

Planning and Zoning Division
250 Frank Ogawa Plaza, Suite 2114
Oakland, 94612
Zoning: 510.238.3911
Planning: 510.238.3941

Fire Department
250 Frank Ogawa Plaza, Suite 3341
510.238.3851

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

Business License Information
510.283.3704

Building Department
510.328.3443

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 legal residential settings. No zoning, fire, or business permits required.

Large Family Child Care Homes

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

Zones: Residential and commercial districts

Permit: Zoning clearance. Fee: \$11.15

Approximate Time for Approval:
One day. Issued over the counter.

Application: Applicant should apply in person at the 2nd floor zoning counter of the Planning and Zoning Division of the Community and Economic Development Department.

Impact Requirements: Oakland's only major requirement is that large family day care home is established only in a residential facility within the appropriate district.

Hearing: n/a

Appeal Process: n/a. **Appeal Fee:** n/a

Fire Clearance: Required. **Fees:** \$44 for pre-inspection. First follow-up at no charge. Second follow-up inspection costs \$200.

Business License: Required.
Fee: License fee is subsumed within zoning clearance permit.

Child Care Centers

Zoning category is "community education."

Zones: Residential and commercial districts.

Permit: Minor conditional use permit may be required or a Major conditional use permit for centers over 25,000 square feet in size. **Fee:** Minor conditional use permit: \$1,211; Major conditional use permit: \$2,238

Approximate Time for Approval:
60-120 days

Application: Applications are available on-line and at the Planning and Zoning Division of the Community and Economic Development Department. Centers are classified as "Community Education" under Oakland's zoning code. Planners recommend that larger center applicants apply for TRAC (Technical Review Advisory Committee) in order receive more complete information. After staff review the permit application, public notices are distributed at the applicant's expense.

Impact Requirements: One parking space per every three employees. A circulation plan showing that the transportation of children to and from the center does not negatively impact the surrounding areas. A ten foot buffer yard is required between the center building and any residential use. Hours of outdoor play and of general operation are determined at planning staff's discretion.

Hearing: A public hearing may be required if an applicant or property owner within a 300 foot radius wishes to appeal the staff's administrative decision before the Planning Commission.

Appeal Process: Appeal of the permit decision is made before the Planning Commission and Planning Commission cases are appealable to City Council.

Appeal Fee: \$461

Fire Clearance: Required. **Fees:** \$55 for pre-inspection. First follow-up at no charge. Second follow-up inspection costs \$200.

Business License: Required. **Fee:** \$30 minimum per year

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 at the Community and Economic Development Department located at 250 Frank Ogawa Plaza.

The City of Oakland requires **large family child care** to obtain a **Zoning Clearance**.

All **child care centers** require a **Conditional Use Permit**, relative to size of the project. These permits always require a public hearing.

A **Conditional Use Permit** means that certain "conditions" must be met in order for the City of Oakland to approve the use of child care on a certain property. These conditions are ultimately made by Planning Staff, the Planning Commission, or City Council; however, the previous page lists the usual conditions placed upon child care facilities.

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 for new building and/or site, floor, and transportation plans for home-based facility.

2. Zoning Clearance: Large Family Child Care Homes

Applicants should go to the 2nd floor Information Counter and file an application for a Zoning Clearance for home occupation. **The fee for this application is \$11.15.**

If approved, the provider may begin operation of child care services after meeting licensing and Fire Department standards.

At any time, a resident's complaint about the practices of the Child Care Home warrants a hearing before the Planning Commission.

3. Preliminary Application Review

Upon request, applicants can have their plans reviewed by city officials from fire, engineering, building, and other departments before beginning the formal application process. **The fee for this pre-application is \$85.**

If the applicant wishes to proceed with their project, they will need to pay a formal application fee of \$1,211 or \$2,238 depending on the size of your project.

8. City Council

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

7. Appeal

Contact the **City Clerk** to file a written letter to the City Council appealing the Planning Commission's decision.

The appeal fee is \$461.

6. Approval

- Congratulations! You have one year to begin child care within the home or begin construction of the new facility.
- 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 (centers only).
- 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.

6. Denial

Due to citizens' complaints or evidence that your project will negatively impact your neighborhood, the Planning Commission may not approve your permit.

5. Public Hearing before the Planning Commission

Attend the Public Hearing before the Planning Commission. Prior to the hearing, 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.

4. Additional Staff Review and Public Notices Sent Out

Once the formal application process begins, planning staff will review your application and makes recommendations to ensure that your business will not negatively impact the surrounding neighborhood.

When this review process is completed, all residents and businesses within a 300 foot radius of your property are notified about your new center. 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)

At this point, a minor application may be granted.

If a neighbor appeals the Minor CUP, you must present your application at a public hearing of the **Planning Commission** for consideration.