

ORDINANCE NO. 2022-1091

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA AMENDING THE TEXT OF THE LAND USE ELEMENT AND 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 Ordinance 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 #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 #326-081-01 (Site 05-008), , 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 Ordinance, 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; and

WHEREAS, the City Council deferred any General Plan Amendments related to the following sites: APN #343-591-05, -06, -07, -25 (Site S3-207), APN 323-081-01 (Site S5-008), and APN 353-091-04, -05, -06, -12 (Site S7-001) until a later date in order to allow staff more time to potentially identify additional housing sites that could be included in order to reduce the total number of housing units assigned to these each of these sites, which is consistent with the timeline established in Program 8 of the City's adopted and State-certified Housing Element, as well as the time extension approved through Senate Bill 197 and Government Code Section 65583.4.

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 as modified herein to adopt General Plan Amendment 2022-02 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 Ordinance 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 Ordinance is contingent upon a successful approval by the voters of the City of Yorba Linda and shall go into effect ten (10) days after such successful vote is declared by the legislative body.

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

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

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”

GENERAL PLAN AMENDMENT 2022-02
(Comprised of Item #1 – Item #9)

**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 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>
6	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>
7	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>

Item No.	Page/ Location	Site No.	Site Description	Amendment/Change
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>
9	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>