



CITY of YORBA LINDA

PLANNING COMMISSION MEETING MINUTES

May 15, 2024, 6:30 p.m.
Council Chambers
4845 Casa Loma Avenue

Commissioners Behura, Bernstein, Pease, Singh
Absent: Masterson

Staff Present: Dominguez, Farnsworth, Laviera, Litfin

1. CALL TO ORDER

The Yorba Linda Planning Commission convened at 6:30 p.m. in the Council Chambers at 4845 Casa Loma Avenue, Yorba Linda, California.

Note: No new items will be considered after 11:00 p.m.

2. PLEDGE OF ALLEGIANCE

Led by Arlene Laviera, Recording Secretary.

3. ROLL CALL

Commissioners Behura, Masterson absent.

4. APPROVAL OF THE MINUTES

4.1 APPROVAL OF APRIL 10, 2024, PLANNING COMMISSION MEETING
MINUTES

Moved by Bernstein
Seconded by Singh

The Planning Commission approved the April 10, 2024, Planning Commission meeting minutes as mailed.

AYES (2): Bernstein, and Singh

ABSTAINED (1): Pease

ABSENT (2): Behura, and Masterson

CARRIED (2 to 0)

4.2 APPROVAL OF APRIL 24, 2024, PLANNING COMMISSION MEETING MINUTES

Moved by Pease
Seconded by Singh

The Planning Commission approved the April 24, 2024 Planning Commission meeting minutes as mailed.

AYES (2): Pease, and Singh

ABSTAINED (1): Bernstein

ABSENT (2): Behura, and Masterson

CARRIED (2 to 0)

5. PUBLIC COMMENTS

Commissioner Behura arrived at 6:36 P.M.

Karen Kreuger is concerned about the expansion of the Nixon library and asked if the traffic study included people coming from outside of Yorba Linda to visit the Nixon Library.

She also commented that the residents of Yorba Linda were surveyed in the expansion of the library and the building of 800 homes on the West. She feels there needs to be more communication with the residents when the city is building huge projects in their neighborhood. The residential house was donated to the Nixon foundation; how did it become commercial property?

Marcus Ellison stated his company is in the process of signing a 10-year lease in Savi Ranch which will include 400 employees. That area is already congested,

and he asked if there are any plans to rectify traffic circulation and pedestrian access in that area?

Nate Farnsworth, Planning Manger explained that the Nixon Library came before the planning commission in April in which a public hearing notice was mailed, as well as a notice in the paper. The traffic study would have been included in the traffic analysis for that project. That property has a unique presidential library zoning designation that is different than residential zone. Staff is happy to provide any additional information to the Planning Commission.

The traffic improvements in the Savi Ranch area will be addressed in the following discussion of the housing element.

Commissioner Behura added that when they Nixon Library project came to the Commission, he requested information from Mr. Byron, the president of the board, for some analysis that showed what would happen if additional parking what is needed. Mr. Byron advised that there was a reciprocal agreement with Friend's Church. He encouraged Ms. Krueger to review the meeting minutes and reach out to the city for a copy of the agreement.

Chair Singh closed the public hearing.

6. WAIVE READING IN FULL OF ALL RESOLUTIONS ON THE AGENDA

Approval of reading by title all resolutions on the agenda and declare that said titles which appear on the public agenda shall be determined to have been read by title and further reading waived.

Moved by Behura

Seconded by Pease

To approve waiving readings in full of all resolutions.

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

ABSENT (1): Masterson

CARRIED (4 to 0)

7. PUBLIC HEARINGS

7.1 REVISED 2021-2029 HOUSING ELEMENT AND VARIOUS GENERAL PLAN AND ZONING CODE AMENDMENTS RELATED TO THE HOUSING ELEMENT IMPLEMENTATION PROGRAMS - PC-CD-24-014

Nate Farnsworth, Community Development Director, explained that the Housing Element has seven mandatory elements; housing is one of the elements that requires State approval and must be updated every eight years. He urged everyone to visit YLlocalcontro.com to find wide-ranging information on the Housing Element.

Every eight years the state gives each jurisdiction in California a number, the Regional Housing Needs Assessment (RHNA) which is a housing unit number that jurisdictions have to plan and prepare zoning for to allow for those units to be built in the city. The city is not obligated to build those units, just plan for them. The state requires that the cities put the zoning in place to meet the mandatory requirement. Yorba Linda was assigned 2415 housing units from 2021 to 2029. The city feels the number is extremely high and has exhausted their efforts to challenge the state. Every attempt through the courts and the administrative process has failed at this point.

The number has been higher than it has ever been before; the last element cycle was 669 housing units. The state is serious about providing more housing throughout the state and removing local control from jurisdictions.

