

August 4, 2003

City Council Meeting
August 12, 2003

Mayor and Members
of the City Council

ORDINANCE NO. 03-1231 - "AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING THE HERMOSA BEACH ZONING ORDINANCE RELATING TO THE REGULATION OF DAY CARE HOMES IN THE CITY."

Submitted for **adoption** and **waiver of full reading** is Ordinance **No. 03-1231**, relating to the above subject.

At the meeting of July 22, 2003, the ordinance was presented to the City Council for consideration and was amended to include the requirement for a State license. The ordinance, as amended, was then introduced by the following vote:

AYES:	Dunbabin, Edgerton,, Reviczky, Yoon, Mayor Keegan
NOES:	None
ABSENT:	None
ABSTAIN:	None

Elaine Doerfling, City Clerk

Noted:

Stephen R. Burrell, City Manager

1 “ ‘Day Care Home, Small’ means a home that provides family day care for 8 or fewer
2 children, including children under the age of 10 years who reside at the home, as set forth
3 in Section 1597.44 of the California Health and Safety Code.”

4 2. Subsection 17.08.020-D of Title 17 of the Hermosa Beach Municipal Code, pertaining to
5 permitted uses in the R-1 Zone, is hereby amended to read as follows:

6 “D. Day care homes, large, as an accessory use to a single family detached dwelling if
7 a Day Care Permit is approved pursuant to Section 17.40.100.”

8 3. The title of Chapter 17.40 is hereby amended to read as follows: “CONDITIONAL USE
9 PERMIT AND OTHER PERMIT STANDARDS”. Also, Section 17.40.100 is hereby amended to read
10 as follows:

11 **“17.40.100 Large day care homes.**

12 “A. Number of children. Large day care homes are permitted as an accessory use to a single
13 family detached dwelling if a Day Care Permit is approved pursuant to this Section. Such day care homes
14 provide care for seven to 12 children, but may also provide care for up to 14 children if all of the
15 following conditions are met:

16 “1. At least two of the children are at least six years of age.

17 “2. No more than three infants are cared for during any time when more than 12
18 children are cared for.

19 “3. The licensee notifies each parent that the facility is caring for two additional
20 school age children and that there may be up to 13 or 14 children in the home at
21 one time.

22 “4. The licensee obtains the written consent of the property owner when the day care
23 home is operated on property that is leased or rented.

24 “B. Requirements for large day care homes. Large day care homes shall conform to the
25 following requirements:

26 “1. All facilities shall comply with this section and with any additional requirements
27 imposed as part of the Day Care Permit or of any other applicable permit.
28

1 “2. All facilities shall comply with the development standards of the residential district
2 in which they are located.

3 “3. Parking shall be provided in accordance with the applicable requirements of the
4 primary residential use of the property.

5 “4. Restrictions to ensure compliance with City noise regulations (Municipal Code
6 Chapter 8.24) may be placed on the operation of the day care home, including
7 but not limited to the time and location of outdoor activities.

8 “C. Findings for approval of large day care homes. Large day care homes shall be permitted
9 by the Director of Community Development. The Director shall approve the Day Care Permit if the
10 following findings are met:

11 “1. The requirements set out in Paragraph B of this Section, preceding, have been
12 satisfied.

13 “2. Approval of the application will not create conditions materially detrimental to the
14 public health, safety and general welfare or injurious to or incompatible with other
15 properties or land uses in the vicinity in terms of traffic, parking, noise, or other
16 impacts.

17 “D. Procedures for review of day care permits. Day Care Permits shall be reviewed in
18 accordance with the following procedures:

19 “1. Application for a day care permit shall be made to the Director of Community
20 Development on forms provided by the Director and shall include such
21 information as may be reasonably required by the Director for a complete
22 understanding of the day care home proposal. Application shall indicate that the
23 applicant is in possession of a State license for a prerequisite for applying to the
24 City.

25 “2. The application shall include a listing of the name and address of all owners
26 shown on the last equalized assessment roll as owning real property within a 100-
27 foot radius of the exterior boundaries of the proposed large day care home
28

1 property. Notification of the proposal shall be mailed to such owners not less
2 than ten days prior to the date on which review of the application is scheduled.

3 “3. No hearing on the application for a permit issued pursuant to this Section shall be
4 held unless a hearing is requested by the applicant or other affected person. If a
5 hearing is requested, the Director shall conduct the hearing.

6 “4. The Director shall take action on the application in accordance with the
7 provisions of Paragraph C of this Section. Within 10 calendar days of the
8 decision, the applicant or other affected person may appeal the decision to the
9 Planning Commission. The appellant shall pay the cost of the appeal, as set by the
10 City. Appeals shall be made in writing on forms provided by the Director. The
11 filing of an appeal shall suspend the Director’s decision until resolution of the
12 appeal by the Planning Commission. In hearing the appeal, the Planning
13 Commission shall conduct a duly advertised public hearing, public notice of which
14 shall be given at least ten calendar days prior to said hearing. After considering
15 the appeal, the Planning Commission may confirm, reverse, or modify the
16 decision of the Director. The Planning Commission’s decision shall be final unless
17 appealed to the City Council.

18 “E. No change of occupancy. Use of a single family dwelling for a day care home shall not
19 constitute a change of occupancy under the State Housing Law or City building and fire codes.

20 “F. No environmental review. In accordance with in Section 1597.46 of the California Health
21 and Safety Code, the establishment and operation of large day care homes shall not be subject to the
22 provisions of the California Environmental Quality Act (Division 13 of the Public Resources Code).”

23 **SECTION 5.** This code amendment is categorically exempt from environmental review pursuant
24 to the California Environmental Quality Act Guidelines, Section 15305, Class 5: Minor Changes in Land
25 Use Limitations, because the amendment would make minor changes in the regulation of an accessory
26 land use.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PASSED, APPROVED and ADOPTED this 12th day of August, 2003 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, California

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney