

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE

1385 8<sup>TH</sup> STREET • SUITE 130

ARCATA, CA 95521

VOICE (707) 826-8950

FAX (707) 826-8960

**F7a**

**DATE:** January 23, 2015

**TO:** Commissioners and Interested Parties

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

**SUBJECT: County of Mendocino LCP Amendment No. MEN-MIN-1-08  
(Childcare Ordinances) Meeting of February 13, 2015 in Pismo Beach**

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**1. LCP Amendment Description & Discussion**

The County of Mendocino proposes to modify the Local Coastal Program (LCP) Implementation Plan (IP) to amend Chapter 2, Division II (Coastal) and III (Mendocino Town Plan) regarding child day care home facilities. See Exhibits 1, 2, and 4 for the proposed amendment text.

Family day care homes are small-scale childcare facilities that are regulated and licensed by the State Department of Social Services. By state law and definition, family day care homes are located within single family residences where the owner/operator of the childcare service resides. In 2008, the California Child Day Care Act was amended to limit local zoning restrictions on family day care homes in zoning districts that allow single-family dwellings.

There are two types of family childcare homes: small and large. A small family day care home may provide care for up to 8 children. Health and Safety Code Section 1597.45 governs local regulation of small family day care homes. Specifically, this code section requires that small family day care homes be allowed without a local permit or local regulation in any zoning district in which a single family residential use is allowed. Large family day care homes may provide care for up to 14 children. Health and Safety Code Section 1597.46 provides that local jurisdictions shall not prohibit large family day care homes in zoning districts that allow single-family dwellings, but may regulate large family day care homes using specific criteria (spacing and concentration of uses, traffic control, parking, noise, and fire protection).

The proposed LCP amendment entails adding and modifying definitions of “small family” and “large family” child day care homes in a manner consistent with the California Child Day Care Act. The amendment would also change the existing IP provisions that limit the size of small family day care homes as an accessory use from six persons to eight.

The amendment would furthermore allow large family day care homes as an accessory residential use in all zones which allow a single family residence subject to coastal development permit authorization. Moreover, the amendment would establish review criteria consistent with the California Child Day Care Act for such coastal development permit authorization. See Exhibits 1 and 2 for the proposed amendment text.

The proposed amendment does not change the kind, location, intensity, or density of use allowed under the LCP for several reasons. First, the amendment only address family day care homes, which by definition, are homes that provide care for no more than 14 children within the provider's own home. Such family day care homes are only allowed in zoning districts where single family residences are already allowed. Thus, family day care homes will only be established in existing homes or where the care provider could develop a single family home under the existing zoning.

Second, the establishment of family day care homes as accessory uses in single family residences would not result in significant adverse impacts to coastal resources because existing LCP provisions that govern the appropriateness of single family residences in the coastal zone would continue to serve to protect coastal resources.

Finally, if a new single-family residential structure to include a family day care home use were proposed in any of the zoning districts allowing single family residences, development of the new single-family residential structure would have to conform to all applicable LCP requirements regarding coastal resource protection, including limitations on conversion of agricultural land, limitations on congestion affecting coastal access, protection of visual and scenic resources, avoidance and minimization of risks of exposure of persons and property to hazards, and prioritization of coastal-dependent, coastal-related, agricultural, and visitor-serving commercial uses, as part of the County's coastal development permit process.

## **2. Minor LCP Amendment Determination & Commission Review**

Pursuant to California Code of Regulations (CCR) Section 13555, the Executive Director may determine that a proposed LCP amendment is "minor." CCR Section 13554 defines minor LCP amendments. Among other things, minor LCP amendments include:

*CCR Section 13554(a). Changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the Executive Director of the Commission or the Commission to be consistent with the land use plan as certified by the Commission.*

The Executive Director has determined that the proposed LCP amendment is "minor" in nature under Sections 13554 and 13555 of the Commission's regulations, as the amendment would not result in a change to the kind, density, or intensity of use of land in the affected area. The Executive Director has informed all interested parties by the mailing of this determination on January 23, 2015. The Commission will consider the Executive Director's determination at the February 13, 2015 meeting in Pismo Beach. At that time, the Executive Director will report to the Commission any objection to the determination that is received within ten working days of the posting of this notice. Anyone wishing to register an objection to the Executive Director's

determination that the proposed LCP amendment is "minor" should submit such objection to James Baskin at (707) 826-8950 at the Commission's North Coast District Office in Arcata by February 6, 2015.

The proposed minor amendment will be deemed approved and will become effective immediately unless one third of the appointed members of the Commission request that it be processed as a major LCP amendment (Public Resources Code section 30514(c); 14 CCR sections 13555(a) and 13547(c).

**3. California Environmental Quality Act (CEQA)**

On October 28, 2008, the County of Mendocino adopted a Negative Declaration regarding the environmental effects of the subject changes to its child care day home provisions. 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. This report has discussed the relevant coastal resource issues with the proposal, and has concluded that it is unnecessary for the Commission to suggest modifications to the proposed amendment to address adverse environmental impacts because the proposed amendment, as submitted, will not result in any significant environmental effects for which feasible mitigation measures would be required.

**4. Staff Recommendation**

Staff recommends that the Commission concur with the Executive Director's determination that the LCP amendment is minor.

**5. Additional Information**

For further information, please contact James Baskin at the North Coast District Office (707) 826-8950. Correspondence should be sent to the district office at the letterhead address.

**6. Exhibits (attached)**

- Exhibit 1: County Ordinance No. 4207 – An Ordinance Amending Sections within Division II of Title 20 of the Mendocino County Code (Coastal)
- Exhibit 2: County Ordinance No. 4208 – An Ordinance Amending Sections within Division III of Title 20 of the Mendocino County Code (Mendocino Town Plan)
- Exhibit 3: County Resolution No. 14-160 – Resolution of Transmittal
- Exhibit 4: Proposed IP Amendments in ~~Strikethrough~~ (Deletions)/Underline (New Text) Fonts

ORDINANCE NO. 4207

AN ORDINANCE AMENDING SECTIONS WITHIN DIVISION II OF TITLE 20 OF THE  
MENDOCINO COUNTY CODE

The Board of Supervisors of the County of Mendocino, State of California,  
ordains as follows:

Section 20.308.035 Definitions (D) of Division II of Title 20 is amended to read:

- (A) "Day Care Home - Small Family" means a home providing day care for children under 18 years of age as defined by the California Health and Safety Code, but excluding overnight care
- (B) "Day Care Home - Large Family" means a home providing day care for children under 18 years of age as defined by the California Health and Safety Code, but excluding overnight care.

Remaining sections of 20.308.035 shall be re-designated accordingly (C) through (L).

Section 20.320.045 Division II of Title 20 is amended to read:

"Day Care Facility/small schools" means care or education of seven (7) or more, but not to exceed twenty-five (25) persons regardless of age or handicap, but excluding overnight care, uses classified as group care or other facilities exempted by the California Health and Safety Code e.g. Day Care Homes - Small and Large, or major impact services and utilities. A Day Care Home - Large is subject to an Administrative Permit in all zoning districts. Typical uses include day nurseries for children, child day care facilities, or day care for elderly, and small schools.

Section 20.456.015(I) Division II of Title 20 is amended to read:

Day care home - Small Family, family care home, or school as provided for within the California Health and Safety Code.

Section 20.456.015(O) Division II Title 20 is added to read:

Day Care Home - Large Family

A home providing day care for children under 18 years of age, but excluding overnight care. The number of children permitted shall be based on provisions of the California Health and Safety Code. The facility shall be reviewed to assess impacts such as traffic and pedestrian safety, adequate sanitation facilities, fire safe standards, and neighborhood compatibility. Development of such facilities shall be permitted in all zoning districts subject to a coastal development permit.