Cities that do not have a certified housing element will face major consequences which include loss of local control, state funding, and builder's remedy. November will be the last opportunity for voters to decide whether or not to approve a local control ballot measure. Failure to approve the housing element through the local control measure will result in the city losing its certified Housing Element. The legal pathways to fight the state on these mandates have failed over and over again. A group called Our Neighborhood Voices was trying to get a measure on the ballot that would restore local control; however, that effort has failed.

A separate Bryant Ranch Center ballot measure is moving forward is sponsored by the property owner. This ballot measure has nothing to do with the city's Housing Element; it is completely separate, sponsored by the property owner. The Bryant Ranch area has been completely removed from the housing element and is no longer part of the city's effort.

The City has tried to fight the RHNA allocation through Southern California Association of Governments (SCAG) and the State as a member of the Orange County Council of Governments (OCCOG); all of the efforts have failed, been appealed and rejected.

The concept of builder's remedy has been brought up several times. He explained that if a city does not have a certified Housing Element, the state has allowed developers to bring projects into the city and the city cannot use its general plan or zoning designation as a means to disapprove the projects. It bypasses the city's zoning designations.

The city currently has a conditionally certified housing element and there is no risk of builder's remedy at this point. The voters will get to decide in November 2024 whether or not to support the local control initiative and it will determine whether or not Yorba Linda retains its housing element certification.

The city brought forward the Housing Element and re-zoning considerations to the public in November of 2022 known as Measure Z. Seventy-five percent of the voters did not support it and the measure failed, therefore the city had to find a plan that the residents would support. A residential working group was formed of 17 residents who provided insight into what could be done to modify the plan which was presented to the City Council. Public outreach workshops were conducted in the communities and additional revisions were made to the plan and taken back to the City Council. The City Council approved the revised plan to move forward to the state which is now conditionally approved to go through the public hearing process.

The Planning Commission's role tonight is to consider the plan and make a recommendation to the City Council who will then make a determination on the plan; their decision will be contingent upon voter approval in November 2024. If the plan succeeds, Yorba Linda will retain its housing element certification. If the housing element is not certified, builder's remedy could become a viable option with the city.

This rezoning plan will impact less than 2% of all the land within the city; under a builder's remedy scenario, it could potentially impact up approximately 75% of the city. Under the local control measure, the city would remain eligible for grant funding. There would be no fines with a certified Housing Element; for jurisdictions without a certified housing element there are fines up to \$600,000 per month. Also retaining local control, open space remains protected from housing development; under a builder's remedy scenario, privately owned open space becomes eligible for builder's remedy options.

When the plan was proposed in 2022, many residents found that it was unfair that so many sites were on the west side and felt that Savi Ranch

needed to be more utilized. An 8-acre site has been identified in Savi Ranch and the property owner has indicated they are willing to take housing units on the property. In the last proposal, the Extended Stay and the John Force building accommodated a total of approximately 200 units to the Savi Ranch area; this new proposal would add this new eight-acre site for a total of 800 units and would allow residential units up to five stories. The working group felt it was an opportunity to have another downtown-like experience within the Savi Ranch area with a mixed-use concept of residential and shopping.

The biggest changes were made on the east side of the city because many of the units that were previously assigned on the west side were moved to the Savi Ranch area. Originally the Bryant Ranch site was on the list; then the number of units was reduced. The property owner approached the city and stated they did not want their site on the list unless they would increase the density. The property owner eventually asked the city and the state to remove their site from the list. The removal of the Bryant Ranch site results in a total increase of 400% of what was previously envisioned in the Savi Ranch area under measure Z to what is proposed there now. The densities proposed within Savi Ranch area are only proposed at those densities in that area and there is no other part of the city that is proposed to have that level of density.

In the central part of the city, the south end of Ohio, the intersection of Kellogg and Grandview, and the Chabad Center have all been removed. The Fairmont site, a 23-acre parcel, has been reduced from 230 units to 30 units.

Many sites were removed from the west side and densities were significantly reduced.

CRK stables, the Islamic Center, Yorba Linda Preschool site, a 2-acre residential site northwest of the Islamic Center on Eureka, and a vacant residential site between Highland and Eureka have all been removed. The Christmas tree farm has been reduced from 35 dwelling units per acre to 10 dwelling units per acre. It has now been reduced from 291 to 75 units. Overall, the number of units assigned to the west side has been reduced to 440 units and reassigned to the Savi Ranch area.

He reminded the public that there is no proposal to build on any of the sites; it is just zoning capacity that would allow for the units to be built and they may or may not be built to the maximum density. Many of the sites

that were built during the last housing element cycle were built; however, most of them were not built to the maximum density.

In regard to traffic, a traffic consultant has analyzed 21 intersections throughout the city using the city and Orange County Transportation Authority guidelines. They looked at the 2024 existing conditions and projected out through 2045 what traffic conditions would look like if no rezoning was done and what traffic would look like if rezoning was done. They also looked at the vehicle miles traveled which is required under state law.

