

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

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Filed: April 15, 1997
60th day June 14, 1997
Staff: Jack Liebster
Staff Report: April 25, 1997
Hearing Date: May 16, 1997
Commission Action:

TO: Commissioners and Interested Parties

FROM: Steve Scholl, Deputy Director
Robert S. Merrill, District Manager, North Coast Area
Jack Liebster, Coastal Planner

SUBJECT: **COUNTY OF SAN MATEO LCP IMPLEMENTATION PLAN
(Zoning Text) Amendment 1-97-A (Large Family Day Care
Facilities)** (For public hearing and Commission action at the
meeting of May 16, 1997, in Santa Barbara)

SynopsisA. STAFF NOTE

In late 1996 and early 1997, the County of San Mateo submitted to the Commission three LCP amendment requests, and requested they be treated as a single submittal. Commission staff designated the submittal parts as: 1-97-A (Large Family Day Care), addressed in this staff report; 1-97-B (Coastside Farm Labor Housing), addressed in a companion report; and 1-97-C (Coastal Protection Initiative Amendments), which the County requested be heard at the June, 1997 meeting.

Amendment Description.

The County of San Mateo proposes to amend portions of the Zoning Text of its certified Local Coastal Program (LCP) Implementation Plan to establish a streamlined permitting process for large family day care homes (7-12 children) throughout the County, and providing for special procedures within the Coastal Zone. The key element of the amendment establishes a non-discretionary Large Family Day Care (LFDC) Permit procedure outside of the Coastal Zone, but makes the process discretionary within the Coastal Zone by making the need for a Coastal Development Permit explicit. The proposal also includes provisions to establish a \$202.00 LFDC permit fee, and waive the Coastal Development Permit (CDP) fee when required in conjunction with the LFDC permit.

The proposal would add or revise language to several residential zoning districts within the urban area of Coastal Zone where residential uses are typically allowed by right (R-1/S-9/DE; R-1/S-17/DR; R-3/S-3/DR), and several rural zoning districts.

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The County's transmittal identifies for amendment six zoning districts which do not exist in the coastal zone and are not part of the certified LCP. They are included in the Amendment Resolution because that Resolution covers county-wide changes, both inside and out of the Coastal Zone, but these six are not part of the submittal being considered by the Commission. They are listed below as enumerated by the section numbers of Board of Supervisors Ordinance No. 03751, as included in the transmittal:

Sections 2 and 3: Zoning Regulations, Chapter 5 (Residential Estates District), section 6151(I) and (6151(j)).

Section 6: Zoning Regulations, Chapter 6.1 (One-Family Residential/Country Club Park District), section 6163.4.E.1.

Section 10: Zoning Regulations, Chapter 20A (Resource Management District), section 6315(bb) [note that this is different than the Resource Management/Coastal Zone District].

Section 12: Zoning Regulations, Chapter 21B (Planned Colma District), section 6382.B.1.

Section 13: Zoning Regulations, Chapter 34 (Timberland Preserve Zone), sections 6710.1.17.

Section 14: Zoning Regulations, Chapter 35A (Residential Hillside District), sections 6801.18 and 6802.H(1).

Summary of Staff Recommendation.

Staff recommends that the Commission, upon completion of the public hearing, deny the LUP Amendment as submitted, then approve the Amendment with suggested modifications. The suggested modifications would delete changes to the rural zoning districts that are not consistent with the LUP. The County itself has suggested approval with suggested modifications (see Exhibit 1) as an expeditious way to delete the amendments' applicability in the coastal zone rural zoning districts, i.e., the Resource Management/Coastal Zone (RM/CZ), Timberland Preserve Zone/Coastal Zone (TPZ/CZ), and the Planned Agricultural District (PAD) zoning districts. The County requested that the provisions of the amendment that would allow large family day care use in the coastal zone rural zoning districts be omitted to avoid the need to amend applicable corresponding policies of the County's Land Use Plan (LUP), which currently do not provide for the Large Family Day Care use. In this way, the amendments can be found to conform to the LUP. The San Mateo County Child Care Coordinating Council does not object to the omission of LFDC facilities from the coastal zone rural zoning districts, since relatively little demand for such facilities is foreseen on land in these districts.

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Analysis Criteria

To approve Implementation Plan Amendment 1-97A the Commission must find that it will conform with and will adequately carry out the policies of the certified LUP.

Additional Information

For additional information about this staff report and recommendation, please contact Jack Liebster at the North Coast Area office at the above address, at (415) 904-5267.

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1-97 A (LARGE FAMILY DAY CARE)

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STAFF RECOMMENDATION ON LCP AMENDMENT 1-97-A

Staff recommends that, following a public hearing, the Commission adopt the following resolutions and related findings:

I. Denial of the Implementation Plan Amendments as Submitted
(Resolution I):

The resolution is properly introduced by the following motion:

MOTION I

"I hereby move that the Commission reject Implementation Plan Amendment 1-97-A to the County of San Mateo Local Coastal Program as submitted by the County."

