

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

603 B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
September 17, 2004

SUBJECT: LARGE FAMILY DAY CARE HOME PERMIT

RECOMMENDED MOTION: That the Board of Supervisors Approve and Adopt Ordinance No. 348.4232 revising Section 18.29a of Riverside County Ordinance. 348.

BACKGROUND: Pursuant to Section 1597.40 of Health and Safety Code, the Legislature has declared that it is the public policy of the State of California to locate family day care homes for children in normal residential surrounding so as to provide children the same environment as would be found in a traditional home. The Legislature has further declared that this policy is a matter of statewide concern and the the State occupies the field and prohibits and local restrictions relating to the use of single-family residences for family day care homes, except as specifically provided. The law sets limitations which provide that local ordinances may only prescribe reasonable standards, restrictions, and requirements concerning spacing and concentration, traffic control, parking and noise control if a local noise ordinance has been adopted. The revised language below recognizes these limitations and addresses them.

Departmental Concurrence

Summary of Provisions: The revised ordinance language will simplify the process for obtaining a Large Family Day Care Home Permit. If an applicant fully meets the approval standards set forth in the ordinance the Large Family Day Care Home Permit shall be issued. No public hearing will be required, and there will be no appeal process due to the prescriptive legislation. The approval standards have been expanded to include:

Robert C. Johnson

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	n/a
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	n/a
	Annual Net County Cost:	\$ 0	For Fiscal Year:	n/a

SOURCE OF FUNDS: n/a	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature

- Dep't Recomm.: Policy
- Per Exec. Ofc.: Policy
- Consent
- Consent

Prev. Agn. Ref.:

District: County

Agenda Number:

3.17

1. Vehicle Access—To avoid street congestion vehicle access to the site shall be unrestricted. Vehicles must be able to reach the site without passing through a security gate or other similar structure.
2. Site Location—The site shall not be located within 1000 feet of any other large family day care home, board and care home, group home, or half-way house measured property line to property line.

REVISED LANGUAGE:

SECTION 18.29a. LARGE FAMILY DAY CARE HOME PERMITS. Wherever an application for a large family day care home permit is submitted, the following provisions shall apply. A large family day care home means a home which provides family day care for no less than seven and no more than fourteen children, including children under the age of ten who reside at the home.

- a. STATE PREEMPTION. Pursuant to section 1597.40 of the Health and Safety Code, the Legislature has declared that it is the public policy of the State of California to situate family day care homes for children in normal residential surroundings so as to provide children the same environment as would be found in a traditional home. The Legislature has further declared that this policy is a matter of statewide concern and that the State occupies the field and prohibits any local restrictions relating to the use of single-family residences for family day care homes, except as specifically provided.
- b. REQUIREMENT FOR PERMIT. In accordance with the above-referenced policy, the Legislature has enacted section 1597.46 of the Health and Safety Code which provides that cities and counties shall not prohibit large family day care homes on lots zoned for single-family dwellings, but may require an applicant for a large family day care home to apply for a non-discretionary permit. Section 1597.46 further provides that cities and counties shall grant the permit if certain specified standards, restrictions and requirements are met. In accordance with section 1597.46, the Board of Supervisors hereby determines that any person may, subject to the approval standards set forth in subsection d. hereof, use a single-family dwelling for the operation of a large family day care home in any zone where single-family dwellings are permitted.
- c. PERMIT PROCEDURE
 - (1) Application. Every application for a large family day care home permit shall be made in writing to the Planning Department on the forms provided by the Planning Department, shall be accompanied by the filing fee set forth in County Ordinance No. 671, and shall include the following information:

(a) Name and address of the applicant and a statement that the applicant resides in the home where the day care will be conducted.

(b) The assessor's parcel number assigned to the property on which the home is situated (hereinafter, "the site").

(c) A plot plan drawn to scale and in sufficient detail to clearly describe the following:

1. The boundary and physical dimensions of the site. This may be hand drawn provided it is legible.

2. The location and dimensions of all existing and proposed buildings, structures, walkways, yards, drive ways and parking areas on the site and on the street in front of the site.

3. A drawing with accurate dimensions of the sign proposed on the site, if any.

4. Such additional information as shall be required by the application form

(2) Issuance/Denial. The Planning Director shall, within forty-five (45) days of the filing of a complete permit application, approve a large family day care home permit if the approval standards of this ordinance have been met; otherwise, the permit shall be denied. The Planning Director's decision shall be final.

d. APPROVAL STANDARDS. No application for a large family day care home permit shall be approved unless it complies with the following standards:

(1) The applicant shall possess a valid state license to operate a large family day care home on the site.

(2) The site shall be zoned for single-family dwellings.

(3) To avoid public street congestion vehicle access to the site shall be unrestricted. Vehicles must be able to reach the site without passing through a security gate or other similar structure.

(4) The site shall provide at least two off-street parking spaces, no more than one of which may be provided in a garage or carport. These parking spaces may include spaces provided to meet residential parking requirements.

(5) The unloading and loading of vehicle occupants shall only be permitted on the driveway, approved parking area, or directly in front of the site and shall not unduly restrict traffic flow. Residences located on arterial streets shall provide a drop-off and pick-up area designed to prevent vehicles from backing into the roadway.

(6) The applicant shall comply with all applicable State Fire Marshall regulations.

(7) The site shall not be located within 1000 feet of any other large family day care home, small family day care home, board and care home, group home, or half-way house measured property line to property line.

(8) No more than fourteen children, including children under age ten who reside at the home, may be cared for at any large family day care home, and no more than one family day care home shall be located on any single parcel

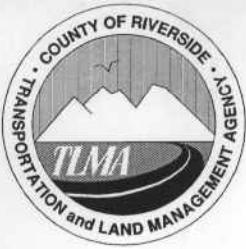
(9) An on-site identification sign may be permitted in accordance with the provisions of Section 19.4.(d) of this ordinance or may be approved with the large family daycare permit if submitted concurrently.

(10) If the home goes out of business for eighteen months or more, or if the State revokes the operator's large family day care license, the permit shall be null and void.

Amended Effective:

09-29-00 (Ord. 348.3955)

(Ord. 348.4232)



Tony Carstens
Agency Director

COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY



Robert C. Johnson
Planning Director

Planning Department

Notice of Exemption

- PROJECT CASE NO:** Ordinance No. 348.4232
- PROJECT SPONSOR:** County of Riverside
- PROJECT LOCATION:** Countywide
- PROJECT DESCRIPTION:** This ordinance amendment will add language that will simplify the process for obtaining a Large Family Day Care Home Permit. If an applicant fully meets the approval standards set forth in the ordinance the Large Family Day Care Home Permit shall be issued. No public hearing will be required, and there will be no appeal process due to the prescriptive legislation.

The Planning Department has found that the project is exempt from the provision of CEQA based on the following:

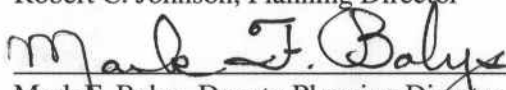
The Riverside County Planning Department has found that the project is exempt from the provisions (s) of CEQA based on the following CEQA Section:

§15061(b)(3), the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Findings:

1. The ordinance amendment will add language that will simplify the process for obtaining a Large Family Day Care Home Permit.
2. The ordinance amendment itself is not a project that will cause a significant effect on the environment.

RIVERSIDE COUNTY PLANNING DEPARTMENT
Robert C. Johnson, Planning Director


Mark F. Balys, Deputy Planning Director


Date

FOR COUNTY CLERKS USE ONLY

Please charge deposit fee case # County initiated project

Riverside Office· 4080 Lemon Street, 9th Floor
P.O. Box 1409· Riverside, California 92502-1409
(909) 955-3200 · Fax (909) 955-3157

Indio Office· 82-675 Hwy 111, 2nd Floor
Room 209, Indio, California 92201
(760) 863-8277 · Fax (760) 863-7040

Murrieta Office· 39493 Los Alamos Rd.
Murrieta, California 92563
(909) 600-6170 · Fax (909) 600-6145

ORDINANCE NO. 348.4232
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
AMENDING ORDINANCE NO. 348
RELATING TO ZONING

The Board of Supervisors of the County of Riverside Ordains as Follows:

Section 1. Section 18.29a. of Ordinance No. 348 is amended in its entirety to read as follows:

“SECTION 18.29a. LARGE FAMILY DAY CARE HOME PERMITS. Wherever an application for a large family day care home permit is submitted, the following provisions shall apply. A large family day care home means a home which provides family day care for no less than seven and no more than fourteen children, including children under the age of ten who reside at the home.

a. STATE PREEMPTION. Pursuant to section 1597.40 of the Health and Safety Code, the Legislature has declared that it is the public policy of the State of California to situate family day care homes for children in normal residential surroundings so as to provide children the same environment as would be found in a traditional home. The Legislature has further declared that this policy is a matter of statewide concern and that the State occupies the field and prohibits any local restrictions relating to the use of single-family residences for family day care homes, except as specifically provided.

b. REQUIREMENT FOR PERMIT. In accordance with the above-referenced policy, the Legislature has enacted section 1597.46 of the Health and Safety Code which provides that cities and counties shall not prohibit large family day care homes on lots zoned for single-family dwellings, but may require an applicant for a large family day care home to apply for a non-discretionary permit. Section 1597.46 further provides that cities and counties shall grant the permit if certain specified standards, restrictions and requirements are met. In accordance with section 1597.46, the Board of Supervisors hereby determines that any person may, subject to the approval standards set forth in subsection d. hereof, use a single-family dwelling for the operation of a large family day care home in any zone where single-family dwellings are permitted.

c. PERMIT PROCEDURE.

(1) Application. Every application for a large family day care home permit shall be made in writing to the Planning Department on the forms provided by the Planning Department, shall be accompanied by the filing fee set forth in County Ordinance No. 671, and shall include the following information:

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(b) The assessor's parcel number assigned to the property on which the home is situated (hereinafter, “the site”).

(c) A plot plan drawn to scale and in sufficient detail to clearly describe the following:

1. The boundary and physical dimensions of the site. This may be hand drawn provided it is legible.

1 (11) If the home goes out of business for eighteen months or more, or if the
2 State revokes the operator's large family day care license, the permit shall be null and
3 void."

4 Section 2. This ordinance shall take effect thirty (30) days after its adoption.

5 BOARD OF SUPERVISORS OF THE COUNTY
6 OF RIVERSIDE, STATE OF CALIFORNIA

7
8 By: _____
9 Chairman, Board of Supervisors

10 ATTEST:

11 NANCY ROMERO
12 Clerk to the Board

13 By: _____
14 Deputy

15
16 (SEAL)

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18 APPROVED AS TO FORM:
19 October 26, 2004

20 By: Katherine A. Lind
21 KATHERINE A. LIND
22 Deputy County Counsel
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