

ORDINANCE NO. 176545

An ordinance amending sections 12.03, 12.04.05, 12.22, 12.24, and 19.01 of the Los Angeles Municipal Code to facilitate the processing of applications for child care facilities and reassign the decision makers for different types of child care facilities.

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. The definitions of “Family Day Care Home, Large”, and “Family Day Care Home, Small” in Section 12.03 of the Los Angeles Municipal Code are hereby amended to read:

**FAMILY DAY CARE HOME, LARGE** - A family day care home for 9 to 14 children, including children under the age of 10 years who reside at the home, as set forth in Health and Safety Code Section 1597.465.

**FAMILY DAY CARE HOME, SMALL** - A family day care home for 8 or fewer children, including children under the age of 10 years who reside at the home, as set forth in Health and Safety Code Section 1597.44.

Sec. 2. Subparagraph (i) of Paragraph (a) of Subdivision 1 of Subsection B of Section 12.04.05 of the Los Angeles Municipal Code is hereby amended to read:

(i) Parks and recreation facilities, including: bicycle trails, equestrian trails, walking trails, nature trails, park land/lawn areas, childrens’ play areas, child care facilities, picnic facilities, and athletic fields (not to exceed 200 seats in park) used for park and recreation purposes.

Sec. 3. Paragraph (a) of Subdivision 3 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is hereby amended to read:

(a) **Small Family Day Care Homes:** Any dwelling unit may be used as a small family day care home, with up to eight children, as defined in Section 12.03, if it is licensed by the State of California as a small family day care home.

Sec. 4. Paragraph (b) of Subdivision 3 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is hereby amended to read:

(b) **Large Family Day Care Homes:** Any dwelling unit may be used as a large family day care home, with up to 14 children, as defined in Section 12.03, if it is licensed by the State of California as a large family day care home, and if it complies with the conditions set forth in Subparagraph (1) below.

Sec. 5. Subparagraph (3) of Paragraph (b) of Subdivision 3 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is hereby amended to read:

**(3) Exemption from Concentration and Spacing**

**Condition.** If a proposed Large Family Day Care Home is not in compliance with the concentration and spacing condition set forth in Section 12.22A3(b)(1)(x) above, then the operator may apply to the Zoning Administrator for an exemption from this condition pursuant to Section 12.24 X 25.

Sec. 6. Subdivisions 3 and 4 of Subsection U of Section 12.24 of the Los Angeles Municipal Code are hereby deleted.

Sec. 7. A new Subdivision 51 is hereby added to Subsection W of Section 12.24 of the Los Angeles Municipal Code to read:

**51. Child care facilities or nursery schools** in the A, RE, RS, R1, RU, RZ, RMP, RW, R2, R3, RAS3, or RD Zones, and in the CM and M Zones when providing care primarily for children of employees of businesses/industries in the vicinity.

Sec. 8. A new Subdivision 24 is hereby added to Subsection X of Section 12.24 of the Los Angeles Municipal Code to read:

**24. Child care facilities.** A Zoning Administrator may grant an application to permit a child care facility for 21 to 50 children in the R3 and RAS3 zones.

(a) **Procedures.** An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28C1, 2, and 3. The Zoning Administrator may waive the public hearing required in that section if the applicant submits with the application written approval of the proposed child care facility signed by the owners of all properties abutting, across the street or alley from or having a common corner with the subject property.

Sec. 9. A new Subdivision 25 is hereby added to Subsection X of Section 12.24 of the Los Angeles Municipal Code to read:

**25. Large Family Day Care Home.**

(a) Pursuant to Section 12.22A3(b)(3), a Zoning Administrator may grant an application to permit a Large Family Day Care Home within 300 feet of any existing Large Family Day Care Home. The application shall include information to show that the proposed use will meet the following standards:

(1) Drop-off and pick-up areas are provided, as are necessary to avoid interference with traffic and promote the safety of the children; and

(2) The day care home complies with all applicable State and local laws and requirements relating to child care facilities; and

(3) The use does not create an unreasonable level of disruption or interference with the peaceful enjoyment of the neighboring residents; and

(4) All play equipment and structures are located in the rear yard only; and

(5) No loudspeaker or public address system shall be installed or operated on any open portion of the premises, and any recorded music used in connection with any activity shall be significantly modulated to ensure that the use does not disturb the neighboring residents.

(b) **Procedures.** An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28C1, 2, and 3. The Zoning Administrator may waive the public hearing required in that section if the applicant submits with the application the written approval of the proposed child care facility signed by the owners of all properties abutting, across the street or alley from or having a common corner with the subject property.

Sec. 10. Rows 4 and 5, Subsection E of Section 19.01 of the Los Angeles Municipal Code are hereby amended by changing the name of the "Type of Application":

<b>Type of Application</b>	<b>Flat Fee</b>	<b>For First Block Or Portion Of A Block</b>	<b>For Each Additional Block Or Portion Of A Block</b>	<b>Appeal</b>
Child Care Facility for 21 to 50 Children in the R3 or RAS3 Zone (Section 12.24 X.24.)	\$884.00	None	None	
Large Family Day Care Home Within 300 Feet of Any Existing Large Family Day Care Home. (Section 12.24 X.25.)	\$515.00	None	None	

(#93139)

Sec. 11. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby to the City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of MAR 09 2005.

FRANK T. MARTINEZ, City Clerk

By *Marie Kobenick*  
Deputy

Approved MAR 18 2005

*James Hahn*  
Mayor

Approved as to Form and Legality

Rockard J. Delgadillo, City Attorney

By *Kenneth T. Fong*  
KENNETH T. FONG  
Deputy City Attorney

Date Feb. 9, 2005

File No. 02-2054

Pursuant to Charter Section 559, I approve this ordinance on behalf of the City Planning Commission and recommend it be adopted . . . . .

Feb. 15, 2005

see attached report.

*Con Howie*  
CON HOWE  
Director of Planning

DECLARATION OF POSTING ORDINANCE

I, MARIA C. RICO, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 176545 - Amending Sections 12.03, 12.04.05, 12.22, 12.24 & 19.01 of the L.A.M.C. - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on March 9, 2005, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on March 23, 2005, I posted a true copy of said ordinance at each of three public places located in the City of Los Angeles, California, as follows: 1) One copy on the bulletin board at the Main Street entrance to Los Angeles City Hall; 2) one copy on the bulletin board at the ground level Los Angeles Street entrance to the Los Angeles Police Department; and 3) one copy on the bulletin board at the Temple Street entrance to the Hall of Records of the County of Los Angeles.

Copies of said ordinance were posted conspicuously beginning on March 23, 2005 and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 23rd day of March 2005 at Los Angeles, California.

  
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Maria C. Rico, Deputy City Clerk

Ordinance Effective Date: May 2, 2005

Council File No. 02-2054