Staff recommends a YES vote, which would result in the adoption of the following resolution and findings. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

RESOLUTION I - Denial of the Implementation Plan as Submitted

The Commission hereby rejects Implementation Plan Amendment 1-97-A to the County of San Mateo Local Coastal Program on the grounds that, as submitted, it does not conform with and is inadequate to carry out the provisions of the Land Use Plan as certified. There are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact, within the meaning of CEQA, that the approval of the Implementation Plan would have on the environment.

II. Approval of the Implementation Plan Amendments if Modified as Suggested
(Resolution II)

The second resolution is properly introduced by the following motion:

MOTION II

"I hereby move that the Commission approve Implementation Plan Amendment 1-97-A to the County of San Mateo Local Coastal Program if it is modified as suggested."

Staff recommends a YES vote, which would result in the adoption of the following resolution and findings. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

RESOLUTION II - Approval of the Implementation Plan if Modified as Suggested

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The Commission hereby approves certification of Implementation Plan Amendment 1-97-A to the County of San Mateo Local Coastal Program, if modified as suggested, for the specific reasons discussed in the following findings on the grounds that, as modified, the zoning code, zoning map, and subdivision code conform with and are adequate to carry out the provisions of the Land Use Plan as certified. Approval of the Implementation Plan if modified as suggested would have no significant adverse impacts on the environment within the meaning of CEQA.

III. SUGGESTED MODIFICATIONS:

The following suggested modifications would delete the proposed addition of Large Family Day Care Facilities as an allowed use in rural zoning districts where the corresponding land use designations in the certified Land Use Plan do not include large family day care facilities as a permitted use.

SUGGESTED MODIFICATION NO. 1: Delete the proposed amendments described in Section 11 of Resolution 03751, affecting Zoning Regulations, Chapter 21A (Planned Agricultural District), Section 6353.A.10 and Section 6353.B.17.

SUGGESTED MODIFICATION NO. 2: Delete the proposed amendments in Section 15 of Resolution 03751 affecting Zoning Regulations, Chapter 36 (Resource Management/Coastal Zone District), Section 6905(af).

SUGGESTED MODIFICATION NO. 3: Delete the proposed amendments described in Section 16 of Resolution 03751 affecting Zoning Regulations, Chapter 37 (Timberland Preserve Zone/Coastal Zone), Section 6953.1.p.

IV. FINDINGS TO SUPPORT DENIAL OF THE IMPLEMENTATION PLAN AS SUBMITTED AND TO CERTIFY THE IMPLEMENTATION PLAN IF MODIFIED AS SUGGESTED:

The Commission finds and declares as follows for Amendment 1-97-A to the County of San Mateo Local Coastal Program:

A. Amendment Description:

In September 1993, the San Mateo County Child Care Coordinating Council requested that the County revise the process for regulating large family day care homes (7-12 children) to make it easier for day care home operators to locate in the unincorporated area.

State law requires that local government permit large family day care homes in residential areas, subject to local regulations. To carry out the Council's request, the County developed Zoning Text Amendments to provide a streamlined permitting process for Large Family Day Care home (LFDC) permits. The LFDC permit would be non-discretionary and would be issued if a proposed facility demonstrates that it will meet a fixed set of standards controlling facility spacing, traffic control, parking, noise control, and other requirements to ensure compatibility with the residential neighborhood. This part of the

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County's proposal is contained in the proposed new Section 6401.2 of Chapter 22 of the Zoning Code: "GENERAL PROVISIONS RELATING TO LARGE FAMILY DAY CARE HOMES."

To maintain conformity with the Coastal Act and the certified LUP, this section differentiates procedures inside the Coastal Zone from procedures outside the Coastal Zone. While section 6401.2 establishes a non-discretionary Large Family Day Care (LFDC) Permit procedure outside of the Coastal Zone, the process within the Coastal Zone would be made discretionary through the associated Coastal Development Permit (CDP) requirement.

The proposal also includes a provision (Board Resolution 60790) that (1) establishes a \$202.00 LFDC permit fee, and (2) waives the Coastal Development Permit (CDP) fee when required in conjunction with the LFDC permit.

Finally, the proposal would add large family day care home facilities to the list of allowed uses in several zoning districts throughout the unincorporated County, including the following zoning districts within the urban area of Coastal Zone where residential uses are typically allowed by right:

One-Family Residential District, (Section 6 of Ordinance 03751 of the LCP Amendment transmittal);

Two-Family Residential Districts, (Section 7 of Ordinance 03751 of the LCP Amendment transmittal);

Multiple-Family Residential Districts, (Section 8 of Ordinance 03751 of the LCP Amendment transmittal); and

Affordable Housing Districts, (Section 9 of Ordinance 03751 of the LCP Amendment transmittal).

The proposed revisions would make approval of large family day care home facilities contingent upon issuance of a Large Family Day Care home (LFDC) permit and, if located in within the Coastal Zone, a Coastal Development Permit (CDP).

