

#52

(O-94-12) COR. COPY  
01/19/94

ORDINANCE NUMBER O- 18036 (NEW SERIES)

ADOPTED ON FEB 22 1994

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.

WHEREAS, May 18, 1993, was declared "Regulatory Relief Day";  
and

WHEREAS, one purpose of Regulatory Relief Day was to being  
streamlining and consolidating where appropriate the City's land  
use regulatory procedures; and

WHEREAS, the Planning Department has reviewed San Diego  
Municipal Code section 101.0580 relating to the child care  
facilities, and has suggested amendments to the code section to  
streamline the regulatory process; NOW, THEREFORE,

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. and B. [No changes.]

**C. APPLICATION AND CONTENT**

An application for a child care facility  
shall be made in accordance with Section 111.0202.  
An application for a large family day care home or

child care center shall be filed with the Neighborhood Code Compliance Department. 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 8. [No changes.]

D. LARGE FAMILY DAY CARE HOMES

Large family day care center homes are permitted in all residential zones and nonresidential zones where residential use is permitted. 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 Neighborhood Code Compliance Department by the owner, lessee, or operator upon forms provided for this purpose. The Notice shall be accompanied by any data the Neighborhood Code Compliance Department may require. The large family day care home is permitted subject to applicant's signed agreement to meet the following conditions.

1. through 6. [No changes.]

E. CHILD CARE CENTERS

1. Persons wishing to operate child care centers located in residential zones shall be required to obtain a conditional use permit. That permit may be approved, conditionally approved, or denied by a "Hearing Officer" in accordance with "Process Three" as set out in Municipal Code Section 101.0510(C)(1)(k). The "Hearing Officer's" decision may be appealed to the "Board of Zoning Appeals." Persons wishing to operate child care centers located in nonresidential zones that meet the requirements contained in Section 101.0580(E)(1)(a) through (g) shall be required to obtain a child care permit issued by the Director of the Neighborhood Code Compliance Department in accordance with "Process One." Those requirements are:

a. [No change in text of this subsection.]

b. [No change in text of this subsection.]

c. [No change in text of this subsection.]

(1) [No change in text of this subsection.]

(a) [No change in text of this subsection.]

(b) [No change in text of  
this subsection.]

(2) [No change in text of this  
subsection.]

(a) [No change in text of  
this subsection.]

(b) [No change in text of  
this subsection.]

d. [No change in text of this  
subsection.]

(1) [No change in text of this  
subsection.]

(2) [No change in text of this  
subsection.]

(a) [No change in text of  
this subsection.]

(b) [No change in text of  
this subsection.]

e. [No change in text of this  
subsection.]

(1) [No change in text of this  
subsection.]

(2) [No change in text of this  
subsection.]

(3) [No change in text of this  
subsection.]

The applicant is required to submit a  
"Hazardous Material 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 "Hearing Officer" in accordance with "Process Three," 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.

The buffer shall 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 requirement on-site.

The applicant has the burden of proof in demonstrating compliance with the buffer requirement.

f. [No change in text of this subsection.]

g. [No change in text of this subsection.]

2. Child care centers located on the premises of a school for minors which offer instruction in those courses of study required by

the California Education Code or which are maintained pursuant to standards set by the State Board of Education at kindergarten, elementary, junior high and senior high school levels shall be permitted under the following conditions:

a. Persons desiring to operate child care centers located in a zone where schools are a permitted use shall be required to obtain a child care permit approved by the Director of the Neighborhood Code Compliance Department in accordance with "Process One."

b. Persons desiring to operate child care centers located in a zone where schools are required to obtain a conditional use permit shall also be required to obtain a conditional use permit. The permit to operate a child care center may be approved, conditionally approved, or denied by a "Hearing Officer" in accordance with "Process Three."

c. Persons wishing to operate child care centers located on an existing and operating school premises that has a conditional use permit for the school use shall be required to seek amendments to the existing conditional use permit for the school in order to also operate a child care center in accordance with "Process Three."

However, the child care center shall be exempt from the requirements contained in Section 101.0580(E)(1)(c), (d), (f) and (g).

d. School or privately operated child care centers located on public school premises as accessory uses to existing public schools shall be exempt from the provisions of Section 101.0580.

F. COMPLIANCE

The "Hearing Officer," in accordance with "Process Three" and pursuant to Municipal Code sections 111.0601, 111.0602 and 111.0603, 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 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, the Director of the Neighborhood Code Compliance Department 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 I of the San Diego Municipal Code. The applicant shall bear all costs associated with noticing, public hearings, and any enforcement actions.

Section 2. 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 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 not be enforced within the Coastal Zone pending further action of the City Council.

Section 3. In areas of the City of San Diego other than the Coastal Zone no permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefor was made prior to the date of adoption of this ordinance.

Section 4. Within the Coastal Zone no permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefor was made prior to the date the California Coastal Commission unconditionally certified this ordinance as a local coastal program amendment.

APPROVED: JOHN W. WITT, City Attorney

By

  
\_\_\_\_\_  
Allisyn L. Thomas  
Deputy City Attorney

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09/01/93 COR.COPY  
01/19/94 COR.COPY  
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STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~  
NEW LANGUAGE: ~~Shaded~~

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.

**SEC. 101.0580 Child Care Facilities**

A. and B. [No changes.]

C. APPLICATION AND CONTENT

An application for a child care facility shall be made in accordance with Section 111.0202. An application for a large family day care home ~~and-or~~ child care center shall be filed with the ~~Planning-Neighborhood Code Compliance~~ Department. 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 8. [No changes.]

