

ORDINANCE NO. 2024-1110

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA AMENDING THE CITY OF YORBA LINDA ZONING CODE PURSUANT TO THE IMPLEMENTATION PROGRAMS OF THE CITY OF YORBA LINDA 2021-2029 HOUSING ELEMENT, AND FINDING THAT ZONING CODE AMENDMENT ZCA 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, 2022; and

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

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

WHEREAS, the proposed amendment to specified provisions in the Zoning Code, as identified in Exhibit "A" attached to this Ordinance and incorporated herein by this reference ("Zoning Code Amendment 2024-01") are part of the implementation programs and implementing actions of the adopted Housing Element, and are necessary to ensure that the Zoning Code is consistent within the City's General Plan, as required by State law; and

WHEREAS, Zoning Code Amendment 2024-01 would amend the definition for “affordable housing definitions” as described in Exhibit A; and

WHEREAS, Zoning Code Amendment 2024-01 would incorporate the City’s Multi-Family Design Guidelines as written, objective development standards for multi-family development as described in Exhibit A; and

WHEREAS, Zoning Code Amendment 2024-01 would add Chapter 18.17 (Overlay Zones) to the Zoning Code as described in Exhibit A; and

WHEREAS, Zoning Code Amendment 2024-01 would amend Chapter 18.36 (Administration) Article II (Design Review) to the Zoning Code as described in Exhibit A; and

WHEREAS, Zoning Code Amendment 2024-01 would amend the text of the Yorba Linda Hills Planned Development (PD) to split Area E into two separate area designations, the upper approximately 18 acres would become Area D (Open Space) and the lower approximately 9 acres would become Area E for APN 326-081-01; moreover Area E would be amended from Church use to RM standards at 3 dwelling units per acre; and

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

WHEREAS, Zoning Code Amendment 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 City’s Zoning Code is consistent with the City’s General Plan, as required by State law; and

WHEREAS, the Yorba Linda Hills Planned Development (PD) is not a “Planning Policy Document” under the Yorba Linda Right-to-Vote Amendment, Yorba Linda Municipal Code Section 18.01.020 (Measure B) and moreover, the proposed zoning changes consist of modifying Area E in Yorba Linda Hills Planned Development from “Church”, which is a non-residential land use to “Open Space”, which is a non-residential land-use and “RM Standards (3 du/ac)”, which is a residential land use but less than 10 dwelling units per acre; and

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

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

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

WHEREAS, in accordance with State and City laws, on May 15, 2024, the Planning Commission conducted a public hearing to receive public testimony with respect to Zoning Code 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 Zoning Code 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 Zoning Code 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 Zoning Code 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 Zoning Code (referred to herein as “Zoning Code 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 Zoning Code Amendment 2024-01 is necessary to ensure that the Zoning Code is consistent within the City’s General Plan policies, goals and objectives and is consistent with the objectives of the Zoning Code.

Section 4. The City Council finds that Zoning Code Amendment 2024-01 is necessary to establish development standards that, when applied to specific sites identified in Zoning Code Amendment 2024-02, would permit and encourage the development of affordable housing opportunities pursuant to the Regional Housing Needs Assessment (RHNA) requirements, as set forth in the Housing Element Law and applicable State Guidelines, in locations adjacent to supporting services and public transportation provided they are compatible with, and will not adversely impact, the integrity and continuity of adjacent uses.

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

Section 6. The City Council hereby adopts Zoning Code Amendment 2024-01.

Section 7. The City Council hereby finds that Zoning Code 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 Zoning Code Amendment 2022-01 does not result in any of the changes identified in Section 18.01.030(A) of the Yorba Linda Municipal Code to the development standards for any parcel of land affected by Zoning Code Amendment 2022-01. Specifically, Zoning Code Amendment 2022-01 does not: (1) increase the number of residential units which may be constructed on a parcel designated for residential uses; (2) increase the number of separate parcels which may be created from an existing parcel; (3) change any residential land use to allow any other land use; (4) change any non-residential land use to allow any residential land use greater than ten (10) net dwelling units per acre or allow a mix of commercial and residential uses; (5) increase the allowed maximum height of development; (6) provide for the private development of land owned by a government entity within five years of the date of the approval to develop the land; or (7) repeal any “Planning Policy Document” as defined in Section 18.01.02 of the Yorba Linda Municipal Code; rather, Zoning Code Amendment 2024-01 is comprised of the establishment of land use overlay development standards that do not, in and of themselves, effect a particular parcel of land.

