

Acknowledgements

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Land Use for Child Care Facilities:

Current Practice and Strategies for Streamlining the Development of Child Care Spaces for Alameda County's Children

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Introduction

The 2002 Alameda County Child Care Planning Council Needs Assessment estimates that child care demand exceeds supply in most areas in our County, and that the child population is expected to grow in the next decade. The child care industry faces many challenges in order to retain existing programs, such as scarce resources for staff wages, facilities, and parent fee assistance. In an effort to give child care providers, planners, and policy makers tools to help increase the supply and quality of child care, the Local Investment in Child Care (LINCC) Project updated the 1999 LINCC Child Care Land Use Zoning Report. This report outlines key land use and zoning policies and practices that impact the operation of child care programs in Alameda County's 14 cities and unincorporated areas. In a written survey completed in July 2002, planners reviewed their cities' current zoning and permitting policies, and identified best practices with respect to child care facilities.

The 2002 survey results mirror the 1999 survey findings, and reflect a wide variation in permitting fees and policies for new or upgrading child care facilities within Alameda County. This report includes:

- An overview of current land use zoning ordinances and practices,
- An overview of current fire code enforcement practices and policies, and
- Examples of best practices for other planning agencies to consider when assisting child care providers.

The goal of this report is to detail how city/county planners and elected officials can ease barriers to child care facilities development by designing permit practices and land use policies with child care providers' needs and goals in mind.

Background and Overview

of Child Care Facilities Licensing Regulations and Land Use Permit Requirements

There are roughly 2,718 providers of licensed child care within Alameda County. Licensed child care facilities are broken down into family child care homes, private residences caring for no more than 14 children including children of the provider, and child care centers. In September 2001, there were 1,999 licensed child care homes and 719 licensed child care centers. Together these facilities provide approximately 59,664 spaces for the care of children under the age of 14.¹

These facilities and the services they provide are vital to the lives and livelihoods of many residents. By 2010, Alameda County is expected to grow to 1,588,900 residents, a total population increase of 10% in eight years.² If the level of children age 0-5 remains relatively unchanged, over 9,000 more children under the age of five will further increase the demand for child care services within Alameda County.³ By identifying creative methods for supporting the development of child care centers and family child care homes county-wide, we hope to foster collaboration between city/county planners, local elected officials, and the child care field in order to meet child care demand and build the supply of high quality, accessible and affordable child care services.

Community development agencies and local planning departments seek to protect the health, safety, and welfare of their communities by regulating land use through enforcing current zoning policies and developing guidelines for future developments in the form of long-range general plans.

The necessity and practice of including child care in local land use planning is gaining statewide recognition. In addition to various developer fees and agreements addressing child care in the past, recent state legislation which passed the Legislature and made it to the Governor's desk would have required all cities and counties to address the distribution of child care facilities within the Land Use element of their general plan.⁴ This legislation emphasized that child care services are an integral component of local community planning.

The American Planning Association advocates for including child care policies within a community's long-range general plan. In Alameda County, eight jurisdictions (Albany, Berkeley, Emeryville, Hayward, Pleasanton, San Leandro, Union City, and unincorporated Alameda County) already address child care services to some extent within their general plans, frequently in the elements addressing public facilities or services.

1. Alameda County Child Care Planning Council. Meeting the Child Care Needs of Alameda County's Children. February, 2002. These figures represent a 22.2% increase in the number of child care slots since 1998 according to Alameda County Child Care Planning Council, The Economic Impact of Child Care in Alameda County, December, 2002.

2. Association of Bay Area Governments, Projections 2002.

3. US Census Bureau, Census 2000 reported that children under the age of five represented 6.8% of the Alameda County's current demographic make-up.

4. AB 2954 (Simitian), would have only required general plans to address the distribution of child care centers, not large family child care homes. It was vetoed by the Governor, in 2002.

In addition to addressing child care in key community planning documents, local planners and zoning officials can play a critical role in facilitating the development of new child care services by:

- Guiding child care providers through the permit process with advice tailored to the needs and goals of their new or expanding businesses (See page 14 for specific suggestions);
- Preparing child care providers to anticipate and resolve concerns from adjacent property owners who may oppose a child care site in their neighborhood before these complaints are brought before public hearings; and
- Supporting the child care industry by incorporating child care planning within other local planning initiatives for residential and commercial developments.

