



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 02/26/2020

ITEM NO: 3

DATE: February 21, 2020
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Forward a recommendation to the Town Council for approval of the amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding family daycare home regulations, Town Wide. Town Code Amendment Application A-20-002. Applicant: Town of Los Gatos.

RECOMMENDATION:

Forward a recommendation to the Town Council for approval of the amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding family daycare home regulations.

CEQA:

The project is Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that this project will have a significant effect on the environment.

FINDINGS:

- The project is Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15061(b)(3); and
- The amendments to Chapter 29 of the Town Code are consistent with the General Plan.

BACKGROUND:

In September of 2019, Governor Newsom signed Senate Bill 234 (Exhibit 3), amending sections 1596.72 – 1597.543 of the Health and Safety Code regarding large family daycare homes. The new State law requires a large family daycare home to be considered a residential use by right,

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Assistant Planner

Reviewed by: Planning Manager and Community Development Director

BACKGROUND (continued):

where residential uses are permitted.

DISCUSSION:

A. Town Code Amendments

Section 29.10.020. – Definitions

A family daycare home, as defined by State law, is a facility that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day.

Existing Town Code Section 29.10.020 defines family daycare home as:

Family day care home means a dwelling where day care is provided for children under eighteen (18) years of age who are unrelated to the licensee. A small family day care home is for six (6) or fewer children and a large family day care home is for seven (7) to twelve (12) children. Both limitations include the number of children residing in the dwelling unit.

The draft Ordinance (Exhibit 2) would modify the definition for family daycare home in Section 29.10.020 – Definitions, to be consistent with the new State law as follows:

Family ~~day care~~ daycare home means a dwelling where ~~day care~~ daycare is provided for children under eighteen (18) years of age who are unrelated to the licensee. A small family ~~day care~~ daycare home is for ~~six~~ eight (8) or fewer children and a large family day care home is for ~~seven~~ nine (9) to twelve fourteen (12 14) children. Both limitations include ~~the number of children residing in the dwelling unit~~ children under 10 years of age who reside at the home.

Section 29.10.09050 – Large family daycare homes.

Existing Town Code Section 29.10.09050 currently requires a non-discretionary large family daycare home permit that must be approved by the Development Review Committee prior to issuance of a business license, as previously allowed by State law. The new State law removed that provision and requires large family daycare homes to be considered a residential use by right, where residential uses are permitted. The draft Ordinance (Exhibit 2) would remove Section 29.10.09050 of the Town Code to conform to the new State law.

DISCUSSION (continued):

Sections 29.20.745(10). – Development Review Committee.

Existing Town Code currently assigns the approval of large family daycare home permits to the Development Review Committee. The new State law allows a large family daycare home to be considered a residential use by right, where residential uses are permitted. The draft Ordinance (Exhibit 2) would amend Section 29.10.745(10) of the Town Code to conform to the new State law.

Sections 29.40.160 through 29.40.835. – Permitted Uses.

Existing Town Code currently identifies a small family daycare home as a permitted use in residential zones. The new State law allows both a small and large family daycare home to be considered a residential use by right, where residential uses are permitted. The draft Ordinance (Exhibit 2) would modify the permitted uses to permit any family daycare home in all residential zones to conform to the new State law.

PUBLIC OUTREACH:

Public input has been requested through the following media and social media resources:

- An eighth-page public notice in the newspaper;
- A poster at the Planning counter at Town Hall;
- The Town’s website home page, What’s New;
- The Town’s Facebook page;
- The Town’s Twitter account;
- The Town’s Instagram account; and
- The Town’s NextDoor page.

PUBLIC COMMENTS:

At the time of this report’s preparation, the Town has not received any public comment.

CONCLUSION:

A. Recommendation

Based on the analysis above, staff recommends that the Planning Commission review the information included in the staff report and forward a recommendation to the Town Council for approval. The Commission should also include any comments or recommended changes to the draft Ordinance in taking the following actions:

CONCLUSION (continued):

1. Make the finding that the project is Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15061(b)(3) (Exhibit 1);
2. Make the required finding that the amendments to the Town Code (Zoning Regulations) are consistent with the General Plan (Exhibit 1); and
3. Forward a recommendation to the Town Council for approval of the proposed amendments to Chapter 29 of the Town Code (Exhibit 2).

B. Alternatives

Alternatively, the Commission can:

1. Forward a recommendation to the Town Council for approval of the draft Ordinance with modifications; or
2. Forward a recommendation to the Town Council for denial of the draft Ordinance; or
3. Continue the matter to a date certain with specific direction.

Exhibits:

1. Required Findings
2. Draft Ordinance
3. California Government Sections 1596.72 – 15.97.543 as amended