

ORDINANCE NO. 2710

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING SECTION 19.04.093 THROUGH .095 OF THE CHULA VISTA MUNICIPAL CODE TO MODIFY THE DEFINITION OF FAMILY DAY CARE AND FAMILY DAY CARE HOMES

WHEREAS, the City Council has modified the definition of family day care in the Municipal Code, and required written notification of the affected property owner or landlord of use of their property as a family day care home, in accordance with California law and based on the need for day care for school age children; and

WHEREAS, a duly verified application for a Municipal Code text amendment was initiated with the Planning Department of the City of Chula Vista on April 1, 1997 by the City of Chula Vista; and

WHEREAS, said application requests approval of an amendment to the Municipal Code to change the definition of family day care so that it is consistent with California State law; and

WHEREAS, the Environmental Review Coordinator has determined that this proposal is exempt from environmental review under CEQA as a 15061(b)(3) (General Rule) exemption; and

WHEREAS, the City Clerk set the time and place for a hearing on said amendments to the Municipal Code, and notice of said hearing together with its purpose was given by its publication in a newspaper of general circulation in the City at least 10 days prior to the hearing; and

WHEREAS, the hearing was held at the time and place as advertised, namely 6 p.m. on July 15, 1997, in the Council Chambers, 276 Fourth Avenue, before the City Council and the hearing was thereafter closed.

NOW, THEREFORE, the City Council of the City of Chula Vista does hereby find, determine, and ordain as follows:

SECTION I: That there are no significant environmental impacts because the project is categorically exempt from CEQA pursuant to section of State CEQA Guidelines.

SECTION II: That the public necessity, convenience, general welfare, and good zoning practice justify the amendments, and that the amendments are consistent with the City of Chula Vista General Plan.

SECTION III: That Section 19.04.093 through .095 of the Chula Vista Municipal Code is amended to read as follows:

**Section 19.04.093 Family day care.**

"Family day care" means regularly provided care, protection and supervision of 14 or fewer children in the state-licensed provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away; provided that the licensee of such family day care home who rents or leases their home, shall notify the property owner or landlord in writing that they are operating a family day care home in the rented or leased property.

**Section 19.04.094 Family day care home, large.**

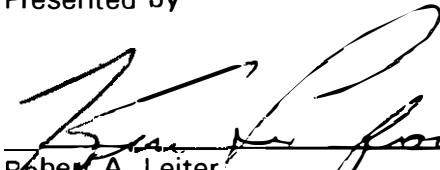
"Family day care home, large" means a Family day care home, as defined by Section 19.04.093, which provides family day care to 9 to 14 children, inclusive, including children who reside at the home.

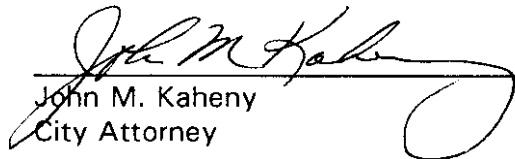
**Section 19.04.095 Family day care home, small.**

"Family day care home, small" means a Family day care home, as defined by Section 19.04.093, which provides family day care to eight or fewer children, including children who reside at the home.

Presented by

Approved as to form by

  
\_\_\_\_\_  
Robert A. Leiter  
Planning Director

  
\_\_\_\_\_  
John M. Kaheny  
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 5th day of August, 1997, by the following vote:

AYES:	Councilmembers:	Moot, Padilla, Rindone, Salas, and Horton
NAYS:	Councilmembers:	None
ABSENT:	Councilmembers:	None
ABSTAIN:	Councilmembers:	None

  
\_\_\_\_\_  
Shirley Horton, Mayor

ATTEST:

  
\_\_\_\_\_  
Beverly A. Authelet, City Clerk

STATE OF CALIFORNIA     )  
COUNTY OF SAN DIEGO   ) ss.  
CITY OF CHULA VISTA     )

I, Beverly A. Authelet, City Clerk of the City of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2710 had its first reading at a regular meeting held on the 22nd day of June, 1997 and its second reading and adoption at a regular meeting of said City Council held on the 5th day of August, 1997.

Executed this 5th day of August, 1997.

  
\_\_\_\_\_  
Beverly A. Authelet, City Clerk