

# City of Jurupa Valley

## STAFF REPORT

**DATE:** SEPTEMBER 14, 2022  
**TO:** CHAIR JACKSON AND MEMBERS OF THE PLANNING COMMISSION  
**FROM:** JOE PEREZ, COMMUNITY DEVELOPMENT DIRECTOR  
**BY:** TAMARA CAMPBELL, PRINCIPAL PLANNER  
**SUBJECT:** ZONING CODE AMENDMENT NO. 22009 AMENDING THE CITY OF JURUPA VALLEY MUNICIPAL CODE RELATING TO FAMILY DAY CARE HOMES AS REQUIRED BY SENATE BILL 234

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### RECOMMENDATION

By motion, adopt Resolution No. 2022-09-14-04 recommending that the City Council approve Zoning Code Amendment No. 22009 (ZCA22009) amending Section 9.240.320 (Family Day Care Homes) of the Jurupa Valley Municipal Code.

### BACKGROUND

Senate Bill ("SB") 234 became effective on January 1, 2020. The law requires the City to treat family day care homes (small and large) as "by-right" residential uses. SB 234 also stipulates the following:

- 1) Makes void any restriction in a written instrument relating to real property that forbids or restricts the sale, lease or mortgage of a property for use or occupancy as a family daycare home;
- 2) Prohibits a local jurisdiction from imposing a business license, fee, or tax for the privilege of operating a small or large family day care home; and
- 3) Allows a local public entity to place restrictions on building height, setback or lot dimensions of a family day care home, as long as those standards would apply to other residential uses in the same zone as the family day care home.

On July, 7, 2022, the City Council initiated ZCA22009 so that the Community Development Department (CDD) and the City Attorney could evaluate SB 234 and identify specific changes to the Municipal Code necessary to ensure compliance. Since then, a recommended ordinance has been prepared for Planning Commission consideration. After conducting a public hearing, the Planning Commission will forward a recommendation to the City Council for either approval, denial or modification of the proposed ordinance.

## **ANALYSIS**

The California Legislature has declared that it is public policy of the State to locate family day care homes for children in residential surroundings to give children a home environment that is conducive to healthy and safe child development. Since the new law intends to promote such facilities in all residential zones and treats them as if they are residential uses, the City is not allowed to require any kind of discretionary permit (such as a site development permit or conditional use permit). In addition, the City is also not permitted to require a business registration or business license. The only permit that could be required would be a building permit if the new day care use were to be located in a new residential unit. The use of lawfully occupied residential dwellings for family day care activities are to be allowed in all residential zones.

The City's existing zoning code requires a ministerial permit to establish a large family day care home. Section 9.240.320 (family day care homes) establishes an application process and detailed development standards. These regulations are inconsistent with the new State law and will be removed with approval of ZCA 22009. In addition, the amendment includes verbiage that will establish the listing of small and large family day homes as "permitted uses" in each residential zone. Specifically, the following zones are proposed to be amended to allow small and large family day care homes as a permitted use: R-R (Rural Residential), R-1 (One Family Dwellings), R-1A (One Family Dwellings - Mountain Resort), R-A (Residential Agricultural), R-2 (Multi-Family Dwellings), R-2A (Limited Multi-Family Dwellings), R-3 General Residential), R-3A (Village Tourist Residential), R-T (Mobilehome Subdivisions and Mobilehome Parks), R-T-R (Mobilehome Subdivision – Rural), and R-4 (Planned Residential), R-5 (Open Area Combining Zone - Residential Developments), SP (Specific Plans) and R-6 (Residential Incentive). Lastly, the proposed code amendment would modify text pertaining to the definitions of small and large family day care homes to conform with the definitions provided by State law.

The intent of SB 234 is to reduce costs of (and improve access to) childcare by treating family day care as residential uses, and by removing barriers to their operation. As such, municipalities are required to allow these uses by right and apply the same development standards established for residential uses for family day care homes.

## **NOTICING REQUIREMENTS**

An advertisement was published with the Press Enterprise on September 4, 2022. To date, no comments or concerns have been received.

## **ENVIRONMENTAL DETERMINATION**

The proposed Code Amendment is exempt from the requirements of the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines pursuant to CEQA Guidelines Section 15061(b)(3).

Prepared by:

*Tamara Campbell*

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Tamara Campbell  
Principal Planner

Submitted by:

*Joe Perez*

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Joe Perez  
Community Development Director

Reviewed by:

*//s// Maricela Marroquin*

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Maricela Marroquin  
Deputy City Attorney

**ATTACHMENTS:**

1. Resolution 2022-09-14-04
  - a. Exhibit A. Draft City Council Ordinance
2. Senate Bill 234

**ATTACHMENT 1**  
**(Resolution No. 2022-09-14-04)**

**RESOLUTION NO. 2022-09-14-04**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY ADOPT “AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING TITLE 9 OF THE JURUPA VALLEY MUNICIPAL CODE TO CLASSIFY SMALL AND LARGE FAMILY DAY CARE HOMES AS PERMITTED USES IN ALL RESIDENTIAL ZONES, AND MAKING A FINDING OF EXEMPTION FROM CEQA UNDER SECTIONS 15274 AND 15061(B)(3) OF THE CEQA GUIDELINES”**

**THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY DOES RESOLVE AS FOLLOWS:**

Section 1.

