

RESOLUTION NO. 5508

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YORBA LINDA RECOMMENDING THAT THE CITY COUNCIL AMEND YORBA LINDA GENERAL PLAN AND GENERAL PLAN LAND USE DIAGRAM (GENERAL PLAN AMENDMENTS 2022-01 AND 2022-02) AND AMEND THE YORBA LINDA ZONING CODE AND ZONING MAP (ZONING CODE AMENDMENT 2022-01 AND 2022-02) PURSUANT TO THE IMPLEMENTATION PROGRAMS OF THE CITY OF YORBA LINDA 2021-2029 HOUSING ELEMENT, WITH THE ADOPTION OF EACH INDIVIDUAL ITEM IDENTIFIED IN GENERAL PLAN AMENDMENTS AND ZONING CODE AMENDMENTS CONTINGENT UPON APPROVAL BY A MAJORITY VOTE OF THE ELECTORATE OF THE CITY OF YORBA LINDA IN COMPLIANCE WITH THE YORBA LINDA RIGHT-TO-VOTE AMENDMENT

WHEREAS, under California law, every city must adopt a general plan, which must include specified mandatory elements, in furtherance of the State policy to provide a comprehensive, long-term plan for the physical development and use of property within a city's jurisdiction; and

WHEREAS, under California law, every city has the authority to adopt and amend a zoning code pursuant to a city's general police power, which allows for the orderly division of property within a city's jurisdiction into compatible uses and development standards so as to improve and protect the general welfare; and

WHEREAS, under California law, all of the elements within a city's general plan must be internally consistent, and all zoning must be in conformity with a city's general plan; and

WHEREAS, on October 28, 2016, the City of Yorba Linda (City) adopted its current General Plan (General Plan); and

WHEREAS, the City may amend all or part of its adopted General Plan to promote the public interest up to four times during any calendar year pursuant to Government Code Section 65358; and

WHEREAS, under California law, Government Code Section 65580 *et seq.* (Housing Element Law), every city in the State is required to periodically review and update the housing element of a general plan for the city, every city is mandated to include State-specified content in a housing element, and every city is required to submit a draft of its housing element to the California Department of Housing and Community Development (HCD) for review and determination as to whether the city's draft housing element substantially complies with the Housing Element Law; and

WHEREAS, since October 2020, City staff conducted numerous study sessions and community workshops with stakeholders, consultants, and members of the public to comment and provide direction on the content of the City's draft housing element; and

WHEREAS, since October 2020, the City Council for the City of Yorba Linda (City Council) and Planning Commission of the City of Yorba Linda (Planning Commission) held study and scoping sessions at public meetings to inform and receive comments from the general public regarding the procedure and required content of the City's housing element; and

WHEREAS, the Planning Commission on multiple dates between February 24, 2021 and July 28, 2021, and the City Council on August 3, 2021, reviewed a draft of the City's housing element that, in accordance with State law, was submitted to HCD for review and comment; and

WHEREAS, since submitting the City's draft housing element to HCD, City and HCD staff have reviewed and revised the draft housing element to accommodate all State-mandated content, and the City Council and Planning Commission have periodically held public meetings to inform and receive comments from stakeholders, consultants, and members of the public with respect to the draft housing element process; and

WHEREAS, on January 12, 2022, the Planning Commission conducted a public hearing recommending that the City Council approve the final Housing Element; and

WHEREAS, on February 9, 2022, the City Council conducted a public hearing approving the 2021-2029 Housing Element; and

WHEREAS, on April 8, 2022, HCD determined that the City's 2021-2029 Housing Element was substantially complying with State Housing Element law; and

WHEREAS, the City of Yorba Linda 2021-2029 Housing Element identifies for the applicable 2021-2029 planning period the housing needs in the community and programs to achieve the housing goals, policies and objectives of the City, which substantially comply with State-mandated content under the State Housing Element law pursuant to the certification issued by HCD on April 8, 2022; and

WHEREAS, the adopted Housing Element includes implementation programs that, if and when adopted by the City Council by separate and subsequent approvals from the approval of the Housing Element, would commence implementing actions (i) to amend the Land Use Element and Land Use Map of the City's General Plan; and, (ii) to amend specified sections of the City of Yorba Linda Zoning Code, Title 18 of the Yorba Linda Municipal Code (Zoning Code) and Zoning Map; and

WHEREAS, the implementation programs included in the adopted Housing Element are intended to be carried out separately from the adoption by the City Council of the Housing Element to facilitate the compliance, if and as applicable, with the requirements of the Yorba Linda Right-to-Vote Amendment, Yorba Linda Municipal Code Section 18.01.010 *et seq.* (commonly known as "Measure B"), and are intended to preserve HCD's certification of the adopted Housing Element for the entirety of the 2021-2029 planning period; and

WHEREAS, the General Plan Amendments and Zoning Code Amendments include provisions that are part of the implementation programs and implementing

actions of the adopted Housing Element, and is necessary to ensure that the Land Use Element and Housing Element will be internally consistent within the City's General Plan, as required by State law; and

WHEREAS, the proposed General Plan Amendments are internally consistent with the other elements of the General Plan; and

WHEREAS, notices of a public hearing were published, posted, and delivered in accordance with State and City laws for the consideration by the Planning Commission of the proposed amendments as part of the consideration of the proposed Housing Element and implementation programs included therein; and

WHEREAS, certain General Plan Amendments and Zoning Code Amendments constitute a "Major Amendment" as defined in the Yorba Linda Right-to-Vote Amendment (Measure B) and are therefore individually and/or collectively subject to the approval of a majority vote of the electorate of the City to become effective; and

WHEREAS, in accordance with State and City laws, on June 29, 2022, the Planning Commission conducted a public hearing to receive public testimony with respect to the proposed General Plan Amendments and Zoning Code Amendments as part of the consideration of the adopted Housing Element implementation programs included therein; and

WHEREAS, the Planning Commission considered the information provided by City staff, the public testimony, and the evidence presented at the Planning Commission public hearing on June 29, 2022, which includes, without limitation, the staff reports submitted by the Community Development Department.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF YORBA LINDA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The Planning Commission has read and considered the amendments to the General Plan and amendments to the Zoning Code (as contained in Exhibits A through D) as part of the consideration of the adopted Housing Element implementation programs included therein.

Section 3. The Planning Commission recommends that the City Council find that the General Plan Amendments and Zoning Code Amendments are necessary to implement the Housing Element programs established in the 2021-2029 Housing Element, and as approved by the State of California, and would permit and encourage the development of affordable housing opportunities pursuant to the Regional Housing Needs Assessment (RHNA) requirements, as set forth in the Housing Element Law and applicable State Guidelines, in locations adjacent to supporting services and public transportation provided they are compatible with, and will not adversely impact, the integrity and continuity of adjacent uses.

Section 4. The Planning Commission recommends that the City Council adopts the General Plan Amendments and Zoning Code Amendments, and that General Plan Amendment 2022-02 and Zoning Code Amendment 2022-02 are to

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become effective only upon the approval by a majority vote of the electorate of the City of Yorba Linda voting "YES" on a ballot measure for the adoption of that item at a duly noticed and held regular or special election of the electorate of the City of Yorba Linda.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Planning Commission of the City of Yorba Linda on this 29th day of June, 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 June 29, 2022, and carried by the following roll call vote:

AYES:	4	COMMISSIONERS: PEASE, MASTERSON, BERNSTEIN, SINGH
NOES:	1	COMMISSIONERS: DARNELL
ABSENT:	0	COMMISSIONERS: NONE


DAVID BRANTLEY, AICP
SECRETARY TO THE PLANNING COMMISSION

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA AMENDING THE TEXT OF THE LAND USE ELEMENT OF THE CITY OF YORBA LINDA GENERAL PLAN (GENERAL PLAN AMENDMENT 2022-01) PURSUANT TO THE IMPLEMENTATION PROGRAMS OF THE CITY OF YORBA LINDA 2021-2029 HOUSING ELEMENT, AND FINDING THAT GENERAL PLAN AMENDMENT 2022-01 IS NOT SUBJECT TO A VOTE OF THE ELECTORATE OF THE CITY OF YORBA LINDA UNDER THE YORBA LINDA RIGHT-TO-VOTE AMENDMENT

WHEREAS, under California law, every city must adopt a general plan, which must include specified mandatory elements, in furtherance of the State policy to provide a comprehensive, long-term plan for the physical development and use of property within a city's jurisdiction; and

WHEREAS, under California law, every city has the authority to adopt and amend a zoning code pursuant to a city's general police power, which allows for the orderly division of property within a city's jurisdiction into compatible uses and development standards so as to improve and protect the general welfare; and

WHEREAS, under California law, all of the elements within a city's general plan must be internally consistent, and all zoning must be in conformity with a city's general plan; and

WHEREAS, on October 28, 2016, the City of Yorba Linda (City) adopted its current General Plan (General Plan); and

WHEREAS, the City may amend all or part of its adopted General Plan to promote the public interest up to four times during any calendar year pursuant to Government Code Section 65358; and

WHEREAS, under California law, Government Code Section 65580 *et seq.* (Housing Element Law), every city in the State is required to periodically review and update the housing element of a general plan for the city, every city is mandated to include State-specified content in a housing element, and every city is required to submit a draft of its housing element to the California Department of Housing and Community Development (HCD) for review and determination as to whether the city's draft housing element substantially complies with the Housing Element Law; and

WHEREAS, since October 2020, City staff conducted numerous study sessions and community workshops with stakeholders, consultants, and members of the public to comment and provide direction on the content of the City's draft housing element; and

WHEREAS, since October 2020, the City Council for the City of Yorba Linda (City Council) and Planning Commission of the City of Yorba Linda (Planning Commission) held study and scoping sessions at public meetings to inform and receive comments from the general public regarding the procedure and required content of the City's housing element; and

WHEREAS, the Planning Commission on multiple dates between February 24, 2021 and July 28, 2021, and the City Council on August 3, 2021, reviewed a draft of the City's housing element that, in accordance with State law, was submitted to HCD for review and comment; and

WHEREAS, since submitting the City's draft housing element to HCD, City and HCD staff have reviewed and revised the draft housing element to accommodate all State-mandated content, and the City Council and Planning Commission have periodically held public meetings to inform and receive comments from stakeholders, consultants, and members of the public with respect to the draft housing element process; and

WHEREAS, on January 12, 2022, the Planning Commission conducted a public hearing recommending that the City Council approve the final Housing Element; and

WHEREAS, on February 9, 2022, the City Council conducted a public hearing approving the 2021-2029 Housing Element; and

WHEREAS, on April 8, 2022, HCD determined that the City's 2021-2029 Housing Element was substantially complying with State Housing Element law; and

