

It is recommended that the Planning Commission approve Design Review 2021-17 The Church of Jesus Christ of Latter-Day Saints with conditions.

AYES (5): Bernstein, Darnell, Masterson, Pease, and Singh

CARRIED (5 to 0)

7.3 GENERAL PLAN AMENDMENTS AND ZONING CODE AMENDMENTS ASSOCIATED WITH THE 2021-2029 HOUSING ELEMENT IMPLEMENTATION

Nate Farnsworth, Planning Manager, stated there is still a lot of misunderstanding with what the State of California is requiring and how the City is addressing those mandates.

Many residents are asking what happens if the city does not comply and why don't we just fight the state? There are numerous consequences with new laws that have been put into place. The California Attorney General's Office has a new enforcement division that is going out and seeking cities that are out of compliance. There is a serious risk of litigation not only from the Attorney General, but from the housing developers, affordable housing advocacy groups, and fines up to \$600,000 per month. The city can also become ineligible for state funds and grants that provide funding for housing, infrastructure and transportation. There is also the loss for local control and having the state come in and take control of land use.

The city has had numerous outreach meetings, eNews articles, social media blasts, public notices in the newspaper, updates to the website and is trying to keep everyone informed of the process. The city is beginning the housing element implementation phase and has a draft environmental impact report with a 45 -day public comment period which concludes on July 15, 2022. Staff has received many comments and sent out canned responses. The purpose of those canned responses is not to be disingenuous; there is a response method that they have to utilize in order to make sure they are consistent with their responses. All of the comments and responses will be made available for public review and there will be another opportunity to comment on the city's response to comments.

Recommendations will be made to the City Council, then all of the 27 sites will go to the residents for a Measure B vote in November 2022.

This process started at the regional level with the Southern California Association of Governments (SCAG). The state provides SCAG with a number of housing units that the region needs to plan for over the next eight years and SCAG was assigned 1.34 million housing units for that eight-year period; in the last housing cycle, the entire region was assigned approximately 450,000 housing units, therefore this is a significant increase. Yorba Linda pushed against this regional determination from the State of 1.34 million housing units and lost. The Orange County Council of Governments (OCCOG) filed a lawsuit against the state, and it was dismissed in court stating OCCOG didn't have standing because the State legislation had removed the ability for judicial review of RHNA. SCAG now has to equitably disperse 1.34 million housing units among 197 jurisdictions throughout the region.

Council Member Peggy Huang served as the RHNA Subcommittee Chair and SCAG's CEHD Committee Chair which were committees that made recommendations to SCAG's Regional Council on how to disperse that number. The number that was recommended from the RHNA's subcommittee unanimously supported by the SCAG region would have assigned 207 housing units for Yorba Linda.

When it went to SCAG's Regional Council there was a modified RHNA methodology that was presented. At the last minute, unvetted and unreviewed, it was proposed by Riverside Mayor Rusty Bailey and endorsed and supported by Mayor Eric Garcetti to shift the allocation because there were more jobs in Orange and LA County. The new methodology was approved by Regional Council despite all of the Orange County cities fighting against it. Yorba Linda's numbers went from 207 to 2,411. The City Council fought it and many residents sent letters, but it fell on deaf ears. In October of 2020, the city filed a formal appeal, but it was denied. Mr. Farnsworth provided a video that explained the appeal arguments that the city submitted.

Housing needs are broken down within income categories. Even though the city is obligated to *plan* for the units they are not obligated to *build* the units.

Staff looked through projects that have already been entitled, therefore they were able to get credit for 181 units. The next step was to look at accessory dwelling units (ADU's) because the state passed several laws saying that every residential property was able to have one ADU and one junior ADU on their property. Therefore, now every residential property

can have three units on the property. If SB9 is added into that, it means that every single residential property, by right from the State, can subdivide their property into two lots and have up to four units where there was previously one lot. The city approached the state and asked to claim their entire credit for RHNA through ADU's; the state said no and would only let the city count it based on their historic trend of past construction of ADU's over the last few years. There is no historic trend because the law barely passed, and we were in the middle of COVID. The state verbally agreed to give the city a credit of 1100 ADU's. But when Yorba Linda submitted the plan to the state, they backtracked and said it was too many and they would only give the city credit for 80. The city pushed back on that number and was finally able to get the state to agree to 400 ADUs of credit for RHNA, which is higher than any approved city. ADU's primarily fall within the lower income categories, therefore the RHNA credit is in the moderate to very low-income categories.

Staff also took the same approach with the Congregational Land Overlay Zone. AB 1851 allows churches to utilize half of the parking lot for housing and the remainder of the parking area count towards the parking for the church and housing development.

The following chart shows the breakdown of sites that the city intends to rezone.

Summary of Housing Element Sites

| Income Levels | Very Low | Low | Moderate | Above Mod | Total |
|---|----------|-----|----------|-----------|---------|
| 2021-2029 RHNA Targets | 765 | 451 | 457 | 742 | 2,415 |
| Existing Zoning | | | | | |
| Entitled Projects | | | | 181 | 181 |
| Town Center Specific Plan | | | 31 | | 31 |
| RM-30 | | | 12 | | 12 |
| Accessory Dwelling Units | 100 | 172 | 120 | 8 | 400 |
| Existing Site Capacity | | 272 | 163 | 189 | 624 |
| RHNA Shortfall | (944) | | (294) | (553) | (1,791) |
| Rezone Sites | | | | | |
| Planned Development | | | 64 | 130 | 194 |
| RM | | | 129 | 209 | 338 |
| RM-20 | 40 | | 26 | 40 | 106 |
| Affordable Housing Overlay | 710 | | | 72 | 782 |
| Mixed Use Housing Overlay | 26 | | 136 | 163 | 325 |
| Congregational Land Overlay | 355 | | | | 355 |
| Total Site Capacity (Existing + Rezone Sites) | 1,403 | | 518 | 803 | 2,724 |
| RHNA Buffer | +187 | | +61 | +61 | +309 |

The state requires that the city maintain a 10% buffer above their RHNA obligation because all projects may not develop to full capacity, and we need to make sure that we maintain the ability to meet the 2415 units over the entire course of the eight-year housing cycle.

The Traffic Commission had concerns about specific sites; Ohio/Grandview, Grandview/ Kellogg, Bryant Ranch Area/LaPalma Avenue and Fairmont. Their recommendations are as follows:

- The 2 sites off of Ohio feed into Kellogg/Imperial Highway intersection and operate at an LOS F and it would further exacerbate unfavorable conditions. Conditions could be improved with another traffic signal or alternative intersection control, but it has not been fully analyzed. It would also require coordination with Anaheim and Caltrans. These sites also feed into Lakeview and Buena Vista intersection which would also exacerbate traffic there. The Traffic Commission had concerns about narrow streets, no curbs, no sidewalks, no streetlights, equestrian uses and cars parked along the road. They are also in close proximity to Linda Vista Elementary School and the traffic has to circle around the cul-de-sac for pick up and drop off during school hours.
- The Grandview extension and Kellogg parcel, aka Strawberry Field, is also impacted by many of the same issues described for the Ohio Sites as well as its proximity to the Linda Vista School and traffic impacts from Esperanza High School.
- The Bryant Ranch Shopping Center LOS along La Palma is operating at acceptable levels with the exception of the dedicated lane that feeds off of Gypsum Canyon which has significant impacts from cut through traffic to the 91 freeway. There are also evacuation concerns.
- Fairmont Boulevard traffic analysis show there are favorable traffic conditions under existing and protected situations; however, there were concerns related to evacuations.

Any proposed project along any of these sites would have to be analyzed once they are submitted to the city.

Staff has asked State Housing and Community Development Department (HCD) what changes they could make to the housing sites inventory. Per HCD under only two conditions can changes be made: 1- the buffer cannot be reduced below 10% of the total RHNA (309 can be reduced to 242) and 2 - you can only remove units in the above moderate- and moderate-income categories. Of the sites that the Traffic Commission analyzed, the only sites that would meet those conditions are the two Ohio sites, Grandview/Kellogg, and Meadowland/Camino De Bryant. Staff is not making any recommendations regarding removal of sites, but the Traffic

Commission asked the Planning Commission to look at the sites. It is ultimately up to the City Council to remove the sites.

We are currently in the Draft PEIR phase and taking comments until July 15th, then written responses will be provided on July 27th and the Planning Commission will be providing a recommendation to the City Council on the PEIR, then the council will decide whether or not to certify that PEIR.

Mr. Farnsworth encouraged everyone to visit the website and connect with the city on social media. It will all conclude with a vote in a general election; it may or may not be called a Measure B.

Commissioner Masterson asked if the PEIR will need to be recirculated if sites are removed and confirmed that nothing gets finalized until citizens vote on it?

