



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

WORKSHOP: April 14, 2009
SUBJECT: Workshop to discuss child day care facilities
APPLICANT: City of Carson
REQUEST: Direct staff to draft an ordinance addressing child day care use and appropriate zoning locations
PROPERTY INVOLVED: Citywide

COMMISSION ACTION

Concurred with staff
 Did not concur with staff
 Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Brown
		Vice-Chair Saenz			Gordon
		Cannon			Graber
		Brimmer			Verrett

I. Introduction

Quality child day care is an important service for the Carson community. Child day care is in high demand by parents and employers because it provides a safe environment for the care and development of children while parents are at work. Cities should review child day care facilities to ensure compatibility with surrounding areas while providing for the health, safety, welfare, and protection of children. Currently, the Carson Municipal Code (CMC) allows child care facilities in residential, commercial, and industrial zones. It is staff's opinion that the use is appropriate in residential and commercial zones. However, child care facilities may be unsafe to the health and safety of children if located in an industrial area where certain uses and activities may be incompatible. Furthermore, the CMC should be updated to meet the definitions and standards of State law.

II. Background

According to the Center for Community Economic Development, in Los Angeles County early child care and education generates \$1.9 billion annually and provides over 65,000 full-time equivalent jobs. By 2016, child care is expected to generate the sixth highest number of new jobs of all industries in the County. Child care establishes the foundation for all other industries by allowing parents to work and generate income to support their families.

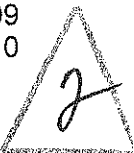
On January 14, 2003, the Planning Commission held a workshop to discuss amending the CMC to increase the number of children that can be served at a day care provided as an accessory use to a dwelling. After careful deliberation, the Planning Commission continued the matter indefinitely so that further research could be conducted. The item has not since been considered.

State Law

In California, child care facilities are licensed by the State Department of Social Services, Community Care Licensing Division (CCL) pursuant to the Health and Safety Code. There are two types of licensing facilities identified by the state:

- Child Care Center: Any child day care facility other than a family day care home. This includes infant centers, preschools, day care centers, and extended day care facilities.
- Family Child Care Home: A home that regularly provides non-medical care, protection, and supervision for 14 or fewer children, in the operator's (a.k.a. "provider's") home, for periods less than 24 hours a day, while the parents or guardians are away. There are two licensing categories:
 - Family Child Care Home, Small – Up to eight (8) children with certain restrictions; and
 - Family Child Care Home, Large – Nine (9) to fourteen (14) children with certain restrictions.

The state encourages family child care home facilities because of the growing need for child care and the compatibility of the use to residential uses. According to the California Health and Safety Code, Section 1597.40:



“It is the intent of the Legislature that family day care homes for children should be situated in normal residential surroundings so as to give children the home environment which is conducive to healthy and safe development. It is the public policy of this state to provide children in a family day care home the same home environment as provided in a traditional home setting...”

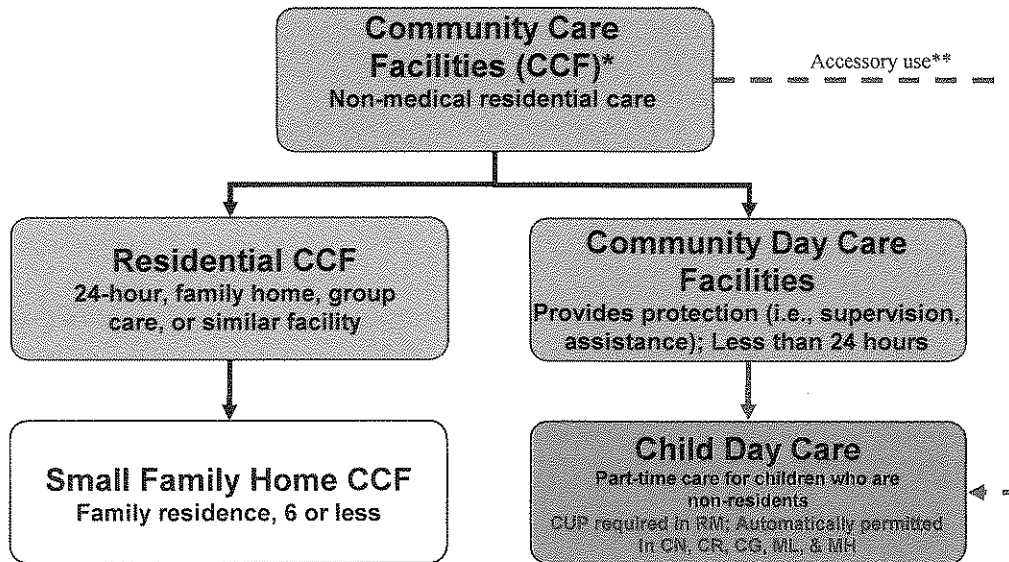
Cities may impose reasonable requirements for Large Family Child Care Homes in terms of spacing and concentration, traffic control, parking, and noise control. Additional requirements for Family Child Care Homes may be found in Sections 1597.30-1597.621 of the Health and Safety Code.

Carson Municipal Code Requirements

The CMC categorizes child care centers differently than the state. Child care centers are categorized under a broader term “Community Care Facilities,” which are non-medical residential care facilities that include 24-hour Residential Community Care Facilities and Community Day Care Facilities which operate less than 24 hours a day. Diagram 1 outlines the hierarchy of community care facilities in the city of Carson. Child day care is permitted under two categories:

- Community Care Facilities as an accessory use; and
- Community Day Care Facilities which operate less than 24 hours a day.

DIAGRAM 1 – COMMUNITY CARE FACILITIES IN THE CITY OF CARSON



*CMC Section 9141.1 (Uses Permitted in Industrial Zones) specifically prohibits Community Residential Care Facilities, but allows certain other uses permitted in commercial zones, including Community Day Care Facilities.

** CMC Section 9122.5 allows Child Day Care as an accessory use in a residential zone; Single-family dwelling up to 12; Multifamily dwelling up to 3, including children of the resident family.



Table 1 lists community care facilities permitted in each zone. Public and private elementary or secondary schools are included in the table as a comparison because they involve children and are specifically prohibited in industrial zones.

The CMC allows any use permitted in a commercial zone to be permitted in an industrial zone, unless specifically addressed in the industrial zone section. Since Community Day Care is not specifically addressed, the use is automatically permitted in industrial zones. It is staff's opinion that this provision is contrary to the intent of the CMC and may have been overlooked because other uses involving children are specifically prohibited in industrial zones.

TABLE 1 – USES PERMITTED

Use	RA	RS	RM	CN	CR	CG	CA	MU-CS	MU-SB	ML	MH
Small Family Home CCF	X	X	X								
Residential CCF other than Small Family Home			C			C		L		Not permitted*	Not permitted*
Community Day Care			C	X	X	X		X	X	X	X
CHILD DAY CARE	A	A	A	X	X	X		X	X	X	X
Public Elementary or Secondary School	X	X	X	X	X	X		X		Not permitted*	Not permitted
Private Elementary or Secondary School			C	X	X	X		X		Not permitted*	Not permitted*

* The CMC specifically labels the abovementioned uses as "Not permitted" in industrial zones.

- X = Automatically permitted
- C = Conditional use Permit required
- L = Limitations required
- A = Accessory use only (Sect. 9122.5)



General Plan Requirements

The following are goals, policies, and implementation measures in the General Plan related to child care:

- LU-IM-5.6 Encourage support services as part of industrial/commercial development (i.e., child care, convenience shopping, personal services, restaurants, etc.). (Implements LU-5.1, 5.2 and 5.4)
- ED-IM-3.8 Encourage support services as part of industrial/commercial development, e.g., child care, convenience shopping, personal services, and restaurants. (Implements Policy ED-3.8)
- SAF-IM-4.1 Require that businesses located within ¼-mile or less from a residential neighborhood, or ½-mile from a critical care facility follow the strictest guidelines possible regarding the handling, storage, containment, and transportation of extremely hazardous substances.
- Goal P-6 Quality public and private child care facilities throughout the community.
- Policy P-6.1 Expand the supply of quality child care in Carson.
- Policy P-6.2 Explore opportunities for the provision of child care for children of low income families and those with special needs.
- Policy P-6.3 Provide information to the Carson community on the family care resources offered to City residents.
- P-IM-6.1 Institute procedures to facilitate permits or entitlements for child care centers and/or projects which include childcare facilities. Also, encourage the provision of daycare centers by major employers in the City and in areas of large concentrations of businesses. (Implements PRC-6.1)
- P-IM-6.2 Develop incentive programs to promote the inclusion of childcare facilities within development projects. Incentive programs may include, but are not limited to: fee waivers, density bonuses, and floor-to-area ratio (FAR) bonuses. (Implements PRC-6.1)
- P-IM-6.3 Explore the feasibility of converting City owned buildings that are underutilized or vacant into privately managed, not-for-profit, childcare facilities. (Implements PRC-6.1)
- P-IM-6.4 Support public and private organizations in the provision of after school care programs. To this end:
- Encourage the School District to expand its after school care program by offering before and after school programs in both elementary and junior high schools.
 - Outreach to family daycare centers to expand child care services for elementary and junior high school children.