WHEREAS, the City of Yorba Linda 2021-2029 Housing Element identifies for the applicable 2021-2029 planning period the housing needs in the community and programs to achieve the housing goals, policies and objectives of the City, which substantially comply with State-mandated content under the State Housing Element law pursuant to the certification issued by HCD on April 8, 2022; and

WHEREAS, the adopted Housing Element includes implementation programs that, if and when adopted by the City Council by separate and subsequent approvals from the approval of the Housing Element, would commence implementing actions (i) to amend the Land Use Element and Land Use Map of the City's General Plan; and, (ii) to amend specified sections of the City of Yorba Linda Zoning Code, Title 18 of the Yorba Linda Municipal Code (Zoning Code) and Zoning Map; and

WHEREAS, the implementation programs included in the adopted Housing Element are intended to be carried out separately from the adoption by the City Council of the Housing Element to facilitate the compliance, if and as applicable, with the requirements of the Yorba Linda Right-to-Vote Amendment, Yorba Linda Municipal Code Section 18.01.010 *et seq.* (commonly known as "Measure B"), and are intended to preserve HCD's certification of the adopted Housing Element for the entirety of the 2021-2029 planning period; and

WHEREAS, the City Council has determined that the proposed amendment to specified provisions in the Land Use Element of the General Plan, as identified in Exhibit "A" attached to this Ordinance and incorporated herein by this reference ("General Plan Amendment 2022-01"), does not constitute a "Major Amendment" as defined in the Yorba Linda Right-to-Vote Amendment (Measure B) and is therefore not subject to the approval of a majority vote of the electorate of the City to become effective; and

WHEREAS, General Plan Amendment 2022-01 would amend the Land Use Element to include the following new land use designation: "Residential Overlays"; and

WHEREAS, General Plan Amendment 2022-01 includes provisions that are part of the implementation programs and implementing actions of the adopted Housing Element, and is necessary to ensure that the Land Use Element and Housing Element will be internally consistent within the City's General Plan, as required by State law; and

WHEREAS, the proposed revisions in General Plan Amendment 2022-01 are internally consistent with the other elements of the General Plan; and

WHEREAS, notices of a public hearing were published, posted, and delivered in accordance with State and City laws for the consideration by the Planning Commission of the proposed amendments to the Land Use Element of the General Plan (referred to herein as "General Plan Amendment 2022-01") as part of the consideration of the proposed Housing Element and implementation programs included therein; and

WHEREAS, General Plan Amendment 2022-01 as identified in Exhibit "A" attached to this Resolution, includes all of the amendments to the General Plan that do not constitute "Major Amendments" as defined in the Yorba Linda Right-to-Vote Amendment (Measure B) and are therefore not subject to the approval of a majority vote of the electorate of the City to become effective. General Plan Amendment 2022-02 includes all of the amendments to the General Plan and General Plan Land Use Diagram that constitute a "Major Amendment" as defined in the Yorba Linda Right-to-Vote Amendment (Measure B) and are therefore individually and/or collectively subject to the approval of a majority vote of the electorate of the City to become effective; and

WHEREAS, in accordance with State and City laws, on June 29, 2022, the Planning Commission conducted a public hearing to receive public testimony with respect to General Plan Amendment 2022-01 as part of the consideration of the adopted Housing Element implementation programs included therein; and

WHEREAS, the Planning Commission considered the information provided by City staff, the public testimony, and the evidence presented at the Planning Commission public hearing on June 29, 2022, which includes, without limitation, the staff reports submitted by the Community Development Department; and

WHEREAS, on June 29, 2022, the Planning Commission, at a regular public meeting, considered and decided to recommend to the City Council the approval of General Plan Amendment 2022-01, subject to compliance, as applicable, with the requirements of Yorba Linda Right-to-Vote Amendment (Measure B), in furtherance of the implementation programs included in the Housing Element; and

WHEREAS, notices of a public hearing were published, posted, and delivered in accordance with State and City laws for the consideration by the City Council of General Plan Amendment 2022-01 as part of the consideration of the adopted Housing Element implementation programs included therein; and

WHEREAS, in accordance with State and City laws, on August 2, 2022, the City Council conducted a public hearing to receive public testimony with respect to General

Plan Amendment 2022-01 as part of the consideration of the Housing Element implementation programs included therein; and

WHEREAS, the City Council considered the information provided by City staff, the public testimony, and the evidence presented at the public hearing on August 2, 2022, which includes, without limitation, the staff reports submitted by the Community Development Department.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YORBA LINDA DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The City Council has read and considered the amendments to the General Plan (referred to herein as "General Plan Amendment 2022-01") as part of the consideration of the adopted Housing Element implementation programs included therein.

Section 3. The City Council finds that General Plan Amendment 2022-01 is necessary to ensure that the Zoning Code and Zoning Code Map are consistent within the City's General Plan.

Section 4. The City Council finds that General Plan Amendment 2022-01 is necessary to implement the Housing Element programs established in the 2021-2029 Housing Element, and as approved by the State of California, and would permit and encourage the development of affordable housing opportunities pursuant to the Regional Housing Needs Assessment (RHNA) requirements, as set forth in the Housing Element Law and applicable State Guidelines, in locations adjacent to supporting services and public transportation provided they are compatible with, and will not adversely impact, the integrity and continuity of adjacent uses.

Section 5. The City Council hereby accepts the recommendation of the Planning Commission to adopt General Plan Amendment 2022-01 as part of the consideration of the adopted Housing Element implementation programs included therein.

Section 6. The City Council hereby adopts General Plan Amendment 2022-01.

Section 7. The City Council hereby finds that General Plan Amendment 2022-01 is not a "Major Amendment" as defined in the Yorba Linda Right-to-Vote Amendment (Measure B), and is therefore not subject to the approval of a majority vote of the electorate of the City to become effective, because General Plan Amendment 2022-01 does not result in any of the changes identified in Section 18.01.030(A) of the Yorba Linda Municipal Code to a Planning Policy document for any parcel of land affected by General Plan Amendment 2022-01 that would do any of the following: (1) increase the number of residential units which may be constructed on a parcel designated for residential uses; (2) increase the number of separate parcels which may be created from an existing parcel; (3) change any residential land use to allow any other land use; (4) change any non-residential land use to allow any residential land use greater than ten (10) net dwelling units per acre or allow a mix of commercial and residential uses;

(5) increase the allowed maximum height of development; (6) provide for the private development of land owned by a government entity within five years of the date of the approval to develop the land; or (7) repeal any "Planning Policy Document" as defined in Section 18.01.02 of the Yorba Linda Municipal Code; rather, General Plan Amendment 2022-01 is comprised of the establishment of land use classifications for overlay zones that do not, in and of themselves, effect a particular parcel of land.

Section 8. The City Council hereby finds that, to the extent that any of the individual amendments set forth in General Plan Amendment 2022-01 could be construed as "Major Amendments" as defined in the Yorba Linda Right-to-Vote Amendment (Measure B), State requirements to permit multi-family uses "by-right" on sites rezoned to address the City's lower income RHNA and/or the State's Density Bonus Law, set forth in Government Code Section 65915 *et seq.*, preempt the Yorba Linda Right-to-Vote Amendment (Measure B).

Section 9. The City Manager or his designee is hereby authorized and directed to incorporate into the General Plan the amendments thereto as set forth in General Plan Amendment 2022-01, upon the effective date of this Resolution.

Section 10. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council of the City of Yorba Linda hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

Section 11. This Resolution shall be in full force and effect thirty (30) days after its adoption contingent upon a successful approval by the voters of the City of Yorba Linda for General Plan Amendment 2022-02 and Zoning Code Amendment 2022-02.

Section 12. The City Clerk shall certify to the passage and adoption of this Resolution, and shall cause the same to be published within fifteen (15) days after passage in accordance with law and as designated by resolution of the City Council, and shall cause this Resolution and its certification, together with proof of publication, to be entered into the Book of Resolutions of the City of Yorba Linda.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Yorba Linda on this 2nd day of August, 2022.

CARLOS RODRIGUEZ, MAYOR
CITY OF YORBA LINDA

ATTEST:

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MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

(SEAL)

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF YORBA LINDA)

I, MARCIA BROWN, City Clerk of the City of Yorba Linda, California, **DO HEREBY CERTIFY** that the foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Yorba Linda held on the 2nd day of August, 2022, and was carried by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

EXHIBIT "A"

GENERAL PLAN AMENDMENT 2022-01

MODIFICATIONS TO THE TEXT OF THE LAND USE ELEMENT
OF THE CITY OF YORBA LINDA GENERAL PLAN

Item No.	Page/Location	Amendment/Change
1	LU-25 – First Paragraph	<i>Add the following paragraphs describing overlay zones:</i> <i>Residential Overlays (20 – 35 du/ac)</i> – The Affordable Housing Overlay, Congregational Lands Overlay, and Mixed-Use Overlay zones permit a variety of multi-family dwelling types at a density of 20.0 to 35.0 dwelling units per acre. The appropriate housing types are predicated based on the site, location, adjacent land uses, and the purpose of the individual overlay zone as described in Section 18.17 of the Yorba Linda Zoning Code. Clustering of buildings allows for the provision of appropriate private recreational and open space amenities. The overlay zones encourage the inclusion of at least 20% affordable housing units in an effort to affirmatively further fair housing opportunities.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA AMENDING THE LAND USE DIAGRAM OF THE YORBA LINDA GENERAL PLAN (GENERAL PLAN AMENDMENT 2022-02) PURSUANT TO THE IMPLEMENTATION PROGRAMS OF THE CITY OF YORBA LINDA 2021-2029 HOUSING ELEMENT, WITH THE ADOPTION OF EACH INDIVIDUAL ITEM IDENTIFIED IN GENERAL PLAN AMENDMENT 2022-02 CONTINGENT UPON APPROVAL BY A MAJORITY VOTE OF THE ELECTORATE OF THE CITY OF YORBA LINDA IN COMPLIANCE WITH THE YORBA LINDA RIGHT-TO-VOTE AMENDMENT

WHEREAS, under California law, every city must adopt a general plan, which must include specified mandatory elements, in furtherance of the State policy to provide a comprehensive, long-term plan for the physical development and use of property within a city's jurisdiction; and

WHEREAS, under California law, every city has the authority to adopt and amend a zoning code pursuant to a city's general police power, which allows for the orderly division of property within a city's jurisdiction into compatible uses and development standards so as to improve and protect the general welfare; and

WHEREAS, under California law, all of the elements within a city's general plan must be internally consistent, and all zoning must be in conformity with a city's general plan; and

