

ORDINANCE NO. 2021-1086

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA APPROVING ZONING CODE AMENDMENT 2019-02, AMENDING CHAPTER 18.20, ARTICLE VIII, RELATED TO COMMUNITY CARE FACILITIES

WHEREAS, Resolution 5397 to initiate a Zoning Code Amendment to Chapter 18.20, Article VIII related to Community Care Facilities, was adopted by the Yorba Linda Planning Commission on January 29, 2020; and,

WHEREAS, pursuant to Section 18.36.620 of the Yorba Linda Municipal Code a duly noticed public hearing on Zoning Code Amendment 2019-02 was held by the Planning Commission on February 12, 2020; and,

WHEREAS, on February 12, 2020, the Planning Commission, by 5-0 vote, adopted Resolution No. 5399 recommending to the City Council approval of Zoning Code Amendment 2019-02; and,

WHEREAS, notice of public hearing before the City Council of the City of Yorba Linda concerning Zoning Code Amendment 2019-02 was given in accordance with applicable law; and,

WHEREAS, on April 7, 2020, a duly noticed public hearing on Zoning Code Amendment 2019-02 was held by the City Council; and,

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

SECTION 1: After consideration of the staff report and all of the information, testimony, and evidence presented at the public hearing, the City Council finds and determines as follows:

1. Zoning Code Amendment 2019-02 will not adversely impact the community in that it will prevent unintended impacts to residential communities resulting from overconcentration of large community care facilities
2. The aforementioned amendment and update to the Zoning Code is consistent with all goals, objectives, policies, guidelines, regulations, standards, etc., of the Yorba Linda General Plan. In particular, Zoning Code Amendment 2019-02 supports, amongst other things, Policy 1.8, which recognizes that the City allow for the provision of health, social, and other similar services to meet the needs of existing and future residents.

3. The City Council certifies that this project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations Title 14 §15060(c)(2) & §15061(b)(3) in that Zoning Code Amendment 2019-02 will not result in a direct or reasonably foreseeable indirect physical change in the environment and it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
4. This project is not a Major Amendment, as specified in Section 18.01.030 of the Yorba Linda Municipal Code, of any of the Planning Policy Documents, as specified in Section 18.01.020 of the Yorba Linda Municipal Code. Accordingly, this project is exempt from the voting provisions of Chapter 18.01 of the Yorba Linda Municipal Code, also known as the “Yorba Linda Right-to-Vote Amendment.” Due to the Citywide nature of the proposed amendment, no additional public notice is required to be given in accordance with Chapter 18.01.

SECTION 2:

- A) Chapter 18.20 (Article VIII – Community Care Facilities) of the Yorba Linda Municipal Code shall be amended as follows:

Community care facilities are divided into a number of classifications that serve young children, adults and elderly individuals. The various facility types can be divided into four classifications: 1) family day care homes; 2) day care centers; 3) community care facilities for six (6) or fewer individuals; and 4) community care facilities for seven (7) or more individuals.

A. Family day care homes:

1. Small family day care home for six (6) or fewer children, plus up to two children under the age of ten (10) years who reside at the home
2. Large family day care home for nine (9) to fourteen (14) children, including children under the age of ten (10) years who reside at the home

B. Day care centers.

C. Community care facilities for six (6) or fewer individuals:

1. Residential care facilities for the elderly
2. Drug abuse and alcoholism recovery facilities (community treatment/rehabilitation facilities)
3. Intermediate care facilities
4. Dependent and neglected children homes (foster homes)
5. Social rehabilitation facility
6. Congregate living health facility
7. Facilities for people with HIV or AIDS
8. Homes for the mentally and physically disabled
9. Transitional shelter care facilities/emergency shelters
10. Facilities for wards of the juvenile court

Article VIII. Community Care Facilities

18.20.700 Purpose and intent.

The purpose and intent of this article is to provide standards and guidance regarding the establishment of community care facilities within the city.

18.20.710 Facility regulations.

The state of California is vested with the authority for licensing, inspection and enforcement for community care facilities throughout the state. The state has preempted local regulation of certain licensed facilities providing twenty-four (24) hour care to six (6) or fewer persons and requires such facilities to be considered a residential use.

18.20.720 Facility types and classifications.

D. Community care facilities for seven (7) or more individuals.

18.20.730 Zoning requirements and site development standards.

A. Small family day care homes and community care facilities for six (6) or fewer individuals (plus up to two children under the age of ten (10) years who reside at the home). With the exception of facilities for wards of the juvenile court, these facilities are permitted in all residential zones subject only to the development standards of the zone in which the facility is located. Facilities for wards of the juvenile court require approval of a conditional use permit.

B. Large family day care homes are permitted in all residential zones subject to approval by the zoning administrator of a modified conditional use permit as described in Section 18.38.050.G of this title. Approval shall be granted based on compliance with the development standards of the zone in which the facility is located, and the following additional requirements:

1. The proposed use must be located a minimum of 500 feet from any other large family day care home or child day care center.
2. Owner shall provide and make available at all times for parking purposes a minimum of two covered parking stalls and two open parking stalls on the property (preferably on a driveway).
3. If located along an arterial or collector roadway, as classified in the City's General Plan, then review and approval by the City Traffic Engineer shall be required prior to establishment

of a large family day care facility. Approval shall be based on a determination that the proposed use will not present any traffic safety hazards.

4. The proposed use cannot materially reduce the privacy otherwise enjoyed by residents of adjoining property.

5. The proposed use should not, by design, layout and operation, create noise which may be a nuisance to neighbors.

6. The proposed use shall provide a minimum of 75 square feet of outdoor activity space for each child who is not an infant. The outdoor area must be owned or leased by the applicant and cannot be shared with other property owners unless permission is granted by the joint owners. This space requirement can be waived if the applicant can demonstrate that there is a public park, school or other public open area in close proximity to the large family day care home.

C. Child day care centers are permitted in all residential, commercial and industrial zones, subject to approval of a conditional use permit by the Planning Commission, and further subject to the development standards of the zone in which the facility is located.

D. Community care facilities for seven (7) or more individuals are permitted in residential zones subject to approval of a conditional use permit by the Planning Commission, and the following additional requirements

1. Except as otherwise provided in Article VIII of this chapter, the proposed use must be located a minimum of 650 feet from any other

community care facility. This distance shall be measured from the nearest property line of an existing community care facility to the nearest property line of a proposed large community care facility

**TABLE 18.20-2
COMMUNITY CARE FACILITIES**

	R-A	PLD	R-E	R-S	R-U	R-M	R-M 20	R-M 30	C-O	C-N	C-G	M-1	MHP	PD	PS	OS	OSR
Small family day care facility	P	P	P	P	P	P	P	P	•	•	•	•	•	P ¹	•	•	P
Large family day care facility ²	C	C	C	C	C	C	C	C	•	•	•	•	•	C ¹	•	•	C
Day care center	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	•	•
Residential care facility for the elderly ³	C	C	C	C	C	C	C	C	•	•	•	•	C	C ¹	•	•	C
Drug abuse and alcoholism recovery facility ³	C	C	C	C	C	C	C	C	•	•	•	•	C	C ¹	•	•	C
Dependent and neglected children home ³	C	C	C	C	C	C	C	C	•	•	•	•	C	C ¹	•	•	C
Emergency Shelter (up to 30)	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•	•
Emergency shelter (more than 30)	•	•	•	•	•	•	•	•	•	•	•	C	•	•	•	•	•
Facility for people with HIV or AIDS ³	C	C	C	C	C	C	C	C	•	•	•	•	C	C ¹	•	•	C
Home for the mentally and physically disabled ³	C	C	C	C	C	C	C	C	•	•	•	•	C	C ¹	•	•	C
Facility for wards of the juvenile court	C	C	C	C	C	C	C	C	•	•	•	•	C	C ¹	•	•	C
Social rehabilitation facility ³	C	C	C	C	C	C	C	C	•	•	•	•	C	C ¹	•	•	C
Transitional/supportive housing ^{3,4}	P	P	P	P	P	P	P	P	•	•	•	•	C	C ¹	•	•	C
Community care facility for 7 or more	C	C	C	C	C	C	C	C	•	•	•	•	C	C ¹	•	•	C

¹ Permitted only in residential portions of a PD zone district.

² Refer to Section 18.38.050.G for special approval process.

³ Facilities for six or fewer individuals permitted as a matter of right.

⁴ Transitional and supportive housing are permitted in residential zoning districts subject to the same standards as similar residential uses.

(C = Conditional Use; P = Permitted Use; • = Prohibited Use)

Section 3. Severability. If any section, subsection, sentence, clause, phase, 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 hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions might subsequently be declared invalid or unconstitutional.

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