The proposal as submitted also would allow large family day care home facilities in the rural zoning districts, i.e. the Resource Management/Coastal Zone (RM/CZ), Timberland Preserve Zone/Coastal Zone (TPZ/CZ), and the Planned Agricultural District (PAD) zoning districts. At the request of the County, as indicated in their letter of transmittal (exhibit 1), staff is recommending suggested modifications that would delete these districts from the proposed amendment because they do not conform with the certified LUP. The County process of changing the submittal would take a substantially longer time than suggesting modifications that would then be accepted by the San Mateo Board. The County reports the San Mateo County Child Care Coordinating Council does not object to the omission of LFDC facilities from the Coastal Zone rural zoning districts.

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Exhibit 3 is a chart comparing the proposed permit procedures for large family day care facilities located within and outside of the Coastal Zone.

B. Amendments Conforming with the Certified Land Use Plan (LUP)

Coastal Act section 30513 states, in part:

The commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan.

The following discusses the elements of the proposed amendment which do conform with the certified land use plan as required by section 30513:

Section 6401.2 LFDC Permit procedure:

This section maintains conformity with the Coastal Act and the certified LUP by differentiating between procedures inside the Coastal Zone and procedures outside Coastal Zone. While section 6401.2 establishes a non-discretionary Large Family Day Care (LFDC) Permit procedure outside of the Coastal Zone, the process within the Coastal Zone would be made discretionary through the associated Coastal Development Permit (CDP) requirement.

Zoning Districts in Conformance with the LUP:

The proposed LCP amendment would add large family day care homes as a permitted use, contingent upon approval of a CDP, in four residential zoning districts in the Coastal Zone. Including large family day care homes as a residential use in urban areas is consistent with Policy 1.5b of the certified LUP's Locating and Planning New Development Component which states:

Permit in urban areas land uses designated on the Land Use Plan Maps and conditional uses at densities specified in Tables 1.2 and 1.3.

Table 1.2 lists a range of residential uses from very low density to high density. Large Family Day Care Homes are consistent with these designations. The few large family day care facilities which already exist on the coastside are located in the urban residential zoning districts (communities of Miramar, El Granada, Moss Beach, Montara) where most of the unincorporated coastside population occurs. Such homes would be required to obtain a LFDC and CDP under the new ordinance.

The County states, and the Commission concurs, that the cumulative impact of the anticipated number of large family day care (LFDC) homes within the Coastal Zone (CZ) would be minimal, both in terms of the number of additional homes that would accommodate such uses and the number of additional traffic trips generated onto Highway One.

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For these reasons, the Commission finds that the proposed amendments that would allow large family day care home facilities in the following urban area districts do conform to the certified LUP:

One-Family Residential District, Chapter 6, section 6161(j) and (k), Zoning Regulations, [Sections 4 and 5 of San Mateo County Board of Supervisors Resolution 03751]

Two-Family Residential Districts, Chapter 7, section 6171(d), Zoning Regulations, [Section 7 of San Mateo County Board of Supervisors Resolution 03751]

Multiple-Family Residential Districts, Chapter 8, section 6181(f), Zoning Regulations, [Section 8 of San Mateo County Board of Supervisors Resolution 03751]

Affordable Housing Districts, Chapter 8.5, section 6184(d)5, Zoning Regulations, [Section 9 of San Mateo County Board of Supervisors Resolution 03751]

Large Family Day Care Permit Processing Fees: The County proposes the LFDC permit fee be established to equal the County's current fee for administratively processed permits, which is \$202.00.

In addition, the County proposes that the fee for a Coastal Development Permit (CDP) for a proposed LFDC facility be waived entirely to encourage the establishment of LFDC facilities, consistent with the County Child Care Coordinating Council's request to control permit processing fees. Ordinarily, the fees for a CDP processed administratively or requiring a public hearing are \$626.00 and \$1,255.00 respectively.

The County and the Child Care Council have stated that not waiving the CDP fee would represent a financial hardship for new operators and would discourage them from obtaining the necessary permits to operate legally.

Establishing the fees proposed in the zoning ordinance would be consistent with the LUP, as the LUP contains no policies that limit the ability to impose permit application fees in the zoning ordinance.

Therefore, in summary, the Commission finds that proposed amendments listed in this section above conform with the certified Land Use Plan .

C. Amendments Which Do Not Conforming with the Certified Land Use Plan (LUP)

The Suggested Modifications listed in part III above delete the proposed addition of Large Family Day Care Facilities as an allowed use in the specified rural zoning districts. The LUP land use designations corresponding to these districts in the certified Land Use Plan do not provide for large family day care homes or comparable uses as a permitted use, and thus these

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proposed amendments to the zoning districts in the Implementation Plan would not conform to the certified Land Use Plan as required by Coastal Act section 30513. The suggested modifications are discussed below:

SUGGESTED MODIFICATION NO. 1: Delete the proposed amendments described in Section 11 of Resolution 03751 affecting Zoning Regulations, Chapter 21A (Planned Agricultural District), Section 6353.A.10 and Section 6353.B.17:

The Planned Agricultural District is applied to lands designated as Agriculture to implement elements of the LUP Agriculture Component policies. Policies 5.5 and 5.6 are quite specific in listing which uses are permitted or conditionally permitted on lands designated as Agriculture, and no mention is made of Large Family Day Care Facilities. Therefore the proposed amendments to add such facilities to the Planned Agricultural District do not conform with the LUP.

