

Planning Department
2120 Milvia Street
Berkeley, CA 94704
510.981.7400
Zoning Information
510.981.7410

Fire Department
2100 Martin Luther King Way,
Berkeley, CA 94704
510.981.5585

Community Care Licensing
1515 Clay Street, Suite 1102
Oakland, CA 94612
510.622.2602

Business License Information
510.981.7200

Permit Center
2120 Milvia Street
Berkeley, CA 94704
510.981.7500
Building Division
510.981.7440

Local Resource & Referral Agency
BANANAS, Inc.
510.658.7353

Small Family Child Care Homes

Maximum of 8 children, including provider's own children less than 10 years old.

Small family child care is allowed "by right" in residential districts. No zoning, fire, or business permit required.

Large Family Child Care Homes

Maximum of 14 children, including provider's own children less than 10 years old

Zones: Residential, commercial and mixed use districts

Permit: Administrative use permit
Fee: \$671

Approximate Time for Approval: 8-10 weeks (assuming no appeal)

Application: Available at the permit center, where staff can assist you with your application. At the permit center, planning and zoning staff, fire prevention officers and building officials are available to answer questions during regular office hours: Monday through Friday 8-5, Wednesday 9-5. If application complies with the relevant standards of the zoning ordinance, the zoning officer issues a decision, subject to notification of surrounding property owners and occupants during a 20-day appeal period.

Impact Requirements: One parking space for every two non-resident employees, limited traffic increases within the neighborhood as shown in "flight plan" for the drop-off and pick-up area of children, limited noise impacts are determined on a case by case basis.

Hearing: Decisions to approve or deny permits are made at staff level; however, if residents wish to contest the zoning officer's decision, an application is forwarded to the Zoning Adjustments Board. The Zoning Adjustments Board may affirm the decision of the zoning officer, thereby dismissing the appeal, or set the decision for a public hearing. Public notification is provided to all owners and occupants of property within a 300 foot radius and to any neighborhood group 14 days prior to the public hearing.

Appeal Process: The decision of the Zoning Adjustments Board on the Zoning Officer's decision may also be appealed to the City Council. The City Council may affirm the decision of the Zoning Adjustments Board, thereby dismissing the appeal, or set the decision for a public hearing. **Appeal Fee:** \$578 for applicant; \$63 non-applicant (i.e. neighbor or other affected party).

Fire Clearance: Required. Pre-inspection and annual inspection offered. **Fees:** \$50 for pre-inspection; \$41.50 per hour for additional follow-up inspections and/or annual inspections.

Business License: Not Required.
Fee: N/A

Child Care Centers

Zones: Residential and commercial districts

Permit: Use Permit - Public Hearing
Fee: \$2,321

Approximate Time for Approval: 10-12 weeks (assuming no appeal)

Application: Available at the permit center, same services provided as those provided for large family child care homes.

Impact Requirements: Same as large family child care homes.

Hearing: Required. Public notification is provided to all owners and occupants of property within a 300 foot radius and to any neighborhood group. Hearing conducted by the Zoning Adjustments Board.

Appeal Process: The decision of the Zoning Adjustments Board may be appealed to the City Council, appeals are submitted to the City Clerk. The City Council process is the same as described for large family child care homes. **Appeal Fee:** \$578 for Applicant; \$63 for Non-Applicants (i.e. neighbor or other affected party).

Fire Clearance: Required. Pre-inspection and annual inspection offered. **Fees:** \$50 for pre-inspection; \$41.50 per hour for additional follow-up inspections and/or annual inspections.

Business License: Required.
Fee: 0.36% annual gross receipts.

Fee information is as of October 2002. Fees and process should be used as general guidelines, and could be subject to change.



1. Visit the Planning Department

Apply for a Use Permit from the Permit Center at 2120 Milvia Street.

The City of Berkeley requires **large family child care homes** to obtain a **Administrative Use Permit**.

Administrative Use Permits indicate that certain "conditions" must be met in order for the City of Berkeley to approve the use of child care on a certain property. These conditions are initially determined by a Zoning Officer; however, if a neighbor opposes your permit a public hearing before the Board of Zoning Adjustments will be required.

All child care centers require use permits with a mandated public hearing.



2. The Written Application

City Planners and other department officials are on-hand to assist you at the Permit Center. You must do the following:

- a. Complete a narrative, including information about your business, hours of operation, number of children served, etc.
- b. Submit physical plans, including: site plans, floor plans, and transportation plans for the drop-off and pick-up of children.
- c. **Large family child care homes** pay an application fee of \$671.
- c. **Child care centers** pay an application and staff review fees of around \$2,321.



3. Staff Review and Public Notices For Large Family Child Care

If your application meets the minimum zoning ordinances listed on the front side of this sheet, a **Zoning Officer** then notifies all residents and businesses within 300 foot radius of your property about your permit request. This notification is sent through the mail; however, it is a good idea to contact your neighbors personally about your intended business before public notices are sent out.
(See Appendices C&E)

If no neighbor complains within 20 days your **Administrative Use Permit** is granted.
(See Approval)

If a neighbor files a written appeal to the **Zoning Adjustments Board** and the Board accepts this appeal, a public hearing is held and the same residents or property owners are invited to attend.

7. City Council

At an upcoming City Council meeting members will make the final decision to approve or deny your permit.



6. Appeal

Contact the City Clerk to file a written letter of appeal to the City Council appealing **Zoning Adjustments Board's** decision.

A fee of \$578 is required for the applicant or \$63 for non-applicant.



5. Denial

Due to citizens' complaints or evidence that your project will negatively impact your neighborhood, the **Zoning Adjustment Board** does not approve your permit.



4. Public Hearing before the Zoning Adjustments Board

Attend the **Public Hearing** before the **Zoning Adjustments Board**. Be prepared to resolve complaints from neighbors who might be concerned about the noise of children playing outside or the traffic congestion from clients dropping off children. Outline steps that you are taking to decrease the negative impacts of your business within your neighborhood and the positive ways that your business will help working parents and their children.



3. Staff Review and Public Notices For Child Care Centers

When your application is completed, staff will write a report of your project to be presented before the **Zoning Adjustments Board** for approval.

5. Approval

- Congratulations! You have one year to begin child care within the home or begin construction of the new facility.
- If a hearing was required, the **Zoning Board** may require additional changes to the site.
- Additional permits may be needed depending on the scope of your project (i.e. building permits for construction, signs, etc.). The cost for these reviews is not included within the initial application fee.
- Your permit is good for as long as you own your property and use it for child care.
- Applicant must obtain a business license by contacting the City Finance Department.
- Applicant must meet all the standards of Community Care Licensing and your local Fire Department.
- Contact BANANAS, Inc. for additional assistance throughout this process.

These phone numbers are included on the previous page of this document.