The two main types of child care facilities defined by the State of California are *family child care homes* and *child care centers*.

Family Child Care Homes

Community Care Licensing, a division of the California Department of Social Services, issues licenses to operate all child care facilities within the state. Based upon capacity, two types of family child care homes are regulated by Community Care Licensing: *small family child care homes* and *large family child care homes*.

Small Family Child Care Homes

These facilities are residential occupancies caring for up to eight children. California's Health and Safety Code Sec. 1597.45 requires that all small family child care homes be allowed "**by right**" in all residential districts. As such, small family child care homes are not required to obtain a land use permit, business licenses, or fire clearance for their homes.

Large Family Child Care Homes

The residential occupants of these homes provide licensed care for up to 14 children. In order to operate a large family child care home, providers must operate for at least one year as a small family provider or must meet certain educational/experience requirements.

State law limits the restrictions placed upon child care home providers. In the Health and Safety Code Section 1597.30, the California legislature recognizes that there is an insufficient number of regulated child care homes within California and the growing need for child care facilities due to the increasing number of working parents. To address these needs, the state endorses policies for licensing child care homes which are "cost effective, streamlined, and simple to administer in order to ensure adequate care for children placed in family day care homes, while not placing undue burdens on the providers."

While **small family child care homes** are exempt from land use permit, fire clearance, and business license regulations, California Health and Safety Code Section 1597.46 delineates the restrictions placed upon local governments when regulating **large family child care homes**. Local jurisdictions are only allowed to grant land use permits through three different levels of public review:

- "Classify these homes as a permitted use of residential property," and allow them by right with no review process;
- "Grant a nondiscretionary permit if the child care home complies with local ordinances. This permit will be granted by the zoning administrator ...or appropriate party within the planning agency without a public hearing."
- "Require large family day care homes to apply for a permit." Conditions of this permit are determined at the discretion of the zoning administrator or planning agency. "Not less than ten days" before the permit decision is made, public notification of the impending permit shall be distributed to all property owners within a 100 foot radius of the exterior boundaries of the proposed site. "No hearing on the application for a permit issued. ...shall be held before a decision is made, unless a hearing is requested by the applicant or other affected person."

Within these three types of review, local government's denial or conditional restrictions of land use permits for individuals wishing to provide child care in their homes can only be based upon evidence of negative impacts to the community in the following four areas: *density, traffic control, parking, and noise*. Under state law, local county and city governments are barred from placing unreasonable restrictions upon child care homes which are unrelated to these four factors.

Child Care Centers

These are designated facilities typically providing care for more than 14 children in a non-residential group setting. Infant centers, preschools, nursery schools, and after-school facilities can be included within this category. These centers are required by local law to comply with building and grounds restrictions (setbacks, lot size, building height, etc.) within their designated zone, as well as to mitigate negative traffic and noise impacts within the neighborhood. Land use permits, business licenses, and fire clearances are required.

Current Land Use Permits and Policies

for Licensed Child Care Facilities in Alameda County

Family Child Care Homes: Local Practice

Currently, jurisdictions within Alameda County grant large family child care homes four types of permits:

- **"By right:"** No permit required, as long as providers operate in an appropriate zone, usually a residential district. (Piedmont, Hayward).
- **Non-discretionary permit:** These non-discretionary permits evaluated on the administrative level by planning staff do not require a public hearing as long as no resident complaints are made and the existing home meets all building and safety standards (San Leandro, Oakland).
- **Permits with public hearing triggered by appeal:** These permits are reviewed and granted at the administrative level; however, property owners or tenants within a 100 foot radius of the site are notified of the application. If one of these affected parties files a complaint, the permit must be reviewed at a public hearing. Some cities refer to these permits as *Administrative Use Permits*, while others call them *Modified or Minor Conditional Use Permits* (Alameda County Unincorporated, Berkeley, Fremont, Livermore, Newark, Pleasanton, and Union City).
- **Permits with mandated public hearings:** These permits require public hearings and are often more time-intensive and require higher fees than other permit types issued to large family child care homes throughout Alameda County (Alameda, Albany, Dublin, Emeryville, and sometimes San Leandro).