WHEREAS, on October 28, 2016, the City of Yorba Linda (City) adopted its current General Plan (General Plan); and

WHEREAS, the City may amend all or part of its adopted General Plan to promote the public interest up to four times during any calendar year pursuant to Government Code Section 65358; and

WHEREAS, under California law, Government Code Section 65580 *et seq.* (Housing Element Law), every city in the State is required to periodically review and update the housing element of a general plan for the city, every city is mandated to include State-specified content in a housing element, and every city is required to submit a draft of its housing element to the California Department of Housing and Community Development (HCD) for review and determination as to whether the city's draft housing element substantially complies with the Housing Element Law; and

WHEREAS, since October 2020, City staff conducted numerous study sessions and community workshops with stakeholders, consultants, and members of the public to comment and provide direction on the content of the City's draft housing element; and

WHEREAS, since October 2020, the City Council for the City of Yorba Linda (City Council) and Planning Commission of the City of Yorba Linda (Planning Commission) held study and scoping sessions at public meetings to inform and receive

comments from the general public regarding the procedure and required content of the City's housing element; and

WHEREAS, the Planning Commission on multiple dates between February 24, 2021 and July 28, 2021, and the City Council on August 3, 2021, reviewed a draft of the City's housing element that, in accordance with State law, was submitted to HCD for review and comment; and

WHEREAS, since submitting the City's draft housing element to HCD, City and HCD staff have reviewed and revised the draft housing element to accommodate all State-mandated content, and the City Council and Planning Commission have periodically held public meetings to inform and receive comments from stakeholders, consultants, and members of the public with respect to the draft housing element process; and

WHEREAS, on January 12, 2022, the Planning Commission conducted a public hearing recommending that the City Council approve the final Housing Element; and

WHEREAS, on February 9, 2022, the City Council conducted a public hearing approving the 2021-2029 Housing Element; and

WHEREAS, on April 8, 2022, HCD determined that the City's 2021-2029 Housing Element was substantially complying with State Housing Element law; and

WHEREAS, the City of Yorba Linda 2021-2029 Housing Element identifies for the applicable 2021-2029 planning period the housing needs in the community and programs to achieve the housing goals, policies and objectives of the City, which substantially comply with State-mandated content under the State Housing Element law pursuant to the certification issued by HCD on April 8, 2022; and

WHEREAS, the adopted Housing Element includes implementation programs that, if and when adopted by the City Council by separate and subsequent approvals from the approval of the Housing Element, would commence implementing actions (i) to amend the Land Use Element and Land Use Map of the City's General Plan; and, (ii) to amend specified sections of the City of Yorba Linda Zoning Code, Title 18 of the Yorba Linda Municipal Code (Zoning Code) and Zoning Map; and

WHEREAS, the implementation programs included in the adopted Housing Element are intended to be carried out separately from the adoption by the City Council of the Housing Element to facilitate the compliance, if and as applicable, with the requirements of the Yorba Linda Right-to-Vote Amendment, Yorba Linda Municipal Code Section 18.01.010 *et seq.* (commonly known as "Measure B"), and are intended to preserve HCD's certification of the adopted Housing Element for the entirety of the 2021-2029 planning period; and

WHEREAS, the City Council has determined that the proposed amendments to specified provisions in the City of Yorba Linda Land Use Diagram, as identified in Exhibit "A" attached to this Resolution and incorporated herein by this reference ("General Plan Amendment 2022-02"), each constitute a "Major Amendment" as defined in the Yorba Linda Right-to-Vote Amendment (Measure B) and are therefore individually

and/or collectively subject to the approval of a majority vote of the electorate of the City to become effective; and

WHEREAS, General Plan Amendment 2022-02 would amend the Land Use Element of the General Plan to increase the total residential capacity in the Community Core/Downtown Historical District Area Plan by 181 dwelling units to account for Sites S3-024, S3-074, S3-082, and S4-075; and

WHEREAS, General Plan Amendment 2022-02 would amend the Land Use Element of the General Plan to increase the total residential capacity in the West Bastanchury Area Plan by 228 dwelling units to account for Site S3-203; and

WHEREAS, General Plan Amendment 2022-02 would amend the Land Use Diagram by changing the land use designations for the following sites to "Residential - High": APN #322-061-01, -08, -10, -12 -13, -14, -15, -16, -17, -18, -18, -19, -20, -21 (Site S1-200), APN #343-591-05, -06, -07, -25 (Site S3-207), APN #323-081-35, -36 (Site S4-204B), APN #323-071-03 (Site S3-034), APN #343-561-08, -09 (Site S3-205A), APN #323-051-26, -27 (Site S3-211), APN #348-262-01 (Site S4-053), APN #348-351-08 (Site S4-060), APN #348-351-10, -011, -012 (Site S4-201), APN #326-081-01 (Site 05-008), APN #329-081-06 (Site S7-005), APN #323-231-18, -19 (Site S4-200); and

WHEREAS, General Plan Amendment 2022-02 includes provisions that are part of the implementation programs and implementing actions of the adopted Housing Element, and is necessary to ensure that the Land Use Element and Housing Element will be internally consistent within the City's General Plan, as required by State law; and

WHEREAS, the proposed revisions in General Plan Amendment 2022-02 are internally consistent with the other elements of the General Plan; and

WHEREAS, notices of a public hearing were published, posted, and delivered in accordance with State and City laws for the consideration by the Planning Commission of the proposed amendments to the Land Use Element of the General Plan and General Plan Land Use Diagram (referred to herein as "General Plan Amendment 2022-02") as part of the consideration of the proposed Housing Element and implementation programs included therein; and

WHEREAS, General Plan Amendment 2022-02 as identified in Exhibit "A" attached to this Resolution, includes all of the amendments to the General Plan and General Plan Land Use Diagram that constitute a "Major Amendment" as defined in the Yorba Linda Right-to-Vote Amendment (Measure B) and are therefore individually and/or collectively subject to the approval of a majority vote of the electorate of the City to become effective. General Plan Amendment 2022-01 includes all of the amendments to the General Plan that do not constitute "Major Amendments" as defined in the Yorba Linda Right-to-Vote Amendment (Measure B) and are therefore not subject to the approval of a majority vote of the electorate of the City to become effective.; and

WHEREAS, in accordance with State and City laws, on June 29, 2022, the Planning Commission conducted a public hearing to receive public testimony with respect to General Plan Amendment 2022-02 as part of the consideration of the adopted Housing Element implementation programs included therein; and

WHEREAS, the Planning Commission considered the information provided by City staff, the public testimony, and the evidence presented at the Planning Commission public hearing on June 29, 2022, which includes, without limitation, the staff reports submitted by the Community Development Department; and

WHEREAS, on June 29, 2022, the Planning Commission, at a regular public meeting, considered and decided to recommend to the City Council the approval of General Plan Amendment 2022-02, subject to compliance, as applicable, with the requirements of Yorba Linda Right-to-Vote Amendment (Measure B), in furtherance of the implementation programs included in the Housing Element; and

WHEREAS, notices of a public hearing were published, posted, and delivered in accordance with State and City laws for the consideration by the City Council of General Plan Amendment 2022-02 as part of the consideration of the adopted Housing Element implementation programs included therein; and

WHEREAS, in accordance with State and City laws, on August 2, 2022, the City Council conducted a public hearing to receive public testimony with respect to General Plan Amendment 2022-02 as part of the consideration of the Housing Element implementation programs included therein; and

WHEREAS, the City Council considered the information provided by City staff, the public testimony, and the evidence presented at the public hearing on August 2, 2022, which includes, without limitation, the staff reports submitted by the Community Development Department.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YORBA LINDA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The City Council has read and considered the amendments to the General Plan (referred to herein as "General Plan Amendment 2022-02") as part of the consideration of the adopted Housing Element implementation programs included therein.

Section 3. The City Council finds that General Plan Amendment 2022-02 is necessary to ensure that the Zoning Code and Zoning Code Map are consistent within the City's General Plan.

Section 4. The City Council finds that General Plan Amendment 2022-02 is necessary to implement the Housing Element programs established in the 2021-2029 Housing Element, and as approved by the State of California, and would permit and encourage the development of affordable housing opportunities pursuant to the Regional Housing Needs Assessment (RHNA) requirements, as set forth in the Housing Element Law and applicable State Guidelines, in locations adjacent to supporting services and public transportation provided they are compatible with, and will not adversely impact, the integrity and continuity of adjacent uses.

Section 5. The City Council hereby accepts the recommendation of the Planning Commission to adopt General Plan Amendment 2022-01 as part of the

consideration of the adopted Housing Element implementation programs included therein.

Section 6. The City Council hereby adopts General Plan Amendment 2022-02, subject to each item identified therein to become effective only upon the approval by a majority vote of the electorate of the City of Yorba Linda voting "YES" on a ballot measure for the adoption of that item of General Plan Amendment 2022-02 at a duly noticed and held regular or special election of the electorate of the City of Yorba Linda.

Section 7. Pursuant to Elections Code section 9222, the City Council by subsequent ordinance or resolution shall identify the date of the election during which items identified in General Plan Amendment 2022-02 will be submitted for consideration by the electorate of the City of Yorba Linda, which election date shall be held not less than eighty-eight (88) days after the date of the subsequent ordinance or resolution ordering the election. Upon the ordering of the election by the City Council, the City Clerk shall be authorized and directed to take any and all necessary and proper actions to submit any identified items in General Plan Amendment 2022-02 to a vote of the electorate of the City of Yorba Linda in accordance with applicable State, County, and City laws, including the Yorba Linda Right-to-Vote Amendment (Measure B). The City Council hereby reserves the authority to submit the items identified in General Plan Amendment 2022-02 to a vote of the electorate of the City of Yorba Linda in separate elections. None of the items identified in General Plan Amendment 2022-02 shall take effect until approved by a majority vote of the electorate of the City of Yorba Linda.

Section 8. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Yorba Linda hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

Section 9. This Resolution shall be in full force and effect thirty (30) days after its adoption.

Section 10. The City Clerk shall certify to the passage and adoption of this Resolution, and shall cause the same to be published within fifteen (15) days after passage in accordance with law and as designated by resolution of the City Council, and shall cause this Ordinance and its certification, together with proof of publication, to be entered into the Book of Ordinances of the City of Yorba Linda.

RESOLUTION NO.
PAGE NO. 6

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Yorba Linda on this 2nd day of August, 2022.

CARLOS RODRIGUEZ, MAYOR
CITY OF YORBA LINDA

ATTEST:

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

(SEAL)

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF YORBA LINDA)

I, **MARCIA BROWN**, City Clerk of the City of Yorba Linda, California, **DO HEREBY CERTIFY** that the foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Yorba Linda held on the 2nd day of August, 2022, and was carried by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

EXHIBIT "A"

GENERAL PLAN AMENDMENT 2022-02
(Comprised of Item #1 – Item #14)

MODIFICATIONS TO THE TEXT OF THE LAND USE ELEMENT
OF THE CITY OF YORBA LINDA GENERAL PLAN

Item No.	Page/Location	Amendment/Change
1	LU-25	Allowing multi-family housing at up to 35 DU/AC may be considered for specified sites within SAVI Ranch.
2	LU-26	Increase the total residential capacity in the Community Core/Downtown Historical District Area Plan by 181 dwelling units to account for Sites S3-024, S3-074, S3-082, and S4-075
3	LU-28	Increase the total residential capacity in the West Bastanchury Area Plan by 228 dwelling units to account for Site S3-203

MODIFICATIONS TO THE LAND USE DIAGRAM
OF THE CITY OF YORBA LINDA GENERAL PLAN

Item No.	Page/Location	Site No.	Site Description	Amendment/Change
4	Map	Site S1-200	APN #322-061-01, -08, -10, -12 -13, -14, -15, -16, -17, -18, -18, -19, -20, -21	<i>Replace Land Use Diagram with updated version showing that the land use designation for this site has changed from "Residential – Medium Low" to "Residential - High".</i>
5	Map	Site S3-207	APN #343-591-05, -06, -07, -25	<i>Replace Land Use Diagram with updated version showing that the land use designation for this site has changed from "Residential – Medium" to "Residential - High"</i>
6	Map	Site S4-200	APN #323-231-18, -19	<i>Replace Land Use Diagram with updated version showing that the land use designation for this site has changed from "Residential – Medium" to "Community Core/Downtown Historical District Area Plan"</i>
7	Map	Site S4-204B	APN 323-081-35, -36	<i>Replace Land Use Diagram with updated version showing that the land use designation for this site has changed from "Residential – Medium Low" to "Residential - High"</i>

Item No.	Page/ Location	Site No.	Site Description	Amendment/Change
8	Map	Site S3-034	APN #343-071-03	<i>Replace Land Use Diagram with updated version showing that the land use designation for this site has changed from "Residential – Medium" to "Residential - High"</i>
8	Map	Site S3-205A	APN #343-561-08, -09	<i>Replace Land Use Diagram with updated version showing that the land use designation for this site has changed from "Residential – Medium Low" to "Residential - High"</i>
10	Map	Site S3-211	APN #323-051-26, -27	<i>Replace Land Use Diagram with updated version showing that the land use designation for this site has changed from "Residential – Medium" to "Residential - High"</i>
11	Map	Site S4-053	APN #348-262-01	<i>Replace Land Use Diagram with updated version showing that the land use designation for this site has changed from "Residential – Medium Low" to "Residential - High"</i>
12	Map	Site S4-060	APN #348-351-08	<i>Replace Land Use Diagram with updated version showing that the land use designation for this site has changed from "Residential – Medium Low" to "Residential - High"</i>
13	Map	Site S4-201	APN #348-351-10, -11, -12	<i>Replace Land Use Diagram with updated version showing that the land use designation for this site has changed from "Residential – Medium Low" to "Residential - High"</i>
14	Map	Site S5-008	APN #326-081-01	<i>Replace Land Use Diagram with updated version showing that the land use designation for this site has changed from "Residential – Medium" to "Residential - High" for the lower approximately nine (9) acres of the parcel. The remaining upper approximately 14 acres would remain as "Open Space"</i>

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA AMENDING THE CITY OF YORBA LINDA ZONING CODE PURSUANT TO THE IMPLEMENTATION PROGRAMS OF THE CITY OF YORBA LINDA 2021-2029 HOUSING ELEMENT, AND FINDING THAT ZONING CODE AMENDMENT ZCA 2022-01 IS NOT SUBJECT TO A VOTE OF THE ELECTORATE OF THE CITY OF YORBA LINDA UNDER THE YORBA LINDA RIGHT-TO-VOTE AMENDMENT

WHEREAS, under California law, every city must adopt a general plan, which must include specified mandatory elements, in furtherance of the State policy to provide a comprehensive, long-term plan for the physical development and use of property within a city's jurisdiction; and

WHEREAS, under California law, every city has the authority to adopt and amend a zoning code pursuant to a city's general police power, which allows for the orderly division of property within a city's jurisdiction into compatible uses and development standards so as to improve and protect the general welfare; and

WHEREAS, under California law, all of the elements within a city's general plan must be internally consistent, and all zoning must be in conformity with a city's general plan; and

WHEREAS, on October 28, 2016, the City of Yorba Linda (City) adopted its current General Plan (General Plan); and

WHEREAS, the City may amend all or part of its adopted General Plan to promote the public interest up to four times during any calendar year pursuant to Government Code Section 65358; and

WHEREAS, under California law, Government Code Section 65580 *et seq.* (Housing Element Law), every city in the State is required to periodically review and update the housing element of a general plan for the city, every city is mandated to include State-specified content in a housing element, and every city is required to submit a draft of its housing element to the California Department of Housing and Community Development (HCD) for review and determination as to whether the city's draft housing element substantially complies with the Housing Element Law; and

WHEREAS, since October 2020, City staff conducted numerous study sessions and community workshops with stakeholders, consultants, and members of the public to comment and provide direction on the content of the City's draft housing element; and

WHEREAS, since October 2020, the City Council for the City of Yorba Linda (City Council) and Planning Commission of the City of Yorba Linda (Planning Commission) held study and scoping sessions at public meetings to inform and receive comments from the general public regarding the procedure and required content of the City's housing element; and

WHEREAS, the Planning Commission on multiple dates between February 24,

2021 and July 28, 2021, and the City Council on August 3, 2021, reviewed a draft of the City's housing element that, in accordance with State law, was submitted to HCD for review and comment; and

WHEREAS, since submitting the City's draft housing element to HCD, City and HCD staff have reviewed and revised the draft housing element to accommodate all State-mandated content, and the City Council and Planning Commission have periodically held public meetings to inform and receive comments from stakeholders, consultants, and members of the public with respect to the draft housing element process; and

WHEREAS, on January 12, 2022, the Planning Commission conducted a public hearing recommending that the City Council approve the final Housing Element; and

WHEREAS, on February 9, 2022, the City Council conducted a public hearing approving the 2021-2029 Housing Element; and

WHEREAS, on April 8, 2022, HCD determined that the City's 2021-2029 Housing Element was substantially complying with State Housing Element law; and

WHEREAS, the City of Yorba Linda 2021-2029 Housing Element identifies for the applicable 2021-2029 planning period the housing needs in the community and programs to achieve the housing goals, policies and objectives of the City, which substantially comply with State-mandated content under the State Housing Element law pursuant to the certification issued by HCD on April 8, 2022; and

WHEREAS, the adopted Housing Element includes implementation programs that, if and when adopted by the City Council by separate and subsequent approvals from the approval of the Housing Element, would commence implementing actions (i) to amend the Land Use Element and Land Use Map of the City's General Plan; and, (ii) to amend specified sections of the City of Yorba Linda Zoning Code, Title 18 of the Yorba Linda Municipal Code (Zoning Code) and Zoning Map; and

WHEREAS, the implementation programs included in the adopted Housing Element are intended to be carried out separately from the adoption by the City Council of the Housing Element to facilitate the compliance, if and as applicable, with the requirements of the Yorba Linda Right-to-Vote Amendment, Yorba Linda Municipal Code Section 18.01.010 *et seq.* (commonly known as "Measure B"), and are intended to preserve HCD's certification of the adopted Housing Element for the entirety of the 2021-2029 planning period; and

WHEREAS, the proposed amendment to specified provisions in the Zoning Code, as identified in Exhibit "A" attached to this Ordinance and incorporated herein by this reference ("Zoning Code Amendment 2022-01") are part of the implementation programs and implementing actions of the adopted Housing Element, and are necessary to ensure that the Zoning Code is consistent within the City's General Plan, as required by State law; and

WHEREAS, Zoning Code Amendment 2022-01 would add Chapter 18.17 (Overlay Zones) to the Zoning Code; and

WHEREAS, Zoning Code Amendment 2022-02 would amend the text of the West Bastanchury Planned Development (PD) for District II to create Area A, which would adhere to the existing District II development standards, for the following sites: APN #323-181-03, #323-191-10 through 44, and #323-201-08 through 39; and to create Area B, which would adhere to the RM (Residential Mutli-family) zone development standards for the following sites: APN# 323-181-04, -05, 06, -07, and #323-191-06, -07, -46; and

WHEREAS, Zoning Code Amendment 2022-02 would amend the text of the Yorba Linda Hills Planned Development (PD) for Area E to adhere to the RM (Residential Mutli-family) zone development standards for the following site: APN # 326-081-01; and

WHEREAS, the City Council has determined that Zoning Code 2022-01 does not constitute a "Major Amendment" as defined in the Yorba Linda Right-to-Vote Amendment (Measure B) and is therefore not subject to the approval of a majority vote of the electorate of the City to become effective; and

WHEREAS, Zoning Code Amendment 2022-01 includes provisions that are part of the implementation programs and implementing actions of the adopted Housing Element, and is necessary to ensure that the City's Zoning Code is consistent with the City's General Plan, as required by State law; and

WHEREAS, the West Bastanchury Planned Development (PD) and Yorba Linda Hills Planned Development (PD) are not "Planning Policy Documents" under the Yorba Linda Right-to-Vote Amendment, Yorba Linda Municipal Code Section 18.01.020 (Measure B); and

WHEREAS, the Zoning Code and the Zoning Map are "Planning Policy Documents" under the Yorba Linda Right-to-Vote Amendment, Yorba Linda Municipal Code Section 18.01.020 (Measure B), which has additional public notice and public hearing requirements that require the Planning Commission to hold a public hearing pursuant to Section 18.01.040 that otherwise may not be required under state law; and

WHEREAS, notices of a public hearing were published, posted, and delivered in accordance with State and City laws for the consideration by the Planning Commission of the proposed amendments to the Zoning Code (referred to herein as Zoning Code Amendment 2022-01) as part of the consideration of the adopted Housing Element and implementation programs included therein; and

WHEREAS, Zoning Code Amendment 2022-01, as identified in Exhibit "A" attached to this Ordinance, includes all of the amendments to the Zoning Code that do not constitute "Major Amendments" as defined in the Yorba Linda Right-to-Vote Amendment (Measure B) and are therefore not subject to the approval of a majority vote of the electorate of the City to become effective. Zoning Code Amendment 2022-02 includes all of the amendments to the Zoning Code and Zoning Map that constitute a "Major Amendment" as defined in the Yorba Linda Right-to-Vote Amendment (Measure B) and are therefore individually and/or collectively subject to the approval of a majority vote of the electorate of the City to become effective; and

