



# STAFF REPORT

## CITY of YORBA LINDA

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### COMMUNITY DEVELOPMENT DEPARTMENT

**DATE:** OCTOBER 19, 2021

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** DAVID BRANTLEY, AICP  
DIRECTOR OF COMMUNITY DEVELOPMENT  
**PREPARED BY:** ASHANTI MASON-WARREN, ASSISTANT PLANNER

**SUBJECT:** ZONING CODE AMENDMENT 2019-02 – CITY OF YORBA LINDA,  
AMENDING CHAPTER 18.20, ARTICLE VIII, RELATED TO COMMUNITY  
CARE FACILITIES

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### **RECOMMENDATION**

Staff recommends that the City Council approve for first reading Ordinance No. 2021-1086 approving Zoning Code Amendment 2019-02 Community Care Facilities, to require a minimum separation standard for large community care facilities.

### **BACKGROUND**

On February 12, 2020, the Yorba Linda Planning Commission adopted Resolution No. 5399 recommending to the City Council the approval of Zoning Code Amendment 2019-02 to require a minimum separation standard for large community care facilities, amending Chapter 18.20, Article VIII of the Yorba Linda Zoning Code (see attached). This item subsequently appeared for public hearing before the City Council at the April 7, 2020, regular meeting. In that the City Council hearing coincided with the beginning of the COVID-19 pandemic, Mayor Haney requested the item be continued until the public were able to return to regular in-person attendance at City Council meetings. As in-person public meetings have resumed at this time, staff is now bringing this item forward to the City Council for consideration and action.

### **DISCUSSION**

Community Care Facilities are defined as any facility, place or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children and/or adults. They are defined as either small (serving 6 or fewer individuals) or large (serving seven or more individuals) and include such facilities as: family day care homes, day care centers, residential care for the elderly, drug abuse and alcoholism recovery facilities, and others. Separate regulations apply to small and large community care facilities and are further discussed below. In response to growing numbers of community care facilities and group homes in Orange County, the City of Costa Mesa and the County of Orange have recently adopted new ordinances requiring a minimum

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separation standard for certain types of community care facilities and group homes. These ordinances and separation standards are intended to protect residential neighborhoods from negative externalities associated with overconcentration of these facilities and provide the respective jurisdictions with more effective means to track and regulate community care facilities and group homes. In review of the City's existing ordinance related to regulations and standards for Community Care Facilities, staff has identified that a prescriptive minimum separation standard can be imposed on large community care facilities to better protect residential neighborhoods from overconcentration and provide greater regulatory authority over the location of large community care facilities.

Pursuant to the Community Care Facilities Act, the City is required to allow community care facilities in areas zoned residential. Care facilities with six (6) or fewer individuals are required by state law to be regulated the same as any single-family residential use and are therefore permitted by right in residential areas as is stated in the zoning code. Care facilities with seven (7) or more individuals are permitted in residential zones subject to approval of a conditional use permit by the Planning Commission. To the best of staff's knowledge, there are no large (7 or more bed) sober living homes, group homes, or alcoholism or drug abuse recovery/treatment facilities within the City of Yorba Linda. However, staff is aware of several types of small (6 or fewer bed) community care facilities throughout residential areas in Yorba Linda.

Family day care homes and child day care centers are considered a subtype of Community Care Facilities. State law and the Yorba Linda Zoning Code allow for a minimum separation standard for large family day care facilities. Presently, the zoning code requires a minimum 500-foot separation for large family day care homes from any other large family day care home or child day care center. This requirement sets a precedent within the municipal code for requiring a prescriptive separation standard with the intent of limiting negative externalities associated with family day care and child day care facilities (i.e., parking, traffic, and noise in the case of family day care and child day care facilities). For similar reasons, staff believes it prudent to consider incorporating a minimum separation standard for large community care facilities to limit large community care facilities from operating in close proximity to existing small and large community care facilities. Although the municipal code is prohibited from limiting the concentration of small community care facilities by the Community Care Facilities Act, the City can exercise regulatory authority to limit the proximity of new large community care facilities from existing small and large community care facilities. As was recently adopted by the City of Costa Mesa, staff believes a minimum separation requirement of 650-feet, as measured from the edge of the nearest property line, will serve as an additional tool to protect residential neighborhoods from impacts resulting from overconcentration of community care facilities, such as parking, traffic, noise, and broader impacts to the character of residential neighborhoods. Staff believes the need for a reasonable separation standard is exacerbated by recent changes in state law pertaining to Accessory Dwelling Units (ADUs). Specifically, with street parking demand expected to rise with the construction of more ADUs in the upcoming years, staff believes it is important to limit the cumulative impact of increased on-street parking demand where possible.

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**PLANNING COMMISSION REVIEW**

On January 29, 2020, the Planning Commission adopted Resolution 5397 to initiate a Zoning Code Amendment for this purpose and on February 12, 2020, the Planning Commission held a duly notice public hearing to review proposed changes to the existing ordinance and adopted a resolution recommending that the City Council amend Chapter 18.20, Article VIII Community Care Facilities to include a 650-foot minimum separation standard for large community care facilities. During the hearing, the Planning Commission discussed whether staff had considered increasing the separation requirement beyond 650-feet. Based in input from the City Attorney, and in an abundance of caution, the Commission elected to stay with the 650-foot separation requirement, consistent with the Costa Mesa Ordinance. Accordingly, the Planning Commission adopted Resolution 5399 recommending to the City Council the approval of Zoning Code Amendment 2019-02 by a 5-0 vote.

**ENVIRONMENTAL ANALYSIS**

This project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CCR Title 14 §15060(c)(2) & §15061(b)(3).

**FISCAL IMPACT**

None.

**ALTERNATIVES**

Staff has recommended that the City Council adopt Ordinance No. 2021-1086, to amend Chapter 18.20, Article VIII, to require a minimum separation standard for large community care facilities. However, the following are alternatives that the City Council may consider:

1. Deny Ordinance No. 2021-1086 and keep the current ordinance in place.
2. Approve Ordinance No. 2021-1086 with modifications. Direction would need to be provided by the Council as to desirable modifications. In such case, the ordinance may need to return to the Planning Commission for additional review and recommendation prior to Council action.

**ATTACHMENTS**

- 1) Staff Report Re: ZCA 2019-02 from the 2/12/2020 PC meeting
  - 2) Minutes Re: ZCA 2019-02 from the 2/12/2020 PC meeting
  - 3) Article VIII (Community Care Facilities) of the Yorba Linda Municipal Code
  - 4) Planning Commission Resolution No. 5399
  - 5) Ordinance No. 2021-1086
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