

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YORBA LINDA DENYING THE APPEAL AND UPHOLDING THE ZONING ADMINISTRATOR'S APPROVAL OF CONDITIONAL USE PERMIT 2024-42 – TIRA, WITH CONDITIONS

WHEREAS, an application for Conditional Use Permit 2024-42 was made by Lucian and Diana Tira, 4895 Sunbeam Lane, Yorba Linda, CA 92887, to construct a 911 square foot second-story addition to an existing 6,339 square foot two-story single-family residence, the area of construction within seventy feet (70') of another single-family residence, on the property addressed as 4895 Sunbeam Lane, Yorba Linda, CA 92887, located in the RE (Residential Estate) 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 or Zoning Administrator for any proposed second-story construction within seventy feet (70') of an adjacent dwelling; and,

WHEREAS, after careful consideration of all the evidence and public testimony, the Zoning Administrator determined the proposed project to be consistent with the mandatory findings included in Section 18.10.100.B of the Yorba Linda Zoning Code and approved Conditional Use Permit 2024-42 at the regularly scheduled meeting of July 23, 2025, subject to conditions of approval; and,

WHEREAS, the Zoning Administrator's approval of Conditional Use Permit 2024-42 is subject to a 15-day appeal period to the Planning Commission; and

WHEREAS, a timely application for an appeal was received by John Jay Kornoff for the Zoning Administrator's approval of Conditional Use Permit 2024-42, pursuant to Section 18.38.080.D of the Yorba Linda Zoning Code; 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 an appeal of Conditional Use Permit 2024-42 was given in accordance with applicable law; and,

WHEREAS, on August 27, 2025, a public hearing on Conditional Use Permit 2024-42 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 will be 22 feet in height and is partially buffered by existing mature vegetation—an approximately 10-foot-tall hedge located along the shared property line on the neighbor's side. Additionally, the subject property sits about 5 feet lower in natural grade compared to the adjacent property to the north. This grade difference effectively lowers the visual impact of the new second story from the northerly neighbor's perspective.

When accounting for both the 5-foot grade difference and the height of the existing hedge, approximately about 4 feet of the second-story wall and 3 feet of the new sloped roof will be visible above the existing hedge screening when viewed from the northern property. This significantly reduces the apparent height and potential intrusiveness of the addition. To further address potential privacy concerns, as a condition of project approval, the second-story windows along the north elevation are required to be frosted and clerestory in design, eliminating direct views while still maintaining architectural interest. The applicant is also required to create a hedge along the shared north property line by planting 25-gallon box trees, to the satisfaction of the Community Development Director. Lastly, the staircase shown on the original set of plans is to be eliminated along with the landing and any exterior lighting and the applicant shall instead provide an interior staircase further reducing the potential of privacy impacts along the northerly boundary.

Considering the combination of natural grade conditions, existing and future vegetation along the shared north property line, limited visible building height, and window modifications as required by the project's condition of approval. Therefore, staff is able to make the finding that the proposed design, as conditioned, does **not** result in any significant loss of privacy for adjacent residences, particularly the property to the north, in a manner that would compromise the reasonable and enjoyable use of that property;

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, finishes, and colors as the existing home's design and architectural elements. Recent upgrades to the home's façade reflect a Modern architectural style, and this design language is carried through to the addition. The new construction will feature a smooth stucco finish, window designs that complement the existing ones, a matching roof form and slope, and a cohesive color palette. These elements work together to maintain architectural continuity and create a unified seamless integration with the existing home;
3. That the design of the structure is sensitive to its environs such that it is architecturally compatible with its neighborhood, in that the design of the proposed addition is well

integrated into its surroundings and remains architecturally compatible with the neighborhood. By positioning the bulk of the addition toward the rear of the property, the street-facing façade retains a two-story appearance that aligns with the scale and character of other homes in the area. This approach ensures the addition does not appear visually imposing or out of place.