- Explore options for transporting children between home, school, and child care centers. (Implements PRC-6.1)
- P-IM-6.5 Schedule educational programs for child care providers on local cable TV channels, with program taping, coordination and presentations provided by the local network as partial fulfillment of its community service obligation. (Implements PRC-6.1)
- P-IM-6.6 Encourage the School District and the City's childcare providers to expand tutoring programs to benefit the youth of Carson. (Implements PRC-6.1)
- P-IM-6.7 Examine the feasibility of allocating funds for the construction of child care facilities in or near areas of low income housing. (Implements PRC-6.2)
- P-IM-6.8 Support childcare programs (e.g., volunteer at child care centers, "Adopt a Grandparent" programs, etc.). Work with senior citizen groups to generate senior citizen participation in these programs. (Implements PRC-6.2 and PRC-6.3)
- P-IM-6.9 Support programs such as Head Start and examine the potential to expand these facilities. (Implements PRC-6.2 and PRC-6.3)
- P-IM-6.10 Prepare a pamphlet, updated annually, which identifies family care resources within the City of Carson. Information in the pamphlet may include: types of programs available, accreditation information, location, hours of operation, etc. Include the information on the City's website. (Implements PRC-6.3)

III. Analysis

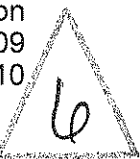
Legislative Discrepancies

As discussed above, there are several distinctions between State law and the CMC. State law defines child care facilities differently than the City and allows up to 8 or 14 children per Family Child Care Home; the CMC allows up to 6 or 12 children per residential child day care. Due to these discrepancies between State law and the Carson Municipal Code (CMC), implementation of the city's requirements may lead to inconsistencies.

Internal Discrepancies

CMC Section 9141.1 (Uses Permitted in Industrial Zones) specifically prohibits Public or Private Schools and Community Residential Care Facilities (more than 24-hour basis), but automatically permits Community Day Care Facilities (less than 24-hour basis). It is staff's opinion that schools were intentionally prohibited in industrial areas to protect the health, safety, and welfare of grade-school children. However, if this is true, the protection of younger children was overlooked since child day cares are automatically permitted in industrial zones.

The definitions for Community Care Facility and related subcategories in the CMC are confusing and can create inconsistent in implementation. As shown in Diagram 1 above,



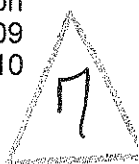
Child Day Care falls under the category, Community Day Care Facilities, if a primary use, but may be considered an accessory use if located in a residential zone.

Other Cities

The following table summarizes the child day care requirements of nearby cities. These cities all allow child day care in residential zoning districts and most allow child day care in commercial zoning districts. Requirements for child day care within industrial zoning districts differed in each city – most prohibit the use while cities that allow it require a condition use permit (CUP). Staff also noticed that many cities had specific requirements for large family child care homes within residential zoning districts. Under State law, cities do have the authority to impose those requirements.

Table 2 – Child Day Care in Other Cities

City	Residential	Commercial	Industrial	Other Zones	Comments
Artesia	R-1				Special req. for large; permit req'd; public notice req'd; no p.h. unless requested
Compton	Yes	Yes			Special req. for Family Child Care Homes
El Segundo	R-1, R-3, PRD			MMO (Employees only)	Special req. for large; permit req'd; public notice req'd; no p.h. unless requested
LA City	Yes	Yes			
LA County	Yes	Yes	Yes w/ CUP		Child care ctr. in residential req. CUP
Lakewood	R-1	C-1; CUP req'd	CUP in M-1		Permitted under schools, 9340.B.10 in M-1 zone, CUP req'd
Long Beach	Yes	Yes	Yes w/ CUP	Institutional	Subject to certain conditions; Homes of 15 children or more permitted
Lynwood	Yes	Yes	Daycare ctr. permitted w/ CUP	OS	Small daycare home auto. permitted; daycare center req. CUP
Torrance	R-1, R-2, R-3, R-R-3, R-4, R-TH	C-1, C-2			CUP for day care centers; large family day care permit req'd
Whittier	Yes				
Gardena	Yes	Yes w/ CUP	No		Special req. for large, incl. 300' buffer from other large; CUP in R-3



Proposal

Staff is recommending that the Planning Commission consider:

1. An ordinance to amend the Carson Municipal Code so that definitions and requirements are consistent with State law; and
2. If child day cares are appropriate in industrial areas.

The General Plan encourages child care facilities as a support service to industrial uses, but does not specify appropriate locations and infers that children should be protected from certain industrial operations. It is staff's opinion that there is a need for child day cares to be located in close proximity to employment centers such as industrial areas. However, it is the Planning Commission's responsibility to determine the appropriateness of locating child day care facilities in and around industrial areas for the protection of children. The Planning Commission should consider private child day care facilities run by businesses that offer service only to their employees and regulations that limit the hours of operation, number of vehicle trips, and impacts to surrounding uses of child day care facilities.

TABLE 3 – PROPOSED ORDINANCE AMENDMENT

Type of Business	Description	Permitted Zones	Prohibited Zones
Family Child Care Home, Small	Up to 8 children with certain restrictions 3 or less for multiple dwelling Accessory use	RA, RS, RM	All other zones
Family Child Care Home, Large	9-14 children with certain restrictions or CUP Accessory use	RA, RS, RM	All other zones
Child Care Center	Includes infant centers, preschools, and child day care centers Primary use	CN, CR, CG, OS CUP req'd in RM, MU-CS, MU-SB, ML, and MH	All other zones



Impacts to Existing Businesses and the City

As of January 2009, the city has the following:

- 54 Small Family Child Care Homes
- 80 Large Family Child Care Homes
- 8 Child Care Centers

The proposal seeks to limit impacts to existing businesses and make the city's requirements consistent with State law. If the Planning Commission wishes to pursue the proposal, the following impacts would occur:

- 3 child care centers located in an industrial zone would be required to obtain a CUP
- 1 facility located in the MU-CS zoning district would be required to obtain a CUP
- 80 Large Family Child Care Homes may be required to upgrade their facilities or obtain a CUP
- 4 child care facilities located in an RM zoning district may be required to obtain a CUP

Topics for Discussion

- Is it appropriate to further regulate Large Family Child Care Homes?
- Should the city adopt definitions similar to the State?
- Should child care be allowed in industrial areas?
- What impacts would an ordinance amendment make on existing businesses and surrounding areas?

IV. Conclusion

Quality child day care is an important service that must be accessible to Carson residents. Due to its high demand, it is important that the city establish appropriate regulations that protect children and make it feasible for nearby businesses to operate. The city's current definitions on community care facilities, including child care facilities, are difficult to interpret and may lead to inconsistent interpretations. An ordinance amendment is necessary in order to make the city's requirements on child care consistent with the State and avoid ambiguity during implementation. The city must determine if existing and future child care facilities are appropriate within industrial areas since such uses may conflict with industrial activities.

V. Recommendation

That the Planning Commission:

- CONSIDER and DISCUSS staff's recommendation to amend the sections of the Code dealing with child day care; and
- DIRECT staff to draft an ordinance for consideration by the Planning Commission; or
- RECEIVE and FILE.


VI. Exhibits

1. Child Day Care Facilities map dated January 6, 2009
2. Child Care in Carson as of January 2009
3. California Health and Safety Code Section 1597.30-1597.621
4. Section 9122.5 of the Carson Municipal Code

Prepared by:


John F. Signo, AICP, Senior Planner

Approved by:


Sheri Repp, Planning Manager



Child Day Care Facilities Carson, CA

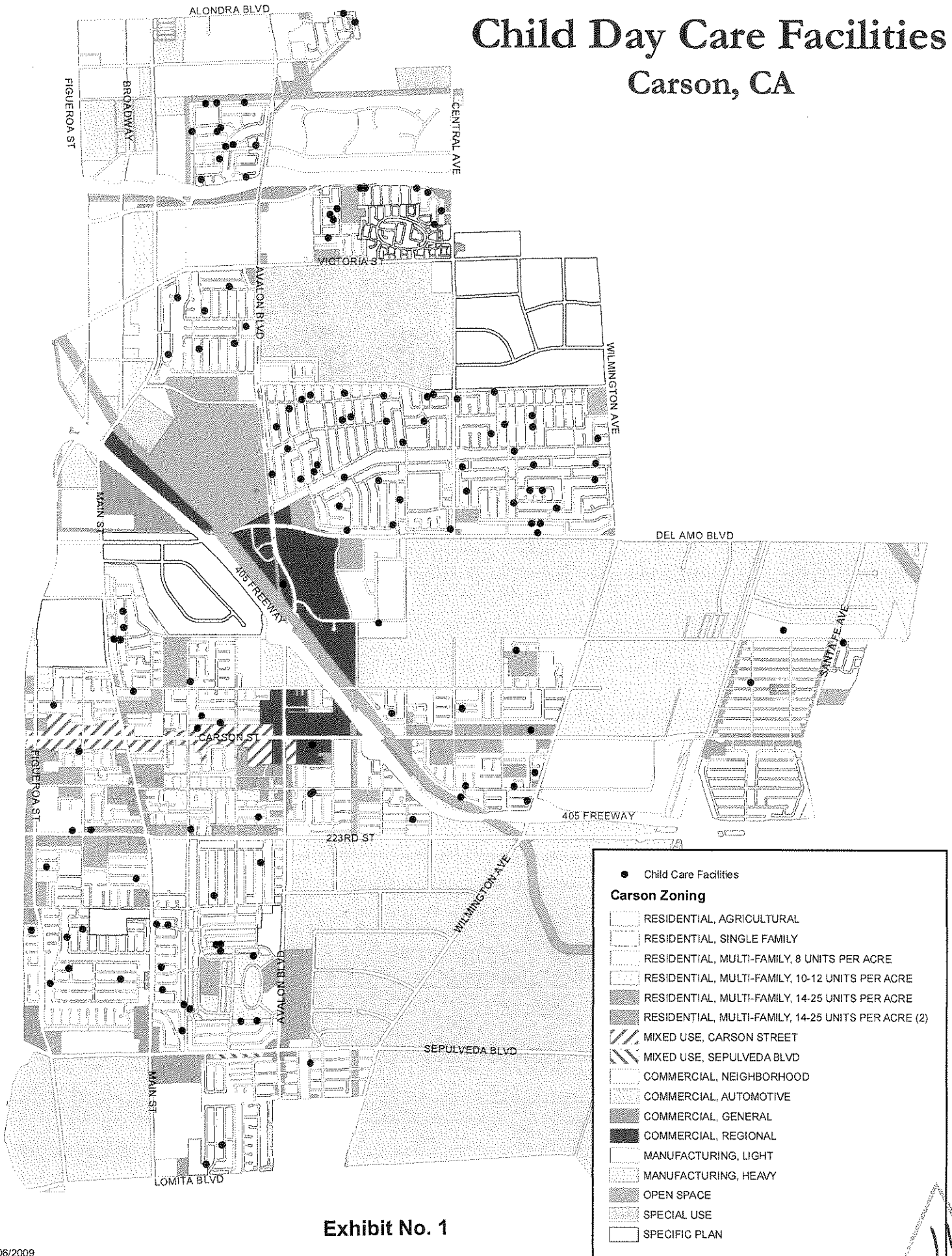


Exhibit No. 1

**CHILD CARE IN CARSON AS OF JAN. 2009
COMMERCIAL CHILD DAY CARE**

Firm Name	Owner	Firm Address	Business Type Description
Carson Montessori Academy	May, Sydney	812 E Carson St	CHILD CARE/COMMERCIAL
Community Development Center Inc	Community Development Center Inc	1717 E Carson St	CHILD CARE/COMMERCIAL
Golden Wings Academy C D C	Golden Wings Academy C D C Inc	20715 S Avalon Blvd 100	CHILD CARE/COMMERCIAL
Lakeshore Kids And Co	Lakeshore Kids And Co Inc	2695 E Dominguez St	CHILD CARE/COMMERCIAL
Little Angel's Retreat	De Silva, Sunethra	18419 S Avalon Blvd	CHILD CARE/COMMERCIAL
Little Scholars Learning Academy	Johnson, Linda Ann	321 E Carson St	CHILD CARE/COMMERCIAL
Peace & Joy Child Development Center	Peace & Joy Care Center	1691-1693 E Del Amo Blvd	CHILD CARE/COMMERCIAL
Village Kids - Carson Square	Village Kids U S A Inc	1110 1/2 E Dominguez St	CHILD CARE/COMMERCIAL

**CHILD CARE IN CARSON AS OF JAN. 2009
SMALL FAMILY CHILD CARE HOMES**

Firm Name	Owners	Firm Address	Business Type Description
1 2 3 Rainbow A B C	Echegaray, Laura	807 E Hadler St	CHILD CARE/RESIDENTIAL
Allen Family Christian Day Care	Allen, Jean	19102 Enslow Dr	CHILD CARE/RESIDENTIAL
Andrews Family Child Care	Andrews, Marisol	17537 Lysander Dr	CHILD CARE/RESIDENTIAL
Anna Luna Day Care	Luna, Anna	350 E 231st St	CHILD CARE/RESIDENTIAL
Asher Family Child Care	Asher, Shacarra	923 E Nordby St	CHILD CARE/RESIDENTIAL
Ayala Family Child Care	Ayala, Donielle F	1629 E 220th St	CHILD CARE/RESIDENTIAL
Bell Family Child Care	Bell, Megan	467 E 169th St	CHILD CARE/RESIDENTIAL
Brooks Family Child Care	Brooks, Maria	17403 Scudder Ct	CHILD CARE/RESIDENTIAL
Bushnell Family Day Care	Bushnell, Florence Ann	18222 Coltman Ave	CHILD CARE/RESIDENTIAL
Bynum Family Day Care	Bynum, Gladys	20022 Tilman Ave	CHILD CARE/RESIDENTIAL
Citizen-Palmer Family Child Care	Citizen-Palmer, Kerri	1613 Helmick St	CHILD CARE/RESIDENTIAL
Collins Family Child Care	Collins, Alexandria M	19327 Enslow Dr	CHILD CARE/RESIDENTIAL
Dominguez Family Child Care	Dominguez, Bertha B	2818 E Dominguez St	CHILD CARE/RESIDENTIAL
Elisia & Rufino Cardoso	Cardoso, Elisia	337 E Double St	CHILD CARE/RESIDENTIAL
Flores Family Child Care	Flores, Rosa	20833 Margaret St	CHILD CARE/RESIDENTIAL
Gates Family Day Care	Gates, Bernetta	1753 E Dimondale Dr	CHILD CARE/RESIDENTIAL
Gran's House	Woods, Sharon	19936 Campaign Dr	CHILD CARE/RESIDENTIAL
Greer's Family Day Care	Greer, Ora	19109 Pricetown Ave	CHILD CARE/RESIDENTIAL
Hermelinda Leon	Leon, Hermelinda	3 Scottsdale Dr N	CHILD CARE/RESIDENTIAL
Jackson's Family Child Care	Jackson, Ronald	20103 Harlan Ave	CHILD CARE/RESIDENTIAL
Jeweral Dixon Family Day Care	Dixon, Jeweral	1632 E Abbottson St	CHILD CARE/RESIDENTIAL
Jones Family Child Care	Jones, Chevette C	537 W Athena Pl	CHILD CARE/RESIDENTIAL
Kuehne Family Day Care	Kuehne, Carlene	351 E 231st St	CHILD CARE/RESIDENTIAL
Lang Family Day Care	Lang, Dora	17335 Wall St	CHILD CARE/RESIDENTIAL
Lil' Angels Day Care	Cuevas, Lou-Anne S	614 W 230th St	CHILD CARE/RESIDENTIAL
Little Folk's Day Care	Williamson, Teresa	368 Sherman Dr	CHILD CARE/RESIDENTIAL
Mansker Family Child Care	Mansker, Beverly	19715 Campaign Dr	CHILD CARE/RESIDENTIAL
Mares Family Child Care	Mares, Claudia	23210 Anchor Ave	CHILD CARE/RESIDENTIAL
Maria Elena Mendez	Mendez, Maria E	508 E 238th St	CHILD CARE/RESIDENTIAL
Matias Day Care	Matias, Julia D	302 E Clarion Dr	CHILD CARE/RESIDENTIAL
Mc Donald Family Day Care	Mc Donald, Charisse	532 Cassidy St	CHILD CARE/RESIDENTIAL
Mendoza Family Child Care	Mendoza, Francisca	21022 Pontine Ave	CHILD CARE/RESIDENTIAL
Michelle Garcia Family Child Care	Garcia, Michelle M	1221 E 222nd St	CHILD CARE/RESIDENTIAL
Mom's Helper	Williams, Sandra	24802 Petaluma Ln	CHILD CARE/RESIDENTIAL
Newton's Family Child Care	Newton, Georgia	1226 Bitterlake St	CHILD CARE/RESIDENTIAL
Nichols Family Child Care	Nichols, Alicia	1261 E Radbard St	CHILD CARE/RESIDENTIAL
Noemi Vera	Vera, Noemi	22603 Ravenna Ave	CHILD CARE/RESIDENTIAL
O'Donovan Family Day Care	O' Donovan, Nora	103 E 229th Pl	CHILD CARE/RESIDENTIAL

