November 12, 2014

The November 12, 2014 regularly scheduled meeting of the Yorba Linda Planning Commission was called to order at 6:30 p.m. in the Council Chambers at 4845 Casa Loma Avenue, Yorba Linda, California with Chair Nebel presiding.

No new items will be considered after 11:00 p.m. unless unanimously agreed upon by the Commission.

PLEDGE OF ALLEGIANCE – Matt Simonetti, Assistant City Engineer.

ROLL CALL

PRESENT: Lyons, Pease, Wohlt, Watson, Nebel
ABSENT: None

APPROVAL OF THE MINUTES

1. CONTINUED APPROVAL OF SEPTEMBER 10, 2014 PLANNING COMMISSION MEETING MINUTES

A motion was made by Chairman Pro Tempore Watson, second Commissioner Lyons, to approve the September 10, 2014 Planning Commission meeting minutes as presented. The motion carried (5 – 0) with the following roll call vote:

AYES: Lyons, Pease, Wohlt, Watson, Nebel
NOES: None
ABSENT: None
ABSTAIN: None

2. CONTINUED APPROVAL OF SEPTEMBER 24, 2014 PLANNING COMMISSION MEETING MINUTES

A motion was made by Chairman Pro Tempore Watson, second Commissioner Lyons, to approve the September 24, 2014 Planning Commission meeting minutes, with the correction to the minutes to note that Chairman Pro Tempore Watson did not make the second on the motion to approve the waiver of full reading of all resolutions on the agenda. The motion carried (4 – 0, 1 abstention) with the following roll call vote:

AYES: Lyons, Pease, Wohlt, Nebel
NOES: None
ABSENT: None
ABSTAIN: Watson

PUBLIC COMMENTS
None

PRESENTATION

ASSISTANT CITY ATTORNEY BILL IHRKE – Summary of Measure B, Measure H, Measure I and State Housing Element Laws

A report was given by City Attorney Bill Ihrke. A PowerPoint Presentation was displayed with a slide entitled: Summary of 2014-2021 RHNA Goals & Achievements.

Discussion ensued among the Commission members, staff and the City Attorney.

In response to Commissioner Pease, City Attorney Ihrke stated that state law is not a mandate to build units at any income level, however, to ensure that sites remain available for their development. There is no penalty from the State for not building the units.

In response to Commissioner Wohlt, City Attorney Ihrke outlined the state density bonus law which allows for developers to ask for an increase in maximum allowable density, if the developer agrees to provide a certain number of those units at the affordable housing level. They are allowed density bonuses and concessions, including reductions in setbacks, allowing for different land use controls that would normally apply through the City’s municipal code.

In response to Commissioner Wohlt, City Attorney responded that if an applicant is not in compliance with the state density bonus laws, or certain findings can be made on substantial evidence that may negative impact the general health, safety, and welfare, the City may be in a position to deny a concession.

In response to Chair Nebel, City Attorney Ihrke stated that the City did not have to include any “rollover” because Measures H and I passed. If a City is built out, theoretically it should received lower RHNA numbers, however, that is not always the case.

In response to Chair Nebel, City Attorney Ihrke stated that for Measure H and I sites, if you want to change height requirements on housing (raise or lower), then it would require a vote of the people.

The Chair opened public comments.

Tony Villavicencio inquired regarding what the City Attorney meant regarding “welfare” in his presentation. City Attorney Ihrke stated that it was an error when he mentioned “welfare” in his comments regarding health and safety. She further inquired whether the Heritage project had an affordable housing component. Director Harris stated that the developer agreed to contribute to the City’s mortgage assistance program.
Jeff Decker stated the City has a buffer in terms of their RHNA numbers and are in compliance with state law. He inquired as to how much the City will receive from the Heritage site. Director Harris stated that the City would receive $250,000 from the Heritage project.

Melanie Cazine inquired as to whether the “270” number is accurate. Director Harris stated it was a placeholder, and 270 was not an approved number, it is a RHNA goal number. She inquired if the City reduced the unit count, would it affect the compliance for a prior period that has already been approved. City Attorney Ihrke stated that number in the fourth cycle “stands alone” however, Yorba Linda would not have met its RHNA numbers if it had not adopted Measures H and I. Ms. Cazine inquired as to how the developer’s contributions to the City helps the City retain its compliance. Mr. Ihrke stated that funding sources are allowable in meeting the City’s affordable housing numbers.

Director Harris stated that the total number of units that have been approved on the Measure H and I sites by the City are 221, 68 of which were considered for low income.

Shirley Durthaler inquired as to what happens residents upgrade their properties as to what category they fall into. Chair Nebel stated that it would not change the affordability category. City Attorney Ihrke stated that some units are restricted at their income levels for certain periods of time, to preserve their affordable level.

WAIVE READING IN FULL OF ALL RESOLUTIONS ON THE AGENDA

A motion was made by Chairman Pro Tempore Watson, second Commissioner Lyons, to waive reading in full all resolutions on the agenda. The motion carried (5 – 0) with the following roll call vote:

AYES: Lyons, Pease, Wohlt, Watson, Nebel
NOES: None
ABSENT: None
ABSTAIN: None

PUBLIC HEARINGS

3. CONTINUED PUBLIC HEARING RE: VARIANCE 2013-02 – HELFRICH: A request for variance from the minimum side yard setback standard of 13.8-feet in the RE zone per Table 18.10-2 (Residential Development Standards), to allow for a reduced side yard setback of 5-feet to accommodate a 344 square foot single story garage addition along the right side (southern) property, for property addressed as 5532 Grandview Avenue, located on the east side of Grandview Avenue just south of Mountain View Avenue, in the RE (Residential Estate) zone. (APN: 348-371-02)

CEQA STATUS: Categorical Exemption (Class 3: New Construction)
MEASURE B APPLICABILITY: a) Vote – No; b) Public Notice – No
TRAFFIC COMMISSION REVIEW: No
RECOMMENDATION:
Item continued from October 29, 2014 Planning Commission Meeting per applicant’s request. Applicant requesting continuance to a date uncertain.

Director Harris stated that the applicant requested the project be pulled from the agenda.

The Chair opened the public hearing and public comments.

A motion was made by Commissioner Pease, second Chairman Pro Tempore Watson, to continue the public hearing to a date uncertain. The motion carried (5 – 0) with the following roll call vote:

AYES: Lyons, Pease, Wohlt, Watson, Nebel
NOES: None
ABSENT: None
ABSTAIN: None

4. PUBLIC HEARING RE: CONTINUED APPEAL OF CONDITIONAL USE PERMIT (ZA) 2014-36 (DENIAL) – YOUNG: A request to construct a 320 square foot second story deck onto an existing two-story residence, for the property addressed as 18342 Nicklaus Road, located on the south side of Nicklaus Road, east of Sheehan Street, within the RE (Residential Estate) zone. (APN: 322-361-28). This matter had been referred to the Planning Commission by the Zoning Administrator pursuant to Section X of the Yorba Linda Municipal Code.

CEQA STATUS: Categorical Exemption (Class 3: New Construction))
MEASURE B APPLICABILITY: a) Vote – No; b) Public Notice – No
TRAFFIC COMMISSION REVIEW: No
RECOMMENDATION:

A staff report was given by Greg Rehmer, Senior Planner. A PowerPoint Presentation was displayed. The project was outlined as described in the agenda report. Senior Planner Rehmer stated that the applicant had redesigned the project to reduce the deck size by half and provide for screen landscaping along the eastern property line. Mr. Rehmer stated that the applicant believes that the modifications would mitigate privacy concerns expressed by the neighbors and was asking for Planning Commission approval of the modified design.

The Chair opened the public hearing and public comments.

William Young, applicant, stated they wanted the longer balcony extension, however, they have mitigated the problems by offering landscaping provisions and a shorter balcony extension. He stated it is difficult for him to go downstairs due to his disability and needed a larger balcony to utilize.