Notice of a pending permit for such facility shall be provided per the Health and Safety Code and conditions may be imposed to provide consistency with pertinent sections of this Division

**EXHIBIT NO. 1**

APPLICATION NO. MEN-MIN-1-08

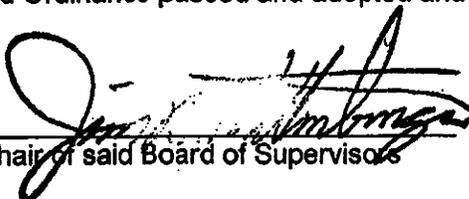
Childcare Ordinances

ORDINANCE 4207 - BALANCE OF  
COUNTY COASTAL ZONE - 1 of 2

Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this 28<sup>th</sup> day of October , 2008, by the following vote:

AYES	Supervisors Delbar, Pinches, Smith, Colfax, and Wattenburger
NOES:	None
ABSENT:	None

WHEREUPON, the Chairman declared said Ordinance passed and adopted and SO ORDERED.

  
Chair of said Board of Supervisors

ATTEST: KRISTI FURMAN  
Clerk of said Board

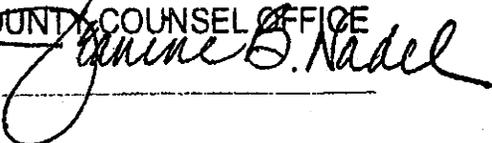
By  \_\_\_\_\_

CASE#: OA 1-2008  
OWNER: VARIOUS

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

KRISTI FURMAN  
Clerk of the Board

By:  \_\_\_\_\_

APPROVED AS TO FORM  
COUNTY COUNSEL OFFICE  
by  \_\_\_\_\_

ORDINANCE NO. 4208

AN ORDINANCE AMENDING SECTIONS WITHIN DIVISION III OF TITLE 20 OF THE  
MENDOCINO COUNTY CODE

The Board of Supervisors of the County of Mendocino, State of California,  
ordains as follows:

Section 20.608.023 Definitions (D) of Division III of Title 20 is amended to read:

- (A) "Day Care Home - Small Family" means a home providing day care for children under 18 years of age as defined by the California Health and Safety Code, but excluding overnight care
- (B) "Day Care Home - Large Family" means a home providing day care for children under 18 years of age as defined by the California Health and Safety Code, but excluding overnight care.

Remaining sections of 20.608.035 shall be re-designated accordingly (C) through (L).

Section 20.620.040 Division III of Title 20 is amended to read:

"Day Care Facility/small schools" means care or education of seven (7) or more, but not to exceed twenty-five (25) persons regardless of age or handicap, but excluding overnight care, uses classified as group care or other facilities exempted by the California Health and Safety Code e.g. Day Care Homes - Small and Large, or major impact services and utilities. A Day Care Home - Large is subject to an Administrative Permit in all zoning districts. Typical uses include day nurseries for children, child day care facilities, or day care for elderly, and small schools.

Section 20.704.015(H) Division III of Title 20 is amended to read:

Day care home - Small Family, family care home, or school as provided for within the California Health and Safety Code.

Section 20.704.015(O) Division III Title 20 is added to read:

Day Care Home - Large Family

A home providing day care for children under 18 years of age, but excluding overnight care. The number of children permitted shall be based on provisions of the California Health and Safety Code. The facility shall be reviewed to assess impacts such as traffic and pedestrian safety, adequate sanitation facilities, fire safe standards, and neighborhood compatibility. Development of such facilities shall be permitted in all zoning districts subject to a minor use permit.

**EXHIBIT NO. 2**

APPLICATION NO. MEN-MIN-1-08

Childcare Ordinances

ORDINANCE 4208 - MENDOCINO

TOWN PLAN - 1 of 2

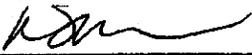
Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this 28<sup>th</sup> day of October, 2008, by the following vote:

AYES            Supervisors Delbar, Pinches, Smith, Colfax, and Wattenburger  
NOES:           None  
ABSENT:        None

WHEREUPON, the Chairman declared said Ordinance passed and adopted and SO ORDERED.