**CHILD CARE IN CARSON AS OF JAN. 2009
SMALL FAMILY CHILD CARE HOMES**

Firm Name	Owners	Firm Address	Business Type Description
Parker Family Child Care	Parker, Sheila	17125 Saldee Dr	CHILD CARE/RESIDENTIAL
Payne Family Child Care	Perpetual Prosperity Lic	547 E Kenbridge Dr	CHILD CARE/RESIDENTIAL
Poti Family Daycare	Poti, April	130 W 226th St	CHILD CARE/RESIDENTIAL
Randolph Family Child Care	Randolph, Carmen	19103 Haigler Dr	CHILD CARE/RESIDENTIAL
Ravenna Home Manna Manor Inc	Manna Manor, Inc.	24713 Ravenna Ave	CHILD CARE/RESIDENTIAL
Sanchez Family Child Care	Sanchez, Anifa M	121 E 234th Pl	CHILD CARE/RESIDENTIAL
Sashi Day Care	De Silva, Shiromi	316 W 230th St	CHILD CARE/RESIDENTIAL
Shabazz Family Child Care	Shabazz, Akil	17625 Amantha Ave	CHILD CARE/RESIDENTIAL
Sotelo Family Day Care	Sotelo, Aurora	135 E 229th Pl	CHILD CARE/RESIDENTIAL
Towers Family Child Care	Towers, Phyllis	19323 S Cliveden Ave	CHILD CARE/RESIDENTIAL
Violeta F Carpio	Carpio, Violeta F	22224 S Dolores St 1	CHILD CARE/RESIDENTIAL
Walker Family Child Care	Walker, Barbara	1708 E Abbottson St	CHILD CARE/RESIDENTIAL
Warren's Family Day Care	Warren, Debbie	19003 Nestor Ave	CHILD CARE/RESIDENTIAL
Washington/Carpenter Day Care	Washington, Daryl C	1860 Fernrock St	CHILD CARE/RESIDENTIAL
Waters' Family Day Care	Waters, Dora	1712 E Cyrene Dr	CHILD CARE/RESIDENTIAL
Woodard Family Day Care	Woodard, Earline	19110 Caney Ave	CHILD CARE/RESIDENTIAL

**CHILD CARE IN CARSON AS OF JAN. 2009
LARGE FAMILY CHILD CARE HOMES**

Firm Name	Owner	Firm Address	Business Type Description
Carson Montessori Academy	May, Sydney	812 E Carson St	CHILD CARE/COMMERCIAL
Community Development Center Inc	Community Development Center Inc	1717 E Carson St	CHILD CARE/COMMERCIAL
Golden Wings Academy C D C	Golden Wings Academy C D C Inc	20715 S Avalon Blvd 100	CHILD CARE/COMMERCIAL
Lakeshore Kids And Co	Lakeshore Kids And Co Inc	2695 E Dominguez St	CHILD CARE/COMMERCIAL
Little Angel's Retreat	De Silva, Sunethra	18419 S Avalon Blvd	CHILD CARE/COMMERCIAL
Little Scholars Learning Academy	Johnson, Linda Ann	321 E Carson St	CHILD CARE/COMMERCIAL
Peace & Joy Child Development Center	Peace & Joy Care Center	1691-1693 E Del Amo Blvd	CHILD CARE/COMMERCIAL
Village Kids - Carson Square	Village Kids U S A Inc	1110 1/2 E Dominguez St	CHILD CARE/COMMERCIAL
A To Z Family Child Care	Lewis, Monique	821 E Radbard St	CHILD CARE/RESIDENTIAL
Abundant Blessings Daycare	Goolsby III, Monroe	1063 Denwall Dr	CHILD CARE/RESIDENTIAL
Adams Family Day Care	Adams, Sheryl E	17403 Prondall Ct	CHILD CARE/RESIDENTIAL
Agape Love Christian Child Care;	Amos, Gail	903 E Gladwick St	CHILD CARE/RESIDENTIAL
Andrade's Family Day Care	Andrade, Maria	20927 Margaret St	CHILD CARE/RESIDENTIAL
Angel's Hangout Day Care	Saldana, Jaime	1714 Abri St	CHILD CARE/RESIDENTIAL
Atkinson Family Day Care	Atkinson, Denise	19315 Fariman Dr	CHILD CARE/RESIDENTIAL
Beavers Family Child Care	Beavers, Alvera	1863 Helmick St	CHILD CARE/RESIDENTIAL
Beezer Family Day Care	Beezer, Cynthia	19227 S Cliveden Ave	CHILD CARE/RESIDENTIAL
Bose Family Child Care	Bose, Delia	307 W 218th St	CHILD CARE/RESIDENTIAL
Brown Family Child Care	Brown, Sheila R	1512 Turmont St	CHILD CARE/RESIDENTIAL
Cain Family Child Care	Cain, Marine Gibson	1011 Fernrock St	CHILD CARE/RESIDENTIAL
Davis Child Care	Davis, Yvonne	19216 Galway Ave	CHILD CARE/RESIDENTIAL
Davis Family Daycare	Davis, Grace	357 Centerview Dr	CHILD CARE/RESIDENTIAL
De Jesus Family Child Care	De Jesus, Catherine	184 E 235th St	CHILD CARE/RESIDENTIAL
Elliott's Family Child Care	Elliott, Yolanda	19319 Coslin Ave	CHILD CARE/RESIDENTIAL
Ennis Family Day Care	Ennis, Angela	1243 E Bankers Dr	CHILD CARE/RESIDENTIAL
Garcia Family Day Care	Garcia, Antonia	423 E 182nd St	CHILD CARE/RESIDENTIAL
Garcia Family Day Care	Garcia, Herminia	22719 Neptune Ave	CHILD CARE/RESIDENTIAL
Gardner Family Child Care	Gardner, Tondra	828 Meadbrook St	CHILD CARE/RESIDENTIAL
Gonzalez Family Day Care	Gonzalez, Belen	519 E 237th St	CHILD CARE/RESIDENTIAL
Gracia Family Day Care	Gracia, Rosalina	450 W 234th St	CHILD CARE/RESIDENTIAL
Hardy Family Child Care	Hardy, Mary	337 E 169th St	CHILD CARE/RESIDENTIAL
Hinton Family Day Care	Hinton, Tina	420 Bradenhall Dr	CHILD CARE/RESIDENTIAL
Hopper Family Day Care	Hopper, Geraldine	918 Denwall Dr	CHILD CARE/RESIDENTIAL
Houston Family Child Care	Houston, Evoria	19829 Galway Ave	CHILD CARE/RESIDENTIAL
Infant-Toddler University Family Child Care	Infant-Toddler University Family Child Care	828 E Radbard St	CHILD CARE/RESIDENTIAL
Jenkins Day Care	Jenkins, Harriet	16220 Malloy Ave	CHILD CARE/RESIDENTIAL
Jocelyn Dela Cruz Family Day Care	Dela Cruz, Jocelyn	424 E Double St	CHILD CARE/RESIDENTIAL
Kidz Heaven Ervin-Morgan Family Day Care	Ervin-morgan, Brenda Joyce	116 E 232nd Pl	CHILD CARE/RESIDENTIAL
Liddie Family Day Care	Liddie Family Day Care	17009 Billings Dr	CHILD CARE/RESIDENTIAL
Lopez Family Child Care	Lopez, Maria	21003 Shearer Ave	CHILD CARE/RESIDENTIAL

