

## RESOLUTION NO.

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YORBA LINDA APPROVING CONDITIONAL USE PERMIT 2022-07 – RACZEK, WITH CONDITIONS

WHEREAS, an application for Conditional Use Permit 2022-07 was made Craig Raczek, 3630 Blue Gum Drive, Yorba Linda, CA 92886, to construct a 638 square foot addition, of which 388 square feet is proposed as a new second story, the area of construction within seventy feet (70') of another single-family residence, on the property addressed as , 3630 Blue Gum Drive, located on the south side of Blue Gum Drive, west of Rimcrest Drive, within the PD (Planned Development: Yorba Linda Hills) zone; and,

WHEREAS, Section 18.10.100.B of the Yorba Linda Zoning Code requires that a Conditional Use Permit be granted by the Planning Commission for any proposed second story construction located within seventy feet (70') of an adjacent dwelling; and,

WHEREAS, this matter requires a public hearing in conformance with applicable law; and,

WHEREAS, notice of a public hearing of the Planning Commission of the City of Yorba Linda concerning Conditional Use Permit 2022-07 was given in accordance with applicable law; and,

WHEREAS, on April 27, 2022, a public hearing on Conditional Use Permit 2022-07 was held by the Planning Commission; and,

WHEREAS, after consideration of the staff report and all of the information, testimony, and evidence presented at the public hearing, the Yorba Linda Planning Commission does hereby find that with incorporation of the conditions attached hereto as Exhibit "A":

- A. The proposed location of the conditional use is in accord with the objectives of the Zoning Code and the purpose of the zone in which the site is located in that Sections 18.10.100.B of the Yorba Linda Zoning Code allow for the construction of a second story room addition within seventy feet of another single-family residence with approval of a Conditional Use Permit by the Planning Commission.
- B. The location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or be materially injurious to properties or improvements in the vicinity in that the second story room addition will not unduly violate the privacy of adjacent property owners due to their orientation, location, and separation from neighboring structures. Furthermore, the design of the addition integrates within the design of the existing house and is architecturally compatible with the surrounding neighborhood. Additionally, since the subject home is a "paired home," attached to a neighboring dwelling on one side (i.e., on the east side),

the proposed addition has been offset from the common wall between the two residences approximately five feet (5'), and, therefore, would not affect the common wall or roofline of the neighboring, attached home to the east.

- C. The proposed conditional use will comply with each of the applicable provisions of the Zoning Code of the City of Yorba Linda.
- D. The project constitutes a Class 1 (Existing Facilities) Categorical Exemption, as it consists of minor alteration of an existing private structure and involves no expansion of the use. The project is therefore exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Title 14 California Code of Regulations Section 15301.
- E. As this project involves no repeal, amendment, or adoption of all or any part of the land use planning policy documents as specified in Section 18.01.020 of the Yorba Linda Municipal Code, this project is exempt from the provisions of Chapter 18.01 of the Yorba Linda Municipal Code, also known as the "Yorba Linda Right-to-Vote Amendment."

NOW THEREFORE BE IT RESOLVED that the Yorba Linda Planning Commission does hereby approve Conditional Use Permit 2022-07, subject to the conditions of approval shown on Exhibit "A" attached to this Resolution and by this reference incorporated herein.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Yorba Linda on April 27, 2022.

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KARALEE DARNELL  
CHAIRWOMAN

TO WIT:

I HEREBY CERTIFY that the foregoing Resolution was duly adopted at a regular meeting of the Yorba Linda Planning Commission on April 27, 2022, and carried by the following roll call vote:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:

