

**FULL TEXT OF MEASURE H
CITY OF YORBA LINDA**

ORDINANCE NO. 2011-967

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA
AMENDING THE LAND USE ELEMENT AND LAND USE DIAGRAM OF THE
YORBA LINDA GENERAL PLAN (GENERAL PLAN AMENDMENT 2011-01B)
PURSUANT TO THE IMPLEMENTATION PROGRAMS OF THE CITY OF
YORBA LINDA 2008-2014 HOUSING ELEMENT, WITH THE ADOPTION OF
EACH INDIVIDUAL ITEM IDENTIFIED IN GENERAL PLAN AMENDMENT
2011-01B CONTINGENT UPON APPROVAL BY A MAJORITY VOTE OF THE
ELECTORATE OF THE CITY OF YORBA LINDA IN COMPLIANCE WITH THE
YORBA LINDA RIGHT-TO-VOTE AMENDMENT**

WHEREAS, under California law, every city must adopt a general plan, which must include specified mandatory elements, in furtherance of the State policy to provide a comprehensive, long-term plan for the physical development and use of property within a city's jurisdiction; and

WHEREAS, under California law, every city has the authority to adopt and amend a zoning code pursuant to a city's general police power, which allows for the orderly division of property within a city's jurisdiction into compatible uses and development standards so as to improve and protect the general welfare; and

WHEREAS, under California law, all of the elements within a city's general plan must be internally consistent, and all zoning must be in conformity with a city's general plan; and

WHEREAS, on June 1, 1993, the City of Yorba Linda (City) adopted its current General Plan (General Plan); and

WHEREAS, the City may amend all or part of its adopted General Plan to promote the public interest up to four times during any calendar year pursuant to Government Code Section 65358; and

WHEREAS, under California law, Government Code Section 65580 *et seq.* (Housing Element Law), every city in the State is required to periodically review and update the housing element of a general plan for the city, every city is mandated to include State-specified content in a housing element, and every city is required to submit a draft of its housing element to the California Department of Housing and Community Development (HCD) for review and determination as to whether the city's draft housing element substantially complies with the Housing Element Law; and

WHEREAS, since July 2007, City staff conducted numerous study sessions and community workshops with stakeholders, consultants, and members of the public to comment and provide direction on the content of the City's draft housing element; and

WHEREAS, since May 2008, the City Council for the City of Yorba Linda (City Council) and Planning Commission of the City of Yorba Linda (Planning Commission) held study and scoping sessions at public meetings to inform and receive comments from the general public regarding the procedure and required content of the City's housing element; and

WHEREAS, the Planning Commission on July 23, 2008, and the City Council on August 4, 2008, reviewed a draft of the City's housing element that, in accordance with State law, was submitted to HCD for review and comment; and

WHEREAS, since submitting the City's draft housing element to HCD, City and HCD staff have reviewed and revised the draft housing element to accommodate all State-mandated content, and the City Council and Planning Commission have periodically held public meetings to inform and receive comments from stakeholders, consultants, and members of the public with respect to the draft housing element process; and

WHEREAS, on October 19, 2010, HCD conditionally certified the City's proposed housing element as substantially complying with the Housing Element Law; and

WHEREAS, the proposed City of Yorba Linda 2008-2014 Housing Element Draft dated January 2011 (Housing Element) identifies for the applicable 2008-2014 planning period the housing needs in the community and programs to achieve the housing goals, policies and objectives of the City, which substantially comply with State-mandated content under the Housing Element Law pursuant to the conditional certification issued by HCD on October 19, 2010; and

WHEREAS, the proposed Housing Element includes implementation programs that, if and when adopted by the City Council by separate and subsequent approvals from the approval of the Housing Element, would commence implementing actions (i) to amend the Land Use Element and Land Use Diagram of the City's General Plan; (ii) to amend specified sections of the City of Yorba Linda Zoning Code, Title 18 of the Yorba Linda Municipal Code (Zoning Code) and Zoning Map; and (iii) to adopt proposed Multi-Family Residential Design Guidelines; and

WHEREAS, the implementation programs included in the proposed Housing Element are intended to be carried out separately from the adoption by the City Council of the proposed Housing Element to facilitate the compliance, if and as applicable, with the requirements of the Yorba Linda Right-to-Vote Amendment, Yorba Linda Municipal Code Section 18.01.010 *et seq.* (commonly known as "Measure B"), and are intended to preserve HCD's conditional certification of the proposed Housing Element for the entirety of the 2008-2014 planning period; and

WHEREAS, the City Council has determined that the proposed amendments to specified provisions in the Land Use Element and Land Use Diagram of the General Plan, as identified in Exhibit "A" attached to this Ordinance and incorporated herein by this reference ("General Plan Amendment 2011-01B"), each constitute a "Major Amendment" as defined in the Yorba Linda Right-to-Vote Amendment (Measure B) and are therefore individually and/or collectively subject to the approval of a majority vote of the electorate of the City to become effective; and

WHEREAS, General Plan Amendment 2011-01B would amend the Land Use Element to allow multiple family housing at up to thirty (30) dwelling units per acre for specified sub-areas within the Savi Ranch Planned Development; and

WHEREAS, General Plan Amendment 2011-01B would amend the Land Use Element to allow maximum densities ranging from ten (10) to thirty (30) dwelling units per acre for the properties totaling approximately seventeen (17) acres south of SWC Bastanchury Road between Lakeview Avenue and Plumosa Drive; and

WHEREAS, General Plan Amendment 2011-01B would amend the Land Use Element to allow a maximum density of fifteen (15) dwelling units per acre on up to nineteen (19) percent of the land area in the Community Core – Community Commercial Area for a maximum yield of 535 dwelling units; and

WHEREAS, General Plan Amendment 2011-01B would amend the Land Use Element to eliminate the requirement that "the overall density for the entire West SWC Bastanchury planning area should not exceed 2.75 dwelling units per acre"; and

WHEREAS, General Plan Amendment 2011-01B would amend the Land Use Diagram by changing the land use designations for the following sites to "High Density 30 Residential" to allow a maximum residential density of thirty (30) dwelling units per acre: "Yorba Linda Prospect" – APN #334-273-40,-41 (Site No. 3), "Lakeview & Mariposa" – APN #343-671-01,-02,-03,-04,-05 (Site No. 14) and the "Yorba Linda Water District Site" – located at 4622 Plumosa Dr. (new Site No. 13); and

WHEREAS, General Plan Amendment 2011-01B would amend the Land Use Diagram by changing the land use designations for the following site to “High Density 20 Residential” to allow for a maximum residential density of twenty (20) dwelling units per acre: “Lakeview/Altrudy” – APN #323-231-08,-09 (Site No. 8); and

WHEREAS, General Plan Amendment 2011-01B would amend the Land Use Diagram by changing the land use designation to “Area Plan/Multiple Family Residential” for the Nixon Archive Site– APN #343-561-01,12,-14,-19,-20,-21 to allow for a maximum residential density of ten (10) dwelling units per acre; and

WHEREAS, General Plan Amendment 2011-01B includes provisions that are part of the implementation programs and implementing actions of the proposed Housing Element, and is necessary to ensure that the Land Use Element and Housing Element will be internally consistent within the City’s General Plan, as required by State law; and

WHEREAS, the proposed revisions in General Plan Amendment 2011-01B are internally consistent with the other elements of the General Plan; and

WHEREAS, notices of a public hearing were published, posted, and delivered in accordance with State and City laws for the consideration by the Planning Commission of the proposed amendments to the Land Use Element and Land Use Diagram of the General Plan (referred to herein as “General Plan Amendment 2011-01”) as part of the consideration of the proposed Housing Element and implementation programs included therein; and

WHEREAS, General Plan Amendment 2011-01 consists of General Plan Amendment 2011-01A, as identified in Exhibit “A” attached to Ordinance No. 2011-966, and General Plan Amendment 2011-01B, as identified in Exhibit “A” attached to this Ordinance. General Plan Amendment 2011-01A includes all of the amendments to the General Plan that do not constitute “Major Amendments” as defined in the Yorba Linda Right-to-Vote Amendment (Measure B) and are therefore not subject to the approval of a majority vote of the electorate of the City to become effective. General Plan Amendment 2011-01B includes all of the amendments to the General Plan that constitute a “Major Amendment” as defined in the Yorba Linda Right-to-Vote Amendment (Measure B) and are therefore individually and/or collectively subject to the approval of a majority vote of the electorate of the City to become effective; and

WHEREAS, in accordance with State and City laws, on March 2, April 20, and May 11, 2011, the Planning Commission conducted a public hearing to receive public testimony with respect to the General Plan Amendment 2011-01 as part of the consideration of the proposed Housing Element and implementation programs included therein; and

WHEREAS, the Planning Commission considered the information provided by City staff, the public testimony, and the evidence presented at the Planning Commission public hearing on March 2, April 20, and May 11, 2011, which includes, without limitation, the staff reports submitted by the Community Development Department; and

WHEREAS, on May 11, 2011, the Planning Commission, at a regular public meeting, considered and decided to recommend to the City Council the approval of the General Plan Amendment 2011-01, subject to compliance, as applicable, with the requirements of Yorba Linda Right-to-Vote Amendment (Measure B), in furtherance of the implementation programs included in the proposed Housing Element; and

WHEREAS, notices of a public hearing were published, posted, and delivered in accordance with State and City laws for the consideration by the City Council of the General Plan Amendment 2011-01 as part of the consideration of the proposed Housing Element and implementation programs included therein; and

WHEREAS, in accordance with State and City laws, on June 7, 2011, the City Council conducted a public hearing to receive public testimony with respect to the General Plan Amendment 2011-01 as part of the consideration of the proposed Housing Element and implementation programs included therein; and

WHEREAS, the City Council considered the information provided by City staff, the public testimony, and the evidence presented at the public hearing on June 7, 2011, which includes, without limitation, the staff reports submitted by the Community Development Department; and

WHEREAS, after concluding the June 7, 2011 public hearing, the City Council directed City staff to make certain modifications to the list of proposed rezoning sites in the proposed Housing Element. Among those modifications were an increase in the proposed density of the EIR alternative site labeled “Lakeview & Mariposa” – APN #343-671-01,-02,-03,-04,-05 (Site No. 14) and the addition of the site labeled “Yorba Linda Water District Site” – located at 4622 Plumosa Dr. (new Site No. 13) as a potential rezoning site; and

WHEREAS, Government Code Section 65857, while not requiring a public hearing, requires that any modification to an amendment to a zoning ordinance proposed by a city’s legislative body not previously considered by the planning commission must first be referred to the planning commission for its recommendation before approval by the legislative body, but the failure of the planning commission to report within 40 days after the reference, or such longer period set by the legislative body, is deemed to be a recommendation for approval; and

WHEREAS, the Land Use Element and Land Use Diagram are “Planning Policy Documents” under the Yorba Linda Right-to-Vote Amendment, Yorba Linda Municipal Code Section 18.01.020 (Measure B), which has additional public notice and public hearing requirements that require the Planning Commission to hold a public hearing pursuant to Section 18.01.040 that otherwise may not be required under state law; and

WHEREAS, notices of a public hearing were published, posted, and delivered in accordance with State and City laws for the consideration by the Planning Commission of the modifications, as proposed by the City Council on June 7, 2011, to the proposed amendments to the Land Use Element and Land Use Diagram that are part of the implementation programs of the Housing Element; and

WHEREAS, in accordance with State and City laws, the Planning Commission conducted a public hearing on August 31, 2011, and considered public testimony with respect to the modifications, as proposed by the City Council on June 7, 2011, to the proposed amendments to the Land Use Element and Land Use Diagram that are part of the implementation programs of the Housing Element; and

WHEREAS, the Planning Commission considered the information provided by City staff, the public testimony, and the evidence presented at the Planning Commission public meeting on August 31, 2011, which includes, without limitation, the staff reports submitted by the Community Development Department; and

WHEREAS, on August 31, 2011, the Planning Commission, at a duly noticed public meeting, considered and decided to recommend to the City Council the approval of the modifications, as proposed by the City Council on June 7, 2011, to the proposed amendments to the Land Use Element and Land Use Diagram that are part of the implementation programs of the Housing Element, subject to compliance, as applicable, with the Yorba Linda Right-to-Vote Amendment (Measure B), subject to compliance, as applicable, with the requirements of the Yorba Linda Right-to-Vote Amendment (Measure B); and

WHEREAS, notices of a public hearing were published, posted, and delivered in accordance with State and City laws for the consideration by the City Council of the General Plan Amendment 2011-01, which includes General Plan Amendment 2011-01B, as part of the consideration of the proposed Housing Element and implementation programs included therein; and

WHEREAS, in accordance with State and City laws, on October 4, 2011, the City Council conducted a public hearing to receive public testimony with respect to the General Plan Amendment 2011-01, which includes General Plan Amendment 2011-01B, as part of the consideration of the proposed Housing Element and implementation programs included therein; and

WHEREAS, the City Council considered the information provided by City staff, the public testimony, and the evidence presented at the public hearing on October 4, 2011, which includes, without limitation, the staff reports submitted by the Community Development Department.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YORBA LINDA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The City Council has read and considered the amendments to the Land Use Element and Land Use Diagram of the General Plan (referred to herein as “General Plan Amendment 2011-01B”) as part of the consideration of the proposed Housing Element and implementation programs included therein.

Section 3. The City Council finds that General Plan Amendment 2011-01B is necessary to ensure that the Zoning Code and Zoning Map are consistent within the City’s General Plan.

Section 4. The City Council finds that General Plan Amendment 2011-01B is necessary to permit and encourage the development of affordable housing opportunities pursuant to the Regional Housing Needs Assessment (RHNA) requirements, as set forth in the Housing Element Law and applicable State Guidelines, in locations adjacent to supporting services and public transportation provided they are compatible with, and will not adversely impact, the integrity and continuity of adjacent uses.

Section 5. The City Council hereby accepts the recommendation of the Planning Commission, subject to the minor modifications considered by the City Council, to adopt General Plan Amendment 2011-01, which includes General Plan Amendment 2011-01B, as part of the consideration of the proposed Housing Element and implementation programs included therein.

Section 6. The City Council hereby adopts General Plan Amendment 2011-01B, subject to each item identified therein to become effective only upon the approval by a majority vote of the electorate of the City of Yorba Linda voting “YES” on a ballot measure for the adoption of that item of General Plan Amendment 2011-01B at a duly noticed and held regular or special election of the electorate of the City of Yorba Linda.

Section 7. Pursuant to Elections Code section 9222, the City Council by subsequent ordinance or resolution shall identify the date of the election during which items identified in General Plan Amendment 2011-01B will be submitted for consideration by the electorate of the City of Yorba Linda, which election date shall be held not less than eighty-eight (88) days after the date of the subsequent ordinance or resolution ordering the election. Upon the ordering of the election by the City Council, the City Clerk shall be authorized and directed to take any and all necessary and proper actions to submit any identified items in General Plan Amendment 2011-01B to a vote of the electorate of the City of Yorba Linda in accordance with applicable State, County, and City laws, including the Yorba Linda Right-to-Vote Amendment (Measure B). The City Council hereby reserves the authority to submit the items identified in General Plan Amendment 2011-01B to a vote of the electorate of the City of Yorba Linda in separate elections. None of the items identified in General Plan Amendment 2011-01B shall take effect until approved by a majority vote of the electorate of the City of Yorba Linda.

Section 8. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Yorba Linda hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

Section 9. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

Section 10. The City Clerk shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published within fifteen (15) days after passage in accordance with law and as designated by resolution of the City Council, and shall cause this Ordinance and its certification, together with proof of publication, to be entered into the Book of Ordinances of the City of Yorba Linda.

All of the above-referenced documents and information have been and are on file with the City Clerk’s Office and/or Community Development Department/Planning Division of the City.

The foregoing Ordinance was **passed, approved and adopted**, *nunc pro tunc* March 6, 2012, at a meeting of the City Council held on the 18th day of October, 2011.

**EXHIBIT “A”
GENERAL PLAN AMENDMENT 2011-01B
(Comprised of Item #1 – Item #10)**

**MODIFICATIONS TO THE TEXT OF THE LAND USE ELEMENT
OF THE CITY OF YORBA LINDA GENERAL PLAN**

Explanatory note: General Plan Amendment 2011-01B has several items. Each item number is identified in the left hand column. Modifications to the Zoning Code are shown as deletions by ~~strike-through text~~, and as additions by **underlined text**. Explanations of modifications are *italicized*.

Item No.	Page/Location	Amendment/Change
1	LU-39 – Footnote 7	2. The 108 Community Commercial area allows 15 DU/AC on up to 15% 19% of the land area in addition to the 198 existing senior citizen units, for a maximum yield of 441 535 dwelling units.
2	LU-48 – Light Industrial Business Park	The Industrial designation also permits support commercial uses, as are found in the SAVI Ranch. <u>In addition, multi-family housing at up to 30 DU/AC may be considered for specified sites within SAVI Ranch.</u>
3	LU-51 – Community Commercial District	A maximum of 15% 19% of the land area could be permitted for higher intensity residential development, for a potential of 243 337 dwelling units. The 198 unit Senior Citizen housing development is also included in this count for a total of 441 535 dwelling units.
4	LU-57 – West SWC Bastanchury – Last Paragraph	While mixing of densities may be desirable across the different quadrants, the overall density for the entire planning area should not exceed 2.75, to maintain and enhance the overall City average of 2.8 dwelling units per acre.
5	LU-58 – West SWC Bastanchury	<i>Fourth bullet:</i> Density within any individual district should never exceed 3.0 dwelling units per acre (10,000 square foot lot minimum) <u>except for the properties totaling approximately 17 acres south of SWC Bastanchury Road between Lakeview Avenue and Plumosa Drive where maximum densities ranges from 10 to 30 dwelling units per acre;</u> overall density for the area should not exceed 2.75 dwelling units per acre to maintain and enhance the overall City average density of 2.8 dwelling units per acre.;

MODIFICATIONS TO THE TEXT OF THE LAND USE ELEMENT
OF THE CITY OF YORBA LINDA GENERAL PLAN
(cont.)

Item No.	Page/ Location	Amendment/Change
5	LU-58 – West SWC Bastanchury	<p><i>Sixth bullet:</i> Require larger or wider properties along the district edges, at the arterials, to promulgate the visual image of a “low density community” along the major view corridors, <u>except for the properties totaling approximately 17 acres south of SWC Bastanchury Road between Lakeview Avenue and Plumosa Drive where maximum densities ranges from 10 to 30 dwelling units per acre;</u></p> <p><i>Eighth bullet:</i> Establish minimum planning area of 8 acres to permit further subdivision to facilitate cooperative planning efforts and to avoid piecemeal development, <u>except for the properties totaling approximately 17 acres south of SWC Bastanchury Road between Lakeview Avenue and Plumosa Drive where maximum densities ranges from 10 to 30 dwelling units per acre.</u></p>

MODIFICATIONS TO THE LAND USE DIAGRAM
OF THE CITY OF YORBA LINDA GENERAL PLAN

Item No.	Page/ Location	Site No	Site Description	Amendment/Change
6	LU-43	Site No. 3	Yorba Linda Prospect APN #334-273-40,-41	<i>Replace Land Use Diagram with updated version showing that the land use designation for this site has changed from “General Commercial” to “High Density 30 Residential” to allow for a maximum residential density of thirty (30) dwelling units per acre.</i>
7	LU-43	Site No. 8	Lakeview/Altrudy APN #323-231-08,-09	<i>Replace Land Use Diagram with updated version showing that the land use designation for this site has changed from “Medium Density Residential” to “High Density 20 Residential” to allow for a maximum residential density of twenty (20) dwelling units per acre.</i>
8	LU-43	Site No. 11	The Nixon Archive Site APN #343-561-01,-12,-14,-19,-20,21	<i>Replace Land Use Diagram with updated version showing that the land use designations for these properties site have changed from “Area Plan/Medium Low Residential” to “Area Plan/Multiple Family Low Residential” to allow for a maximum residential density of ten (10) dwelling units per acre.</i>
10	LU-43	Site No. 14	Lakeview & Mariposa APN #343-671-01,-02,-03,-04,-05	<i>Replace Land Use Diagram with updated version showing that the land use designation for this site has changed from “Medium Low Residential” to “High Density 30 Residential” to allow for a maximum residential density of thirty (30) dwelling units per acre.</i>
9	LU-43	Site No. 13	Yorba Linda Water District Site 4622 Plumosa Dr.	<i>Replace Land Use Diagram with updated version showing that the land use designation for this site has changed from “High Density Residential” to “High Density 30 Residential” to allow for a maximum residential density of thirty (30) dwelling units per acre.</i>

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA AMENDING THE CITY OF YORBA LINDA ZONING CODE AND ZONING MAP (ZONE CHANGE 2011-01B) PURSUANT TO THE IMPLEMENTATION PROGRAMS OF THE CITY OF YORBA LINDA 2008-2014 HOUSING ELEMENT, WITH THE ADOPTION OF EACH INDIVIDUAL ITEM IDENTIFIED IN ZONE CHANGE 2011-01B CONTINGENT UPON APPROVAL BY A MAJORITY VOTE OF THE ELECTORATE OF THE CITY OF YORBA LINDA IN COMPLIANCE WITH THE YORBA LINDA RIGHT-TO-VOTE AMENDMENT

WHEREAS, under California law, every city must adopt a general plan, which must include specified mandatory elements, in furtherance of the State policy to provide a comprehensive, long-term plan for the physical development and use of property within a city's jurisdiction; and

WHEREAS, under California law, every city has the authority to adopt and amend a zoning code pursuant to a city's general police power, which allows for the orderly division of property within a city's jurisdiction into compatible uses and development standards so as to improve and protect the general welfare; and

WHEREAS, under California law, all of the elements within a city's general plan must be internally consistent, and all zoning must be in conformity with a city's general plan; and

WHEREAS, on June 1, 1993, the City of Yorba Linda (City) adopted its current General Plan (General Plan); and

WHEREAS, the City may amend all or part of its adopted General Plan to promote the public interest up to four times during any calendar year pursuant to Government Code Section 65358; and

WHEREAS, under California law, Government Code Section 65580 *et seq.* (Housing Element Law), every city in the State is required to periodically review and update the housing element of a general plan for the city, every city is mandated to include State-specified content in a housing element, and every city is required to submit a draft of its housing element to the California Department of Housing and Community Development (HCD) for review and determination as to whether the city's draft housing element substantially complies with the Housing Element Law; and

WHEREAS, since July 2007, City staff conducted numerous study sessions and community workshops with stakeholders, consultants, and members of the public to comment and provide direction on the content of the City's draft housing element; and

WHEREAS, since May 2008, the City Council for the City of Yorba Linda (City Council) and Planning Commission of the City of Yorba Linda (Planning Commission) held study and scoping sessions at public meetings to inform and receive comments from the general public regarding the procedure and required content of the City's housing element; and

WHEREAS, the Planning Commission on July 23, 2008, and the City Council on August 4, 2008, reviewed a draft of the City's housing element that, in accordance with State law, was submitted to HCD for review and comment; and

WHEREAS, since submitting the City's draft housing element to HCD, City and HCD staff have reviewed and revised the draft housing element to accommodate all State-mandated content, and the City Council and Planning Commission have periodically held public meetings to inform and receive comments from stakeholders, consultants, and members of the public with respect to the draft housing element process; and

WHEREAS, on October 19, 2010, HCD conditionally certified the City's proposed housing element as substantially complying with the Housing Element Law; and

WHEREAS, the proposed City of Yorba Linda 2008-2014 Housing Element Draft dated January 2011 (Housing Element) identifies for the applicable 2008-2014 planning period the housing needs in the community and programs to achieve the housing goals, policies and objectives of the City, which substantially comply with State-mandated content under the Housing Element Law pursuant to the conditional certification issued by HCD on October 19, 2010; and

WHEREAS, the proposed Housing Element includes implementation programs that, if and when adopted by the City Council by separate and subsequent approvals from the approval of the Housing Element, would commence implementing actions (i) to amend the Land Use Element and Land Use Diagram of the City's General Plan; (ii) to amend specified sections of the City of Yorba Linda Zoning Code, Title 18 of the Yorba Linda Municipal Code (Zoning Code) and Zoning Map; and (iii) to adopt proposed Multi-Family Residential Design Guidelines; and

WHEREAS, the implementation programs included in the proposed Housing Element are intended to be carried out separately from the adoption by the City Council of the proposed Housing Element to facilitate the compliance, if and as applicable, with the requirements of the Yorba Linda Right-to-Vote Amendment, Yorba Linda Municipal Code Section 18.01.010 *et seq.* (commonly known as "Measure B"), and are intended to preserve HCD's conditional certification of the proposed Housing Element for the entirety of the 2008-2014 planning period; and

WHEREAS, the City Council has determined that the proposed amendments to specified provisions in the City of Yorba Linda Zoning Code (Title 18 of the Yorba Linda Municipal Code) and the Zoning Map, as identified in Exhibit "A" attached to this Ordinance and incorporated herein by this reference ("Zone Change 2011-01B"), each constitute a "Major Amendment" as defined in the Yorba Linda Right-to-Vote Amendment (Measure B) and are therefore individually and/or collectively subject to the approval of a majority vote of the electorate of the City to become effective; and

WHEREAS, Zone Change 2011-01B would amend the Zoning Map by changing the zoning designation for the following site to "Residential Multiple Family" (R-M) to allow a maximum residential density of ten (10) dwelling units per acre: "Nixon Archive" – APN #343-561-01,-12,-14,-19,-20,-21 (Site No. 11); and

WHEREAS, Zone Change 2011-01B would amend the Zoning Map by changing the zoning designations for the following sites to "Planned Development – Residential Multiple Family" (PD (R-M)) to allow a maximum residential density of ten (10) dwelling units per acre: "SWC Bastanchury & Lakeview (eastern parcel)" – APN #323-111-4,-5 (Site No. 9) and "SWC Bastanchury & Lakeview (western parcel)" – APN #323-111-1 (Site No. 12); and

WHEREAS, Zone Change 2011-01B would amend the Zoning Map by changing the zoning designations for the following sites to "Residential Multiple Family 30" (R-M-30) to allow a maximum residential density of thirty (30) dwelling units per acre and a maximum building height of fifty (50) feet or four (4) stories, whichever is less: "Yorba Linda/Prospect" – APN #334-273-40,-41 (Site No. 3), "Lakeview & Mariposa" – APN #343-671-01,-02,-03,-04,-05 (Site No. 14) and the "Yorba Linda Water District Site" – located at 4622 Plumosa Dr. (new Site No. 13); and

WHEREAS, Zone Change 2011-01B would amend the Zoning Map by changing the zoning designation for the following site to "Planned Development – Residential Multiple Family 30" (PD (R-M-30)) to allow a maximum residential density of thirty (30) dwelling units per acre and a maximum building height of fifty (50) feet or four (4) stories, whichever is less: "SWC Bastanchury & Lakeview (middle parcel)" – APN #323-111-2 (Site No. 4); and

WHEREAS, Zone Change 2011-01B would amend the Zoning Map/Regulations to allow residential use at up to thirty (30) dwelling units per acre and a maximum building height of fifty (50) feet or four (4) stories, whichever is less, within the sub-areas zoned as "Office Commercial" and "Support Commercial" of the Savi Ranch Planned Development in accordance with the property development standards set forth in the "Residential Multiple-Family 30" (R-M-30) zone, thereby allowing residential use at up to thirty (30) dwelling units per acre and a maximum building height of fifty (50) feet or four (4) stories, whichever is less, within the "Old Canal Road Annex, Savi Ranch" – APN #352-117-13 (Site No. 5) and the "Mitsubishi Motors Site, Savi Ranch" –

APN #352-117-11 (Site No. 6), both of which are located within the "Office Commercial" sub-area of the Savi Ranch Planned Development; and

WHEREAS, Zone Change 2011-01B includes provisions that are part of the implementation programs and implementing actions of the proposed Housing Element, and is necessary to ensure that the City of Yorba Linda Zoning Code and Zoning Map are consistent with the City's General Plan, as required by State law; and

WHEREAS, notices of a public hearing were published, posted, and delivered in accordance with State and City laws for the consideration by the Planning Commission of the proposed amendments to the City of Yorba Linda Zoning Code and Zoning Map (referred to herein as "Zone Change 2011-01") as part of the consideration of the proposed Housing Element and implementation programs included therein; and

WHEREAS, Zone Change 2011-01 consists of Zone Change 2011-01A, as identified in Exhibit "A" attached to Ordinance No. 2011-968, and Zone Change 2011-01B, as identified in Exhibit "A" attached to this Ordinance. Zone Change 2011-01A includes all of the amendments to the Zoning Code and Zoning Map that do not constitute "Major Amendments" as defined in the Yorba Linda Right-to-Vote Amendment (Measure B) and are therefore not subject to the approval of a majority vote of the electorate of the City to become effective. Zone Change 2011-01B includes all of the amendments to the Zoning Code and Zoning Map that constitute a "Major Amendment" as defined in the Yorba Linda Right-to-Vote Amendment (Measure B) and are therefore individually and/or collectively subject to the approval of a majority vote of the electorate of the City to become effective; and

WHEREAS, in accordance with State and City laws, on March 2, April 20, and May 11, 2011, the Planning Commission conducted a public hearing to receive public testimony with respect to Zone Change 2011-01 as part of the consideration of the proposed Housing Element and implementation programs included therein; and

WHEREAS, the Planning Commission considered the information provided by City staff, the public testimony, and the evidence presented at the Planning Commission public hearing on March 2, April 20, and May 11, 2011, which includes, without limitation, the staff reports submitted by the Community Development Department; and

WHEREAS, on May 11, 2011, the Planning Commission, at a regular public meeting, considered and decided to recommend to the City Council the approval of Zone Change 2011-01, subject to compliance, as applicable, with the requirements of Yorba Linda Right-to-Vote Amendment (Measure B), in furtherance of the implementation programs included in the proposed Housing Element; and

WHEREAS, notices of a public hearing were published, posted, and delivered in accordance with State and City laws for the consideration by the City Council of Zone Change 2011-01 as part of the consideration of the proposed Housing Element and implementation programs included therein; and

WHEREAS, in accordance with State and City laws, on June 7, 2011, the City Council conducted a public hearing to receive public testimony with respect to Zone Change 2011-01 as part of the consideration of the proposed Housing Element and implementation programs included therein; and

