE PERMIT 2022-15 – PACE

**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. 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, Ultimate Wind Speed, of the 2019 California Building Code and exposure "C" standards.
5. Construction and Development shall comply with the latest adopted California Building Code, California Building Security Code, California Mechanical Code, California Plumbing Code, the California Electrical Code, State Building Standards Title 24, and all other applicable codes.
6. All structures shall be designed in accordance with Section 1609 for the wind design. The wind speed for the City of Yorba Linda is 110 mph, Exposure "C", using the basic wind design. All structures shall also adhere to Section 1613 for seismic design from the 2019 California Building Code. The design shall be site specific and include the necessary data to justify proposed design.
7. Methane Gas Requirements:
1. New structures or additions to existing structures shall be subject to review for the presence of methane gas in the soil and any associated mitigation measures shall be required as indicated below
    - a. Additions to existing enclosed structures when the original structure was constructed with no methane mitigation provisions do not require any review or methane mitigation protection.

**Exceptions:**

- i. Attached additions exceeding 1,000 SF in area to the footprint.
    - ii. The footprint of the addition is within 25' of a recorded oil well location.
  - b. Any addition or new construction which is completely open with no enclosed areas where methane gas can collect, or concentrate does not require any review or methane mitigation report.
  - c. Any addition, of any square footage, to an existing structure where the existing structure is provided with methane gas mitigation provisions shall also be provided with methane gas provisions.
  - d. Any detached new construction which creates enclosed spaces located within the field boundaries of the Yorba Linda oil field as shown on the map from the Division of Oil, Gas and Geothermal Resources (DOGGR) dated August 7, 2003 shall be subject to a methane gas review. This requirement shall not apply to swimming pools, fences, retaining walls, open patio covers or similar structures which do not contain enclosed space capable of collecting or concentrating methane gas.
2. The final determination as to whether a project is subject to a site methane gas review shall be the sole responsibility of the Building Division of the City of Yorba Linda. The determination shall be based on the location of the project as shown on the field boundaries map provided by the Division of Oil, Gas and Geothermal Resources (DOGGER). The actual site investigation and testing shall be performed by at the owner's expense by a California Licensed Professional Engineer qualified in the field of methane review and mitigation. The determination as to whether a licensed Professional Engineer is qualified to perform the site investigation shall be determined the Orange County Fire Authority (OCFA).

Dogger map link: "[https:// maps.conservation.ca.gov/doggr/wellfinder](https://maps.conservation.ca.gov/doggr/wellfinder)"

3. Any project found to be within the field boundaries, as shown on the DOGGER map, shall be forwarded to OCFA for the specific requirements of the site. OCFA shall determine the extent of the site review and shall provide the following information back to the City of Yorba Linda Building Division.
- a. Should it be determined that no review is required, then OCFA shall provide written confirmation to the City that no review is required. Such confirmation shall be from OCFA and on their letterhead, with their logo and a formal statement that no further review is required.
  - b. Should it be determined that a methane gas review is

required, OCFA shall provide the applicant with the requirements to perform a methane gas review. The applicant shall then perform the site methane gas review as specified by OCFA.

- c. Should the methane gas review determine that methane is not present in sufficient concentrations to require mitigation of the proposed structure, OCFA shall provide written confirmation to the City that no methane gas mitigation is required. Such confirmation shall be on a form from OCFA with their logo affixed with a formal written statement reflecting the type of review provided and that no further review or mitigation is required.
  - d. Should the methane gas review determine that methane is present in sufficient concentrations to require mitigation of the proposed structure, OCFA shall provide the applicant with all information and requirements to provide the required mitigation. All plans and documents shall be stamped, signed and dated by a California licensed Professional Engineer. Upon final review and approval by OCFA, two copies of the appropriate documents stamped approved by OCFA, including any specific required construction plans, shall be presented to the City for inclusion with the approved building permit package for permit issuance.
  - e. The Building Division of the City may not issue any permits for construction on any site which has been identified as requiring a site methane gas review until such time as either a form stating that no methane gas mitigation is required or construction documents for methane gas mitigation, stamped approved by OCFA, have been presented to the Building Division.
8. Applicant shall satisfy all requirements of the Orange County Fire Authority **prior to issuance of building permits and prior to final inspection**. Please contact Orange County Fire Authority at (714) 573-6100 for requirements. Fire Sprinkler installations requirements are part of this requirement.
9. All submitted Plans shall comply with the High Fire Fuel Modification requirements from the Orange County Fire Authority and the High Fire Severity Zone requirements per the California Building Code, Chapter 7A, California Residential Code, Section 337 as applicable and the Orange County Fire Authority (O.C.F.A.) requirements. This shall include all exterior framing requirements as well as venting, glazing and eave requirements, and all other applicable requirements found in Section R337.

10. 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.
11. Applicant shall satisfy all conditions of approval and any other department or agency requirements prior to the building permit's final inspection.
12. 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.
- Plng. 13. Approval of this request shall not excuse compliance with all other applicable City ordinances and development standards in effect at this time.
14. 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.
15. 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.
16. Development shall occur substantially as shown on the plans approved by the Planning Commission and on file in the Community Development Department.
17. Conditional Use Permit 2022-15 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 2022-15, or a time extension is requested in writing prior to that date.
18. 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 in “.pdf” format.

**B. Special Conditions:**

- Plng. 19. Any modification to the window design and/or placement shall be subject to the review and approval of the Community Development Director, prior to the issuance of building permits.
20. All exterior wall cladding, roofing material, and windows shall be consistent throughout the residence.

- The End -