

RESOLUTION NO. 5592

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF YORBA LINDA APPROVING CONDITIONAL USE  
PERMIT 2023-39– PENNOR, WITH CONDITIONS

WHEREAS, an application for Conditional Use Permit 2023-39 was made by Andrew Pennor, 4862 Ohio Street, Yorba Linda, CA 92886, to demolish a 3,428 square foot two-story single-family residence and construct a new 5,273 square foot two-story single-family residence, the area of second story construction within seventy feet (70') of another single-family residence, and a request to construct a new 194 square foot second story deck, on property addressed as, 4862 Ohio Street, Yorba Linda, CA 92886 located in the RE (Residential Estate) zone; and,

WHEREAS, Section 18.10.100.B and 18.10.120.I of the Yorba Linda Zoning Code requires that a Conditional Use Permit be granted by the Planning Commission for any proposed second-story construction 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 2023-39 was given in accordance with applicable law; and,

WHEREAS, on May 29, 2024, a public hearing on Conditional Use Permit 2023-39 was held by the Planning Commission; and,

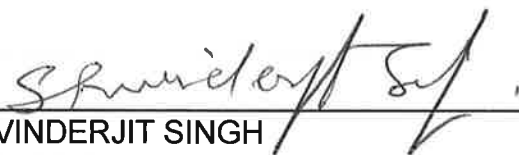
WHEREAS, after consideration of the staff report and all of the information, testimony, and evidence presented at the public hearing, the Yorba Linda Planning Commission does hereby find that with incorporation of the conditions attached hereto as Exhibit "A":

- A. The proposed location of the conditional uses are 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 and 18.10.120.I of the Yorba Linda Zoning Code allow the construction of a second-story room addition within seventy feet of another single-family residence, and second-story balconies, respectively, with approval of a Conditional Use Permit by the Planning Commission.
- B. The location of the conditional uses and the conditions under which they 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 proposed second-story residence and balconies will not unduly violate the privacy of adjacent property owners due to their orientation, location, and separation from neighboring structures.

- 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 Categorical Exemption pursuant to Section 15301, Class 3 (New Construction) of the California Environmental Quality Act (CEQA), and is therefore, exempt from the requirements of CEQA.
- 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 2023-39, 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 May 29, 2024.

  
SHIVINDERJIT SINGH  
CHAIRMAN

TO WIT:

I HEREBY CERTIFY that the foregoing Resolution was duly adopted at a regular meeting of the Yorba Linda Planning Commission on May 29, 2024, and carried by the following roll call vote:

AYES:	3	COMMISSIONERS:	PEASE, BEHURA, MASTERSON
NOES:	0	COMMISSIONERS:	NONE
ABSENT:	1	COMMISSIONERS:	BERNSTEIN
ABSTAIN:	1	COMMISSIONERS:	SINGH

  
NATE FARNSWORTH, AICP  
SECRETARY TO THE PLANNING COMMISSION

**EXHIBIT "A"**  
FOR RESOLUTION NO. 5592  
APPROVING CONDITIONAL USE PERMIT No. 2023-39 – PENNOR

**A. Standard Conditions:**

- Eng. 1. The applicant shall obtain an encroachment permit for all work within the City right of way.
2. 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.
3. All lots fronting on an arterial or collector street and siding onto a local street shall take vehicular access from the local street.
4. **Prior to grading permit/building permit**, the proposed improvements shall comply with the California Building Code latest edition. Drainage and structural setbacks to slopes shall comply with the minimum requirements.
5. **Prior to grading permit/building permit**, the applicant shall apply for and obtain a transportation permit that identifies the disposition of all imported or exported soil and a haul route. The applicant shall demonstrate that the imported soil is clean and suitable for the intended use and that exported soil complies with OCFA and OC Environment Health Department. A geotechnical analysis may be required.
6. **Prior to grading permit/building permit**, retaining walls shall be designed to have waterproofing applied to the retaining side of the wall, subdrain, and subdrain outlets. The subdrain outlets detail shall be indicated on the retaining wall plan and grading plan. Storm water runoff shall be conveyed away from the retaining wall or mitigated with drainage system.
7. **Prior to grading permit**, a complete final hydrology and hydraulic study shall be prepared by a qualified engineer to the satisfaction of the City Engineer.
8. **Prior to grading permit**, an emergency overflow is required at all sump locations. Slopes shall be armored or a drainage conveyance facility shall be designed where emergency overflow is proposed.