Mr. Farnsworth stated recirculation of PEIR will only be necessary if sites are added and nothing is finalized until citizen's vote.

Commissioner Singh disclosed he attended the last two Council meetings as well as the Traffic Commission meeting. He urged everyone to stay until the end of the meeting in order to hear the deliberation of the Commissioners. At all the meetings, the resident concerns were consistently about traffic, parking, safety, and evacuation. He summarized questions and responses from the meetings as follows:

- Why weren't we notified, we just found out about rezoning?

The mayor acknowledged that the city could have done a better job with the outreach effort.

- We moved Yorba Linda, land of gracious living, because of the large equestrian lots, and with the new units our quality of life will change, and this is not what we want.

This is a mandate from the state, the state does not care about the quality of life and that is why we don't want the state to take over the control if the Measure B loses twice.

- There will be a lot of traffic and the traffic analysis report is erroneous and does it make sense and there are some intersections that were not brought up in the report.

Staff agreed to look at some of the missing intersections.

- There won't be enough space for parking if we get 300 units; where will people park, every unit will have three to four cars.

All new projects will have to follow the zoning codes for parking requirements and once the project comes in, it will be evaluated again.

- Evacuation concerns and examples were given from the residents trying to get out.

The city is working on a new evacuation plan. It is not part of the traffic study, and the new plan will have to be approved by OCFA and others.

- Will there be enough water in this city especially when this state is asking to conserve water? *Yes, there is enough water in the city.*
- My house is part of the rezoning plan, does it mean I will be forced to build 10 units on my lot?

No, if you do not wish to build you do not have to.

- Can we still add alternate sites, do we have enough time?

No there is not enough time, it has already been approved by HCD.

- Was the Anaheim cemetery project or the Brea housing project taken into account in the traffic studies?

Yes, everything in the area was taken into account up to 2045.

- Will Measure B voting be on all the sites or on individual sites?

It will be on the total number of sites.

Todd Litfin, City Attorney stated the City Council will decide how the sites will be voted on; whether it will be 27 different votes or one vote on all 27.

Jamie Lai, Public Works Director clarified that the Brea 265 was taken into account for the traffic modeling, but the PEIR has not been released for the cemetery project; therefore, it was not integrated into the traffic model.

Mr. Litfin clarified, for those who were unaware, that the veteran's cemetery may potentially be on some county property on the other side of the freeway.

Commissioner Singh asked staff to explain the process for assigning the number of units on the site S5-008.

Director Brantley stated HCD has realistic development potential and rather than scrutinize each and every site, they imposed an across-the-

board de-escalator on every site equal to 15%. This site has 10 units proposed over 23 acres, the maximum yield is 230 units minus 15%, therefore the city received credit for 196 units. Realistically, the city will have to wait for a project to come in and there is significant topography on the site and real estate economics and development, but in all likelihood it will be fewer than 196 units. There is no requirement for it to be built to that amount. Under the Housing Accountability Act there is a requirement that if any project comes in that meets the objective development standards for the zoning on that property, the city will have to approve the project unless it made findings that there were significant objectively measurable health and safety reasons that it could be denied.

Commissioner Singh asked what happens if we just can't build 2,415 units.

Mr. Litfin stated there is another requirement in addition to the Housing Accountability Act which is called the No Net Loss Law. If there are developments that build at a lesser density than we received credit for then the city has to make findings that we can still meet our RHNA requirements. If a No Net Loss finding cannot be made, then we might have to find more sites to get to that number. We have to balance it with each project approval. Each project will have a tract map or some other entitlement in front of the Planning Commission which will require more public review for that specific project.

Commissioner Singh stated there are approximately 20,000 units in Yorba Linda and if each decided to build an ADU in their backyard, there would be an additional 20,000 houses and cars; can the city deny that?

Mr. Farnsworth stated the city is obligated to approve any ADU that complies with the state law, and they get to claim credit for any ADU that is built. Every year the city submits an annual progress report to the state that outlines the progress they have made towards their RHNA obligation.

Commissioner Singh ask if the city received 2,400 applications for ADU's tomorrow would the city get credit for them?

Mr. Litfin responded that they could ask the state if they could potentially get lower densities on certain sites to make a no net loss finding to get the credit. Most of the ADU are under the low to moderate income category and under the no net loss rules you have to match income level to income level. So, we could not get credit for all of them because some of them would be for low and very low.

Chair Pro Tem Pease asked if we are just rezoning, does it mean these projects are going to be built and conceivably the number built could be anywhere from zero to 2,600?

Mr. Farnsworth responded that the market would determine what happens with development sites.

Chair Darnell opined that the city has done a good job with their public outreach due to the fact that there are so many people who have come out to speak at public hearings. She asked if all the landowners and all of the sites that are on the list have been notified and if any of them have refused to be on the list.

Mr. Farnsworth stated one property owner off of Rose Drive has now asked to be removed from the list.

Chair Darnell asked if the congregational overlay zones also applied to the churches in the commercial zones.

Mr. Farnsworth stated they do not apply in commercial zones.

Commissioner Singh confirmed that no one can force him to build on his lot until the lot is sold; then there is a potential for the new owner to build. It just gives him an option, not a requirement.

Mr. Litfin confirmed that it is his property right to keep it exactly as it is, but the zoning would allow what could potentially be done on the property.

Chair Darnell called for a recess at 8:11 p.m.

Chair Darnell called the meeting back to order at 8:20 p.m. and opened the public hearing and advised everyone of a 5-minute time limit.

Josh Shroeder spoke regarding site S5-008, consists of 23 acres over which half is unbuildable open space and 230 units are allocated on that lot; what would happen to the remaining balance? What happens after construction is complete if all the units are not built in Fairmont Canyon? The units remain assignable to any area and any areas in a planned development have lot lines that can be adjusted, a property's designated area can be changed and a process for deciding whether or not Measure B applies to those changes is complex. Can he get his half acre property designated Area E and put in 5 condos and charge against the allocation? Could the owner of Fairmont Canyon buy out the neighboring homes above the ravine, get a lot line adjustment to their existing lot and fill the new area with high density housing? Could the owners of the open space

property that border Chino Hills State Park apply for rezoning and cover the last remaining hill with apartments? The way our planning documents are written make these scenarios a very real risk. He requests that city staff answer, on record, if such potential uses of the left-over unbuilt area allocations on other properties will likely trigger a Measure B vote. If the city can't guarantee Measure B oversight of future uses of Area E allocation, please do not pass code amendment 2022-01 with 230 units assigned to Area E. Please ensure that the allocation is something that won't spill over to the rest of the community down the road. If that's not possible, add something to the General Plan to ensure that units cannot be transferred to other parcels. S5 008 is already in Area E property as noted in Exhibit C and would make it a residential zone multi-family with a density of 10 units per acre. It would be done immediately without a Measure B vote. It is also referenced in Exhibit B General Plan Amendment 2022-01, but that one does not take effect until Measure B vote takes place. That amendment would change the General Plan use map to reflect that the parcel is now residential and allocated to 450 units. These two changes independently, one Measure B and one not, leave city documents in an inconsistent state. Zone change amendment 2022-01 states that parcel Area E it is entitled to 10 units per acre, but until General Plan Amendment 2022-02 passes in November, if it even does, the land use map will continue to label the parcel as residential medium with a maximum of three units per acre. The inconsistency caused by adopting these changes piecemeal will open the city to lawsuits by the developer of the parcel and possibly circumvent Measure B. The Area E change map should be bundled within the General Plan Amendment and not approved on its own taking effect only if the corresponding general amendment passes. That is the only way to ensure consistency in city planning documents and not leave S5-008 in a dangerous limbo.

Bac Tran stated he supports the General Plan and Zoning Code Amendments associated with the implementation of the Housing Element. He came to this country and received housing aid and is honored to be able to give back to the community.

Gary Poage stated S5008 site is 23 acres but only 2.6 is only truly developable and only 30 units instead of 90 units will be able to be built. He is concerned that there could be legal battles with the developer.

Paulina Rodriguez lives adjacent to S5-008. Exhibit C ordinance from zoning code amendment 2022-01 which is no Measure B is recommending the rezoning from church to the Yorba Linda Hills Planned

Development to RM-10 with permitted 230 units. This is split lot zoning where half of it will be open space and half is residential. The likelihood of this lot being developed is extremely high, it is in escrow. Is it safe to have 196 units on that lot? How can it be done and still maintain RM-10 standards? There is nothing that specifies what will happen to the open space portion of this parcel. The PEIR states that the General Plan RM/OS split lot zoning is going to RH/OS split lot zoning, but it doesn't say it in the resolution it only says it is going from RM to RH. There is nothing that is being addressed to ensure that the open space remains open space. She asked that the open space be specifically addressed.