WHEREAS, the City Council considered the information provided by City staff, the public testimony, and the evidence presented at the public hearing on June 7, 2011, which includes, without limitation, the staff reports submitted by the Community Development Department; and

WHEREAS, after concluding the June 7, 2011 public hearing, the City Council directed City staff to make certain modifications to the list of proposed rezoning sites in the proposed Housing Element. Among those modifications were an increase in the proposed density of the EIR alternative site labeled "Lakeview & Mariposa" – APN #343-671-01,-02,-03,-04,-05 (Site No. 14) and the addition of the site labeled "Yorba Linda Water District Site" – located at 4622 Plumosa Dr. (new Site No. 13) as a potential rezoning site; and

WHEREAS, Government Code Section 65857, while not requiring a public hearing, requires that any modification to an amendment to a zoning ordinance proposed by a city's legislative body not previously considered by the planning commission must first be referred to the planning commission for its recommendation before approval by the legislative body, but the failure of the planning commission to report within 40 days after the reference, or such longer period set by the legislative body, is deemed to be a recommendation for approval; and

WHEREAS, the Zoning Code and the Zoning Map are "Planning Policy Documents" under the Yorba Linda Right-to-Vote Amendment, Yorba Linda Municipal Code Section 18.01.020 (Measure B), which has additional public notice and public hearing requirements that require the Planning Commission to hold a public hearing pursuant to Section 18.01.040 that otherwise may not be required under state law; and

WHEREAS, notices of a public hearing were published, posted, and delivered in accordance with State and City laws for the consideration by the Planning Commission of the modifications, as proposed by the City Council on June 7, 2011, to the proposed amendments to the Zoning Code and Zoning Map that are part of the implementation programs of the Housing Element; and

WHEREAS, in accordance with State and City laws, the Planning Commission conducted a public hearing on August 31, 2011, and considered public testimony with respect to the modifications, as proposed by the City Council on June 7, 2011, to the proposed amendments to the Zoning Code and Zoning Map that are part of the implementation programs of the Housing Element; and

WHEREAS, the Planning Commission considered the information provided by City staff, the public testimony, and the evidence presented at the Planning Commission public meeting on August 31, 2011, which includes, without limitation, the staff reports submitted by the Community Development Department; and

WHEREAS, on August 31, 2011, the Planning Commission, at a duly noticed public meeting, considered and decided to recommend to the City Council the approval of the modifications, as proposed by the City Council on June 7, 2011, to the proposed amendments to the Zoning Code and Zoning Map that are part of the implementation programs of the Housing Element, subject to compliance, as applicable, with the requirements of the Yorba Linda Right-to-Vote Amendment (Measure B); and

WHEREAS, notices of a public hearing were published, posted, and delivered in accordance with State and City laws for the consideration by the City Council of the Zone Change 2011-01, which includes Zone Change 2011-01B, as part of the consideration of the proposed Housing Element and implementation programs included therein; and

WHEREAS, in accordance with State and City laws, on October 4, 2011, the City Council conducted a public hearing to receive public testimony with respect to the Zone Change 2011-01, which includes Zone Change 2011-01B, as part of the consideration of the proposed Housing Element and implementation programs included therein; and

WHEREAS, the City Council considered the information provided by City staff, the public testimony, and the evidence presented at the public hearing on October 4, 2011, which includes, without limitation, the staff reports submitted by the Community Development Department.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YORBA LINDA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The City Council has read and considered the amendments to the Zoning Code and Zoning Map (referred to herein as "Zone Change 2011-01B") as part of the consideration of the proposed Housing Element and implementation programs included therein.

Section 3. The City Council finds that Zone Change 2011-01B is necessary to ensure that the Zoning Code and Zoning Map are consistent within the City's General Plan.

Section 4. The City Council finds that Zone Change 2011-01B is necessary to permit and encourage the development of affordable housing opportunities pursuant to the Regional Housing Needs Assessment (RHNA) requirements, as set forth in the Housing Element Law and applicable State

Guidelines, in locations adjacent to supporting services and public transportation provided they are compatible with, and will not adversely impact, the integrity and continuity of adjacent uses.

Section 5. The City Council hereby accepts the recommendation of the Planning Commission, subject to the minor modifications considered by the City Council, to adopt Zone Change 2011-01, which includes Zone Change 2011-01B, as part of the consideration of the proposed Housing Element and implementation programs included therein.

Section 6. The City Council hereby adopts Zone Change 2011-01B, subject to each item identified therein to become effective only upon the approval by a majority vote of the electorate of the City of Yorba Linda voting "YES" on a ballot measure for the adoption of that item of Zone Change 2011-01B at a duly noticed and held regular or special election of the electorate of the City of Yorba Linda.