WHEREAS, in accordance with State and City laws, on June 29, 2022, the Planning Commission conducted a public hearing to receive public testimony with respect to Zoning Code Amendment 2022-01 as part of the consideration of the adopted Housing Element implementation programs included therein; and

WHEREAS, the Planning Commission considered the information provided by City staff, the public testimony, and the evidence presented at the Planning Commission public hearing on June 29, 2022, which includes, without limitation, the staff reports submitted by the Community Development Department; and

WHEREAS, on June 29, 2022, the Planning Commission, at a regular public meeting, considered and decided to recommend to the City Council the approval of Zoning Code Amendment 2022-01, subject to compliance, as applicable, with the requirements of Yorba Linda Right-to-Vote Amendment (Measure B), in furtherance of the implementation programs included in the Housing Element; and

WHEREAS, notices of a public hearing were published, posted, and delivered in accordance with State and City laws for the consideration by the City Council of Zoning Code Amendment 2022-01 as part of the consideration of the adopted Housing Element implementation programs included therein; and

WHEREAS, in accordance with State and City laws, on August 2, 2022, the City Council conducted a public hearing to receive public testimony with respect to Zoning Code Amendment 2022-01 as part of the consideration of the Housing Element implementation programs included therein; and

WHEREAS, the City Council considered the information provided by City staff, the public testimony, and the evidence presented at the public hearing on August 2, 2022, which includes, without limitation, the staff reports submitted by the Community Development Department.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YORBA LINDA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The City Council has read and considered the amendments to the Zoning Code (referred to herein as "Zoning Code Amendment 2022-01") as part of the consideration of the adopted Housing Element implementation programs included therein.

Section 3. The City Council finds that Zoning Code Amendment 2022-01 is necessary to ensure that the Zoning Code is consistent within the City's General Plan.

Section 4. The City Council finds that Zoning Code Amendment 2022-01 is necessary to establish development standards that, when applied to specific sites identified in Zoning Code Amendment 2022-02, would permit and encourage the development of affordable housing opportunities pursuant to the Regional Housing Needs Assessment (RHNA) requirements, as set forth in the Housing Element Law and applicable State Guidelines, in locations adjacent to supporting services and public

transportation provided they are compatible with, and will not adversely impact, the integrity and continuity of adjacent uses.

Section 5. The City Council hereby accepts the recommendation of the Planning Commission to adopt Zoning Code Amendment 2022-01 as part of the consideration of the adopted Housing Element implementation programs included therein.

Section 6. The City Council hereby adopts Zoning Code Amendment 2022-01.

Section 7. The City Council hereby finds that Zoning Code Amendment 2022-01 is not a "Major Amendment" as defined in the Yorba Linda Right-to-Vote Amendment (Measure B), and is therefore not subject to the approval of a majority vote of the electorate of the City to become effective, because Zoning Code Amendment 2022-01 does not result in any of the changes identified in Section 18.01.030(A) of the Yorba Linda Municipal Code to the development standards for any parcel of land affected by Zoning Code Amendment 2022-01. Specifically, Zoning Code Amendment 2022-01 does not: (1) increase the number of residential units which may be constructed on a parcel designated for residential uses; (2) increase the number of separate parcels which may be created from an existing parcel; (3) change any residential land use to allow any other land use; (4) change any non-residential land use to allow any residential land use greater than ten (10) net dwelling units per acre or allow a mix of commercial and residential uses; (5) increase the allowed maximum height of development; (6) provide for the private development of land owned by a government entity within five years of the date of the approval to develop the land; or (7) repeal any "Planning Policy Document" as defined in Section 18.01.02 of the Yorba Linda Municipal Code; rather, Zoning Code Amendment 2022-01 is comprised of the establishment of land use overlay development standards that do not, in and of themselves, effect a particular parcel of land.

Section 8. The City Council hereby finds that, to the extent that any of the individual amendments set forth in Zoning Code Amendment 2022-01 could be construed as "Major Amendments" as defined in the Yorba Linda Right-to-Vote Amendment (Measure B), State requirements to permit multi-family uses "by-right" on sites rezoned to address the City's lower income RHNA and/or the State's Density Bonus Law, set forth in Government Code Section 65915 *et seq.*, preempt the Yorba Linda Right-to-Vote Amendment (Measure B).

Section 9. The City Manager or his designee is hereby authorized and directed to incorporate into the Zoning Code the amendments thereto as set forth in Zoning Code Amendment 2022-01, upon the effective date of this Ordinance.

Section 10. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Yorba Linda hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or

unconstitutional.

Section 11. This Ordinance shall be in full force and effect thirty (30) days after its adoption contingent upon a successful approval by the voters of the City of Yorba Linda for General Plan Amendment 2022-02 and Zoning Code Amendment 2022-02.

Section 12. The City Clerk shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published within fifteen (15) days after passage in accordance with law and as designated by resolution of the City Council, and shall cause this Ordinance and its certification, together with proof of publication, to be entered into the Book of Ordinances of the City of Yorba Linda.

ORDINANCE NO.
PAGE NO. 7

PASSED, APPROVED AND ADOPTED at an adjourned regular meeting of the City Council of the City of Yorba Linda on this 9th day of August, 2022.

CARLOS RODRIGUEZ, MAYOR
CITY OF YORBA LINDA

ATTEST:

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

(SEAL)

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF YORBA LINDA)

I, **MARCIA BROWN**, City Clerk of the City of Yorba Linda, California, **DO HEREBY CERTIFY** that the foregoing Ordinance was adopted at an adjourned regular meeting of the City Council of the City of Yorba Linda held on the 9th day of August, 2022, and was carried by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

EXHIBIT "A"

**ZONING CODE AMENDMENT 2022-01
(Comprised of Item #1 - Item #5)**

**MODIFICATIONS TO THE TEXT OF THE CITY OF YORBA LINDA ZONING CODE
(TITLE 18 OF THE YORBA LINDA MUNICIPAL CODE)**

ITEM #1. The first line of the definition for "Affordable housing definitions" in Section 18.04.020 is amended to the following:

"Affordable housing definitions" mean the following terms and that are defined for the purposes of Chapter 18.17 (Overlay Zones) and Chapter 18.19 (Density Bonus, Waivers, and Incentives).

ITEM #2. Section 18.19.110.A is amended in its entirety to the following:

A. Terms of Affordability. Affordable housing units developed under this chapter shall remain available to persons and families of very low, low, and moderate income, at an affordable housing cost or affordable rental cost, as those income and affordability levels are defined in Chapter 18.04, for a minimum of 55 years for rental housing and 45 years for ownership housing. The period of affordability required hereunder shall run concurrently with any period of affordability required by any other agency; provided, however, that the affordability period shall not be less than as set forth in this section. The project developer shall be required to enter into an affordable housing agreement with the City to ensure affordability is maintained for the required period.

ITEM #3. *Chapter 18.17 of the Yorba Linda Municipal Code is amended to add the following:*

Chapter 18.17 Overlay Zones

Sections:

Article I: Affordable Housing Overlay (AHO) Zone

Article II: Congregational Lands Overlay (CLO) Zone

Article III: Mixed-Use Overlay (MUO) Zone

18.17.010 Established

Because of their special or unique characteristics, the following overlay zones are established:

A. AHO Affordable Housing Overlay Zone;

- B. CLO Congregational Lands Overlay Zone;
- C. MUO Mixed-Use Overlay Zone

18.17.020 Purpose.

The purposes of the housing overlay zones are to facilitate the construction of lower-priced and affordable housing on sites which are suitable, and to address the State-mandated regional housing needs.

18.17.030 Applicability.

Each overlay district may be applied to a property or group of properties by ordinance of the City Council. The Zoning Map will identify the overlay zone district with the appropriate suffix, given in Section 18.17.010, after the underlying zone district. Applicants may submit an entitlement application under the standards of either the underlying zone or the overlay zone and shall clearly state on their application which standards are being used. Projects applying under the standards of the overlay zone shall comply with all overlay zone requirements; where no requirement is given, the standards of the underlying zone shall apply.

18.17.040 Definitions.

The terms in this chapter are defined in Chapter 18.04 (Definitions) under the term "Affordable Housing Definitions."

18.17.050 Affordability Requirement.

A. All housing projects processed under the standards of these overlay zones shall include deed-restricted affordable housing units. These housing units shall be subject to the standards given in Section 18.19.110 (A) and execute an affordable housing agreement with the City as described in Section 18.19.110 (B).

B. A minimum of twenty percent of rental housing units, exclusive of any density bonus units, shall be developed, offered to, and rented to very low- or low-income households at an affordable rental cost as defined in Chapter 18.04. The restriction shall apply for a minimum of 55 years.

C. A minimum of twenty percent of ownership housing units, exclusive of any density bonus units, shall be developed, offered to, and sold to low or moderate-income households at an affordable housing cost as defined in Chapter 18.04. The restriction shall apply for a minimum of 45 years.

18.17.060 General Development Standards.

A. Projects shall be subject to the development standards of the underlying zone, except as described in this Chapter.

B. Setbacks. For all housing overlay zones, the setback regulations of the underlying zone as given in Section 18.10.090 shall apply, except that:

1. The minimum setback shall be no greater than 20 feet. Section 18.10.100 (A)(1), which requires a 50-foot setback from single-family zones for buildings exceeding 15 feet in height, shall continue to apply.
2. Uncovered parking spaces, common open space areas, and private patios and stoops shall be permitted within setback areas provided that a masonry wall six feet in height and screen landscaping at least 5 feet in width is erected and maintained between such uses and the property line. In addition, uncovered parking spaces within front and streetside setback areas, however, shall be

located a minimum of 10 feet from the property line as required in Section 18.22.040 (C)(2)(f).

C. Landscaping. For all housing overlay zones, the following landscaping standards shall apply. These standards shall override Section 18.10.110 (C)(2) and 18.10.110 (C)(3), if applicable:

1. A minimum 50 percent of the building site area, exclusive of building footprints, shall be landscaped and provided with an adequate underground irrigation system.
2. A minimum of 25 percent of the building site area, exclusive of building footprints, shall accommodate private, active patio areas or active areas for common use of residents such as BBQs, playgrounds, hardscape features, and outdoor seating areas. The active areas for common use of residents shall comprise no less than one-fifth of this 25 percent of building site area.

