

ORDINANCE NO. 2717

AN ORDINANCE OF THE CITY OF CHULA VISTA CITY COUNCIL
AMENDING SECTIONS 19.58.147 OF THE CHULA VISTA
MUNICIPAL CODE RELATING TO REQUIRED STANDARDS FOR
LARGE FAMILY DAY CARE HOMES

WHEREAS, the City has initiated a request to amend the Municipal Code to add a more restrictive distance separation between facilities, require the provision of two on-site parking spaces for the parking of owners' vehicles and a double wide driveway for loading and unloading of children, and reduce the public noticing radius, and

WHEREAS, the current Zoning Ordinance standards requiring a 1200 foot separation between large family daycare facilities only when located along the same street would allow a concentration of facilities within a neighborhood, and

WHEREAS, the addition of a more stringent 300 foot distance separation in all directions would prevent potential negative impacts to the neighborhood by preventing concentration of facilities, and

WHEREAS, this additional distance separation requirement will not unduly restrict locations of future large family day care facilities within the City of Chula Vista, and

WHEREAS, the current Zoning Ordinance standards suggest but do not require that a two car driveway be free and clear to allow for the required area for the temporary loading and unloading of children, and

WHEREAS, on November 5, 1997 City Planning Commission voted 5-0-0-2 to amend section 19.58.147 as set forth below, and

WHEREAS, the City Clerk set the time and place for a hearing on said Municipal Code amendment application and notice of said hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the city and its mailing to property owners within 500 feet of the exterior boundaries of the property at least ten days prior to the hearing; and

WHEREAS, the hearing was held at the time and place as advertised, namely December 16, 1997 at 6:00 p.m. in the Council Chambers, 276 Fourth Avenue, before the City Council and said hearing was thereafter closed.

NOW, THEREFORE, the City Council of the City of Chula Vista does ordain as follows:

SECTION I: That Section 19.58.147 of the Chula Vista Municipal Code is hereby amended to read as follows:

A large family daycare home shall be allowed in the R-E and R-1 zones, and within the PC designated RE and RS zones, upon the issuance of a large family daycare permit by the Zoning Administrator and in compliance with the following standards:

- A. Notice shall be given to properties within 300 feet of the proposed large family daycare home at least ten (10) days prior to consideration of the permit.
- B. The permit shall be considered without public hearing unless a hearing is requested by the applicant or other affected party. The applicant or other affected party may appeal the Zoning Administrator's decision to the Planning Commission.
- C. The family daycare function shall be incidental to the residential use of the property.
- D. A large family day care home shall not locate within:
 - 1. Three hundred (300) feet of another such facility with said measurement being defined as the shortest distance between the property lines of any such facilities; and
 - 2. Twelve hundred (1200) feet of another such facility along the same street with said measurements being defined as the shortest distance between front property lines, as measured along the same street, of any such facilities.
- E. The owner must provide a double-wide driveway which shall be paved to meet City Standards and be a minimum of 16 feet wide and 19 feet in depth as measured from the edge of sidewalk to any vertical obstruction. The driveway shall be available during all hours of operation for the loading and unloading of children. If a garage exists on-site, it must be utilized for parking of personal vehicle(s). In the event that less than a two car garage exists on-site, the owner must designate an area on-site other than on the driveway so that a total of two personal vehicles can be parked on-site, including the garage. Notwithstanding the foregoing, applicant must comply with all other Municipal Code provisions as to parking and traffic.
- F. If in the opinion of the Zoning Administrator there is a potential for significant traffic problems, the Zoning Administrator shall request review of the application by the City Traffic Engineer. The City Traffic Engineer may impose accessory requirements for the daycare permit in these instances to ensure maintenance of traffic safety levels within the vicinity of the home.
- G. A usable rear yard play area of 1,200 sq. ft. shall be provided. Outdoor play activity shall not be allowed in the front or exterior side yard of the home.
- H. Play areas shall be designed and located to reduce the impact of noise on surrounding properties. The Zoning Administrator may impose reasonable requirements to alleviate noise, including but not limited to installation of a six-foot high block wall around the perimeter of the rear yard.


SECTION II: FINDINGS

The City Council hereby finds that the text amendment will enhance the health, safety and welfare of the citizens of Chula Vista based upon the following:

- 1. The additional distance separation requirement between large family day care homes will avoid an over-concentration of such uses in the same neighborhood.

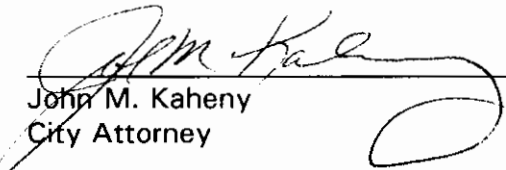
- 2. The additional restriction that the owner must provide on-site parking and keep the driveway free and clear during all hours of operation of the facility will reduce congestion and confusion for parents dropping off and picking up children.

Presented by



Ken Lee
Acting Planning Director

Approved as to form by



John M. Kaheny
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 6th day of January, 1998, by the following vote:

AYES: Councilmembers: Moot, Rindone, Salas, and Horton

NAYS: Councilmembers: None

ABSENT: Councilmembers: Padilla

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. 2717 had its first reading at a regular meeting held on the 6th day of December, 1997 and its second reading and adoption at a regular meeting of said City Council held on the 6th day of January, 1998.

Executed this 6th day of January, 1998.



Beverly A. Authelet, City Clerk