

CALIFORNIA COASTAL COMMISSION

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February 8, 2024

Lisa Plowman, Director of Planning & Development
Planning & Development Department
County of Santa Barbara
123 East Anapamu Street
Santa Barbara, CA 93101-2058

RE: County of Santa Barbara Local Coastal Program Amendment No. LCP-4-STB-23-0007-1 (Childcare Facilities)

Dear Ms. Plowman:

On February 7, 2024, the Coastal Commission approved LCP Amendment LCP-4-STB-23-0007-1, with four suggested modifications. The Commission's resolution of certification is contained in the staff report dated January 18, 2024. The suggested modifications, as approved by the Commission, are attached to this correspondence.

Section 13544 of the Commission's Administrative Regulations requires that after certification the Executive Director of the Commission shall transmit copies of the resolution of certification and any suggested modifications and findings to the governing authority, and any interested persons or agencies. Further, the certification shall not be deemed final and effective until all of the following occur:

- (a) The local government with jurisdiction over the area governed by the Local Coastal Program, by action of its governing body: (1) acknowledges receipt of the Commission's resolution of certification, including any terms or modifications suggested for final certification; (2) accepts and agrees to any such terms and modifications; and (3) agrees to issue coastal development permits for the total area included in the certified Local Coastal Program. Unless the local government takes the action described above the Commission's certification with suggested modifications shall expire six months from the date of Commission's action.
- (b) The Executive Director of the Commission determines in writing that the local government's action and the notification procedures for appealable development require pursuant to Article 17, Section 2 are legally adequate to satisfy any specific requirements set forth in the Commission's certification order.
- (c) The Executive Director reports the determination to the Commission at its next regularly scheduled public meeting as required by the Commission's regulations in order to allow for the amended LCP to be certified in that form (see Section 13544 of the Commission's Administrative Regulations).

- (d) Notice of the certification of the Local Coastal Program Amendment shall be filed with the Secretary of Resources Agency for posting and inspection as provided in Public Resources Code Section 21080.5(d)(2)(v).

Please feel free to contact me should you have any questions regarding this matter. The Commission and staff greatly appreciate the County's cooperation and assistance in this matter.

Authorize on behalf of the California Coastal Commission by:

Dr. Kate Huckelbridge
Executive Director

DocuSigned by:
Denise Gonzalez
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By: Denise Gonzalez
Coastal Program Analyst

FINAL APPROVED SUGGESTED MODIFICATIONS TO THE PROPOSED LCP AMENDMENT

LCP Amendment No. LCP-4-STB-23-0007-1 (Childcare Facilities)

The County's proposed amendment language to the certified IP/CZO is shown in ~~strike through~~ and underline. Language approved by the Commission to be modified is shown in ~~double strike through~~ and double underline.

Suggested Modification No. 1

Delete the proposed additions to Section 35-51B.2.f and revert to certified language as shown below. Section 35-51B.2.t shall be renumbered and modified as follows:

Section 35-51B. Exemptions from Planning Permit Requirements

...

2. Improvements to a structure, other than a public works facility. The following development and uses may constitute improvements to a structure, other than a public works facility, that are exempt from the requirement to obtain a Coastal Development Permit except as provided in Subsection B.1 (Exemption does not apply), above. For purposes of this Subsection B (Exempt activities and structures), where there is an existing structure, other than a public works facility, (1) all fixtures and other structures directly attached to the structure; and (2) landscaping on the lot, shall be considered a part of that structure. Additionally, the following development and uses may be determined by the Director to be improvements to a structure, other than a public works facility, even when the development and use is not directly attached to the existing structure, provided that the development and use is accessory to the existing structure:

...

- f. ~~Fences, gates, gateposts, and walls. See Section 35-123 (Fences, Walls and Gate Posts). Electric Vehicle Charging Stations and Hydrogen Fueling Stations. Electric vehicle charging stations and hydrogen fueling stations that comply with Government Code Section 65850.7.~~

...

- ~~t.~~ Family Day Care Home, serving children. A change of use from a residential to a large or small family day care home, serving children, is exempt from zoning permits. An application to construct a new structure to be used as a large or small family day care home, serving children, is subject to the same standards and permit requirements as a proposal to construct a residential structure in the same zone.

Suggested Modification No. 2

Delete added Section 35-58 Definition as follows:

~~Major Vegetation Removal: The removal of native vegetation, brush, trees, or orchards involving a cumulative total of one-half acre of land or more.~~

Suggested Modification No. 3

Section 35-143.C.2.b shall be modified as follows:

b. Day care center, accessory use to non-dwelling use. A day care center that is accessory to a non-residential principal assembly use (e.g., school, church, conference center, clubhouse and/or office) may be allowed in compliance with the following specifications:

1) Day care centers serving up to and including fifty (50) children may be allowed with a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits). If the existing non-dwelling principal assembly use ~~is~~ subject to a Minor Conditional Use Permit, a revision to the Minor Conditional Use Permit is not required to allow the day care center serving up to and including fifty (50) children.

2) Day care centers serving fifty-one (51) or more children may be allowed with a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits), and a revision to the existing permit (e.g. Conditional Use Permit) for the principal use of the lot.

Suggested Modification No. 4

Section 35-430, Table 17-2, Allowable Land Uses and Permit Requirements for the Gaviota Coast Plan Area, shall be modified as follows:

...
Notes:

...
(9) A change of use from a residential to a large or small family day care home, serving children, is exempt from zoning permits. An application to construct a new structure to be used as a large or small family day care home, serving children, is subject to the same standards and permit requirements as a proposal to construct a residential structure in the same zone.

(10) Day care centers serving up to and including fifty (50) children may be permitted with a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits).