

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YORBA LINDA APPROVING CONDITIONAL USE PERMIT 2025-06 – CLARK, WITH CONDITIONS

WHEREAS, an application for Conditional Use Permit 2025-06 was made by Ryan and Carole Clark, 5851 Ohio Street, Yorba Linda, CA 92886, to construct a 195 square foot second story addition to an existing 3,060 square foot two-story single-family residence, the area of second story construction within seventy feet (70') of another single-family residence, for the property addressed as 5851 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 2025-06 was given in accordance with applicable law; and,

WHEREAS, on May 14, 2025, a public hearing on Conditional Use Permit 2025-06 was held by the Planning Commission; and,

WHEREAS, the Planning Commission of the City of Yorba Linda does hereby find that the proposed second-story addition complies with mandatory findings included in Section 18.10.100.B of the Yorba Linda Zoning Code as follows:

1. That the two-story construction does not result in any significant loss of privacy for adjacent residences in a manner that would compromise the neighbors' ability to obtain reasonable and enjoyable use of their own property in that the proposed addition provides sufficient distance which prevents direct views onto the adjacent properties;
2. For a building addition, that the design of the two-story construction be architecturally integrated with that of the existing house as to be made to appear as part of the original construction, in that the proposed addition utilizes similar materials and colors as the existing home's Ranch Style design;
3. That the design of the structure is sensitive to its environs such that it is architecturally compatible with its neighborhood, in that the proposed addition enhances the existing home's architectural style that is compatible with the surrounding neighborhood;

4. For any second story addition to any attached single-family structure, the Planning Commission shall encourage construction which has the least impact on the neighboring attached dwelling units and which is most structurally sound. The proposed addition will be constructed to fill in the area above the existing garage, which will limit construction-related impacts and provide minimal impacts to the street beyond.

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 Section 18.10.100.B of the Yorba Linda Zoning Code allows 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 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 construction and windows would not unduly violate the privacy of adjacent property owners due to their orientation, location, and existing viewshed. Furthermore, the design of the addition integrates within the design of the existing house and is architecturally compatible with the existing homes in the surrounding neighborhood.
- 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, and 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 2025-06, 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 14, 2025.

DON BERNSTEIN
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 14, 2025, and carried by the following roll call vote:

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

NATE FARNSWORTH, AICP
SECRETARY TO THE PLANNING COMMISSION

EXHIBIT “A”
FOR RESOLUTION NO.
APPROVING CONDITIONAL USE PERMIT 2025-06 – CLARK

A. Standard Conditions:

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| Eng. | <ol style="list-style-type: none">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, an erosion and sediment control plan shall be submitted at the time of building permit review and be accepted by the City Engineer.3. 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.4. Prior to 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 building permit, 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. |
| Bldg. | <ol style="list-style-type: none">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.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 2022 California Building Code. The design shall be site specific and include the necessary data to justify proposed design.8. Methane Gas Requirements:<ol style="list-style-type: none">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. The footprint of the addition is within 25' of a recorded oil well location.
- 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 the Orange County Fire Authority (OCFA)

Dogger map link:

["https://maps.conservation.ca.gov/doggr/wellfinder/#openModal/-122.07380/35.14662/7"](https://maps.conservation.ca.gov/doggr/wellfinder/#openModal/-122.07380/35.14662/7)

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.

9. 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.
10. Class A fire-rated roofing materials shall be provided for all buildings. In addition, roofing material must be installed to meet high wind requirements of the manufacturer.
11. Applicant shall satisfy all requirements of the Orange County Fire Authority **prior to issuance of building permits and the final inspection**. Contact Orange County Fire Authority at (714) 573-6100 for requirements. Fire Sprinkler installations requirements are part of this requirement.
12. This project may 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**.
13. Applicant shall satisfy all conditions of approval and any other department or agency requirements prior to the building permit's final inspection.
14. 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.
15. 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.
 16. Approval of this request shall not excuse compliance with all other applicable City ordinances and development standards in effect at this time.

17. 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.
18. 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.
19. Development shall occur substantially as shown on the plans approved by the Planning Commission and on file in the Community Development Department.
20. Conditional Use Permit 2025-06 shall lapse and become void as of May 14, 2026, 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 No. 2025-06, or a time extension is requested in writing prior to that date.
21. The 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 or USB drive in “.pdf” format.

B. Special Conditions:

- Plng.
22. Any modification to window design and/or placement, as approved by this permit, shall be subject to the review and approval of the Community Development Director, prior to the issuance of building permits. Such modifications may require the review and approval of the Planning Commission of a modified Conditional Use Permit, at the discretion of the Community Development Director.
 23. All exterior wall cladding, roofing material, and windows shall be consistent throughout the residence.

- The End -