



*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

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



## 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

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 7<sup>th</sup> day of September, 2006, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

\_\_\_\_\_  
Ronald R. Fischer, Chairman

ATTEST: \_\_\_\_\_  
Susan L. Martin, Secretary

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 B  
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EXHIBIT A.