(a) At the July 7, 2022 regular City Council meeting, the City Council initiated an amendment to Chapter 9.240 (“General Provisions”) of Title 9 (“Planning and Zoning”) of the Jurupa Valley Municipal Code, to amend the permit requirements for family day care homes.

(b) Section 9.285.010 of the Jurupa Valley Municipal Code provides that amendments to Title 9 may be initiated by either the Planning Commission or the City Council.

(c) Section 9.285.010 of the Jurupa Valley Municipal Code provides that amendments to Title 9 shall be made in accordance with the procedure set forth in Government Code Section 65800 *et seq.*, as now enacted and hereafter amended, and the requirements of Chapter 9.285.

(d) Section 9.285.030 of the Jurupa Valley Municipal Code provides that amendments to Title 9 that propose to regulate the use of buildings, structures, and land as between industry, business, residents, open space, and other purposes, and that propose to regulate the use of lots, yards, courts, and other open spaces, shall be adopted in the manner set forth in Section 9.285.040. Further, Government Code Section 65853 provides that an amendment to a zoning ordinance, which amendment proposes to impose any regulations listed in Government Code Section 65850 not theretofore imposed, must be adopted in the manner set forth in Government Code Sections 65854 to 65857, inclusive.

(e) Section 9.285.040 of the Jurupa Valley Municipal Code provides that the Planning Commission must hold a public hearing on the proposed amendment. After closing the public hearing, the Planning Commission must render its decision within a reasonable time and transmit it to the City Council in the form of a written recommendation, which must contain the reasons for the recommendation. If the Planning Commission does not reach a decision due to a tie vote, that fact must be reported to the City Council and the failure to reach a decision shall be deemed a recommendation against the proposed amendment.

(f) Government Code Section 65853 provides that when the legislative body has requested the Planning Commission to study and report upon an amendment to the zoning ordinance and the Planning Commission fails to act upon such request within a reasonable time, the legislative body may, by written notice, require the Planning Commission to render its report within 40 days. Upon receipt of the written notice, the Planning Commission, if it has not done so, shall conduct the public hearing as required by Section 65854. Failure to so report to the legislative body within the above time period shall be deemed to be approval of the proposed amendment to the zoning ordinance.

(g) Government Code Section 65854 provides that the Planning Commission shall hold a public hearing on the proposed amendment to a zoning ordinance. Notice of the hearing shall be given pursuant to Government Code Section 65090.

(h) Government Code Section 65855 provides that after the hearing, the Planning Commission shall render its decision in the form of a written recommendation to the legislative body. Such recommendation shall include the reasons for the recommendation, the relationship of the proposed amendment to the General Plan, and shall be transmitted to the legislative body in such form and manner as may be specified by the legislative body.

**Section 2. Procedural Findings.** The Planning Commission of the City of Jurupa Valley does hereby find, determine and declare that:

(a) ZCA No. 22009 was processed including, but not limited to, a public notice, in the time and manner prescribed by State law and Jurupa Valley Ordinances.

(b) On September 14, 2022, the Planning Commission of the City of Jurupa Valley held a public hearing on ZCA No. 22009 at which time all persons interested in the amendments had the opportunity and did address the Planning Commission on these matters. Following the receipt of public testimony, the Planning Commission closed the public hearing.

(c) All legal preconditions to the adoption of this Resolution have occurred.

**Section 3. California Environmental Quality Act Findings.** The Planning Commission of the City of Jurupa Valley hereby recommends that the City Council of the City of Jurupa Valley make the following environmental findings and determinations in connection with the approval of ZCA No. 22009:

(a) The proposed Zoning Code Amendment is exempt from the requirements of the California Environmental Quality Act (“CEQA”) and the City’s local CEQA Guidelines pursuant to CEQA Guidelines Sections 15274 and 15061(b)(3). CEQA Guidelines Section 15274 states that CEQA does not apply to small and large family day care homes because large family day care homes are exempt from CEQA and the establishment of small family day care homes are ministerial actions not subject to CEQA. The proposed Code Amendment revises the Municipal Code to eliminate the requirement that large family day care homes obtain permits to operate in the City. The proposed zoning code amendment is an administrative process of the City that will not result in direct or indirect physical changes in the environment. The City Council has reviewed the administrative record concerning the proposed Code Amendment and the proposed CEQA determinations, and based on its own independent judgment, finds that the Code Amendment set

forth in this Ordinance is not subject to the requirements of CEQA pursuant to CEQA Guidelines Section 15274 and 15061(b)(3).

**Section 4. Findings for Recommendation of Approval of Zoning Code Amendment.** The Planning Commission of the City of Jurupa Valley does hereby recommend that the City Council of the City of Jurupa Valley find and determine that the proposed Zoning Code Amendment (ZCA No. 22009) should be adopted because the proposed Zoning Code Amendment is consistent with State law enacted in Senate Bill 234, which amended the Health and Safety Code relating to family day care homes. Without the amendment, Municipal Code Section 9.240.320 would be in violation of SB 234 by requiring family day care homes to apply for and receive a ministerial permit to operate. SB 234 states that municipalities must allow the use of residential property as a family day care home as a use by right and apply the same development standards established for residential uses for family day care homes.