\_\_\_\_\_  
DAVID BRANTLEY, AICP  
SECRETARY TO THE PLANNING COMMISSION

**EXHIBIT "A"**  
FOR RESOLUTION NO.  
APPROVING CONDITIONAL USE PERMIT 2022-07 – RACZEK

**A. Standard Conditions:**

- Eng. 1. Best Management Practices (BMPs) shall be used during construction in accordance with the Construction Runoff Guidance Manual for Contractors, Project Owners, and Developers to prevent pollutants, construction materials, and soil from entering the storm drain.
2. **Prior to building permit**, drainage shall be designed to convey flows to an acceptable drainage system or outlet to the street to the satisfaction of the City Engineer.
3. **Prior to building permit**, an erosion and sediment control plan shall be submitted at the time of building permit review and be accepted by the City Engineer.
4. **Prior to building permit**, the applicant shall comply with the National Pollution Discharge Elimination System (NPDES) permit from the California Regional Water Quality Control Board (Santa Ana Region) as applicable.
- Bldg. 5. Class A fire-rated roofing materials shall be provided for all buildings. In addition, roofing material must be installed to meet high wind velocity (110 mph), per table 1609.3.1, Ultimate Wind Speed, of the 2019 California Building Code and exposure "C" standards.
6. Construction and Development shall comply with the latest adopted California Building Code, California Residential Code, California Mechanical Code, California Plumbing Code, The California Electrical Code, California Green Building Standards Code, State Building Standards Title 24, and all other applicable codes. The California Fire Code requirements shall conform to the 2019 California Fire Code requirements, 2016 noted.
7. All structures shall be designed in accordance with Section 1609 for the wind design. The wind speed for the City of Yorba Linda is 110 mph, Exposure "C", using the basic wind design. All structures shall also adhere to Section 1613 for seismic design from the 2019 California Building Code. The design shall be site specific and include the necessary data to justify proposed design.

The site falls in middle of the Whittier/Elsinore Fault zone and has a trace fault nearby. Please have the engineer of record address site and provide the findings and recommendations in their submitted calculations.

8. Applicant shall satisfy all requirements of the Orange County Fire Authority **prior to issuance of building permits and prior to final inspection**. Contact Orange County Fire Authority at (714) 573-6100 for requirements. Fire Sprinkler installations requirements are part of this requirement.
9. All submitted Plans shall comply with the High Fire Severity Zone requirements per the California Building Code, Chapter 7A, California Residential Code, Section 337 as applicable and the Orange County Fire Authority (O.C.F.A.) requirements. This shall include Section R337.4. Please be advised, this shall include the requirements for “ignition-resistant” framing material and wall coverings.
10. If applicable, all Fire Sprinkler installations require a “backflow device” to be installed. Please contact the Yorba Linda Water District as to their requirements.

Yorba Linda Water District  
1717 East Miraloma Ave  
Placentia CA 92870  
714-701-3000

11. Applicant shall satisfy all conditions of approval and any other department or agency requirements prior to the building permit’s final inspection.
- Plng. 12. The cover sheet of the building construction drawings shall include a blue line print of the City’s conditions of approval and shall be attached to each set of plans submitted for City approval.
13. Approval of this request shall not excuse compliance with all other applicable City ordinances and development standards in effect at this time.
14. Within 60 days of approval of this request the applicant shall agree and consent in writing to the conditions of approval, as adopted by the Planning Commission.
15. The applicant shall defend, indemnify, and hold harmless the City of Yorba Linda, its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the subject application by the City, its legislative body, advisory agencies or administrative officers. The City will promptly notify the applicant of any such claim, action or proceeding

against the City and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney.

16. Development shall occur substantially as shown on the plans approved by the Planning Commission and on file in the Community Development Department.
17. Conditional Use Permit 2022-07 shall lapse and become void as of April 27, 2023, unless building permits have been issued and construction is commenced and diligently pursued toward completion on the structure that is the subject of Conditional Use Permit 2022-07, or a time extension is requested in writing prior to that date.
18. Applicant shall provide to the Planning Division, **prior to issuance of building permits**, an electronic copy of the final plans approved by the Planning Commission. The copy shall be provided on a CD-ROM in “.pdf” format.

**B. Special Conditions:**

- Plng.
19. Any modification to the widow design and/or placement shall be subject to the review and approval of the Community Development Director, prior to the issuance of building permits.
  20. All exterior wall cladding, roofing material, and windows shall be consistent throughout the residence.

- The End -