**CHILD CARE IN CARSON AS OF JAN. 2009
LARGE FAMILY CHILD CARE HOMES**

Firm Name	Owner	Firm Address	Business Type Description
Martinez Family Child Care Universal Preschool	Martinez, Angela T	21004 Shearer Ave	CHILD CARE/RESIDENTIAL
Mary Young Quality Child Care	Young, Mary	20322 Amantha Ave	CHILD CARE/RESIDENTIAL
Maxi's Castle	Garcia, Maximina	21503 Alvar Pl	CHILD CARE/RESIDENTIAL
Mays Family Day Care	Mays, Bobbie	19812 Wadley Ave	CHILD CARE/RESIDENTIAL
Merriman Family Child Care	Merriman, Jacqueline N	21444 Vera St	CHILD CARE/RESIDENTIAL
Montalbo Family Child Care	Montalbo, Stephanie	23255 Archibald Ave	CHILD CARE/RESIDENTIAL
Moses Family Child Care	Moses, Jeanette	1662 E Cyrene Dr	CHILD CARE/RESIDENTIAL
Nevarez Smart Child Day Care	Nevarez, Rafaela	1805 E 219th St	CHILD CARE/RESIDENTIAL
Olivas Family Child Care	Olivas, Cecilia	2556 E Jackson St	CHILD CARE/RESIDENTIAL
Parra Family Day Care	Parra, Rosa	177 W 234th St	CHILD CARE/RESIDENTIAL
Precious Gems Child Care	Mota, Josie O	146 E 213th St	CHILD CARE/RESIDENTIAL
Puckett Family Child Care	Puckett, Jewell	19402 Hillford Ave	CHILD CARE/RESIDENTIAL
Purity Enterprises	Patterson, Dani	19409 Reinhart Ave	CHILD CARE/RESIDENTIAL
Reaching For The Sky Family Day Care L L C	Reaching For The Sky Family Day Care L L C	19313 Tajauta Ave	CHILD CARE/RESIDENTIAL
Rein Family Child Care	Rein, Pepe	327 W 223rd St	CHILD CARE/RESIDENTIAL
Robles-Martinez Family Child Care	Robles-Martinez, Elizabeth	23720 Enda Ave	CHILD CARE/RESIDENTIAL
Rose's Day Care	Perez, Rosita M	1429 E 220th St	CHILD CARE/RESIDENTIAL
Ruiz Ch Family Day Care	Ruiz Ch, Concepcion	19509 Annalee Ave	CHILD CARE/RESIDENTIAL
Sheyril's Care	Nickles-Weemes, Sheyrl	504 E Kenbridge Dr	CHILD CARE/RESIDENTIAL
Shirley Currie	Currie, Shirley	1860 E Kamm St	CHILD CARE/RESIDENTIAL
Smith & Sims Family Child Care	Smith, Arika	19324 Caney Ave	CHILD CARE/RESIDENTIAL
Smith Family Child Care	Smith, Donna	19813 Dunbrooke Ave	CHILD CARE/RESIDENTIAL
Smith Family Day Care	Smith, Vivian	19115 Leapwood Ave	CHILD CARE/RESIDENTIAL
Songloke Family Child Care	Songloke, Wanida	22015 Garston Ave	CHILD CARE/RESIDENTIAL
Sonia C Lewis Family Day Care	Lewis, Sonia C	261 W 223rd St	CHILD CARE/RESIDENTIAL
Soto Family Child Care	Soto, Aida	18613 Towne Ave	CHILD CARE/RESIDENTIAL
Sword Family Child Care	Sword, Tanya R	17404 Prondall Ct	CHILD CARE/RESIDENTIAL
Tamrat & Getachew Family Child Care	Tamrat, An'gellene	1436 E Bach St	CHILD CARE/RESIDENTIAL
Taylor's Family Day Care	Taylor, Charles	557 E 222nd St	CHILD CARE/RESIDENTIAL
Torres Family Child Care Home	Torres, Faviola	23528 S Dolores St	CHILD CARE/RESIDENTIAL
Tweet's Child Development	Savage, Linda F	19739 Leapwood Ave	CHILD CARE/RESIDENTIAL
Tweets Day Care Center	Blanchard, Ernestine	921 E Diamondale Dr	CHILD CARE/RESIDENTIAL
Vance Family Day Care	Jordan, Scherie	365 E 169th St	CHILD CARE/RESIDENTIAL
Wee Li'l People Day Care	Rodriguez, Sylvia V	752 E Lincoln St	CHILD CARE/RESIDENTIAL
Wells Family Day Care	Wells, David	18719 Coltman Ave	CHILD CARE/RESIDENTIAL
Whittiker Family Child Care	Seay Whittiker, Lakisha	1317 Helmick St	CHILD CARE/RESIDENTIAL
Worthy Family Day Care	Worthy, Angela M	23029 S Archibald Ave	CHILD CARE/RESIDENTIAL
Wright's Family Day Care	Wright, Delores	17221 Ambler Ave	CHILD CARE/RESIDENTIAL
Yanez Family Day Care	Yanez, Sylvia M	427 E 237th St	CHILD CARE/RESIDENTIAL
Young Scholars Daycare	Minor-Brown, Alicia S	20003 Midtown Ave	CHILD CARE/RESIDENTIAL



CALIFORNIA CODES
HEALTH AND SAFETY CODE
SECTION 1597.30-1597.621

1597.30. The Legislature finds and declares:

- (a) It has a responsibility to ensure the health and safety of children in family homes that provide day care.
- (b) That there are insufficient numbers of regulated family day care homes in California.
- (c) There will be a growing need for child day care facilities due to the increase in working parents.
- (d) Many parents prefer child day care located in their neighborhoods in family homes.
- (e) There should be a variety of child care settings, including regulated family day care homes, as suitable alternatives for parents.
- (f) That the program to be operated by the state should be cost effective, streamlined, and simple to administer in order to ensure adequate care for children placed in family day care homes, while not placing undue burdens on the providers.
- (g) That the state should maintain an efficient program of regulating family day care homes that ensures the provision of adequate protection, supervision, and guidance to children in their homes.

1597.36. The department shall provide written documentation to providers of the need for repairs, renovations, or additions when requested for an application for a loan guarantee pursuant to subdivision (d) of Section 8277.6 of the Education Code whenever the repairs, renovations, or additions are required by the department in order for the licensee to maintain or obtain a license for more than six children.

1597.40. (a) It is the intent of the Legislature that family day care homes for children should be situated in normal residential surroundings so as to give children the home environment which is conducive to healthy and safe development. It is the public policy of this state to provide children in a family day care home the same home environment as provided in a traditional home setting.

The Legislature declares this policy to be of statewide concern with the purpose of occupying the field to the exclusion of municipal zoning, building and fire codes and regulations governing the use or occupancy of family day care homes for children, except as specifically provided for in this chapter, and to prohibit any restrictions relating to the use of single-family residences for family day care homes for children except as provided by this chapter.

(b) Every provision in a written instrument entered into relating to real property which purports to forbid or restrict the conveyance, encumbrance, leasing, or mortgaging of the real property for use or occupancy as a family day care home for children, is void and every restriction or prohibition in any such written instrument as to the use or occupancy of the property as a family day care home for children is void.

(c) Except as provided in subdivision (d), every restriction or prohibition entered into, whether by way of covenant, condition upon

Exhibit 3



use or occupancy, or upon transfer of title to real property, which restricts or prohibits directly, or indirectly limits, the acquisition, use, or occupancy of such property for a family day care home for children is void.

(d) (1) A prospective family day care home provider, who resides in a rental property, shall provide 30 days' written notice to the landlord or owner of the rental property prior to the commencement of operation of the family day care home.

(2) For family day care home providers who have relocated an existing licensed family day care home program to a rental property on or after January 1, 1997, less than 30 days' written notice may be provided in cases where the department approves the operation of the new location of the family day care home in less than 30 days, or the home is licensed in less than 30 days, in order that service to the children served in the former location not be interrupted.

(3) A family day care home provider in operation on rental or leased property as of January 1, 1997, shall notify the landlord or property owner in writing at the time of the annual license fee renewal, or by March 31, 1997, whichever occurs later.

(4) Notwithstanding any other provision of law, upon commencement of, or knowledge of, the operation of a family day care home on his or her property, the landlord or property owner may require the family day care home provider to pay an increased security deposit for operation of the family day care home. The increase in deposit may be required notwithstanding that a lesser amount is required of tenants who do not operate family day care homes. In no event, however, shall the total security deposit charged exceed the maximum allowable under existing law.

(5) Section 1596.890 shall not apply to this subdivision.

1597.43. The Legislature finds and declares all of the following:

(a) Family day care homes operated under the standards of state law constitute accessory uses of residentially zoned and occupied properties and do not fundamentally alter the nature of the underlying residential uses. Family day care homes draw clients and vehicles to their sites during a limited time of day and do not require the attendance of a large number of employees and equipment.

(b) The uses of congregate care facilities are distinguishable from the uses of family day care homes operated under the standards of state law. For purposes of this section, a "congregate care facility" means a "residential facility," as defined in paragraph (1) of subdivision (a) of Section 1502. Congregate care facilities are used throughout the day and night, and the institutional uses of these facilities are primary uses of the facilities, not accessory uses, and draw a large number of employees, vehicles, and equipment compared to that drawn to family day care homes.

(c) The expansion permitted for family day care homes by Sections 1597.44 and 1597.465 is not appropriate with respect to congregate care facilities, or any other facilities with quasi-institutional uses. Therefore, with these provisions, the Legislature does not intend to alter the legal standards governing congregate care facilities and these provisions are not intended to encourage, or be a precedent for, changes in statutory and case law governing congregate care facilities.

