

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF YORBA LINDA APPROVING CONDITIONAL USE
PERMIT 2024-28 – CAMPBELL, WITH CONDITIONS

WHEREAS, an application for Conditional Use Permit 2024-28 was made by Brad Campbell, 5612 Chalon Road, Yorba Linda, California, 92886, to participate in the City's Parking In-Lieu Fee Program in order to satisfy the required parking standard for a single-story commercial office structure addressed as 4815 Main Street, located on the west side of Main Street and south of Lemon Drive, and,

WHEREAS, in accordance with Section 3.8.7 of the Town Center Specific Plan, participation in the City's Parking In-Lieu Fee Program is subject to approval of a conditional use permit by the Planning Commission; and,

WHEREAS, notice of a public hearing of the Planning Commission of the City of Yorba Linda concerning Conditional Use Permit 2024-28 was given in accordance with applicable law; and,

WHEREAS, on August 27, 2025, a public hearing concerning Conditional Use Permit 2024-28 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 Section 3.8.7 of the Town Center Specific Plan permits participation in the City's Parking In-Lieu Fee Program for properties within the Historic Town Center District, subject to the review and approval of a Conditional Use Permit by the Planning Commission.
- B. The proposed 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 materially injurious to properties or improvements in the vicinity, in that this conditional use permit is to allow participation in the Parking In-Lieu Fee Program, as a mean to satisfy the required off-street parking for the proposed office use; the Program allows for payment of an in-lieu fee instead of providing required parking on-site. This is a common provision within downtown development districts due to the scarcity of available and the fact that many "old town" areas have properties that do not have any land available to access and provide for off-street parking. Further, Parking In-Lieu Fee(s) collected by the City

would be expended by the City exclusively for acquisition, development, operation or maintenance of off-street parking spaces available for use by general public within the Town Center Specific Plan.

- C. The certified EIR prepared for the Town Center Specific Plan (which includes a Parking In-Lieu Fee Program as a parking strategy, provides full environmental clearance for the project consistent with the requirements of CEQA.
- D. 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 2024-28 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 2024-28 – CAMPBELL

A. Standard Conditions:

- Plng. 1. Approval of Conditional Use Permit 2024-28 is contingent upon approval of Design Review 2024-10. Failure to approve Design Review 2024-10 shall render any approval granted to Conditional Use Permit 2024-28 as null and void.
2. Approval of this request shall not excuse compliance with all other applicable City ordinances and development standards in effect at this time.
3. The applicant shall agree and consent in writing within 60 days to the conditions of approval as adopted by the Planning Commission.
4. Development shall occur substantially as shown on the plans approved by the Planning Commission and on file in the Community Development Department.
5. Conditional Use Permit 2024-28 is granted for a period of one year and shall become void as of August 27, 2026, unless prior to the expiration date, building permits have been issued, or a one-year time extension is requested in writing prior to that date.
6. 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.

B. Special Conditions:

- Plng. 7. Participation in the City's Parking In-Lieu Fee Program will allow the applicant to remit payment in-lieu of providing the required off-street parking for the development. Payment shall equate to off-site parking in the City's Public Parking Structure located at the northwest corner of Arroyo Way and Valencia Avenue on a one-to-one basis. The commercial office use as shown on the conceptual floor plan submitted and on record for Conditional Use Permit 2024-28 and Design Review 2024-10, shall provide, through payment at the rate established by City Council Resolution 2015-5352, an amount equal to a total of three (3) parking spaces. Therefore, the

applicant's remittance of payment at the rate established by City Council Resolution 2015-5352 for a total of three (3) parking spaces shall satisfy the required parking standard. Any future relocation or modification to the business operation, including but not limited to, a change of use that requires a higher parking ratio than office use shall be subject to review and approval of a new conditional use permit by the Planning Commission and new parking in-lieu fees.

8. **Prior to issuance of occupancy certificates and final release of occupancy**, the applicant shall enter into an agreement with the City memorializing the terms and conditions of said fees. Any request to modify terms and condition of the Parking In-Lieu Fee Agreement shall be made in writing to the Director of Community Development for review.
9. Full payment of parking in-lieu fees to satisfy the provisions of the Parking In-Lieu Fee Program shall occur **prior to issuance of occupancy certificates and final release of occupancy**.
10. Parking in-lieu fees paid to satisfy the off-street parking requirement shall not be refundable.
11. In the event the property or use is sold to another party, the purchased parking spaces shall be transferred to the new owner(s). Should the property or use be sold to another party, the payment of any and all remaining fees yet to be collected by the City shall be the responsibility of the new party. Parking spaces may not be sold, transferred, or shared with other parties to meet parking requirement of other uses not authorized by the original conditional use permit.

- The End -