

ORDINANCE NO. 2016-15

**AN ORDINANCE OF THE CITY COUNCIL OF THE CHARTERED
CITY OF VISTA, CALIFORNIA, AMENDING CHAPTER 18.88 OF
THE DEVELOPMENT CODE REGARDING
LARGE FAMILY DAY CARE HOMES**

The City Council of the City of Vista does ordain as follows:

- 1. Findings.** The City Council hereby finds and declares that:
 - A. The City intends to amend Chapter 18.88 of the Vista Development Code to modify the review process for large family day care homes.
 - B. The amendment will not conflict with the goals and policies in the General Plan.
 - C. The provisions set forth below further the goals and policies of the General Plan and promote the health, safety and welfare of the City.

2. Code Amendment.

- A. Section 18.88.020, "Definitions" is amended to add the following paragraphs which shall be inserted into the Section in alphabetical order:

 "Administrative Permit" shall mean a permit issued to a person or business entity for the purpose of operating a large family day care home in a single-family dwelling that complies with the standards, restrictions and requirements contained in this Chapter."

 "Director" shall mean the Community Development Director for the City of Vista or his/her designee."

- B. Sections 18.88.050 through 18.88.090 are amended to read as follows:

"Section 18.88.050. Application

A. An application for a large family day care home shall be in the form prescribed by the Director. An application shall be accompanied by:

1. Complete plans and description of the property involved, including any planned physical improvements. Such plans and descriptions may be prepared by hand if the plans and descriptions provide accurate dimensions, designations, and descriptions.
2. Operational hours for the large family day care home.
3. Plan for controlling drop-offs and pick-up of children.

B. The application form shall advise applicants of the right to request a fee verification. Upon request, the Zoning Administrator shall provide information regarding fees and the estimated processing times in accordance with state law.

Section 18.88.060. Review

A. Upon receipt of a complete application for large family day care, the Zoning Administrator shall review the application and may obtain recommendations and reports from other city departments as deemed necessary.

B. The Zoning Administrator shall issue an administrative permit for a large family day care home if the applicant establishes that each of the following is true:

1. The large family day care home at the proposed location will satisfy the development and operational standards in Section 18.88.070.

2. The proposed location has received a fire department inspection and is approved for occupancy for a large family day care home.

C. If an application for an administrative permit is denied, the Zoning Administrator shall advise the applicant in writing of the reasons and basis for the denial.

D. The correspondence conveying the administrative permit shall advise the applicant of development and operational standards set forth under Section 18.88.070.

E. Within 10 calendar days of the Zoning Administrator's action on the application, notice of the establishment of a large family day care home shall be sent to all registered owners of property located within 100 feet of the subject property.

Section 18.88.070. Development and Operational Standards

The following minimum standards must be satisfied before an applicant is issued an administrative permit, and at all times that a large family day care is in operation:

A. A valid and current day care license issued by the California Department of Social Services shall be secured and maintained.

B. To protect adjacent residential dwellings from undue noise impacts: (1) outdoor activities shall be restricted to the hours of 8:00 a.m. to 6:00 p.m.; and (2) the large family day care home shall be subject to the City's noise ordinance.

C. To accommodate street traffic and to ensure that children are not placed at risk during drop-off and pick-up, there

shall be a minimum of two on-street parking spaces adjacent to the large family day care home,

D. To minimize the congregation of vehicles engaged in drop-offs and pick-ups, a period of at least thirty minutes must separate the end of one session and the start a following session

E. The large family day care home shall be the principal residence of the day care provider, and the use shall be clearly incidental and secondary to the primary use of the property as a residence.

F. In order to maintain the integrity of residential neighborhoods, large family day care homes shall not be located closer than three hundred feet from an existing state-licensed large family day care home, measured from the closest point of the lot line.

G. To minimize adverse parking impacts on the neighborhood, all spaces within a garage at the large family day care shall be used, or kept open for use, by the owners, residents, employees and/or visitors of the large family day care during all periods that the large family day care operates.

Section 18.88.080. Permit Revocations; Appeals

A. In the event a decision to deny, suspend, or revoke an administrative permit is made by the Zoning Administrator, the applicant or permittee shall have the right to appeal the decision to the director within ten calendar days of the date of the written decision. A written notice of appeal shall be timely filed by the permit holder with the director using a form prepared by the applicant or permit holder. The appeal shall be signed by the applicant or permit holder, state the matter being appealed, describe the result sought, and present all reasons and facts (along with supportive evidence) for the outcome sought. Upon receipt of an appeal, the director shall set the matter for review within fifteen calendar days of the filing of said notice of appeal. Written rules for the review shall be shared, and may provide that the review will occur without oral testimony and will consider only written submissions made in advance of the review. Notice may be given by either personal delivery to the applicant, or by registered mail to the location of the large family day care.

B. Within ten calendar days of the review, the director shall provide a written determination to the appellant either granting or denying the relief sought on appeal, and presenting the evidence and reasons on which the decision was based. The decision of the director is final and may not be appealed.

Section 18.88.090. Termination; Suspension, Modification or Revocation

A. Any permit issued pursuant to this Chapter shall terminate upon the earlier of: (1) the cessation of operation of a large family day care home for a period of six months, without any prior notice to the owner; (2) the sale of the property used for the large family day care home when the owner of the property also operates the large family day care home; or (3) expiration of the large family day care license issued by the California Department of Social Services.

B. Upon written notice to the permit holder, the Zoning Administrator may suspend or revoke a permit issued pursuant to this Chapter (subject to appeal rights) if the large family day care home has been conducted in a manner contrary to the requirements of this Chapter.”

3. Severability. If any word, sentence, paragraph, or other portion of this ordinance is deemed to be invalid or unenforceable for any reason by a court of competent jurisdiction, the City Council declares its intent that all remaining words, sentences, paragraphs or portions of the ordinance not held to be invalid or unenforceable shall remain in full force and effect, and shall, be so construed, as if the original ordinance did not contain the invalid or unenforceable language.

4. Effective Date. This Ordinance shall be effective on the thirty-first day following the date of its adoption. The City Clerk is authorized and directed to publish a copy in the manner provided by law.

3. Adoption. INTRODUCED AND ADOPTED at a meeting of the City Council held on October 11, 2016, by the following vote:

AYES: Mayor Ritter, Aguilera, Campbell, Rigby, Franklin

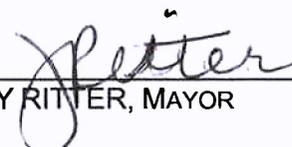
NOES: None

ABSENT: None

APPROVED AS TO FORM:
DAROLD PIEPER, CITY ATTORNEY

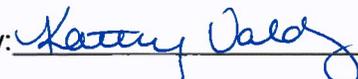
By: _____

APPROVED
Darold Pieper
20161012143255



JUDY RITTER, MAYOR

ATTEST:
KATHY VALDEZ, CITY CLERK

By:  _____

CERTIFICATION

I, Kathy Valdez, City Clerk of the City of Vista, California, certify that I caused the foregoing Ordinance No. 2016-15 to be posted on October 14, 2016, at the following locations within the City of Vista: 1) the Reference Desk of the Vista Branch of the San Diego County Public Library, 700 Eucalyptus Avenue; 2) the Lobby Counter at the Gloria McClellan Adult Activity & Resource Center, 1400 Vale Terrace Drive; and 3) the City Clerk's Office, 200 Civic Center Drive.



Kathy Valdez, City Clerk