Furthermore, the addition is screened from street view, as it extends along the side yard and toward the rear. This placement helps preserve the existing streetscape and maintains the visual rhythm of the neighborhood, which is especially important given the property's prominent corner location;

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 Zoning Administrator.
- 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 design, location, and topographical conditions of the lot. The proposed views will not directly impact the surrounding neighborhood given that the applicant has redesigned the windows facing north to maintain a frosted glass and clerestory design, in an effort to prevent any viewshed onto the neighboring property. In addition to the window modifications, exterior staircase was removed and relocated to be an interior staircase. Furthermore, the design of the addition integrates within the design of the existing house and is architecturally compatible with the newly redesigned 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 deny the appeal and uphold the Zoning Administrator’s approval of Conditional Use Permit 2024-42, 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 August 27, 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 August 27, 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 2024-42 – TIRA

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. The applicant shall obtain an encroachment permit for all work within the City right of way.
3. **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.
4. **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 OCFA and OC Environment Health Department. A geotechnical analysis may be required.
5. **Prior to grading permit/building permit**, retaining walls shall be designed 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.
6. **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.
7. **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.
8. **Prior to grading permit**, a soils report shall be prepared by a qualified engineer to the satisfaction of the City Engineer.

9. **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.
10. **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.
11. **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.
12. **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.
13. **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.
14. **Prior to grading permit**, a grading plan shall be submitted for review and approval. Grading shall be in significant conformance to the proposed grading plan as approved by the Planning Commission.
15. **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).
16. **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.
17. **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.
18. **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.

19. **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.
20. **Prior to building permit**, the development shall participate in the Eastern Transportation Corridor Fee Program at the established rate.
21. **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.
22. **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.
23. **Prior to 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.
24. **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.
25. **Prior to grading permit, all existing, abandoned, and/or vacated easements shall be correctly depicted on the plans.** For abandoned and/or vacated easements, the date of abandonment or vacation shall be shown on the plans. For existing easements, the type of easement and owner of easement shall be shown on the plans.
- Bldg. 26. 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.
27. A complete "Project Description" and "Scope of Work" must be on the cover sheet of the plans. The plan's scope of work must match the application description. List all proposed work and square footages of all the areas of proposed work.

28. 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.
29. 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.
30. 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 the 2019 California Building Code and exposure "C" standards.
31. 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.
32. 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.
33. 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.**
34. Applicant shall satisfy all conditions of approval and any other department or agency requirements prior to the building permit's final inspection.
35. The project may be subject to applicable school fees, the payment of which shall be documented to the satisfaction of Building Official **prior to the issuance of building permits.**

36. Any construction sites of 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 Division.

City of Yorba Linda Building Division
(714) 961-7120

37. All recorded or documented easements shall be indicated on the site plan. This shall include Southern California Edison, Yorba Linda Water Department, Southern California Gas Company, or any other known easement for the Grant Deed, or any other documentation.
- Plng. 38. 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 Zoning Administrator.
39. 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.
40. Development shall occur substantially as shown on the plans approved by the Zoning Administrator and on file with the Community Development Department.
41. Conditional Use Permit 2025-42 shall lapse and become void as of August 27, 2026, unless building permits have been issued and diligently pursued toward completion on the structure that is the subject of Conditional Use Permit 2025-42 or a time extension is requested in writing prior to that date.
42. 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.
43. All building materials and colors shall match the existing dwelling **to the satisfaction of the Community Development Director.**

44. Plans shall eliminate the exterior staircase along the northern elevation and provide an interior staircase.
45. Applicant shall provide 25-gallon box trees along the northerly property line, creating a hedge condition for a distance equal to the length of the second story addition along the northerly façade, to the satisfaction of the Community Development Director.
46. Second story windows along the northerly façade shall be modified to be clerestory frosted windows, to the satisfaction of the Community Development Director.
47. Applicant shall provide vertical score lines on the north elevation as façade treatment, to the satisfaction of the Community Development Director.

- The End -