

DRAFT ORDINANCE

**AN ORDINANCE OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
AMENDING CHAPTER 29 (ZONING REGULATIONS) OF THE TOWN CODE
REGARDING FAMILY DAYCARE HOME REGULATIONS**

WHEREAS, in 2019, Senate Bill 234 amended Government Code Sections 1596.72 through 1597.543 regarding family daycare homes; to address the current shortage of regulated childcare; and

WHEREAS, the current definition of large family daycare home within the Town Code is for seven (7) to twelve (12) children; and

WHEREAS, the new State law requires family daycare homes to allow up to fourteen (14) children; and

WHEREAS, the current regulations of family daycare homes within the Town Code would require a large family daycare home to obtain approval of a discretionary large family daycare home permit from the Development Review Committee; and

WHEREAS, the new State law requires large family daycare homes to be considered a residential use by right; and

WHEREAS, the Town Council wishes to amend the Town Code, to consider a small or large family daycare home as a residential use by right, to comply with the new State law; and

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Planning Commission for public hearing on February 26, 2020; and

WHEREAS, on February 26, 2020, the Planning Commission reviewed and commented on the proposed amendments regarding family daycare home regulations and forwarded a recommendation to the Town Council for approval of the proposed amendments; and

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Town Council for public hearing on March 17, 2020; and

WHEREAS, on March 17, 2020, the Town Council reviewed and commented on the proposed amendments regarding family daycare home regulations and the Town Council voted to introduce the Ordinance.

ATTACHMENT 4

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES
ORDAIN AS FOLLOWS:**

SECTION I

Chapter 29 of the Town Code is hereby amended as follows:

ARTICLE I. DIVISION 1. - MISCELLANEOUS

Sec. 29.10.020. - Definitions.

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Family ~~day care~~ daycare home means a dwelling where ~~day care~~ daycare is provided for children under eighteen (18) years of age who are unrelated to the licensee. A small family ~~day care~~ daycare home is for ~~six~~ eight (8) or fewer children and a large family day care home is for ~~seven~~ nine (9) to twelve ~~fourteen~~ (14) children. Both limitations include ~~the number of children residing in the dwelling unit~~ children under 10 years of age who reside at the home.

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~~Sec. 29.10.09050. — Large family day care homes.~~

~~(a) Scope. Large family day care homes are allowed in all residential zones subject to the following regulations:~~

- ~~(1) All perimeter gates must be self-latching and the latches shall be a minimum of four (4) feet above grade.~~
- ~~(2) The rear yard must be enclosed with a minimum five-foot high fence.~~
- ~~(3) Use of the garage for day care must meet Uniform Building Code for living space.~~
- ~~(4) Two (2) off-street parking spaces must be provided, plus one (1) space for each employee.~~
- ~~(5) No double key deadbolts may be used on exterior doors.~~
- ~~(6) A minimum of two (2) exits must be provided.~~
- ~~(7) A minimum of one hundred (100) square feet of habitable space as defined by Section 409 of the Uniform Building Code shall be provided for each child.~~
- ~~(8) No child care space is permitted on the second floor unless approved by the Building Official.~~

- ~~(9) No signs may be displayed.~~
- ~~(10) A minimum lot size of six thousand (6,000) square feet is required.~~
- ~~(11) A minimum of five hundred (500) feet between large family day care homes is required.~~
- ~~(12) The day care home operator must be a resident of the home.~~
- ~~(13) The large family day care home shall not alter the single family residential character of the premises.~~
- ~~(b) Permit. A large family day care permit must be obtained from the Development Review Committee and all conditions identified must be satisfied prior to issuance.~~
- ~~(c) Inspection. Prior to issuance of a permit, the large family day care home is subject to an on-site inspection to insure compliance with all regulations to the satisfaction of the Building Official and Planning Director.~~
- ~~(d) Notification. All property owners within one hundred (100) feet shall be notified prior to the issuance that a large family day care home permit will be issued and the notification shall include the conditions under which the permit shall operate.~~
- ~~(e) Affidavit. All property owners of the property where the large family day care home is to be located shall sign an affidavit certifying that the property shall remain in compliance with the requirements of subsection 29.10.09050(a).~~
- ~~(f) Denial. The Planning Director may not issue a large family day care home permit where he finds the day care home will not comply with the provisions of this chapter.~~
- ~~(g) Revocation. The Planning Director may revoke large family day care home permits for violations of this chapter. Before revoking a large family day care home permit, the Planning Director shall give the permittee ten (10) days' notice in writing that revocation is under consideration, shall consider whatever evidence the permittee wishes to present to contest the revocation, and shall give the permittee written notice of this decision. Both notices shall be mailed to the address given by the permittee in his application for the large family day care home permit or such other address as the permittee has provided the Planning Director.~~

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ARTICLE II. DIVISION 3. – APPROVALS

Sec. 29.20.185. – Table of conditional uses.

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(4) Schools

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Table of Conditional Uses		RC	HR	R1	RD	R-M	R-1D	RMH	O	C-1	C-2	CH	LM	CM
d.	Small family day care daycare home								X	X	X	X		
e.	Large family day care home <u>Reserved.</u>													

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ARTICLE II. DIVISION 7. – ASSIGNMENT OF DUTIES

Sec. 29.20.745. – Development Review Committee.

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(10) ~~Issue large family day care home permits~~ Reserved.

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ARTICLE IV. DIVISION 2. – RC OR RESOURCE CONSERVATION ZONE

Sec. 29.40.160. – Permitted Uses.

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(4) ~~Small family day care home~~ Family daycare home.

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ARTICLE IV. DIVISION 3. – HR OR HILLSIDE RESIDENTIAL ZONE

Sec. 29.40.235. – Permitted Uses.

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(3) ~~Small family day care home~~ Family daycare home.

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ARTICLE IV. DIVISION 4. – R-1 OR SINGLE-FAMILY RESIDENTIAL ZONE

Sec. 29.40.385. – Permitted Uses.

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(3) ~~Small family day care home~~ Family daycare home.

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ARTICLE IV. DIVISION 5. – R-D OR DUPLEX RESIDENTIAL ZONE

Sec. 29.40.510. – Permitted Uses.

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(3) ~~Small family day care home~~ Family daycare home.

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ARTICLE IV. DIVISION 6. – R-M OR MULTIPLE-FAMILY RESIDENTIAL ZONE

Sec. 29.40.610. – Permitted Uses.

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(3) ~~Small family day care home~~ Family daycare home.

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ARTICLE IV. DIVISION 7. – R-1D OR SINGLE-FAMILY RESIDENTIAL DOWNTOWN ZONE

Sec. 29.40.725. – Permitted Uses.

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(3) ~~Small family day care home~~ Family daycare home.

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ARTICLE IV. DIVISION 8. – RMH OR MOBILE HOME RESIDENTIAL ZONE

Sec. 29.40.835. – Permitted Uses.

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(6) Family daycare home.

SECTION II

With respect to compliance with the California Environmental Quality Act (CEQA), the Town Council finds as follows:

A. These Town Code amendments are not subject to review under CEQA pursuant to sections and 15061(b)(3), in that it can be seen with certainty that there is no possibility that the proposed amendment to the Town Code would have significant impact on the environment; and

B. The proposed Town Code amendments are consistent with the General Plan and its Elements.

SECTION III

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This Town Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

SECTION IV

Except as expressly modified in this Ordinance, all other sections set forth in the Los Gatos Town Code shall remain unchanged and shall be in full force and effect.

SECTION V

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 17th day of 2020, and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on the 7th day of April 2020. This ordinance takes effect 30 days after it is adopted. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

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