1597.44. A small family day care home may provide care for more than six and up to eight children, without an additional adult attendant, if all of the following conditions are met:

(a) At least one child is enrolled in and attending kindergarten or elementary school and a second child is at least six years of age.

(b) No more than two infants are cared for during any time when more than six children are cared for.

(c) The licensee notifies each parent that the facility is caring for two additional schoolage children and that there may be up to seven or eight children in the home at one time.

(d) The licensee obtains the written consent of the property owner when the family day care home is operated on property that is leased or rented.

1597.45. All of the following shall apply to small family day care homes:

(a) The use of single-family residence as a small family day care home shall be considered a residential use of property for the purposes of all local ordinances.

(b) No local jurisdiction shall impose any business license, fee, or tax for the privilege of operating a small family day care home.

(c) Use of a single-family dwelling for purposes of a small family day care home shall not constitute a change of occupancy for purposes of Part 1.5 (commencing with Section 17910) of Division 13 (State Housing Law) or for purposes of local building codes.

(d) A small family day care home shall not be subject to Article 1 (commencing with Section 13100) or Article 2 (commencing with Section 13140) of Chapter 1 of Part 2, except that a small family day care home shall contain a fire extinguisher and smoke detector device that meet standards established by the State Fire Marshal.

1597.46. All of the following shall apply to large family day care homes:

(a) A city, county, or city and county shall not prohibit large family day care homes on lots zoned for single-family dwellings, but shall do one of the following:

(1) Classify these homes as a permitted use of residential property for zoning purposes.

(2) Grant a nondiscretionary permit to use a lot zoned for a single-family dwelling to any large family day care home that complies with local ordinances prescribing reasonable standards, restrictions, and requirements concerning spacing and concentration, traffic control, parking, and noise control relating to those homes, and complies with subdivision (e) and any regulations adopted by the State Fire Marshal pursuant to that subdivision. Any noise standards shall be consistent with local noise ordinances implementing the noise element of the general plan and shall take into consideration the noise level generated by children. The permit issued pursuant to this paragraph shall be granted by the zoning administrator, or if there is no zoning administrator by the person or persons designated by the planning agency to grant these permits, upon the certification without a hearing.

(3) Require any large family day care home to apply for a permit to use a lot zoned for single-family dwellings. The zoning administrator, or if there is no zoning administrator, the person or persons designated by the planning agency to handle the use permits, shall review and decide the applications. The use permit shall be granted if the large family day care home complies with local ordinances, if any, prescribing reasonable standards, restrictions, and requirements concerning the following factors: spacing and concentration, traffic control, parking, and noise control relating

to those homes, and complies with subdivision (e) and any regulations adopted by the State Fire Marshal pursuant to that subdivision. Any noise standards shall be consistent with local noise ordinances implementing the noise element of the general plan and shall take into consideration the noise levels generated by children. The local government shall process any required permit as economically as possible.

Fees charged for review shall not exceed the costs of the review and permit process. An applicant may request a verification of fees, and the city, county, or city and county shall provide the applicant with a written breakdown within 45 days of the request. Beginning July 1, 2007, the application form for large family day care home permits shall include a statement of the applicant's right to request the written fee verification.

Not less than 10 days prior to the date on which the decision will be made on the application, the zoning administrator or person designated to handle the use permits shall give notice of the proposed use by mail or delivery to all owners shown on the last equalized assessment roll as owning real property within a 100-foot radius of the exterior boundaries of the proposed large family day care home. A hearing on the application for a permit issued pursuant to this paragraph shall not be held before a decision is made unless a hearing is requested by the applicant or other affected person. The applicant or other affected person may appeal the decision. The appellant shall pay the cost, if any, of the appeal.

(b) In connection with any action taken pursuant to paragraph (2) or (3) of subdivision (a), a city, county, or city and county shall do all of the following:

(1) Upon the request of an applicant, provide a list of the permits and fees that are required by the city, county, or city and county, including information about other permits that may be required by other departments in the city, county, or city and county, or by other public agencies. The city, county, or city and county shall, upon request of any applicant, also provide information about the anticipated length of time for reviewing and processing the permit application.

(2) Upon the request of an applicant, provide information on the breakdown of any individual fees charged in connection with the issuance of the permit.

(3) If a deposit is required to cover the cost of the permit, provide information to the applicant about the estimated final cost to the applicant of the permit, and procedures for receiving a refund from the portion of the deposit not used.

(c) A large family day care home shall not be subject to the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code.

(d) Use of a single-family dwelling for the purposes of a large family day care home shall not constitute a change of occupancy for purposes of Part 1.5 (commencing with Section 17910) of Division 13 (State Housing Law), or for purposes of local building and fire codes.

(e) Large family day care homes shall be considered as single-family residences for the purposes of the State Uniform Building Standards Code and local building and fire codes, except with respect to any additional standards specifically designed to promote the fire and life safety of the children in these homes adopted by the State Fire Marshal pursuant to this subdivision. The State Fire Marshal shall adopt separate building standards specifically relating to the subject of fire and life safety in large family day care homes which shall be published in Title 24 of the California Code of Regulations. These standards shall apply uniformly throughout the state and shall include, but not be limited to: (1) the requirement that a large family day care home contain a fire

extinguisher or smoke detector device, or both, which meets standards established by the State Fire Marshal; (2) specification as to the number of required exits from the home; and (3) specification as to the floor or floors on which day care may be provided. Enforcement of these provisions shall be in accordance with Sections 13145 and 13146. No city, county, city and county, or district shall adopt or enforce any building ordinance or local rule or regulation relating to the subject of fire and life **safety** in large family day care homes which is inconsistent with those standards adopted by the State Fire Marshal, except to the extent the building ordinance or local rule or regulation applies to single-family residences in which day care is not provided.

(f) The State Fire Marshal shall adopt the building standards required in subdivision (d) and any other regulations necessary to implement this section.

1597.465. A large family day care home may provide care for more than 12 children and up to and including 14 children, if all of the following conditions are met:

(a) At least one child is enrolled in and attending kindergarten or elementary school and a second child is at least six years of age.

(b) No more than three infants are cared for during any time when more than 12 children are being cared for.

(c) The licensee notifies a parent that the facility is caring for two additional schoolage children and that there may be up to 13 or 14 children in the home at one time.

(d) The licensee obtains the written consent of the property owner when the family day care home is operated on property that is leased or rented.

1597.467. (a) Whenever any licensee under this chapter has reasonable cause to believe that a child in his or her care has suffered any injury or has been subjected to any act of violence while under the licensee's care, the licensee shall, as soon as possible, report that injury or act of violence to the parent, parents, or guardian of that child.

(b) (1) A report shall be made to the department by telephone or fax during the department's normal business hours before the close of the next working day following the occurrence during the operation of a family day care home of any of the following events:

(A) Death of any child from any cause.

(B) Any injury to any child that requires medical treatment.

(C) Any unusual incident or child absence that threatens the physical or emotional health or **safety** of any child.

(2) In addition to the report required pursuant to paragraph (1), a written report shall be submitted to the department within seven days following the occurrence of any events specified in paragraph

(1). The report shall contain all of the following information:

(A) Child's name, age, sex, and date of admission.

(B) Date and nature of the event.

(C) Attending physician's name and findings and treatment, if any.

(D) Disposition of the case.

(c) The department may develop the report form to be used for reporting purposes pursuant to this section, and shall maintain all reports filed under this section in a manner that allows the department to report the data to the Legislature.

(d) The failure of a licensee to report, as prescribed by this



section, any injury of, or act of violence to, a child under the licensee's care may be grounds for the suspension of his or her license pursuant to this chapter, but shall not constitute a misdemeanor.

(e) Nothing in this section shall relieve any licensee of any obligation imposed by other law including, but not limited to, laws relating to seeking medical attention for a child or reporting suspected child abuse.

1597.47. The provisions of this chapter shall not be construed to preclude any city, county, or other local public entity from placing restrictions on building heights, setback, or lot dimensions of a family day care facility as long as such restrictions are identical to those applied to other single-family residences. The provisions of this chapter shall not be construed to preclude the application to a family day care facility for children of any local ordinance which deals with health and **safety**, building standards, environmental impact standards, or any other matter within the jurisdiction of a local public entity. The provisions of this chapter also shall not be construed to prohibit or restrict the abatement of nuisances by a city, county, or city and county. However, such ordinance or nuisance abatement shall not distinguish family day care facilities from other single-family dwellings, except as otherwise provided in this chapter.

1597.52. (a) Licensing reviews of a family day care home for children shall be limited to health and **safety** considerations and shall not include any reviews of the content of any educational or training programs of the facility.

(b) No home shall be licensed or registered as a large family day care home after January 1, 1984, unless the provider has at least one year's experience as a regulated small family day care home operator or as an administrator of a licensed day care center. The director may waive this requirement upon a finding that the applicant has sufficient qualifying experience.

1597.53. No family day care home for children shall be licensed under Chapter 3 (commencing with Section 1500), but shall be subject to licensure exclusively in accordance with this chapter and Chapter 3.4 (commencing with Section 1596.70) which shall apply to family day care homes.

1597.531. (a) All family day care homes for children shall maintain in force either liability insurance covering injury to clients and guests in the amount of at least one hundred thousand dollars (\$100,000) per occurrence and three hundred thousand dollars (\$300,000) in the total annual aggregate, sustained on account of the negligence of the licensee or its employees, or a bond in the aggregate amount of three hundred thousand dollars (\$300,000). In lieu of the liability insurance or the bond, the family day care home may maintain a file of affidavits signed by each parent with a child enrolled in the home which meets the requirements of this subdivision. The affidavit shall state that the parent has been informed that the family day care home does not carry liability insurance or a bond according to standards established by the state. If the provider does not own the premises used as the family day care home, the affidavit shall also state that the parent has been informed that the liability insurance, if any, of the owner of the



property or the homeowners' association, as appropriate, may not provide coverage for losses arising out of, or in connection with, the operation of the family day care home, except to the extent that the losses are caused by, or result from, an action or omission by the owner of the property or the homeowners' association, for which the owner of the property or the homeowners' association would otherwise be liable under the law. These affidavits shall be on a form provided by the department and shall be reviewed at each licensing inspection.

(b) A family day care home that maintains liability insurance or a bond pursuant to this section, and that provides care in premises that are rented or leased or uses premises which share common space governed by a homeowners' association, shall name the owner of the property or the homeowners' association, as appropriate, as an additional insured party on the liability insurance policy or bond if all of the following conditions are met:

(1) The owner of the property or governing body of the homeowners' association makes a written request to be added as an additional insured party.

(2) The addition of the owner of the property or the homeowners' association does not result in cancellation or nonrenewal of the insurance policy or bond carried by the family day care home.

(3) Any additional premium assessed for this coverage is paid by the owner of the property or the homeowners' association.

(c) As used in this section, "homeowners' association" means an association of a common interest development, as defined in Section 1351 of the Civil Code.

1597.54. All family day care homes for children, shall apply for a license under this chapter, except that any home which on June 28, 1981, had a valid and unexpired license to operate as a family day care home for children under other provisions of law shall be deemed to have a license under this chapter for the unexpired term of the license at which time a new license may be issued upon fulfilling the requirements of this chapter.

An applicant for licensure as a family day care home for children shall file with the department, pursuant to its regulations, an application on forms furnished by the department, which shall include, but not be limited to, all of the following:

(a) A brief statement confirming that the applicant is financially secure to operate a family day care home for children. The department shall not require any other specific or detailed financial disclosure.

(b) (1) Evidence that the small family day care home contains a fire extinguisher or smoke detector device, or both, which meets standards established by the State Fire Marshal under subdivision (d) of Section 1597.45, or evidence that the large family day care home meets the standards established by the State Fire Marshal under subdivision (d) of Section 1597.46.

(2) Evidence satisfactory to the department that there is a fire escape and disaster plan for the facility and that fire drills and disaster drills will be conducted at least once every six months. The documentation of these drills shall be maintained at the facility on a form prepared by the department and shall include the date and time of the drills.

(c) The fingerprints of any applicant of a family day care home license, and any other adult, as required under subdivision (b) of Section 1596.871.

(d) Evidence of a current tuberculosis clearance, as defined in regulations that the department shall adopt, for any adult in the home during the time that children are under care.

(e) Evidence satisfactory to the department of the ability of the applicant to comply with this chapter and Chapter 3.4 (commencing with Section 1596.70) and the regulations adopted pursuant to those chapters.

(f) Evidence satisfactory to the department that the applicant and all other persons residing in the home are of reputable and responsible character. The evidence shall include, but not be limited to, a criminal record clearance pursuant to Section 1596.871, employment history, and character references.

(g) Failure of the applicant to cooperate with the licensing agency in the completion of the application shall result in the denial of the application. Failure to cooperate means that the information described in this section and in regulations of the department has not been provided, or not provided in the form requested by the licensing agency, or both.

(h) Other information as may be required by the department for the proper administration and enforcement of the act.

1597.541. (a) The department shall adopt regulations regarding age-appropriate immunization requirements for enrolled children for family day care homes.

(b) All family day care homes for children shall maintain evidence that enrolled children have met the age-appropriate immunization requirements adopted pursuant to this section.

1597.542. (a) The Division of Child Care Licensing in the department shall clearly differentiate degrees of violations of the regulations adopted for purposes of this chapter by the impact upon children in care.

(b) The department shall implement this section only to the extent funds are available in accordance with Section 18285.5 of the Welfare and Institutions Code.

1597.55a. Every family day care home shall be subject to unannounced visits by the department as provided in this section. The department shall visit these facilities as often as necessary to ensure the quality of care provided.

(a) The department shall conduct an announced site visit prior to the initial licensing of the applicant.

(b) The department shall conduct an annual unannounced visit to a facility under any of the following circumstances:

(1) When a license is on probation.

(2) When the terms of agreement in a facility compliance plan require an annual evaluation.

(3) When an accusation against a licensee is pending.

(4) In order to verify that a person who has been ordered out of a family day care home by the department is no longer at the facility.

(c) (1) The department shall conduct annual unannounced visits to no less than 20 percent of facilities not subject to an evaluation under subdivision (b). These unannounced visits shall be conducted based on a random sampling methodology developed by the department.

(2) If the total citations issued by the department exceed the previous year's total by 10 percent, the following year the department shall increase the random sample by 10 percent of the facilities not subject to an evaluation under subdivision (b). The department may request additional resources to increase the random

sample by 10 percent.

(d) Under no circumstance shall the department visit a licensed family day care home less often than once every five years.

(e) A public agency under contract with the department may make spot checks if it does not result in any cost to the state. However, spot checks shall not be required by the department.

(f) The department or licensing agency shall make an unannounced site visit on the basis of a complaint and a followup visit as provided in Section 1596.853.

(g) An unannounced site visit shall adhere to both of the following conditions:

(1) The visit shall take place only during the facility's normal business hours or at any time family day care services are being provided.

(2) The inspection of the facility shall be limited to those parts of the facility in which family day care services are provided or to which the children have access.

(h) The department shall implement this section during periods that Section 1597.55b is not being implemented in accordance with Section 18285.5 of the Welfare and Institutions Code.

1597.55b. No site visits, unannounced visits, or spot checks, shall be made under this chapter except as provided in this section.

(a) An announced site visit shall be required prior to the licensing of the applicant.

(b) A public agency under contract with the department may make spot checks if they do not result in any cost to the state. However, spot checks shall not be required by the department.

(c) An unannounced site visit to all licensed family day care homes shall be made annually and as often as necessary to ensure compliance.

(d) The department or licensing agency shall make an unannounced site visit on the basis of a complaint and a followup visit as provided in Section 1596.853. At no time shall other site visit requirements described by this section prevent a timely site visit response to a complaint.

(e) The department shall annually make unannounced spot visits on 20 percent of all family day care homes for children licensed under this chapter. The unannounced visits may be made at any time, and shall be in addition to the visits required by subdivisions (b) and (c).

(f) An unannounced site visit shall comply with both of the following conditions:

(1) The visit shall take place only during the facility's normal business hours or at any time family day care services are being provided.

(2) The inspection of the facility shall be limited to those parts of the facility in which family day care services are provided or to which the children have access.

(g) The department shall implement this section only to the extent funds are available in accordance with Section 18285.5 of the Welfare and Institutions Code.

1597.56. (a) The department shall notify a family day care home in writing of all deficiencies in its compliance with this act and the rules and regulations adopted pursuant to this act, and shall set a reasonable length of time for compliance by the family day care home. Upon a finding of noncompliance with a plan of correction, the department may levy a civil penalty that shall be paid to the

department each day until the department finds the family day care home in compliance.

(b) In developing a plan of correction, both the licensee and the department shall give due consideration to the following factors:

- (1) The gravity of the violation.
- (2) The history of previous violations.
- (3) The possibility of a threat to the health or safety of any child in the facility.
- (4) The number of children affected by the violation.
- (5) The availability of equipment or personnel necessary to correct the violation, if appropriate.

(c) The department shall ensure that the licensee's plan of correction is verifiable and measurable. The plan of correction shall specify what evidence is acceptable to establish that a deficiency has been corrected. This evidence shall be included in the department's facility file.

(d) The department shall adopt regulations establishing procedures for the imposition of civil penalties under this section.

1597.57. The department shall do all of the following:

(a) Develop and utilize one application form for all family day care homes for children requesting a new license.