Section 8. The City Manager or his designee is hereby authorized and directed to incorporate into the Zoning Code the amendments thereto as set forth in Zoning Code Amendment 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 a 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"

**ZONING CODE AMENDMENT 2024-01
(Comprised of Item #1 - Item #6)**

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

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

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

ITEM #2. Section 18.10.100 is amended to the following Subsection 18.10.100.E:

E. In any RM zone, PD zone allowing multi-family uses, or any overlay zone, the City of Yorba Linda Multi-Family Residential Design Guidelines shall be utilized as additional objective development standards for multi-family development in producing high-quality development.

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

Chapter 18.17 Overlay Zones

Sections:

Article I: Affordable Housing Overlay (AHO) Zone

Article II: Congregational Lands Overlay (CLO) Zone

Article III: Mixed-Use Overlay (MUO) Zone

18.17.010 Established

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

- A. AHO Affordable Housing Overlay Zone;
- B. CLO Congregational Lands Overlay Zone;
- C. MUO Mixed-Use Overlay Zone

18.17.020 Purpose.

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

mandated regional housing needs.

18.17.030 Applicability.

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

18.17.040 Definitions.

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

18.17.050 Affordability Requirement.

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

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

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

18.17.060 General Development Standards.

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

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

1. The minimum setback shall be no greater than 20 feet. Section 18.10.100 (A)(1), which requires a 50-foot setback from single-family zones for buildings exceeding 15 feet in height, shall continue to apply; however, any portion of the building exceeding two stories shall maintain a minimum one hundred (100) feet from any single-family zone.
2. Uncovered parking spaces, common open space areas, and private patios and stoops shall be permitted within setback areas provided that a masonry wall six feet in height and screen landscaping at least 5 feet in width is erected and maintained between such uses and the property line. In addition, uncovered parking spaces within front and streetside setback areas, however, shall be located a minimum of 10 feet from the property line as required in Section 18.22.040 (C)(2)(f).

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

(C)(3), if applicable:

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

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

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

Article I: Affordable Housing Overlay (AHO) Zone

18.17.100 Purpose

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

18.17.110 Permitted Uses.

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

18.17.120 Density.

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

18.17.130 Height.

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

18.17.140 Off-Street Parking.

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

Article II: Congregational Lands Overlay (CLO) Zone

18.17.200 Purpose

The purpose of the Congregational Land Overlay zone is to encourage the construction of affordable housing in conjunction with religious institutions which provide important social and community services to the Yorba Linda community, to enable these institutions to further their mission to serve disadvantaged populations, and to improve

utilization of land resources which may go unused for large portions of the week, in keeping with State law AB 1851 (2020).

18.17.210 Permitted Uses.

Multiple family dwellings and condominiums shall be permitted in the Congregational Land Overlay zone in addition to any uses permitted in the underlying zone, provided that these uses occur in conjunction with a church/temple/religious institution use with a valid conditional use permit. To operate in conjunction with a church/temple/religious institution includes, but is not limited to, ground leases to housing development either for rental or ownership, reciprocal parking, access, or use agreements, or other situations, which clearly demonstrate an integral connection or relationship between the two uses. Church/temple/religious institutional uses must continue to operate in conjunction with the previously approved conditional use permit, except as described in Section 18.17.230.

18.17.220 Site Area Definition and Density.

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

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

18.17.230 Exemption from Amendments to Existing Conditional Use Permit.

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

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

18.17.240 Height.

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

18.17.250 Off-Street Parking.

Pursuant to the maximum established in Government Code Section 65913.6, the development shall provide one uncovered or covered off-street parking space per dwelling unit for all qualifying affordable housing units, except for senior housing developments which shall provide a minimum of one-half uncovered or covered parking space per dwelling unit. Any market rate housing units shall provide parking in conformance with the RM-20 standards outlined in Chapter 18.22 of the Zoning Code. These spaces may be shared with the church/temple/religious institution or any previously permitted use on-site.

18.17.260 Adaptive Reuse.

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

18.17.270 Transfer of Development Rights

A property owner within the Congregational Land Overlay zone may solicit a transfer of development rights to an abutting residential property contained within the Housing Element's housing sites inventory with a lower maximum density than the Congregational Land Overlay zone. The transfer of development rights will reduce the number of permitted units on the Congregational Land Overlay zone property and increase the number of permitted units by the same amount on the abutting property, provided that the resultant permitted density on the abutting property is no higher than 10 percent greater than the maximum density permitted on the abutting property. The property owner transferring its development rights may not transfer more than 10 percent of the total number of units described in the Housing Element's housing site's inventory. All units transferred must be transferred in compliance with the affordability requirements contained in Section 18.17.050. The transfer of development rights shall be subject to conditional use permit approval as described in Section 18.36.200, and once approved, shall be recorded against both properties. This transfer of development rights is only permitted during the 6th housing cycle and will expire after June 30, 2029.

Article III: Mixed-Use Overlay (MUO) Zone

18.17.300 Purpose

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

18.17.310 Permitted Uses and Configuration.

Multiple family dwellings and condominiums shall be permitted in the Mixed-Use Overlay Zone, provided that these uses are located on the same site as retail uses containing at least 10,000 square feet of commercial space which meet the standards of the underlying zone. At least half of the building square footage within the MUO-zoned

property shall be residential. Residential uses may be located on top of commercial uses (vertical mixed-use) or in separate structures on the same lot (horizontal mixed-use).

18.17.320 Site Area Definition and Density.

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

18.17.330 Height.

A. The maximum height of any structure in the Mixed-Use Overlay zone shall be four stories and 50 feet. Any project which is four stories in height shall also comply with the following standards:

1. All fourth story elements shall be located at least 70 feet from any public street and at least 100 feet from any single-family residential zone.
2. Fourth story elements shall not have a linear dimension greater than 200 feet.

18.17.340 Off-Street Parking.

- A.** The number of residential parking spaces required shall conform to the standards of the R-M-30 zone, as expressed in Section 18.22.030 (B), and all other requirements and incentives of this Title.
- B.** The minimum number of off-street parking spaces to be provided for nonresidential uses may be reduced by up to 35 percent from the standards otherwise required by Section 18.22.030 (B) by the Planning Commission through Design Review. Any request to reduce nonresidential parking shall be supported with a parking study prepared by a qualified traffic engineer and subject to review and approval by the Community Development Director and City Engineer.
- C.** Residential and nonresidential parking areas shall be separate and have clear signage distinguishing the two parking areas. Nonresidential parking areas may be used for residential guest parking at the owner's discretion.

18.17.350 Standards.

A. Projects in the Mixed-Use Overlay Zone shall be subject to the following site planning and design standards. Any of these standards may be waived by the Planning Commission through Design Review:

1. Retail uses shall be visible from adjacent public streets and shall not be located behind solely residential buildings.
2. Ground-floor retail space for any new construction buildings shall be at least 18 feet floor-to-floor height, and retail spaces shall be at least 40 feet deep.
3. Vertical mixed-use buildings shall incorporate different entries for residential and commercial uses. The main entrance to a space which is open to the public shall be clearly identifiable by providing a change in plane (e.g. recessed entry), differentiation in material and color, and/or enhanced lighting. Clear identification signage shall also be used to differentiate the primary entry into the space.

4. Gates may be used to control vehicular and pedestrian access to the residential portion of a horizontal mixed-use site.

ITEM #4. Section 18.19.110.A is amended in its entirety to the following:

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

ITEM #5. Article II of Chapter 18.36 of the Yorba Linda Municipal Code is amended to add the following:

18.36.140 Courtesy Noticing

A. For any property located within the Housing Element's housing sites inventory, a courtesy notice shall be mailed or delivered to all owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property that is the subject of the design review.

B. The project applicant shall provide all information and documentation necessary to satisfy the notice requirements of this section. The project applicant shall pay all costs associated with the notice requirements of this section.

ITEM #6. Section 18.14.050.B of Chapter 18.14 of the Yorba Linda Municipal Code is revised as follows:

18.14.050 Special requirements.

A. When any M zone abuts or is situated across a street from a property in any residential zone, a minimum building setback of one hundred (100) feet shall be required from such residential zone. The twenty-five (25) feet of said setback nearest the street or zone boundary line shall be landscaped and the remainder may be used for off-street parking purposes as provided in Chapter 18.22. A three-foot tall wall or berm shall be constructed in back of the landscaped area along street setbacks. Along all other lot lines adjacent to residential zones, a six-foot tall wall shall be constructed.

B. Emergency Shelters. When establishing an emergency shelter, the following standards shall apply:

1. The maximum number of beds/persons permitted to be served nightly shall be based on the individual capacity of the building and overall facility and shall not be

- less than fifty (50) square feet per person served;
2. On-site client waiting and intake areas shall be located internally to the building where feasible. If not feasible, an exterior waiting area shall be provided which contains a minimum of 10 square feet per bed provided at the facility. Said waiting area shall be in a location not adjacent to the public right-of-way and shall be visibly separated from public view by a minimum 6-foot tall visual screening mature landscaping or a minimum 6-foot tall decorative masonry wall;
 3. Stays at the facility shall be on a first-come, first-served basis and facility clients must vacate the facility each morning and have no guaranteed bed for the next night;
 4. Maximum stay at the facility shall not exceed 180 days in a 365-day period for clients with Yorba Linda residency and shall not exceed 90 days in a 365-day period for all others;
 5. A minimum of one employee per 15 beds shall be on duty when the facility is open and shall be maintained during operational hours;
 6. Clients shall only be on-site and admitted to the facility between 6:00 p.m. and 8:00 a.m. during Pacific Daylight Time and 5:00 p.m. and 8:00 a.m. during Pacific Standard Time;
 7. A minimum of 1 parking stall for each employee, staff, or volunteer shall be maintained. The number of parking spaces may be reduced by 25% if the shelter is located within 1,000 feet of a public transit stop. Bicycle rack parking shall also be provided at the facility;
 8. Facility improvements shall provide:
 - i) A minimum of 1 toilet for every 10 beds per gender.
 - ii) A minimum of 1 shower for every 8 beds per gender.
 - iii) Private shower and toilet facility for each area designated for use by individual families.
 9. Adequate exterior lighting shall be provided for safety and security purposes;
 10. Client possession and/or use of the following are prohibited anywhere on the premises of an emergency shelter: alcohol, tobacco and illegal narcotics.
 11. An Operations Plan shall be provided for the review and approval of the Community Development Director, and shall remain active throughout the life of the facility. At a minimum, the Operations Plan shall address the following:
 - i) Security and safety – addressing both on and off-site needs.
 - ii) Loitering control – including specific measures regarding off-site controls to minimize congregation of clients in the vicinity of the facility during hours that clients are not allowed on-site.
 - iii) Management of outdoor areas – including a system for daily admittance and discharge procedures and monitoring of waiting areas.
 - iv) Staff training – including knowledge and skills to assist clients in obtaining permanent shelter and income.
 - v) Communications and outreach – with objectives to maintain good communication and response to operational issues which may arise from the public or City staff.
 - vi) Counseling programs -- to be provided with referrals to outside assistance agencies.
 - vii) Litter control – to provide for the timely removal of litter attributable to clients within the vicinity of the facility.
 12. The facility may provide the following services and facilities in a designated

area separate from the sleeping areas:

- i) A recreation area either inside or outside the shelter.
- ii) A counseling center for job placement, educational, health care, legal, or mental health services.
- iii) Laundry facilities to serve the number of clients at the shelter.
- iv) Kitchen for the preparation of meals.
- v) Dining hall.
- vi) Client storage areas (i.e., for the overnight storage of bicycles and personal items).
- vii) Or similar services supporting the needs of homeless clients.

ITEM #7. Table 18.10-1 (Residential Land Use Matrix) of Chapter 18.10 of the Yorba Linda Municipal Code is revised to add the following land use:

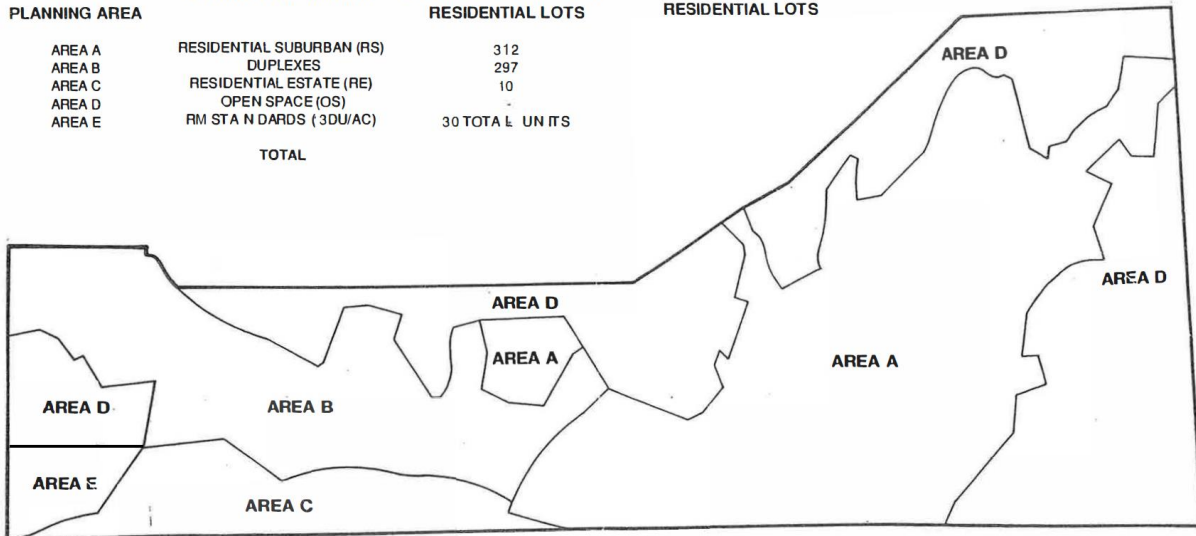
**TABLE 18.10-1
RESIDENTIAL LAND USE MATRIX**

Use	R-A	RL-D	R-E	R-S	R-U	R-M	R-M-20	R-M-30	Comments
Small employee housing (6 or fewer)	P	P	P	P	P	•	•	•	See Health and Safety Code Section 17008

ITEM #8. The Yorba Linda Hills Planned Development (PD) text for District II is amended as follows; however, this Zone Change shall not become effective until General Plan Amendment 2024-02 is approved by a majority vote of the electorate of the City.

YORBA LINDA HILLS
 PLANNED RESIDENTIAL DEVELOPMENT

LAND USE PLANNING AREA	ZONING DESIGNINATION	PERMITTED NUMBER OF RESIDENTIAL LOTS	ACTUAL NUMBER OF RESIDENTIAL LOTS
AREA A	RESIDENTIAL SUBURBAN (RS)	312	
AREA B	DUPLEXES	297	
AREA C	RESIDENTIAL ESTATE (RE)	10	
AREA D	OPEN SPACE (OS)		
AREA E	RM STANDARDS (3DU/AC)	30 TOTAL UNITS	
TOTAL			



SCALE: 1"=600'
 DATE: 2-13-91
 W.O.: 819-1

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