

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Matthew Fertal
Dept: City Manager
Subject: AMENDMENT NO. A-151-09 TO AMEND TITLE 9 OF THE MUNICIPAL CODE RELATIVE TO CONGREGATE HOUSING FACILITIES

From: Susan Emery
Dept: Community Development
Date: January 26, 2010

OBJECTIVE

To transmit a recommendation of the Planning Commission to the City Council recommending adoption of a Negative Declaration, and approval of Amendment No. A-151-09 to amend Title 9 of the Garden Grove Municipal Code Section 9.04.60 (Definitions), Sections 9.08.20.030, 9.12.20.030 and 9.16.20.030 (Uses Permitted), and Sections 9.08.20.050, 9.12.20.050 and 9.16.20.050 (Special Operating Conditions and Development Standards), amending definitions and uses relating to group homes, boarding/lodging facilities, and child day care.

BACKGROUND

In 2008, a Group Home Subcommittee of the Neighborhood Improvement Committee was formed to study group home issues affecting the community and to develop an action plan designed to respond to the community issues. The action plan included a recommendation to create a group home tracking system; a group home informational webpage; and an amendment to Title 9 of the Municipal Code to amend definitions of group homes, boarding/lodging facilities, and child day care, to be consistent with the definitions found in the California Health and Safety Code.

On September 22, 2009, a City Council Study Session was held to present the Group Home Subcommittee action plan and recommendation to the City Council, which included a draft copy of the proposed amendment.

On November 19, 2009, the Planning Commission recommended adoption of the Negative Declaration, and approval of Amendment No. A-151-09 to the City Council with a 7-0 vote. No members of the public spoke in favor of or in opposition to the proposed amendment.

The proposed draft ordinance has been modified to reflect the new code sections and formatting as adopted under Amendment No. A-150-09 (Title 9 Reorganization) since the Planning Commission's recommendation of approval was adopted with the former code sections.

DISCUSSION

The proposed amendment is necessary to provide consistency with the California Health and Safety Code definitions for group homes, boarding/lodging facilities, and child day care.

Section 9.04.60 (Definitions) will be amended to modify the definitions of "Boarding/Lodging Facility"; "Congregate Care Facility"; "Convalescent Center"; "Convalescent Home"; and "Foster Home"; to include new definitions for "Child Day Care Center"; "Family Day Care Home"; "Intermediate Care Facility"; "Half-way House"; "Residential Care Facility for the Elderly (RCFE)"; "Single-Housekeeping Unit"; and "Skilled Nursing Facility".

The Land Use Matrix of Title 9 of the Municipal Code, Sections 9.08.20.030, 9.12.20.030, and 9.16.20.030 (Uses Permitted) will be amended as illustrated in the following table that consolidates all three code sections for simplification purposes:

Note: The words that have a strikethrough will be eliminated from the Land Use Matrix, and the words in bold will be incorporated into the code.

USE	R-1	R-2	R-3	O-P	C-1	C-2	C-3	M-1	M-P	O-S
RESIDENTIAL										
Community Residential Care Facility, Residential										
6 Persons or Less	P	P	P	-	-	-	-	-	-	-
7 Persons or More	-	-	C	C	C	-	-	-	-	-
Convalescent Center Skilled Nursing Facility			C	C	C					
Congregate Care Facility		C	C							
Day Care Residential Facility, Adult Residential Care Facility for the Elderly (RCFE)										
6 Persons or Fewer	C P	C P	C P							
7 Persons or More			C	C*	C*	C *				
Day Care Home, Family Family Day Care Home (1-14 Children)	P*	P*	P*				-	-	-	-
7 Children or Fewer (Small)	P *	P *	P *	-	-	-				
7-14 Children (Large)	P *	P *	P *	-	-	-	-	-	-	-
Intermediate Care Facility			C	C	C					
Preschool Child Day Care Center	C*	C*	C*		C	C				

Legend: P=Permitted C=Conditional Use Permit *=Special Operating Conditions

Sections 9.08.20.050 and 9.12.20.050 (Special Operating Conditions and Development Standards) shall be amended to eliminate Day Care Home (small family), and to modify the title of Day Care Home, (large family), Seven to Fourteen Children to Family Day Care Home (1-14 children).

Section 9.16.20.050 (Special Operating Conditions and Development Standards) will be amended to eliminate Day Care Home (small family) and Day Care Home (large family).

The purpose of the proposed amendment is to provide consistency with the definitions found in the California Health and Safety Code.


FISCAL IMPACT

No fiscal impact to the City regarding this proposed amendment.

RECOMMENDATION


The Planning Commission recommends that the City Council:

- Adopt a Negative Declaration, and
- Introduce the attached ordinance for the first reading approving Amendment No. A-151-09.


SUSAN EMERY
Community Development Director


By: Maria Parra
Urban Planner

Approved for Agenda Listing


Matthew Fertal
City Manager *for*

- Attachment 1: Planning Commission Staff Report dated November 19, 2009 with Initial Study Environmental Checklist Form
Attachment 2: Planning Commission Resolution No. 5699
Attachment 3: Planning Commission Minute Excerpt of November 19, 2009
Attachment 4: Draft Ordinance for Code Amendment for No. A-151-09

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.:	SITE LOCATION: Citywide
HEARING DATE: November 19, 2009	GENERAL PLAN: N/A
CASE NO. Amendment No. A-151-09	ZONE: N/A
APPLICANT City of Garden Grove	
OWNER: N/A	CEQA DETERMINATION: Negative Declaration

REQUEST:

Amendment to Title 9 of the Garden Grove Municipal Code Section 9.04.060 (Definitions), Section 9.08.030 (Uses Permitted), and Section 9.08.050 (Special Operating Conditions and Development Standards), amending definitions and uses relating to group homes, boarding/lodging facilities, and child day care.

BACKGROUND:

In 2008, a Group Home Subcommittee of the Neighborhood Improvement Committee was formed to study group home issues affecting the community and to develop an action plan designed to respond to the community issues.

As part of the action plan, staff reviewed the definitions in Title 9 of the Municipal Code relating to various group homes, including boarding/lodging facilities and child day care, to determine if updates were necessary. Staff determined that the current definitions were not consistent with the definitions found in the California Health and Safety code. The proposed amendment will provide definitions that are clear, concise, and up-to-date.

The proposed amendment will amend Title 9 of the Garden Grove Municipal Code Section 9.04.060 (Definitions), Section 9.08.030 (Uses Permitted), and Section 9.08.050 (Special Operating Conditions and Development Standards), relating to group homes, boarding/lodging facilities, and child day care.

DISCUSSION:

The proposed amendment to Title 9 of the Municipal Code is summarized below. The attached exhibit, Exhibit "A", provides a list of the existing definitions along with the proposed definitions, including a list of new definitions for new uses that will be introduced to the code.

- A) Section 9.04.060 (Definitions) will be amended to modify the definition of "Boarding/Lodging Facility"; "Congregate Care Facility"; "Convalescent Center"; "Convalescent Home"; and "Foster Home".

The definitions for the above terms will be modified to provide consistency with the definitions found in the California Health and Safety Code.

The definition for "Convalescent Center" and "Convalescent Home" will be amended to refer to a "Skilled Nursing Facility". A "Skilled Nursing Facility" will be a new use, that will be introduced to the code, that is consistent with the California Health and Safety Code and that provides skilled nursing on an extended basis.

The definition for a "Congregate Care Facility" will be amended to refer to a "Residential Care Facility for the Elderly". A "Residential Care Facility for the Elderly" is a new use that will be introduced to the code that is consistent with the California Health and Safety Code for a residential facility that provides care and supervision to the elderly.

Also, the current definition for "Foster Home" will be amended to be consistent with the current definition found in the California Health and Safety Code.

The definition for "Boarding/Lodging Facility" will be amended to be consistent with similar definitions adopted by other municipalities. The proposed definition is intended to provide a clear and concise description of a Boarding/Lodging Facility.

- B) Section 9.04.060 (Definitions) will be amended to include definitions for "Child Day Care Center"; "Family Day Care Home"; "Intermediate Care Facility"; "Half-way house"; Residential Care Facility for the Elderly (RCFE); "Single-Housekeeping Unit"; and "Skilled Nursing Facility".

New definitions will be introduced for the following new uses that are consistent with the definitions found in the California Health and Safety Code: "Child Day Care Center"; "Family Day Care Home"; "Intermediate Care Facility"; Residential Care Facility for the Elderly (RCFE); and "Skilled Nursing Facility". The new definitions are found in Exhibit "A".

Also, the proposed amendment will provide a definition for Half-way Houses, a use that is listed in the code, but that is not currently defined. Half-way Houses will be defined as a use that provides temporary housing for probationers or parolees. Currently, Half-way Houses are only allowed in the R-3 (Multiple-Family) zone with a Conditional Use Permit.

A new definition will be incorporated into the code that will define a "Single-Housekeeping Unit". The definition will assist in distinguishing a single-family residence that is occupied by a "traditional family" from a boarding/lodging facility.

- C) The Land Use Matrix of Title 9 of the Municipal Code, Section 9.08.030, will be amended as follows, and as illustrated in Title 1 below:

"Community Residential Care Facility" will be amended to "Community Care Facility, Residential".

"Convalescent Center" will be amended to "Skilled Nursing Facility".

"Congregate Care Facility" and "Day Care Residential Facility, Adult" will be amended to "Residential Care Facility for the Elderly".

"Day Care Home Family" will be amended to "Family Day Care Home (1-14 children)".

"Preschool" will be amended to "Child Day Care Center".

"Intermediate Care Facility" will be a new use introduced to the code.

Table 1

Note: The words that have a strikethrough will be eliminated from the Land Use Matrix, and the words in bold will be incorporated into the code.

USE	R-1	R-2	R-3	O-P	C-1	C-2	C-3	M-1	M-P	O-S
RESIDENTIAL										
Community Residential Care Facility, Residential										
6 persons or less	P	P	P	-	-	-	-	-	-	-
7 persons or more	-	-	C	C	C	-	-	-	-	-
Convalescent Center Skilled Nursing Facility			C	C	C					
Congregate Care Facility		C	C							
Day Care Residential Facility, Adult Residential Care Facility for the Elderly (RCFE)										
6 persons or fewer	C P	C P	C P							
7 persons or more			C	C C	C C	C C				
Day Care Home, Family Day Care Home (1-14 children)	P *	P *	P *				-	-	-	-
7 children or fewer (small)	P P *	P P *	P P *	-	-	-				
7-14 children (large)	P P *	P P *	P P *	-	-	-	-	-	-	-
Intermediate Care Facility			C	C	C					
Preschool Child Day Care Center	C C *	C C *	C C *		C	C				

Legend: P=Permitted C=Conditional Use Permit *=Special Operating Conditions

D) Section 9.08.050 (Special Operating Conditions and Development Standards) will be amended to change the title of Day Care Home, large family), as follows:

16. ~~Day Care Home, (large family), Seven to Fourteen Children~~ **Family Day Care Home(1-14 children)**. Subject to the requirements of the state of California.

This modification will provide consistency with the title currently used in the California Health and Safety Code.

The purpose of the proposed amendment will provide consistency with the definitions found in the California Health and Safety Code


RECOMMENDATION:

Staff recommends that the Planning Commission:

- Recommend adoption of the Negative Declaration and approval of Amendment No. A-151-09 to the City Council.



KARL HILL
Planning Services Manager



By: Maria Parra
Urban Planner

Exhibit "A"

**Proposed Amendment to Section 9.04.060 (Definitions) of
Title 9 of the Municipal Code**

Existing Definitions	Proposed Definitions
<p><u>"Boarding/Lodging Facility"</u> means a building containing a dwelling unit where lodging is provided, with or without meals, for compensation with not more than five guest rooms for ten persons.</p>	<p><u>"Boarding/Lodging Facility"</u> means a residence or dwelling in which three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent or rental manager is in residence or a residence or a dwelling rented to individuals that does not otherwise constitute a Single Housekeeping Unit. In conjunction with other factors, the presence of multiple locked bedroom doors and/or multiple doors from bedrooms to the exterior of the residence or dwelling may constitute evidence that a residence or a dwelling is a boarding house.</p>
<p><u>"Community Care Residential Facility"</u> means any family home or group care facility licensed by the State under Health and Safety Code Section 1500 et seq., for the twenty-four-hour nonmedical care of persons who require personal services, supervision or assistance essential for sustaining daily living activities.</p>	<p><u>"Community Care Residential Facility, Residential"</u> means any family home or group care facility licensed by the State under Health and Safety Code Section 1500 et seq., for the twenty-four-hour nonmedical care of persons who require personal services, supervision or assistance essential for sustaining daily living activities.</p>
<p><u>"Community Residential Care Facility".</u> "Community Care Facility" means any facility, place, or building that is maintained and operated to provide nonmedical residential care, day care or homefinding agency services for children, adults or children and adults, including, but not limited to, the physically handicapped, mentally impaired or incompetent persons and includes the following: residential facility, residential care facility for elderly, day care center, homefinding agency and foster family home.</p>	<p><u>"Community Residential Care Facility"</u> means, consistent with Health and Safety Code § 1502(a), any facility, place or building licensed pursuant to Health and Safety Code §1500 et seq., that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children.</p>
<p><u>"Congregate Care Facility"</u> means a facility for senior citizens which is comprised of residences which usually consist of a home type environment where nonmedical care and supervision, as defined in state regulations, is provided.</p>	<p><u>"Congregate Care Facility"</u> see "Residential Care Facility for the Elderly (RCFE).</p>

<p><u>"Convalescent Center"</u> means a facility licensed pursuant to state regulations, which provides bed and ambulatory care for patients with post-operative convalescent, chronically ill or dietary problems and persons aged or infirm who are unable to care for themselves. This does not include alcoholics, drug addicts or persons with mental or contagious diseases.</p>	<p><u>"Convalescent Center"</u> see "Skilled Nursing Facility".</p>
<p><u>"Convalescent Home"</u> means a facility licensed by the State Department of Public Health, the State Department of Social Welfare, or the County of Orange, which provides bed and ambulatory care for patients with post-operative convalescent, chronically ill or dietary problems and persons aged or infirm who are unable to care for themselves. This does not include alcoholics, drug addicts or persons with mental or contagious diseases. A home for the aged, housing only ambulatory clientele, need not be licensed and is considered a rest home.</p>	<p><u>"Convalescent Home"</u> see "Skilled Nursing Facility".</p>
<p><u>"Day Care Centers"</u> and <u>"Family Day Care Homes"</u> shall be defined as set forth in State of California Health and Safety Code Sections 1596.78 et seq.</p>	<p><u>"Family Day Care Home"</u> means, consistent with Health & Safety Code § 1596.78(a), a home licensed pursuant to Health & Safety Code § 1596.80 et seq. that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home. <u>"Large family day care home"</u> means, consistent with Health & Safety Code § 1596.78(b), a home that provides family day care for 7 to 14 children, inclusive, including children under the age of 10 years who reside at the home. <u>"Small family day care home"</u> means, consistent with Health & Safety Code § 1596.78(c), a home that provides family day care for eight or fewer children, including children under the age of 10 years who reside at the home.</p>
<p><u>"Day Care Facility" (State licensed)</u>, as referenced in section 9.08.070, means larger sized day care facilities for children in excess of the numerical limits set forth in California State Health and Safety Code Section 1596.78</p> <p><u>"Preschool"</u> means an establishment or</p>	<p><u>"Child Day Care Center"</u> means, consistent with Health & Safety Code § 1596.76, any child day care facility licensed pursuant to Health & Safety Code § 1596.80 et seq. other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school age child care centers, which provides care, protection and</p>

<p>facility – which may include, but not limited to child care facility, nursery, or Montessori type facility – caring for 15 or more children, which provides care, protection and supervision to children, for periods of less than twenty-four (24) hours per day, while the parents or guardians of such children are away.</p>	<p>supervision to children, for periods of less than twenty-four (24) hours per day.</p>
<p>"Foster Home" means a dwelling occupied by a family licensed by the State of California to accept and care for children under eighteen years of age as full-time residents assigned by public authorities, providing the number of children cared for at any time not exceed six, including children of the foster family; the residence may also be licensed to care for no more than six children by the day, with or without compensation.</p>	<p>"Foster Home" means, consistent with Health & Safety Code § 1502(a)(5), any residential facility providing 24-hour care for six or fewer foster children that is owned, leased, or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed. The placement may be by a public or private child placement agency or by a court order, or by voluntary placement by a parent, parents, or guardian. It also means, consistent with Health & Safety Code §§ 1502(a)(5) and 1505.2, a foster family home authorized by a licensing agency to provide 24-hour care for up to eight foster children, for the purpose of placing siblings or half siblings together in foster care or authorized by a licensing agency to provide 24-hour care for more than eight children if the foster family home specializes in the care of sibling groups and that placement is solely for the purpose of placing together one sibling group that exceeds eight children.</p>

Introduce New Definitions to Section 9.04.060 (Definitions) of Title 9 of the Municipal Code

"Intermediate Care Facility" means, consistent with Health & Safety Code § 1250(d), a health facility licensed pursuant to Health & Safety Code § 1253 et seq. that provides inpatient care to ambulatory or nonambulatory patients who have recurring need for skilled nursing supervision and need supportive care, but who do not require availability of continuous skilled nursing care.

"Half-way house" means a facility that offers temporary housing to two or more probationers or parolees after their release from an institution, such as a prison, a hospital or a rehabilitation facility, to facilitate reintegration into society, and may provide supportive or monitoring services.

"Residential Care Facility for the Elderly (RCFE)" means, consistent with Health & Safety Code § 1569.2, a housing arrangement chosen voluntarily by persons 60 years of age or over (or persons under 60 years of age with compatible needs), or their authorized representative, where varying levels and intensities of care and

supervision, protective supervision, personal care, or health-related services are provided, based upon their varying needs, as determined in order to be admitted and to remain in the facility.

"Single Housekeeping Unit" means the functional equivalent of a traditional family, whose members are in interactive group of persons jointly occupying a single dwelling unit, including the joint use of and responsibility for common areas, and sharing household activities and responsibilities such as meals, chores, household maintenance, and expenses, and where, if the unit is rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises, and the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord or property manager.

"Skilled Nursing Facility" means, consistent with Health & Safety Code § 1250(c), a health facility licensed pursuant to Health & Safety Code § 1253 that provides skilled nursing care and supportive care to patients whose primary need is for availability of skilled nursing care on an extended basis. "Skilled Nursing Facilities" are sometimes commonly referred to as "convalescent homes" or "nursing homes".

ENVIRONMENTAL CHECKLIST FORM

1. PROJECT TITLE:

Amendment No. A-151-09

2. LEAD AGENCY:

City of Garden Grove
11222 Acacia Parkway
Garden Grove, CA 92840

3. CONTACT PERSON:

Maria Parra, Urban Planner

4. PROJECT LOCATION:

Citywide

5. PROJECT SPONSOR:

City of Garden Grove

6. GENERAL PLAN DESIGNATION:

N/A

7. ZONING:

N/A

8. DESCRIPTION OF PROJECT:

Amendment to Title 9 of the Garden Grove Municipal Code Section 9.04.060 (Definitions), Section 9.08.030 (Uses Permitted), and Section 9.08.050 (Special Operating Conditions and Development Standards), amending definitions and uses relating to group homes, boarding/lodging facilities, and child day care.

9. OTHER AGENCIES WHOSE APPROVAL (AND PERMITS) IS REQUIRED:

None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Potentially Significant Unless Mitigated," as indicated by the checklist on the following pages.

<input type="checkbox"/> Land Use	<input type="checkbox"/> Transportation/Circulation	<input type="checkbox"/> Public Services
<input type="checkbox"/> Housing	<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Utilities and Services
<input type="checkbox"/> Geophysical	<input type="checkbox"/> Energy Resources	<input type="checkbox"/> Aesthetics
<input type="checkbox"/> Hazards	<input type="checkbox"/> Water Quality	<input type="checkbox"/> Cultural Resources
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Recreation
	<input type="checkbox"/> Mandatory Findings of Significance	

DETERMINATION:

On the basis of this initial evaluation:

I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

Marie Parra

Signature

October 19, 2009

Date

Maria Parra

Printed Name

For:

City of Garden Grove

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cited in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take into account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level indirect as well as direct, and construction as well as operational impacts.
3. "Potentially Significant Impact" is appropriate if an effect is significant or potentially significant, or if the lead agency lacks information to make a finding of significance. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Potentially Significant Unless Mitigated" applies when the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analysis," may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). Earlier analyses are discussed in Section XVII at the end of the checklist.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

Potentially Significant Impact	Significant Unless Mitigated	Less than Significant Impact	No Impact
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I. LAND USE AND PLANNING

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Conflict with General Plan designation or zoning. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible uses). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Disrupt or divide the physical arrangement of an established community (including a low-income or minority community). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Response (a-d): The proposed amendment is consistent with the adopted General Plan and Title 9 of the Municipal Code for the City of Garden Grove. The proposed amendment will update the existing definitions relating to group homes, boarding/lodging facilities, and child day care to provide consistency with the definitions found in the California Health and Safety Code. No construction is proposed with this request. Future projects will be required on a case-by-case basis.

II. POPULATION AND HOUSING

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Cumulatively exceed official regional or local population projections. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Displace existing housing, especially affordable housing. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Response (a-c): The proposal is a code amendment to Title 9 of the Municipal Code that will update definitions for group homes, boarding/lodging facilities, and child day care. No construction is proposed with the request that will affect population and housing. However, future projects will be reviewed on a case-by-case basis to determine impacts.

III. GEOPHYSICAL

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Seismicity: Fault rupture. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Seismicity: Ground shaking or liquefaction. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Seismicity: Seiche or tsunami. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Landslides or mudslides. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Erosion, changes in topography or unstable soil conditions from excavation, grading or fill. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Negative Declaration for A-151-09

	Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
f. Subsidence of the land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Expansive soils.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Unique geologic or physical features.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Response (a-h): The proposal is a code amendment to Title 9 of the Municipal Code that will update definitions for group homes, boarding/lodging facilities, and child day care. This request is not site specific, and no construction is proposed. Therefore, any future projects will be evaluated on a case-by-case basis to determine impacts.

IV. HYDROLOGY AND WATER QUALITY

a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface run-off in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Create or contribute run-off water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Place structures within a 100-year flood hazard area which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Negative Declaration for A-151-09

	Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k. Result in an increase in pollutant discharges to receiving waters? Consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g., heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
l. Result in significant alteration of receiving water quality during or following construction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
m. Could the project result in increased erosion downstream?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
n. Result in increased impervious surfaces and associated increased run-off?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o. Create a significant adverse environmental impact to drainage patterns due to changes in run-off flow rates or volumes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
p. Tributary to other environmentally sensitive areas? If so, can it exacerbate already existing sensitive conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
q. Tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
r. Have a potentially significant environmental impact on surface water quality to either marine, fresh or wetland waters?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
s. Have a potentially significant adverse impact on ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
t. Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
u. Impact aquatic, wetland, or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Response (a-u): The proposal is a code amendment to Title 9 of the Municipal Code that will update definitions for group homes, boarding/lodging facilities, and

	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
Significant Impact			

child day care. The request is not site specific, and no construction is proposed that will affect the hydrology and water quality. Any future construction will be analyzed on a case-by-case basis.

V. AIR QUALITY

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Violate any air quality standard or contribute to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Expose sensitive receptors to pollutants? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Alter air movement, moisture, or temperature, or cause any change in climate? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Create objectionable odors. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Response (a-d): The proposal is a code amendment to Title 9 of the Municipal Code that will update definitions for group homes, boarding/lodging facilities, and child day care. No new construction is proposed with this amendment that will affect air quality. Future projects will be analyzed on a case-by-case basis.

VI. TRANSPORTATION

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Increased vehicle trips or traffic congestion? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Inadequate emergency access to nearby uses? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Insufficient parking capacity on-site or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Hazards or barriers for pedestrians or bicyclists? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Conflicts with adopted policies supporting alternative transportation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. Rail, waterborne or air traffic impacts? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Response (a-g): The proposal is a code amendment to Title 9 of the Municipal Code that will update definitions for group homes, boarding/lodging facilities, and child day care. No construction is proposed with this amendment that will affect transportation. Any future projects involving construction will be evaluated on a case-by-case basis.

VII. BIOLOGICAL RESOURCES

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Endangered, threatened species, or their habitats (including but not limited to plants, fish, insects, animals, and birds)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Locally designated species (e.g., heritage trees)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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	Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
c. Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Wetland habitat (e.g., marsh, riparian and vernal pool)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Wildlife dispersal or migration corridors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Response (a-e): The proposal is a code amendment to Title 9 of the Municipal Code that will update definitions for group homes, boarding/lodging facilities, and child day care. The amendment will not affect biological resources as no construction is proposed.

VIII. ENERGY AND MINERAL RESOURCES

a. Conflict with adopted energy conservation plans.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Use non-renewable resources in a wasteful and inefficient manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Response (a-b): The proposal is a code amendment to Title 9 of the Municipal Code that will update definitions for group homes, boarding/lodging facilities, and child day care. The proposed request will not conflict with adopted energy conservation plans as no construction is proposed.

IX. HAZARDS

a. A risk of accidental explosion or release of hazardous substances (e.g., oil, pesticides, chemicals, and radiation)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Possible interference with an emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The creation of any health hazard or potential health hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Exposure of people to existing sources of potential health hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Increased fire hazard in area with flammable brush, grass, or trees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Would the project include new, or retrofitted, storm water Treatment Control BMPs (e.g., water quality treatment basin, constructed treatment wetlands), the operation of which could result in significant environmental effects (e.g., increase vectors and odors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Response (a-f): The proposal is a code amendment to Title 9 of the Municipal Code that will update definitions for group homes, boarding/lodging facilities, and child day care. No construction is proposed with this request. Any future projects will be reviewed on a case-by case basis top determined impacts.

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	Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
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X. NOISE

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Increases in existing noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Exposure of people to extreme noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Response (a-b): The proposal is a code amendment to Title 9 of the Municipal Code that will update definitions for group homes, boarding/lodging facilities, and child day care. No construction is proposed at this time that will affect noise levels. Future projects will be required on a case-by case basis and are subject to the regulations of CEQA.

XI. PUBLIC SERVICES

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Maintenance of public facilities, including roads? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Other governmental services? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Response (a-e): The proposal is a code amendment to Title 9 of the Municipal Code that will update definitions for group homes, boarding/lodging facilities, and child day care. No impacts to public services will occur with this amendment. Future projects will be reviewed on a case-by-case basis to determine impacts.

XII. UTILITIES AND SERVICE SYSTEMS

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Power or natural gas? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Communication systems? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Local or regional water treatment or distribution facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Sewer or septic tanks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Storm water drainage? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Solid waste disposal? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Response (a-f): The proposal is a code amendment to Title 9 of the Municipal Code that will update definitions for group homes, boarding/lodging facilities, and child day care. No construction is proposed that will affect utilities and service systems. Future projects will be reviewed on a case-by-case basis to determined impacts.

XIII. AESTHETICS

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Affect on a scenic vista or scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Have a demonstrable negative aesthetic effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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	Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
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c. Create light or glare?

Response (a-c): The proposal is a code amendment to Title 9 of the Municipal Code that will update definitions for group homes, boarding/lodging facilities, and child day care. No construction is proposed with this request that will affect aesthetics.

XIV. CULTURAL RESOURCES

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Disturb paleontological resources? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Disturb archaeological resources? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Affect historical resources? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Have the potential to cause physical change, which would affect structures of unique cultural or ethnic value? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Restrict existing religious or sacred uses within the potential impact area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Response (a-e): The proposal is a code amendment to Title 9 of the Municipal Code that will update definitions for group homes, boarding/lodging facilities, and child day care. No construction is proposed with this request that will affect cultural resources.

XV. RECREATION

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Increase the demand for neighborhood or regional parks or other recreational facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Affect existing recreation facilities. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Response (a-b): The proposal is a code amendment to Title 9 of the Municipal Code that will update definitions for group homes, boarding/lodging facilities, and child day care. No construction is proposed with this request that will affect recreation.

XVI. MANDATORY FINDINGS OF SIGNIFICANCE

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. The project does not have the potential to achieve short-term, to the disadvantage of long-term environmental goals. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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- | | Significant
Impact | Potentially
Significant
Unless
Mitigated | Less than
Significant
Impact | No
Impact |
|---|--------------------------|---|------------------------------------|-------------------------------------|
| c. The project does not have impacts that are individually but cumulatively considerable ("Cumulatively considerable" means the incremental effects of a project are considerable, when viewed in connection with the effects of past projects, the effects of current projects and the effects of probable future projects). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. The project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XVII. EARLIER ANALYSIS

Earlier analyses may have been used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D).

a. **EARLIER ANALYSIS:**

1. The City of Garden Grove General Plan Update
2. The City of Garden Grove Existing Condition Report
3. The City of Garden Grove Final Environmental Impact Report for the General Plan Update, State Clearinghouse No. 93051015
4. Title 9 of the Garden Grove Municipal Code

b. **IMPACTS ADEQUATELY ADDRESSED:**

1. Geophysical
2. Hydrology and Water Quality
3. Transportation
4. Noise
5. Public Services

c. **MITIGATION MEASURES:**

None required.

RESOLUTION NO. 5699

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING ADOPTION OF A NEGATIVE DECLARATION AND APPROVAL OF AMENDMENT NO. A-151-09 TO THE CITY COUNCIL.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove does hereby recommend adoption of a Negative Declaration and approval of Amendment No. A-151-09 to the City Council.

BE IT FURTHER RESOLVED that the Planning Commission has considered the proposed Negative Declaration together with comments received during the public review process. The record of proceedings on which the Planning Commission's decision is based is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of record of proceedings is the Director of Community Development. The Planning Commission finds on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment. Therefore, the Planning Commission recommends that the City Council adopt a Negative Declaration for this project.

BE IT FURTHER RESOLVED in the matter of Amendment No. A-151-09 the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by the City of Garden Grove.
2. The applicant is requesting approval to amend Title 9 of the Garden Grove Municipal Code Section 9.04.060 (Definitions), Section 9.08.030 (Uses Permitted), and Section 9.08.050 (Special Operating Conditions and Development Standards), amending definitions and uses for group homes, boarding/lodging facilities, and child day care.
3. The Community Development Department has prepared a Negative Declaration for the project, that (a) concludes that the proposed project can not, or will not, have a significant adverse effect on the environment, (b) was prepared and circulated in accordance with applicable law, including the California Environmental Quality Act, Public Resources Code of Regulations Section 15000 et. Seq.
4. Report submitted by City Staff was reviewed.
5. Pursuant to a legal notice, a public hearing was held on November 19, 2009, and all interested persons were given an opportunity to be heard.
6. The Planning Commission gave due and careful consideration to the matter at its meeting on November 19, 2009, and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Sections 9.24.030 are as follows:

FACTS:

In 2008, a Group Home Subcommittee of the Neighborhood Improvement Committee was formed to study group home issues affecting the community, and to develop an action plan designed to respond to the community issues.

As part of the action plan, staff reviewed the definitions in Title 9 of the Municipal Code relating to various group homes, including boarding/lodging facilities and child day care, to determine if updates were necessary. Staff determined that the current definitions were not consistent with the definitions found in the California Health and Safety code.

The proposed amendment will amend Title 9 of the Garden Grove Municipal Code Section 9.04.060 (Definitions), Section 9.08.030 (Uses Permitted), and Section 9.08.050 (Special Operating Conditions and Development Standards), relating to group homes, boarding/lodging facilities, and child day care to provide definitions that are consistent with the California Health and Safety Code.

FINDINGS AND REASONS:

1. The Amendment is internally consistent with the goals, objectives and elements of the City's general plan.

The requested Amendment is internally consistent with the goals, objectives and the elements of the General Plan. The proposed Amendment will update existing definitions and uses relating to group homes, boarding/lodging facilities, and child day care to provide consistency with the definitions found in the California Health and Safety Code.