D. Minimum Unit Size. For all housing overlay zones, the minimum unit size shall be:

1. Studio units: 400 square feet
2. 1-bedroom units: 600 square feet
3. 2-bedroom units: 700 square feet
4. 3-bedroom units: 900 square feet

Article I: Affordable Housing Overlay (AHO) Zone

18.17.100 Purpose

The purposes of the affordable housing overlay zone are to facilitate the construction of lower-cost, smaller-lot housing; to assist in providing affordable housing to all segments of the community; and to make available additional land for multifamily and condominium housing development.

18.17.110 Permitted Uses.

Any project utilizing the Affordable Housing Overlay Zone shall comply with the use regulations of the underlying zone.

18.17.120 Density.

The minimum dwelling unit density of any development utilizing the standards of the Affordable Housing Overlay Zone shall be 20 units per acre. The maximum dwelling unit density of any development utilizing the standards of the Affordable Housing Overlay Zone shall be 35 units per acre.

18.17.130 Height.

The maximum height of any structure in the Affordable Housing Overlay zone shall be three stories and 40 feet.

18.17.140 Off-Street Parking.

Off-street parking standards shall be governed by the minimum parking requirements of the underlying zone (Section 18.22.030 (B)) and all other requirements and incentives of this Title.

Article II: Congregational Lands Overlay (CLO) Zone

18.17.200 Purpose

The purpose of the Congregational Land Overlay zone is to encourage the construction of affordable housing in conjunction with religious institutions which provide important social and community services to the Yorba Linda community, to enable these institutions to further their mission to serve disadvantaged populations, and to improve utilization of land resources which may go unused for large portions of the week, in keeping with State law AB 1851 (2020).

18.17.210 Permitted Uses.

Multiple family dwellings and condominiums shall be permitted in the Congregational Land Overlay zone in addition to any uses permitted in the underlying zone, provided that these uses occur in conjunction with a church/temple/religious institution use with a valid conditional use permit. Church/temple/religious institutional uses must continue to operate in conjunction with the previously approved conditional use permit, except as described in Section 18.17.230.

18.17.220 Site Area Definition and Density.

A. With the entitlement application, the applicant shall define the portion of the site which is for residential use, including open spaces and parking which are reserved for exclusive residential use. This portion of the site shall be no larger than the land area of half of the congregation's existing parking area plus all existing undeveloped open space with a slope of less than 5%.

B. Within the portion of the site thus defined for residential use, the minimum dwelling unit density of any development utilizing the standards of the Congregational Land Overlay Zone shall be 20 units per acre. The maximum dwelling unit density of any development utilizing the standards of the Congregational Land Overlay Zone shall be 35 units per acre.

18.17.230 Exemption from Amendments to Existing Conditional Use Permit.

A. Housing development subject to the standards of this overlay zone may be approved without amendment to the original Conditional Use Permit, provided that the proposed development complies with all use and development regulations of this CLO zone. In addition, development of church/temple/religious institution and other non-residential structures may be approved without amendment to the original Conditional Use Permit provided that the development plan meets the following conditions:

1. The total square footage of non-residential space on the site does not exceed the amount authorized by the original Conditional Use Permit.
2. The total parking requirement for non-residential space on the site does not exceed the amount authorized by the original Conditional Use Permit.
3. The site contains no identified historic resource.
4. The original Conditional Use Permit's operational conditions remain in effect.

18.17.240 Height.

The maximum height of any structure in the Congregational Land Overlay zone shall be three stories and 40 feet, according to the methodology established in Section 18.26.030.

18.17.250 Off-Street Parking.

Pursuant to the maximum established in Government Code Section 65913.6, the

development shall provide one uncovered or covered off-street parking space per dwelling unit, except for senior housing developments which shall provide a minimum of one-half uncovered or covered parking space per dwelling unit. These spaces may be shared with the church/temple/religious institution or any previously permitted use on-site.

18.17.260 Adaptive Reuse.

The conversion of existing nonresidential structures into dwelling units shall be permitted, provided that they meet the stipulations of Section 18.17.220 and all building code requirements. Existing structures which are converted in this manner shall not trigger requirements to provide additional open space or setbacks, or to decrease the height of the structure.

18.17.270 Transfer of Development Rights

A property owner within the Congregational Land Overlay zone may solicit a Transfer of Development Rights to an abutting residential property with a lower maximum density than the Congregational Land Overlay zone. The Transfer of Development Rights will reduce the number of permitted units on the Congregational Land Overlay zone property and increase the number of permitted units by the same amount on the abutting property, provided that the resultant permitted density on the abutting property is no higher than 35 dwelling units per acre. The Transfer of Development Rights shall be subject to conditional use permit approval as described in Section 18.36.200, and once approved, shall be recorded against both properties.

Article III: Mixed-Use Overlay (MUO) Zone

18.17.300 Purpose

The purposes of the mixed-use overlay zone are to increase the housing stock of the City which is affordable to households at different income levels, to spur revitalization and investment, to improve the utilization of land, and to decrease vehicular use by permitting the construction of housing on sites which contain community-serving retail and service uses.

18.17.310 Permitted Uses and Configuration.

Multiple family dwellings and condominiums shall be permitted in the Mixed-Use Overlay Zone, provided that these uses are located on the same site as retail uses containing at least 10,000 square feet of commercial space which meet the standards of the underlying zone. At least half of the building square footage within the MUO-zoned property shall be residential. Residential uses may be located on top of commercial uses (vertical mixed-use) or in separate structures on the same lot (horizontal mixed-use).

18.17.320 Site Area Definition and Density.

The minimum dwelling unit density of any development utilizing the standards of the Mixed-Use Overlay Zone shall be 20 units per acre. The maximum dwelling unit density of any development utilizing the standards of the Mixed-Use Overlay Zone shall be 35 units per acre. The site area shall be defined as the entirety of the legally defined parcels containing the residential development.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA AMENDING THE CITY OF YORBA LINDA ZONING CODE AND ZONING MAP (ZONING CODE AMENDMENT 2022-02) PURSUANT TO THE IMPLEMENTATION PROGRAMS OF THE CITY OF YORBA LINDA 2021-2029 HOUSING ELEMENT, WITH THE ADOPTION OF EACH INDIVIDUAL ITEM IDENTIFIED IN ZONING CODE AMENDMENT 2022-02 CONTINGENT UPON APPROVAL BY A MAJORITY VOTE OF THE ELECTORATE OF THE CITY OF YORBA LINDA IN COMPLIANCE WITH THE YORBA LINDA RIGHT-TO-VOTE AMENDMENT

WHEREAS, under California law, every city must adopt a general plan, which must include specified mandatory elements, in furtherance of the State policy to provide a comprehensive, long-term plan for the physical development and use of property within a city's jurisdiction; and

WHEREAS, under California law, every city has the authority to adopt and amend a zoning code pursuant to a city's general police power, which allows for the orderly division of property within a city's jurisdiction into compatible uses and development standards so as to improve and protect the general welfare; and

WHEREAS, under California law, all of the elements within a city's general plan must be internally consistent, and all zoning must be in conformity with a city's general plan; and

WHEREAS, on October 28, 2016, the City of Yorba Linda (City) adopted its current General Plan (General Plan); and

WHEREAS, the City may amend all or part of its adopted General Plan to promote the public interest up to four times during any calendar year pursuant to Government Code Section 65358; and

WHEREAS, under California law, Government Code Section 65580 *et seq.* (Housing Element Law), every city in the State is required to periodically review and update the housing element of a general plan for the city, every city is mandated to include State-specified content in a housing element, and every city is required to submit a draft of its housing element to the California Department of Housing and Community Development (HCD) for review and determination as to whether the city's draft housing element substantially complies with the Housing Element Law; and

WHEREAS, since October 2020, City staff conducted numerous study sessions and community workshops with stakeholders, consultants, and members of the public to comment and provide direction on the content of the City's draft housing element; and

WHEREAS, since October 2020, the City Council for the City of Yorba Linda (City Council) and Planning Commission of the City of Yorba Linda (Planning Commission) held study and scoping sessions at public meetings to inform and receive comments from the general public regarding the procedure and required content of the

City's housing element; and

WHEREAS, the Planning Commission on multiple dates between February 24, 2021 and July 28, 2021, and the City Council on August 3, 2021, reviewed a draft of the City's housing element that, in accordance with State law, was submitted to HCD for review and comment; and

WHEREAS, since submitting the City's draft housing element to HCD, City and HCD staff have reviewed and revised the draft housing element to accommodate all State-mandated content, and the City Council and Planning Commission have periodically held public meetings to inform and receive comments from stakeholders, consultants, and members of the public with respect to the draft housing element process; and

WHEREAS, on January 12, 2022, the Planning Commission conducted a public hearing recommending that the City Council approve the final Housing Element; and

WHEREAS, on February 9, 2022, the City Council conducted a public hearing approving the 2021-2029 Housing Element; and

WHEREAS, on April 8, 2022, HCD determined that the City's 2021-2029 Housing Element was substantially complying with State Housing Element law; and

WHEREAS, the City of Yorba Linda 2021-2029 Housing Element identifies for the applicable 2021-2029 planning period the housing needs in the community and programs to achieve the housing goals, policies and objectives of the City, which substantially comply with State-mandated content under the State Housing Element law pursuant to the certification issued by HCD on April 8, 2022; and

WHEREAS, the adopted Housing Element includes implementation programs that, if and when adopted by the City Council by separate and subsequent approvals from the approval of the Housing Element, would commence implementing actions (i) to amend the Land Use Element and Land Use Map of the City's General Plan; and, (ii) to amend specified sections of the City of Yorba Linda Zoning Code, Title 18 of the Yorba Linda Municipal Code (Zoning Code) and Zoning Map; and

WHEREAS, the implementation programs included in the adopted Housing Element are intended to be carried out separately from the adoption by the City Council of the Housing Element to facilitate the compliance, if and as applicable, with the requirements of the Yorba Linda Right-to-Vote Amendment, Yorba Linda Municipal Code Section 18.01.010 *et seq.* (commonly known as "Measure B"), and are intended to preserve HCD's certification of the adopted Housing Element for the entirety of the 2021-2029 planning period; and

WHEREAS, the City Council has determined that the proposed amendments to specified provisions in the City of Yorba Linda Zoning Code (Title 18 of the Yorba Linda Municipal Code) and the Zoning Map, as identified in Exhibit "A" attached to this Ordinance and incorporated herein by this reference ("Zoning Code Amendment 2022-02"), each constitute a "Major Amendment" as defined in the Yorba Linda Right-to-Vote

Amendment (Measure B) and are therefore individually and/or collectively subject to the approval of a majority vote of the electorate of the City to become effective; and