**Section 5. Recommendation of Approval of Zoning Code Amendment.** Based on the foregoing, the Planning Commission of the City of Jurupa Valley hereby recommends that the City Council of the City of Jurupa Valley adopt the proposed Zoning Code Amendment attached hereto as Exhibit "A."

**Section 6. Certification.** The Community Development Director shall certify to the adoption of this Resolution.

**PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of Jurupa Valley on this 14th day of September, 2022.

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Hakan Jackson  
Chair of Jurupa Valley Planning Commission

ATTEST:

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Joe Perez  
Community Development Director/Secretary to the Planning Commission

**EXHIBIT A**  
**(Draft City Council Ordinance)**

**ORDINANCE NO. 2022-XX**

**AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING TITLE 9 OF THE JURUPA VALLEY MUNICIPAL CODE TO CLASSIFY SMALL AND LARGE FAMILY DAY CARE HOMES AS PERMITTED USES IN ALL RESIDENTIAL ZONES, AND MAKING A FINDING OF EXEMPTION FROM CEQA UNDER 15061(B)(3) OF THE CEQA GUIDELINES**

**THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES ORDAIN AS FOLLOWS:**

**Section 1.** Procedural Findings. The City Council of the City of Jurupa Valley does hereby find, determine and declare that:

(a) At the July 7, 2022 regular City Council meeting, the City Council initiated an amendment to the Planning and Zoning Code to make amendments to the code consistent with State law, including revisions to the family day care provisions of the Code (“Ordinance”).

(b) On September 14, 2022, the Planning Commission of the City of Jurupa Valley held a public hearing on the Ordinance, at which time all persons interested in the Ordinance had the opportunity and did address the Planning Commission on these matters. Following the receipt of public testimony the Planning Commission closed the public hearing. At the conclusion of the Planning Commission hearings and after due consideration of the testimony, the Planning Commission adopted Resolution No. 2022-09-14-04 recommending that the City Council approve the Ordinance.

(c) On \_\_\_\_\_, the City Council of the City of Jurupa Valley held a duly noticed public hearing on the Ordinance, at which time all persons interested in the Ordinance had the opportunity and did address the City Council on these matters. Following the receipt of public testimony the City Council closed the public hearing and duly considered the written and oral testimony received.

(d) All legal preconditions to the adoption of this Ordinance have occurred.

**Section 2.** The Ordinance conforms with the goals, policies, programs and guidelines of elements of the General Plan in that the General Plan is implemented through zoning regulations, adopted standards and other City laws. As required by State law, zoning regulations and related land use policies must be consistent with the General Plan. This ordinance will ensure compliance with State law (Senate Bill 234).

**Section 3.** Section 9.10.580 (Family day care home.) of Chapter 9.10 (Definitions) of Title 9 (Planning and Zoning) of the Jurupa Valley Municipal Code is hereby amended to read as follows, with additions shown in underlined text and deletions shown in strikethrough text:

“A home which regularly provides care, protection, and supervision of fourteen (14) or fewer children, in the provider's own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away, and includes the following:

(1) Large family day care home: A home that provides family day care for seven (7) to fourteen (14) children, ~~including children under the age of ten (10) years who reside at the home as in compliance with the regulations~~ set forth in Health and Safety Code Section 1597.465 ~~and as defined in regulations.~~

(2) Small family day care home: A home that provides family day care to eight (8) or fewer children, ~~including children under the age of ten (10) years who reside at the home as in compliance with the regulations~~ set forth in Health and Safety Code Section 1597.44 ~~and as defined in regulations.”~~

**Section 4.** Section 9.45.010 (Uses Permitted.) of Chapter 9.45 (R-R Zone (Rural Residential)) of Title 9 (Planning and Zoning) of the Jurupa Valley Municipal Code is hereby amended to add a new number 19 to subsection A to read as follows:

“19. Small family day care homes and large family day care homes.”

**Section 5.** Section 9.55.010 (Uses Permitted.) of Chapter 9.55 (R-1. Zone (One (1) Family Dwellings)) of Title 9 (Planning and Zoning) of the Jurupa Valley Municipal Code is hereby amended to add a new number 10 to subsection A to read as follows:

“10. Small family day care homes and large family day care homes.”

**Section 6.** Section 9.60.020 (Uses Permitted.) of Chapter 9.60 (R-1A Zone (One (1) Family Dwellings - Mountain Resort) of Title 9 (Planning and Zoning) of the Jurupa Valley Municipal Code is hereby amended to add a new number 12 to subsection A to read as follows:

“12. Small family day care homes and large family day care homes.”

**Section 7.** Section 9.65.020 (Uses Permitted.) of Chapter 9.65 (R-A Zone (Residential Agricultural)) of Title 9 (Planning and Zoning) of the Jurupa Valley Municipal Code is hereby amended to add a new number 18 to subsection A to read as follows:

“18. Small family day care homes and large family day care homes.”

**Section 8.** Section 9.70.020 (Uses Permitted.) of Chapter 9.70 (R-2 Zone (Multi Family Dwellings)) of Title 9 (Planning and Zoning) of the Jurupa Valley Municipal Code is hereby amended to add a new number 13 to subsection A to read as follows:

“13. Small family day care homes and large family day care homes.”