  
Chairman of said Board of Supervisors

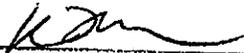
ATTEST: KRISTI FURMAN  
Clerk of said Board

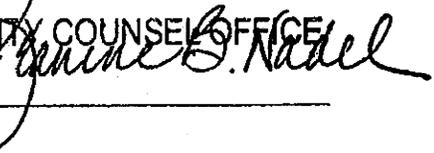
By  \_\_\_\_\_

CASE#: OA 1-2008  
OWNER: VARIOUS

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

KRISTI FURMAN  
Clerk of the Board

By:  \_\_\_\_\_

APPROVED AS TO FORM  
COUNTY COUNSEL OFFICE  
by  \_\_\_\_\_

**RESOLUTION NO. 14-160**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO, AUTHORIZING PLANNING AND BUILDING SERVICES TO SUBMIT LOCAL COASTAL PROGRAM AMENDMENTS TO THE COASTAL COMMISSION TO CERTIFY THE UPDATES TO DIVISIONS II AND III OF TITLE 20 OF THE MENDOCINO COUNTY CODE PREVIOUSLY APPROVED BY THE BOARD OF SUPERVISORS**

WHEREAS, the County of Mendocino adopted a Local Coastal Program (LCP) as a Coastal Element of the General Plan on November 5, 1985, which was subsequently certified by the California Coastal Commission on November 20, 1985; and

WHEREAS, in June 1990, the County of Mendocino segmented its LCP to include a separate Mendocino Town Plan chapter to address issues and provide policies that apply only in the Town of Mendocino; and

WHEREAS, by segmenting its LCP, the County of Mendocino adopted the Mendocino County Coastal Zoning Code (Division II of Title 20 of the Mendocino County Code) and the Mendocino Town Zoning Code (Division III of Title 20 of the Mendocino County Code); and,

WHEREAS, in January 1992, the County of Mendocino submitted to the California Coastal Commission the Mendocino Town LCP which consists of the Mendocino Town Plan, the Land Use Map for the Mendocino Town Plan, the Mendocino Town Zoning Code (Division III of Title 20 of the Mendocino County Code), and the Mendocino Town Zoning Map; and

WHEREAS, the California Coastal Commission certified the Mendocino Town LCP on November 16, 1996 as a segment of the County of Mendocino LCP; and

WHEREAS, during July 2008, the Department of Planning and Building Services reported that State Law has been modified to reflect the Legislature's position that childcare facilities are essential services to a community; and

WHEREAS, the County Planning Commission held publicly noticed hearings on July 17, 2008, on the proposed project and alternatives offered and submitted its recommendation to the Board of Supervisors that the Board approve amendments to both Division II and Division III of Title 20 of the Mendocino County Code regarding childcare facilities; and

WHEREAS, the Board of Supervisors held a publicly noticed hearing on October 28, 2008, on the proposed updates to Division II and III of Title 20 of the Mendocino County Code and has determined that Divisions II and III of Title 20 of the Mendocino County Zoning Code should be amended, as recommended by the Planning Commission; and

WHEREAS, the County of Mendocino provided public notice in a general circulation newspaper, at the public hearing location, and to interested parties for the public hearings on the amendments to Divisions II and III of Title 20 of the Mendocino County Code held by the Planning Commission and the Board of Supervisors; and

WHEREAS, by virtue of the public meetings listed above, all interested persons were given an opportunity to be heard on the proposed updates to Divisions II and III of Title 20 of the Mendocino County Code; and

WHEREAS, pursuant to Public Resources Code Section 21080.9, the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*; CEQA) does not apply to activities and approvals by a local government as necessary for the preparation and adoption of a local coastal program pursuant to the California Coastal Act (Public Resources Code Section 30000 *et seq.*), and as provided by Section 15265 of the CEQA Guidelines (14 Cal. Code Regs. Section 15000 *et seq.*), the burden of CEQA compliance for local coastal plans is shifted from the County to the California Coastal Commission; and