2. The Amendment is deemed to promote the public interest, health, safety and welfare.

The Amendment will promote the public interest, health, safety, and welfare, since the proposal will only update existing definitions and uses to provide consistency with the definitions found in the California Health and Safety Code.

INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

In addition to the foregoing the Planning Commission incorporates herein by this reference, the facts and reasons set forth in the staff report.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. Amendment No. A-151-09 possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.24.030.D.1 (Code Amendment).
2. The Amendment does possess characteristics that would indicate justification of the request.
3. The Planning Commission recommends approval of Amendment No. A-151-09 as follows:

Section 9.04.060 (Definitions) is amended to modify the definition of "Boarding/Lodging Facility"; "Congregate Care Facility"; "Convalescent Center"; "Convalescent Home"; and "Foster Home" as follows:

"Boarding/Lodging Facility" means a residence or dwelling in which three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent or rental manager is in residence or a residence or a dwelling rented to individuals that does not otherwise constitute a Single Housekeeping Unit. In conjunction with other factors, the presence of multiple locked bedroom doors and/or multiple doors from bedrooms to the exterior of the residence or dwelling may constitute evidence that a residence or a dwelling is a boarding house.

"Congregate Care Facility" see "Residential Care Facility for the Elderly (RCFE)".

"Convalescent Center" see "Skilled Nursing Facility".

"Convalescent Home" see "Skilled Nursing Facility".

"Foster Home" means, consistent with Health & Safety Code § 1502(a)(5), any residential facility providing 24-hour care for six or fewer foster children that is owned, leased, or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed. The placement may be by a public or private child placement agency or by a court order, or by voluntary placement by a parent, parents, or guardian. It also means, consistent with Health & Safety Code §§ 1502(a)(5) and 1505.2, a foster family home authorized by a licensing agency to provide 24-hour care for up to eight foster children, for the purpose of placing siblings or half siblings together in foster care or authorized by a licensing agency to provide 24-hour care for more than eight children if the foster family home specializes in the care of sibling groups and that placement is solely for the purpose of placing together one sibling group that exceeds eight children.

Section 9.04.060 (Definitions) is amended to include definitions for "Child Day Care Center"; "Family Day Care Home"; "Intermediate Care Facility"; "Half-way house";

Residential Care Facility for the Elderly (RCFE)"; "Single-Housekeeping Unit"; and "Skilled Nursing Facility", to be placed in alphabetical order, and to read as follows:

"Child Day Care Center" means, consistent with Health & Safety Code § 1596.76, any child day care facility licensed pursuant to Health & Safety Code § 1596.80 et seq. other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school age child care centers, which provides care, protection and supervision to children, for periods of less than twenty-four (24) hours per day.

"Family Day Care Home" means, consistent with Health & Safety Code § 1596.78(a), a home licensed pursuant to Health & Safety Code § 1596.80 et seq. that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home. "Large family day care home" means, consistent with Health & Safety Code § 1596.78(b), a home that provides family day care for 7 to 14 children, inclusive, including children under the age of 10 years who reside at the home. "Small family day care home" means, consistent with Health & Safety Code § 1596.78(c), a home that provides family day care for eight or fewer children, including children under the age of 10 years who reside at the home.

"Intermediate Care Facility" means, consistent with Health & Safety Code § 1250(d), a health facility licensed pursuant to Health & Safety Code § 1253 et seq. that provides inpatient care to ambulatory or nonambulatory patients who have recurring need for skilled nursing supervision and need supportive care, but who do not require availability of continuous skilled nursing care.

"Half-way house" means a facility that offers temporary housing to two or more probationers or parolees after their release from an institution, such as a prison, a hospital or a rehabilitation facility, to facilitate reintegration into society, and may provide supportive or monitoring services.

"Residential Care Facility for the Elderly (RCFE)" means, consistent with Health & Safety Code § 1569.2, a housing arrangement chosen voluntarily by persons 60 years of age or over (or persons under 60 years of age with compatible needs as established in Health & Safety Code § 1569.2(k) and 1562.316), or their authorized representative, where varying levels and intensities of care and supervision, protective supervision, personal care, or health-related services are provided, based upon their varying needs, as determined in order to be admitted and to remain in the facility.

"Single Housekeeping Unit" means the functional equivalent of a traditional family, whose members are an interactive group of persons jointly occupying a single dwelling unit, including the joint use of and responsibility for common areas, and sharing household activities and responsibilities such as meals, chores, household maintenance, and expenses, and where, if the unit is

rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises, and the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord or property manager.

"Skilled Nursing Facility" means, consistent with Health & Safety Code § 1250(c), a health facility licensed pursuant to Health & Safety Code § 1253 that provides skilled nursing care and supportive care to patients whose primary need is for availability of skilled nursing care on an extended basis. "Skilled Nursing Facilities" are sometimes commonly referred to as "convalescent homes" or "nursing homes".

Section 9.04.060 (Definitions) is amended to eliminate the following definitions:

"Day Care Centers" and "Family Day Care Homes" shall be defined as set forth in State of California Health and Safety Code Sections 1596.78 et seq.

"Day Care Facility" (State licensed), as referenced in section 9.08.070, means larger sized day care facilities for children in excess of the numerical limits set forth in California State Health and Safety Code Section 1596.78.

"Preschool" means an establishment or facility – which may include, but not limited to child care facility, nursery, or Montessori type facility – caring for 15 or more children, which provides care, protection and supervision to children, for periods of less than twenty-four (24) hours per day, while the parents or guardians of such children are away.

Section 9.08.030 (Uses Permitted), Table 1: City of Garden Grove Land Use Matrix, is amended to modify the title of the following uses:

"Community Residential Care Facility" shall be amended to "Community Care Facility, Residential"

"Day Care Home Family" shall be amended to "Family Day Care Home (1-14 children)"

"Preschool" shall be amended to "Child Day Care Center"

The Land Use Matrix shall be amended as follows, and the new titles shall be subsequently placed in alphabetical order:

USES	R-1	R-2	R-3	O-P	C-1	C-2	C-3	M-1	M-P	O-S
RESIDENTIAL										
Community Residential Care Facility, Residential										
6 persons or less	P	P	P	-	-	-	-	-	-	-
7 persons or more	-	-	C	C	C	-	-	-	-	-
Day Care Home, Family Day Care Home (1-14 children)	p*	p*	p*				-	-	-	-
7 children or fewer (small)	p*	p*	p*	-	-	-				
7-14 children (large)	p*	p*	p*	-	-	-				
Preschool Child Day Care Center	C*	C*	C*		C	C				

Section 9.08.030 (Uses Permitted), Table 1: City of Garden Grove Land Use Matrix, is amended to introduce "Intermediate Care Facility"; "Residential Care Facility for the Elderly (RCFE)"; and "Skilled Nursing Facility," under the Residential Use Section, and placed in alphabetical order, as follows:

USES	R-1	R-2	R-3	O-P	C-1	C-2	C-3	M-1	M-P	O-S
RESIDENTIAL										
Intermediate Care Facility			C	C	C					
Residential Care Facility for the Elderly (RCFE)										
6 persons or less	P	P	P							
7 persons or more			C	C	C					
Skilled Nursing Facility			C	C	C					

Section 9.08.030 (Uses Permitted), Table 1: City of Garden Grove Land Use Matrix, is amended to eliminate the following uses "Convalescent Center"; "Congregate Care Facility"; and "Day Care Residential Facility Adult" from the Land Use Matrix.

USES	R-1	R-2	R-3	O-P	C-1	C-2	C-3	M-1	M-P	O-S
RESIDENTIAL										
Convalescent Center			€	€	€					
Congregate Care Facility		€	€							
Day Care Residential Facility, Adult										
6 persons or fewer	€*	€*	€*							
7 persons or more				€*	€*	€*				

Section 9.08.050 (Special Operating Conditions and Development Standards) shall be amended to modify the title of Day Care Home, (large family), Seven to Fourteen Children, as follows, and placed in alphabetical order:

16. ~~Day Care Home, (large family), Seven to Fourteen Children~~ **Family Day Care Home(1-14 children)**. Subject to the requirements of the state of California.

ADOPTED this 19th day of November, 2009

/s/ KRIS BEARD
CHAIR

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on November 19, 2009, by the following votes:

AYES:	COMMISSIONERS:	BEARD, BONIKOWSKI, BUI, CABRAL, ELLSWORTH, KIRKHAM, TRAN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

/s/ JUDITH MOORE
SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is December 10, 2009.

MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

PUBLIC HEARING: NEGATIVE DECLARATION
AMENDMENT NO. A-151-09
APPLICANT: CITY OF GARDEN GROVE
LOCATION: CITYWIDE
DATE: NOVEMBER 19, 2009

REQUEST: To amend Title 9 of the Garden Grove Municipal Code Sections 9.04.060 (Definitions), 9.08.030 (Uses Permitted), and 9.08.050 (Special Operating Conditions and Development Standards), amending definitions and uses relating to group homes, boarding/lodging facilities, and child day care.

Staff report was read and recommended approval.

Commissioner Bonikowski asked Staff to clarify the number of group homes in the City and how are they regulated?

Staff responded that there are approximately 80 licensed facilities, for adults and elderly, licensed through the State of California Community Care Division; that State distancing requirements require that adult facilities be 300 feet away from similar facilities; that there are no distance requirements for the elderly; and that there is no additional cost to the City to meet the code for these types of facilities.

Vice Chair Kirkham asked Staff to clarify foster homes. Staff replied that foster homes are regulated by the State; and that foster homes that have six or less children cannot be City regulated, however, with more than six, the home becomes a congregate requiring City regulation.

Commissioner Ellsworth asked Staff to clarify group homes with regard to Megan's Law. Staff replied that at one time, the City had over 200 group homes generating calls for police service; that single-family residences were rented out to caregivers for six or less people and the City could not regulate these problematic homes; and that police attended Staff meetings at which terminology was updated to be in line with code in order to help monitor and address the calls for service.

Commissioner Cabral asked Staff to clarify the day care home that can have between one and fourteen children. Staff responded that providing home child care requires a State license for up to fourteen children; and that over fourteen children, the home would need to be a licensed child day care center through the conditional use permit process.

Chair Beard opened the public hearing to receive testimony in favor of or in opposition to the request.

There being no further comments, the public portion of the hearing was closed.

Minute Excerpt – November 19, 2009
Amendment No. A-151-09

Commissioner Ellsworth moved to recommend adoption of the Negative Declaration and approval of Amendment No. A-151-09 to City Council, seconded by Vice Chair Kirkham, pursuant to the facts and reasons contained in Resolution No 5699. The motion received the following vote:

AYES:	COMMISSIONERS:	BEARD, BONIKOWSKI, BUI, CABRAL, ELLSWORTH, KIRKHAM, TRAN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE