STAFF REPORT
CITY OF YORBA LINDA

COMMUNITY DEVELOPMENT DEPARTMENT

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

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,

[Signature]

David Brantley, AICP
Director of Community Development
Attachments:

1) Resolution recommending to the City Council the approval of Zoning Code Amendment 2019-02 with proposed modifications (redlined format)
February 12, 2020

The Yorba Linda Planning Commission convened at 6:30 p.m. in the Council Chambers at 4845 Casa Loma Avenue, Yorba Linda, California.

PLEDGE OF ALLEGIANCE - Commissioner Darnell

Planning Commissioners Present: Bernstein, Masterson, Lyons, Darnell, Pease

APPROVAL OF THE MINUTES

1. APPROVAL OF JANUARY 29, 2020 PLANNING COMMISSION MEETING MINUTES

A motion was made by Commissioner Darnell, Second by Commissioner Lyons approving the January 29, 2020 Planning Commission meeting minutes as amended. The motion carried (5-0) with the following roll call vote:

AYES: Bernstein, Masterson, Lyons, Darnell and Pease
NOES: None
ABSENT: None
ABSTAIN: None

COMMENTS

There is a five (5) minute maximum time limit for each individual addressing the Planning Commission during Public Comments and on all other items listed on the Agenda.

Chair Bernstein opened the public comment portion of the meeting; seeing no one approach, he brought it back to the Commission.

WAIVE READING IN FULL OF ALL RESOLUTIONS ON THE AGENDA

Approval of reading by title all resolutions on the agenda and declare that said titles which appear on the public agenda shall be determined to have been read by title and further reading waived.

A motion was made by Commissioner Lyons, Second by Commissioner Pease to approve waiving readings in full of all resolutions. The motion carried (5 -0) with the following roll call vote:
PUBLIC HEARINGS

Director Brantley stated all items have been properly noticed.

2. PUBLIC HEARING RE: CONDITIONAL USE PERMIT 2019-25 AND DESIGN REVIEW 2019-11 AT&T MOBILITY: A request to construct and operate a wireless transceiver facility, inclusive of 3 sets of antenna arrays screened behind faux “eucalyptus-type” monobush foliage along the southern slope of the site and a 240 sq/ft equipment shelter near the northeast corner of the site, on the Yorba Linda Water District owned property identified as the Quarter Horse Reservoir Site, located north and west off of Fairmont Boulevard, north of Bastanchury Road, in the RE (Residential Estate) zone. (APN: 326-161-44)

CEQA STATUS: Categorical Exemption (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, with conditions.

Greg Rehmer, Senior Planner, provided an overview of the request to install a wireless transceiver facility. The project meets the guidelines for stealth technology; therefore, staff supports the request.

Chairman Bernstein invited the applicant to step forward and asked if she is agreed with all the conditions of approval.

Jessica Grun, representative for AT&T approached and stated she agreed with all the conditions of approval. The current proposal does not have the 5G technology.

Chair Bernstein opened the public hearing.

Scott Conk resides adjacent to the project. He addressed concerns about resident safety and whether or not studies have been conducted to see how many cell towers can be clustered, how far away they should be from residential properties and whether or not further studies will be needed if towers are converted to 5G.

Mr. Rehmer responded that a health and safety RF report was conducted indicating the actual exposure is less than 10% of the FCC guidelines; there is no exposure to any nearby residents. The closest public area is the trail and RF exposure levels are well below FCC standards. An updated RF report is required every five years to review health and safety issues.
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Commissioner Lyons added that the report also states that you must be within 18 feet before you are even in the ‘hot zone’ and the tower will be 50’ above the trail. Also, there is no power density increase between 4G and 5G.

Todd Litfin, City Attorney explained the FCC regulations and federal standards pertaining to health and safety concerns.

There were no other speakers; the public hearing was closed.

A motion was made by Commissioner Lyons, second by Commissioner Darnell to adopt Resolution No. 5398 approving Conditional Use Permit 2019–25 AT&T Mobility subject to the attached conditions of approval. The motion carried (5-0) with the following roll call vote:

AYES: Bernstein, Masterson, Lyons, Pease and Darnell
NOES: None
ABSENT: None
ABSTAIN: None

A minute’s motion was made by Commissioner Lyons, second by Commissioner Darnell approving Design Review 2019–11 AT&T Mobility subject to the attached conditions of approval. The motion carried (5-0) with the following roll call vote:

AYES: Bernstein, Masterson, Lyons, Pease and Darnell
NOES: None
ABSENT: None
ABSTAIN: None

Director Brantley advised this action by the Planning Commission this evening is final unless it is appealed to the City Council within 15 days through the City Clerk’s office.

3. PUBLIC HEARING RE: ZONING CODE AMENDMENT 2019-02 CITY OF YORBA LINDA: A request to provide a recommendation to the City Council regarding ZCA 2019-02, to amend Article VIII of Chapter 18.20, of the Yorba Linda Municipal Code, related to Community Care Facilities.

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 City Council.

Director Brantley explained the various types of community care facilities and the services they provide. Staff would like to make a recommendation to the City Council to amend the ordinance to impose a 650 foot separation standard between any proposed new large community care facility (facilities with 7 or more residents) and any other existing small or large facility in order to avoid negative impacts and clustering in residential neighborhoods.
Chair Pro Tem Masterson asked whether or not staff has considered increasing the separation beyond 650'.

Mr. Litfin advised the facilities are protected by Fair Housing Act and Americans with Disabilities Act and recommended staying with the 650-foot standard.

Staff discussed the wording of subsection 1, paragraph D and agreed to add "except as otherwise noted herein" at the end of the first sentence.

Chairman Bernstein asked if small care facilities can move within 650 feet of a large care facility.

Director Brantley stated yes because small facilities are permitted by right and the City is preempted from any regulatory authority; the separation applies to large care facilities only.

Mr. Litfin stated there have been a number of efforts at the state level to make state legislation applicable to the smaller facilities. There are 20 different categorizations of facilities and the legal landscape is still questionable as to whether or not the smaller facilities should be further regulated.

Chair Bernstein opened the public comment portion of the meeting; seeing no one approach, he brought it back to the Commission.

A motion was made by Commissioner Pease, second by Chair Pro Tem Masterson adopting Resolution No. 5399 recommending City Council's approval of Zoning Code Amendment 2019–02 City of Yorba Linda with the change to subsection 1 as discussed.

**AYES:** Bernstein, Masterson, Lyons, Pease and Darnell

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**NEW BUSINESS**

4. DESIGN REVIEW 2019-14 YORBA CANYON SHOPPING CENTER – A request to modify and upgrade the exterior building facades, materials, and colors of the existing Yorba Canyon Shopping Center located at the southeast corner of Yorba Linda Boulevard and New River Road, within the CG (Commercial General) zone.

CEQA STATUS: Categorical Exemption (Class 1, Existing Facilities)

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

TRAFFIC COMMISSION REVIEW: No

RECOMMENDATION: Minute Motion to approve the project, with conditions.
Greg Rehmer, Senior Planner provided an overview and visuals of the request to upgrade the Center's façade. Staff feels the proposal is attractive and is supportive of the request.

Chair Pro Tem Masterson pointed out the "Chevron" gas station should be a "Mobil" gas station in the staff report.

Chairman Bernstein invited the applicant to step forward and asked if he was in agreement with the conditions of approval.

Matthew Landers, representing the owner of the Center approached and stated he agreed with all the conditions of approval.

A minute motion was made by Commissioner Darnell, second by Commissioner Pease to approve Design Review 2019–14 Yorba Canyon Shopping Center subject to the attached conditions of approval and the correction to the staff report. The motion carried (5-0) with the following roll call vote:

- AYES: Bernstein, Masterson, Lyons, Pease and Darnell
- NOES: None
- ABSENT: None
- ABSTAIN: None

Director Brantley advised this action by the Planning Commission this evening is final unless it is appealed to the City Council within 15 days through the City Clerk’s office.

OLD BUSINESS - None

DIRECTOR’S REPORT

Director Brantley reminded the Commissioners to respond to the invitation for the library tour.

Maserati's demolition permit was approved by the City Council and they are in their second round of plan check.

The plan check is nearly complete for the Altrudy project and construction should commence by late spring.

COMMISSIONER COMMENTS - None

CORRESPONDENCE RECEIVED - None
ADJOURNMENT - meeting was at 7:11 PM

The next regularly scheduled Planning Commission meeting is February 26, 2020, beginning at 6:30 p.m.

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DAVID BRANTLEY, AICP
DIRECTOR OF COMMUNITY DEVELOPMENT