

ORDINANCE NO. 2024-1108

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA AMENDING THE TEXT OF THE LAND USE ELEMENT OF THE CITY OF YORBA LINDA GENERAL PLAN (GENERAL PLAN AMENDMENT 2024-01) PURSUANT TO THE IMPLEMENTATION PROGRAMS OF THE CITY OF YORBA LINDA 2021-2029 HOUSING ELEMENT, AND FINDING THAT GENERAL PLAN AMENDMENT 2024-01 IS NOT SUBJECT TO A VOTE OF THE ELECTORATE OF THE CITY OF YORBA LINDA UNDER THE YORBA LINDA RIGHT-TO-VOTE AMENDMENT

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

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

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

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

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

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

WHEREAS, between October 2020 and August 2022, 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 conducted numerous public hearings related to the adoption of several General Plan Amendments and Zoning Code Amendments to implement the 2021-2029 Housing Element that was conditionally certified by HCD on April 8, 2022; and

WHEREAS, when adopting these General Plan Amendments and Zoning Code Amendments, it was determined that they were contingent upon a successful approval by the voters of the City of Yorba Linda of General Plan Amendment 2022-02 and Zoning Code Amendment 2022-02, which was presented to the electorate of the City as Measure Z as part of the November 2022 General Election; and

WHEREAS, the Orange County Registrar of Voters determined that Measure Z failed to receive the approval of a majority of the electorate of the City, and therefore, General Plan Amendments 2022-01 and 2022-02 and Zoning Code Amendments 2022-01 and 2022-02 did not become effective; and

WHEREAS, in order to retain its conditional certification of its Housing Element from the HCD, the City is required to present a rezoning plan to the general electorate of the City by the General Election in November 2024, the City has revised its Housing Element and its associated implementation programs; and

WHEREAS, since November 2022, the City has prepared a revised draft

Housing Element update through a robust public outreach effort of seven public workshops, which attracted nearly 400 residents from a diversity of backgrounds, ethnicities, age groups, political affiliations, geography within the city, housing tenure, and varying perspectives on housing; and

WHEREAS, this revised draft Housing Element was submitted to HCD for consideration and it was determined on February 23, 2024 that the City's draft Housing Element was found to be in substantial conformance with State housing laws; 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, 2024; and

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

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

WHEREAS, the City Council has determined that the proposed amendment to specified provisions in the Land Use Element of the General Plan, as identified in Exhibit "A" attached to this Ordinance and incorporated herein by this reference ("General Plan Amendment 2024-01"), does not constitute a "Major Amendment" as defined in the Yorba Linda Right-to-Vote Amendment (Measure B) and is therefore not subject to the approval of a majority vote of the electorate of the City to become effective; and

WHEREAS, General Plan Amendment 2024-01 would amend the Land Use Element to include the following new land use designations: "Residential Overlays" and "Residential – Very High"; and

WHEREAS, General Plan Amendment 2024-01 includes provisions that are part of the implementation programs and implementing actions of the adopted Housing Element, and is necessary to ensure that the Land Use Element and Housing Element will be internally consistent within the City's General Plan, as required by State law; and

WHEREAS, the proposed revisions in General Plan Amendment 2024-01 are internally consistent with the other elements of the General Plan; and

WHEREAS, notices of a public hearing were published, posted, and delivered in accordance with State and City laws for the consideration by the Planning Commission of the proposed amendments to the Land Use Element of the General Plan (referred to herein as "General Plan Amendment 2024-01") as part of the consideration of the proposed Housing Element and implementation programs included therein; and

WHEREAS, General Plan Amendment 2024-01 as identified in Exhibit "A" attached to this Ordinance, includes all of the amendments to the General Plan that do not constitute "Major Amendments" as defined in the Yorba Linda Right-to-Vote Amendment (Measure B) and are therefore not subject to the approval of a majority vote of the electorate of the City to become effective. General Plan Amendment 2024-02 includes all of the amendments to the General Plan and General Plan Land Use Diagram that constitute a "Major Amendment" as defined in the Yorba Linda Right-to-Vote Amendment (Measure B) and are therefore individually and/or collectively subject to the approval of a majority vote of the electorate of the City to become effective; and

WHEREAS, in accordance with State and City laws, on May 15, 2024, the Planning Commission conducted a public hearing to receive public testimony with respect to General Plan Amendment 2024-01 as part of the consideration of the adopted Housing Element implementation programs included therein; and

WHEREAS, the Planning Commission considered the information provided by City staff, the public testimony, and the evidence presented at the Planning Commission public hearing on May 15, 2024, which includes, without limitation, the staff reports submitted by the Community Development Department; and

WHEREAS, on May 15, 2024, the Planning Commission, at a regular public meeting, considered and decided to recommend to the City Council the approval of General Plan Amendment 2024-01, subject to compliance, as applicable, with the requirements of Yorba Linda Right-to-Vote Amendment (Measure B), in furtherance of the implementation programs included in the Housing Element; and

WHEREAS, notices of a public hearing were published, posted, and delivered in accordance with State and City laws for the consideration by the City Council of General Plan Amendment 2024-01 as part of the consideration of the adopted Housing Element implementation programs included therein; and

WHEREAS, in accordance with State and City laws, on June 18, 2024, the City Council conducted a public hearing to receive public testimony with respect to General Plan Amendment 2024-01 as part of the consideration of the Housing Element implementation programs included therein; and

WHEREAS, the City Council considered the information provided by City staff, the public testimony, and the evidence presented at the public hearing on June 18, 2024, which includes, without limitation, the staff reports submitted by the Community Development Department.

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

Section 1. On August 2, 2022, the City Council certified a Program Environmental Impact Report (PEIR) for the 2021-2029 Housing Element through Resolution No. 2022-5817. Pursuant to Government Code Section 15164, the City has prepared an addendum to the previously certified PEIR by determining that the proposed changes do not meet the conditions in Government Code Section 15162 calling for the preparation of a subsequent EIR.

Section 2. The City Council has read and considered the amendments to the General Plan (referred to herein as "General Plan Amendment 2024-01") as part of the consideration of the adopted Housing Element implementation programs included therein.

Section 3. Pursuant to Section 18.36.675 of the Yorba Linda Zoning Code, the City Council finds that General Plan Amendment 2024-01 is necessary to ensure that the General Plan is consistent within the City's other General Plan policies, goals and objectives, specifically as outlined in the Housing Element, and is consistent with the objectives of the Zoning Code.

Section 4. The City Council finds that General Plan Amendment 2024-01 is necessary to implement the Housing Element programs established in the 2021-2029 Housing Element, and as approved by the State of California, and would permit and encourage the development of affordable housing opportunities pursuant to the Regional Housing Needs Assessment (RHNA) requirements, as set forth in the Housing Element Law and applicable State Guidelines, in locations adjacent to supporting services and public transportation provided they are compatible with, and will not adversely impact, the integrity and continuity of adjacent uses.

Section 5. The City Council hereby accepts the recommendation of the Planning Commission to adopt General Plan Amendment 2024-01 as part of the consideration of the adopted Housing Element implementation programs included therein.

Section 6. The City Council hereby adopts General Plan Amendment 2024-01.

Section 7. The City Council hereby finds that General Plan Amendment 2024-01 is not a "Major Amendment" as defined in the Yorba Linda Right-to-Vote Amendment (Measure B), and is therefore not subject to the approval of a majority vote of the electorate of the City to become effective, because General Plan Amendment 2024-01 does not result in any of the changes identified in Section 18.01.030(A) of the Yorba Linda Municipal Code to a Planning Policy document for any parcel of land affected by General Plan Amendment 2024-01 that would do any of the following: (1) increase the number of residential units which may be constructed on a parcel designated for residential uses; (2) increase the number of separate parcels which may be created from an existing parcel; (3) change any residential land use to allow any other land use; (4) change any non-residential land use to allow any residential land use greater than ten (10) net dwelling units per acre or allow a mix of commercial and residential uses; (5) increase the allowed maximum height of development; (6) provide for the private development of land owned by a government entity within five years of the date of the approval to develop the land; or (7) repeal any "Planning Policy Document" as defined in Section 18.01.02 of the Yorba Linda Municipal Code; rather, General Plan Amendment 2024-01 is comprised of the establishment of land use classifications for overlay zones that do not, in and of themselves, effect a particular parcel of land.

Section 8. The City Manager or his designee is hereby authorized and directed to incorporate into the General Plan the amendments thereto as set forth in General Plan Amendment 2024-01, upon the effective date of this Ordinance.

Section 9. 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 10. This Ordinance is contingent upon a successful approval by the voters of the City of Yorba Linda of General Plan Amendment 2024-02 and Zoning Code Amendment 2024-02 and shall go into effect ten (10) days after such successful vote is declared by the legislative body.

Section 11. 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 16th day of July, 2024.

TARA CAMPBELL, 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 16th day of July, 2024, 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 2024-01
 (Comprised of Item #1 – Item #4)**

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

Item No.	Page/Location	Amendment/Change
2	LU-24 – Last Paragraph	<p><i>Add the following sentence to the end of the description for Residential – High:</i></p> <p>While the R-H land use designation covers a wide range of densities as a general land use description, the actual permitted densities are established under the Zoning Code standards in Title 18 of the Municipal Code. This density range is not to be construed as allowing this density range to be permitted as the development standards on properties containing this General Plan land use designation.</p>
1	LU-25 – First Paragraph	<p><i>Add the following paragraph describing overlay zones:</i></p> <p>Residential Overlays (20 – 35 du/ac) – The Affordable Housing Overlay, Congregational Lands Overlay, and Mixed-Use Overlay zones permit a variety of multi-family dwelling types at a density of 20.0 to 35.0 dwelling units per acre. The appropriate housing types are predicated based on the site, location, adjacent land uses, and the purpose of the individual overlay zone as described in Section 18.17 of the Yorba Linda Zoning Code. Clustering of buildings allows for the provision of appropriate private recreational and open space amenities. The overlay zones encourage the inclusion of at least 20% affordable housing units in an effort to affirmatively further fair housing opportunities.</p>
3	LU-25 – Second Paragraph	<p><i>Add the following paragraphs describing the Residential – Very High (60 du/ac) land use designation:</i></p> <p>Residential – Very High (60 du/ac) – Very High Density Residential areas permit a variety of types of attached products and apartments. The Very High Density Residential designation permits a density range of greater than 40.0 dwelling units per acre up to 60.0 dwelling units per acre. The appropriate housing type is predicated on the site, location, and adjacent land uses. Clustering of buildings allows for the provision of appropriate private recreational and open space amenities. Very high density designations have been advantageously located for proximity to retail, commercial, and employment opportunities.</p>

Item No.	Page/Location	Amendment/Change
4	Tables LU-1 and LU-3	<ul style="list-style-type: none">• <i>Add the Residential Very High (R-VH) as a land use designation with 20-60 du/ac for density/intensity over 14.6 acres</i>• <i>Reduce the acreage for Industrial Manufacturing (I-M) to 260.32</i>• <i>Increase the acreage for Residential High (R-H) to 591.83</i>• <i>Reduce the acreage for Residential Low (R-L) to 406.2</i>• <i>Reduce the acreage for Residential Medium-Low (R-ML) to 2,346.21</i>• <i>Reduce the acreage for Residential Medium (R-M) to 1,954.28</i>• <i>Reduce the acreage for Residential Medium-High (R-MH) to 1,160.18</i>