

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863



F10b

Prepared October 25, 2007 (for November 16, 2007 Hearing)

To: Coastal Commissioners and Interested Persons

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

Subject: Certification Review for Santa Cruz County Local Coastal Program Amendment Number 1-06 Part 2 (Large Family Childcare Homes in Non-Residential Zones)

At the May 9, 2007 Coastal Commission meeting in San Pedro, the Commission approved, with suggested modifications, Santa Cruz County Local Coastal Program (LCP) Major Amendment Number 1-06 Part 2. This LCP amendment allowed for large family childcare homes (up to 14 children) to be located in non-residential zoning districts. The modifications approved by the Commission disallow the use of large family childcare homes on agricultural land and require an agricultural buffer between large family childcare home uses on non-agricultural land that is located adjacent to agricultural land.

By action taken September 25, 2007, Santa Cruz County adopted the amending LCP text as directed by the Commission's suggested modifications (see Exhibit #1). This action was taken within the required six-month timeframe.

The Executive Director has determined that the actions taken by the County are legally adequate and that the amended LCP should be certified. The Executive Director recommends that the Commission concur with this determination and that the LCP, as amended, be certified. If the Commission concurs, the amended LCP will be certified as of today's date (i.e., November 16, 2007), and notification of this certification and Commission concurrence will be forwarded to the County.

Motion. I move that the Commission concur with the Executive Director's determination that the actions taken by Santa Cruz County to accept the Commission's suggested modifications for Santa Cruz County LCP Amendment 1-06 Part 2 are legally adequate.

Executive Director's Recommendation. The Executive Director recommends a **YES** vote on the motion. Passage of this motion will result in certification of the Santa Cruz County LCP as directed by the Commission's approval with suggested modifications of LCP Amendment 1-06 Part 2; the amended LCP will be certified as of today's date (i.e., November 16, 2007). The motion passes only by affirmative vote of a majority of the Commissioners present.

Exhibits

Exhibit 1: County's Acceptance of the Coastal Commission's Suggested LCP Modifications



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

RESOLUTION NO. 275-2007

On the motion of Supervisor: Stone
Duly seconded by Supervisor: Coonerty
The following Resolution is adopted:

**RESOLUTION ADOPTING AMENDMENTS TO ORDINANCE NO. 4814
RELATING TO LARGE FAMILY CHILD CARE HOMES**

WHEREAS, the provision of child care is an important resource 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, on February 7, 2006, the Board of Supervisors adopted Ordinance No. 4814 to allow Large Family Child Care Homes in non-residential zone districts, including agricultural zone districts, subject to certain standards and findings; and

WHEREAS, on May 4, 2006, Ordinance No. 4814 was submitted to the California Coastal Commission for review and certification; and

WHEREAS, the California Coastal Commission determined, at their May 9, 2007 meeting, that they would not approve Ordinance No. 4814, as submitted by the County, unless it was modified in certain respects; and

WHEREAS, the Board of Supervisors has held a duly noticed public hearing and has considered the proposed amendments, and all testimony and evidence received at the public hearing; and

WHEREAS, the Board of Supervisors finds 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, as determined by the Coastal Commission, and other provisions of the County Code and will contribute to the preservation of agricultural land and uses; and

WHEREAS, pursuant to the California Environmental Quality Act, adoption of this Resolution and Ordinance are statutorily exempt under CEQA Guidelines Section 15274 – Family Day Care Homes (Health & Safety Code Section 1597.46(b)) and, within the Coastal Zone, under CEQA Guidelines Section 15265—Amendments to Local Coastal Plans (Public Resources Code Section 21080.9) and categorically exempt under Class 1—Existing Facilities CEQA Guidelines Section 15301 and Class 3—New Construction or Conversion of Small Structures CEQA Guidelines Section 15303; and

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WHEREAS, Chapter 13.10 of the County Code is an implementing ordinance of the Local Coastal Program (LCP) and the proposed amendments to Chapter 13.10 constitute an amendment to the Local Coastal Program; and

WHEREAS, the proposed amendments are consistent with the California Coastal Act.

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

BE IT FURTHER RESOLVED, that the Board of Supervisors adopts the proposed amendments to Ordinance No. 4814 as set forth in Exhibit A to this Resolution, and the Notice of Exemption from the California Environmental Quality Act as set forth in Attachment 3, and incorporated herein by reference.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 25th day of September, 2007 by the following vote:

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

JANET K. BEAUTZ

Chair of the Board of Supervisors

ATTEST: TESS FITZGERALD
Clerk of the Board

APPROVED AS TO FORM:


COUNTY COUNSEL

cc: County Counsel
Planning Department

STATE OF CALIFORNIA)
COUNTY OF SANTA CRUZ) ss
I, SUSAN A. MAURIELLO, County Administrative Officer and ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California do hereby certify that the foregoing is a true and correct copy of the resolution passed and adopted by and entered in the minutes of the said board. In witness whereof I have hereunto set my hand and affixed the seal of the said Board on 9/25/07

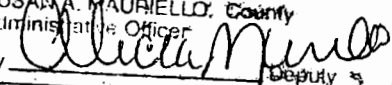
SUSAN A. MAURIELLO, County Administrative Officer
By  Deputy

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ORDINANCE NO. 4883

AN ORDINANCE RESCINDING SECTION I AND AMENDING SECTION VI OF ORDINANCE NO. 4814 REGARDING LARGE FAMILY CHILD CARE HOMES

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

SECTION I

Section I of Ordinance No. 4814—adding the category “Child Care Homes, Large” to the Agricultural Uses Chart—is hereby rescinded.

~~Subdivision (b) of Section 13.10.312 of the Santa Cruz County Code is hereby amended by adding the category “Child Care Homes, Large” to the Agricultural Uses Chart under “Agricultural Support and Related Facilities” and below the category of “Caretaker’s quarters, permanent, subject to the provisions of Section 13.10.631”, to read as follows:~~

USE	GA	A	AP
Child Care Homes, Large Family (must be in conjunction with residential use) (See Sections 13.10.686 and 13.10.700 C definition)	5	5	5

SECTION II

Section 13.10.686 of the Santa Cruz County Code, entitled “Large Family Child Care Homes in Non-Residential Zone Districts” as adopted in Section VI of Ordinance No. 4814, is hereby amended to read as follows:

13.10.686 Large family child care homes in non-residential zone districts.

(a) Purpose. The purpose of this section is to provide for and regulate Large Family Child Care Homes in order to provide needed child care in a home setting, as well as minimize or prevent potential conflicts between child care and other on-site or adjacent uses.

~~1. Purpose in Agricultural Districts. The purpose of this section in agricultural districts is to provide opportunities for Large Family Child Care Homes to be located in areas which are zoned agriculture but have a residential character, or in the location of farmworker housing where childcare is needed.~~

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~~2.~~ 1. Purpose in Commercial Districts. The purpose of this section in commercial districts is to provide opportunities for Large Family Child Care Homes to be located in residences with proximity to places of employment.

~~3.~~ 2. Purpose in Parks, Recreation and Open Space District. The purpose of this section in the Parks, Recreation and Open Space districts is to provide opportunities for Large Family Child Care Homes to be located in residences in proximity to outdoor activities, residential neighborhoods and commercial areas.

~~4.~~ 3. Purpose in Public and Community Facilities District. The purpose of this section in the Public and Community Facilities district is to provide opportunities for Large Family Child Care Homes to be located in residences in proximity to public facilities, such as schools, and near residential areas.

~~5.~~ 4. Purpose in Timber Production Districts. The purpose of this section in the Timber Production district is to provide opportunities for Large Family Child Care Homes to be located in residences on land zoned for timber production consistent with the provisions of Section 13.10.375:

(b) Application Requirements. In those non-residential zone districts where Large Family Child Care Homes are allowed in conjunction with a residential use, a Level V use approval is required. Approval of these permits shall be processed in accordance with the provisions of Chapter 18.10.223. Large Family Child Care Homes proposed to be located within the Coastal Zone shall require a Coastal Permit which is also processed at Level V.

1. Upon application submittal, the applicant must submit a statement of operation which includes the following information:

(i) Number of employees.

(ii) Number of children.

(iii) Hours and days of operation.

(iv) Site plan which clearly illustrates the pick up/drop off area, on site circulation and parking spaces.

(c) Required Findings. Before a Development Permit (Level V use approval) for a Large Family Child Care Home can be granted, the general findings for Development Permits set forth in Section 18.10.230 (a) and where applicable, Coastal Permit findings set forth in Section 13.20.110 shall be made in addition to the following findings:

~~1. In Agricultural Districts (A, CA and AP), the Agricultural Policy Advisory Commission shall review proposals and make recommendations to the approving body and the approving body shall make the following findings:~~

~~(i) The Large Family Child Care Home use on the parcel will not conflict with on-site or adjacent agricultural activities (including but not limited to herbicide and pesticide use); and~~

~~(ii) The Large Family Child Care Home is consistent with the preservation of the agricultural resources on-site.~~

~~(iii) The Large Family Child Care Homes is proposed to be located in an area which either has a residential character, or is located in conjunction with farmworker housing.~~

~~(iv) Section 16.50.095 pertaining to agricultural buffer setbacks shall apply where a structural addition is proposed as part of the Large Family Child Care Home use or where an intensification of human use of outdoor areas will result from the Large Family Child Care Home use.~~

~~2. 1.~~ In Timber Production Districts (TP), the following additional findings shall be made:

(i) The Large Family Day Care Home use does not conflict with the growing and harvesting of sustained yield tree crop and all timber harvesting activities.

(ii) The Large Family Day Care Home operation is consistent with Section 13.10.375(a)(1).

(d) Requirements. Before a Large Family Child Care Home, authorized by a development permit, or, if applicable, a coastal permit, can commence operation, the following requirements shall be met:

1. Location: The Large Family Child Care Home must be operated in a residence or in the residential portion of a mixed use structure.

(i) In the commercial zones, the percentage of residential square footage of the structure must comply with Section 13.10.332(b).

(ii) The large family child care home shall operate in the residential portion of the structure.

2. Occupancy: The owner or occupant of the residence must be the operator of the Large Family Child Care Home and must be listed on the State License as the operator. The operator must live at the premises full-time.

3. Parking: Sufficient on-site parking must be provided for all employees of the Large Family Child Care Home. Sufficient off street parking equates to a minimum of one off street parking space per full time employee and a minimum of one off street drop off/pick up parking space. Any alternative off street parking standard must be

deemed appropriate by the Zoning Administrator based on site constraints which would otherwise preclude the operation of a Large Family Child Care Home on the property. Additionally, there shall be sufficient off-street and on-street parking such that the operation of this use will not impede local traffic nor cause traffic congestion during peak drop-off and pick-up periods.

4. Traffic: Unless found to be unnecessary due to ample drop off and pick up areas, a plan for staggering drop-off and pick-up times to minimize traffic shall be submitted and reviewed as part of the application. An operational condition shall require implementation of this traffic control plan.

5. Agricultural Buffers: Large Family ChildCare Homes that are located adjacent to agriculturally-zoned land (CA, A, AP) shall meet all the requirements of Section 16.50.095 pertaining to agricultural buffer setbacks.

~~5. 6.~~ Other Conditions: Other conditions deemed appropriate by the approving body may be applied to the development permit of a Large Family Child Care Home to further the purposes of this Section.

SECTION III

This Ordinance shall take effect on the 31st day following adoption or upon certification by the California Coastal Commission, whichever occurs later.

PASSED AND ADOPTED this 25th day of September, 2007, by the Board of Supervisors of the County of Santa Cruz by the following vote:

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

JANET K. BEAUTZ

Chair of the Board of Supervisors

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ATTEST: JESS FITZGERALD
Clerk of the Board

APPROVED AS TO FORM: [Signature]
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 24th DAY
OF September 2007
SUSAN A. MAURIELLO, COUNTY ADMINISTRATIVE OFFICER
AND EX-OFFICIO CLERK OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, CALIFORNIA.
BY [Signature] DEPUTY

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