

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF YORBA LINDA APPROVING CONDITIONAL USE
PERMIT 2022-03 – SHABAFROOZAN, WITH CONDITIONS

WHEREAS, an application for Conditional Use Permit 2022-03 and Administrative Adjustment 2022-01 was made by Hassan Shabafroozan, 4577 Via Del Prado, Yorba Linda, CA 92886, to allow the construction of a 1,811 square foot addition of which 1,580 square feet is proposed as a new second story, the area of construction within seventy feet (70') of another single-family residence, and to reduce the required side yard setback by not more than twenty percent (20%) from a cumulative total of both side yards of twenty feet (20') to sixteen feet (16') to accommodate the construction of the proposed first and second story addition along the north (right side) property line on the property addressed as 4577 Via Del Prado, located on the west side of Via Del Prado, south of Avenida Del Ray, within the R-U (Residential Urban) 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 2022-03 was given in accordance with applicable law; and,

WHEREAS, on April 27, 2022 and May 11, 2022, a public hearing on Conditional Use Permit 2022-03 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 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 2022-03, 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.

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:

DAVID BRANTLEY, AICP
SECRETARY TO THE PLANNING COMMISSION

EXHIBIT "A"
FOR RESOLUTION NO.
APPROVING CONDITIONAL USE PERMIT 2022-03 – SHABAFROOZAN

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**, drainage shall be designed to convey flows to an acceptable drainage system or outlet to the street to the satisfaction of the City Engineer.
3. **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.
4. **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. 5. 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.
6. 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. The California Fire Code requirements shall conform to the 2019 California Fire Code requirements, 2016 noted.
7. 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.
8. Applicant shall satisfy all requirements of the Orange County Fire Authority **prior to issuance of building permits and prior to final inspection**. Contact Orange County Fire Authority at (714) 573-6100 for

requirements. Fire Sprinkler installations requirements are part of this requirement.

9. A soils report is required for the proposed structure(s). Please have a soils engineer provide an analysis with site boring locations, soils type, any liquefaction or contamination encounters, and the prescribed soils values to be used in the structural design of the proposed structure(s). Soils report shall coincide with all the requirements of Section 1803 of the 2019 California Building Code, Volume II. However, a substitution of a soils report is possible by using the City of Yorba Linda's Procedure No. 013 outlined below.

City of Yorba Linda Procedure No. 013:

For residential additions and patio covers or accessory structures 500 SF to 1,000 SF, the following prescriptive procedure may be used as a substitute for a soils report. The square footage shall be an aggregate number per each separate structure and permit application.

1. There shall be a California licensed architect or civil/structural engineer in responsible charge of preparing the plans and structural calculations
2. For one story addition the foundation shall be minimum 12" wide by 24" deep and for two story 18" wide by 24" deep into natural grade with 2-#4 at top and 2-#4 at bottom. The concrete slab on grade shall be minimum 4.5" thick with #4 at 16" O.C. both ways at middle of the slab. The slab shall be placed over 10 mil visqueen over 2" sand over compacted grade. Concrete to be Type "V," $f'c = 4500$ psi with maximum $w/cm = 0.45$ or provide sulfate report to justify alternate mix design (T-19.3.2.1 ACI 318-14). The grade shall be saturated prior to placement of sand.
3. For one story patio covers the foundation shall be minimum 12" wide by 24" deep into natural grade with 2-#4 at top and 2-#4 at bottom. The concrete slab on grade shall be minimum 4.5" thick with #4 at 16" O.C. both ways at the middle of the slab. The slab shall be placed over compacted grade. Spread footings as required for columns shall be a minimum of 24" deep with 2-#4 each way at bottom of footing. Concrete to be Type "V," $f'c = 4500$ psi with maximum $w/cm = 0.45$ or provide a sulfate report to justify alternate mix design (T-19.3.2.1 ACI 318-14). The grade shall be saturated prior to placement of concrete.
4. The architect/engineer of record shall make site visits to verify the following requirements and report in writing to

the City Building Official:

- a. All foundations are founded into natural grade or certified fill material.
- b. The existing building and adjacent ground don't show any cracks or any settlement to exhibit the existence of expansive soil at the job site.
- c. The foundations are far away from any descending/ascending slopes and comply with CBC Sec. 1808.7.

10. 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.**
11. All ADU's require a separate address per Orange County Fire and the US Post Office. Therefore, your assigned address is 4579 Via Del Prado. Please note, once an address is assigned, it cannot be changed.
12. If applicable, all Fire Sprinkler installations require a "backflow device" to be installed. Please contact the Yorba Linda Water District as to their requirements.

Yorba Linda Water District
1717 East Miraloma Ave
Placentia CA 92870
714-701-3000

13. Applicant shall satisfy all conditions of approval and any other department or agency requirements prior to the building permit's final inspection.
- Plng. 14. 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.
15. Approval of this request shall not excuse compliance with all other applicable City ordinances and development standards in effect at this time.
16. 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.
17. 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.

18. Development shall occur substantially as shown on the plans approved by the Planning Commission and on file in the Community Development Department.
19. Conditional Use Permit 2022-03 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 2022-03, or a time extension is requested in writing prior to that date.
20. 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.
21. Second story master bathroom windows on the south (left side) elevation shall be obscured/glazed windows and the master bedroom window shall be a clerestory window design with a sill height at 60 inches minimum.
 22. 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.
 23. All exterior wall cladding, roofing material, and windows shall be consistent throughout the residence.
 24. Approval of Conditional Use Permit 2022-03 is contingent upon Planning Commission approval of Administrative Adjustment 2022-01. Failure to obtain approval of Administrative Adjustment 2022-01 shall render this approval of Conditional Use Permit 2022-03 null and void.

- The End -