Child Care Centers: Local Practice

Child care centers must obtain a *conditional use permit* to operate in any permitted zone within most of Alameda County. The cities of **Hayward**, **Livermore**, and **Oakland** are the only cities that allow child care centers to operate with use permits without a mandatory public hearing review in all zones. In these cities, providers may bypass the public hearing requirement if their project meets the minimum conditions established within state and local ordinances. **Fremont** extends this practice to centers wishing to operate in all zones except districts labeled as "Thoroughfare Commercial."

The following chart compares the types of permits required for large family child care homes and child care centers across Alameda County. In some jurisdictions, two types of permits may be issued to large family child care homes or centers depending on the size and area of the proposed project. The following chart reflects the permit category indicated by City and County planners; Appendix A offers more detail on specific characteristics of each permit type.

JURISDICTION:	Large Family Child Care Homes				Child Care Centers	
	"By Right"	Non-discretionary Administrative Use Permit	Modified Conditional Use Permit	Conditional Use Permit with Public Hearing	Modified Conditional Use Permit	Conditional Use Permit with Public Hearing
Alameda Unincorporated			✓			✓
Alameda				✓		✓
Albany				✓		✓
Berkeley		✓				✓
Dublin				✓		✓
Emeryville				✓		✓
Fremont			✓		✓	✓
Hayward	✓		✓		✓	
Livermore		✓				✓
Newark			✓			✓
Oakland		✓			✓	
Piedmont	✓					✓
Pleasanton			✓			✓
San Leandro		✓		✓		✓
Union City		✓				✓

Summary of Survey Findings and Best Planning Practices

Principle Findings Include the Following:

Zoning Ordinances

Zoning codes in Alameda County impacting child care have changed little within the past three years. The majority of child care facilities continue to operate primarily in residential and commercial districts.

In accordance with state law, all planning departments surveyed indicate that they place conditions on the use of residential homes used for the purpose of child care within four areas: density, traffic control, parking, and noise.

City and County planners suggested that applicants would greatly increase the likelihood of a favorable staff recommendation and/or planning commission approval for their projects by preparing proposals to address the transportation, parking, and noise impacts of their business. They suggested that applicants could develop more thoughtful and thorough permit applications, and communicate with adjacent property owners and/or tenants prior to public notification of the impending permit approval. Many planners believe that neighbor notification could enable child care providers to avoid a public hearing to approve their permit.

Permit Types and Fees

Small Family Child Care Homes

All planners indicated that family child care homes serving eight or fewer children are allowed "by right" in accordance with State law. These facilities are not required to obtain a land use permit throughout the County.

Large Family Child Care Homes

Planners in five jurisdictions indicated that family child care homes serving up to 14 children are required to obtain an administrative use permit. Application fees for this permit range from \$11.15 to \$671 depending on the jurisdiction.

Of these five cities, only Oakland and San Leandro grant non-discretionary permits without notification of the adjacent property owners and tenants and/or a public hearing.

Planners in five cities indicated that large family child care homes are required to obtain modified conditional use permits. This permit type requires a public hearing only if it is requested by an adjacent property owner or tenant within 100 feet of the proposed site. Fees for this permit range from \$15 to \$400 depending on the jurisdiction. Of these five cities, planners from four cities indicated that residents within a 300 foot radius of the proposed site, not the state mandated 100 foot radius, were routinely notified about new permit applications.

Planners in five cities indicated that large family child care homes routinely are or might be required to obtain conditional use permits depending on the nature of the proposed project. These permits include mandated review at a public hearing. Application fees for this type of permit range from \$50 to \$650 depending on the jurisdiction.

Piedmont and Hayward are the only jurisdictions within Alameda County which allow large family child care homes to operate without a land use permit.

Child Care Centers

Planners in almost all 15 jurisdictions indicated that child care centers are routinely required or might be required to obtain conditional use permits depending on the nature of the project. These permits may require discretionary review at public hearings and application fees ranging from \$130 to \$2,700 depending on the jurisdiction.

Of these 15 jurisdictions, planners in four cities indicated that public hearings are not mandated or might not be required as part of the process for approving permits for child care centers. Like those permits issued to some large family child care homes these modified or minor conditional use permits require review of plans for child care centers at public hearings only when triggered by complaints from adjacent property owners or tenants.

A Comparison of Permit Types and Fees for Family Child Care Homes and Centers

Planners in five jurisdictions indicated that they routinely require or might require large family child care homes to obtain the same permit and undergo the same process of review as child care centers, despite the fact that large child care homes serve significantly fewer children and are classified by law as residential occupancies. Two of these five cities offer the same permit to large family homes at a reduced application fee.