WHEREAS, Zoning Code Amendment 2022-02 would amend Table 18.10-2 (Residential Development Standards) to modify the maximum building height in the RM-20 zoning designation to "40 feet or 3 stories, whichever is less"; and

WHEREAS, Zoning Code Amendment 2022-02 would amend the text of the West Bastanchury Planned Development (PD) for District II to create Area A, which would adhere to the existing District II development standards, for the following sites: APN #323-181-03, #323-191-10 through 44, and #323-201-08 through 39; and to create Area B, which would adhere to the RM (Residential Mutli-family) zone development standards for the following sites: APN# 323-181-04, -05, 06, -07, and #323-191-06, -07, -46; and

WHEREAS, Zone Change 2022-02, which consists of proposed amendments to the Zoning Map, as identified in Exhibit "A", is considered to be a part of Zoning Code Amendment 2022-02; and

WHEREAS, Zone Change 2022-02 would amend the Zoning Map by changing the zoning designations for the following sites to "Residential Multiple Family" (R-M) to allow a maximum residential density of ten (10) dwelling units per acre: APN #323-071-03 (Site S3-034), APN #343-561-08, -09 (Site S3-205A), APN #323-051-26, -27 (Site S3-211), APN #348-262-01 (Site S4-053), APN #348-351-08 (Site S4-060), APN #348-351-10, -11, -12 (Site S4-201), APN #329-081-06 (Site S7-005)

WHEREAS, Zone Change 2022-02 would amend the Zoning Map by changing the zoning designation for the following site to "Planned Development – Residential Multiple Family" (PD (R-M)) to allow a maximum residential density of ten (10) dwelling units per acre: APN #323-181-04, -05, -06, -07, 323-191-06, -07, -39, -46 (Site S3-203); and

WHEREAS, Zone Change 2022-02 would amend the Zoning Map by changing the zoning designations for the following sites to "Residential Multiple Family 20" (RM-20) to allow a maximum residential density of twenty (20) dwelling units per acre and a maximum building height of forty (40) feet or three stories, whichever is less: APN #322-061-01, -08, -10, -12, -13, -14, -15, -16, -17, -18, -18, -19, -20, -21 (Site S1-200), APN #343-582-01, -02 (Site S3-074), APN #334-101-39, -40 (Site S3-082), APN #343-591-05, -06, -07, -08, -09, -25 (Site S3-207), APN #323-311-03 (Site S4-075), APN #323-231-18, -19 (Site S4-200), APN #323-081-35, -36 (Site S4-204B), APN #352-115-08 (Site S6-015), APN #352-117-09, -11, -12 (Site S6-020); and

WHEREAS, Zone Change 2022-02 would amend the Zoning Map by adding the "Affordable Housing Overlay" zoning designation to the following sites to allow a maximum residential density of thirty-five (35) dwelling units per acre and a maximum building height of fifty (50) feet or four (4) stories, whichever is less: APN #322-061-01, -08, -10, -12, -13, -14, -15, -16, -17, -18, -18, -19, -20, -21 (Site S1-200), APN #343-582-01, -02 (Site S3-074), APN #334-101-39, -40 (Site S3-082), APN #343-591-05, -06, -07, -25 (Site S3-207), APN #323-311-03 (Site S4-075), APN #323-231-18, -19 (Site S4-

200), APN #352-115-08 (Site S6-015), APN #352-117-09, -11, -12 (Site S6-020) and

WHEREAS, Zone Change 2022-02 would amend the Zoning Map by adding the "Congregational Lands Overlay" zoning designation to the following sites to allow a maximum residential density of thirty (30) dwelling units per acre and a maximum building height of forty (40) feet or three (3) stories, whichever is less: APN #322-173-04, -07 (Site S2-008), APN # 343-591-01, -02, -03 (Site S2-012), APN #334-292-18 (Site S2-013), APN #343-581-09, 343-582-12 (Site S3-103), APN #323-171-07, -08, -09 (Site S3-210), APN #323-081-34 (Site S4-204A), APN #323-092-13 (Site S3-033), APN #323-171-07, -08, -09 (Site S3-210) ; and

WHEREAS, Zone Change 2022-02 would amend the Zoning Map by adding the "Mixed Use Overlay" zoning designation to the following sites to allow a maximum residential density of thirty-five (35) dwelling units per acre and a maximum building height of fifty (50) feet or four (4) stories, whichever is less: APN #322-121-07, -08 (Site S1-021), APN 353-091-06 (Site S7-001); and

WHEREAS, the City Council has determined that Zoning Code 2022-01 does not constitute a "Major Amendment" as defined in the Yorba Linda Right-to-Vote Amendment (Measure B) and is therefore not subject to the approval of a majority vote of the electorate of the City to become effective; and

WHEREAS, Zoning Code Amendment 2022-02 includes provisions that are part of the implementation programs and implementing actions of the adopted Housing Element, and is necessary to ensure that the City's Zoning Code is consistent with the City's General Plan, as required by State law; and

WHEREAS, the Zoning Code and the Zoning Map are "Planning Policy Documents" under the Yorba Linda Right-to-Vote Amendment, Yorba Linda Municipal Code Section 18.01.020 (Measure B), which has additional public notice and public hearing requirements that require the Planning Commission to hold a public hearing pursuant to Section 18.01.040 that otherwise may not be required under state law; and

WHEREAS, notices of a public hearing were published, posted, and delivered in accordance with State and City laws for the consideration by the Planning Commission of the proposed amendments to the Zoning Code (referred to herein as Zoning Code Amendment 2022-01) as part of the consideration of the adopted Housing Element and implementation programs included therein; and

WHEREAS, Zoning Code Amendment 2022-02, as identified in Exhibit "A" attached to this Ordinance, includes all of the amendments to the Zoning Code that constitute "Major Amendments" as defined in the Yorba Linda Right-to-Vote Amendment (Measure B) and are therefore individually and/or collectively subject to the approval of a majority vote of the electorate of the City to become effective. Zoning Code Amendment 2022-01 includes all of the amendments to the Zoning Code and Zoning Map that do not constitute a "Major Amendment" as defined in the Yorba Linda Right-to-Vote Amendment (Measure B) and are therefore not subject to the approval of a majority vote of the electorate of the City to become effective; and

WHEREAS, in accordance with State and City laws, on June 29, 2022, the Planning Commission conducted a public hearing to receive public testimony with respect to Zoning Code Amendment 2022-02 as part of the consideration of the adopted Housing Element implementation programs included therein; and

WHEREAS, the Planning Commission considered the information provided by City staff, the public testimony, and the evidence presented at the Planning Commission public hearing on June 29, 2022, which includes, without limitation, the staff reports submitted by the Community Development Department; and

WHEREAS, on June 29, 2022, the Planning Commission, at a regular public meeting, considered and decided to recommend to the City Council the approval of Zoning Code Amendment 2022-02, subject to compliance, as applicable, with the requirements of Yorba Linda Right-to-Vote Amendment (Measure B), in furtherance of the implementation programs included in the Housing Element; and

WHEREAS, notices of a public hearing were published, posted, and delivered in accordance with State and City laws for the consideration by the City Council of Zoning Code Amendment 2022-02 as part of the consideration of the adopted Housing Element implementation programs included therein; and

WHEREAS, in accordance with State and City laws, on August 2, 2022, the City Council conducted a public hearing to receive public testimony with respect to Zoning Code Amendment 2022-02 as part of the consideration of the Housing Element and implementation programs included therein; and

WHEREAS, the City Council considered the information provided by City staff, the public testimony, and the evidence presented at the public hearing on August 2, 2022, which includes, without limitation, the staff reports submitted by the Community Development Department.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YORBA LINDA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The City Council has read and considered the amendments to the Zoning Code (referred to herein as "Zoning Code Amendment 2022-02") as part of the consideration of the adopted Housing Element implementation programs included therein.

Section 3. The City Council finds that Zoning Code Amendment 2022-02 is necessary to ensure that the Zoning Code is consistent within the City's General Plan.

Section 4. The City Council finds that Zoning Code Amendment 2022-02 is necessary apply the development standards contained in Zoning Code Amendment 2022-01 and Zoning Code Amendment 2022-02 to specific sites identified in Zoning Code Amendment 2022-02, would permit and encourage the development of affordable housing opportunities pursuant to the Regional Housing Needs Assessment (RHNA) requirements, as set forth in the Housing Element Law and applicable State Guidelines,

in locations adjacent to supporting services and public transportation provided they are compatible with, and will not adversely impact, the integrity and continuity of adjacent uses.

Section 5. The City Council hereby accepts the recommendation of the Planning Commission to adopt Zoning Code Amendment 2022-02, which includes Zone Change 2022-02, as part of the consideration of the adopted Housing Element implementation programs included therein.

Section 6. The City Council hereby adopts Zoning Code Amendment 2022-02, which includes Zone Change 2022-02, subject to each item identified therein to become effective only upon the approval by a majority vote of the electorate of the City of Yorba Linda voting "YES" on a ballot measure for the adoption of that item of Zoning Code Amendment 2022-02 at a duly noticed and held regular or special election of the electorate of the City of Yorba Linda.

Section 7. Pursuant to Elections Code section 9222, the City Council by subsequent ordinance or resolution shall identify the date of the election during which items identified in Zoning Code Amendment 2022-02, including Zone Change 2022-02, will be submitted for consideration by the electorate of the City of Yorba Linda, which election date shall be held not less than eighty-eight (88) days after the date of the subsequent ordinance or resolution ordering the election. Upon the ordering of the election by the City Council, the City Clerk shall be authorized and directed to take any and all necessary and proper actions to submit any identified items in Zoning Code Amendment 2022-02 to a vote of the electorate of the City of Yorba Linda in accordance with applicable State, County, and City laws, including the Yorba Linda Right-to-Vote Amendment (Measure B). The City Council hereby reserves the authority to submit the items identified in Zoning Code Amendment 2022-02, including Zone Change 2022-02, to a vote of the electorate of the City of Yorba Linda in separate elections. None of the items identified in Zoning Code Amendment 2022-02, including Zone Change 2022-02, shall take effect until approved by a majority vote of the electorate of the City of Yorba Linda.

Section 8. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Yorba Linda hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

Section 9. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

Section 10. The City Clerk shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published within fifteen (15) days after passage in accordance with law and as designated by resolution of the City Council, and shall cause this Ordinance and its certification, together with proof of publication, to

ORDINANCE NO.

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be entered into the Book of Ordinances of the City of Yorba Linda.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Yorba Linda on this 9th day of August, 2022.

CARLOS RODRIGUEZ, MAYOR
CITY OF YORBA LINDA

ATTEST:

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

(SEAL)

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF YORBA LINDA)

ORDINANCE NO.

