



# STAFF REPORT

## CITY OF YORBA LINDA

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### COMMUNITY DEVELOPMENT DEPARTEMENT

**DATE:** FEBRUARY 12, 2020

**TO:** HONORABLE CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

**FROM:** COMMUNITY DEVELOPMENT DEPARTMENT

**BY:** ASHANTI MASON-WARREN, ASSISTANT PLANNER

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

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**APPLICANT:** CITY OF YORBA LINDA  
4845 Casa Loma Avenue  
Yorba Linda, California 92886

**CEQA STATUS:** Statutory Exemption per CCR Title 14 § 15061(b)(3) and § 15060(c)(2).

**RELATED ITEMS:** None

**LOCATION:** Amendment to Zoning Regulations; not site specific

**REQUEST:** To amend Article VIII of Chapter 18.20 of the Yorba Linda Zoning Code pertaining to community care facilities, requiring a prescriptive minimum separation for large community care facilities

### **BACKGROUND**

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 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. On January 15, 2020, the Planning Commission adopted Resolution 5393 to initiate a Zoning Code Amendment for this purpose.

## **DISCUSSION**

Since the January 15, 2020, Planning Commission meeting, the Orange County Board of Supervisors moved to adopt Ordinance 20-001 incorporating new regulations for group homes, sober living homes, and alcoholism or drug abuse recovery/treatment facilities. The County of Orange, following the precedent set by the City of Costa Mesa, adopted these additional regulatory measures to address the negative externalities brought about by an overconcentration of group homes, sober living homes, and alcoholism or drug abuse recovery/treatment facilities in parts of unincorporated Orange County.

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.

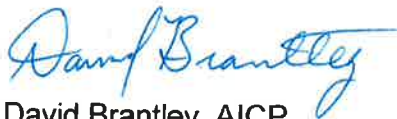
### **CONCLUSION**

In an effort to limit an overconcentration of large community care facilities and further minimize negative externalities associated with a high concentration of these facilities in individual neighborhoods, staff recommends modifying Section 18.20.730 of the Yorba Linda Zoning Code to include a prescriptive minimum separation standard for large community care facilities. Accordingly, staff has provided the attached draft revisions to the applicable regulations to establish a minimum 650-foot separation standard for Large Community Care Facilities. This proposed requirement along with the current requirement for a conditional use permit for such facilities should provide a more effective means of ensuring preservation of neighborhood character and quality of life within the existing community.

### **RECOMMENDATION**

Staff recommends that the Planning Commission adopt a resolution recommending to the City Council the approval of Zoning Code Amendment 2019-02.

Respectfully submitted,



David Brantley, AICP  
Director of Community Development

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**Attachments:**

- 1) Resolution recommending to the City Council the approval of Zoning Code Amendment 2019-02 with proposed modifications (redlined format)