



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and
Development (P&D)
Department No.: 053
For Agenda Of: January 24, 2023
Placement: Administrative
Estimated Time: N/A
Continued Item: N/A
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Lisa Plowman, (805) 568-2068
Director(s)
Contact Info: Dan Klemann, (805) 568-2072

SUBJECT: **Submittal of Local Coastal Program (LCP) Amendments to the California Coastal Commission (CCC) Regarding Childcare Facilities and Minor Ordinance Amendments**

County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions: Staff recommends that the Board of Supervisors (Board) take the following actions to submit the Childcare Facilities and Minor Ordinance Amendments to the CCC for certification as amendments to the Santa Barbara County LCP:

- a) Adopt a resolution (Attachment 1) authorizing P&D to submit the following amendments to the Santa Barbara County LCP to the CCC for review and certification:
 - i. Ordinance No. 5168 (Attachment 2) (22ORD-00000-00005) amending Article II, the Coastal Zoning Ordinance, to implement new regulations and development standards regarding Childcare Facilities and Minor Ordinance Amendments to correct errors and typos.
- b) Direct P&D to transmit the adopted resolution to the Executive Director of the CCC; and
- c) Determine that the submittal of the aforementioned resolution and amendments to the Santa Barbara County LCP to the CCC is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15265.

Summary Text:

The above actions constitute amendments to the Santa Barbara County LCP and, therefore, must be submitted to the CCC for review and certification. The amendments included in the LCPA submittal are summarized below.

LCPA Summary

On November 29, 2022, the Board adopted the P&D Staff recommended zoning ordinance amendments that included provisions and incentives for the development of childcare facilities, and minor amendments to correct errors and typos to existing regulations and update certain regulations to comply with State law.

Pursuant to the Board's September 14, 2020, direction, staff revised the permitting and development standards for Small and Large Family Day Care facilities to align them with State law (Senate Bill 234, Chapter 244, Statutes of 2019; Health and Safety Code § 1596.72 et al). The amendments also include the following changes to the permitting requirements for day care homes and centers that are based (in part) on recommendations from subject matter experts in the day care industry:

- Allow "by right" large family day care homes for 14 or fewer children in all dwellings
- Allow smaller day care centers of 50 children or less with a Land Use Permit (LUP) in the inland area and a Coastal Development Permit in the Coastal Zone instead of a Conditional Use Permit (CUP)
- Relaxing certain standards for childcare centers located in or at public/quasi-public facilities that are used for assembly uses (e.g., schools, churches, conference centers, community centers, or clubhouses)

Finally, the ordinances include (1) a new zoning permit exemption for electric vehicle charging stations, including hydrogen fueling stations, that comply with Government Code Section 65850.7, and (2) minor, disparate amendments to correct and clarify existing regulations, and ensure that the regulations keep pace with current trends, policies, and State law.

Submittal and Certification Process

Staff prepared the attached resolution (Attachment 1) authorizing submittal of the aforementioned amendments to the CCC for review and certification pursuant to the procedural requirements for LCPAs set forth in the CCC administrative regulations [California Code of Regulations, Title 14, Division 5.5, Section 13551(b)(2)]. Following review by the CCC, the Board will have six months from the date of the CCC's action to evaluate any suggested modifications to the LCPAs approved by the CCC and decide whether to accept the modifications [California Code of Regulations, Title 14, Division 5.5, Section 13537(b)].

If the Board decides to accept the modifications, then the Board must adopt a resolution agreeing to implement the LCPA as modified. This resolution will be transmitted to the Executive Director of the CCC for review, who will then provide a recommendation to the CCC as to whether the Board's action complies with the Coastal Act and the California Code of Regulations. If the Executive Director recommends that the County's action is in compliance, and the CCC agrees with that recommendation, then the ordinances will become effective as of the date of that final action by the CCC.

Local governments may adopt a maximum of three resolutions per calendar year submitting major LCPAs

to the CCC for review and certification. However, there are no limitations on the number of amendments included in each of the three submittals. The attached resolution (Attachment 1) constitutes the County's first submittal for 2023.

Fiscal and Facilities Impacts:

Funding for the preparation and submittal of the Coast Commission Resolution is budgeted in P&D's Long Range Planning Budget Program on page 387 of the County of Santa Barbara Fiscal Year (FY) 2022-23 adopted budget. There are no facilities impacts.

Special Instructions:

P&D will fulfill noticing requirements.

The Clerk of the Board shall provide a copy of the signed resolution (Attachment 1) and minute order, to P&D, attention: Corina Venegas.

Attachments:

1. Resolution of the Board of Supervisors Submitting Amendments to the CCC
2. Ordinance No. 5168 – Childcare Facilities and Minor Ordinance Amendments (22ORD-00000-00005)

Authored by:

Corina Venegas, Planner, Long Range Planning Division (805) 884-6836