



# Agenda Item

## Planning Commission

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**Item #:** 5.1.

2/19/2026

**File #:** 26-0071

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**TO:** Chair and Members of the Planning Commission

**THRU:** Hayden Beckman, Planning Manager

**FROM:** Arlen Beck, Associate Planner

### 1. SUBJECT

Public Hearing to consider recommendation of an Ordinance amending the Orange Municipal Code to update regulations for Residential Care Facilities and Daycare Homes ensuring consistency with State Law; and finding of CEQA exemption.

### 2. SUMMARY

The proposed ordinance amends the Orange Municipal Code to bring the City's regulations regarding Residential Care Facilities and Family Day Care Homes into compliance with State law, specifically the California Community Care Facilities Act (Health and Safety Code Sections 1500-1569.889) and Family Day Care Homes Act (Health and Safety Code Sections 1597.40-1597.46), and updates to related definitions and land use tables for consistency.

### 3. RECOMMENDED ACTION

1. Conduct and close the Public Hearing.
2. Adopt Planning Commission Resolution No. 06-26 recommending the City Council adopt an Ordinance amending Title 17 of the Orange Municipal Code to bring the City's regulations regarding Residential Care Facilities and Family Day Care Homes into compliance with State law, specifically the California Community Care Facilities Act (Health and Safety Code Sections 1500-1569.889) and Family Day Care Homes Act (Health and Safety Code Sections 1597.40-1597.46), and updates to related definitions and land use tables for consistency.
3. Recommend that the City Council find the ordinance categorically exempt from the California Environmental Quality Act (CEQA) per State CEQA Guidelines Sections 15061(b)(3).

### 4. PROJECT BACKGROUND

The City of Orange General Plan 2021-2029 Housing Element includes Housing Policy Action 4F, which commits the City to amend the Orange Municipal Code to comply with State law for residential care facilities and day care homes.

State housing laws require the following:

- Health and Safety Code §§1566.3 and 1568.0831 requires jurisdictions to treat licensed residential care facilities serving six or fewer residents as a by-right residential use.
- Health and Safety Code §§1597.40-1597.46 requires that family day care homes be treated as

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a residential use and to be permitted in all zones allowing residential dwellings.

## 5. PROJECT DESCRIPTION

The proposed ordinance updates the Orange Municipal Code (OMC) to clarify the treatment of Residential Care Facilities and Family Day Care Homes consistent with State law. It removes outdated definitions, updates operational standards, and revises land use tables to reflect appropriate permitting requirements.

These amendments clarify the following:

- Residential care facilities serving six or fewer persons are considered a residential use by right in all zones allowing single-family dwellings, subject to the same standards as any other residential use.
- Residential care facilities serving seven or more persons require a Conditional Use Permit pursuant to OMC Section 17.10.030.
- Family day care homes (small and large) are treated as residential uses and allowed in residential zones with updated operational standards reflecting State law.

The proposed amendment also removes outdated definitions (e.g., 'rest home,' 'sanitarium,' and 'day nurseries') and adds new definitions such as 'Skilled Nursing Facility,' ensuring alignment with current State licensing categories.

## 6. PROJECT ANALYSIS

The proposed ordinance updates the City's zoning regulations governing Residential Care Facilities and Family Day Care Homes to ensure consistency with state law and the City's adopted 2021-2029 Housing Element. The amendments are primarily technical in nature and are intended to modernize outdated code provisions, eliminate regulatory inconsistencies, and bring the Municipal Code into full compliance with mandatory state requirements.

The current Municipal Code contains outdated terminology and regulatory standards that no longer align with the California Community Care Facilities Act or the Family Day Care Homes Act. Terms such as "rest home," "convalescent facility," and "day nursery" are no longer used by the State Department of Social Services or the State Fire Marshal, and their continued use creates confusion for applicants, residents, and City staff. In addition, certain provisions of the Code require discretionary approvals or impose spacing or location requirements on residential care facilities and family day care homes that state law now requires to be treated as residential uses by right.

Overall, the proposed ordinance improves clarity and consistency within the Zoning Code while supporting the City's broader housing and equity goals. The amendments expand housing opportunities for seniors, persons with disabilities, reduce unnecessary regulatory barriers, and simplify code administration and enforcement. The update strengthens the legal defensibility of the City's Zoning Code and Housing Element and advances the City's goal of providing equitable, inclusive, and accessible housing opportunities.

## 7. AUTHORIZING GUIDELINES

Orange Municipal Code Section 17.08.020 authorizes the Planning Commission to review and make advisory recommendations to the City Council on Zoning Ordinance Amendments.

## **8. PUBLIC NOTICE**

On January 29, 2026, a notice was published in the Orange City News newspaper for a public hearing before the Planning Commission on February 19, 2026.

## **9. ENVIRONMENTAL REVIEW**

The proposed project is not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the state CEQA Guidelines (Common Sense Exemption) because it can be seen with certainty that there is no possibility that it would have a significant effect on the environment.

## **10. ADVISORY BOARD ACTION**

None.

## **11. ATTACHMENTS**

- Attachment 1 Planning Commission Resolution No. PC 06-26 with Draft City Council Ordinance XX-26 - Residential Care Facilities and Family Day Care Update Ordinance (Clean)
- Attachment 2 Draft City Council Ordinance XX-26 - Residential Care Facilities and Family Day Care Update Ordinance (Redlined)