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I, **MARCIA BROWN**, City Clerk of the City of Yorba Linda, California, **DO HEREBY CERTIFY** that the foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Yorba Linda held on the 9th day of August, 2022, and was carried by the following roll call vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

EXHIBIT "A"

**Zoning Code Amendment 2022-02
(Comprised of Item #1 – Item #26)**

**MODIFICATIONS TO THE CITY OF YORBA LINDA ZONING CODE
(TITLE 18 OF THE YORBA LINDA MUNICIPAL CODE) AND ZONING MAP**

ITEM #1. Table 18.10-2 (Residential Development Standards) of the Yorba Linda Zoning Code is amended as follows:

**TABLE 18.10-2
RESIDENTIAL DEVELOPMENT STANDARDS⁷**

	Zones							
Standard	R-A	RLD	R-E	R-S	R-U	R-M	R-M-20	R-M-30
Maximum density (units per acre)	1.0	1.0	1.8	3.0	4.0	10.0	20.0	30.0
Minimum lot size ¹	1 acre	39,000 sq. ft.	15,000 sq. ft.	10,000 sq. ft.	7,500 sq. ft.	15,000 sq ft	1 acre	1 acre
Minimum lot width	130 ft.	110 ft.	100 ft.	80 ft.	75 ft.	100 ft.(corner) 125 ft.(interior)	135 ft. (corner) 165 ft. (interior)	135 ft. (corner) 165 ft. (interior)
Minimum lot depth	150 ft.	170 ft.	150 ft.	100 ft.	100 ft.	100 ft.(corner) 125 ft.(interior)	135 ft. (corner) 165 ft. (interior)	135 ft. (corner) 165 ft. (interior)
Maximum lot coverage	35%	35%	35%	35%	40%	45%	65%	70%
Maximum building height	35 feet, or 2 stories, whichever is less ²						40 feet or 3 stories, whichever is less	50 feet or 4 stories, whichever is less
Minimum front yard setback	40 ft.	35 ft.	30 ft.	25 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Minimum side yard setback (interior)	-- ³	-- ³	-- ³	10 ft.	-- ⁴	-- ⁴	-- ⁴	-- ⁴
Minimum side yard setback (street)	-- ³	-- ³	-- ³	10 ft.	10 ft.	10 ft. ⁵	10 ft. ⁵	10 ft. ⁵
Minimum rear yard setback	45 ft.	40 ft.	25 ft.	25 ft.	25 ft.	20 ft.	20 ft.	20 ft.
Minimum building separation ⁶	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	20 ft.	20 ft.
Minimum dwelling size	1,500 sq. ft.	1,500 sq. ft.	1,500 sq. ft.	1,500 sq. ft.	1,300 sq. ft.	Studio = 750 sq. ft., 1 BR = 900 sq ft., 2 BR = 1,000 sq. ft., 3 BR = 1,200 sq. ft.	Studio = 550 sq. ft., 1 BR = 675 sq ft., 2 BR = 700 sq. ft., 3 BR = 900 sq. ft.	Studio = 550 sq. ft., 1 BR = 675 sq ft., 2 BR = 700 sq. ft., 3 BR = 900 sq. ft.

Minimum parking per dwelling unit	2 covered + 1 covered or uncovered	2 covered + 1 covered or uncovered	2 covered + 1 covered or uncovered	2 covered + 1 covered or uncovered	2 covered + 1 covered or uncovered	Studio - 2 bdrm = 2 covered plus 1 covered or uncovered 3+ bdrm = 2 covered plus 1.5 covered or uncovered	Studio = 1 covered; 1 bdrm = 1 covered + 0.8 uncovered; 2 bdrm = 1 covered + 1 uncovered; 3+ bdrm = 1 covered + 1 uncovered Guest: Studio = 0.75 per unit; 1 bdrm = 0.5 per unit; 2 bdrms = 0.5 per unit; 3 or more bdrms = 1.5 per unit	Studio = 1 covered; 1bd = 1 covered + 0.8 uncovered; 2bd = 1 covered + 1 uncovered, 3+ bdrm = 1 covered + 1 uncovered, Guest: Studio = 0.75 per unit; 1 bdrm = 0.5 per unit; 2 bdrms = 0.5 per unit; 3 or more bdrms = 1.5 per unit
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- 1 Any legally established lot that is at least 4,000 sq. ft. and has a minimum twenty foot (20') wide vehicular access to a street may be used as a building site. .
- 2 Steeples, crosses and other religious symbols on churches and religious institutions may exceed the height limit in accordance with Section 18.24.110. See also Section 18.10.110.H and Section 18.26.030 of the Zoning Code for additional design standards related to height determinations for structures.
- 3 Side yard setbacks in R-A, RLD and R-E zones shall be ten percent (10%) of the lot width, but not less than ten (10) feet, and need be no more than twenty (20) feet.
- 4 Interior side yard setbacks in R-U and R-M, R-M-20, and R-M-30 zones shall have a cumulative total of both side yards of twenty (20) feet; however, in no case shall a side yard be less than five (5) feet.
- 5 Front yard setback requirements shall be applied to all property frontages facing public streets for the R-M, R-M-20, and R-M-30 zones.
- 6 The required 10-foot building separation standard shall not apply to small accessory structures as defined in Section 18.10.120.B. However, if the combined area of multiple small accessory structures located within three (3) feet of each other exceeds a combined one hundred twenty (120) square feet, each structure shall be considered a large accessory structure.
- 7 Residential properties having a slope gradient of 15 percent (15%) or greater shall comply with the regulations contained in Chapter 18.30 of this title.

ITEM #2. The Yorba Linda Zoning Map is amended as follows:

The zoning for the proposed rezoning site located at the southeast corner of Rose Drive/Blake Rd – APN #322-061-01, -08, -10, -12 -13, -14, -15, -16, -17, -18, -18, -19, -20, -21 (Site S1-200) will change from “Residential Estate” (RE) to “Residential Multiple-Family 20” (RM-20) to allow a maximum residential density of twenty (20) dwelling units per acre and a maximum building height of forty (40) feet or three (3) stories, whichever is less. The site will also be subject to the “Affordable Housing Overlay” (AFO) which will allow a maximum residential density of thirty-five (35) dwelling units per acre and a maximum building height of fifty (50) feet or four (4) stories, whichever is less.

ITEM #3. The Yorba Linda Zoning Map is amended as follows:

The zoning for the proposed rezoning site located at 5300-5392 Richfield Rd – APN # 343-591-05, -06, -07, -25 (Site S3-207) will change from “Residential Urban” (RE) to “Residential Multiple-Family 20” (RM-20) to allow a maximum residential density of twenty (20) dwelling units per acre and a maximum building height of forty (40) feet or three (3) stories, whichever is less. The site will also be subject to the “Affordable Housing Overlay” (AFO) which will allow a maximum residential density of thirty-five (35) dwelling units per acre and a maximum building height of fifty (50) feet or four (4) stories, whichever is less.

ITEM #4. The Yorba Linda Zoning Map is amended as follows:

The zoning for the proposed rezoning site located at 18132 Yorba Linda Blvd – APN #334-101-39, -40 (Site S3-074) will change from “Commercial – General” (CG) to “Residential Multiple-Family 20” (RM-20) to allow a maximum residential density of twenty (20) dwelling units per acre and a maximum building height of forty (40) feet or three (3) stories, whichever is less. The site will also be subject to the “Affordable Housing Overlay” (AFO) which will allow a maximum residential density of thirty-five (35) dwelling units per acre and a maximum building height of fifty (50) feet or four (4) stories, whichever is less.

ITEM #5. The Yorba Linda Zoning Map is amended as follows:

The zoning for the proposed rezoning site located at 4791 and 4811 Eureka Ave – APN #343-582-01, -02 (Site S3-082) will change from “Commercial – General” (CG) to “Residential Multiple-Family 20” (RM-20) to allow a maximum residential density of twenty (20) dwelling units per acre and a maximum building height of forty (40) feet or three (3) stories, whichever is less. The site will also be subject to the “Affordable Housing Overlay” (AFO) which will allow a maximum residential density of thirty-five (35) dwelling units per acre and a maximum building height of fifty (50) feet or four (4) stories, whichever is less.

ITEM #6. The Yorba Linda Zoning Map is amended as follows:

The zoning for the proposed rezoning site located at 4742 Plumosa – APN #323-311-03 (Site S4-075) will change from “Commercial – General” (CG) to “Residential Multiple-Family 20” (RM-20) to allow a maximum residential density of twenty (20) dwelling units per acre and a maximum building height of forty (40) feet or three (3) stories, whichever is less. The site will also be subject to the “Affordable Housing Overlay” (AFO) which will allow a maximum residential density of thirty-five (35) dwelling units per acre and a maximum building height of fifty (50) feet or four (4) stories, whichever is less.

ITEM #7. The Yorba Linda Zoning Map is amended as follows:

The zoning for the proposed rezoning site located at 22722 Old Canal Road – APN #352-117-09, -11, -12 (Site S6-015) will remain in the Savi Ranch Planned Development (PD) and will also be subject to the “Affordable Housing Overlay” (AFO) which will allow a maximum residential density of thirty-five (35) dwelling units per acre and a maximum building height of fifty (50) feet or four (4) stories, whichever is less.

ITEM #8. The Yorba Linda Zoning Map is amended as follows:

The zoning for the proposed rezoning site located at 22711 Oak Crest Circle – APN #352-115-08 (Site S6-020) will remain in the Savi Ranch Planned Development (PD) and will also be subject to the “Affordable Housing Overlay” (AFO) which will allow a maximum residential density of thirty-five (35) dwelling units per acre and a maximum building height of fifty (50) feet or four (4) stories, whichever is less.

ITEM #9. The Yorba Linda Zoning Map is amended as follows:

The zoning for the proposed rezoning site located at 17151 Bastanchury Rd – APN #322-173-04, -07 (Site S2-008) will remain as “Residential Estate” (RE) and will also be subject to the “Congregational Lands Overlay” (CLO) which will allow a maximum residential density of thirty (30) dwelling units per acre and a maximum building height of forty (40) feet or three (3) stories, whichever is less.

ITEM #10. The Yorba Linda Zoning Map is amended as follows:

The zoning for the proposed rezoning site located at 5320 Richfield Rd – APN #343-591-01, -02, -03 (Site S3-012) will remain as “Residential Urban” (RU) and will also be subject to the “Congregational Lands Overlay” (CLO) which will allow a maximum residential density of thirty (30) dwelling units per acre and a maximum building height of forty (40) feet or three (3) stories, whichever is less.

ITEM #11. The Yorba Linda Zoning Map is amended as follows: