

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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Prepared May 28, 2008 (for June 13, 2008 hearing)

To: Commissioners and Interested Persons

From: Dan Carl, District Manager
Susan Craig, Coastal Planner

Subject: Santa Cruz County LCP Major Amendment Number 2-05 Part B (Family Childcare and Miscellaneous Clean-Up). Proposed major amendment to the Santa Cruz County certified Local Coastal Program to be presented for public hearing and California Coastal Commission action at the Commission's June 13, 2008 meeting to take place at the Sonoma County Board of Supervisors Chambers at 575 Administration Drive in Santa Rosa.

Summary of Staff Recommendation

Santa Cruz County proposes to amend its Local Coastal Program (LCP) Implementation Plan (IP) to add small family childcare homes (SFCH) (up to 8 children) in conjunction with residential uses as a principally permitted use in all LCP zoning districts that allow residential use. The proposed amendment responds to recent State legislation that requires that the use of single-family residences as SFCHs be considered a residential use of property with respect to all local ordinances (Health and Safety Code Section 1597.45). The addition of SFCHs as a principally permitted use in existing single-family residences (SFRs) would not result in significant adverse impacts to coastal resources, including because the existing LCP would continue to govern the appropriateness of SFRs in the County's coastal zone, and small family childcare could only be understood in relation to those SFRs that are consistent with the LCP in that respect. In other words, SFCHs would not be added independently as a principally permitted use. Rather, these facilities could only be understood in relation to SFR use that meets all other applicable provisions of the LCP. This is particularly important with respect to the County's rural properties, where specific siting and design criteria limit residential development as a conditional use to protect rural and agricultural lands. Adding SFCHs as a use contingent on SFR development already consistent with the LCP would be expected to have negligible resource impacts past the SFR impacts themselves, and can be found consistent with the LCP Land Use Plan (LUP) (the standard of review for proposed IP amendments) in that respect.

However, the County's proposal is slightly broader than the State law because it refers to residential use, as opposed to single-family residential use, including in relation to large family childcare homes in the LCP's residential zoning districts. Thus, as proposed, the new use code could be read to apply to all types of residential uses (multi-family residential, residential dwelling groups, caretaker's quarters, etc.), and could lead to unforeseen and intensified coastal resource impacts as a result—including in relation to the aforementioned rural properties. This type of potential outcome would be inconsistent with the LUP's coastal resource protection policies. Fortunately, the proposed use codes can be easily clarified to conform them to the State law, and thus ensure that any impacts from the proposed family childcare uses are insignificant.



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In addition to the family childcare use proposal, the proposed amendment also includes: 1) correction of typographical errors; 2) minor text corrections; 3) clarification regarding the level of building permit review required for non-habitable and non-agricultural accessory structures on agricultural land; 4) deletion of duplicative text regarding the processing of coastal permits for second units that are not excludable; and 5) deletion of the County’s one-story and 17-foot height limit for mobile homes. With respect to all but number (5), the proposed changes are both minor in nature and non-substantive corrections that will only improve LCP clarity. With respect to the mobile home height limit modification, the proposed change responds to a recent published appeals court decision that determined that this IP requirement was in conflict with and preempted by the California Mobilehome Parks Act. Although the existing one-story and 17-foot height limits provide a greater level of visual and community character protection in terms of potentially inappropriate mass and scale, these limits present MPA conflicts, and the remaining LCP standards should adequately protect coastal resources consistent with the LUP requirements in this regard, including because mobile home park facilities in Santa Cruz County’s coastal zone are limited, and are generally located outside of critical public viewshed and community character areas, including a lack of such facilities nearest the shoreline itself. Thus, even with the proposed elimination of the IP sections that conflict with the MPA, the remaining applicable LCP provisions will provide adequate protection of public viewsheds and community character as required by the policies of the LUP.

Thus, staff is mostly supportive of the proposed ordinance text, but believes that there are a few areas that need to be clarified so that coastal resources are protected to the maximum extent feasible as directed by LCP LUP policies. Thus, staff recommends that the Commission’s approval be contingent upon suggested modifications designed to conform and limit the LCP changes with respect to State law in a manner designed to best protect coastal resources as much as possible. **With the identified modifications, staff recommends that the Commission find that the proposed IP amendment is consistent with and adequate to carry out the policies of the LUP. As so modified, staff recommends that the Commission approve the LCP amendment.**

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I. Staff Recommendation – Motions and Resolutions

Staff recommends that the Commission, after public hearing, approve the proposed amendment only if modified. The Commission needs to make two motions in order to act on this recommendation.

1. Denial of Implementation Plan Major Amendment Number 2-05 Part B as Submitted
Staff recommends a **YES** vote on the motion below. Passage of this motion will result in rejection of the amendment and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion (1 of 2). I move that the Commission **reject** Part B of Major Amendment Number 2-05 to the Santa Cruz County Local Coastal Program Implementation Plan as submitted by Santa Cruz County.

Resolution to Deny. The Commission hereby **denies** certification of Part B of Major Amendment Number 2-05 to the Santa Cruz County Local Coastal Program Implementation Plan as submitted by Santa Cruz County and adopts the findings set forth in this staff report on the grounds that, as submitted, the Implementation Plan amendment is not consistent with and not adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse effect which the Implementation Plan Amendment may have on the environment.

2. Approval of Implementation Plan Major Amendment Number 2-05 Part B if Modified
Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the amendment with suggested modifications and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion (2 of 2). I move that the Commission **certify** Part B of Major Amendment Number 2-05 to the Santa Cruz County Local Coastal Program Implementation Plan if it is modified as suggested in this staff report.

Resolution to Certify with Suggested Modifications. The Commission hereby **certifies** Part B of Major Amendment Number 2-05 to the Santa Cruz County Local Coastal Program Implementation Plan if modified as suggested and adopts the findings set forth in this staff report on the grounds that, as modified, the Implementation Plan amendment is consistent with and adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment if modified as suggested complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment; or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Implementation Plan Amendment may have on the environment.



II. Suggested Modifications

The Commission hereby suggests the following modifications to the proposed LCP amendment, which are necessary to make the requisite LUP consistency findings. If the Santa Cruz County accepts each of the suggested modifications within six months of Commission action (i.e., by December 13, 2008), by formal resolution of the Board of Supervisors, the corresponding amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished. Where applicable, text in ~~cross-out~~ format denotes text to be deleted and text in underline format denotes text to be added.

- 1. Use Charts.** All proposed IP use chart text (see Exhibit B) that states "in conjunction with residential use" shall be changed to "in conjunction with residential use in a single-family residence."
- 2. Definitions.** All proposed IP definitions text (see Exhibit B) that states "A dwelling whose occupant" shall be changed to "A single-family residence whose occupant"
- 3. IP Section 13.10.458.** Modify IP Section 13.10.458 as follows: "All properties in the Mobile Home Park "MH" Combining District shall be maintained for mobile home park use and shall be subject to all of the regulations governing mobile home park development, operation, rental, sale and conversion as provided by state and federal statutes and regulations, and the provisions of County Code. The location, design and approval of new mobile home parks shall be consistent with Section 13.10.684 of the Zoning Regulations. ~~Existing mobile home parks shall be subject to the restriction that an individual mobile home or accessory building shall not exceed one story or seventeen (17) feet in height unless an exception is granted pursuant to subsection (f) of Section 13.10.684.~~ Each mobile home installed on or after March 8, 2003 outside the California coastal zone and each mobile home installed on or after September 10, 2003 inside the California coastal zone ~~the date this section is certified by the California Coastal Commission~~ shall be required to meet the off-street parking requirements of County Code Section 13.10.552. Conversion of a mobile home park to another use shall be subject to the provisions of County Code Chapter 13.30, Mobile Home Park Conversion, and shall require amendment of the County Zoning Plan to remove the Mobile Home Park Combining District from the property. The regulatory provisions of the section are in addition to any existing requirements for Coastal permits under Chapter 13.20 of the County Code."



III. Findings and Declarations

The Commission finds and declares as follows:

A. Family Childcare Amendment

1. Proposed Amendment Description

Family childcare homes are small-scale childcare facilities that are regulated and licensed by the State Department of Social Services. By State law and definition, family childcare homes are located within residences where the owner/operator of the childcare service resides. There are two types of family childcare homes: small and large. A small family childcare home (SFCH) may provide care for up to 8 children. A large family childcare home (LFCH) may provide care for up to 14 children. Recent State legislation affects the manner in which local governments are required to understand family childcare homes (Health and Safety Code Sections 1596.70 – 1597.621). The current LCP amendment request responds to State law provisions related to SFCHs that requires that the use of single-family residences as SFCHs be considered a residential use of property with respect to all local ordinances (Health and Safety Code Section 1597.45). Please see Exhibit B for the proposed amendments to Chapter 13.10 of the certified LCP Implementation Plan (IP) (i.e., the LCP Zoning Code).

The proposed IP amendment would allow small family childcare homes (SFCHs) as a principally-permitted use in all LCP zoning districts in which a residential use is allowed. Specifically, the proposed amendment would add SFCHs in the following residential and non-residential zoning districts, in conjunction with a residential use (all of the following zoning districts allow residential use as either a principal or a conditional use, except for mining districts in which residential use is a nonconforming use):

- Agricultural zoning districts: Commercial Agriculture (CA), Agriculture (A), and Agricultural Preserve (AP);
- Residential zoning districts: Residential Agricultural (RA), Rural Residential (RR), Single-Family Residential (R-1), Single-Family Ocean Beach Residential (RB), Multi-Family Residential (RM);
- Commercial zoning districts: Professional and Administrative Offices (PA), Neighborhood Commercial (C-1), Community Commercial (C-2);
- Industrial zoning districts: Small Light Industrial Facilities (M-1), Light Industrial Facilities (M-2), Mining, Agriculture, and Timber Harvesting (M-3);
- The Parks, Recreation, and Open Space (PR) zoning district;



- The Public and Community Facilities (PF) zoning district; and
- The Timber Production (TP) zoning district.

The proposed amendment also adds LFCH use as a principally permitted use in all of the above listed residential zoning districts (see page 3 of Exhibit B).¹ The proposed amendment also amends the IP to add definitions of “small family child care home” and “large family child care home,” and amends the existing IP definition of “family day care home” to specify that a family day care home can provide care for disabled or ill children or adults. See page 7 of Exhibit B for the proposed IP amendment text.

2. LUP Consistency Analysis

In order to approve an Implementation Plan amendment, it must be consistent with and adequate to carry out the LCP’s Land Use Plan (LUP). The proposed amendment would add SFCHs and LFCHs in conjunction with residential use as a principally permitted use in all residentially-zoned IP districts. In addition, the proposed amendment would add SFCHs in conjunction with residential use as a principally permitted use in the IPs Agricultural, Commercial, Industrial, Parks, Recreation, and Open Space, Public and Community Facilities, and Timber Production zoning districts. The addition of SFCHs and LFCHs as a principally permitted use in existing single-family residences (SFRs) located in the above zoning districts would not result in significant adverse impacts to coastal resources, including because the existing LCP would continue to govern the appropriateness of SFRs in the County’s coastal zone, and family childcare could only be understood in relation to those SFRs that are consistent with the LCP in that respect. In other words, SFCH and LFCH would not be added independently as a principally permitted use. Rather, these facilities could only be understood in relation to SFR use that meets all other applicable provisions of the LCP. This is particularly important with respect to the County’s rural properties, where specific siting and design criteria limit residential development as a conditional use to protect rural agricultural lands. If the SFCH or LFCH use were intended to be understood on its own as a principally permitted use in these types of more sensitive areas, this would indeed be problematic under the LUP because it could lead to inappropriate residential development couched as family childcare homes where such development was principally permitted (and thus CDP decisions would not be appealable to the Commission on the use basis) and could result in inappropriate intensification of use and development under the auspices of family childcare homes—use and development that could simply end up being residential development in the long run, sans the family childcare use. Adding family childcare homes as a use contingent on SFR development already consistent with the LCP eliminates this concern, and would be expected to have negligible resource impacts past the SFR impacts themselves.² Thus, if based on this conjunctive premise, this portion of the proposed IP

¹ The Commission recently approved a Santa Cruz County LCP amendment designed to conform the LCP to the State law with respect to LFCHs in non-residential zones (see LCP amendment SCO-MAJ-1-06 Part 2, certified on November 16, 2007). This amendment allowed for LFCHs in three commercial zoning districts (PA, C-1, C-2), and the PR, PF, and TP zoning districts.

² With respect to LFCH and agricultural priorities, the Commission previously prohibited the LFCH use of in agricultural districts in LCP amendment SCO-MAJ-1-06 Part 2 due to concerns about potential conflicts between LFCH use and ongoing agricultural activities. This was allowed by State law because the applicable LFCH sections apply to residentially zoned properties, as opposed to those that apply to SFCH that refer to residential uses as opposed to zoning.



amendment and can be found consistent with the LUP in that respect.

However, the County's proposal is slightly broader than the State law because it refers to residential use in general, as opposed to single-family residential use as stated in the law. Thus, as proposed, the new use code could be read to apply the family childcare home use to all types of residential uses (multi-family residential, residential dwelling groups, caretaker's quarters, etc.), and could lead to unforeseen and intensified coastal resource impacts as a result. This is not consistent with the State law requirements, and would be inconsistent with the LUP's coastal resource protection policies. Fortunately, the proposed use codes can be easily clarified to conform them to the State law, and thus ensure that any impacts from the proposed family childcare home use are insignificant, as premised on such use being understood in relation to existing SFR use as described above. Specifically, all references to "in conjunction with residential use" must be changed to "in conjunction with residential use in a single-family residence" (see suggested modification number 1).

Thus, as modified for all the IP zoning districts listed above, the family childcare use would be consistent with the policies of the certified LUP. If a *new* single-family residential structure to include an family childcare home use were proposed in any of the above zoning districts, development of the new single-family residential structure would have to conform to all applicable LCP requirements regarding coastal resource protection (including protection of agriculture, environmentally sensitive habitat, visual resources, the priority use requirements of the zoning district, etc.). For example, if a person or persons proposed to construct a new single-family residence on agricultural land that would include an SFCH use, the proposed single-family residential development would be required to comply with the LCP's certified agricultural policies and zoning code requirements, which recognize agriculture as a priority land use, require the preservation of agricultural uses on agricultural lands, and limit residential development accordingly (e.g., LUP Chapter 5 Agriculture policies and IP Sections pertaining to development on agricultural land, including but not limited to Sections 13.10.313 and 13.10.510, et seq., and IP Chapter 16.50). As is currently the case, any such single-family residential development use would also be a conditional use, thus making any decision on such an SFR appealable to the Coastal Commission.

The proposed amendment also adds a definition for "Child Care Homes, Small Family" and for "Child Care Homes, Large Family" to the IP (see page 7 of Exhibit B). In each case, the definition provides that a LFCH or SFCH is located in a "dwelling." Section 13.10.700-D of the IP defines "dwelling" in relevant part, as "a one-family dwelling, multiple-family dwelling, or lodging house." Similar to the use question itself as described above, this represents a broader interpretation of the family childcare home use than that found in State law. Specifically, the State law is premised on single-family residential use. Therefore, in order to conform the proposed definitions to the IP (as amended above) and to State law with respect to family child care, modifications are suggested to make clear that the dwellings in question are single-family residences. Specifically, all references to "A dwelling whose occupant" must be changed to "A single-family residence whose occupant" (see suggested modification number 2).

As modified, this portion of the proposed IP amendment can be found consistent with and adequate to carry out the certified LUP.



B. Miscellaneous “Clean-Up” Amendments

1. Typographical Errors/Omissions

The proposed IP amendment also proposes to correct a variety of typographical errors and inadvertent omissions that have crept into the County’s version of the printed LCP over time (see page 5 of Exhibit #B for examples of these errors and omissions). Many of these errors appear to have been caused by mistakes in transcription and inadvertent deletions during prior ordinance updates. In any event, all of the amendments for which the County’s explanation of the proposed change is described as an inadvertent removal of text or a typographical error do not constitute amendments to the LCP because in each case the typographical errors and inadvertent omissions occurred after the correct language had already been certified by the Commission. In other words, the language shown by the County in this respect as amended language is actually the currently certified LCP text (see those portions of the proposed amendment noted as “already certified” in Exhibit B).

2. Mobile Homes Story/Height Limit

The proposed IP amendment also deletes IP Section 13.10.684(e)(16) (see page 2 of Exhibit B). Existing IP Section 13.10.684(e)(16) limits mobile homes to one-story and 17 feet in height; this story and height limitation was added into the LCP in 2003 (LCP amendment 1-03 Part 3, approved by the Commission September 10, 2003). The proposed elimination of this requirement responds to a recent published Sixth District Court of Appeals decision that determined that this IP requirement was in conflict with and preempted by the California Mobilehome Parks Act (MPA) in this regard.³ As proposed, the one-story and 17-foot height limit specific to mobile home parks and mobile homes explicitly would no longer apply, and instead the IP’s RM (Multi-Family) zoning district height and story limits would apply, as they did prior to LCP amendment 1-03 Part 3. The latter is because the LCP only allows mobile home park developments in the RM zoning district,⁴ and these requirements were not at issue in the recent decision, nor do they appear to be in conflict with the MPA. Although the one-story and 17-foot height limits provide a greater level of protection against inappropriate mass and scale that could cause conflicts with the visual protection and community character policies of the LUP, these limits present MPA conflicts, and the existing RM standards should adequately protect coastal resources consistent with the LUP requirements in this regard.⁵ This is also accurate because mobile home park facilities in Santa Cruz County’s coastal zone are limited, and are generally located outside of critical public viewshed and community character areas, including a lack of such facilities nearest the shoreline itself. Thus, even with the proposed elimination of the IP sections that conflict with the MPA, the remaining

³ County of Santa Cruz v. Waterhouse, Cal.App. 6 Dist., 2005.

⁴ IP Section 13.10.684(b) provides that mobile home park developments shall be located only in the RM district. IP Section 13.10.684(e) further states that standards for the development of mobile home parks should as nearly as possible be equivalent to the regulations for the district in which the mobile home development is located (RM), while at the same time preserving the special advantages of mobile home living (such as easy maintenance, close community, easy pace, availability of services and recreation facilities).

⁵ With respect to height, the RM district allows for a maximum height of 28 feet, as do all of the LCP’s residential zoning districts. This residential height limit is a maximum, of course, and the facts of any particular case dictate appropriate height in light of other LCP policies that also apply (protecting shoreline views, community character, etc.).



applicable LCP provisions will provide adequate protection of public viewsheds and community character as required by the policies of the LUP.

That said, the County’s proposed IP modification inadvertently omits deletion of the one-story and 17-foot height limit text in IP Section 13.10.458; the second IP section where this limitation was added by virtue of LCP amendment 1-03 Part 3 in 2003. In order to maintain internal IP consistency, and avoid future implementation issues, a modification is included to conform IP Section 13.10.458 to revised IP Section 13.10.684 in this regard (see suggested modification number 3).

3. Non-Habitable Accessory Structures in Agricultural Zones

This portion of the proposed IP amendment modifies the IP’s Agricultural Uses Chart (Section 13.10.312(b)) to indicate that 501 square foot to 1,000 square foot non-habitable accessory structures on agricultural land would be processed at a building permit review level, whereas non-habitable accessory structures in excess of 1,000 square feet on agricultural land would require a level 3 discretionary review (see page 1 of Exhibit B for the proposed amendment language). The proposed amendment is, however, slightly misrepresented. The certified IP currently reads as follows in this respect:

Non-habitable accessory structure when incidental to a residential use and not for agricultural purposes (subject to the provisions of Section 13.10.611 and 13.10.313(a)).	CA Commercial Agriculture	A Agriculture	AP Agricultural Preserve
Total area of 1000 square feet or less	BP only	BP only	BP only
Total area of more than 1,000 square feet	3	3	3

Thus, under the existing certified IP, and provided it can meet the applicable agricultural and accessory structure provisions of the IP (including Sections 13.10.611 and 13.10.313(a)), a non-habitable non-agricultural accessory structure on agricultural land that is less than 1,000 square feet requires only building permit review, and a structure larger than 1,000 square feet requires a level 3 discretionary review. Therefore, the proposed change from the certified language is that the proposed review level for such structures less than 1,000 square feet would include an added level of review detail. Specifically, a non-habitable accessory structure smaller than 500 square feet would require a level 2 building permit review (which includes a requirement for project plans and administrative approval), and a non-habitable accessory structure ranging in size from 501 square feet to 1,000 square feet would require a level 3 building permit review (which requires project plans and a field visit prior to administrative approval). In other words, this portion of the proposed amendment simply provides additional specificity to the existing IP with respect to the level of building permit review required, and does not raise significant coastal resource issues.

4. Non-Excludable Second Units

The proposed IP amendment also proposes to delete language from the IP’s Residential Uses Chart regarding the processing of coastal permits for second units that are not excludable (see pages 2-3 of



Exhibit B). In 2004 the Commission certified amendments to IP Section 13.10.681 regarding the review process for second units in residential zones within the coastal zone (LCP amendment 2-03 Part 1). LCP amendment 2-03 Part 1 identifies the appropriate processing provisions for second units that are not excludable, indicating that all proposed second units in residential zones in the coastal zone are processed under zoning ordinance section 13.10.681. As a result, the language proposed for deletion here is duplicative, and its deletion does not substantively alter the IP.

5. Conclusion

The proposed miscellaneous clean up amendments are either minor in nature or non-substantive corrections that will only improve LCP clarity, or in the case of the mobile home story/height changes, they are corrections that conform the IP to recent published court decisions. As modified, this portion of the proposed IP amendment can be found consistent with and adequate to carry out the certified LUP.

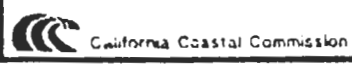
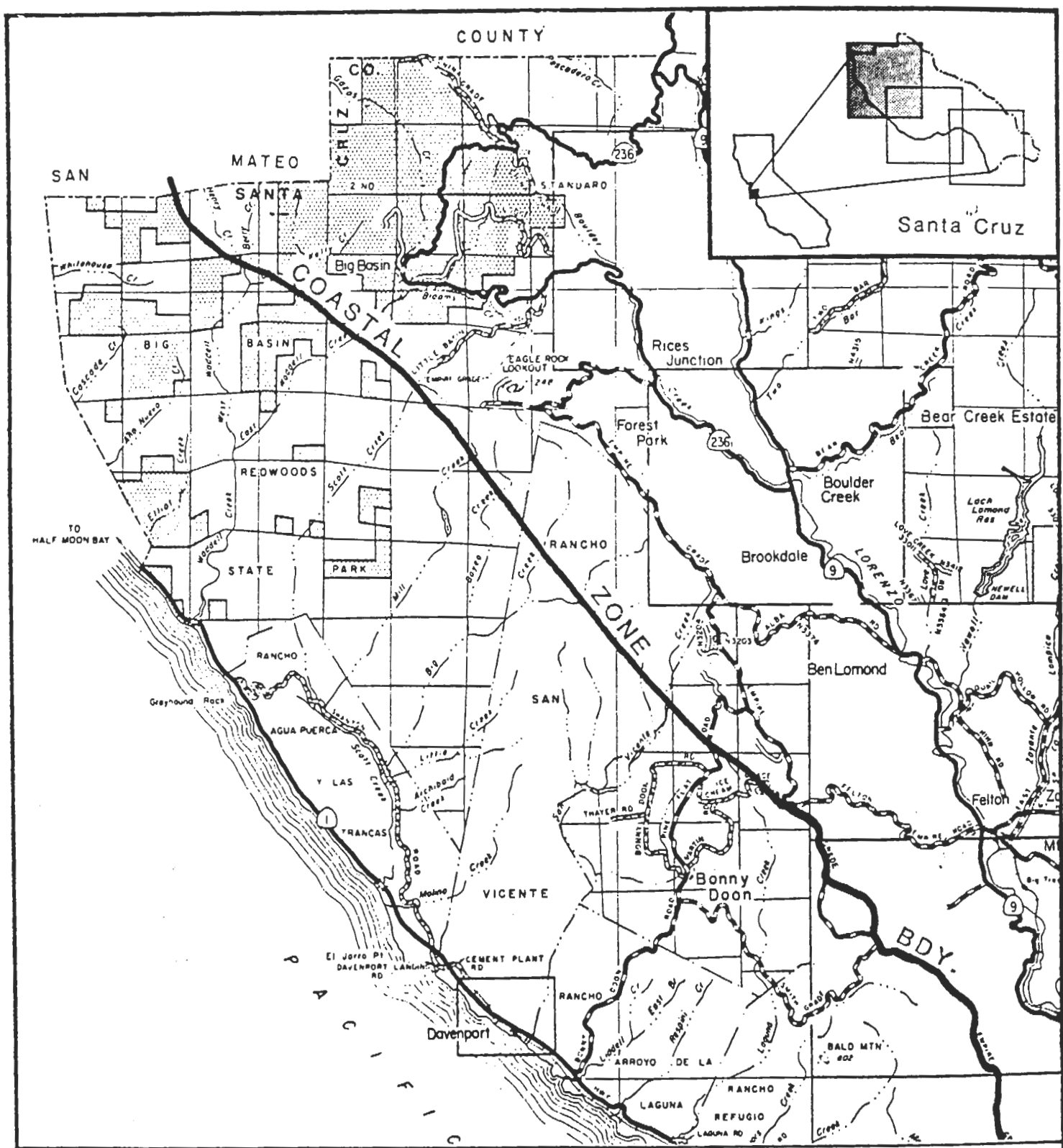
C. California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

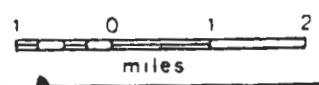
The County, acting as the lead CEQA agency in this case, exempted the proposed amendment under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

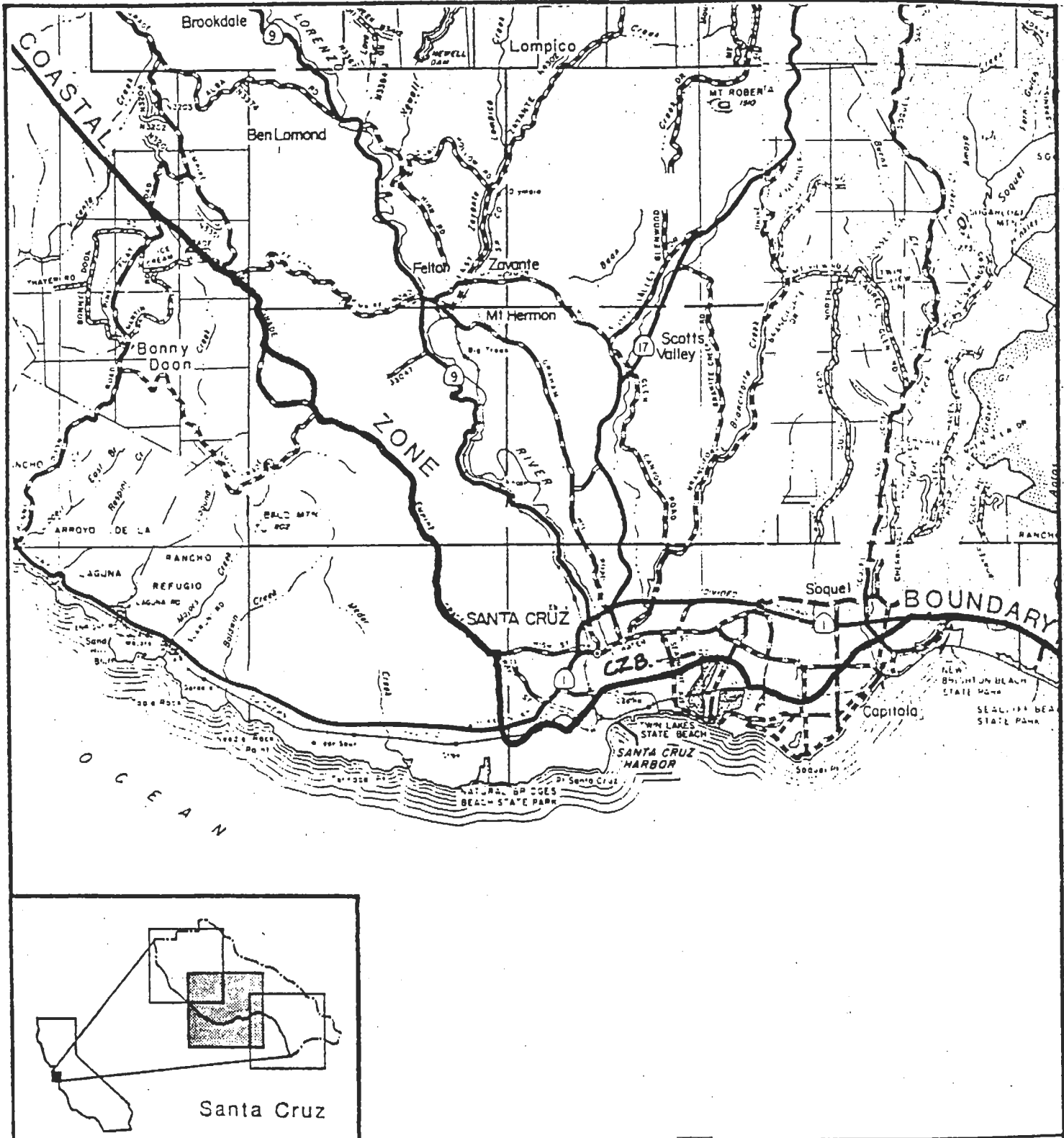
As such, there are no additional feasible alternatives nor feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment would have on the environment within the meaning of CEQA. Thus, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).






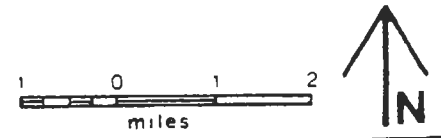
LOCATION MAP





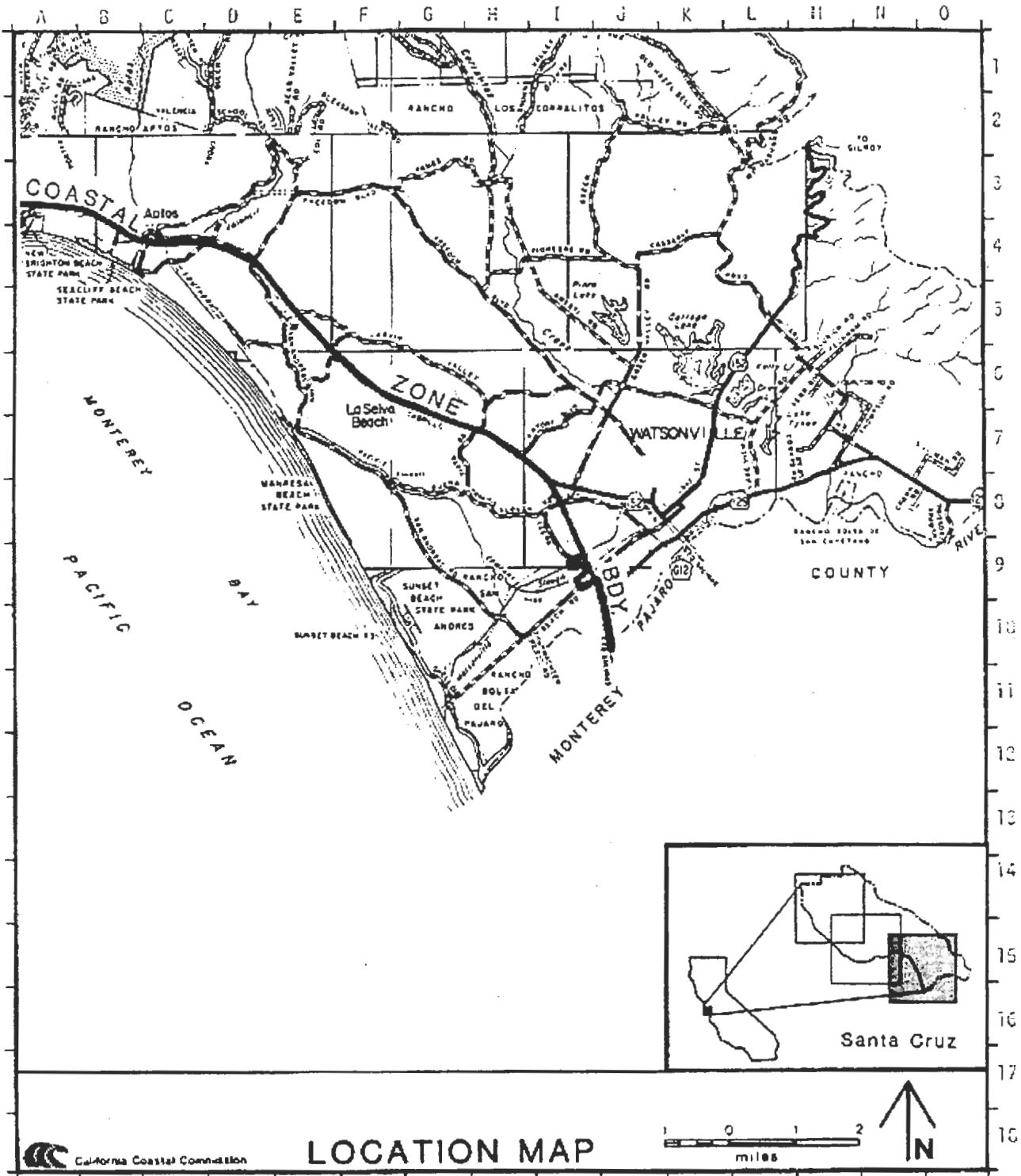
 California Coastal Commission

LOCATION MAP



County of Santa Cruz

CCC Exhibit A Sheet 2 of 3
 (page 2 of 3 pages)



California Coastal Commission

LOCATION MAP

County of Santa Cruz

Sheet 3 of 3

CCC Exhibit A
(page 3 of 3 pages)

ORDINANCE No. 4808

ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 13.10 and 18.10 OF THE SANTA CRUZ COUNTY CODE RELATING TO SMALL FAMILY CHILD CARE HOMES AND MAKE OTHER MINOR CORRECTIONS

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

The category "Child Care Homes, Small Family (must be in conjunction with residential use)(See Section 13.10.700-C definition)" under "Agricultural Support and Related Facilities" in the Agricultural Uses Chart in Section 13.10.312 (b) of the Santa Cruz County Code is hereby added below the category "Caretaker's quarters, permanent, subject to the provisions of Section 13.10.631" to read as follows:

	CA	A	AP
Child Care Homes, Small Family (must be in conjunction with residential use) (See Section 13.10.700-C definition)	P	P	P