SUGGESTED MODIFICATION NO. 2: Delete the proposed amendments described in Section 15 of Resolution 03751 affecting Zoning Regulations, Chapter 36 (Resource Management/Coastal Zone District), Section 6905(af):

SUGGESTED MODIFICATION NO. 3: Delete the proposed amendments described in Section 16 of Resolution 03751 affecting Zoning Regulations, Chapter 37 (Timberland Preserve Zone/Coastal Zone), Section 6953.1.p as follows:

The Resource Management/Coastal Zone District (RM/CZ) and Timberland Preserve Zone/Coastal Zone (TPZ/CZ) are generally applied to timber lands, lands that contain sensitive habitats and other areas containing coastal resources to implement elements of LUP policies addressing the locating and planning new development, sensitive habitats and shoreline access. Certain uses are conditionally allowed by these policies. Large Family Day Care facilities are not specifically included as an allowable use; therefore the proposed zoning amendment cannot be found to conform with the Land Use Plan.

5. CEQA

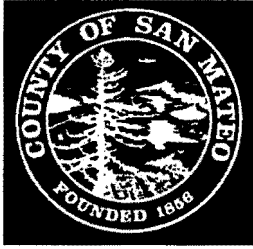
Pursuant to Section 21080.5 of the California Environmental Quality Act (CEQA), the Resources Agency has certified the Commission's regulatory program as being functionally equivalent to the standard CEQA review process. Pursuant to SB 1873, which amended the California Environmental Quality Act, the Coastal Commission is the lead agency in terms of meeting CEQA requirements for local coastal programs. In addition to making a finding that the amendment is in full compliance with CEQA, the Commission must make a finding consistent with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(i) requires that the Commission not approve or adopt an LCP:

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... if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

Consistent with Public Resources Code Section 21080.5(d)(2)(i), the Commission finds, for the reasons discussed in this report, that the proposed amendment request if modified as suggested, is consistent with the California Coastal Act, will not result in significant adverse environmental effects within the meaning of the California Environmental Quality Act.

9330p



Planning and Building Division

County of San Mateo

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March 6, 1997

Jack Liebster
North Coast Coastal Commission
45 Fremont Street, #2000
San Francisco, CA 94105

RECEIVED
MAR 10 1997

CALIFORNIA
COASTAL COMMISSION

Dear Mr. Liebster:

The purpose of this letter is to transmit a set of County Zoning Text Amendments (Local Coastal Program Implementation Plan) to the Coastal Commission for certification of consistency with the State Coastal Act. As a result of discussions stemming from your initial review of this submittal in January, we are requesting that the Coastal Commission delete the amendments' applicability in the Coastal Zone rural zoning districts, as discussed in the project summary. Upon Coastal Commission certification of the revised amendments, we will submit the revisions to the Board of Supervisors for approval and adoption as required.

On November 14, 1995, the Board of Supervisors approved zoning district amendments to the San Mateo County Zoning Regulations that streamline the permit process for large family day care homes (7-12 children). The key element of the amendments is establishing a non-discretionary *Large Family Day Care Home Permit* procedure outside of the Coastal Zone, but requiring a discretionary permit (i.e., via the Coastal Development Permit) within the Coastal Zone. The amendments add or revise language to nine zoning districts throughout the unincorporated County, including the residential zoning districts in the urban coastside area of the Coastal Zone.

Attached to this transmittal are the following documents, as required by the California Administrative Code, Sections 13551 and 13552:

1. A resolution of the San Mateo County Board of Supervisors approving submittal of the LCP amendment to the California Coastal Commission and accompanying Board-approved ordinance detailing the zoning text amendments.

EXHIBIT NO.	1
APPLICATION NO.	SAN MATEO COUNTY
	LCP Amend. 1-97-A
	San Mateo County
	Amendment
	Transmittal Letter

2. Summary description of the proposed LCP amendment.
3. An assessment of the proposed LCP amendment's relationship to the San Mateo County Local Coastal Program.
4. An assessment of the proposed LCP amendment's relationship to the California Coastal Act.
5. An assessment of the proposed LCP amendment's relationship to the California Environmental Quality Act (CEQA).
6. A summary of measures taken to provide maximum public participation.
7. A compilation of staff reports and minutes from all public hearings.

If possible, we would prefer that this amendment be filed with the "Farm Labor Housing Priority Allocation" amendment (Janice Jagelski, Project Planner) as a single transmittal. Should you have any questions regarding the amendment, please feel free to call me at 415/363-1837.

Sincerely,



David Holbrook
Project Planner

ATTACHMENTS:

1. Resolution and ordinance adopting the amendments, and directing their submittal to the California Coastal Commission for certification.
2. Summary descriptions of the proposed LCP amendment.
3. Assessment of the proposed LCP amendment's relationship to the San Mateo County Local Coastal Program.
4. Assessment of the proposed LCP amendment's relationship to the California Coastal Act.
5. Environmental evaluation.
6. Summary of measures taken to provide maximum public participation.
7. Administrative record - a compilation of staff reports and minutes from all public hearings.

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

RESOLUTION DIRECTING STAFF TO SUBMIT TO THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION AN ORDINANCE REVISING PERMIT REQUIREMENTS AND OPERATION STANDARDS FOR LARGE FAMILY DAY CARE HOMES

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that:

WHEREAS, in September, 1993, the San Mateo County Child Care Coordinating Council requested that the County consider simplifying and streamlining the process for regulating large family day care homes (7-12 children); and

WHEREAS, in February, 1994, the San Mateo County Planning Commission directed staff to establish a "non-discretionary permit" review process that allows approval to any proposed facility shown to comply with a fixed set of operating requirements regulating noise, traffic, parking, and facility spacing; and

WHEREAS, on July 26, 1995, the San Mateo County Planning Commission held a public hearing and recommended that the Board of Supervisors approve Zoning Regulations amendments that establish the "non-discretionary permit" review process described above; and

WHEREAS, on November 14, 1995, the San Mateo County Board of Supervisors held a public hearing and approved Zoning Regulations amendments that establish the "non-discretionary permit" review process described above; and

WHEREAS, public notice of all hearings was made to ensure maximum public participation, and all interested parties were afforded the opportunity to be heard.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Board of Supervisors direct staff to submit the Zoning Regulations amendments that establish a "non-discretionary permit" review process for regulating large family day care homes (7-12 children) to the California Coastal Commission for its review and certification.

EXHIBIT NO.	2
APPLICATION NO.	SAN MATEO COUNTY
	LCP Amend. 1-97-A
	County Board of
	Supervisor's
	Resolutions

Regularly passed and adopted this 14th day of November, 1995.

AYES and in favor of said resolution:

Supervisors: MARY GRIFFIN
TOM HUENING
TED LEMPERT
RUBEN BARRALES
MICHAEL D. NEVIN

NOES and against said resolution:

Supervisors: NONE


Absent Supervisors: NONE



*President, Board of Supervisors
County of San Mateo
State of California*

Certificate of Delivery
(Government Code section 25103)

I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.


RICHARD L. SILVER
Clerk of the Board of Supervisors

ORDINANCE NO. 03751

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

* * * * *

AN ORDINANCE AMENDING SECTION 6401.2 OF CHAPTER 22 OF
THE SAN MATEO COUNTY ZONING REGULATIONS
(COUNTY ORDINANCE CODE, DIVISION VI, PART ONE),
TO ESTABLISH PERMIT REQUIREMENTS AND OPERATION STANDARDS
FOR LARGE DAY CARE HOME FACILITIES

* * * * *

The Board of Supervisors of the County of San Mateo, State of California, ORDAINS
as follows:

Section 1. Section 6401.2 of Chapter 22 (General Provisions), Part One, Division VI
of the San Mateo County Ordinance Code Section 6401.2 is hereby amended to read as
follows:

**SECTION 6401.2. GENERAL PROVISIONS RELATING TO LARGE FAMILY DAY
CARE HOMES.**

1. Large Family Day Care Permit Required for Large Family Day Care Homes. A large family day care permit shall be required for large residential day care facilities for children (family day care homes; 7-12 children), except those facilities operating under a valid use permit prior to the effective date of this section. Upon expiration of the use permit, a large family day care permit shall be required for the facility to continue operating.
2. Conditions for Approval.
 - a. Outside the Coastal Zone. A large family day care permit for a large family day care facility located outside of the Coastal Zone shall be approved upon compliance with the following conditions:
 - (1) The provider shall secure a large family day care home (facility) license from the State of California Department of Social Services (Community Care Licensing Division).
 - (2) The facility shall be the principal residence of the provider and the use is clearly incidental and secondary to the residential use of the property.

- (3) The facility is not structurally altered so as to compromise its residential appearance or deviate from the residential character of the neighborhood. Entry/exit ramps, e.g., for wheelchair or stroller access, shall not be considered to alter the character of the residence.
- (4) The facility shall not be located within 300 feet of another operating, State-licensed large family day care home.

If a facility is proposed to be located within 300 feet of another licensed large family day care home, a discretionary use permit shall be required in accordance with the provisions of Chapter 24 of this Part, except that the application fees shall not exceed those charged for a large family day care permit.

- (5) The facility shall provide one off-street parking space for each facility employee in possession of a valid driver license, not living in the residence during the employee's work shift at the facility.
- (6) The facility shall provide a minimum of one unobstructed loading/unloading space (at least 18 feet long and 8.5 feet wide) for dropping off and picking up children, in either of the following locations:
 - (a) An on-site space, e.g., the residential driveway, in addition to the required parking for the residence, or
 - (b) An off-site space directly in front of the facility such that children shall not have to cross a street, parking lot, or other traffic area. This option shall be allowed only if: (1) the space is not located on a major arterial street as determined by the Department of Public Works, (2) the street is wide enough to include a parking lane or sufficient road shoulder within the public right-of-way to accommodate the space as determined by the Department of Public Works, and (3) the Department of Public Works approves the designation of a 10-minute loading/unloading zone, identified on the curb or street.

In either case, loading/unloading activities shall not result in vehicles blocking neighbors' driveways, sidewalks, or double parking in the street.

- (7) No more than three cars associated with loading/unloading children shall be parked at one time at the facility during operating hours.

- (8) The facility does not generate noise levels, when measured at the facility property line, that exceed the following maximum allowable noise standards established by the County Noise Ordinance:

Cumulative Number of Minutes in Any One Hour Time Period	Level (in dba) not to be Exceeded	
	Daytime 7 a.m.-10 p.m.	Nighttime 10 p.m.-7 a.m.
30	55	50
15	60	55
5	65	60
1	70	65
0	75	70

- (9) Not more than eight (8) of the facility's children may be in the front yard at any one time during operating hours.
- (10) The facility shall provide a maximum 6-foot high solid wood fence or masonry wall around any rear and side yard areas that are accessible to children and adjacent to a residential use in a residential zoning district. The facility shall also provide a maximum 4-foot high fence, or fence/gate between any rear and side yard areas and unfenced front yard areas, unless the respective zoning district allows a higher fence.
- (11) Facility-identifying signage shall be limited to one: (a) freestanding sign, not to exceed 4 feet in height, or (b) wall-mounted sign. In either case, sign display area shall not exceed 6 sq. ft.
- (12) The facility shall comply with all applicable State and County laws, including a fire safety inspection as conducted and to the standards set by the Building Inspection Section.
- b. Within the Coastal Zone. A large family day care permit for a large family day care facility located within the Coastal Zone shall be approved upon compliance with the following conditions:
- (1) The facility will comply with the required conditions specified above in Zoning Regulations, Section 6401.2(a),
 - (2) The facility will conform with the Local Coastal Program,

- (3) The facility will comply with all conditions of the required Coastal Development Permit, as specified in Zoning Regulations Chapter 20B.

3. Approval Process.

a. Outside the Coastal Zone.

- (1) Applications shall be made to the County Planning and Building Division on a large family day care permit form and shall include a site plan, drawn to scale, showing all buildings on the property and the type and height of fences on or along all property boundaries.
- (2) Approval of a large family day care facility rests exclusively with the Planning Director.
- (3) Public notice prior to consideration of the requested large family day care permit is not required.
- (4) All property owners within 100 feet of the exterior limits of the property for which the facility is approved shall receive a copy of the large family day care permit.
- (5) An approved large family day care permit is not appealable to the Planning Commission or Board of Supervisors.

b. Within the Coastal Zone.

- (1) Application requests shall be the same as for facilities located outside the Coastal Zone, as specified above in Zoning Regulations, Section 6401.3.a(1).
- (2) Approval of the large family day care permit rests with the decision maker required to consider the associated Coastal Development Permit, as specified in Zoning Regulations Chapter 20B, Section 6328.9.
- (3) Public notice prior to consideration of the requested large family day care permit shall be the same as that required for the associated Coastal Development Permit, as specified in Zoning Regulations, Chapter 20B, Section 6328.9, i.e., all property owners within 100 feet of the exterior limits of the property for which the facility is proposed shall be notified ten (10) calendar days prior to the specific decision date of the permit.
- (4) All property owners within 100 feet of an approved large family day care facility shall be notified the same as for facilities located outside the Coastal Zone, as specified above in Zoning Regulations, Section 6401.3.a(4).

(5) An approved large family day care permit is appealable to the same decision body as that of the associated Coastal Development Permit, as specified in Zoning Regulations, Chapter 20B, Section 6328.16.

4. Exception Process. Exceptions may be granted to any of the conditions of approval listed in Zoning Regulations, Section 6401.2.2(a) by the Zoning Administrator, upon application by the facility operator for a use permit in accordance with the provisions of Zoning Regulations Chapter 24.

5. Status of Large Family Day Care Facilities Currently Operating With a Use Permit. All existing large family day care facilities located outside the Coastal Zone and currently operating with an approved use permit shall obtain only a large family day care permit at the time of the use permit's next renewal. All facilities located within the Coastal Zone and operating with a use permit shall obtain a large family day care permit and the necessary Coastal Development Permit.

Status of Large Family Day Care Facilities Currently Operating Without a Use Permit. All existing large family day care facilities currently operating without an approved use permit shall obtain a large family day care permit and, if located within the Coastal Zone, a Coastal Development Permit immediately. Failure to do so will result in referring the unpermitted facility to the County's Code Enforcement Section.

6. Revocation of Large Family Day Care Permit. The Planning Director may revoke a large family day care permit if: (a) the State facility license is revoked for any reason, or (b) any of the required conditions are not met.

* * * * *

Section 2. Zoning Regulations, Chapter 5 (Residential Estates District), Section 6151(I) is hereby renumbered to be 6151(j).

Section 3. Zoning Regulations, Chapter 5 (Residential Estates District), Section 6151(I) is hereby added to read as follows:

(I) Large Residential Day Care Facilities for Children (Family Day Care Homes), subject to a large family day care permit issued in accordance with the County Zoning Regulations, Chapter 22, Section 6401.2.

* * * * *

Section 4. Zoning Regulations, Chapter 6 (One-Family Residential Districts), Section 6161(j) is hereby renumbered to be 6161(k).

Section 5. Zoning Regulations, Chapter 6 (One-Family Residential Districts), Section 6161(j) is hereby added to read as follows:

- (j) Large Residential Day Care Facilities for Children (Family Day Care Homes; 7-12 children), subject to a large family day care permit issued in accordance with the County Zoning Regulations, Chapter 22, Section 6401.2.

* * * * *

Section 6. Zoning Regulations, Chapter 6.1 (One-Family Residential/Country Club Park District), Section 6163.4.E.1 is hereby amended to read as follows:

E. RESIDENTIAL COMMUNITY CARE FACILITIES MODULE (RES-11)

- 1. Residential Day Care Facilities for Children (Family Day Care Homes) (1.08.11)

Small (1-6 children)	None
Large (7-12 children)	Large Family Day Care Permit

* * * * *

Section 7. Zoning Regulations, Chapter 7 (Two-Family Residential Districts), Section 6171(d) is hereby added to read as follows:

- (d) Large Residential Day Care Facilities for Children (Family Day Care Homes; 7-12 children), subject to a large family day care permit issued in accordance with the County Zoning Regulations, Chapter 22, Section 6401.2.

* * * * *

Section 8. Zoning Regulations, Chapter 8 (Multiple-Family Residential Districts), Section 6181(f) is hereby added to read as follows:

- (f) Large Residential Day Care Facilities for Children (Family Day Care Homes; 7-12 children), subject to a large family day care permit issued in accordance with the County Zoning Regulations, Chapter 22, Section 6401.2.

* * * * *

Section 9. Zoning Regulations, Chapter 8.5 (Affordable Housing Districts), Section 6184(d)5 is hereby added to read as follows:

5. Large Residential Day Care Facilities for Children (Family Day Care Homes; 7-12 children), subject to a large family day care permit issued in accordance with the County Zoning Regulations, Chapter 22, Section 6401.2.

* * * * *

Section 10. Zoning Regulations, Chapter 20A (Resource Management District), Section 6315(bb) is hereby added to read as follows:

- (ab)⁵ Large Residential Day Care Facilities for Children (Family Day Care Homes; 7-12 children)

⁵Allowed subject to a large family day care permit

* * * * *

Section 11. Zoning Regulations, Chapter 21A (Planned Agricultural District), Section 6353.A.10 is hereby added to read as follows:

10. Large Residential Day Care Facilities for Children (Family Day Care Homes; 7-12 children), subject to a large family day care permit.

Section 6353.B.17 is hereby added to read as follows:

17. Large Residential Day Care Facilities for Children (Family Day Care Homes; 7-12 children), subject to a large family day care permit.

* * * * *

Section 12. Zoning Regulations, Chapter 21B (Planned Colma District), Section 6382.B.1 is hereby amended to read as follows:

1. Residential Day Care Facilities for Children (Family Day Care Homes) (1.08.11)

1-6 children
7-12 children

None
Large Family Day Care Permit

* * * * *

Section 13. Zoning Regulations, Chapter 34 (Timberland Preserve Zone), Section 6710.1.17 is hereby added to read as follows:

4
DELETE

17. Large Residential Day Care Facilities for Children (Family Day Care Homes; 7-12 children), subject to a large family day care permit.

* * * * *

Section 14. Zoning Regulations, Chapter 35 (Residential Hillside District), Sections 6801.18 and 6802.H(1) are hereby amended to read as follows:

SECTION 6801. DEFINITIONS.

18. Residential Day Care Facilities for Children (Family Day Care Homes) (1.8.11)

Licensed facilities in a building containing a dwelling unit in which non-medical care, protection, and supervision of children are regularly provided in the provider's own home for a period of less than 24 hours a day while parents or guardians are away. Includes small family day care homes (1 to 6 children) and large family day care homes (7 to 12 children).

SECTION 6802. USES PERMITTED.

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT
H. RESIDENTIAL COMMUNITY CARE FACILITIES MODULE (RES-9)	
1. Residential Day Care Facilities for Children (Family Day Care Homes)	
1.8.11	
1-6 children	None
7-12 children	Large Family Day Care Permit

* * * * *

Section 15. Zoning Regulations, Chapter 36 (Resource Management/Coastal Zone District), Section 6905(af) is hereby added to read as follows:

- (af) ⁵Large Residential Day Care Facilities for Children (Family Day Care Homes; 7-12 children)

⁵Allowed subject to a large family day care permit

DELETE
SEC. 15

* * * * *

Section 16. Zoning Regulations, Chapter 37 (Timberland Preserve Zone/Coastal Zone)
Section 6953.1.p is hereby added to read as follows:

- p. Large Residential Day Care Facilities for Children (Family Day Care Homes; 7-12 children), subject to a large family day care permit.