Planners in the remaining ten jurisdictions indicated that they routinely require different permits for large family child care homes and centers. Of these ten, three jurisdictions offer specialized permits for large family child care homes which include a customized written application packet and/or additional background material.

Of all 13 planning departments which require land use permits for both large family child care and centers (all but Hayward and Piedmont), ten jurisdictions indicated that application fees for large family child

care home permits are substantially less than application fees for child care center permits. In these ten cities, the difference between permit fees for the two forms of care can range from almost \$3,000 to \$135 in the same city. The remaining three jurisdictions which require permits of both large family child care homes and child care centers, may require large family child care homes to pay the same application fee as centers.

Examples of Best Practice:

- ✓ The City of Oakland offers a completely administrative permit for large family child care homes, called a zoning clearance. This non-discretionary permit can be issued over-the-counter at the city's permit center for only \$11.15.
- ✓ While requiring large family child care homes to obtain a modified conditional use permit, the City of Fremont and areas of Unincorporated Alameda County maintain polices which allow providers to pay reduced application fees if no public hearing is necessary.
- ✓ The City of Pleasanton offers a reduced application fee for large child care homes seeking a conditional use permit. Fifteen dollars is charged, in contrast to the \$150 fee required of center-based facilities.

Permit Processing Timeframes

The average length of time needed to secure all use permits remains relatively unchanged from 1999 to 2002. Eighty percent of cities are currently upgrading or have upgraded their permit review process to increase efficiency for all small businesses, including child care, through some combination of the following strategies:

Permit Centers

These are centralized locations or, "one-stop shops," where staff from planning, zoning, building, fire, and other related departments provide coordinated assistance to applicants. Three cities currently grant land use permits at their permit center, while two cities do not use their permit centers to grant land use permits.⁵

5. The cities of Berkeley, Oakland, and Hayward currently operate with these centers designed to issue land use permits. The cities of San Leandro and Livermore have permit centers; however, one can only acquire land use permits through the planning department.

Coordinated In-House Review Forums

This is a multi-department body which reviews application plans and presents applicants with a general, comprehensive assessment of facility alterations and/or project designs that may be necessary for permit approval. This practice enables the applicant to better navigate the permitting process and may reduce processing delays.⁶

Examples of Best Practice:

- ✓ The City of Emeryville provides zoning information on the internet at their "one stop shop." This award-winning system allows residents to acquire information about their property on-line.
- ✓ The City of Alameda's on-line technology includes applications which can be accessed, completed, and submitted entirely on-line and tracking systems for applications being processed.
- ✓ Union City provides an in-house review forum for new providers before the initial deposit is paid and the formal application process begins. The child care provider is presented with all potential application costs and given a general understanding of additional exterior or interior building or landscaping modifications that might be required to be completed in order for the use permit to be approved.

6. This body may include representatives from building, fire, police, engineering, planning, zoning, parks and recreation, and other related departments. These reviews can occur before the formal application process begins and any fee is deposited, during the staff review of applications before the permit conditions are presented before the public and/or planning commission, or after the permit has been approved at the public hearing in order to address any lingering concerns pertaining to land use.

Planning Department and Child Care Field Recommendations

Local planning departments in conjunction with child care field representatives, such as staff from local child care resource and referral agencies,⁷ can minimize barriers to facilities development by:

- Creating and distributing specialized guidelines for navigating the permit process to new providers;
- Collaborating with fire, building, and other public works departments during the initial stages of project planning; and
- Placing reasonable conditions and fees on land use permits which are consistent with the child care provider's needs and practices.

City and county planners can provide valuable assistance to child care providers at the initial stages of project development by collecting information on other city or county department regulations that impact child care facilities and coordinating the processes that review or enforce these regulations. For example, increased communication with local fire and building departments may allow for permits to be processed simultaneously and decrease the amount of time currently required to review a permit transferred from one department to another department.

Within their own departments, local planners can expedite the process for permit approval for both family child care homes and child care centers by streamlining the application process, providing designated staff or individual staff support, and helping providers understand the process with "user friendly" informational tools. Many of the following strategies are current practices within local jurisdictions and were volunteered by planning staff during phone interviews. Most of the following strategies are low cost and only require administrative changes.

A. Provide Informational Materials and Protocols

- Create and distribute a "Start-Up Guide" for child care facilities. This guide could include: child care information from the jurisdiction's zoning ordinances and General Plan; a clear written description of the permit process; key contacts within other city departments; tools for completing applications such as templates for child care specific site plans and traffic circulation grids; and methods for applicants to determine noise impacts.
- Develop permit applications tailored to large family child care homes or centers. These applications should detail guidelines for project approval and give the provider a clear idea of the entire permit

7. Resource and referral agencies are public agencies or non-profit, state-mandated organizations located in every California county and specialize in providing support to parents seeking child care and assisting child care providers with information and job training. They can provide support for providers throughout the permitting process. Within Alameda County, three such centers exist: BANANAS, Inc. (Northern Alameda County), Child Care Links (Eastern Alameda County), and 4C's (Southern Alameda County). Contact information for these agencies is in Appendix D of this document.

process, including the process for approval of city departments other than the planning department (fire, building, engineering departments, etc.).

- Generate lists of property owners or tenants within the stipulated radius of proposed facility for providers and assume the costs for public notification of pending permit approvals.
- Facilitate a supportive network in the initial stages of project planning by encouraging prospective child care providers to request an in-house review forum before submitting formal applications.

B. Improve Communication Practices with the Child Care Field

- Refer a new applicant to the local child care resource and referral agency. These agencies could work with applicants to develop creative solutions to noise, traffic, and parking concerns before and after public hearings; e.g., staggering the hours children play outdoors or are transported to and from the facility, or advising parents to follow designated routes, use specific parking locations, and refrain from honking their car horns.

C. Improve Processing Infrastructure

- Establish permit centers with permitting experts (building, engineering, etc.) to advise applicants on different aspects of the development process, or promote existing permit centers to child care providers.
- Designate planners within each department who have previous experience with, or interest in, developing child care facilities to assist with child care permit applications.
- Provide on-line resources to inform new clients of procedures and to distribute applications. In the long-term, provide on-line technology to track the processing trajectory of individual applications.

D. Increase Advocacy and Planning to Integrate Child Care with Other Land Use Planning

- Include child care within planning for major new commercial and residential developments and in redevelopment areas through practice and/or policy changes.
- Promote child care planning and investments with developers. Highlight the tax reductions or credits which may be received by including child care in their plans and the benefits to workers and residents of including child care services in their developments.

Fire Code Enforcement for Child Care Facilities

A. Ordinances: State Law and Local Practice

Fire safety regulations for child care facilities both within residential homes and commercial centers are published annually within Title 24, the Building Code Section of the California Administrative Code. Pursuant to Health and Safety Code Section 1597.46.D, these standards should be enforced uniformly throughout the state, subject to the State Fire Marshal's approval.

Small family child care homes are not required to obtain a fire clearance; however, site visits by Community Care Licensing analysts assure that homes comply with basic building and fire safety standards.

Large family child care homes must obtain a fire clearance from their local jurisdiction; however, California law limits the extent to which these residents must alter their home environment in order to meet fire safety standards. State law requires:

- A fire extinguisher and smoke detector that each meet the State Fire Marshal's guidelines;
- A specific number of exits from the home;
- A specific level or levels within the home where child care can be provided;

In addition to these requirements, the State Fire Marshal may require large family child care homes to take additional measures in order to promote "fire and life safety."

Within Alameda County, some large family child care providers have experienced challenges during the process of obtaining a fire clearance for their homes.

Example 1

In the Spring of 2002, a small family child care provider wishing to increase her capacity and upgrade to the status of a large family child care home was told that she would need a costly fire alarm system in order to pass her inspection. This "system" is required of larger child care centers in this city and there are alternative devices more commonly required for residential homes that cost less, and could be more supportive of state law that does not condone extreme alterations of residential structures to provide child care services. This conflicting information could have prevented this provider from expanding her business and serving more children had she not taken extra time to pursue this matter further with other local officials.

Child Care Centers have more stringent standards for fire safety due to their larger capacity and commercial setting. These requirements are also listed in Title 24 of the California Administrative Code. Often, child care centers have staff trained to properly manage and oversee all fire safety standards; however, even in these settings, misinformation and a lack of properly updated equipment can lead to a denial of fire clearance. This denial jeopardizes the licensing of a facility and could result in the closure of a center. In the spring and summer of 2002, this misinformation jeopardized the operation of child care centers within a local school district, an event which would have left many children without care.