**Section 9.** Section 9.75.020 (Uses Permitted.) of Chapter 9.75 (R-2A Zone (Limited Multiple-Family Dwellings)) of Title 9 (Planning and Zoning) of the Jurupa Valley Municipal Code is hereby amended to add a new number 12 to subsection A to read as follows:

“12. Small family day care homes and large family day care homes.”

**Section 10.** Section 9.80.020 (Uses Permitted.) of Chapter 9.80 (R-3 Zone (General Residential)) of Title 9 (Planning and Zoning) of the Jurupa Valley Municipal Code is hereby amended to add a new number 29 to subsection A to read as follows:

“29. Small family day care homes and large family day care homes. A site development permit shall not be required for small family day care homes and large family day care homes.”

**Section 11.** Section 9.85.020 (Uses Permitted.) of Chapter 9.85 (R-3A Zone (Village Tourist Residential)) of Title 9 (Planning and Zoning) of the Jurupa Valley Municipal Code is hereby amended to add a new number 8 to subsection A to read as follows:

“8. Small family day care homes and large family day care homes.”

**Section 12.** Section 9.90.020 (Uses Permitted.) of Chapter 9.90 (R-T Zone (Mobilehome Subdivisions and Mobilehome Parks)) of Title 9 (Planning and Zoning) of the Jurupa Valley Municipal Code is hereby amended to add a new number 5 to subsection A to read as follows:

“5. Small family day care homes and large family day care homes.”

**Section 13.** Section 9.95.020 (Uses Permitted.) of Chapter 9.95 (R-T-R Zone (Mobilehome Subdivision-Rural)) of Title 9 (Planning and Zoning) of the Jurupa Valley Municipal Code is hereby amended to add a new number 5 to subsection A to read as follows:

“5. Small family day care homes and large family day care homes.”

**Section 14.** Section 9.100.020 (Uses Permitted.) of Chapter 9.100 (R-4 Zone (Planned Residential)) of Title 9 (Planning and Zoning) of the Jurupa Valley Municipal Code is hereby amended to read as follows, with additions shown in underlined text and revisions shown in strikethrough text:

- “A. One (1) family dwellings, and accessory uses or buildings normally incidental thereto.
- B. Multiple-family dwellings, subject to the provisions of Section 9.100.070 and the development standards set forth in Section 9.240.545.
- C. Nonprofit community centers, social halls, churches, parks, and community recreation facilities, including, but not limited to, swimming pools, and golf courses and the normal accessory uses thereto.
- D. Community service areas and medical facilities designed primarily for the use of the residents of the subdivision.
- E. On-site signs, affixed to building walls, stating the name of the structure, use, or institution, not to exceed five (5) percent of the surface area of the exterior face of the wall upon which the sign is located.
- F. Small family day care homes and large family day care homes.

~~F. G.~~ The following uses shall be permitted, provided a conditional use permit is granted pursuant to Section 9.240.280(5):

(1) Mobilehome parks, developed pursuant to Section 9.260.020.

(2) Alcoholic beverage sales for on-premises consumption in conjunction with golf courses with standard length fairways and country clubs pursuant to the provisions of Section 9.240.490.

~~G. H.~~ The following uses are permitted, provided a site development permit has been approved pursuant to the provisions of Section 9.240.330(3):

(1) Temporary real estate tract offices located within a subdivision, to be used only for and during the original sale of the subdivision, but not to exceed a period of two (2) years in any event.

(2) Child day care center.

~~H. I.~~ The following uses are permitted, provided a public use permit has been granted pursuant to the provisions of Section 9.240.310(E):

Churches, temples and other places of religious worship.

~~I. J.~~ Any use that is not specifically listed in subsections F., G. and H. may be considered a permitted or conditionally permitted use provided that the Community Development Director finds that the proposed use is substantially the same in character and intensity as those listed in the designated subsections. Such a use is subject to the permit process which governs the category in which it falls. ”

**Section 15.** Section 9.105.020 (Uses Permitted) of Chapter 9.105 (R-5 Zone (Open Area Combining Zone - Residential Developments)) of Title 9 (Planning and Zoning) of the Jurupa Valley Municipal Code is hereby amended to add a new number 10 to subsection A to read as follows:

“10. Small family day care homes and large family day care homes. A site development permit shall not be required for small family day care homes and large family day care homes.

**Section 16.** Section 9.110.020 (Uses Permitted) of Chapter 9.110 (R-6 Zone (Residential Incentive)) of Title 9 (Planning and Zoning) of the Jurupa Valley Municipal Code is hereby amended to add a new number 10 to subsection A to read as follows:

“10. Small family day care homes and large family day care homes. A site development permit shall not be required for small family day care homes and large family day care homes.”

**Section 17.** Subsection A of Section 9.235.030 of Chapter 9.235 SP Zone (Specific Plan) of Title 9 (Planning and Zoning) of the Jurupa Valley Municipal Code is hereby amended to read as follows with additions shown in underlined text, with all other provisions of Section 9.235.030 remaining unchanged:

“A. The following uses may be permitted in the SP Zone, subject to the zoning requirements contained in the adopted specific plan and the procedural requirements of subsection (B) of this section:

- (1) Residential uses including single-family and multi-family dwellings.
- (2) Commercial and office uses.
- (3) Manufacturing uses and industrial parks.
- (4) Open space, recreation areas, and parks.
- (5) Public facilities, including, but not limited to, schools, libraries, government buildings, and water and sewer facilities.
- (6) Health and community service facilities.
- (7) Other uses adopted within the specific plan.
- (8) Dry farming and field crops as interim uses.
- (9) Uses incidental to the above.
- (10) Child day care center.
- (11) Small family day care homes and large family day care homes. No permit shall be required for small family day care homes and large family day care homes.”

