

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YORBA LINDA APPROVING CONDITIONAL USE PERMIT 2025-07 – HE, WITH CONDITIONS

WHEREAS, an application for Conditional Use Permit 2025-07 was made by Jian He, 21745 Todd Avenue, Yorba Linda, CA 92887, to construct a 649 square foot second story addition to an existing 2,235 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 21745 Todd Avenue, Yorba Linda, CA 92887, 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 2025-07 was given in accordance with applicable law; and,

WHEREAS, on May 14, 2025, a public hearing on Conditional Use Permit 2025-07 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 proposed new windows will continue overlooking the applicant's own property and adjacent homes are situated at a far enough distance that limits direct line-of-sight;
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 as the existing home's Spanish-influenced 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 created through conversion of existing deck area which will limit construction-related impacts and improve structural stability for the residence.

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 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 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 construction and windows would not unduly violate the privacy of adjacent property owners due to their orientation, location, separation from neighboring structures, as well as existing viewsheds. Furthermore, the design of the addition integrates within the design of the existing house and is architecturally compatible with the surrounding neighborhood.
- C. The proposed conditional uses 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 2025-07, 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 special 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 special 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
SECRETARY TO THE PLANNING COMMISSION

EXHIBIT “A”
FOR RESOLUTION NO.
APPROVING CONDITIONAL USE PERMIT 2025-07 – HE

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 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.3. Prior to grading permit/building 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.4. Prior to grading permit/building permit, an erosion and sediment control plan shall be submitted at the time of Building Plan review and be accepted by the City Engineer.5. Prior to grading permit/building permit, grading of the subject property shall be in compliance with the Grading Ordinance and 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 and Section 1613 seismic design of the 2019 California Building Code. The design shall be site specific and include the necessary data to justify proposed design. The wind loading in Yorba Linda is 110 mph, using Basic Wind Speed and Exposure C.8. Separate permits are required for grading, photovoltaic systems, fire sprinklers, as-built structures, retaining walls, swimming pools, |

demolition, detached accessory structures, outdoor cooking facilities/ BBQ's, etc. Clearly note this on the site plan.

9. Plans submitted shall comply with the Residential Water Meter & Supply Worksheet.
10. 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 2019 California Building Code, Volume II.

Please be advised, the site is in a mapped liquefaction zone.

However, substitution of a soils report is allowed using the City of Yorba Linda's Procedure No. 013 for projects between 500 and 1000 square feet.

City of Yorba Linda Procedure No. 013:

For residential additions and patio covers or accessory structures 500 SF to 1,000 SF, the following prescriptive procedure may be used as a substitute for a soils report. The square footage shall be an aggregate number per each separate structure and permit application.

1. There shall be a California licensed architect or civil/structural engineer in responsible charge of preparing the plans and structural calculations
2. For one story addition the foundation shall be minimum 12" wide by 24" deep and for two story 18" wide by 24" deep into natural grade with 2-#4 at top and 2-#4 at bottom. The concrete slab on grade shall be minimum 4.5" thick with #4 at 16" O.C. both ways at middle of the slab. The slab shall be placed over 10 mil visqueen over 2" sand over compacted grade. Concrete to be Type "V," $f'_c = 4500$ psi with maximum $w/cm = 0.45$ or provide sulfate report to justify alternate mix design (T-19.3.2.1 ACI 318-14). The grade shall be saturated prior to placement of sand.
3. For one story patio covers the foundation shall be minimum 12" wide by 24" deep into natural grade with 2-#4 at top and 2-#4 at bottom. The concrete slab on grade shall be minimum 4.5" thick with #4 at

16" O.C. both ways at the middle of the slab. The slab shall be placed over compacted grade. Spread footings as required for columns shall be a minimum of 24" deep with 2-#4 each way at bottom of footing. Concrete to be Type "V," $f_c = 4500$ psi with maximum $w/cm = 0.45$ or provide a sulfate report to justify alternate mix design (T-19.3.2.1 ACI 318-14). The grade shall be saturated prior to placement of concrete.

4. The architect/engineer of record shall make site visits to verify the following requirements and report in writing to the City Building Official:
 - a. All foundations are founded into natural grade or certified fill material.
 - b. The existing building and adjacent ground don't show any cracks or any settlement to exhibit the existence of expansive soil at the job site.
 - c. The foundations are far away from any descending/ascending slopes and comply with CBC Sec. 1808.7.
11. 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, Basic wind design, of 2019 California Building Code and exposure "C" standards.
12. 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.
13. 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.**
14. Applicant shall satisfy all conditions of approval and any other department or agency requirements prior to the building permit's final inspection.
15. 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

16. All projects 1 Acre or less shall indicate the Best Management Practices (BMP'S) used. This might include products such as straw waddle, gravel barriers, visqueen, existing landscaping, etc. Please show the location(s) and Type of BMP's used on the site plan and include the overall site drainage.
- Plng. 17. 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.
18. Approval of this request shall not excuse compliance with all other applicable City ordinances and development standards in effect at this time.
19. 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.
20. 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.
21. Development shall occur substantially as shown on the plans approved by the Planning Commission and on file in the Community Development Department.
22. Conditional Use Permit 2025-07 shall lapse and become void as of May 14, 2024, 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. 2025-07, or a time extension is requested in writing prior to that date.

23. 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. 24. 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.
25. All exterior wall cladding, roofing material, and windows shall be consistent throughout the residence.

- The End -