B. Fire Inspection Fees

Inspection fees required to obtain a fire clearance are established in coordinated master fee schedules approved by each jurisdiction. Designed to keep costs low for small businesses, fees for most fire safety inspections can be subsumed within the state Community Care Licensing or an individual city's business licensing fee. Some degree of this policy is currently in place in the cities of Newark, Piedmont and San Leandro.

State law mandates a maximum \$50 fee for pre-inspections. Subsequent inspection fee rates are determined by individual jurisdictions and are calculated upon the inspector's work hours or visits to the site. The length of time taken to process paperwork is not included within this charge.

A phone survey of fire prevention officers (FPOs), inspectors, fire marshals, and fire chiefs performed in July 2002 revealed high variations in fees and practices throughout the County. According to the fire department officials who responded to the July 2002 survey, this variation is partially due to short-staffing and limited resources in areas with the highest demand.

C. Survey Results: *Fire Clearance*

Fire Departments maintain various procedures and policies to ensure fire safety standards within child care facilities throughout the County. These practices were identified by local fire marshals, fire prevention officers, and inspectors during phone interviews conducted in July 2002.

New child care providers currently pay inspection fees of \$50 to \$120 in order to obtain their initial fire clearance. A fire clearance is required of large family child care homes and centers in order to obtain land use permits in all jurisdictions of Alameda County. Small family child care homes are not required to obtain a formal fire clearance.

D. Fire Department Best Practices & Recommendations

Alameda County fire department officials have suggested the following strategies to maximize the efficiency of fire clearance inspections for child care providers and fire department staff:⁸

- Increase communication between building and fire officials and licensing concerning the number of children that can be "properly" cared for within a facility. This communication should include informing providers of the different square-footage requirements per child needed by each department.⁹
- Advise providers "up-front" of structural barriers that will always prevent the issuance of a fire clearance (e.g., child care operating on the second floor or in a garage). This strategy could be implemented by creating an outline of fire safety requirements specific to both child care homes and centers which could be sent to providers prior to their initial or annual inspection.

Example 2

Also in 2002, a large family child care provider did not receive fire clearance for her residence in a new apartment building because she wished to operate child care services on the second floor. The Fire Department's policy to allow child care to operate only on the first floor is widely practiced and upheld throughout the County. Like the provider in Example 1, this provider's lack of information early in the permit process shows that both child care providers and local fire safety officials should work together to increase communication surrounding the safety measures required to obtain a fire clearance for home-based child care facilities.

- Formalize informational sharing so that fire prevention teams and suppression units, and officials who respond to alarms, are aware of the location and scope of child care in all family child care homes and commercial facilities. This information could include information on the location of small family child care homes which do not currently undergo a formal fire safety inspection.

In addition to these strategies, the LINCC Project recommends that:

- Fire Departments collaborate with and utilize agencies already designed to present information to new providers. These organizations include: *Community Care Licensing, local child care resource and referral agencies, local planning departments, and local building departments*. This collaboration would streamline the fire clearance process for child care providers, reduce follow-up inspection fees and fire inspectors work-load, as well as enhance the level of safety within child care facilities throughout Alameda County.

8. The following are recommendations made by local fire marshals, inspectors, and fire prevention officers during telephone interviews performed in July 2002.

9. Square footage maximum capacity requirements are specified in Title 24 of the Building Code and Sections 1569.72 & 81 of the Health and Safety Code.

Example of Best Practice:

Alameda County's Fire Prevention Officers have recently been formatting a checklist which will be used as a tool to inform large family child care home providers about basic fire safety protocols required in order to obtain a fire clearance. This list may help improve communication between providers and city fire departments and help the child care field be better prepared for inspections.

Building Department Recommendations

Additional barriers to child care facilities development may result from architects and child care providers lack of information about architectural needs specific to child care centers.

Local Building Departments can assist child care providers with the construction of new facilities by:

- Offering site visits to explore the need for modifications to existing structures slated to provide child care services;
- Learning about state and federal building requirements specific to child care as well as best practices for designing centers (e.g. Consumer Product Safety Commission playground requirements, state safety regulations regarding structural modifications for nonambulatory children, etc.);
- Working with the Child Care Fund of Every Child Counts to maintain a list of contractors who are licensed by the State of California to install safety equipment or have experience building new or expanding existing child care centers and provide this list to child care providers.