Currently, two intersections are operating at unacceptable levels of service; the 4-way stop at Lakeview/Buena Vista and the southbound ramp going from Imperial onto Kellogg Drive. Per the traffic analysis, the only intersection that would be added to an unacceptable level of service would be Yorba Linda Boulevard and La Palma Boulevard. All of the other intersections in the city would not be added to any unacceptable level of service.

Currently, there are several street improvement proposals at Imperial Highway/Yorba Linda Boulevard, Yorba Linda Boulevard/Savi Ranch Parkway, Lakeview Avenue/Buena Vista Avenue, Imperial Highway SB ramps/ Kellogg Drive and Yorba Linda Boulevard/LaPalma Avenue.

There are major challenges with Lakeview and Buena Vista and the engineering team is diligently working to try to find solutions for this area. In order to add a traffic signal, you have to have sight distance in order to see what you are going through.

Imperial Highway/Kellogg and Yorba Linda/La Palma fall within the City of Anaheim and under Caltrans jurisdiction. Staff is coordinating with them to try to make the improvements.

Staff recognizes that there are major issues with cut-through traffic on the La Palma. As improvements are made on the 91 through 2045, it should help improve traffic conditions.

He urged residents to attend one more community workshop on Thursday May 23rd at 6:00 p.m.

Commissioner Pease asked how many of the units of the 2,415 will be accessory dwelling units.

Mr. Farnsworth explained Yorba Linda received credit from the state for 400 ADU's, which is higher than any other jurisdiction in the state.

Chair Pro Tem Bernstein asked what a 10 unit per acre density would look like and what density are the townhomes across from the Nixon Library.

Mr. Farnsworth responded that the Brandywine project across from the Nixon Library are attached townhomes and are 10 units to the acre, and on Richfield there are detached homes at 10 units to the acre. Oakcrest Heights and Altrudy projects are built at 20 units to the acre.

Chair Singh opened the public hearing.

Stewart Rixon asked what the height restriction is on the old tank farm on Bastanchury and Lakeview.

Matthew Kotanjian expressed his concerns about Lakeview and Buena Vista traffic. He described the excessive speeds, lack of adherence to the stop signs, and noise. For years he has been asking the city to divert that traffic to Richfield or Imperial Highway, add stop signs or speed bumps, and reduce the speed limit. Many residents have modified exhaust and horns on their cars causing excessive noise.

Roland Fox stated he tried to put an additional dwelling unit on his property but was denied because the property is on septic; he asked for a ruling.

Mark Feary pointed out that the meeting scheduled the incorrect day and some of them did not indicate the time of the meetings. He suggested having staff go to organizations such as the Rotary Club, and the Eastlake Village management meetings etc. to get the word out.

Karen Krueger urged voters to vote yes on the housing element and to vote no on the Bryant Ranch development and to be more vocal in what kind of developments they want to be built in the city.

Mike Green asked if the builder's remedy will be obtained by eminent domain, and will developers be forced to upgrade infrastructure when building large projects such as 5 story units which will affect traffic.

Craig Holbrook is concerned about the 800 units in Savi Ranch and traffic concerns. He isn't convinced that adding more turn lanes in that area will resolve the traffic problems. He asked about the bridge that was proposed several years ago.

Lisa Francese asked for more consideration to be given to the equestrian community and to provide protected horse crossings at Highland. She is

also concerned about the traffic, noise, and light pollution to wildlife if the large projects are built.

Dianne Kanne urged voters to vote for the approval of the Housing Element in order to avoid the builder's remedy. If they have builder's remedy in the city, they will have development right next to Chino Hills State Park.

A one-minute video on builder's remedy was shown.

Barbara Schaefer inquired if the proposed density on the Christmas tree farm will be built at a maximum of two stories.

Chair Singh closed the public hearing.

Mr. Farnsworth responded to questions from the public comments as follows:

The tank farm at Bastanchury: Shea homes built 23 units on a portion of that site and the remainder of that parcel is under a deed restriction that says it can only be used for public use purposes.

Todd Litfin, City Attorney, explained that used to be oilwell property. The city can only use it for public uses such as a city hall, a private high school or some kind of recreation. The city's height limit is 35 feet for all structures subject to certain exceptions like church steeples which are allowed under federal law. The height in Savi Ranch will be higher if the voters approve it.

Regarding Matthew's comment on traffic along Lakeview in Buena Vista: Mr. Farnsworth will reach out to the Police Captain and city's Public Works Director and City Engineer and ask them to reach out to him.

Mr. Litfin added this area has been a concern for a long time. It is difficult because the streets are narrow, the properties are so close together and there's not a lot of public land there. The equestrian community does not want a stop light there because people go through the green lights and they are afraid it will spook the horses.