Cindy Zarske thanked the Commissioners and staff for fighting for the residents and asked for clarification on the what the deadline is for building the 2,415 units and what are the ramifications if they do not get built?

Chuck Halper concerned about S7-001 and traffic that is already impacted and will be further exacerbated if 300 homes are added, as well as the possibility of a cemetery. He also has safety concerns for evacuation.

Patrick Thrasher isn't sure how you can get 30 units on S7-005, Camino de Bryant and Meadowland, a 3.06-acre lot and S7-001 Bryant Ranch Shopping Center. His backyard is Meadowland and his main concern is traffic; there is only one way in and out and these projects will impact traffic. Both of the fires were directly behind his home and all the fire fighters were elsewhere. He has spoken to code enforcement a number of times about trying to get the hill covered in greenery and has been told that city code only requires greenery 100' from the top down. Fire is a number one issue for him along with evacuations. He hasn't read anything addressing parking, increased noise, pollution, increased water usage, additional police, firefighters and teachers.

Connor Smith voiced his concerns about affordable housing and how most income levels overpay for housing. He asked for more affordable housing in the future.

Thomas Castanzo stated he wasn't notified about the zoning and heard about it from a business owner. He can't get his house insured because he lives in a fire zone; how can more units be added in that area? Police response times are already long, traffic, and safety are already a problem without adding additional units.

John Lange expressed concerns about lack of homes for veterans and the homeless. He suggested using Black Gold property and use of World War II style homes, use goats on property for vegetation management.

Nipi Kondal resident of Bryant Ranch is in the middle of S7-005 and S7-001. He has evacuation concerns with traffic from an additional 300 homes and only one major artery. They have not seen a backup plan for fire or police patrol to address the additional residents that will be jammed into this neighborhood, nor have they seen plans for an additional school. They will be sharing the same infrastructure, and will they be adding more real estate to expand school capacity or are they expecting the residents to cope with a lower standard of education for the kids. The additional mitigation of patrol by helicopter is not an option because it will add more noise and disturbance to the neighborhood. With additional residents in the neighborhood, there will be an increase in crime, and they are already dealing with increased break ins and thefts. He invited them to count the number of cars between 3:00 PM and 6:00 PM. Having two lanes there with one dedicated to residents does not help because both lanes are used by people bifurcating the 91 freeway who try to cut across to try to get to Riverside.

Tegdeep Kondal lives in the Bryant Ranch area and he wasn't noticed. He has the same concerns as everyone else who spoke previously in regard to S7-001 and S7-005. He was also affected by the Blue Ridge fire and it took him 75 minutes to evacuate due to the traffic, whereas it only takes 2 minutes to get to Gypsum Canyon without traffic. Adding 300 homes and cars on La Palma in front of the divider will affect everyone else who lives there. Crime and homelessness have already increased in the area and police support isn't where it should be. The evacuation plan should be the priority, not the housing.

Ronald Shurter stated he was not noticed. Evacuation plan and traffic that Bryant Ranch and Meadowland will create in addition to what they already have is completely unacceptable. A revised evacuation plan should have been established after the first fire in 2008; and there has been nothing so far. His fire insurance was also cancelled, and he had a difficult time finding someone to insure him. He said the residents need to do a better job in electing state officials because they are the ones who are forcing this on the local jurisdictions.

Denise Franklyn say that they live in Yorba Linda because of churches, parks and schools. She lives at the Grandview/Lakeview area where

apartments will be placed next to homes. Short and Ohio streets are already used as short cuts to get to the 91. There is already a signal at Grand, Kellogg, Short and Esperanza and now there is a proposed light at Short and Kellogg; it is putting them in box and they won't be able to move. This is their area and the last horse property community. Everyone has worked hard to keep this community safe for their children. Also, the church parking lot is being utilized but it may not be there forever. She asked how it was legal for the Mayor in Riverside to change the Orange County numbers. She also asked why they can't fight the state because they are a fire zone area; every person there has fire concerns.

Margaret Thurston, she stated Exhibits A and C are the resolution and zoning code changes that do not trigger a Measure B vote. Measure B approval is required when changing text to the Yorba Linda General Plan Land Use Element. It is also required for approval for densities of more than 10 units per acre. All code ordinances, resolutions and policies in the city that are in conflict with Measure B are overwritten. Measure B trumps all conflicts. There is a huge conflict with S5-008 the Fairmont Earthquake Landslide Fire Zone, also called Area E. This site has been owned by LDS for decades and it's a combination of open space and religious use. The information that Yorba Linda provided to the current owner and the selling agent on this lot stated that it is religious use only with 14 acres of open space. The city's analysis stated that an amendment would be needed to redesignate the 9 acres and rezoned to residential medium allowing 27 acres, three per acre without triggering a Measure B vote. Now that we know that there is only two and a half acres, it would be even less. The city is trying to push through this rezoning and bypass Measure B. All of this is in the resolution and claims that it does not trigger Measure B. You're using something called density averaging and saying that the existing municipal code allows you to squash all 230 units on 9 acres. Density averaging does not exist in any Yorba Linda Municipal Code. You're trying to avoid Measure B by limiting the zoning to RM-10, but the result is 26 homes per acre and there is no way you can do that with RM-10 standards. Now that it is 2 1/2 acres, it is 92 units per acre. In Exhibit C which is the no-Measure B zoning code change, number 2022-01 states "whereas zoning code amendment 2022-02 would amend the text of Yorba Linda Hills Plan Development for Area E to adhere to the RM-10 standard for this site." You're taking text from 2022-02 which needs Measure B approval and placing it into the other one that does not need Measure B approval and asking City Council to approve it. Item 5 states Area E is as follows "zone RM with 230 lots is permitted" all of that

requires Measure B and it is being pushed through a non-Measure B vote. S5-008 is the most inappropriate site of all 27 sites; it checks every box for hazards, it is a protected urban wildlife area and checks zero boxes for the requirements for infrastructure.

Linda Reyes lives across the street from the proposed Grandview and Kellogg sites. The three sites of Grandview/Kellogg and Ohio are not suitable for high density units in single family zoning. She asked the Commission to visit the streets to experience the feel of the community. The quality of life will be impacted and asked to exclude these sites which only make up less than 1% of the RHNA numbers.

Stephanie Nichols stated her house is directly in front of the strawberry field known as the Kellogg and Grandview location, S4-053. There are no curbs, sidewalks or streetlights and would like to have this site excluded as it would be less than 1% of the RHNA numbers. These sites are too close to existing single-family residences, an equestrian center and elementary school and a high school that it consists of two campuses. Esperanza High School serves over 1600 students and Linda Vista Elementary School serves over 500 students equaling 2100 students with 2100 cars that drive through Kellogg and Imperial all hours of the day. Rezoning traditional equestrian and residential sites to high density apartments or condos begins the destruction of Yorba Linda. It will hinder the traffic flow, equestrian, bicycle and pedestrian safety well as privacy impacts. If the city approves the rezoning of this strawberry field at Grandview and Kellogg it will allow the developers to build 10 homes instead of two and the city has no say in the pricing; it won't be affordable housing. She asked to exclude the three sites and provided photos of the drone footage with traffic on the three different sites.

Dianne Kanne spoke in regard to S5-008 and quoted from the Land Use Element that "site S5-008 has a current land use designation of residential medium in the southern portion, 9 acres of open space OS in the northern portion, 14 acres based on the restrictions in the General Plan for OS. No residential development would occur in this portion. It should also be noted that changes to the General Plan would be subject to a Measure B vote. The Measure B vote on the Housing Element Implementation Program would not change the OS designation on site S5-008." It is clear that you can only build on 9 acres of the property. She asked how can 230 units be built on 9 acres of land given the requirements that only allows for a 2-story structure? What kind of development is being proposed to meet all the height, private street, set back and other requirements and still build

230 units on 9 acres? Where in any of the Planning and Zoning and General Plan Amendment changes does it show unbuildable open space land is not changing? This land may be critical gnatcatcher habitat, suffering from hydrology, geology and other issues. If S7-005 is removed, it is the only site that will be in a very high fire severity zone. Why is the zoning being changed in two steps? First, the number of units per acre is being changed to 10 units per acre which does not trigger a Measure B vote, then going back to do a high density overlay on the property to allow 35 units which does require a Measure B vote. While it strictly meets the requirement of Measure B, it's deceptive to voters to make a major change to move it to multifamily units on property not currently zoned for multifamily, then increasing the number of units allowed by the General Plan. Put both changes together so voters can vote on the entire change to the Yorba Hills Planned Development. If voters do not want to change Area E to multifamily units, they should have the right to vote on it. As pointed out in the EIR, this property on Fairmont is different from all the other properties in this proposed Housing Element, this property borders Chino Hills State Park. Changes to this property affect not only the residents of Yorba Linda, but all the residents of Southern California who used the State Park. Remove the site in the Housing Element until it has a proper review of all environmental and safety concerns and voters have had a chance to weigh in on the zoning and land use changes to the Yorba Linda Hills Planned Development.

Robert Tillman expressed his concerns about traffic and fire especially on Gypsum Canyon. Seems like east Yorba Linda gets everything that the rest of the city doesn't want; cemetery is a good example.

Priya Springer has been impacted by two fires asked them to challenge the traffic assessment. She also encouraged the Commission to rally against the state if at all possible. Asked if there would be a way to use the buffer on S7-001 and S7-005.

Jenny Lin she looked at the packet and noticed that some of the areas are not very clear and pointed out areas on the map that had inconsistencies. She transferred unit numbers onto the maps, but the information didn't seem to be consistent, and some information was missing and or arrows seem to be pointing to the wrong places.

Chair Darnell gave her speaker card to Mr. Farnsworth and asked him to contact her and walk her through the maps and her questions.

Marek Sucheink resident of Bryant Ranch opposes the rezoning of sites. The state of California has a record of passing laws and he urged the City Council to represent the interests of residents of Yorba Linda.

Susie Gaudette lives behind the proposed lots on Ohio and Grandview. She has the same concerns as all the other neighbors. Rezoning will be the destruction of a rural community. She asked to exclude the Ohio and Grandview sites as it is only 38 units out of 2400.

Luwen Zhang lives in the Bryant Ranch area and is opposed to the units at the Bryant Ranch Center. They have concerns about insufficient evacuation plans, parking, school traffic and crowded schools.

Mark Mendez lives in Bryant Ranch area and opposes S7-001 and S7-005. Has concerns with traffic, schools, evacuation, no public transportation and loss of businesses in the area.

Daniel Gariby spoke in opposition to a high-density project at the end of his driveway and two other projects 4 blocks from his street is being proposed. The proposed development will have their entrance right in front of his home. The traffic analysis report rated the two nearest intersections of Grandview/Ohio at a LOS F before any rezoning even takes place. Three high density developments are drastic changes for their small neighborhood, but it is only 1% of the entire Program.

Lonnie Tabbaa supports the Housing Element sites as the state is mandating this and residents should look at it positively, but traffic should be mitigated.

Michael Green stated he's not against rezoning certain properties but could go on the offensive counter sue if the state's mandates are going to negatively impact citizens. Everybody is opposing access into and out of areas that are in fire and earthquake zones. If the state is mandating something that is putting people's lives in danger, how is that something the city can't fight? He referenced Richfield, The Christmas Tree Farm and Highland and the infrastructure isn't capable of handling traffic. The topography of the area causes an access issue. His primary concern with the Highland is that the portion of S3-207 was incorrectly included in the rezone. Mr. Farnsworth told him it would be corrected. But he would like to have the corrected documentation. Before anything moves forward everybody needs to know exactly what's going to happen and everything needs to be corrected. He has looked at three properties that are directly impacting him and he found errors on two of them; S3-103, is on the map,

but it is not on any of the tables. If S3-207 is going to be developed with 340 units on Richfield, it is 15 times the normal density. It will significantly impact the traffic going south to the 91.

There were no other speakers, Chair Darnell closed the public hearing.

Mr. Farnsworth addressed questions from the residents as follows:

- Concerns about approvals that do not require a measure B vote.

Language could be added into the resolutions and the ordinance of Zoning Code Amendment 2022-01 and General Plan Amendment 2022-01 to specifically state that they are contingent upon voter approval.

Chair Daniel asked if this would be specific to the Fairmont site?

Mr. Farnsworth responded It came up under the Fairmont site but it would apply to any zone change or General Plan Amendment would not take effect until a measure B vote goes into a place.

Mr. Litfin added the Council decides whether or not to do a vote. With Measure H & I in 2012, there were certain Measure B sites and certain non-measure B sites that were voted upon. All of these sites are subject to measure B in some capacity, either through the General Plan Amendment or through the zoning. Mr. Farnsworth is talking about making the PD portion of the zoning contingent upon the General Plan Amendment being approved via Measure B.

Mr. Farnsworth continued:

- How to ensure the open space portion of the lot on S5-008?

Add Clarifying language on that particular plan amendment 2020-02 that specifically outlines that the open space portion will remain as currently designated.

- Do we have to build the units?

No

- What happens if we don't build the units?

There's no penalty for not building the units. if you don't keep up with the prorate RHNA; if the property owner proposes a certain level of affordability, then this city has to approve it so long as it meets objective development standards.

Chair Darnell asked if the state should be looking for anomalies among cities and the economy?

Mr. Farnsworth responded if the cities are denying projects, they make it easier for the projects to be approved.

Director Brantley stated there are a lot of laws for the state to use and if a city is not complying with housing element laws, there are a number of sanctions that are available for this state to use.

Mr. Farnsworth added units that are not built during a RHNA cycle are not rolled over into the next cycle.

Chair Darnell added that is because the zoning remains in place so the opportunity to build remains in place.

Director Brantley stated that did happen in a prior cycle where the city had excess capacity and was able to use it to satisfy the next cycle.

Mr. Litfin added that state housing laws keeps changing and it adds a level of complexity. It makes it difficult to sue and cities never win.

Mr. Farnsworth continued:

- Comments about not being notified

Measure B requires all property owners within 2000 feet of every one of the 27 sites to be notified. Typically, notification is 300 feet from a project site. Therefore, if anyone lives within 2000 feet of any of these sites, they should be receiving another public notice before it goes to the City Council. It will also be published on the website, on e-news, social media, e-mail blasts and surveys. He urged everyone to check the website.

- How did Riverside throw the vote?

SCAG is made up approximately 150 representatives throughout the region which are made up of City Council members from all over Southern California. Most of them participate in the meetings on a regular basis. The city of Los Angeles has a large number of City Council members that sit on that committee because of the size of the city. At this particular meeting the mayor of Riverside made a proposition. Most of the members of the Inland Empire and Los Angeles City did not support the plan and they were able to throw the vote. Efforts were made to appeal it, but it fell on deaf ears.

- How can you build 230 units on 9 acres on the S5-008 site?

230 is the maximum number of units that could potentially be built at 10 units per acre. The city received RHNA credit for 196 units on this site. There are development standards in place in the RM zoning standards that limit building height to two stories and the topography will provide restraints. How many units that could be developed on that site will solely depend on what the market conditions can handle. A comment was made that it turns into three acres of land; it doesn't work that way when you have a two-story height limit and you have to provide parking and landscaping and other requirements for that type of development.

Chair Darnell added if after property is surveyed and only 2.5 acres is developable, 196 units will not be crammed in.

Director Brantley added that every piece of property has constraints on it and the density calculation is just a standard method of calculating the yield on a property, not taking into account real estate economics, constraints of the site, market demand for certain type of housing unit, and price point. All of these factors go into what a developer can or even desires to build on a site; they need to balance cost and revenue in a way that achieves the highest level of profit. There is a very extensive pro-former that is prepared that looks at all the costs and compares those to the amount of revenue per unit that can be generated. During the last Housing Element 95% of the sites did not develop near full density capacity.

Commissioner Singh asked why HCD gives credit?

Director Brantley stated there was a reduction factor included for real estate development potential and rather than scrutinize at a due diligence developer level of scrutiny, HCD took the position to reduce maximum yield by a factor of 15% across the board. So, in every one of the 27 sites, they got credit for 85%, not the maximum yield. It was just a means to an end in order to expedite a very complicated process.

Chair Darnell ask if a developer came in and exercised the density bonus, that site could be developed at a higher density than was envisioned. Were numbers are not factored into the numbers that are submitted to HCD?

Director Brantley stated that is correct.

Commissioner Singh asked if S5-008 is in escrow?

Director Brantley stated that from what he understands, a party has put the Fairmont site in contract, but doesn't know that it is definitively in escrow.

Chair Darnell asked the OCFA staff to comment on the concerns that were brought up by the residents.

Baryic Hunter, Division Chief from OCFA, stated in 2008 there wasn't much coordination between their department and law enforcement, but since then they have worked with the County of Orange and the Sheriff's Department to develop evacuation zones. Now it is common practice for them to be side by side with the Sheriff's Department and select areas to evacuate. The Sheriff's Department goes door to door, Fire drives down the street with their sirens on, and the County sends out alerts through OC Alert. The problem is that the fires move so fast and by the time the messages go out, it is very delayed. They train together every year and feel they are getting better. The big difference is that they now have zones in place that they didn't have before.

Mr. Litfin added that the city has received a lot of grant funding in the past couple of years therefore is putting together a revamped plan, as well as an update to the safety mitigation plan, and wildfire interface zone.

Director Lai added they received almost \$900,000 from a CAL FIRE and are working closely with OCFA and the Sheriff's Department and updating things and are thankful for the feedback.

With regard to the comments on Gypsum and La Palma, there are several projects in the area. The Riverside Transportation Commission is working on a \$20 million project on the 91 and 71 which will begin construction towards the end of the year. Even though it has nothing to do with the city, it does impact a lot of the traffic on the 91 freeway which then translates into all the bypass traffic that goes along La Palma. The 241/91 is underway in the planning and design phases. The city has budgeted a follow-up study for Gypsum Canyon and La Palma area.

Commissioner Singh stated these projects may take several years to be completed; in the meantime, there's a major bottleneck and if the Fairmont site is built it will be worse. Is there any possibility to prioritize the study to come up with findings to help mitigate some of the concerns? Also, if there were another fire in that area, what would be done differently to help the evacuation now?

Director Lai stated she will definitely bring up prioritizing the traffic study to the Traffic Commission.

Chief Hunter from OCFA stated nothing would change for them. They don't control they evacuation or the numbers they control the operation; the planning portion is through the County of Orange who works with the Sheriff's Department.

Chair Darnell asked, in general, how do the traffic counts for a low performing shopping center compared to a mixed-use development?

Director Brantley stated there was a concern about loss of local serving retail as it transitions to a mixed-use project. Included in the mixed-use overlay is a requirement that the center retain at least 10,000 square feet of resident serving retail. There is a handful of uses in the center that is doing well and the owner is trying to retain the high performing retail uses in the center.

Jose Alire, from Urban Crossroads, added that in general terms, for any land use change they use the Orange County Model to model the changes. If there is a land use of a certain type and you change it to something else, it doesn't look at whether it is low or overperforming, it looks at what type of traffic that allowable use is, then it calculates the net change for the new use. He cannot give her a percentage in terms of additional traffic.

Director Brantley added there will be a site-specific traffic analysis for this site when and if it develops and existing uses will be factored in.

Commissioner Bernstein asked what kind of time frame would it be to complete the project on the freeways?

Director Lai stated if a project where to come in, a project level traffic study would be commissioned. One of the challenges at Gypsum and La Palma is the existing driveways that are coming out and where the median starts. If there were no driveways there, they could figure out another option to help alleviate the traffic. If a traffic level study comes into play because of a project, they would take a look add it and take into consideration what would happen along Gypsum and La Palma.

Commissioner Bernstein asked if it would ever prohibit the development of a project?

Director Lai said no they would work in conjunction with the right engineering; there is always a creative option because there are some

train issues in that vicinity. Without knowing what is going on the site and what the parameters are, it is difficult to look at it at a project level to see what could be done.

Chair Pro Tem Pease ask what is the baseline and how will they measure it versus the new project?

Director Lai responded that the majority of the traffic is a sustained condition and regardless of whatever the baseline is, it is because people are using the technology as cut through traffic.

Chair Pro Tem Pease stated his concern is how they will evaluate it. If we are taking it on the basis of what it is designated as versus what it might be designated as, that is one level, but to take it on the basis of where it is right now versus what it might be is a totally different analysis.

Mr. Alire stated retail produces more traffic than housing because of the peak hours. At this point they have no idea what the new use is going to be and how it will work. But a full functioning retail will generate a lot more traffic than housing; he doesn't have a percentage, but it is more. This is a program level study that looks at the major study of a project when it comes in then there is a focus analysis. When the focus analysis is done they collect baseline data, how does this center function now, what could it produce and then what will the new use produce? They will also look at driveways, where they are located relative to existing infrastructure. They will measure LaPalma, they will note that eastbound right turn going over Gypsum has a high volume and other volumes will change it. That data is collected, and it's called a focus traffic study, which have yet to be done for any of the 27 sites.

Chair Pro Tem Pease stated the upper portion of S5-008 Fairmont Boulevard is open space and asked what it will do to the RHNA allocation if the site cannot be built out?

Mr. Farnsworth stated there is a buffer of 309 if no sites are removed.

Commissioner Singh asked about the backup plans for schools, fire and police

Mr. Litfin responded that Yorba Linda is a Structural Fire Fund City paid through the property tax that defaults from the Orange County bankruptcy many years ago. Every city has mutual aid agreements and whatever fire department is closest responds.

As for Police, Yorba Linda has a contract with the Orange County Sheriff's Department and the City Council determines how many police officers are employed through the contract. The Sheriff's Department cannot make money on the contract; they can only charge for the cost of the services.

School districts have school mitigation fees. As development comes in, the school district has its own separate fee on a per unit basis.

Chair Darnell added school enrollment is down and Yorba Linda can afford more kids.

Commissioner Singh stated at one of the Council meetings a representative from the Water District was present and recommended water conservation.

Mr. Litfin added the Freeway Complex fire was a water pressure issue; there was sufficient water.

Commissioner Singh asked if there were any other means of communication for the residents.

Commissioner Bernstein recommended a citizens advisory committee.

Mr. Litfin urged residents to go on social media.

Chair Pro Tem Pease thanked all the residents for attending. Managing growth has always been the city's focus. The state has put a focus on them, and the city no longer has dominion over their destiny. They talked about ADU laws, and now with SB-9 everyone can split their lots. The RHNA process has been amended and there are consequences to cities that don't comply. He was appointed to the Planning Commission to represent the interest of the residents and by extension, it includes the inherent, legal and financial implications for their actions. They have been working on the RHNA process for a long time; they've gone through the sites and have had a number of meetings and it has been a public process. One of the hallmarks of California is CEQA which is environmental consequences of the city's actions, and the city does a great job of putting the CEQA documents together. He understands all the concerns about the specific sites and is amenable to some sort of adjustment, but they need to move forward as a block, to meet their requirements that aren't going away.

Chair Darnell asked if that was a motion?

Chair Pro Tem Pease stated no he would like to have more discussion on the sites.

Chair Darnell stated the motion could still be on the table with the discussion.

Chair Pro Tem Pease moved the item.

Chair Darnell added with the additions of the language to add the Measure B language to the Planned Development Zone and add open space language to the ordinance on the Fairmont location.

Chair Darnell second the motion and opened the item for discussion.

Commissioner Masterson stated the projects will be reviewed before the Commission before they are built. He recommends reducing the zoning on the strawberry field to RS or RU.

Chair Darnell stated that she is familiar with that area and feels the strawberry site is a good site to keep in the inventory.

Commissioner Bernstein opined that both Ohio sites are problematic to him and is supportive of removing those sites, as well as Meadowland. He agrees with the keeping the Grandview site. He asked if they need to discuss parcels on Rose.

Commissioner Masterson stated he is amenable with removing Camino de Bryant from the inventory.

Chair Darnell stated she feels they shouldn't necessarily remove the parcels but provide comments to the City Council to take a closer look at S4-060 and S4-201, the Ohio parcels.

Commissioner Singh asked why they can't go a step further and recommend removal of specific sites as a recommendation to the City Council and let them make the decision to remove them or keep them.

Chair Pro Tem Pease agreed and stated it is incumbent upon them to make recommendations. He drove the South Ohio Street and it is a crazy location, there is a school, a cul-de-sac and a narrow road. He is comfortable removing the two sites S4-060 and S4-201.

Commissioner Masterson agreed to remove those two.

Chair Darnell stated these sites, as well as the other sites, have concerns. Removing the sites is a policy decision and the Planning Commission is not a policymaking body; it is up to the City Council.

Commissioner Singh feels they could make a justification as to why certain sites should be removed.

Chair Pro Tem Pease stated the Planning Commission is not a precedent setting body and he thinks it is OK to do a case-by-case analysis without establishing a framework of an overall approach. He agreed with Commissioner Singh and feels they can make a recommendation and doesn't think they need to establish a strong index of how they would apply it to each and every site.

Mr. Litfin stated legally the Commission can do whatever they want. The Planning Commission is a recommending body to the City Council. Under state law the Commission is legally authorized to recommend anything they want to the City Council. Sites can't be added because there is no CEQA review. Commission can recommend approval of the Housing Element with the sites all included, or they can recommend all the sites with concerns about certain sites and ask Council to re-consider them per the staff report and the minutes, or, under state law they can recommend that sites be removed. There is a full range of authority as they see fit.

Commissioner Singh recommended removing the two Ohio sites, 5541 S. Ohio, S4-060 and S4-201 5531 S. Ohio Street and removing Kellogg and Grandview, S4-053. He would also like to remove S7-005 Camino de Bryant/Meadowland. This would still be within the RHNA buffer.

Chair Darnell asked Chair Pro Tem Pease if he was amenable to amending his motion to include the removal of the sites as recommended by Commissioner Singh.

Chair Pro Tem Pease responded that he is amenable with removing those four sites as they are unique circumstances. The Ohio sites are narrow, have cul-du-sacs and the school; and there are accessibility in traffic issues with the other sites as well.

The Commission and staff discussed how they should draft the wording and present their recommendation to the City Council.

Commissioner Singh motioned, second by Commissioner Bernstein to make a recommendation to City Council to approve the Housing Element and recommend removal of four specific sites: S4-060, 5541 S. Ohio Street; S4-201, 5531 S. Ohio Street; S4-053, S Kellogg/Grandview and S7-005 Camino de Bryant/Meadowland. In addition to adding the language to the Plan Development Zone change and open space language specific to the Fairmont site.

Director Brantley stated this will travel to the City Council for ultimate disposition, therefore it is not subject to appeal. The PEIR component will return to the Planning Commission on July 27th, followed with first reading of the entire package at the City Council on August 2nd and the second reading on August 9th.

Moved by Singh
Seconded by Bernstein

It is recommended that the Planning Commission adopt the attached Resolution to provide the City Council with a recommendation to adopt various General Plan Amendments and Zoning Code Amendments as reflected in attached Exhibits "A" through "D" to implement the 2021-2029 Housing Element as required by State law.

AYES (4): Bernstein, Masterson, Pease, and Singh

NOES (1): Darnell

CARRIED (4 to 1)

8. NEW BUSINESS

10. DIRECTOR'S REPORT

None.

11. COMMISSIONER COMMENTS

None.

12. CORRESPONDENCE RECEIVED

13. ADJOURNMENT

11:44 p.m.

The next Planning Commission meeting is scheduled for July 13, 2022, beginning at 6:30 p.m.

DAVID BRANTLEY, AICP
DIRECTOR OF COMMUNITY DEVELOPMENT



7.4. PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE GENERAL PLAN AMENDMENTS AND ZONING CODE AMENDMENTS ASSOCIATED WITH THE 2021-2029 HOUSING ELEMENT IMPLEMENTATION

Nate Farnsworth, Planning Manger stated since the last Planning Commission meeting on June 29, 2022, the comment period for the PEIR has closed and staff has taken all of the comments and provided responses to those. This evening, it is up to the Planning Commission to make a recommendation to the City Council related to the PEIR and Mitigation Monitoring Program that is associated with it.

Since the agenda has been posted staff has received a number of public comments which have all been forwarded to the Planning Commission. The majority of the comments focus on the Bryant Ranch sites.

Todd Litfin, City Attorney, advised that since the Planning Commission last met, a new law, SB 197, was approved on June 30th and went into effect on July 1st. The law pertains to the timelines in which the cities with State-certified housing elements have to complete their rezoning. It extends the time period in part because the City of Los Angeles informed the state they couldn't complete their rezoning in time because they did not have the sites. All the cities in the SCAG region are eligible for the time period extension if they have a certified Housing Element by October 15, 2022. This is not on the agenda tonight and it will be discussed at the City Council meeting on August 2nd. That new law is not within the Planning Commission's purview tonight. Tonight's discussion is regarding CEQA issues and sites that have already been recommended to the City Council cannot be removed.

Chair Darnell added that tonight's meeting is to determine whether they will recommend approval of the environmental document in order to pass it on to Council who will make a policy decision.

Mr. Litfin explained that Planning Commission reviews the environmental documents and recommends to the City Council whether to certify the document.

Chair Pro Tem Pease confirmed that the sites that the City Council will ultimately decide on is not the subject before the Commission; their purview is solely related to the CEQA document and the comments should focus on what the Commission's purview and responsibility is.

Mr. Litfin added the comments should pertain to the environmental analysis in the CEQA document which includes analysis of all 27 sites, even the sites that the Planning Commission recommended that the Council not approve. This environmental document included an analysis of those sites because they don't know what the City Council will do. The Commission's recommendation from the June 29th meeting stands; it will be conveyed to the City Council for its consideration and final decision. Nothing the Commission does tonight can change that recommendation.

Nicole Morse, T&B Planning, explained that they released a notice of preparation on April 29, 2002, with a 30-day public review period. There was a scoping meeting on May 23rd and they collected comments then addressed some of those comments in the draft PEIR. The draft PEIR then went out for public review period of 45 days from June 1st until July 15th. The final PEIR was then prepared which included responses to comments and edits to the Draft PEIR which was released on July 22nd.

A program level EIR, which is a broad-based analysis, was prepared to analyze the citywide policy documents and implementation of the Housing Element. When future development is proposed by a developer they would be required to submit site plans, elevations, and any applicable technical reports such as water quality management plan and/or a geotechnical report. The city would then make a decision on the appropriate CEQA documentation for that specific project. It could be a standalone EIR depending on what the project is and the impacts that have been identified.

The approach they took for this program level EIR was to analyze the full build out of all the sites as required by CEQA. They looked at the total site capacity from 2,410 units across the 27 housing opportunity sites. They incorporated various technical reports such as air quality, greenhouse gas emission, energy, noise, traffic VMT, and various public service providers.

In determining if a specific impact is significant, they incorporated all General Plan policies, mitigation measures, state and local regulations that reduced environmental impacts. In some instances, standard regulatory compliance addresses the impacts with no further mitigation measures. For example, the California Building Code would address many impacts related to geotechnical. They recognized many comments on the Fairmont site related to biological resources and any biological reports as well as any focus surveys that may be required to occur at the time when a project is considered on that site. That level of analysis is not required as part of a program level document that they have prepared for the EIR.

For areas that are not fully mitigated through existing regulations, they added mitigation measures.

They received six agency organization letters and over 350 individual/resident comment letters. The main concerns are:

- Traffic
- Pedestrian and equestrian safety
- Wildfire and fire evacuation
- Water supply
- Biological resources
- Geotechnical hazards
- Hydrology and water quality
- Comments related to state housing law

They prepared a master response for all the environmental related issues which are located in section 2.1 of the final EIR.

Some comments were received after the close of the public review period that were not included in the final EIR but are included in the staff report. One of the form letters addressed the following concerns:

- The traffic analysis had unreal conclusions related to Bryant Ranch
- Concerns with traffic at La Palma and Gypsum Road
 - Lack of meaningful impact analysis on high-density, low-income housing caused by the rezoning
 - Increased crime rates and how the current law enforcement agency is prepared to deal with an increased crime – *As for police services, they are required to examine whether the increase in housing would result in construction of new facilities. The PEIR did analyze this impact and corresponded with Orange*

County Sheriff's Department in order to determine that the increase in demand would not result in an impact on police resources or the need for new facilities; the impact was determined to be less than significant

- *Increase fire hazard and how will it affect evacuation of residents - The city's Sheriff's Department and Orange County Fire Authority have taken steps to help evacuation and implementing plans for future evacuations. With respect to this project, they are required to evaluate whether the additional units would interfere with emergency evacuations. They have included mitigation measures and identified that there are areas that are more adjacent to very high fire hazard zones. They've included mitigation measures to require a fire evacuation analysis and fire protection plan for specific developments that may be proposed at any of those sites.*
- *Inundation of local schools with new pupils and students and have the existing schools are prepared to deal with it future population growth water shortages - They calculated student population based on build out and compared it to the school district's current capacity. The district's currently have adequate capacity to handle the additional students; however, it is a conservative assumption because growth happens overtime and student population decreases in more established communities.*
- *Decrease in home prices - It is not an issue that is required to be addressed by a PEIR*
- *Was population growth considered - Yes, it was considered in many areas of the EIR because it all flows into air quality, noise, transportation and other services.*
- *Water supply - The PEIR did evaluate whether there is adequate water supply to serve the additional units. Yorba Linda Water District prepared an Urban Water Management Plan in 2020 which included build out of the city along with the housing opportunity sites and forecasted that it would have adequate water supply during normal dry and multiple dry years. They would have an adequate supply through 2045. The District has a water shortage contingency plan in place if they need to conserve water.*

Charlene So, Urban Crossroads prepare the traffic analysis for the Housing Element update. The traffic study evaluates the effects of the 91 freeway and the existing cut through commuter traffic within the study area, specifically along La Palma Avenue. The analysis was conducted on a typical weekday during peak morning and evening commute hours. The analysis is consistent with applicable analysis methodology, the operations analysis results recorded in the traffic study are an average of each intersection's operations over a peak one hour, occurring in morning and evening peak commute periods. The heaviest volume occurs in the evening peak commute hours along LaPalma in an eastbound direction and southbound on Gypsum Canyon Road. All other approaches and lanes in the intersection do not have any capacity issues during the evening peak hour; as such, the overall average intersection operation is acceptable during evening peak hours on Gypsum Canyon and La Palma. Cut through traffic associated with the 91 freeway is a regional issue and is due to capacity limitations on the highway. Providing additional lane enhancements and other improvements at the local level beyond those that have already been implemented is not anticipated to resolve the existing congestion or improve the congestion. Caltrans would need to implement improvements to their facilities in order to improve the congestion that spills over onto the local streets during the peak commute hours. The California Traffic Control Devices Committee (CTCDC) and Caltrans have enhancements planned for a new fly over on the 91 eastbound at Green River Road onramp to northbound SR 71. The construction management contract was awarded late last year and the project is anticipated to go into construction later this calendar year and be completed 2025.