D. LARGE FAMILY DAY CARE HOMES

Large family day care center homes are permitted in all residential zones and nonresidential zones where residential use is permitted. 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-Neighborhood Code Compliance~~ Department by the owner, lessee, or operator upon forms provided for this purpose. The Notice shall be accompanied by any data the ~~Planning-Neighborhood Code Compliance~~ Department may require. The large family day care home is permitted subject to applicant's signed agreement to meet the following conditions.

1. through 6. [No changes.]

E. CHILD CARE CENTERS

~~1. Child care centers are permitted in residential and nonresidential zones. Persons wishing to operate child care centers located in residential zones may be shall be required to obtain a conditional use permit. That permit may be approved, conditionally approved, or denied by a "Hearing Officer" in accordance with "Process Three" as set out in Municipal Code Section 101.0510(C)(1)(k). The "Hearing Officer's" decision may be appealed to the "Board of Zoning Appeals".~~ Persons wishing to operate child care centers located in nonresidential zones that meet the requirements contained in Section 101.0580(E)(1)(a) through (g) shall be required to obtain a child care permit issued by the Director of the Neighborhood Code Compliance Department in accordance with "Process One."  
~~Child care centers in nonresidential zones are subject to the following Those requirements are:~~

~~1-a.~~ [No change in text of this subsection.]

~~2-b.~~ [No change in text of this subsection.]

~~3-c.~~ [No change in text of this subsection.]

~~(a)-(1)~~ [No change in text of this subsection.]

~~(1)-(a)~~ [No change in text of this subsection.]

~~(2)-(b)~~ [No change in text of this subsection.]

~~(b)-(2)~~ [No change in text of this subsection.]

~~(1)-(a)~~ [No change in text of this subsection.]

~~(2)-(b)~~ [No change in text of this subsection.]

~~4-d.~~ [No change in text of this subsection.]

~~(a)-(1)~~ [No change in text of this subsection.]

~~(b)-(2)~~ [No change in text of this subsection.]

~~(1)-(a)~~ [No change in text of this subsection.]

~~(2)-(b)~~ [No change in text of this subsection.]

~~5-e.~~ [No change in text of this subsection.]

~~(a)-(1)~~ [No change in text of this subsection.]

~~(b)-(2)~~ [No change in text of this subsection.]

~~(e)-(3)~~ [No change in text of this subsection.]

The applicant is required to submit a "Hazardous Material 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 noticed and public hearing,~~ "Hearing Officer" in accordance with "Process Three," 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.

The buffer shall 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 requirement on-site.

The applicant has the burden of proof in demonstrating compliance with the buffer requirement.

~~6-f.~~ [No change in text of this subsection.]

~~7-g.~~ [No change in text of this subsection.]

~~2. Child care centers located on the premises of a school for minors which offer instruction in those courses of study required by the California Education Code or which are maintained pursuant to standards set by the State Board~~

of Education at kindergarten, elementary, junior high and senior high school levels shall be permitted under the following conditions:

a. Persons desiring to operate child care centers located in a zone where schools are a permitted use shall be required to obtain a child care permit approved by the Director of the Neighborhood Code Compliance Department in accordance with "Process One."

b. Persons desiring to operate child care centers located in a zone where schools are required to obtain a conditional use permit shall also be required to obtain a conditional use permit. The permit to operate a child care center may be approved, conditionally approved, or denied by a "Hearing Officer" in accordance with "Process Three."

c. Persons wishing to operate child care centers located on an existing and operating school premises that has a conditional use permit for the school use shall be required to seek amendments to the existing conditional use permit for the school in order to also operate a child care center in accordance with "Process Three." However, the child care center shall be exempt from the requirements contained in Section 101.0580(E)(1)(c), (d), (f) and (g).

d. School or privately operated child care centers located on public school premises as accessory uses to existing public schools shall be exempt from the provisions of Section 101.0580.

F. COMPLIANCE

The ~~Zoning Administrator~~ "Hearing Officer," in accordance with "Process Three" and pursuant to Municipal Code sections 111.0601, 111.0602 and 111.0603, 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~~ the Director of the Neighborhood Code Compliance Department 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-I~~ of the San Diego Municipal Code. The applicant shall bear all costs associated with noticing, public hearings, and any enforcement actions.

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07/27/93  
09/01/93 COR.COPY  
01/19/94 COR.COPY  
Or.Dept:Plan.  
SO-94-12  
Form=0+t

Passed and adopted by the Council of The City of San Diego on FEB 22 1994  
 by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Harry Mathis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Christine Kehoe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barbara Warden	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

SUSAN GOLDING  
 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 01 1994, and on FEB 22 1994

~~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 0-18036 Adopted FEB 22 1994

CERTIFICATE OF PUBLICATION

MAR 11 1994

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

IN THE MATTER OF

NO.

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

**ORDINANCE NUMBER 0-18036 (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 Chapter X, Article 1, Division 5, by clarifying the application procedures for obtaining a permit to operate a child care facility and expanding the areas in which a child care facility can be located.

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 February 1, 1994. Passed and adopted by the Council of the City of San Diego on February 22, 1994.

AUTHENTICATED BY:  
SUSAN GOLDING  
Mayor of The City of San Diego, CA  
CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, CA

(SEAL)

By MARY CEPEDA, Deputy

Pub. Mar. 8

288684

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 0-18036 (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:

MAR. 8

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

Dated at San Diego, California this 8th day of MAR., 19 94.

*Corey Donahue*  
\_\_\_\_\_  
(Signature)

2 1/8" x 2 = \$ 53.76