SECTION II

The category "Non-habitable accessory structure when incidental to a residential use and not for agricultural purposes" under "Agricultural Support and Related Facilities" in the Agricultural Uses Chart in Section 13.10.312 (b) of the Santa Cruz County Code is hereby amended to read as follows:

Non-habitable accessory structure when incidental to a residential use and not for agricultural purposes (subject to the provisions of Section 13.10.611 and 13.10.313(a)).			
Total area of 500 square feet or less	BP2	BP2	BP2
Total area of 501 to 1,000 square feet	BP3	BP3	BP3
Total area of more than 500 1,000 square feet	BP3 3	BP3 3	BP3 3

SECTION III

The category "Riding academies or public stables, subject to the provisions of Section 16.22.060" under "Agricultural Support and Related Facilities" in the Agricultural Uses Chart in Section 13.10.312 (b) of the Santa Cruz County Code is hereby added below the category "Reservoirs or ponds" to read as follows:

Riding academies or public stables, subject to the provisions of Section 16.22.060	S	S	S
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already certified

SECTION IV

The category "Timber harvesting and associated Operations (outside the Coastal Zone only)" under "Agricultural Support and Related Facilities" in the Agricultural Uses Chart in Section 13.10.312 (b) of the Santa Cruz County Code is hereby added below the category "Stands for the display and sale of agricultural commodities produced on site**" and above the category "Veterinary offices and animal hospitals subject to the provisions of Section 13.10.642" to read as follows:

Timber harvesting and associated Operations (outside the Coastal Zone only)	P		
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outside coastal zone

SECTION V

The category "Wireless Communication Facilities, subject to Section 13.10.660 through 13.10.668, inclusive" under "Agricultural Support and Related Facilities" in the Agricultural Uses Chart in Section 13.10.312 (b) of the Santa Cruz County Code is hereby added below the category "Wineries" and above the category "Zoos and natural science museums" to read as follows:

Wireless Communication Facilities, subject to Section 13.10.660 through 13.10.668, inclusive	S	S	S
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already certified

SECTION VI

Subsection (16) of subdivision (e) of Section 13.10.684 of the Santa Cruz County Code is hereby deleted:

~~(16) Height and Story Limitation. An individual mobile home or accessory building shall not exceed one story or seventeen (17) feet in height unless an exception is granted pursuant to subsection (f) of this section.~~

SECTION VII

The category "*** = Second Units located within the Coastal Zone and not excludable under Section 13.20.071 requires a Coastal Permit which is processed pursuant to Section 13.10.681" under "Key" of the "Residential Uses Chart" in Section 13.10.322 (b) of the Santa Cruz County Code is hereby deleted.

**** = Second Units located within the Coastal Zone and not excludable under Section 13.20.071 requires a Coastal Permit which is processed pursuant to Section 13.10.681.**

SECTION VIII

The categories "Child Care Homes, Large Family (must be in conjunction with residential use)(See Section 13.10.700-C definition)" and "Child Care Homes, Small Family (must be in conjunction with residential use)(See Section 13.10.700-C definition)" under "Residential Uses" in the Residential Uses Chart in Section 13.10.322 (b) of the Santa Cruz County Code are hereby added below the category "Residential Uses" to read as follows:

	RA	RR	R-1	RB	RM
Child care homes, Large family (must be in conjunction with residential use) (See 13.10.700-C definition)	P	P	P	P	P
Child care homes, Small family (must be in conjunction with residential use) (See Section 13.10.700-C definition)	P	P	P	P	P

SECTION IX

The "front and rear setbacks" for the category "Semi-detached dwellings and dwellings adjacent to pedestrian rights-of-way" within the category of "RB > or = 4,000 sq.ft." in the "R-1 SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART" in Section 13.10.323 (b) of the Santa Cruz County Code is hereby amended to read as follows:

RB > or = 4,000 sq.ft.	Semi-detached dwellings and dwellings adjacent to pedestrian rights-of-way	15 10	0&5	15 10
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already certified

SECTION X

The "side setbacks" for the categories "Corner lots – existing parcels" and "- creating new parcels" within the category of "R-1-6 to R-1-9.9 6,000 to <10,000 sq. ft." in the "R-1 SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART" in Section 13.10.323 (b) of the Santa Cruz County Code is hereby amended to read as follows:

R-1-6 to R-1-9.9 6,000 to <10,000 sq. ft.	Corner lots – existing parcels	20	5&10
	- creating new parcels		5&20

already certified

SECTION XI

The “MAXIMUM PARCEL COVERAGE***” for the category “Parcels 4 to <5,000 sq. ft.” within the category of “R-1-5 to R-1-5.9 5,000 to <6,000 sq. ft.” in the “R-1 SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART” in Section 13.10.323 (b) of the Santa Cruz County Code is hereby amended to read as follows:

R-1-5 to R-1-5.9 5,000 to <6,000 sq. ft.	Parcels 4 to <5,000 sq. ft.	20	5&8	15	30% 40%
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already certified

SECTION XII

The title “Zone District and Minimum Gross Site Area per Dwelling Unit” in the “RM MULTI-FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART” in Section 13.10.323 (b) of the Santa Cruz County Code is hereby amended to read as follows:

Zone District and Minimum Net Site Area per Dwelling Unit
--

already certified

SECTION XIII

The “MAXIMUM PARCEL COVERAGE***” for the category “Parcels >4,000 to <5,000 sq. ft.” within the category of “RM-5 to RM- 5.9 5,000 to <6,000 sq. ft.” in the “RM MULTI-FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART” in Section 13.10.323 (b) of the Santa Cruz County Code is hereby amended to read as follows:

RM-5 to RM-5.9 5,000 to <6,000 sq. ft.	Parcels >4,000 to <5,000 sq. ft.	20	5&8	15	30% 40%
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already certified

SECTION XIV

The phrase "Net Site Area x Floor Area Ratio (F.A.R.) = Total Allowable Gross Building Area for All Buildings on Site" under "Calculating Allowable Gross Building Area." in Section 13.10.323 (c) of the Santa Cruz County Code is hereby amended to read as follows:

typographical error

Net Site Area x Floor Area Ratio (F.A.R.) = Total Allowable Gross Building Area for All Buildings on Site

SECTION XV

The section "Side and Rear Yards." under Section 13.10.323 (e)(6)(B) of the Santa Cruz County Code is hereby amended to read as follows:

Side and Rear Yards. An accessory structure which is attached to the main building shall be considered a part thereof, and shall be required to have the same setbacks as the main structure. ~~A detached accessory structure which is located entirely within the required rear yard and which is smaller than one hundred twenty (120) square feet in size and ten (10) feet or less in height may be constructed to within three feet of the side and rear property lines.~~

already certified

SECTION XVI

The category "Signs" under Section 13.10.323 (h) of the Santa Cruz County Code is hereby added below the category "Parking" and above the category "Trip reduction requirements" to read as follows:

Signs 13.10.580, et seq.

already certified

SECTION XVII

The category "Child Care Homes, Small Family (must be in conjunction with residential use)(See Section 13.10.700-C definition)" under "Residential Uses" in the Commerical Uses Chart in Section 13.10.332 (b) of the Santa Cruz County Code are hereby added under the subheading "Residential Uses, such as:" below "Repair, alteration, expansion or reconstruction of dwelling units and accessory structures which are inconsistent with the General Plan, subject to Sections 13.10.260 and .261 Nonconforming Uses" and above "Convalescent hospitals" to read as follows:

USE	PA	VA	CT	C-1	C-2	C-4
Child Care Homes, Small Family (must be in conjunction with residential use) (See Section 13.10.700-C definition)	P	-	-	P	P	-

SECTION XVIII

The category "Child Care Homes, Small Family (must be in conjunction with residential use)(See Section 13.10.700-C definition)" under the subheading "Residential Uses" in the Industrial Uses Chart in Section 13.10.342 (b) of the Santa Cruz County Code are hereby added under the category "Residential Uses" and above "Repair, alteration, expansion or reconstruction of dwelling units and accessory structures which are consistent with the General Plan, subject to Sections 13.10.260 and 13.10.261 Nonconforming Uses" to read as follows:

	M-1	M-2	M-3
Child Care Homes, Small Family (must be in conjunction with residential use) (See Section 13.10.700-C definition)	P	P	P

SECTION XIX

The category "Child Care Homes, Small Family (must be in conjunction with residential use)(See Section 13.10.700-C definition)" under the subheading "Residential Uses" in the Parks, Recreation and Open Space Uses Chart Uses Chart in Section 13.10.352 (b) of the Santa Cruz County Code are hereby added under the category "Residential uses, permanent, such as:" and above "One single-family dwelling, subject to the Parksite Review process pursuant to Chapter 15.01" to read as follows:

	PR
Child Care Homes, Small Family (must be in conjunction with residential use) (See Section 13.10.700-C definition)	P

SECTION XX

The category "Child Care Homes, Small Family (must be in conjunction with residential use)(See Section 13.10.700-C definition)" under the subheading "Residential Uses" in the Public and Community Facilities Uses Chart in Section 13.10.362 (b) of the Santa Cruz County Code are hereby added under the category "Residential uses" and above "Residential uses pursuant to a master use permit" to read as follows:

	PF
Child Care Homes, Small Family (must be in conjunction with residential use) (See Section 13.10.700-C definition)	P

SECTION XXI

The category "Child Care Homes, Small Family (must be in conjunction with residential use)(See Section 13.10.700-C definition)" under the subheading "Residential Uses" in the Timber Production Uses Chart in Section 13.10.362 (b) of the Santa Cruz County Code are hereby added under the category "Residential" below "dwelling groups of single-family dwelling (Subject to the density and other requirements in Section 13.10.373, .374, and

.375)” and above “Mobile home, temporary, for not more than three years for a caretaker or watchman in isolated areas on a minimum of ten acres” to read as follows:

TP

Child Care Homes: Small Family (must be in conjunction with residential use) (See Section 13.10.700-C definition)

SECTION XXII

The Santa Cruz County Code is hereby amended by adding Child Care Home, Large Family to Section 13.10.700-C to read:

Child Care Home: Large Family
A dwelling whose occupant provides care, protection, and supervision of between 7 and 14 children, at any time, for periods of less than 24 hours a day in accordance with a State license.

SECTION XXIII

The Santa Cruz County Code is hereby amended by adding Child Care Home, Small Family to Section 13.10.700-C to read:

Child Care Home: Small Family
A dwelling whose occupant provides care, protection, and supervision up to 8 children, at any time, for periods of less than 24 hours a day in accordance with a State license.

SECTION XXIV

Section 13.10.700-D, Day Care Home, Family, of the Santa Cruz County Code is hereby amended to read:

*Staff note:
County neglected
to underline
proposed
new
language*

13.10.700-D: Day Care Home, Family
A dwelling whose occupant provides care, protection and supervision of no more than 12 persons disabled or ill children or adults, at any time, for periods of less than 24 hours a day.

SECTION XXV

Section 18.10.134, Permit amendment (project and plan changes), of the Santa Cruz County Code is hereby amended to read:

18.10.134 Permit amendment (project and plan changes)

(a) Grounds for Amendment. Amendment to a planning approval may be made on the following grounds: Change of circumstances, new information, correction of errors, or public health, safety, and welfare considerations.

(b) Types of Amendment. The following types of amendment apply to all planning approvals, including (without limitation) development permits and land division approvals.

1. Minor Variations. A minor variation is an amendment to a planning approval, including (without limitation) project design, improvements, or conditions of approval, if the amendment does not affect the overall concept, density, or intensity of use of the approved project, and if it does not involve either a modification of a design consideration, an improvement, or a condition of approval which was a matter of discussion at the public hearing at which the planning approval was granted.

2. Corrections. A correction is a change which corrects an error or omission in a planning approval which is at variance with the decision of the approving body or at variance with County ordinances or regulations, and which does not involve either a modification of a design consideration, an improvement, or a condition of approval which was a matter of discussion at the public hearing at which the planning approval was granted.

3. Modifications. A modification is a change to a final map or parcel map based on a finding that changed circumstances or new information make one or more aspects of such planning approval no longer appropriate or necessary, which change does not impose any additional burden on the present fee owner of the property and does not alter any right, title, or interest in the real property reflected in any recorded map (see Government Code Section 66472.1 and any successor provisions), and which does not involve either a modification of a design consideration, an improvement, or a condition of approval which was a matter of discussion at the public hearing at which the planning approval was granted.

4. Major Amendments. Any change to a planning approval which does not qualify as a minor variation, correction, or modification shall be deemed a major amendment.

(c) Procedures for Amendments

1. Initiation. Except as otherwise provided herein, any amendment (including a minor variation, correction, modification, or major amendment) may be initiated by the current holder of the planning approval, the Planning Director, the Planning Commission, or the Board of Supervisors.

2. Processing Level.

(i) Except as otherwise provided herein, including Section 13.20.100(a), the processing level and applicable application, notice, hearing and other requirements shall be as follows:

(1) Level III for Minor Variations and Corrections;

(2) The processing level for Major Amendments and Modifications initiated by the current holder of the planning approval shall be the processing level applicable to the planning approval sought, and the processing level for Major Amendments or Modifications initiated by the Planning Commission or the Board of Supervisors shall be Level VI or the processing level applicable to the planning approval to be amended, whichever is the higher level.

(ii) If the Board of Supervisors or the Planning Commission initiates any type of amendment, such Board or Commission may order that the Processing Level be at Level VI or VII rather than at the Level established by subparagraph (i) above. Furthermore, all types of amendment decisions are subject to the appeal and special consideration provisions set forth in Sections 18.10.300 through 18.10.360 of this Code.

(iii) The provisions of Section 18.10.124 of this Code authorizing referral to the next higher level are applicable to all types of amendments, and any amendment which was a

a already certified

matter of substantial controversy at the public hearing at which the original planning approval was given shall be immediately referred to such approving official or body.

(d) Limitation of Authority:

1. Required Findings. No amendment of any type may be approved unless the approving official or body is able to make the findings required by Section 18.10.230 in the event of a development permit, and Sections 14.01.401 through 14.01.407 inclusive, in the event of a land division approval.
2. Limitation to Amendment Initiated: The hearing on an application for amendment filed by the current holder of the planning approval shall be limited to that part of the planning approval affected by the application, unless the approving official or body finds that the amendment proposed should not be considered in isolation from all or any part of the effective planning approval.
3. Limitation as to Amendment of Final Land Division Maps: Corrections and modifications of Final Maps or Parcel Maps recorded following land division approvals shall be limited as provided in Government Code Sections 66469 through 66472.2, inclusive, and County Code Sections 14.01.340 through 14.01.343, inclusive.
4. Limitation on Major Amendment Applications by Current Holder of Planning Approval: No current holder of a planning approval may apply for a major amendment within one year from the date such approval or a major amendment thereto became final without the approval of the decision maker authorized to make decisions at the level at which the original planning approval was granted.
5. Limitation on Major Amendments Initiated by County: Any major amendment initiated by the County shall be processed in accordance with the procedures and standards set forth in Section 18.10.136 as to Resolution of Intention and notification to affected property owners.

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SECTION XXVI

Section 18.10.210 (b), Regular Projects, of the Santa Cruz County Code is hereby amended to read:

(b) Regular Projects. Processing Level IV (Public notice) and Level V (Zoning Administrator) Applications:

1. Items 1 through ~~4~~ 7 from paragraph (a) above. (Levels IV--V)
2. Notification Materials. Addressed and stamped envelopes for and a mailing list, on a form provided by the Planning Department, of all property owners, their latest known names and addresses and their parcel numbers as shown on the records of the County Assessor, for all properties within three hundred (300) feet of the exterior boundaries of the subject property. For projects requiring Coastal Zone approvals, the mailing list and envelopes shall also include the residents of all properties within one hundred (100) feet of the exterior boundaries of the subject property. (Levels IV and V)

already certified

SECTION XXVII

Section 18.10.210 (c)(1), of the Santa Cruz County Code is hereby amended to read:

1. Preliminary applications for review by the Development Review Group (DRG) shall include items 1 through ~~4~~ 7 from paragraph (a) above, plus conceptual drawings of the proposed project.

already certified

SECTION XXVIII

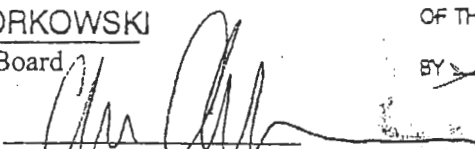
This Ordinance shall take effect on the 31st day after the date of final passage or upon certification by the California Coastal Commission, whichever date is later.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this 8th day of November, 2005, by the following vote:

AYES:	SUPERVISORS	Wormhoudt, Pirie, Beautz, Stone and Campos
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	None

TONY CAMPOS
CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board

APPROVED AS TO FORM: 
County Counsel

Copies to: Planning
County Counsel

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THE OFFICE ATTEST MY HAND AND SEAL THIS 8th DAY OF November 2005
SUSAN A. MAURIELLO, COUNTY ADMINISTRATIVE OFFICER AND EX-OFFICIO CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ, CALIFORNIA.
BY Sharon Mitchell DEPUTY

CCC Exhibit B
(page 10 of 10 pages)

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. 330-2005

On the motion of Supervisor: Wormhoudt
Duly seconded by Supervisor: Pirie
The following Resolution is adopted:

**RESOLUTION ADOPTING ORDINANCE AMENDMENTS REGARDING
FAMILY CHILD CARE HOMES AND MINOR CORRECTIONS TO THE
COUNTY CODE**

WHEREAS, the availability of child care is of vital importance in the County of Santa Cruz (the "County"), and providing opportunities for a variety of child care options is valuable to the community; and

WHEREAS, attainment of this goal requires the cooperative participation of local government and the private sector in an effort to provide various child care options in the community; and

WHEREAS, California Health and Safety Code sections 1597.30 – 1597.621 limits local government regulation of Family Child Care Homes; and

WHEREAS, the County Code must be amended to meet the provisions of State law; and

WHEREAS, amending the County Code to reflect the State law provides specific guidance for child care providers as to local regulations regarding Family Child Care Homes; and

WHEREAS, several minor ordinance amendments included in these ordinance amendments are corrections to the County Code; and

WHEREAS, amending the County Code and the Local Coastal Program to reflect this goal requires an amendment to the County Code and Local Coastal Program regarding regulation of Small Family Child Care Homes, along with minor ordinance corrections; and

WHEREAS, the Planning Commission has held a duly noticed public hearing and has considered the proposed amendments, and all testimony and evidence received at the public hearing and recommended adoption of these ordinance amendments; and

WHEREAS, the Planning Commission found that the proposed Local Coastal Program amendments and proposed amendments to the Santa Cruz County Code will

be consistent with the policies of the General Plan and Local Coastal Program and other provisions of the County Code, and complies with the California Coastal Act, and will contribute to providing child care throughout the community; and

WHEREAS, the Board of Supervisors has held a public hearing on these amendments; and

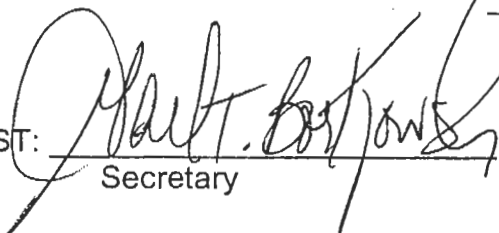
WHEREAS, pursuant to the California Environmental Quality Act, this action is statutorily exempt under CEQA Guidelines section 15274 and categorically exempt under CEQA Guidelines section 15061 (b) (3).

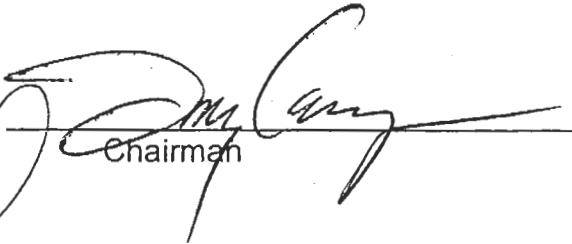
NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby finds this action statutorily exempt from California Environmental Quality Act and applicable State and County Guidelines; and

BE IT FURTHER RESOLVED, that the Board of Supervisors hereby adopts the ordinance amendments in Exhibit A to this Resolution which serve to implement the State law regarding Family Child Care Homes into the County Code and make minor corrections to the County Code, and submits these amendments to the California Coastal Commission as part of the Local Coastal Program Update.

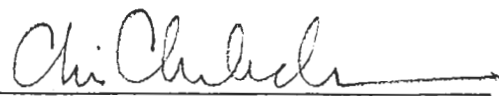
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 8th day of November, 2005 by the following vote:

AYES:	SUPERVISORS	Beautz, Pirie, Wormhoudt, Stone and Campos
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	

ATTEST: 
Secretary


Chairman

APPROVED AS TO FORM:


COUNTY COUNSEL

cc: County Counsel
Planning Department

CCC Exhibit C
(page 2 of 2 pages)