Section 7. Pursuant to Elections Code section 9222, the City Council by subsequent ordinance or resolution shall identify the date of the election during which items identified in Zone Change 2011-01B will be submitted for consideration by the electorate of the City of Yorba Linda, which election date shall be held not less than eighty-eight (88) days after the date of the subsequent ordinance or resolution ordering the election. Upon the ordering of the election by the City Council, the City Clerk shall be authorized and directed to take any and all necessary and proper actions to submit any identified items in Zone Change 2011-01B to a vote of the electorate of the City of Yorba Linda in accordance with applicable State, County, and City laws, including the Yorba Linda Right-to-Vote Amendment (Measure B). The City Council hereby reserves the authority to submit the items identified in Zone Change 2011-01B to a vote of the electorate of the City of Yorba Linda in separate elections. None of the items identified in Zone Change 2011-01B shall take effect until approved by a majority vote of the electorate of the City of Yorba Linda.

Section 8. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Yorba Linda hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

Section 9. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

Section 10. The City Clerk shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published within fifteen (15) days after passage in accordance with law and as designated by resolution of the City Council, and shall cause this Ordinance and its certification, together with proof of publication, to be entered into the Book of Ordinances of the City of Yorba Linda.

All of the above-referenced documents and information have been and are on file with the City Clerk's Office and/or Community Development Department/Planning Division of the City.

The foregoing Ordinance was **passed, approved and adopted**, *nunc pro tunc* March 6, 2012, at a meeting of the City Council held on the 18th day of October, 2011.

EXHIBIT "A"

ZONE CHANGE 2011-01B (Comprised of Item #1 – Item #8)

MODIFICATIONS TO THE CITY OF YORBA LINDA ZONING CODE (TITLE 18 OF THE YORBA LINDA MUNICIPAL CODE) AND ZONING MAP

[Attached]

ITEM #1. The Yorba Linda Zoning Map is amended as follows:

The zoning for the proposed rezoning site titled "Yorba Linda/Prospect" – APN #334-273-40,-41 (Site No. 3) will change from "Commercial General" (C-G) to "Residential Multiple-Family 30" (R-M-30) to allow a maximum residential density of thirty (30) dwelling units per acre and a maximum building height of fifty (50) feet or four (4) stories, whichever is less.

[END OF ITEM #1]

ITEM #2. The Yorba Linda Zoning Map is amended as follows:

The zoning for the proposed rezoning site titled "SWC Bastanchury & Lakeview (middle parcel)" – APN #323-111-2 (Site No. 4) will change from "Planned Development – Residential Estate/Residential Suburban" (PD (R-E/R-S)) to "Planned Development – Residential Multiple-Family 30" (PD (R-M-30)) to allow a maximum residential density of thirty (30) dwelling units per acre and a maximum building height of fifty (50) feet or four (4) stories, whichever is less.

[END OF ITEM #2]

ITEM #3. The Yorba Linda Zoning Map/Regulations are amended as follows:

The "Office Commercial" and "Support Commercial" sub-areas of the Savi Ranch Planned Development zone will change to allow residential use at a maximum density of thirty (30) dwelling units per acre and a maximum building height of fifty (50) feet or four (4) stories, whichever is less, in accordance with the property development standards set forth in the "Residential Multiple-Family 30" (R-M-30) zone.

[END OF ITEM #3]

ITEM #4. The Yorba Linda Zoning Map is amended as follows:

The zoning for the proposed rezoning site titled "SWC Bastanchury & Lakeview (eastern parcel)" – APN #323-111-4,-5 (Site No. 9) will change from "Planned Development – Residential Estate/Residential Suburban" (PD (R-E/R-S)) to "Planned Development – Residential Multiple-Family" (PD (R-M)) to allow a maximum residential density of ten (10) dwelling units per acre.

[END OF ITEM #4]

ITEM #5. The Yorba Linda Zoning Map is amended as follows:

The zoning for the proposed rezoning site titled "Nixon Archive" – APN #343-561-01,-12,-14,-19,-20,-21 (Site No. 11) will change from "Residential Estate" (R-E) to "Residential Multiple-Family" (R-M) to allow a maximum residential density of ten (10) dwelling units per acre.

[END OF ITEM #5]

ITEM #6. The Yorba Linda Zoning Map is amended as follows:

The zoning for the proposed rezoning site titled "SWC Bastanchury & Lakeview (western parcel)" – APN #323-111-1 (Site No. 12) will change from "Planned Development – Residential Estate/Residential Suburban" (PD (R-E/R-S)) to "Planned Development – Residential Multiple-Family" (PD (R-M)) to allow a maximum residential density of ten (10) dwelling units per acre.

[END OF ITEM #6]

ITEM #7. The Yorba Linda Zoning Map is amended as follows:

The zoning for the proposed rezoning site titled "Lakeview & Mariposa," – APN #343-671-01,-02,-03,-04,-05 (Site No. 14) will change from "Residential Estate" (R-E) to "Residential Multiple-Family 30" (R-M-30) to allow a maximum residential density of thirty (30) dwelling units per acre and a maximum building height of fifty (50) feet or four (4) stories, whichever is less.

[END OF ITEM #7]

ITEM #8. The Yorba Linda Zoning Map is amended as follows:

The zoning for the proposed rezoning site titled "the Yorba Linda Water District Site," located at 4622 Plumosa (new Site No. 13) will change from "Residential Multiple-Family" (R-M) to "Residential Multiple-Family 30" (R-M-30) to allow a maximum residential density of thirty (30) dwelling units per acre and a maximum building height of fifty (50) feet or four (4) stories, whichever is less.

[END OF ITEM #8]