WHEREAS, on October 28, 2008, the Board of Supervisors adopted (1) Ordinance No. 4207, amending Division II of Title 20 the Mendocino County Code, and (2) Ordinance No. 4208, amending Division III of Title 20 of the Mendocino Code, copies of which are attached to this resolution as Exhibit A and Exhibit B and are incorporated herein by this reference; and

WHEREAS, on October 28, 2008, the Board of Supervisors directed, in the Mendocino County Board of Supervisors Item 7(d)2 Summary Action/Minutes, the Department of Planning and Building Services to submit the amendments to Division II and III of Title 20 of the Mendocino County Code to the California Coastal Commission for certification; and

WHEREAS, the Department of Planning and Building Services prepared the subject resolution because the Coastal Commission cannot accept the County's submitted LCPA without a resolution from the Board authorizing the submittal of the application.

NOW, THEREFORE, BE IT RESOLVED, that Planning and Building Services staff is directed by this resolution to submit the amended Divisions II and III of Title 20 of the Mendocino County Code to the California Coastal Commission for certification of the County of Mendocino Local Coastal Program; and

BE IT FURTHER RESOLVED, that, pursuant to Public Resources Code Section 21080.9 and CEQA Guidelines Section 15265, environmental review of the Divisions II and III of Title 20 of the Mendocino County Code will be performed as part of the California Coastal Commission's certification of Divisions II and III of Title 20 of the Mendocino County Code; and

BE IT FURTHER RESOLVED, the County of Mendocino intends that amendments (attached as Exhibit A and Exhibit B) to Divisions II and III of Title 20 of the Mendocino County Code will take effect automatically upon the Commission approval unless the Commission suggests modifications, in which case, the Board of Supervisors will take action to consider adoption of the suggested modifications prior to the Mendocino Town Plan LCP amendments taking effect; and

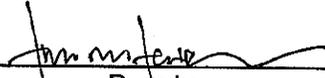
BE IT FURTHER RESOLVED, that the County agrees to issue coastal development permits subject to the amended Divisions II and III of Title 20 of the Mendocino County Code and to carry out the Divisions II and III of Title 20 of the Mendocino County Code in a manner fully in conformity with the California Coastal Act of 1976.

The foregoing Resolution introduced by Supervisor Gjerde, seconded by Supervisor McCowen, and carried this 9<sup>th</sup> day of December, 2014, by the following vote:

AYES: Supervisors Brown, McCowen, Pinches, Gjerde, and Hamburg  
NOES: None  
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO  
Clerk of the Board

  
Deputy

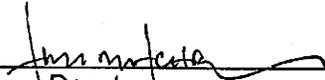
APPROVED AS TO FORM:  
DOUGLAS L. LOSAK, Interim County Counsel

  
Deputy

  
JOHN PINCHES, Chair  
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO  
Clerk of the Board

  
Deputy

**COUNTY OF MENDOCINO ORDINANCE AMENDMENT NOS. OA-1-08 & OA-2-08  
PROPOSED IMPLEMENTATION PLAN TEXT AMENDMENTS**

**Mendocino County Code  
Title 20 - Zoning Ordinance  
Division II - Mendocino County Coastal Zoning Code  
Chapter 20.308 – Definitions**

**Sec. 20.308.035 - Definitions (D).**

(A) “Day Care Home – Small Family” means a home providing day care for children under 18 years of age as defined by the California Health and Safety Code, but excluding overnight care.

(B) “Day Care Home – Large Family” means a home providing day care for children under 18 years of age as defined by the California Health and Safety Code, but excluding overnight care.

(A)(C) “Density” means the number of dwelling units per acre or square feet, calculated as the total number of dwelling units divided by the total lot area within the boundaries of the lot.

