

ORDINANCE NUMBER O- 17742 (NEW SERIES)

ADOPTED ON FEB 24 1992

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
DIVISION 5, OF THE SAN DIEGO MUNICIPAL CODE
BY AMENDING SECTION 101.0580, RELATING TO
CHILD CARE FACILITIES.

BE IT ORDAINED, by the Council of The City of San Diego, as
follows:

Section 1. That Chapter X, Article 1, Division 5, of the
San Diego Municipal Code be and the same is hereby amended by
amending Section 101.0580 to read as follows:

SEC. 101.0580 CHILD CARE FACILITIES

A. PURPOSE AND INTENT

The provision of good quality child care in safe
and convenient locations is an important issue facing
the City as the trend of single and dual income working
parents continues to grow. The intent of this section
is to facilitate the availability of child care
facilities throughout the City. This will be achieved
by simplifying the review and approval process for the
establishment of child care facilities. The purpose of
this section is to ensure the safety of children
attending these facilities and to preserve the
character of the surrounding neighborhood. This
section is applicable citywide to large family day care
homes and child care centers; it is not applicable to

small family day care homes. Small family day care homes are permitted by right, pursuant to California Health and Safety Code section 1597.45.

B. [No change.]

C. APPLICATION AND CONTENT

An application for a child care facility shall be made by the owner of the property or the lessee or operator of the facility. Application for large family day care homes and child care centers shall be made to the Zoning Administrator using forms specifically designed for these purposes. The application shall state fully the circumstances and conditions relied upon as grounds for the application and shall contain a legal description of the property. Applications for child care centers shall also contain adequate site development and improvement plans and building floor plans in sufficient detail to illustrate the following requirements:

1. through 5. [No change.]

6. Location and type of mechanical ventilation, window treatment, fencing or other proposed materials and measures to attenuate noise;

7. Right-of-way widths of all streets abutting the child care center; and

8. An approved "Hazardous Materials Substance Approval Form" from the County of San Diego Hazardous Materials Management Division.

D. LARGE FAMILY DAY CARE HOMES

Large family day care homes are permitted in all residential zones and nonresidential zones where residential use is permitted. No notice or public hearing is required. Before operating a large family day care home, a "Notice of Intent to Operate a Large Family Day Care Home" shall be filed with the Planning Department by the owner, lessee, or operator upon forms provided for this purpose. The Notice shall be accompanied by any data the Zoning Administrator may require. The large family day care home is permitted subject to applicant's signed agreement to meet the following conditions:

1. through 3. [No change.]

4. Enclose all required outdoor play areas with a natural barrier or other fencing having a maximum height of six (6) feet and conforming to the requirements of Municipal Code section 101.0620;

5. Separate all outdoor play areas from vehicular circulation, parking areas, equipment enclosures, storage areas, refuse and recycling storage areas;

6. Provide a drop-off/pick-up area, such as a driveway area or curb space, to minimize conflicts with automobile circulation and to promote the safety of children.

E. CHILD CARE CENTERS

Child care centers are permitted in residential and nonresidential zones. Child care centers located in residential zones shall be approved under a conditional use permit granted by the Zoning Administrator after a notice and public hearing, pursuant to Municipal Code section 101.0510(C)(1)(k). Child care centers in nonresidential zones do not require a notice and public hearing but are subject to the following requirements:

1. and 2. [No change.]

3. Outdoor Play and Activity Areas.

a. All outdoor play and activity areas shall be:

(1) Enclosed with minimum four-foot (4') to maximum six-foot (6') high fencing, pursuant to Municipal Code section 101.0620.

(2) Separated from vehicular circulation, parking areas, equipment enclosures, storage areas, refuse, and recycling storage areas.

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b. All outdoor play and activity areas adjacent to public streets with right-of-way widths of sixty-four feet (64') and over shall be either:

(1) Located behind the primary structure(s) away from the public street(s); or

(2) Separated from the public street by minimum four-foot (4') to maximum six-foot (6') high solid fencing, pursuant to Municipal Code section 101.0620.

4. Noise Attenuation.

Child care centers shall be designed to attenuate significant outside noise sources. Conversely, surrounding uses shall be protected from noise emanating from child care centers. The following measures shall be required to accomplish noise attenuation:

a. Minimum four-foot (4') to maximum six-foot (6') high solid fencing, pursuant to Municipal Code section 101.0620, shall be constructed between child care centers and abutting residential uses, or all windows facing abutting residential uses shall be double-glazed with one-quarter inch (1/4") thick glass; and

b. One of the following measures shall be accomplished:

(1) Minimum four-foot (4') to maximum six-foot (6') high solid fencing shall be constructed between the child care center and public streets with right-of-way widths of sixty-four feet (64'); or

(2) All windows facing public streets with right-of-way widths of sixty-four feet (64') and over shall be double-glazed with one-quarter inch (1/4") thick glass.

5. The applicant has the burden of proof in demonstrating compliance with the following requirements:

a. No portion of a child care facility may be located within one hundred fifty feet (150') of any known business which has or is required to have a health permit from the County of San Diego Hazardous Materials Management Division, excluding hospitals, medical clinics and offices, biotechnology research and production facilities, service stations and similar auto maintenance facilities, businesses with underground storage tanks, and businesses handling

hazardous materials or wastes in quantities less than fifty-five (55) gallons or five hundred (500) pounds, welding gases in quantities less than six hundred (600) cubic feet, or non-fuel oils, greases and lubricants.

b. No portion of a child care center may be located within one thousand feet (1,000') of any known business that:

(1) Has or is required to have a health permit from the County of San Diego Hazardous Materials Management Division, excluding underground fuel storage tanks, and handles acutely hazardous material above the Threshold Planning Quantities (TPQ) as defined by Division 20, Chapter 6.95, Section 25500 et seq., of the California Health and Safety Code; or

(2) Handles compressed flammable gases in excess of one thousand five hundred (1,500) pounds; or

(3) Handles flammable liquids in excess of ten thousand (10,000) gallons.

The applicant is required to submit a "Hazardous Materials Substance Approval Form," executed by the County of San Diego

Hazardous Materials Management Division, at the time of application.

Deviations from the hazardous materials separation requirements may be permitted only upon issuance of a conditional use permit granted by the Zoning Administrator after a notice and public hearing, pursuant to Municipal Code section 101.0510(C)(1)(k). Issuance of a conditional use permit will be based in part on a Health Risk Assessment Study to be submitted by the applicant.

c. Buffers should be measured from the adjacent property line of the proposed child care facility to the use, storage, or handling areas for the hazardous material. Businesses may satisfy the above buffer requirements on-site.

d. Section 101.0580(E)(5)(a) will be reviewed in six (6) months (August, 1992) and shall be of no further force and effect after February 23, 1993, unless continued by resolution adopted by the City Council.

6. and 7. [No change.]

F. COMPLIANCE

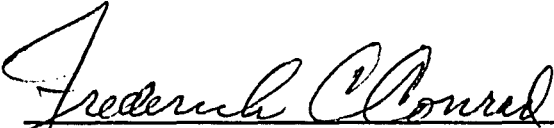
The Zoning Administrator shall have the authority to require modifications to the conditions of operation or discontinuance of a large family day care home or a

child care center after notice and public hearing if it is found that the home or center as operated or maintained has violated any of the conditions or standards set forth in this section. Should the owner, lessee, or operator continue to operate the home or center in a manner not consistent with the conditions or after revocation of the permit by the Zoning Administrator, the Zoning Administrator may enforce the conditions or revocation through any of the enforcement mechanisms found in Municipal Code section 101.0213, or pursuant to any administrative remedies provided in Chapter One of the San Diego Municipal Code. The applicant shall bear all costs associated with noticing, public hearings, and any enforcement actions.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, however, the provisions of this ordinance shall not be applicable within the Coastal Zone until the thirtieth day following the date the California Coastal Commission unconditionally certifies this ordinance as a local coastal program amendment. If this ordinance is not certified, or is certified with suggested

modifications by the California Coastal Commission, the provisions of this ordinance shall be null and void within the Coastal Zone.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:lc:pev
01/28/92
02/12/92 REV. 1
03/19/92 COR.COPY
Or.Dept:Plan.
O-92-104
Form=o.code

O-17742

CORRECTED COPY

#52

by the following vote:

Council Members	Yeas	Nays'	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Mary Cepeda* Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

FEB 11 1992

FEB 24 1992

, and on

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Mary Cepeda* Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17742

Adopted FEB 24 1992

FEB 24 1992

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Mary Cepeda*, Deputy.

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....., and on.....

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

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CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Mary Cepeda*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance *0-17742*
Number.....

Adopted..... FEB 24 1992

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE

92 MAR 11 AM 9:44

SAN DIEGO, CALIF.

Ca

OFFICE OF THE CITY CLERK
CITY ADMIN. BLDG.
202 C ST., 2ND FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,...

ORDINANCE NUMBER 0-17742 (NEW SERIES)
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 5, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0580 RELATING TO CHILD CARE FACILITIES.
This ordinance amends the provisions of Municipal Code section 101.0580 (Child Care Facilities) by amending the development standards applicable to such facilities. The amendment provides that child care facilities are permitted in all residential and non-residential zones. Those in residential zones require that a noticed public hearing be held before approval. Those in non-residential zones do not require a noticed public hearing.
A complete copy of the ordinance is available for inspection in the office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.
INTRODUCED ON FEB 11 1992 Passed and Adopted by the Council of the City of San Diego on FEB 24 1992.
AUTHENTICATED BY:
MAUREEN O'CONNOR
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA
By MARY OSPEDA, Deputy City Clerk

I, Corey Donahue, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER 0-17742 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

MARCH 9

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 9TH day of MARCH, 1992.

Corey Donahue
(Signature)

4 3/8" = 58.08