

ORDINANCE NO. 2793

AN ORDINANCE OF THE CITY OF CHULA VISTA CITY COUNCIL AMENDING SECTION 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 proposal to amend the Municipal Code Section 19.58.147 relating to Large Family Daycare specifically, to revise the requirement for a 1200 square foot play area, and to eliminate the potential requirement of a block wall to attenuate noise; and

WHEREAS, the current Zoning Ordinance standards for large family daycare facilities regarding block wall and play area will be brought into conformance with State regulations by approval of this amendment; and

WHEREAS, the City proposes creating policies and application procedures to streamline the current large family daycare process; and

WHEREAS, this amendment to the Zoning Ordinance, will be compatible with the General Plan; and

WHEREAS, the Environmental Review Coordinator has concluded that this proposal as a procedural amendment, is exempt from the California Environmental Quality Act (CEQA) under the General Rule exemption Section 15061(b)(3).

WHEREAS, on April 14, 1999 the City Planning Commission voted 7-0 recommending that the City Council approve the Zoning Code text amendment to Section 19.58.147 in accordance with Resolution No. PCA-99-01; and

WHEREAS, the City Clerk set 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 least ten days prior to the hearing; and

WHEREAS, the hearing was held at the time and place as advertised, namely July 20, 1999 at 6:00 p.m. in the Council Chambers, 276 Fourth Avenue, before the City Council: and

WHEREAS, the Council elected to reinstate the 300 foot notice requirement and directed staff to research the 1200 square foot play area requirement; and

NOW, THEREFORE, the City Council of the City of Chula Vista does hereby find, determine, resolve and 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 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 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 by the hearing deadline date. 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 daycare home shall not locate within:
 - 1. Three hundred 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 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 insure maintenance of traffic safety levels within the vicinity of the home.
- G. Adequate outdoor play space shall be required and determined on a case by case basis. Outdoor play activity shall not be allowed in the front or exterior side yards of the home.
- H. Play areas shall be designed and located to reduce the impact of noise on surrounding properties.
- I. A business license will be obtained concurrently with the use permit.
- J. At the City's discretion, an annual review of the permit may be done to determine compliance with State and City requirements and the permits conditions of approval.

SECTION II; FINDINGS

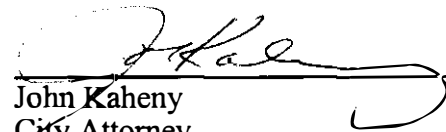
The City Council hereby finds that the text amendment will enhance the health, safety and welfare of the citizens of Chula Vista, will bring the City Municipal Code in conformance with State law and is consistent with the General Plan and is supported by public necessity, convenience, general welfare and good zoning practice.

Presented by



Robert A. Leiter
Planning and Building Director

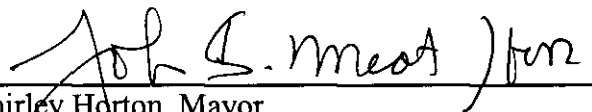
Approved as to form by




John Kaheny
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 5th day of October, 1999, by the following vote:

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


Shirley Horton, Mayor

ATTEST:



Susan Bigelow, City Clerk

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

I, Susan Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No.2793 had its first reading at a regular meeting held on the 14th day of September, 1999 and its second reading and adoption at a regular meeting of said City Council held on the 5th day of October, 1999.

Executed this 5th day of October, 1999.


Susan Bigelow, City Clerk