(B)(D) “Detached Bedroom” means a separate incidental structure containing one (1) room only without a kitchen or sanitation facilities, designed for and intended to be used as a sleeping or living facility for family members to be used in conjunction with a main structure which includes kitchen and sanitation facilities. A detached bedroom shall be located no farther than one hundred fifty (150) feet from the main structure, and shall not exceed five hundred (500) square feet of floor area. See Chapter 20.456 (Accessory Use Regulations).

(C)(E) Detached Building. See Building, Detached.

(D)(F) “Development” means on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

As used in this section, “structure” includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

As used in this section, removal or harvesting of major vegetation is further defined in Section 20.308.080.

(E)(G) “Dwelling” means a building or portion thereof used exclusively for residential purposes, including one-family, two-family and multiple dwellings and boardinghouses, but not including hotels, motels, inns, bed and breakfast accommodations, hostels or other visitor accommodations.

~~(F)~~(H) "Dwelling, Single-Family" means a building containing not more than one (1) dwelling unit and designed for occupancy for not more than one (1) family.

~~(G)~~(I) "Dwelling, Two-Family (Duplex)" means a building containing two (2) dwelling units.

~~(H)~~(J) "Dwelling, Multifamily (Apartment)" means a building or portion thereof containing three (3) or more dwelling units.

~~(I)~~(K) "Dwelling Group" means a group of two (2) or more dwelling units located on a parcel of land which is held in one (1) ownership.

~~(J)~~(L) "Dwelling Unit" means a single unit containing complete, independent living facilities for a family, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and having only one (1) kitchen. (Ord. No. 4207 (part), adopted 2008; Ord. No. 3785 (part), adopted 1991)

**Mendocino County Code**  
**Title 20 - Zoning Ordinance**  
**Division II - Mendocino County Coastal Zoning Code**  
**Chapter 20.320 - Coastal Civic Use Types**

**Sec. 20.320.045 - Day Care Facilities/Small Schools.**

Care "Day Care Facility / small schools" means care or education of seven (7) or more, but not to exceed twenty-five (25) persons regardless of age or handicap, but excluding overnight care or uses classified as ~~Group care group care or Major Impact Services and Utilities~~ other facilities exempted by the California Health and Safety Code e.g. Day Care Homes - Small and Large, or major impact services and utilities. A Day Care Home - Large is subject to an Administrative Permit in all zoning districts. Typical uses include day nurseries for children, child day care facilities, or day care facilities for the elderly, and small schools. (Ord. No. 4207 (part), adopted 2008; Ord. No. 3785 (part), adopted 1991)

**Mendocino County Code**  
**Title 20 - Zoning Ordinance**  
**Division II - Mendocino County Coastal Zoning Code**  
**Chapter 20.456 - Accessory Use Regulations**

**Sec. 20.456.015 - Residential and Agricultural Use Types.**

Subject to the restrictions and limitations of this Chapter, including the granting of a Coastal Development Permit, where applicable, the following accessory buildings and uses shall be permitted in all zoning districts which allow a single-family residence:

- (A) Private garages.
- (B) Children's playhouse, patios, porches, gazebos, etc.
- (C) Windmills.
- (D) Shops (non-business purposes).
- (E) Barns.
- (F) Private swimming pools and hot tubs (not subject to setback requirements in the side or rear yards of any district).
- (G) Accessory Living Unit Not more than one accessory living unit for each legal parcel.
- (H) Room and Board. The renting of not more than one (1) room for occupancy by transient guests for compensation or profit.
- (I) Day care center, family care home, or school, for six (6) or less persons - Small Family, family care home, or school as provided for within the California Health and Safety Code.

(J) Travel Trailer or Camper. The maintaining of one (1) travel trailer or camper in dead storage where it is not used for occupancy or business purposes. All stored travel trailers or campers in excess of one (1) shall be stored out of sight from a public right-of-way. The connection, for any continuous period exceeding forty-eight (48) hours, of any utility or service such as electrical, water, gas or sewage to the travel trailer or camper shall be prima facie evidence that it is being used for habitation or business purposes.

(K) Home Occupations. Subject to Chapter 20.448.

(L) Household Pets. The keeping of dogs and cats and other household pets, but not including kennels.

(M) Accessory Parking.

(1) The parking of one (1) large vehicle or construction equipment upon private property forty thousand (40,000) square feet or less in size.

(2) The parking of two (2) large vehicles or construction equipment upon private property greater than forty thousand (40,000) square feet but less than five (5) acres.

(3) The parking of three (3) large vehicles or construction equipment upon private property in excess of five (5) acres.

(4) Nothing in this subsection shall restrict the number of vehicles or construction equipment used by the property owner for their own agricultural or home use.

As used in this subsection "large vehicle" shall mean vehicles of three ton tare (unladen weight).

(N) Public Access. The offer to dedicate and acceptance of a dedication for an accessway except that the construction of a public access trail and/or construction of a staircase accessway on a bluff face (as determined by the Department of Planning and Building Services) will require a Coastal Development Use Permit.

(O) Other Necessary and Customary Uses. Accessory non-residential uses and non-residential structures, in addition to those identified above, which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to a principal permitted use, as determined by the Director of Planning and Building Services.

(O) Day Care Home – Large Family. A home providing day care for children under 18 years of age, but excluding overnight care. The number of children permitted shall be based on provisions of the California Health and Safety Code. The facility shall be reviewed to assess impacts such as traffic and pedestrian safety, adequate sanitation facilities, fire safe standards, and neighborhood compatibility. Development of such facilities shall be permitted in all zoning districts subject to a coastal development permit.

Notice of a pending permit for such facility shall be provided per the California Health and Safety Code and conditions may be imposed to provide consistency with pertinent sections of this Division. (Ord. No. 4207 (part), adopted 2008; Ord. No. 3785 (part), adopted 1991)

**Mendocino County Code  
Title 20 - Zoning Ordinance  
Division III - Mendocino Town Zoning Code  
Chapter 20.608 – Definitions**

**Sec. 20.608.023 - Definitions (D).**

(A) "Day Care Home – Small Family" means a home providing day care for children under 18 years of age as defined by the California Health and Safety Code, but excluding overnight care.

(B) "Day Care Home – Large Family" means a home providing day care for children under 18 years of age as defined by the California Health and Safety Code, but excluding overnight care.

~~(A)~~(C) "Density" means the number of dwelling units per acre or square feet, calculated as the total number of dwelling units divided by the total lot area within the boundaries of the lot.

~~(B)~~(D) Detached Building. See Building, Detached.

~~(C)~~(E) "Development" means on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition or alteration of the size of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line and electrical power transmission and distribution line.

As used in this section, removal or harvesting of major vegetation is further defined in Section 20.608.032.

~~(D)~~(F) "Dwelling" means a building or portion thereof used exclusively for residential purposes, including one-family, two-family and multiple dwellings and boarding houses, but not including hotels, motels, inns, bed and breakfast accommodations, hostels or other visitor accommodations.

~~(E)~~(G) "Dwelling, Single-Family" means a building containing not more than one (1) dwelling unit and designed for occupancy for not more than one (1) family.

~~(F)~~(H) "Dwelling, Two Family (Duplex)" means a building containing two (2) dwelling units.

~~(G)~~(I) "Dwelling, Multi-Family (Apartment)" means a building or portion thereof containing three (3) or more dwelling units.

~~(H)~~(J) "Dwelling Unit" means a single unit containing complete, independent living facilities for a family, including permanent provisions for living sleeping, eating, cooking and sanitation, and having only one (1) kitchen. (Ord. No. 4208 (part), adopted 2008; Ord. No. 3915 (part), adopted 1995.)

