



Meeting Date: 9 / 26 / 2006

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input checked="" type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Susan L. Martin, AICP, Planning Manager *SM*

Agenda Item No. *K-1*

Reviewed By: City Manager *[Signature]*

City Attorney *[Signature]*

Finance *[Signature]*

Other (Specify)

DATE: September 19, 2006

TO: City Council

FROM: Susan L. Martin, AICP, Planning Manager
Development Services Department *SMate*

SUBJECT: Adoption of an Ordinance Amending Section 16-440(E) of the City Code Pertaining to Large Family Daycare Homes and Adjustment and Refund of Planning Fees for Large Family Daycare Home Applications

RECOMMENDATION

That City Council:

1. Approve the first reading by title only and subsequent adoption of an ordinance amending section 16-440(E) of the City Code relating to large family daycare homes.
2. Declare existing State-licensed large family daycare homes that are within the recommended 100-foot radius to be preexisting non-conforming uses in situations where pick-up and drop-off for those homes do not occur on the same street as other large family daycare homes.
3. Adopt a resolution lowering the planning fee for applications pertaining to large family daycare homes.
4. Direct staff to refund the difference between the previous planning fee and the recommended fee to those large family daycare applicants who filed planning applications on or after July 1, 2005 under the previous fee schedule.

DISCUSSION

Over the past 2 ½ months, staff has worked with representatives of local child care providers to ensure they have proper City licensing and land use approvals for their large family daycare homes. The main concerns identified by the providers include the existing spacing requirement of 300 feet between large family daycare homes and the cost associated with the Planning Division application fee.

Spacing Requirement

Staff conducted a survey of local jurisdictions and their land use regulations concerning large family daycare homes. The results indicate that most agencies have a spacing requirement of 300 feet

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(although this is not mandated by the State or any other authority), and a few agencies do not have any regulations pertaining to large family daycare homes as a land use. Due to the discrepancy in spacing requirements (from 0 to 300 feet) among local agencies, staff feels that a 100-foot distance is reasonable and would still provide for quality of life within the residential communities.

On September 7, 2006, the Planning Commission considered a zone text amendment (PZ 06-580-03) to reduce spacing requirements for large family daycare homes, from 300 feet to 100 feet. The Planning Commission adopted a resolution for the proposed zone text amendment and also recommended the City Council to consider those existing State-licensed large family daycare facilities that are within the recommended 100-foot radius to be preexisting non-conforming uses in situations where pick-up and drop-off for those homes do not occur on the same street. This would allow large family daycare uses to be within 100 feet of one another only when the pick-up and drop-off would not conflict. With the additional recommendation, there remains one conflict in the city where two large family daycare homes are on the same street separated by one residence.

Planning Application Fee

The Planning Division reviews land use requests for large family daycare homes as an administrative permit. Currently, the base fee for such application is \$592.00, which included public noticing (previously required by the State) and onsite inspection by planning staff. The Fire Department conducts onsite inspections of such facilities as part of the State's licensing requirements. Discussions with the Fire Department reveal that the Fire inspection is duplicative and more thorough than that of the Planning staff. With these clarifications, it is expected that planning staff can process large family daycare home applications without public noticing and without conducting an onsite visit, thereby reducing the base Planning application fee to \$347.00. This revised fee includes full recovery of staff expenditures, consistent with City Council policy (see worksheets provided in Attachment #3).

Until recently, planning staff did not receive information on proposed large family daycare homes requesting a license from the State. This lack of contact was realized in mid-June, and staff is coordinating with the appropriate departments and agencies to ensure the miscommunication does not occur in the future. As a result, there are nearly 100 State-licensed large family daycare homes throughout the City. About half of those have a City business license, and prior to October 26, 2005, none had applied for or received land use approval by the Planning Division. Due to recent outreach efforts by both the License Services Division and the Planning Division, approximately 35 of those providers have applied for or received land use approval. The current planning application fee is a financial burden to many of the providers, not all have been able to submit the necessary applications for their business. As the reduced fee provides full cost-recovery, City Council direction is requested for the Planning Manager to provide refunds to those applicants who have complied in a timely manner to our outreach efforts, and paid for planning applications under the current fee schedule. The difference is \$245.00 for each application. There are nearly 40 planning applications received since, resulting in approximately \$9,800.00 in refunds.

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FINANCIAL IMPACT

Should City Council direct the Planning Manager to refund planning application fees as discussed above, this would result in a reduction in revenues of approximately \$9,800 from the General Fund in account number 101-4101-555-7381.

- Attachment #1 - Planning Commission Staff Report (dated September 7, 2006)
#2 - Planning Commission Resolution No. 2006-48
#3 - Revenue/Cost Summary and Cost Detail Worksheets
#4 - City Council Ordinance, Zone Text Amendment



Planning and Environmental Services

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission
FROM: Susan L. Martin, AICP, Planning Manager *SMartin*
DATE: September 7, 2006
SUBJECT: Planning and Zoning Permit No. 06-580-3, Zone Text Amendment

- 1. Recommendation:** That the Planning Commission adopt a resolution recommending that the City Council approve a zone text amendment (PZ 06-580-3) pertaining to large family daycare homes.
- 2. Project Description and Applicant:** The request proposes to amend Chapter 16 of the City Code pertaining to large family daycare homes. The proposed amendment would apply to existing and future large family daycare homes located throughout the city. The proposed text changes to Section 16-440 would reduce the spacing requirement for such land uses, from 300 feet to 100 feet. Filed by City of Oxnard.
- 3. Existing Land Use:** Large family daycare homes are located citywide, typically in single-family homes, and always in a residential neighborhood.
- 4. General Plan Policies and Land Use Designation Conformance:** One goal of the City's 2020 General Plan (Economic Development Element) is to provide "quality child... care services for all in the community." This is encouraged through policies that state: "[T]he City shall encourage the availability of a variety of high quality child care programs" and "... permit day care for up to [12] children in any residential zone by administrative review...." The number of children allowed in a large family daycare home is normally 12. However, pursuant to state law, the number may be increased to 14 if all of the criteria in Health and Safety Code section 1597.465 are satisfied. The criteria include a requirement that two of the children are at least six years old. Large family daycare homes are situated within and operate only from a residential location. These facilities maintain the quality of a residential home, and are, therefore, determined to be consistent with goals and policies of the General Plan and zoning requirements for this land use.
- 5. Environmental Determination:** In accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, projects involving negligible expansion of

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ATTACHMENT

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an existing use may be found to be exempt from the requirements of CEQA. The project involves a potential increase in concentration of large family daycare homes operating from within existing residences. Such placement of these facilities is consistent with the State requirements and will not change the nature of the residential home into a commercial daycare center. Therefore, staff has determined that the Notice of Exemption (see Attachment A) is appropriate for this request.

6. Analysis:

- a) **General Discussion:** Family daycare homes are a desirable alternative to commercially operated child care centers for parents who prefer their child or children be left in the care of a family-oriented home environment. In addition, such facilities may be more affordable and more conveniently located for the families they serve. This arrangement also allows for a closer bond of trust between the family and the daycare provider. With more dual-income households in the workforce, the additional availability of affordable, conveniently located, quality childcare is important to the economic development and quality of life in this City.

The State has declared that there are insufficient numbers of regulated family day care homes in California (Cal. Health and Safety Code Section 1597.30(b)). With the growing need for child care to accommodate working parents, many parents prefer child day care located in their neighborhoods in family homes (Cal. Health and Safety Code Section 1597.30(d)). Furthermore, the State allows cities to determine the appropriate land use approval process for the community by 1) classifying such operations as permitted uses; 2) require an administrative non-discretionary permit; or 3) require a use permit with a public hearing.

- b) **Relevant Project and Property History, Related Permits:** In December 1984, the City approved an ordinance establishing criteria and a procedure for approval of large family daycare home uses. In October 2004, these were amended to revise the definitions of various daycare use types and to include such land use for consideration in the Coastal Zone. The criteria were not changed significantly at that time, and approval of such use has always been at an administrative level.

In early 2005, City staff met with representatives of the Local Investment in Child Care (LiNCC) project, whose goal is to increase the number of licensed childcare spaces throughout Ventura County. As a member of the Constructing Connections Task Force (headed by LiNCC), the City is part of a local group working to improve and streamline the permitting process for childcare providers.

- c) **Proposed Text Changes to the City Code:** Currently, the City's land use review of large family day care homes involve an administrative process, allowing staff to ensure quality of life concerns relating to spacing concentration, traffic control,

parking, and noise. Establishment of criteria for these concerns is consistent with the State law. Staff proposes to amend Section 16-440(E) of the City Code and reduce the spacing concentration, from 300 feet to 100 feet, to provide added opportunities for such facilities. These uses do not change the nature of the residential neighborhoods, while providing needed home-based care to the community.

7. **Attachments:**
 - A. Notice of Exemption
 - B. Resolution

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ATTACHMENT 1
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NOTICE OF EXEMPTION

Project Description:

PLANNING & ZONING PERMIT NO. 06-580-03 (Zone Text Amendment) a request to amend Chapter 16 of the City Code pertaining to Large Family Daycare Homes. The proposed amendment would apply to existing and future large family daycare homes located throughout the city. The proposed text changes to Section 16-440 would reduce the spacing requirement for such land uses, from 300 feet to 100 feet. Filed by City of Oxnard.

Finding:

The Planning and Environmental Services Division of the Development Services Department of the City of Oxnard has reviewed the above proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

- Ministerial Project
- Categorical Exemption
- Statutory Exemption
- Emergency Project
- Quick Disapproval [CEQA Guidelines, Section 15270]
- No Possibility of Significant Effect [CEQA Guidelines, Section 15061(b)(3)]

Supporting Reasons: In accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, projects involving negligible expansion of an existing use may be found to be exempt from the requirements of CEQA. The proposed project involves a potential increase in concentration of large family daycare homes operating from within existing residences. Such placement of these facilities is consistent with the State requirements and will not change the nature of the residential home into a commercial daycare center. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment.

(Date)

Susan L. Martin, AICP
Planning & Environmental Services Manager

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ATTACHMENT A
PAGE 1 **OF** 1

RESOLUTION NO. 2006-[PZ 06-580-03]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING TO THE CITY COUNCIL ADOPTION OF A ZONE TEXT AMENDMENT (PZ-06-580-03), AMENDING CHAPTER 16 OF THE CITY CODE CONCERNING LARGE FAMILY DAYCARE HOMES. FILED BY THE CITY OF OXNARD, 305 W. THIRD STREET, OXNARD, CA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered PZ-06-580-03, filed by the City of Oxnard, to amend Chapter 66 of the City Code, concerning large family daycare homes; and

WHEREAS, the Planning Commission has held a public hearing on this application; and

WHEREAS, the Planning Commission finds that the public interest and general welfare requires such an amendment; and

WHEREAS, the Planning Commission recommends the City Council find that the amendment conforms to the General Plan and Coastal Plan; and

WHEREAS, Section 15301 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council amendment of section 16-440(E) of Chapter 16 of the City Code as set forth in the draft ordinance attached hereto as Exhibit A.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 7th day of September, 2006, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

Ronald R. Fischer, Chairman

ATTEST: _____
Susan L. Martin, Secretary

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ATTACHMENT B
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ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. __

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING SECTION 16-440(E) OF CHAPTER 16 OF THE CITY CODE TO ALLOW STATE LICENSED LARGE FAMILY DAY CARE HOMES TO BE AT LEAST 100 FEET AWAY FROM ALL OTHER LARGE FAMILY DAY CARE HOMES

WHEREAS, family day care services are a necessity to many modern families;

WHEREAS, California Health and Safety Code section 1597.30(b) finds that there are insufficient numbers of regulated family day care homes in California;

WHEREAS, California Health and Safety Code section 1597.30(d) finds that many parents prefer child day care located in their neighborhoods in family homes; and

WHEREAS, the City of Oxnard's 2020 General Plan encourages family day care services.

Now, therefore, the City Council of the City of Oxnard does ordain as follows:

Part 1. Section 16-440(E) of Chapter 16 of the City Code is amended to read as follows:

“(E) Be ~~no closer than 300 feet to any~~ at least 100 feet away from all other large family day care homes.”

Part 2. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the city. Ordinance No. _____ was first read on _____, 20__ and finally adopted on _____, 20__ to become effective thirty days thereafter.

AYES:
NOES:
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

APPROVED AS TO FORM:

Daniel Martinez, City Clerk

Gary L. Gillig, City Attorney

ATTACHMENT _____
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ATTACHMENT B
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EXHIBIT A.

RESOLUTION NO. 2006-48

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING TO THE CITY COUNCIL ADOPTION OF A ZONE TEXT AMENDMENT (PZ-06-580-03), AMENDING CHAPTER 16 OF THE CITY CODE CONCERNING LARGE FAMILY DAYCARE HOMES. FILED BY THE CITY OF OXNARD, 305 W. THIRD STREET, OXNARD, CA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered PZ-06-580-03, filed by the City of Oxnard, to amend Chapter 66 of the City Code, concerning large family daycare homes; and

WHEREAS, the Planning Commission has held a public hearing on this application; and

WHEREAS, the Planning Commission finds that the public interest and general welfare requires such an amendment; and

WHEREAS, the Planning Commission recommends the City Council find that the amendment conforms to the General Plan and Coastal Plan; and

WHEREAS, the Planning Commission recommends the City Council declare existing State-licensed large family daycare facilities that are within the recommended 100-foot radius to be preexisting non-conforming uses in situations where pick-up and drop-off for those homes do not occur on the same street; and

WHEREAS, Section 15301 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

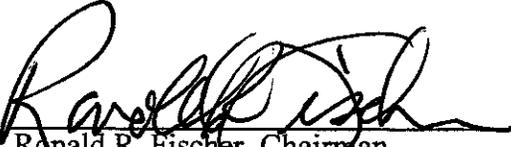
NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council amendment of section 16-440(E) of Chapter 16 of the City Code as set forth in the draft ordinance attached hereto as Exhibit A.

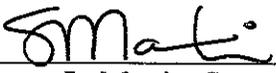
PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 7th day of September, 2006, by the following vote:

AYES: Commissioners: Sanchez, Pinkard, Medina, Dean, Okada, Fischer

NOES: Commissioners:

ABSENT: Commissioners: Frank


Ronald R. Fischer, Chairman

ATTEST: 
Susan L. Martin, Secretary

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ORDINANCE OF THE CITY OF OXNARD

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WHEREAS, California Health and Safety Code section 1597.30(d) finds that many parents prefer child day care located in their neighborhoods in family homes; and

WHEREAS, the City of Oxnard's 2020 General Plan encourages family day care services.

Now, therefore, the City Council of the City of Oxnard does ordain as follows:

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Part 2. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the city. Ordinance No. ___ was first read on ____, 20__ and finally adopted on ____, 20__ to become effective thirty days thereafter.

AYES:
NOES:
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

APPROVED AS TO FORM:

Daniel Martinez, City Clerk

Gary L. Gillig, City Attorney

ATTACHMENT 2
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CITY OF OXNARD
REVENUE AND COST SUMMARY WORKSHEET
FY 2005-2006

SERVICE DIS.PMT-GEN-LARGE FAMILY DAY CARE		REFERENCE NO. T-165	
PRIMARY DEPARTMENT PLNG & ENV.SVCS	UNIT OF SERVICE APPLICATION	SERVICE RECIPIENT	
DESCRIPTION OF SERVICE Staff review of residential day care facility in a private home that will serve between 7 and 12 children.			
CURRENT FEE STRUCTURE \$592			
REVENUE AND COST COMPARISON			
UNIT REVENUE:	\$592.00	TOTAL REVENUE:	\$592
UNIT COST:	\$347.00	TOTAL COST:	\$347
UNIT PROFIT (SUBSIDY):	<u>\$245.00</u>	TOTAL PROFIT (SUBSIDY):	<u>\$245</u>
TOTAL UNITS:	1	PCT. COST RECOVERY:	170.61%
SUGGESTED FEE FOR COST RECOVERY OF: 100% \$347			

September 19, 2006

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ATTACHMENT 3
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CITY OF OXNARD
 COST DETAIL WORKSHEET
 FY 2005-2006

SERVICE DIS.PMT-GEN-LARGE FAMILY DAY CARE				REFERENCE NO. T-165		
NOTE Unit Costs are an Average of Total Units				TOTAL UNITS 1		
<u>DEPARTMENT</u>	<u>POSITION</u>	<u>TYPE</u>	<u>UNIT TIME</u>	<u>UNIT COST</u>	<u>ANN. UNITS</u>	<u>TOTAL COST</u>
DS-PLNG & ENV.SVCS	OFFICE ASSISTANT I		0.25	\$15.84	1	\$16
DS-PLNG & ENV.SVCS	JR.PLANNER-COUNTER		0.50	\$42.49	1	\$42
DS-PLNG & ENV.SVCS	ASSOCIATE PLANNER		1.50	\$216.26	1	\$216
DS-PLNG & ENV.SVCS	PLAN & ENV SVCS MGR		0.25	\$41.95	1	\$42
DS-PLNG & ENV.SVCS	DRAFT/GRAPH TECH II		0.25	\$30.79	1	\$31
		TYPE SUBTOTAL	2.75	\$347.33		\$347
		TOTALS	2.75	\$347.00		\$347

September 19, 2006

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ORDINANCE OF THE CITY OF OXNARD

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WHEREAS, family day care services are a necessity to many modern families;

WHEREAS, California Health and Safety Code section 1597.30(b) finds that there are insufficient numbers of regulated family day care homes in California;

WHEREAS, California Health and Safety Code section 1597.30(d) finds that many parents prefer child day care located in their neighborhoods in family homes; and

WHEREAS, the City of Oxnard's 2020 General Plan encourages family day care services.

Now, therefore, the City Council of the City of Oxnard does ordain as follows:

Part 1. Section 16-440(E) of Chapter 16 of the City Code is amended to read as follows:

“(E) Be at least 100 feet away from all other large family day care homes.”

Part 2. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the city. Ordinance No. ___ was first read on ____, 20__ and finally adopted on ____, 20__ to become effective thirty days thereafter.

AYES:
NOES:
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

APPROVED AS TO FORM:

Daniel Martinez, City Clerk

James J. Ruppel Jr.

Gary L. Gillig, City Attorney

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ATTACHMENT 4
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