

CALIFORNIA COASTAL COMMISSION

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original staff report

W11a

MEMORANDUM

Date: January 5, 2015

To: Commissioners and Interested Persons

From: Alison Dettmer, Deputy Director
Robert S. Merrill, North Coast District Manager
James R. Baskin AICP, Coastal Planner

Subject: **Addendum to Commission Meeting for Wednesday, January 7, 2015**
North Coast District Item W11a, Time Extension to Commission Action for
LCP Amendment Application MEN-MIN-1-08 (Childcare Ordinances)

Staff has discovered a typographic error in the wording of the motion contained on page two of the December 19, 2014 staff recommendation report. Please substitute the following language for the recommended motion section of the report:

STAFF RECOMMENDATION

Staff recommends that the Commission vote to extend the deadline for Commission action for one year.

Motion:

I move that the Commission extend the time limit to act on County of Mendocino Local Coastal Program Amendment No. MEN-MIN-1-08 for a period of one year.

Staff recommends a **YES** vote. Passage of this motion will result in an extension of the period in which the Commission must act on the proposal, changing the deadline for Commission action from February 7, 2015 to February 7, 2016. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

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W11a

DATE: December 19, 2014

TO: Coastal Commissioners and Interested Persons

FROM: Alison Dettmer, Deputy Director
Robert S. Merrill, North Coast District Manager
James R. Baskin AICP, Coastal Planner

SUBJECT: Extension of Time Limit for Commission Action on County of Mendocino Local Coastal Program Amendment MEN-MIN-1-08 (Childcare Ordinances)

For the Commission meeting of January 7, 2015

LCP AMENDMENT DESCRIPTION

On December 19, 2008, Local Coastal Program (LCP) Amendment Application No. MEN-MIN-1-08 was received from the County of Mendocino, which proposes to amend the LCP's Implementation Plan (IP) to revise portions of the County's childcare ordinances for those portions of the County within the coastal zone, including the Town of Mendocino geographic segment. The existing childcare ordinances provide for the day care of children in single-family residential settings in one of two tiers: (1) "small family day care homes" (up to six persons); and (2) "large family day care homes" (7 to no more than 25 persons). The proposed IP amendment would update these provisions to reflect changes in state licensed community care facilities law to increase the permissible number of children in small family day care homes by-right as an accessory residential and agricultural use from six to eight persons. In addition, the amendment would establish large family day care homes as a permissible use in all zoning districts with securement of a coastal development permit, and subject to enhanced assessment of potential impacts such as traffic and pedestrian safety, adequate sanitation facilities, fire safe standards, and neighborhood compatibility.

Coastal Act Section 30510 requires proposed LCP amendment submittals to contain materials sufficient for a thorough and complete review. Once that requirement is satisfied and an amendment is deemed submitted (or "filed"), the Coastal Act requires the Commission to act on Implementation Plan (IP) amendments within 60 days and on Land Use Plan (LUP) amendments and combined LUP/IP amendments within 90 days (Coastal Act Sections 30510, 30512, 30513, and 30514). On December 9, 2014, the Commission staff deemed the LCP amendment application submitted. This proposed LCP amendment would amend only the IP's development policies, and

thus the 60-day time limit applies. The 60th day after the date this LCP amendment application was deemed submitted is February 7, 2015. Therefore, unless the Commission extends the deadline, the Commission will need to complete its action on the LCP amendment at the Commission's January 7-9, 2015 hearings.

As the Commission only received the materials needed to file the application as complete in the week prior to when staff reports must be finalized and published for the January Commission meeting, staff has not yet had sufficient time to: (1) analyze the new information received, including the adopted ordinances which differ significantly from the draft ordinances provided in the initial application submittal; (2) coordinate with the County to ensure that the proposed amendment would protect coastal resources consistent with the Coastal Act; and (3) prepare a staff recommendation for the Commission's consideration. Of particular concern is how the introduction of large family day care homes in resource land zoning districts could physically be developed and operated in a manner that would avoid impacts to coastal resources. Staff is continuing to work with County staff in its review of the amendment and to analyze and resolve these issues.

Coastal Act Section 30517 states that the Commission may extend for good cause the 60-day time limit for Commission action on an LCP amendment for a period not to exceed one year. Staff is preliminarily planning to bring the proposed amendment forward within one month at the next Commission hearing in February in Pismo Beach. Although staff believes this matter will be brought to a hearing in the near-term, staff recommends that the Commission extend the deadline for a full year as provided by the Coastal Act to allow for uncertainty in the review process and flexibility for coordination with the County on potential modifications, establishing hearing schedules, and managing competing workload. Therefore, staff recommends that the Commission extend the deadline for Commission action on the proposed LCP amendment by one year. A one-year extension would result in a new deadline for Commission action of February 7, 2016.

STAFF RECOMMENDATION

Staff recommends that the Commission vote to extend the deadline for Commission action for one year.

Motion:

I move that the Commission extend the time limit to act on County of Mendocino Local Coastal Program Amendment No. MEN-MIN-1-08 for a period of thirty-five days.

Staff recommends a **YES** vote. Passage of this motion will result in an extension of the period in which the Commission must act on the proposal, changing the deadline for Commission action from February 7, 2015 to February 7, 2016. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.