**Mendocino County Code**  
**Title 20 - Zoning Ordinance**  
**Division III - Mendocino Town Zoning Code**  
**Chapter 20.620 - Civic Use Types**

**Sec. 20.620.040 - Day Care Facilities/Small Schools.**

Care "Day Care Facility / small schools" means care or education of seven (7) or more, but not to exceed twenty-five (25) persons regardless of age or handicap but excluding overnight care or uses classified as group care or other facilities exempted by the California Health and Safety Code e.g. Day Care Homes - Small and Large, or major impact services and utilities. A Day Care Home - Large is subject to an Administrative Permit in all zoning districts. Typical uses include day nurseries for children, child day care facilities, or day care facilities for the elderly, and small schools. (Ord. No. 4208 (part), adopted 2008; Ord. No. 3915 (part), adopted 1995.)

**Mendocino County Code**  
**Title 20 - Zoning Ordinance**  
**Division III - Mendocino Town Zoning Code**  
**Chapter 20.704 - Accessory Use Regulations**

**Sec. 20.704.015 - Residential and Agricultural Use Types.**

Subject to the restrictions and limitations of this Chapter, including the granting of a Coastal Development Permit where applicable, the following accessory buildings and uses shall be permitted in all zoning districts which allow a single family residence:

- (A) Private Garages.
- (B) Children's playhouses, patios, porches, gazebos, etc.
- (C) Windmills.
- (D) Shops (non-business purposes).
- (E) Barns.
- (F) Private swimming pools and hot tubs (not subject to setback requirements in the side or rear yards of any district).
- (G) Accessory Living Unit. Not more than one (1) accessory living unit for each legal parcel.
- (H) Day care center, family care home, or school, for six (6) or less persons – Small Family, family care home, or school as provided for within the California Health and Safety Code.
- (I) Travel Trailer or Camper. The maintaining of one (1) travel trailer or camper in dead storage where it is not used for occupancy or business purposes and only when authorized pursuant to Section 20.760.045. All stored travel trailers or campers in excess of one (1) shall be stored out of sight from a public right-of-way. The connection, for any continuous period exceeding forty-eight (48) hours, of any utility or service such as electrical, water, gas or sewage to the travel trailer or camper shall be prima facie evidence that it is being used for habitation or business purposes.
- (J) Home Occupations. Subject to Chapter 20.696.
- (K) Household Pets. The keeping of dogs and cats and other household pets, but not including kennels.
- (L) Accessory Parking. When authorized pursuant to Section 20.760.045, the following may be allowed:
  - (1) The parking of one (1) large vehicle or construction equipment upon private property forty thousand (40,000) square feet or less in size.
  - (2) The parking of two (2) large vehicles or construction equipment upon private property greater than forty thousand (40,000) square feet but less than five (5) acres.
  - (3) The parking of three (3) large vehicle or construction equipment upon private property in excess of five (5) acres.
  - (4) Nothing in this subsection shall restrict the number of vehicles or construction equipment used by the property owner for their own agricultural or home use.  
As used in this subsection "large vehicle" shall mean vehicles of three ton tare (unladen weight).
- (M) Public Access. The offer to dedicate and acceptance of a dedication for an accessway except that the construction of a public access trail and, or construction of a staircase accessway on a bluff face (as determined by the Department of Planning and Building Services) will require a Coastal Development Use Permit.
- (N) Other Necessary and Customary Uses. Accessory non-residential uses and non-residential structures, in addition to those identified above, which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to a principal use, as determined by the Director. (Ord. No. 3915 (part), adopted 1995.)
- (O) Day Care Home – Large Family. A home providing day care for children under 18 years of age, but excluding overnight care. The number of children permitted shall be based on provisions of the California Health and Safety Code. The facility shall be reviewed to assess impacts such as traffic and

pedestrian safety, adequate sanitation facilities, fire safe standards, and neighborhood compatibility. Development of such facilities shall be permitted in all zoning districts subject to a coastal development permit.

Notice of a pending permit for such facility shall be provided per the California Health and Safety Code and conditions may be imposed to provide consistency with pertinent sections of this Division. (Ord. No. 4208 (part), adopted 2008; Ord. No. 3915 (part), adopted 1995.)