9. **Prior to grading permit**, individual lot drainage shall be designed to convey flows to an acceptable drainage system or outlet to the street or by other lot drainage design to the satisfaction of the City Engineer.
10. **Prior to grading permit**, a soils report shall be prepared by a qualified engineer to the satisfaction of the City Engineer.
11. **Prior to grading permit**, any grading required outside of the project boundaries will require either slope easements or right-of-entry/permission to grade letters from the adjacent property owners.
12. **Prior to grading permit**, applicant shall submit sewer and water plans to the Yorba Linda Water District for determination of the Terms and Conditions for Water and/or Sewer Service.
13. **Prior to grading permit**, drainage facilities that discharge onto adjacent properties shall be designed in such a manner as to convey storm surface water as it historically crosses said property line in its natural state or a drainage acceptance instrument may be obtained from the downstream property owner if the historic drainage flow is affected in an adverse manner.
14. **Prior to grading permit**, an erosion and sediment control plan shall be submitted at the time of Grading Plan review and be accepted by the City Engineer.
15. **Prior to grading permit**, grading of the subject property shall be in compliance with the Grading Ordinance and to the satisfaction of the City Engineer.
16. **Prior to grading permit**, a grading plan shall be submitted for review and approval. Grading shall be in significant conformance to the Tentative Tract Map and the proposed grading as approved by the Planning Commission.
17. **Prior to grading permit**, a Non-Priority Water Quality Plan (WQP) shall be submitted with the grading plan for review and accepted by the City Engineer. All costs associated with the review, installation and/or maintenance of the plan and project related BMPs shall be the responsibility of the applicant.
18. **Prior to grading 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).
19. **Prior to grading permit**, the applicant shall file any required documents, including but not necessarily limited to the notice of intent,

and comply with permits from the California Regional Water Quality Control Board.

20. **Prior to grading permit**, residential driveways shall be designed with a minimum width of 20 feet. No driveway shall be more than 32 feet in width. No more than two residences shall take access via a single residential driveway. Private or public road standards shall be applied when three or more residences share a single access.
21. **Prior to building permit**, a rough grade certificate, final rough grade report, and individual lot compaction tests shall be provided by a licensed Civil Engineer and Geotechnical Engineer.
22. **Prior to building permit**, the proposed improvements shall comply with sight distance design requirements of OCPW standard plan 1117 and City Zoning Ordinance 18.26 vision triangle.
23. **Prior to building permit**, all proposed utilities within the project shall be installed underground in accordance with current utility engineering practices. Existing aerial utilities shall be removed and/or placed underground.
24. **Prior to building permit**, drainage facilities and easements shall be provided in accordance with the Master Plan of Drainage and to the specifications of the City Engineer.
25. **Prior to building permit**, sectional garage doors with automatic openers shall be required where face of garage is less than eighteen feet (18') from the back of sidewalk or back of curb when sidewalks are not provided.
26. **Prior to building permit**, the development shall participate in the Eastern Transportation Corridor Fee Program at the established rate.
27. **Prior to building permit**, this project is applicable to the requirements of the Growth Management Plan (GMP) and shall be subject to payment of Traffic Impact Mitigation (Measure M) and as established by the Development Mitigation Program.
28. **Prior to building permit**, utility plans shall be subject to review and approval by the Community Development Director and City Engineer. The City shall have the right to comment, modify, approve, or disapprove the utility plan for each utility.
29. **Prior occupancy**, water supply facilities shall be designed and constructed to the specifications of the Yorba Linda Water District and the City Engineer and dedicated to the Yorba Linda Water District with all incidental fees paid by the applicant.

30. **Prior to occupancy**, sewer facilities shall be designed and constructed to the specifications of the Yorba Linda Water District by the applicant to the satisfaction of the City Engineer and/or the Yorba Linda Water District.
31. **Prior to occupancy**, a final grade certificate and final grade soils report or letter shall be provided by a licensed Civil Engineer and Geotechnical Engineer.
32. Applicant shall not impact the equestrian trail as part of the project. All restoration costs shall be borne by the applicant.
- Bldg. 33. Class A fire-rated roofing materials shall be provided for all buildings. In addition, roofing materials must be installed to meet high wind velocity (110 mph), per table 1609.3.1, Basic wind design, of the 2019 California Building Code and exposure "C" standards.
34. A soils report is required for the proposed structure(s). Please have a soils engineer provide an analysis with site boring locations, soils type, any liquefaction or contamination encounters, and the prescribed soils values to be used in the structural design of the proposed structure(s). Soils report shall coincide with all the requirements of Section 1803 of the 2022 California Building Code, Volume II.
35. 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.
36. 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.
37. Methane Gas Requirements:
  1. New structures or additions to existing structures shall be subject to review for the presence of methane gas in the soil and any associated mitigation measures shall be required as indicated below:
    - a. Additions to existing enclosed structures when the original structure was constructed with no methane mitigation provisions do not require any review or methane mitigation protection.

Exceptions:

- i. Attached additions exceeding 1,000 SF in area to the footprint.
  - ii.
  - iii. The footprint of the addition is within 25' of a recorded oil well location.
  - iv.
- b. Any addition or new construction which is completely open with no enclosed areas where methane gas can collect, or concentrate does not require any review or methane mitigation report.
- c. Any addition, of any square footage, to an existing structure where the existing structure is provided with methane gas mitigation provisions shall also be provided with methane gas provisions.
- d. Any detached new construction which creates enclosed spaces located within the field boundaries of the Yorba Linda oil field as shown on the map from the Division of Oil, Gas and Geothermal Resources (DOGGR) dated August 7, 2003, shall be subject to a methane gas review. This requirement shall not apply to swimming pools, fences, retaining walls, open patio covers or similar structures which do not contain enclosed space capable of collecting or concentrating methane gas.
2. The final determination as to whether a project is subject to a site methane gas review shall be the sole responsibility of the Building Division of the City of Yorba Linda. The determination shall be based on the location of the project as shown on the field boundaries map provided by the State of California Geologic Energy Management Division (CalGEM).

The actual site investigation and testing shall be performed at the owner's expense by a California Licensed Professional Engineer qualified in the field of methane review and mitigation. The determination as to whether a licensed Professional Engineer is qualified to perform the site investigation shall be determined by the Orange County Fire Authority (OCFA). City of Yorba Linda GIS Link: <https://webgis.yorbalindaca.gov/portal/home/>

3. Any project found to be within the field boundaries, as shown on the DOGGER map, shall be forwarded to OCFA for the specific requirements of the site. OCFA shall determine the extent of the site review and shall provide the following information back to the City of Yorba Linda Building Division.
- a. Should it be determined that no review is required, then OCFA shall provide written confirmation to the City that no

review is required. Such confirmation shall be from OCFA and on their letterhead, with their logo and a formal statement that no further review is required.

- b. Should it be determined that a methane gas review is required, OCFA shall provide the applicant with the requirements to perform a methane gas review. The applicant shall then perform the site methane gas review as specified by OCFA.
  - c. Should the methane gas review determine that methane is not present in sufficient concentrations to require mitigation of the proposed structure, OCFA shall provide written confirmation to the City that no methane gas mitigation is required. Such confirmation shall be on a form from OCFA with their logo affixed with a formal written statement reflecting the type of review provided and that no further review or mitigation is required.
  - d. Should the methane gas review determine that methane is present in sufficient concentrations to require mitigation of the proposed structure, OCFA shall provide the applicant with all information and requirements to provide the required mitigation. All plans and documents shall be stamped, signed, and dated by a California licensed Professional Engineer. Upon final review and approval by OCFA, two copies of the appropriate documents stamped approved by OCFA, including any specific required construction plans, shall be presented to the City for inclusion with the approved building permit package for permit issuance.
  - e. The Building Division of the City may not issue any permits for construction on any site which has been identified as requiring a site methane gas review until such time as either a form stating that no methane gas mitigation is required or construction documents for methane gas mitigation, stamped approved by OCFA, have been presented to the Building Division.
38. Applicant shall satisfy all requirements of the Orange County Fire Authority **prior to issuance of building permits and the final building inspection**. Please contact the Orange County Fire Authority at (714) 573-6100 for requirements. Fire Sprinkler installations requirements are part of this requirement.
  39. Applicant shall satisfy all conditions of approval and any other department or agency requirements **prior to the building permit's final inspection**.

40. 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

41. All walls and fences constructed by either a homeowner or developer at the side or rear property lines shall meet the minimum standards for pool enclosures as specified by Chapter 15.32 of the Yorba Linda Municipal Code and conform to Yorba Lind Ordinance Number 2016-1024. This requirement is required on both sides of the fence.
42. All guard railing shall be designed to meet the minimum requirements found in Table 1607.1 and Section 1607.9.1 of the California Building Code. Guard railing shall also meet the requirements of Section R312 of the California Residential Code.
43. The proposed new home site is within 200' of a sewer connection. However, if a septic system is either existing, or proposed, applicant will need to contact the State of California Water Resource Control Board and provide their approval prior to plan check submittal. Their local office is the Santa Ana Reginal Water Quality Control Board. The location is noted below. Please be advised, all new systems for newly constructed homes, including an ADU's, and possible room additions will require a separate site of no less 2.5-acres, totaling the overall site size to 5 acres for a single-family home and an ADU. If this is not possible, then connection to the sewer may be required.

3737 Main Street  
Riverside CA, 92501  
Phone: 951-782-4130  
Web: [www.waterboards.ca.gov/santaana](http://www.waterboards.ca.gov/santaana)

44. If applicable, existing septic tanks, drywells, and/or cesspools shall be identified, pumped, removed, and backfilled to the satisfaction of the Building Official **prior to any demolition of structures, grading, or construction of new structures.**
45. This project shall be subject to applicable school fees, the payment of which shall be documented to the satisfaction of the Building Official **prior to the issuance of building permits.**
46. A bedroom shall be defined as any enclosed space that does not have one wall open to the rest of the house such as a bonus room,

office, workout room, media room and library, or any other enclosed room which could potentially be used as a bedroom. Thus, the Office/Study will be considered a bedroom.

47. Per Table 703.2 of the California Plumbing Code (CPC) a maximum of (5) water closet or five six-unit traps per 3" main line. Provide calculations per Table 703.2 of the CPC at time of plan check submittal or call out a 4" sewer line.
48. All construction sites 1 acre or less shall comply with the current City of Yorba Linda Erosion Control and Pollution Prevention requirements. The current requirements can be requested by contacting the Building Department at:

City of Yorba Linda Building Department  
714-961-7120

- Plng.
49. 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.
  50. Approval of this request shall not excuse compliance with all other applicable City ordinances and development standards in effect at this time.
  51. 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.
  52. 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.
  53. Development shall occur substantially as shown on the plans approved by the Planning Commission and on file in the Community Development Department.
  54. Conditional Use Permit 2023-39 shall lapse and become void as of May 29, 2025, 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 2023-39, or a time extension is requested in writing prior to that date.

55. 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 USB drive in ".pdf" format.

**B. Special Conditions:**

- PIng.
56. Any modification to window/door design and/or placement shall be subject to the review and approval of the Community Development Director, **prior to the issuance of building permits**.
  57. All exterior wall cladding, roofing material, railings, and windows shall be consistent throughout the residence.

- The End -