**Section 19.** Section 9.240.320 (Family day care homes.) of Chapter 9.240 (General Provisions) of Title 9 (Planning and Zoning) of the Jurupa Valley Municipal Code is hereby amended to read as follows with additions shown in underlined text and deletions shown in strikethrough text:

**“Sec. 9.240.320. Family day care homes.**

A. State preemption. Pursuant to the California Child Day Care Facilities Act (Health & Saf. Code Sections 1596.70 et seq., ~~1560.90 et seq.~~ and 1597.30 et seq.), the California 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 surroundings so as to give children a home environment which is conducive to healthy and safe development. It is the declared public policy of the state 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 with the purpose of occupying the field to the exclusion of local zoning, building and fire codes and regulations governing the use or occupancy of single-family dwellings and multiple-family dwellings for family day care homes for children except as provided in Health and Safety Code Chapter 3.6 (Health & Saf. Code Section 1597.30 et seq.).

B. *Small family day care homes.* In accordance with the above-referenced state policies, the use of a lawfully occupied single-family dwelling as a small family day care home

shall be a permitted use in all residential zones and shall not require any permit pursuant to this chapter. Business registration is not required.

C. *Large family day care homes.* In accordance with the above-referenced state policies, the use of a single-family dwelling or a multi-family dwelling for a large family day care home is permitted in any zone where single-family dwellings or multi-family dwellings are permitted ~~or conditionally permitted~~ provided a large family day care home permit has been granted pursuant to the provisions of this section.

D. ~~Accessory dwelling unit/guest quarter.~~ No accessory dwelling unit or guest quarter may be used as a family day care home.

E. ~~Large family day care home permit procedure.~~ Enacted as part of the above-referenced state policies, Health and Safety Code Section 1597.46 provides that cities and counties shall not prohibit large family day care centers on lots zoned for single-family dwellings, but may require a nondiscretionary permit which shall be granted provided compliance with certain standards, restrictions and requirements is demonstrated. In accordance with Health and Safety Code Section 1597.46, the following procedures shall apply to large family day care home permits:

(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 site development permit drawn to scale and in sufficient detail to clearly describe the following:~~

(i) ~~The boundary and physical dimensions of the site. This may be hand drawn provided it is legible.~~

(ii) ~~The location and dimensions of all existing and proposed buildings, structures, walkways, yards, driveways and parking areas on the site and on the street in front of the site.~~

(iii) ~~A drawing with accurate dimensions of the sign proposed on the site, if any.~~

(iv) ~~Such additional information as shall be required by the application form.~~

(2) ~~Decision on permit.~~ The Community Development 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 chapter have been met; otherwise, the permit shall be denied. The decision of the Community Development Director shall be final. Pursuant to Health and Safety Code Section 1597.46(c), the approval of a large family day care home permit shall not be subject to the California Environmental Quality Act (Pub. Resources Code Section 21000 et seq.).

F. ~~Approval standards. No application for a large family day care home permit shall be approved unless it complies with the following standards, restrictions and requirements:~~

~~(1) The applicant shall obtain a valid state license to operate a large family day care home on the site within one hundred and eighty (180) days of the date of approval of a large family day care home permit. Within fourteen (14) days of issuance of the state license, the applicant shall provide a certified copy of the license to the Community Development Director. The Community Development Director shall ensure that the applicant has obtained a state license in a timely manner. If the applicant fails to obtain a valid state license to operate a large family day care home on the site or fails to provide a certified copy of the license to Community Development Director as provided above, the large family day care home permit shall not become effective and shall be void for all purposes.~~

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

~~(3) The site shall provide at least two (2) off street parking spaces, no more than one (1) of which may be provided in a garage or carport. These parking spaces may include spaces provided to meet residential parking requirements.~~

~~(4) 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 pickup area designed to prevent vehicles from backing into the roadway.~~

~~(5) The applicant shall comply with all applicable State Fire Marshal regulations.~~

~~(6) The site shall not be located within three hundred (300) feet of any other existing or approved large family day care home, small family day care home, board and care home, group home or halfway house measured property line to property line.~~

~~(7) To ensure the health and safety of children in family day care homes as specified within Health and Safety Code Sections 1597.30 and 1597.46, if the site has a swimming pool or spa, the pool or spa shall meet all current code regulations for fencing, gate latches, and alarms.~~

~~(8) No more than fourteen (14) children, including children under age ten (10) who reside at the home, may be cared for at any large family day care home.~~

~~(9) Only one (1) large family day care home may be located on any lot.~~

~~(10) An on site identification sign may be permitted in accordance with the provisions of this chapter or may be approved with the large family day care home permit if submitted concurrently.~~

G. ~~Revocation. If the applicant fails to comply with any requirement of this section or if the applicant ceases or suspends operation of the large family day care home for one (1) year or more, the permit may be revoked in accordance with the provisions of Section 9.240.340.~~

**Section 19. California Environmental Quality Act Findings.** The proposed Code Amendment is exempt from the requirements of the California Environmental Quality Act (“CEQA”) and the City’s local CEQA Guidelines pursuant to CEQA Guidelines Section 15274

which states that CEQA does not apply to small and large family day care homes because large family day care homes are exempt from CEQA and the establishment of small family day care homes are ministerial actions not subject to CEQA. The proposed Code Amendment is an administrative process of the City that will not result in direct or indirect physical changes in the environment. The City Council has reviewed the administrative record concerning the proposed Code Amendment and the proposed CEQA determinations, and based on its own independent judgment, finds that the Code Amendment set forth in this Ordinance is not subject to the requirements of CEQA pursuant to CEQA Guidelines Sections 15274 and 15061(b)(3).

**Section 20. Severability.** If any sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

**Section 21. Effect of Ordinance.** This Ordinance is intended to supersede any ordinance or resolution of the County of Riverside adopted by reference by the City of Jurupa Valley in conflict with the terms of this Ordinance.

**Section 22. Certification.** The City Clerk of the City of Jurupa Valley shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

**Section 23. Effective Date.** This Ordinance shall take effect on the date provided in Government Code Section 36937.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Jurupa Valley on this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Chris Barajas, Mayor

ATTEST:

\_\_\_\_\_  
Victoria Wasko, CMC  
City Clerk

**ATTACHMENT 2**  
**(Senate Bill 234)**

## Senate Bill No. 234

### CHAPTER 244

An act to amend Sections 1596.72, 1596.73, 1596.78, 1597.30, 1597.45, and 1597.54 of, to add Sections 1597.41, 1597.42, and 1597.455 to, to repeal Section 1597.47 of, and to repeal and add Sections 1597.40, 1597.46, and 1597.543 of, the Health and Safety Code, relating to family daycare homes.

[Approved by Governor September 5, 2019. Filed with Secretary of State September 5, 2019.]

#### legislative counsel's digest

SB 234, Skinner. Family daycare homes.

Under existing law, the California Child Day Care Facilities Act, the State Department of Social Services licenses and regulates family daycare homes. Under existing law, a small family daycare home, which may provide care for up to 8 children, is considered a residential use of property for purposes of all local ordinances. Existing law authorizes a city, county, or city and county to either classify a large family daycare home, which may provide care for up to 14 children, as residential use of the property or to provide a process for applying for a permit to use the property as a large family daycare home.

This bill would instead require a large family daycare home to be treated as a residential use of property for purposes of all local ordinances.

Existing law makes void every provision in a written instrument entered into relating to real property that purports to forbid or restrict the conveyance, encumbrance, leasing, or mortgaging of the real property for use or occupancy as a family daycare home for children and every restriction or prohibition in a written instrument as to the use or occupancy of the property as a family daycare home.

This bill would also make void an attempt to deny, restrict, or encumber the conveyance, leasing, or mortgaging of real property for use or occupancy as a family daycare home and a restriction related to the use or occupancy of the property as a family daycare home. The bill would prohibit a property owner or manager from refusing to sell or rent, or refusing to negotiate for the sale or rental of, or otherwise making unavailable or denying, a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential use to a person because that person is a family daycare provider. The bill would require the department to notify applicants for family daycare home licenses that specified housing discrimination remedies are available to a family daycare home provider, family daycare home provider applicant, or person who is claiming that any of these protections have been denied.

Existing law prohibits a local jurisdiction from imposing a business license, fee, or tax for the privilege of operating a small family daycare home.

This bill would extend that prohibition to large family daycare homes.

Existing law requires the State Fire Marshal to adopt building standards and regulations relating to the fire and life safety systems in family daycare provider homes.

This bill would require the State Fire Marshal to update those regulations in the next regulation adoption cycle, and every 3 years thereafter to conform to changes in these provisions. The bill would also require the State Fire Marshal to issue guidance on implementing the provisions prior to the publication of regulations, but not later than January 1, 2021, and would authorize guidance to be issued annually thereafter in years when the specified regulations are not updated.

The bill would also make technical and conforming changes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1596.72 of the Health and Safety Code is amended to read:

1596.72. The Legislature finds all of the following:

(a) That child daycare facilities can contribute positively to a child's emotional, cognitive, and educational development.

(b) That it is the intent of this state to provide a comprehensive, quality system for licensing child daycare facilities to ensure a quality childcare environment.

(c) That this system of licensure requires a special understanding of the unique characteristics and needs of the children served by child daycare facilities.

(d) That it is the intent of the Legislature to establish within the State Department of Social Services an organizational structure to separate licensing of child daycare facilities from those facility types administered under Chapter 3 (commencing with Section 1500).

(e) That good quality childcare services are an essential service for working parents.

(f) California has a tremendous shortage of regulated childcare, and only a small fraction of families who need childcare have it. Parents should be able to support their families without having to sacrifice their child's well-being.

(g) With childcare, families have more options for jobs and education to improve their prospects. Good, affordable childcare gives children a strong start and creates opportunities for families and communities.

SEC. 2. Section 1596.73 of the Health and Safety Code is amended to read:

1596.73. The purposes of this act are to:

- (a) Streamline the administration of childcare licensing and thereby increase the efficiency and effectiveness of this system.
- (b) Encourage the development of licensing staff with knowledge and understanding of children and childcare needs.
- (c) Provide providers of childcare with technical assistance about licensing requirements.
- (d) Enhance consumer awareness of licensing requirements and the benefits of licensed childcare.
- (e) Recognize that affordable, quality licensed childcare is critical to the well-being of parents and children in this state.
- (f) Promote the development and expansion of regulated childcare.

SEC. 3. Section 1596.78 of the Health and Safety Code is amended to read:

1596.78. (a) “Family daycare home” means a facility that regularly provides care, protection, and supervision for 14 or fewer children, in the provider’s own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family daycare home or a small family daycare home.

(b) “Large family daycare home” means a facility that provides care, protection, and supervision for 7 to 14 children, inclusive, including children under 10 years of age who reside at the home, as set forth in Section 1597.465 and as defined in regulations.

(c) “Small family daycare home” means a facility that provides care, protection, and supervision for eight or fewer children, including children under 10 years of age who reside at the home, as set forth in Section 1597.44 and as defined in regulations.

(d) A small family daycare home or large family daycare home includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses. A small family daycare home or large family daycare home is where the daycare provider resides, and includes a dwelling or a dwelling unit that is rented, leased, or owned.

SEC. 4. Section 1597.30 of the Health and Safety Code is amended to read:

1597.30. The Legislature finds and declares all of the following:

- (a) The Legislature has a responsibility to ensure the health and safety of children in family homes that provide daycare.
- (b) There is an extreme shortage of regulated family daycare homes in California, and the number has decreased significantly since 2008.
- (c) There continues to be a growing need for child daycare facilities due to the increased number of working parents. Parents need childcare so they can work and attend school, and so their children can thrive.
- (d) Many parents prefer childcare located in their neighborhoods in family homes.
- (e) There should be a variety of childcare settings, including regulated family daycare homes, as suitable choices for parents.

(f) The licensing 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 daycare homes, while not placing undue burdens on the providers.

(g) The state should maintain an efficient program of regulating family daycare homes that ensures the provision of adequate protection, supervision, and guidance to children in their homes.

(h) The state has a responsibility to promote the development and expansion of regulated family daycare homes to care for children in residential settings.

SEC. 5. Section 1597.40 of the Health and Safety Code is repealed.

SEC. 6. Section 1597.40 is added to the Health and Safety Code, to read:

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

(b) The Legislature declares this policy to be of statewide concern with the purpose of occupying the field. This act, the state building code, and the fire code, and regulations promulgated pursuant to those provisions, shall preempt local laws, regulations, and rules governing the use and occupancy of family daycare homes. Local laws, regulations, or rules shall not directly or indirectly prohibit or restrict the use of a facility as a family daycare home, including, but not limited to, precluding the operation of a family daycare home.

SEC. 7. Section 1597.41 is added to the Health and Safety Code, to read:

1597.41. (a) Every provision in a written instrument relating to real property that purports to restrict the conveyance, encumbrance, leasing, or mortgaging of the real property for use or occupancy as a family daycare home is void, and every restriction in that written instrument as to the use or occupancy of the property as a family daycare home is void.

(b) An attempt to deny, restrict, or encumber the conveyance, leasing, or mortgaging of real property for use or occupancy as a family daycare home is void. A restriction related to the use or occupancy of the property as a family daycare home is void. A property owner or manager shall not refuse to sell or rent, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential use to a person because that person is a family daycare provider.

(c) Except as provided in subdivision (d), a restriction, whether by way of covenant, contract, condition upon use or occupancy, or by transfer of title to real property, that restricts directly or indirectly limits the acquisition, use, or occupancy of a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered

multifamily dwelling in which the underlying zoning allows for residential use as a family daycare home is void.

(d) (1) A prospective family daycare 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 daycare home.

(2) A family daycare home provider who has relocated an existing licensed family daycare home program to a rental property on or after January 1, 1997, may provide less than 30 days' written notice when the department approves the operation of the new location of the family daycare home in less than 30 days, or the home is licensed in less than 30 days, so that service to the children served in the former location not be interrupted.

(3) A family daycare 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 law, upon commencement of, or knowledge of, the operation of a family daycare home on an individual's property, the landlord or property owner may require the family daycare home provider to pay an increased security deposit for operation of the family daycare home. The increase in deposit may be required notwithstanding that a lesser amount is required of tenants who do not operate family daycare homes. The total security deposit charged shall not exceed the maximum allowable under existing law.

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

(e) During the license application process for a small or large family daycare home, the department shall notify the applicant that the remedies and procedures in Article 2 (commencing with Section 12980) of Chapter 7 of Part 2.8 of Division 3 of Title 2 of the Government Code relating to fair housing are available to family daycare home providers, family daycare home provider applicants, and individuals who claim that any of the protections provided by this section or Section 1597.40, 1597.42, 1597.43, 1597.45, 1597.455, or 1597.46 have been denied.

(f) For the purpose of this section, "restriction" means a restriction imposed orally, in writing, or by conduct and includes prohibition.

(g) This section does not alter the existing rights of landlords and tenants with respect to addressing and resolving issues related to noise, lease violations, nuisances, or conflicts between landlords and tenants.

SEC. 8. Section 1597.42 is added to the Health and Safety Code, to read: 1597.42. The use of a home as a family daycare home, operated under the standards of state law, in a residentially zoned area shall be considered a residential use of property for the purposes of all local ordinances, regulations, and rules, and shall not fundamentally alter the nature of the underlying residential use.

SEC. 9. Section 1597.45 of the Health and Safety Code is amended to read:

1597.45. (a) The use of a home as a small or large family daycare home shall be considered a residential use of property and a use by right for the purposes of all local ordinances, including, but not limited to, zoning ordinances.

(b) A local jurisdiction shall not impose a business license, fee, or tax for the privilege of operating a small or large family daycare home.

(c) Use of a home as a small or large family daycare 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 or large family daycare home shall not be subject to the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code.

(e) The provisions of this chapter do not preclude a city, county, or other local public entity from placing restrictions on building heights, setback, or lot dimensions of a family daycare home, as long as those restrictions are identical to those applied to all other residences with the same zoning designation as the family daycare home. This chapter does not preclude a local ordinance that deals with health and safety, building standards, environmental impact standards, or any other matter within the jurisdiction of a local public entity, as long as the local ordinance is identical to those applied to all other residences with the same zoning designation as the family daycare home. This chapter also does not prohibit or restrict the abatement of nuisances by a city, county, or city and county. However, the ordinance or nuisance abatement shall not distinguish family daycare homes from other homes with the same zoning designation, except as otherwise provided in this chapter.

(f) For purposes of this chapter, “small family daycare home or large family daycare home” includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses. A small family daycare home or large family daycare home is where the family daycare provider resides, and includes a dwelling or dwelling unit that is rented, leased, or owned.

SEC. 10. Section 1597.455 is added to the Health and Safety Code, to read:

1597.455. (a) A small family daycare 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 of Division 12, except that a small family daycare home shall contain a fire extinguisher and smoke detector device that meet standards established by the State Fire Marshal.

(b) A small family daycare home for children shall have one or more carbon monoxide detectors in the facility that meet the standards established in Chapter 8 (commencing with Section 13260) of Part 2 of Division 12. The department shall account for the presence of these detectors during inspections.

SEC. 11. Section 1597.46 of the Health and Safety Code is repealed.

SEC. 12. Section 1597.46 is added to the Health and Safety Code, to read:

1597.46. (a) A large family daycare home shall abide by all standards, in addition to the requirements of the State Uniform Building Standards Code, that are specifically designed to promote fire and life safety in large family daycare homes. The State Fire Marshal shall adopt separate building standards specifically relating to the subject of fire and life safety in family daycare 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, all of the following:

(1) The requirement that a large family daycare home contain a fire extinguisher or smoke detector device, or both, that meets childcare standards established by the State Fire Marshal.

(2) Specification as to the number of required exits from the home.

(3) Specification as to the floor or floors on which childcare may be provided and the number of required exits on each floor.

(b) A large family daycare home for children shall have one or more carbon monoxide detectors in the facility that meet the standards established in Chapter 8 (commencing with Section 13260) of Part 2 of Division 12. The department shall account for the presence of these detectors during inspections.

(c) Enforcement of this section shall be in accordance with Sections 13145 and 13146. A city, county, city and county, or district shall not adopt or enforce a building ordinance or local rule or regulation relating to the subject of fire and life safety in large family daycare homes that 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 all residences with the same zoning designation in which childcare is provided.

SEC. 13. Section 1597.47 of the Health and Safety Code is repealed.

SEC. 14. Section 1597.54 of the Health and Safety Code is amended to read:

1597.54. (a) All family daycare homes for children, shall apply for a license under this chapter, except that any home that, on June 28, 1981, had a valid and unexpired license to operate as a family daycare 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.

(b) An applicant for licensure as a family daycare 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:

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

(2) (A) Evidence that the small family daycare home contains a fire extinguisher or smoke detector device, or both, that meets standards established by the State Fire Marshal under Section 1597.455, or evidence

that the large family daycare home meets the standards established by the State Fire Marshal under subdivision (a) of Section 1597.46.

(B) 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.

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

(4) 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. This requirement may be satisfied by a current certificate, as defined in subdivision (f) of Section 121525, that indicates freedom from infectious tuberculosis as set forth in Section 121525.

(5) Commencing September 1, 2016, evidence of current immunity or exemption from immunity, as described in Section 1597.622, for the applicant and any other person who provides care and supervision to the children.

(6) 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.

(7) 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.

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

(c) 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.

SEC. 15. Section 1597.543 of the Health and Safety Code is repealed.

SEC. 16. Section 1597.543 is added to the Health and Safety Code, to read:

1597.543. (a) The State Fire Marshal shall update the building and fire standards necessary to implement the sections of this chapter relating to life and fire safety, including, but not limited to, Sections 1597.455 and 1597.46, and shall publish the updates in the California Code of Regulations (CCR) in the next Title 19 and Title 24 CCR adoption cycle.

(b) Prior to the publication of the updates required by subdivision (a), but not later than January 1, 2021, the State Fire Marshal shall issue guidance on implementing the sections listed in subdivision (a).

(c) The State Fire Marshal shall update the regulations at least every three years to conform to changes in this chapter. The State Fire Marshal

may issue guidance on implementing this chapter annually in the years in which the regulations are not updated in Title 19 and Title 24 of the CCR.

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