Jennifer Young, applicant, stated that she requests the Commission’s approval for their amended proposal. She described her husband’s desire to experience the elements from the balcony due to his disability and the landscaping provisions they are suggesting should satisfy the neighbors concerns.
William Houchin stated he does not mean any disrespect to the Young’s. He stated that there are still privacy concerns in the development. He also still does not understand why the balcony extension is necessary.

In response to Commissioner Pease, Mr. Houchin stated that from the Young’s balcony, they have a direct view into his bedrooms. He stated that if the balcony were to be covered, it would at least be shaded. He stated that all the homes have similar privacy concerns. He also stated he would rather not have trees as a mitigation measure, as he would like to preserve the views, however minor, that exist.

Mohinder Gandhi stated that the facts of the matter were that Mr. Young had one year, pursuant to their development rules, to finalize their backyard. He requested that the Commission not approve this request, citing privacy concerns.

William Young stated that several balconies have been approved already in the neighborhood.

Jennifer Young stated that privacy concerns already exist, and their proposed balcony extension will not create additional concerns. They did agree to landscaping and a reduced balcony extension to mitigate the neighbor’s concerns.

In response to Commissioner Wohlt, Ms. Young stated that they have owned the property for four years.

In response to Chair Wohlt, Mr. Rehmer stated that there have not been any Conditional Use Permits which have been approved by the City for this tract.

Mr. Young stated that he received a notice in the mail regarding a balcony in the development. Mr. Rehmer stated that CUP’s have been approved in the Vista del Verde development, but not in the Young’s specific development.

Commissioner Wohlt stated that it was unfortunate that this matter seems to it would pit neighbors against each other. He stated he would base his vote on this matter by the letter submitted by the applicant who states that the houses are built closely to each other and the privacy level is very low. Mr. Wohlt stated the proposal will further negatively impact the privacy of the neighbors and made a motion to deny the project. The motion failed due to lack of a second.

Commissioner Pease stated that he does not have enough information regarding the proposed design and proposed additional landscaping to determine if it addresses some of the privacy concerns.

Commissioner Lyons stated that the proposed eight foot extension will likely not further impact the privacy concerns and he would support a motion to approve the project. His motion to recommend approval of the item to the City Council failed due to lack of a second.

A substitute motion made by Commissioner Pease to approve the project, subject to conditions of approval which would limit the deck extension to eight feet, require the deck extension to be covered, and that the additional landscaping proposed for the east side also be placed on the west side, motion failed due to lack of a second.
Chair Pro Tem Watson stated that she has concerns that if CUPs have been approved in Vista del Verde, then there should be consistency among all similar developments and all property owners should be treated equally.

In response to Commissioner Pease, Mr. Rehmer stated that the architectural plans have been submitted, but not structural. The proposed balcony extension is not covered.

Assistant City Attorney Megan Garibaldi stated that one possibility, if the motion is to recommend approval, the applicant could withdraw the appeal, and the Commission could treat this as a new application.

Commissioner Lyons stated that the Council is looking to have a recommendation from the Commission to come back to the Council.

In response to Chair Nebel, Sal Arteaga, the applicant’s contractor, stated that the architect could work on a design which could include walls to be place on the deck extension to mitigate privacy concerns.

Mr. Young stated that there are no currently proposed walls, however, he would be amenable to extended walls.

A motion made by Nebel and seconded by Lyons to continue the public hearing to allow the applicant to provide a redesign for the balcony wall extensions and to allow staff to provide a history of other balcony extension CUP’s which have been approved in the area was replaced by a substitute motion made by Commissioner Wohlt.

Mr. Gandhi stated that he does not understand why the City is going so far to accommodate one property owner and still does not understand why it is necessary for them to have the balcony extension.

Mr. Houchin expressed appreciation for staff to research the permits approved at Vista del Verde.

The Chair closed public comments and the public hearing.

**A motion was made by Commissioner Wohlt, second Chairman Nebel,** to deny Conditional Use Permit (ZA) 2014-36 (denial) – Young, without prejudice, and recommend to the City Council that they allow the applicant to provide a project redesign without having to provide new fees. The motion carried (4 – 1) with the following roll call vote:

- **AYES:** Lyons, Wohlt, Watson, Nebel
- **NOES:** Pease
- **ABSENT:** None
- **ABSTAIN:** None

Staff noted that this decision is appealable to the City Council, through the City Clerk’s office, within 15 days of tonight’s decision.
PUBLIC HEARING RE: CONDITIONAL USE PERMIT (CUP) 2014-46: MO FEI CUI WEN JUN: A request for approval of a Conditional Use Permit in order to construct a second story addition within seventy feet of an existing single-family residence. The applicant proposes a second floor addition above an existing garage; and, first and second floor additions, including a new 840 square foot deck and patio, to an existing 5,169 square foot two-story single-family residence. The project site is addressed as 4205 Hidden Oaks Drive and is located south of Bastanchury Road and west of White Pine within the Residential Low Density (RLD) zone (APN: 323-482-33).

CEQA STATUS: Categorical Exemption 15303 (Class 3: New Construction)
MEASURE B APPLICABILITY: a) Vote – No; b) Public Notice – No
TRAFFIC COMMISSION REVIEW: No
RECOMMENDATION: To adopt a resolution approving the project.

A staff report was given by Shawnika Johnson, Associate Planner. A PowerPoint Presentation was displayed. The project was outlined as described in the agenda report.

The Chair opened the public hearing and public comments.

Paul Cates, contractor for the applicant, stated that he and the client were in agreement with the Conditions of Approval.

The Chair closed public comments and the public hearing.

A motion was made by Commissioner Pease, second Commissioner Wohlt, to adopt Resolution No. 5027 approving Conditional Use Permit 2014-46. The motion carried (5 – 0) with the following roll call vote:

AYES: Lyons, Pease, Wohlt, Watson, Nebel
NOES: None
ABSENT: None
ABSTAIN: None

Staff noted that this decision is appealable to the City Council, through the City Clerk’s office, within 15 days of tonight’s decision.

PUBLIC HEARING RE: CONDITIONAL USE PERMIT 2014-59 GRIFFITH: The applicant requests approval of a Conditional Use Permit as required by Yorba Linda Zoning Code Section 18.10.130, in order to waive the maximum three-foot high limitation for fencing/structures within the front yard. The proposed project includes: an approximate six foot (6’) high decorative combination wall consisting of three (3) feet of block with three (3) feet of wrought iron atop and 7’-4” pilasters to be enclosed with an electric wrought iron gate within the front yard setback; and, solid six (6) high block walls with 7’-4” pilasters along a portion of the east and west property lines. The project site is addressed as 16652 Golden Avenue, located south of Imperial Highway, and west of Rose Avenue on the south side of Golden Avenue, in the Residential Suburban zone (APN: 334-011-40).

CEQA STATUS: Categorical Exemption (Class 3)
MEASURE B APPLICABILITY: a) Vote – No; b) Public Notice – No  
TRAFFIC COMMISSION REVIEW: No  
RECOMMENDATION:

A staff report was given by Shawnika Johnson, Associate Planner. A PowerPoint Presentation was displayed. The project was outlined as described in the agenda report.

In response to Commissioner Pease, Ms. Johnson stated that the Orange County Fire Authority and the City of Yorba Linda Community Preservation Division were required to visit the project site and a stop work order was issued before the applicant halted construction on the existing walls.

In response to Commissioner Wohlt, Director Harris stated that the Sheriff’s Department did not take a report on this matter.

The Chair opened the public hearing and public comments.

Krista Griffith, owner, stated that there was a wall up when they moved into the residence, and there was no “mile per hour” sign on the Yorba Linda side. She inquired of the City what the speed limit on the street. However, staff did not have this information. She expressed concerns that she is not receiving direct answers from the City as to what is required to complete construction of the existing/proposed fence.

Scott Griffith stated that various employees from the City went out to their property and confers with them as to how they could complete construction of the existing fence.

Director Harris stated that the applicant submitted new plans to the City this morning.

In response to Commissioner Lyons, Mr. Brantley stated that there is no traffic engineering concern regarding the east and west wing wall. There is an aesthetic concern by City staff regarding the walls greater than three feet in height within the front yard setback area.

In response to Chair Nebel, the applicants stated that they can prove that all elements are in compliance with the City’s codes.

Paul Gregory, architect for the applicant, stated the existing construction complies with the City’s codes.

In response to an inquiry from Commissioner Wohlt, Mr. Gregory indicated that the existing/proposed walls present a safety hazard and it would be advantageous for the applicant to redesign the walls and gate.

Commissioner Wohlt stated that he made his motion to allow the applicant enough time to redesign the project and get it right, rather than the Commission to be hasty in their decision.

Ms. Johnson clarified with Commissioner Wohlt the Commissions’ intent for the applicant to redesign/relocate the existing/proposed east and west perimeter walls and
associated wing walls. Commissioner Wohlt requested the applicant to collaborate work with Planning staff to resolve all issues regarding the existing/proposed walls.

**A motion was made by Commissioner Wohlt, second Commissioner Pease,** to continue the public hearing to January 14, 2015, to have the applicant work with staff to address the concerns described in the staff report, and potentially submit a project redesign. The motion carried (5 – 0) with the following roll call vote:

**AYES:** Lyons, Pease, Wohlt, Watson, Nebel  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

Staff noted that this decision is appealable to the City Council, through the City Clerk’s office, within 15 days of tonight’s decision.

7. PUBLIC HEARING RE: VESTING TENTATIVE TRACT MAP 17648 AND DESIGN REVIEW 2014-06 – MELIA HOMES: A request to merge two (2) lots into a single lot for condominium purposes and re-develop 4.08 acres of developed property (i.e., Rocking T Ranch and a single-family residence) to accommodate a proposed forty (40) unit attached home residential community, with associated open space, recreational facilities, on-site parking and landscape amenities. Project land use applications include a Vesting Tentative Tract Map to subdivide 4.08 acres into a single condominium lot; and, a Design Review for the architectural design and site planning of the community. The project site is addressed as 4345 Lakeview Avenue (Rocking T Ranch) and 4351 Lakeview Avenue (single family residence), and is located on the southwest corner of Bastanchury Road and Lakeview Avenue, within the West Bastanchury Planned Development (PD) - Residential Multi-Family (R-M) zone (APN(s): 323-111-04 and -05).

CEQA STATUS: Addendum to the previously certified Program Environmental Impact Report (PEIR) (State Clearinghouse No. 2010051079) for the City of Yorba Linda 2008–2014 Housing Element and Implementation Programs (Housing Element).

MEASURE B APPLICABILITY: a) Vote – No; b) Public Notice – No

TRAFFIC COMMISSION REVIEW: Yes

RECOMMENDATION: To adopt a resolution approving the project.

Director Harris described the various additional documents that were provided to the Commission on the dais.

A staff report was given by Shawnika Johnson, Associate Planner. A PowerPoint Presentation was displayed. The project was outlined as described in the agenda report and noted several additional conditions of approval.

In response to Commissioner Pease, Ms. Johnson stated that there are no plans for affordable housing for this project. However, the applicant has offered to contribute $120,000 towards the City’s affordable housing efforts in order to assist the City in meeting State mandated Regional Housing Needs Assessment (RHNA) numbers.
Director Harris stated that the $120,000 contribution would go into the mortgage assistance program which would assist moderate income households.

Patrick Zabrocki, CEQA consultant, stated that applicable tests and approvals regarding the wells have been cleared and is referenced in the CEQA document. The wells were capped in 2003 by the current owner of the land. The approvals that had been gained for the capping of the wells had been cleared already by the state. All the appropriate monitoring and testing had been acquired as part of the capping.

Mr. Brantley stated that there are standard conditions which require methane mitigation for ongoing monitoring and venting of the wells, has been included as part of the permitting process. Director Harris stated that is included beginning with Condition No. 65, 66 and 76.

In response to Commissioner Lyons, Mr. Zabrocki stated that the horsepower requirements were a mitigation measure required by City staff as an extra measure to be taken.

The Chair opened the public hearing and public comments.

Chad Brown, representing Melia Homes, made a report and a PowerPoint Presentation was displayed with slides entitled: Anderson Grove, Plan 1, Plan 2, and Street Scene – Bastanchury.

In response to Commissioner Pease, Mr. Brown stated that methane barriers will be placed on the twenty buildings which would house the proposed 40 residential units. The barrier consists of a series of perforated pipes and a venting structure, separated with a gravel bed and an engineered separated area. Mr. Brown stated there is naturally occurring methane everywhere and this is not unique to this site. This is a common requirement by the City of Yorba Linda Building and Safety Division and the Orange County Fire Authority.

Mr. Pease inquired as to whether the developer would be amenable to additional methane monitoring prior to construction. Mr. Brown stated that there are requirements for monitoring before construction takes place.

In response to Commissioner Pease, Mr. Brown stated that he was unaware at this time whether there will be sulfur monitoring.

In response to Chair Pro Tem Watson, Mr. Brown stated that it is a market rate project in the $600,000 to $640,000 range, and they are proposed in the 2,100 square foot to 2,300 square foot range. They do not have final numbers on the Homeowner Association fees, however, they will conduct a cost analysis to determine with fees.

In response to Chair Pro Tem Watson, Mr. Brown stated that CC&R’s will restrict usage of garages, and that cars must be parked in them.

In response to Chair Nebel, Mr. Brown stated that each home has a private patio. However, there are extensive common areas and a recreation facility. However, the homes do not have separate back yards and front yards as traditional single-family residences.
In response to Commissioner Wohlt, Mr. Brown estimated the HOA fees could likely be in the $200 to $230 range. Mr. Wohlt quoted from a letter of opposition received by the Commission which stated that the project would make the adjacent neighborhood go down in value. Commissioner Wohlt expressed there is adequate parking, landscaping, a fifty foot set-back on the south side, and the developer has communicated with the neighbors.

Ben Parker expressed concerns with the project only having one entry and exit point. Chair Nebel stated the Orange County Fire Authority will have to approve the safety of the entry/exit points.

Mr. Harris stated that the City’s RHNA numbers for the fifth cycle are 669 units, which includes all income categories. The developer will be offering a contribution of $120,000 towards moderate income level homeowners.

Christy Parker inquired whether the City considered existing traffic of all of the projects proposed along the Lakeview Avenue corridor. Chair Nebel stated the Traffic Commission does the analysis of each project. Commissioner Lyons stated Urban Crossroads, reviewed all the projects proposed in the City and include all the planned, approved, and pending projects that would come across the intersections along Lakeview Avenue and Bastanchury Road.

Director Harris stated the historical basis for the traffic studies that had been conducted. Mr. Harris explained that the traffic impact analysis conducted for the project assessed existing traffic and additional traffic impacts associated with the proposed project. The traffic study also analyzed traffic intersections in close proximity to the project site.

Mike Tice, property owner, addressed a comment from Condition of Approval No. 34, and stated that he received an email from City staff stating that he would not have additional monetary obligations regarding street improvements along Bastanchury Road and Lakeview Avenue. He requested that the staff review the email correspondence presented. He also stated that homes located in Vista Del Verde and many others in Yorba Linda have methane mitigation measures in place. He requested that Condition No. 34 be modified to allow City staff to meet with the family, to investigate the family’s previous payment of fees for street dedications along Bastanchury Road and Lakeview Avenue.

In response to Commissioner Lyons inquiry regarding sprinkler systems, Mr. Brantley stated that the fire sprinklers are required for new construction and is approved by Orange County Fire Authority.

Mike Beverage, Director of Yorba Linda Water District, stated that each hydrant should give 1500 gallons per minute.

In response to Commissioner Wohlt, Ms. Johnson stated that staff is prepared to modify Condition No. 34 based upon conversations with the City Engineer regarding the necessity of the applicant to pay in lieu fees. Matt Simonetti, Assistant City Engineer stated the in lieu fee would be based upon a cost estimate developed by a civil engineer’s analysis of any improvements required along Bastanchury Road and Lakeview Avenue.
In response to Commissioner Wohlt, Mr. Brown stated the developer is willing to accept modified language on Condition No. 34 and work with the Tice family and City staff to determine whether any fees are required for street improvements along Bastanchury Road and Lakeview Avenue.

Property owner, Mike Tice is amenable.

The Chair closed public comments and the public hearing.

**A motion was made by Commissioner Lyons, second Chairman Pro Tempore Watson, to adopt a Resolution No. 5028 approving Vesting Tentative Tract Map 17648, with amendments to the following: Conditions of Approval numbers 34, 91, 111 (deleted), 114, 115, 119, 120, 129 (deleted), 130 (deleted), 143, and Resolution Finding No. 15.** The motion carried (5 – 0) with the following roll call vote:

- **AYES:** Lyons, Pease, Wohlt, Watson, Nebel
- **NOES:** None
- **ABSENT:** None
- **ABSTAIN:** None

**A motion was made by Commissioner Lyons, second Chairman Pro Tempore Watson, to adopt by minute motion Design Review 2014-06.** The motion carried (5 – 0) with the following roll call vote:

- **AYES:** Lyons, Pease, Wohlt, Watson, Nebel
- **NOES:** None
- **ABSENT:** None
- **ABSTAIN:** None

Staff noted that this decision is appealable to the City Council, through the City Clerk’s office, within 15 days of tonight’s decision.

8. **PUBLIC HEARING RE: ZONING CODE AMENDMENT 2014-01 THE CITY OF YORBA LINDA:** A request to re-adopt Section 18.10.090 (Table 18.10-2) of the Yorba Linda Zoning Ordinance pertaining to parking standards for multi-family residential developments within the RM, RM-20, RM-30, and certain PD zoning districts. This Ordinance has previously been adopted in full; this hearing is being conducted for the purpose of providing additional notice.

**CEQA STATUS:** As previously determined, exempt from CEQA review pursuant to CCR Title 14 §15060(c)(2) & §15061(b)(3)
**MEASURE B APPLICABILITY:** a) Vote – No; b) Public Notice – Yes
**TRAFFIC COMMISSION REVIEW:** No
**RECOMMENDATION:** To adopt a resolution recommending approval of the project to the City Council

Director Harris stated that a letter was received from an outside legal firm regarding noticing in accordance with Measure B. In response and by request from the City’s legal counsel, the City renoted and provided a twenty (20) day public notice, including specific noticing to affected properties.
A staff report was given by David Brantley, Principal Planner. A PowerPoint Presentation was displayed. The project was outlined as described in the agenda report.

In response to Commissioner Lyons, Mr. Brantley, outlined Section 6 of the Ordinance which stated one additional parking standard that was amended, which clarified the definition of a bedroom (including dens).

In response to Commissioner Wohlt, Mr. Brantley stated that Brandywine Project did include this increase in parking standards, even thought the Ordinance had not yet gone into effect.

The Chair opened the public hearing and public comments.

Tony Villavicencio inquired if the new parking standards would include the Tesoro project and why she received noticed if that project was already approved. Mr. Brantley stated that the noticing is based on property zoning, rather than on specific projects. Ms. Villavicencio expressed concerns regarding the existing Tesoro project.

Chair Pro Tem Watson clarified that if a new project should come in at the Tesoro site, now that the new standards are in place, the new project would have to comply with the new parking standards.

The Chair closed public comments and the public hearing.

Commissioner Wohlt stated that Chair Nebel brought this item forward as a result of the parking standards at the Tesoro Project, bringing forward to staff as a result of the Tesoro project passing. Staff brought forth new standards which would bring forth safety in future developments.

A motion was made by Commissioner Lyons, second Chairman Nebel, to adopt Resolution No. 5029 recommending approval of the project to the City Council. The motion carried (5 – 0) with the following roll call vote:

AYES: Lyons, Pease, Wohlt, Watson, Nebel
NOES: None
ABSENT: None
ABSTAIN: None

Staff noted that this decision is appealable to the City Council, through the City Clerk’s office, within 15 days of tonight’s decision.

9. PUBLIC HEARING RE: CONSIDERATION OF AMENDMENTS TO TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS), CHAPTER 5.20 (MASSAGE ESTABLISHMENTS AND TECHNICIANS) AND TITLE 18 (ZONING) OF THE YORBA LINDA MUNICIPAL CODE: Effective January 1, 2015, Assembly Bill 1147 (codified at Business and Profession Code Section 460 and 4600 – 4621 and Government Code Section 51304) will give local governments greater authority to regulate massage therapists and massage establishments.
The purpose of the proposed amendments to Chapter 5.20 and Title 18 of the Yorba Linda Municipal Code is to return the City’s authority to regulate massage therapists and massage establishments. Among other requirements, the proposed amendments would require operator’s permits and conditional use permits for massage establishments in the City.

CEQA STATUS: Exempt from CEQA review pursuant to CCR Title 14 §15061(b)(3)
MEASURE B APPLICABILITY: a) Vote – No; b) Public Notice - No
TRAFFIC COMMISSION REVIEW: No
RECOMMENDATION: To adopt a resolution recommending approval of the project to the City Council.

A staff report was given by Director Steve Harris. A PowerPoint Presentation was displayed. The project was outlined as described in the agenda report.

Assistant City Attorney Megan Garibaldi outlined the amendments that were not within the Planning Commission’s purview, but are presented to provide a “big picture” perspective on the proposed amendments.

In response to Commissioner Pease, Mr. Harris stated that the existing businesses would be grandfathered in, however a new use would need to recognize the 500 foot requirement. And they will have to go through the operator permit process.

Assistant City Attorney Garibaldi stated that once the law becomes effective, the existing businesses would be grandfathered in, they would be subject to the conditions of the operator’s permit.

In response to Chair Nebel, Director Harris stated that the 500 foot setback provision would be reasonable. These are not adult themed businesses but rather legitimate businesses.

In response to Chair Pro Tem Watson, Mr. Harris stated that the ten operators were not notified of this process. Specific noticing was not required.

In response to Commissioner Wohlt, Commissioner Lyons stated that chiropractors are exempt from these requirements.

Assistant City Attorney Garibaldi stated that the occupancy permit requirements has a list of exceptions and a recommendation would be to carry these over to the land use requirements.

The Chair opened the public hearing and public comments.

The Chair closed public comments and the public hearing.

**A motion was made by Commissioner Pease, second Commissioner Lyons, to adopt Resolution No. 5030 recommend approval of the project to City Council.** The motion carried (5 – 0) with the following roll call vote:

AYES: Lyons, Pease, Wohlt, Watson, Nebel
NOES: None
ABSENT: None
ABSTAIN: None

Staff noted that this decision is appealable to the City Council, through the City Clerk’s office, within 15 days of tonight’s decision.

OLD BUSINESS

NEW BUSINESS

DIRECTOR’S REPORT

Next meeting is December 10th, 2014.

A brief report was given on the Towne Center. A draft NOP has been prepared and a December 8, 2014 EIR scoping meeting is planned.

COMMISSIONER COMMENTS

Mr. Brantley provided a brief update on the short term rentals question issue and will likely be placed on the December 10, 2014 agenda.

CORRESPONDENCE RECEIVED

ADJOURNMENT

The meeting adjourned at 11:05 p.m. to the next regularly scheduled meeting on December 10, 2014.