Regarding Mr. Fox question: Mr. Farnsworth stated that the Santa Ana Water Quality Board will not allow any new home or additional dwelling unit to be built on septic, it has to be connected to the sewer. The ADU can be built, but it has to be connected to the sewer.

Regarding Mr. Feary comments on meetings: the next meeting will be held on Thursday May 23rd at the Community Center at 6:00 PM.

Regarding Mike Green's question on builder's remedy: builder's remedy is not eminent domain. If a city does not have a certified housing element and a developer comes in and wants to propose on the property and they have the property owner's permission to do it, they can build whatever they want even if it does not comply with the city's regulations and the city cannot use its zoning or its general plan as the reason for denying that project. If there are impacts to the public facilities it does not exempt them from making public improvements, it just exempts them from having to comply with local zoning regulations.

Mr. Litfin explained eminent domain is when the government takes land for public purposes. Builder's remedy is a state law which allows developers to circumvent the city and their ability to control developments. Generally, when any development comes to the city, it can impose conditions on the project, but they can only ameliorate the type and in the proportion of the impacts caused by that development. It has to be in proportion to their impact.

Regarding Craig Holbrook's concerns on traffic circulation in Savi Ranch: Jose Alere with Urban Crossroads explained the planned improvements for the area and the 91 freeway should improve the circulation.

Mr. Farnsworth added the bridge access was part of a visioning plan from a decade ago, but it would be extremely expensive and would need various approvals from other agencies such as the Army Corps of Engineers due to the riverbed.

Mr. Litfin stated that the original proposal eight years ago was over \$50 million.

Regarding equestrian uses: Mr. Farnsworth stated he will have Jaimie Lai, Public Works Director contact Ms. Francese about her concerns.

Questions on the height limit on Christmas tree farms: a 35 foot, 2 story height limit is proposed under that density.

Commissioner Behura explained his experience as a traffic engineer. Eight hundred units would add approximately 1600 vehicles. He asked the consultant to provide information on how they got acceptable levels of service at Gypsum Canyon and LaPalma because he came up with a different analysis.

He explained to the residents that once a project comes up there would be another traffic analysis done on each project. The city does not have the

right to change speed limits. Cities have to abide by the California Manual of Uniform Traffic Control Devices which includes every roadway based on traffic volume and speed; it sets the speed limits on every road. If you vary from that, you can be sued so the traffic engineer has to conduct a study and provide a reason why the speed limit should vary. Stop signs, speed bumps and traffic signals are also regulated by the state. The city is not ignoring the issues, but feel free to talk to the staff. Many of the intersections have future construction plans or have been put in for future funding.

He added most of the problems are from your own neighbors, they are speeding on their way to work; 90% of the people causing the problems are the locals.

Chair Singh added he attended the last Traffic Commission meeting and most of the discussion was regarding Lakeview and Buena Vista. He asked for a motion.

Mr. Farnsworth read the resolution for approval for the motion as follows: "It is recommended that the Planning Commission recommend that the City Council adopt resolutions to approve General Plan Amendment 2023-01, General Plan Amendments 2024-01 and 2024-02 and Zoning Code Amendments 2024-01 and 2024-02.

Moved by Pease

Seconded by Behura

The Planning Commission recommended that the City Council adopt General Plan Amendment 2023-01 to revise the 2021-2029 Housing Element as approved by the State Department of Housing and Community Development.

The Planning Commission recommended that the City Council adopt General Plan Amendments 2024-01 and 2024-02 and Zoning Code Amendments 2024-01 and 2024-02, contingent upon approval by the general electorate in the November 2024 General Election, to implement certain implementation programs contained within the Housing Element.

The resolutions are as follows:

Resolution No. 5586 Approval of General Plan Amendment 2023-01 City of Yorba Linda,

Resolution No. 5587 Approval of General Plan Amendment 2024-01 City of Yorba Linda,

Resolution No. 5588 Approval of General Plan Amendment 2024-02 City of Yorba Linda,

Resolution No. 5589 Approval of Zoning Code Amendment 2024-01 City of Yorba Linda, and

Resolution No. 5590 Approval of Zoning Code Amendment 2024-02 City of Yorba Linda.

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

ABSENT (1): Masterson

CARRIED (4 to 0)

8. **NEW BUSINESS**

9. **OLD BUSINESS**

10. **DIRECTOR'S REPORT**

Housing Workshop meeting on May 23 at the Community Center at 6 p.m.

11. **COMMISSIONER COMMENTS**

12. **CORRESPONDENCE RECEIVED**

13. **ADJOURNMENT**

8:33 p.m.

The next Planning Commission meeting is scheduled for May 29, 2024, beginning at 6:30 p.m.



NATE FARNSWORTH, AICP
DIRECTOR OF COMMUNITY DEVELOPMENT