(b) Establish for parents a consumer education program annually on the law and regulations governing family day care homes for children under this chapter and the role of the state and other public entities and local associations in relation to family day care homes for children. In planning this program, the department shall seek the assistance of other public entities and local associations.

(c) Administer an orientation program for new operators of family day care homes for children that may be conducted directly by the department or by contract with local governments or family day care home associations.

1597.58. (a) In addition to the suspension, temporary suspension, or revocation of a license issued under this chapter, the department may levy a civil penalty.

(b) The amount of the civil penalty shall not be less than twenty-five dollars (\$25) nor more than fifty dollars (\$50) per day for each violation of this chapter except where the nature or seriousness of the violation or the frequency of the violation warrants a higher penalty or an immediate civil penalty assessment or both, as determined by the department. In no event shall a civil penalty assessment exceed one hundred fifty dollars (\$150) per day per violation.

(c) Notwithstanding Sections 1596.893a, 1596.893b, 1597.56, and 1597.62 the department shall assess an immediate civil penalty of one hundred fifty dollars (\$150) per day per violation for any of the following serious violations:

(1) Any violation that results in the injury, illness, or death of a child.

(2) Absence of supervision, including, but not limited to, a child left unattended, a child left alone with a person under 18 years of age, and lack of supervision resulting in a child wandering away.

(3) Accessible bodies of water.

(4) Accessible firearms, ammunition, or both.

(5) Refused entry to a facility or any part of a facility in violation of Sections 1596.852, 1596.853, 1597.55a and 1597.55b.

(6) The presence of an excluded person on the premises.

(d) Notwithstanding Sections 1596.893a, 1596.893b, 1597.56 and



1597.62, any family day care home that is cited for repeating the same violation of this chapter or Chapter 3.4 (commencing with Section 1596.70), within 12 months of the first violation is subject to an immediate civil penalty assessment of up to one hundred fifty dollars (\$150) and may be assessed up to fifty dollars (\$50) for each day the violation continues until the deficiency is corrected.

(e) Any family day care home that is assessed a civil penalty under subdivision (d) that repeats the same violation of this chapter within 12 months of the violation subject to subdivision (d) shall be assessed an immediate assessment of up to one hundred fifty dollars (\$150) and may be assessed up to one hundred fifty dollars (\$150) for each day the violation continues until the deficiency is corrected.

(f) Notwithstanding any other provision of law, revenues received by the state from the payment of civil penalties imposed on licensed family day care homes pursuant to this chapter or Chapter 3.4 (commencing with Section 1596.70), shall be deposited in the Child Health and Safety Fund, created pursuant to Chapter 4.6 (commencing with Section 18285) of Part 6 of Division 9 of the Welfare and Institutions Code, and shall be expended, upon appropriation by the Legislature, pursuant to subdivision (f) of Section 18285 of the Welfare and Institutions Code exclusively for the technical assistance, orientation, training, and education of licensed family day care home providers.

1597.59. The department and the local agencies with which it contracts for the licensing of family day care homes for children shall grant or deny a license to a family day care home for children within 30 days after receipt of all appropriate licensing application materials as determined by the department, provided both of the following conditions are met:

(a) A site visit has been completed and the family day care home has been found to be in compliance with licensing standards.

(b) The applicant and each person described by subdivision (b) of Section 1596.871 has obtained a criminal record clearance, or been granted a criminal record exemption by the department or the local contracting agency.

The department shall conduct an initial site visit within 30 days after the receipt of all appropriate licensing application materials.

1597.61. (a) When the department determines that a family day care home for children is operating without a license and notifies the unlicensed provider of the requirement for the license, the licensing agency may issue a cease and desist order only if it finds and documents that continued operation of the facility will be dangerous to the health and safety of the children or if a license held by the facility has been revoked by the department within two years preceding the determination of unlicensed operation. In all other cases where the licensing agency determines such a facility is operating without a license and notifies the unlicensed provider of the requirements for the license, the licensing agency may issue a cease and desist order only if the unlicensed provider does not apply for a license within a reasonable time after the notice.

(b) If an unlicensed family day care home fails to respond to a cease and desist order issued pursuant to subdivision (a), or if the department determines it necessary to protect the immediate health and safety of the children, the licensing agency may bring an action to enjoin such a home from continuing to operate pursuant to Section 1596.89.

(c) The district attorney of a county shall, upon application by the department, institute and conduct the prosecution of any action brought by the licensing agency against an unlicensed family day care home located in that county.

1597.62. (a) The department may impose civil penalties of not less than twenty-five dollars (\$25) and not more than fifty dollars (\$50) per day per violation for uncorrected violations that present an immediate or potential risk to the health and **safety** of children in care. The penalties shall be imposed in accordance with Sections 1596.893b and 1597.56.

(b) The department shall implement this section only to the extent funds are available in accordance with Section 18285.5 of the Welfare and Institutions Code.

1597.621. Family day care homes that, on December 31, 1983, have a valid unexpired registration to operate as a family day care home for children pursuant to Section 1597.62 in one of the pilot counties shall be deemed to be issued a family day care license effective January 1, 1984. Licensure pursuant to this section shall not require a visit pursuant to the requirement set forth in subdivision (a) of Section 1597.55. However, all other requirements of licensing shall continue to be met. Complaint and revocation procedures may be enforced.



Parrots, parakeets, amazons, cockatiels, cockatoos, lorries, lorikeets, lovebirds, macaws, and similar birds of the psittacine family

- Pigeons
- Rabbits
- Ravens
- Squirrel monkeys
- Steppe legal eagles
- Swans
- Toucans
- Turtles
- White doves

Other similar animals, subject to the same numerical limitations, which are neither more obnoxious nor detrimental to the public welfare than the animals listed, shall be permitted. Large animals or livestock such as horses, cows, sheep, goats, pigs, hogs and fowl such as chickens, turkeys, peacocks, guineas, geese and ducks, are not permitted. (Interpretation of this provision to be in accordance with CMC 9172.24.)

Any person, firm or corporation violating any provision of this Section shall be guilty of an infraction and shall be punishable as provided in Chapter 2 of Article I of this Code. (Ord. 79-479, § 6)

§ 9122.4 Home Occupation.

Subject to the provisions of CMC 9128.4, one (1) home occupation may be conducted by the occupants of a dwelling as such term is defined in CMC 9191.202.

Any person, firm or corporation violating any provision of this Section shall be guilty of an infraction and shall be punishable as provided in Chapter 2 of Article I of this Code. (Ord. 79-479, § 6; Ord. 88-836, § 1)

§ 9122.5 Child Day Care.

Day care for children may be provided as an accessory use in connection with each dwelling unit, subject to the following limits:

Single-family dwelling: not more than six (6) children exclusive of the children of the resident family; with an assistant caregiver present, not more than twelve (12) children, including children of the resident family and of the assistant caregiver.

Multiple dwelling unit: not more than three (3) children including children of the resident family. (Ord. 82-594, § 1)

§ 9122.6 Sale of Produce in RA Zone.

In connection with a permitted agricultural use in the RA Zone, wholesale trade (but no retail sales) of the products raised on the premises may be conducted. No advertising signs are permitted.

§ 9122.7 Motor Vehicle Repair and Service.

Minor repair and service of a motor vehicle as defined in CMC 9191.406 is permitted as an accessory use in conjunction with a dwelling unit, subject to the following limitations:

A. All minor repair and service activities, as defined in CMC 9138.11(A)(4), and minor upholstery repair may be performed on a motor vehicle if conducted within an enclosed garage or in any carport, side or rear yard which is screened from public view.

B. Minor repair and service activities performed on a driveway, in a carport, or other legally paved surface on private property, and visible from the public right-of-way, shall be limited to the following:

1. Washing, cleaning, and polishing of a motor vehicle.
2. Adding or changing fluids such as brake fluid, window washing fluid, oil, water, etc.
3. Changing or replacing wiper blades, head/tail lamps, fuses, flat tires, timing, spark plugs, radiator cap, filters, brakes, and batteries and similar activities.

All minor repairs and services may only be performed on motor vehicles owned by and registered to the occupants of the dwelling or their invitees.

No repair or service work shall involve repetitive testing of an operating engine.

Not more than one (1) motor vehicle, as viewed from a public right-of-way, may be repaired at any one (1) point in time.

No repair or service work shall be performed on any motor vehicle where such work results in any loud, unusual or penetrating noise which is disturbing, obnoxious, discomfoting, or annoying to a reasonable person of normal sensitiveness residing in the area. (Added by Ord. 93-1017, § 1)

§ 9122.8 Second Dwelling Units.

A. Purpose and Intent. The purpose of this Section is to comply with amendments made in 2002 to Government Code Section 65852.2, which provides for the city to set standards for the development of second dwelling units so as to increase the