* * * * *

Section 17. This ordinance shall be in full force and effect:

In the Coastal Zone: Thirty (30) days after the Coastal Commission has certified it, without modification, as conforming with the California Coastal Act.

Outside the Coastal Zone: Thirty (30) days after its passage.

DJH:fc - DJHG1638.6FQ

DELETE SEC. 16

Regularly passed and adopted this 17th day of December, 1996.

- AYES and in favor of said ordinance:

Supervisors:

MARY GRIFFIN

TOM HUENING

VACANT

RUBEN BARRALES

MICHAEL D. NEVIN

NOES and against said ordinance:

Supervisors:

NONE

Absent Supervisors:

NONE

RUBEN BARRALES

President, Board of Supervisors
County of San Mateo
State of California

Certificate of Delivery
(Government Code section 25103)

I certify that a copy of the original ordinance filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.

Richard L. Silver

RICHARD L. SILVER
Clerk of the Board of Supervisors

RESOLUTION NO. 60790

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

* * * * *

RESOLUTION AMENDING THE PLANNING SERVICE FEE SCHEDULE
TO ESTABLISH FEES FOR LARGE FAMILY DAY CARE FACILITY PERMITS
AND TO WAIVE ADMINISTRATIVELY PROCESSED COASTAL
DEVELOPMENT PERMIT FEES WHEN REQUIRED IN CONJUNCTION WITH
LARGE FAMILY DAY CARE FACILITY PERMITS

* * * * *

WHEREAS, on June 6, 1995, the Board of Supervisors adopted the most recent Planning Fee Schedule establishing fees to be collected for planning services (Resolution 59364); and

WHEREAS, in 1993, the San Mateo County Child Care Coordinating Council requested that the County streamline its procedures regulating large family day care homes, including controlling application processing fees for associated permits; and

WHEREAS, on December 17, 1996, the Board of Supervisors adopted County Zoning Regulations Code amendments, as recommended by the County Planning Commission on November 13, 1996, to establish permit requirements and operation standards that streamlined the large family day care permit approval process for large family day care home facilities located in County unincorporated areas both outside and within the Coastal Zone; and

WHEREAS, a key element of the amendments was to establish a non-discretionary large family day care permit procedure that involved less processing, but adequately protected the residential neighborhood from facility-related impacts; and

WHEREAS, the associated processing fee for a large family day care permit shall be \$202.00, an amount commensurate with fees for other administratively processed permits in

order to encourage the establishment of large family day care facilities, consistent with the County Child Care Coordinating Council's previous request to control permit processing fees; and

WHEREAS, in addition, the processing fee for a Coastal Development Permit, where required in conjunction with a proposed large family day care facility, be waived entirely.

NOW, THEREFORE, BE IT RESOLVED that this Board hereby amends the Planning Service Fee to establish: (1) a \$202.00 fee for large family day care facility permits, and (2) to waive the fee entirely for Coastal Development Permits, where required in conjunction with large family day care facilities, and directs the Planning Director to collect the fees shown thereon at the time of the application(s) and to deposit them in the County treasury.

DJH:fc - DJHG1639.6FS

Regularly passed and adopted this 17th day of December, 1996.

AYES and in favor of said resolution:

Supervisors:

MARY GRIFFIN

TOM HUENING

VACANT

RUBEN BARRALES

MICHAEL D. NEVIN

NOES and against said resolution:

Supervisors:

NONE

Absent Supervisors:

NONE

RUBEN BARRALES

*President, Board of Supervisors
County of San Mateo
State of California*

Certificate of Delivery

(Government Code section 25103)

I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.

Richard L. Silver

RICHARD L. SILVER

Clerk of the Board of Supervisors

**COMPARISON OF LARGE FAMILY DAY CARE (LFDC) PERMIT APPLICATION PROCESS
BETWEEN NON-COASTAL & COASTAL AREAS**

	NON-COASTAL AREA	COASTAL AREA
APPROVAL	Non-discretionary approval permit would be approved providing all standards/conditions are met.	Non-discretionary approval only IF applicable CDP is approved.
CONDITIONS	Fixed set of standards/conditions applied to LFDC operation.	Same standards/conditions would apply in addition to any required for CDP approval.
NOTIFICATION	Post-decision property owner notification of parcels within 100 ft. of operation indicating permit issuance and operating standards/conditions.	CDP notification requirements apply.
PUBLIC HEARING	No public hearing required; approved administratively.	Public hearing required ONLY if CDP required; otherwise CDP would be processed administratively.
APPEALS	Not appealable.	Appealable through the CDP process.
FEES	\$ 202 - LFDC permit 112.40 - Fire Safety Inspection \$ 314.40 - Total fees.	\$ 202 - LFDC permit 112.40 - Fire Safety Inspection \$ 314.40 - Total fees.

EXHIBIT NO. 3

APPLICATION NO.
SAN MATEO COUNTY

LCP Amend. 1-97-A
LFDC process inside
vs. outside Coastal
Zone