The traffic study shows that operations at Gypsum Canyon/LaPalma deteriorates to LOS D in 2045 traffic conditions; however, LOS D is still considered acceptable by the city's operation standards, therefore improvements were not recommended at Gypsum Canyon/LaPalma as part of the traffic study.

Ms. Morse added the Draft PEIR that was prepared included comments received in response to those comments, revisions to the Draft EIR including suggestions from Yorba Linda Water District, updates to the boundaries of the housing opportunity sites map and table, revisions to biological resources and wildlife mitigation measures, additional correspondence from the Orange County Fire Authority that was added as an attachment and they revised the traffic impact analysis to address from CEQA agencies.

Chair Darnell opened the public hearing. She stated that next week the City Council will consider the final PEIR, as well as the General Plan and Zoning Code Amendments. Tonight they are only looking at the environmental document and making a determination whether it should go on to the City Council for final approval. She asked everyone to keep their comments to the topic of the EIR and the analysis that was performed within that document. This is not a blank check for all of these sites to be developed if the environmental document gets approved. Even if the sites are approved by City Council and the voters of the city, each site would still be subject to site specific analysis before any type of development occurs.

The following were present in the Council Chamber: Kim Racette, Patrick Thrasher, Paulina Rodriguez, Dianne Kanne, Denise Franklyn, Mike Leyland, Dayna Kruger, Connie Phung, Daisy Shobokshi, Steven Harms, Janice Taylor, Janice Morger, Gary Poag, Juanita Dunham, Cyrus Pourhall, Rainer Butz, Ross McCune, Michael Fabian, and Peter Gambino. Russ Heine, Josh Schroeder, Carol Samaan and Margaret Thurston commented via Zoom. All spoke in opposition to the documents due to the following concerns:

- PEIR is flawed because the traffic impact analysis does not include Gypsum Canyon and La Palma.
- PEIR needs to be PROJECT specific, not program specific.
- PEIR needs to elaborate on Richfield.
- Time consuming evacuation during the previous fires due to traffic gridlock and inability to get to their children in a timely manner during the fires.
- Short timeframe for the residents to review all the documents.
- S5-008 should be removed from the inventory until a site specific PEIR is completed.
- No changes were made to the PEIR after comments were submitted.
- City should consider an empty lot on Rose Drive for development.
- Why should Los Angeles be allowed to influence Yorba Linda's unit allocation? .
- Can Yorba Linda fall under SB197 and take more time to evaluate the sites?
- Bryant Ranch and Richfield sites are already severely impacted by traffic.
- Additional units will increase water demand and will exacerbate water pressure problems that currently exist.
- Concern for adequate water pressure during fires.
- Already narrow road on Richfield; it can't accommodate additional traffic on Richfield with the addition of Target and Denny's.
- Parking will overflow into local neighborhoods.
- Lack of transparency on the part of the city.
- There was a lack of assistance from police and fire authorities during the fires; additional

units will cause more of an impact.

- Unfair distribution of inventory sites, they should be divided throughout the entire city.
- Richfield area roads are narrow and already has inadequate sidewalks and safe parking, wheelchair access and trash cans have to be placed on the sidewalks.
- Development of future cemetery will add to traffic impacts.
- Additional traffic will increase pollution and noise.
- Safety impacts to children with increased traffic and unknown people in the area.
- Where will Church patrons park if residential units are built on the church property.
- In the last cycle, 80% of the units were actually developed on 80% of the sites.
- Bryant Ranch is disproportionately impacted.
- Decrease property values.
- Decisions are being made without listening to all the comments.
- 35 units per acre – where will they park.
- One block at Richfield, Yorba Linda Boulevard, Lakeview and Buena Vista will have 529 units.
- At the last Planning Commission meeting, OCFA stated they don't have an evacuation plan.
- Where will additional people be sheltered when there is an evacuation.
- Rezoning impacts the entire city.
- Lack of police assistance to monitor speeding traffic, crime and other safety concerns.
- Removing trees will not improve CO2 emissions.
- Loss of bird sanctuaries.
- What is "mitigation" and is there a specific resolution on what the city is going to do?
- The report's data that was used is general data that goes across this state and across other cities. The PEIR report needs to specifically address the Yorba Linda community.
- Building thousands of units when the residents are asked to conserve water.
- S5-008 site should be removed from inventory

Steve Harns asked with the new AB 197 law, can the city take advantage of the time extension?

Mr. Litfin responded that it is a policy decision of the City Council.

Daisy Shobokshi also stated that she did not receive the proper notice.

Janice Taylor also added that she lives at Richfield and Buena Vista and asked the city for a do not block sign in order to help them get out of their street and she was denied. She also stated that she was not notified. There is no police presence to help with the traffic and speeding on the streets.

Mel Wagstaff opined the city has a good plan with meeting the state's requirements and only half of the sites will be developed.

Josh Schroeder stated the Housing Element needs revision to correct the allocation of 230 units to Fairmont Canyon. HCD's guidebook states that the open space land use restriction of the 14 acres should have been taken into account when estimating capacity and it wasn't. It was a mistake, but the city keeps trying to push the whole process forward and the program EIR is based on the full build out of all the mistakenly allocated units. It is dramatic over allocation given the topography in land use issues of this site. What would be the harm in asking HCD if they can correct the mistake and allocation for Fairmont Canyon before moving forward to the

PEIR. Other cities which have been far less diligent than Yorba Linda have been given extra time. Reduce the allocation on Fairmont and identify a more suitable site in order to make up the difference to meet the required allocations.

Margaret Thurston stated she submitted 26 pages of specific issues. She questioned that all sites have existing infrastructure to support the proposed housing but site S5-008 does not have any infrastructure it is a severely sloped canyon in a very high fire/earthquake landslide zone. The response she received was that she incorrectly stated that the Draft PEIR does not contain an environmental analysis for S5-008 and referred her to other sections of the EIR that contained the proper information. The site has been misrepresented as having existing utilities. It continues to be falsely misrepresented as having enough flat area to support 230 units even though the engineering report established only two and a half acres are buildable. The mitigation measures are futile because when any impact cannot be mitigated, the developer simply purchases credits from a mitigation bank.

Paulina Rodriguez spoke in opposition and proposed to stop and properly review and address the issues that their residents have brought up. The city has asked for the feedback but it has all been dismissed and in some instances not even acknowledged. Several questions have been raised about sites S5-008 and S7-005 and never answered in the report. S5-008 has been discussed that capacity is overstated based on buildable acreage and RM zoning. Even though HCD did approve the Housing Element, they discovered that it is out of compliance with state housing law. The PEIR and Housing Element are out of alignment and she asked that they pause and go back and fix all the issues. These sites deserve their own site specific EIR, especially if 200 units are going to go in a high-risk canyon.

Chair Darnell closed the public hearing as there were no other speakers.

Commissioner Masterson asked if the traffic study looked at the number of trips at the existing Bryant Ranch versus the number of proposed trips with the new zoning.

Charlene So responded that the forecasting is based on the OCTAM traffic model therefore the information that is evaluated under the "without project condition" would be everything that is currently adopted as part of the city's general plan land use. The "with project" would be all of the changes as contemplated in the Housing Element update.

Commissioner Masterson asked if the existing shopping center would be backed out of the analysis because residential piece would be replacing it?

Mr. Brantley stated the goal is not to eliminate the whole shopping center; there are essential services for residents in the center, however the center has underperformed since day one. It has a 70% or more vacancy rate right now and the leases are all short-term month to month. The Rinks tenant is not proposing to renew their lease and staff is trying to repurpose this center by introducing some residential and retaining some commercial services including the existing Taps Restaurant, gas station and Fantasy Burger.

Charlene So stated the existing retail uses are accounted for as part of the ground counts that they collected. When they do traffic analysis, they are not trying to take any credit that would result in analysis that is not considered conservative for that reason they did not replace any retail in place of added units. The traffic is in the background analysis under the existing condition.

Commissioner Masterson asked if a traffic study will be done for project specific development.

Director Brantley stated a lot of comments refer to why they are not going to a project specific level analysis when there is so much potential for impacts. When there is no specific development project on the table for consideration, you cannot do a project level analysis. That is why the mitigation measures that are proposed at the program level talk about further analysis when a project actually is proposed on a site. When a project is proposed on any of the sites, staff will be complying with CEQA and will go through the initial study process looking at the proposed number of units, points of ingress/egress, the traffic distribution pattern and how they impact the levels of service at intersections. Then there will be mitigation measures that are tailored to address those project level impacts. A program level analysis is the appropriate level of analysis for a housing element or a General Plan.

There's been a lot of discussion on how the PEIR is flawed and there hasn't been an appropriate analysis, and the traffic analysis is flawed because it doesn't drill down to the project level. It is not correct.

Commissioner Masterson asked if a fire evacuation plan will be completed?

Director Brantley responded that there has been a lot of comments about traffic, particularly in an emergency evacuation. He asked the Chief of Police to talk about the current Orange County Sheriff's Department and Orange County Fire Authority evacuation protocol and how it is different from the 2008 Freeway Complex fire situation and how it has proved to be effective during the recent Blue Ridge fire. Comments make it sound like because they are working on more elaborate and formalized plans that they don't have something in place right now and that is not correct.

Chief Joses Walehwa, Orange County Sheriff's Department, stated in 2008 there was no contract with OCSD; therefore, he is not in a position to address what happened during that fire.

Chief Walehwa stated they looked at some of the other best practices that occurred outside of the county, specifically Riverside County, which had something in place with predesignated evacuation zones which had success. In 2019, OCSD started the process for reconfiguring evacuation zones. In October 2020, they had an opportunity to put in play the preconfigured evacuation zones. In talking with the previous chief and emergency services, it was an overall successful evacuation plan. The work continues and they have refined the process. In 2021, members of the Yorba Linda police services staff along with staff from emergency services conducted time trials of timed evacuations. The goal was to get a better idea of what would be effective by separating evacuation zones and their capabilities to evacuate the residents. The full implementation of these zones, in its current form, was in June 2021 and they closely coordinated Orange County Fire Authority and other OCSD contract cities as well as other cities throughout the county. They have tested it and have refined the plan and believe they are in a good position to address evacuations if it comes up again.

He added that in addition to all the things they do at the street level, this county has a lot of resources and he strongly urged all the residents to check out ALERT OC and READYOC.com. Also, every resident needs to take responsibility for their evacuation plans for their family.

Commissioner Masterson asked if the projects in the high fire zone will be required to have an evacuation plan.

Director Brantley stated yes, there are mitigation measures for sites within the very high fire hazard severity zone.

Ms. Morse stated all sites will have to prepare an evacuation analysis that would consider all the additional units and how they will impact the surrounding area if a fire occurs. There are also additional mitigation measures for fuel modification and sprinkler requirements, etc.

Mr. Farnsworth added that if a proposed project could not meet the requirements for the evacuation plan or the mitigation measures it would be grounds for the city to deny the project. It would have to meet all the threshold requirements, as well as a variety of other development, building code and safety standards before the project could ever be approved.

Commissioner Masterson asked if any project that comes forward will have to have a traffic study and evacuation study?

Ms. Morse stated that is correct.

Chair Pro Tem Pease disclosed he met with Gary Poage and Paulina Rodriguez on July 23 to hear their concerns about the RHNA process and specific sites. He shares Commissioner Masterson's concern relative to the analysis of some of the sites as they move forward. He opined it would behoove them to address the high-density sites as part of the Mitigation Monitoring Plan in section 4.5. The Commission could specifically recommend to the City Council that any development on sites S7-001, S3-207, S3-012 and S5-008 be subject to an EIR to ensure that they have adequate disclosure with respect to traffic, safety, infrastructure and geologic concerns. Because of the density and notoriety of these sites, the Commission should make it clear that their intent is that they go through a full disclosure process. It may not be mandatory that they do that, but it is important that they point out that this process should be conducted to have full disclosure. He is willing to support the program EIR with that inclusion in the Mitigation Monitoring Plan.

Mr. Litfin added that there are certain requirements under CEQA pertaining to what type of subsequent environmental review is permissible and allowed under the law. He suggested a different approach rather than mandating a specific CEQA review. Those specific things could be considered as part of that mitigation measure with greater detail. It makes it a mitigation measure that is then enforceable on the future projects but does not get the city into a legal problem as to specific requirements.

Chair Pro Tem Pease asked if would be acceptable to require that section 4.5 of the Mitigation Monitoring Plan address potential public safety, evacuation, traffic and geological concerns for the four aforementioned sites.

Mr. Litfin responded yes.

Ms. Morse added the mitigation measures could be applied at the time an application is filed.

Chair Pro Tem Pease clarified that regardless of what the initial study shows, for those four sites, they will be asked to look at those four specific technical studies.

Commissioner Bernstein stated the extra safeguards should be expected to be in place anyway. The Commission has listened to the neighbors who have had concerns about sites, but he is uncomfortable that they are only responding to the people who say something about their

backyard. He understands that time is a factor and not moving this forward can potentially put the city in a significant financial and legal challenge and asked Mr. Litfin to explain the consequences of not moving forward to the City Council.

Mr. Litfin stated the state has put mechanisms in place to force its will upon cities including substantial fines of up to \$600,000 per month, Attorney General litigation against the city and potential of the state taking over the city's zoning and building department, and allowing things to be built without review at the city level. It is a substantial legal risk for a city to not have a certified Housing Element and not go forward. Litigation can come from the state as well as affordable housing groups and realty groups. All of the cities had to get the sites rezoned by October 15th, 2022, but because of Measure B, the state gave Yorba Linda additional time in order to put the measure on the ballot in November and if it did not pass it could go on the ballot again in two years. Two weeks ago, the law changed and he will provide advice to the Council next Tuesday on how it affects Yorba Linda. Because it is a City Council policy decision it is not discussed at Planning Commission. If the city is covered by the extension, the city will have up until February 15, 2025 to effectuate the rezones.

Commissioner Bernstein asked if it doesn't go to a vote this year will they still get accommodation for two years.

Mr. Litfin stated that will be discussed on Tuesday for the City Council to make the decision if that should occur.

Chair Darnell stated they need to act as if October 15, 2022, is the deadline because the City Council has not directed them otherwise.

Commissioner Bernstein stated in order to honor the resident's clear sentiments on this, he is unable to support the PEIR tonight.

Commissioner Masterson asked if someone could challenge the PEIR.

Mr. Litfin stated CEQA is very clear as to when people can sue and it will not be triggered until any City Council action has been taken. The Planning Commission is only making a recommendation to the City Council.

Commissioner Masterson stated it would have been helpful to have a high level evacuation study, but he is supportive of the document.

Commissioner Darnell added that the Housing Element provides opportunities to build on those sites but it does not say that anything specific will be built on them. From the city's perspective, analyzing a project that is not on the table is spending taxpayer resources without knowing what a developer will bring forward. You can't do site specific analysis until you know what it will be. As for comments about the state watching them, Mr Litfin is an attorney that must keep up with state affairs with regard to housing and her because of her professional life. Their response was to a comment about hoping that the state was not listening; the state is aware because of what is going on with the state housing policy; she asked for a motion.

Chair Pro Tem Pease motioned, seconded by Chair Darnell, Planning Commission adopt the attached resolution recommending that the City Council certify the Program Environmental Impact Report (PEIR) for the City of Yorba Linda 2021/2029 Housing Element Implementation Programs and to adopt the Mitigation Monitoring and Reporting Program with the changes

discussed for the S7-001, S3-207, S3-012 and S5-008 to address traffic, geologic, wildfire and public safety issues.

Ayes: Darnell, Masterson, and Pease
Noes: Bernstein
Absent: Singh

Director Brantley stated this matter will travel to the City Council on August 2, 2022, and everyone should have received a public hearing notice if their property is within 2,000 feet of any of the 27 proposed rezone sites. The Commission's action is a recommendation therefore the appeal process is not relevant. He urged everyone to attend the meeting.

This has been a very difficult process and staff is operating under a guiding principle that they want to prepare the project in a way that complies with state law to the least extent necessary to be in compliance. Staff is trying to retain as much local control in the city as they can by complying with the law because if you don't comply with the law there are consequences. As a recent example, the city of Huntington Beach has been going through a lawsuit with the Kennedy Commission and had to pay the plaintiff's attorney fees of approximately \$4 million, as well as their own attorney fees and they still ended up having to comply with the Housing Element law. The threats and sanctions are very real. The cost of litigation would come out of the general fund that could be used for parks, roadways and other benefits for the city.