Appendices

Appendix A

City-Specific Overviews of Land Use Permit Processes

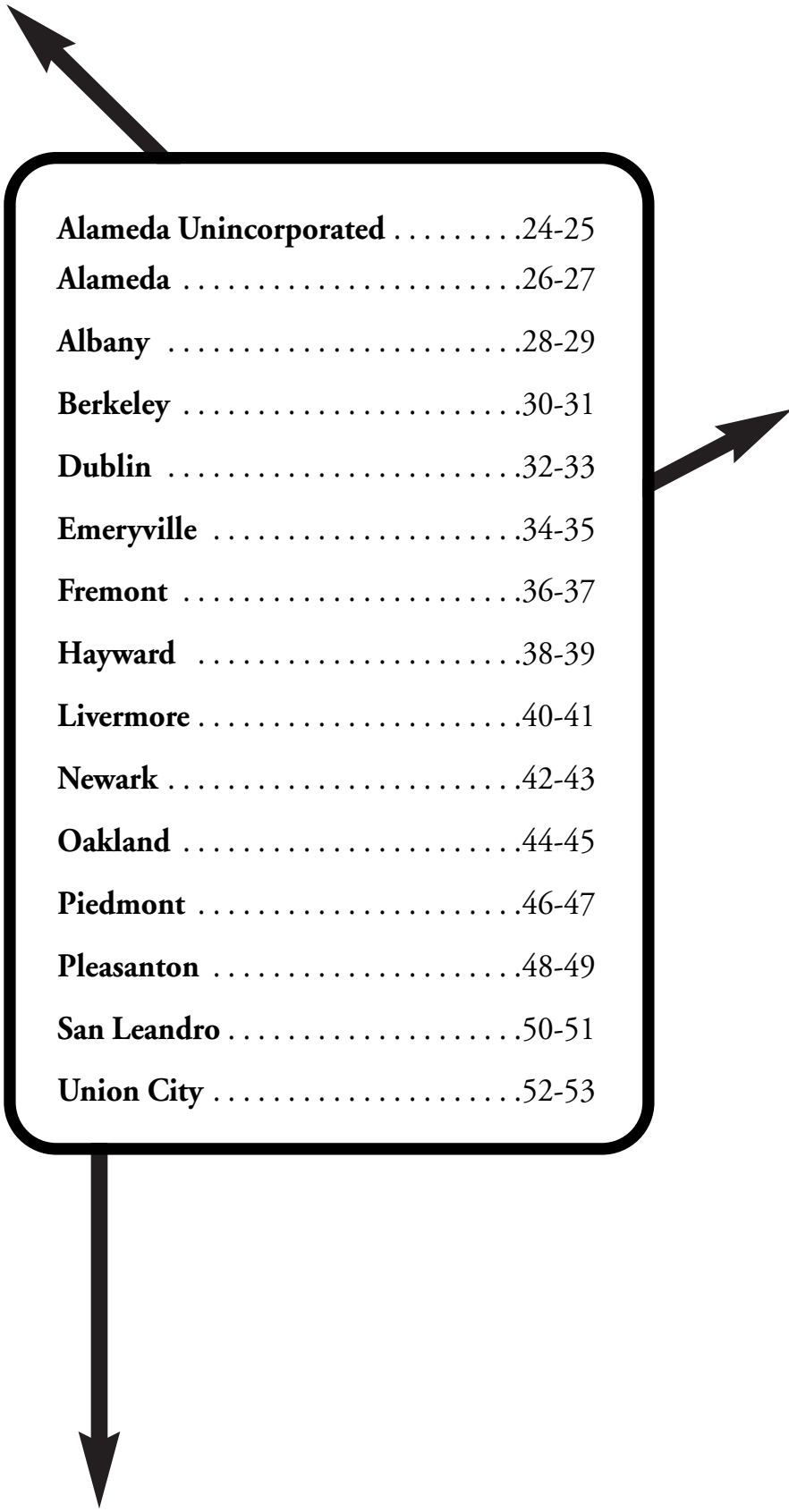
The following section of this report is designed to inform local planning department staff, fire department officials, resource & referral agency staff, Community Care Licensing analysts, and local child care providers about current policies for establishing or expanding child care facilities within Alameda County.

Each city summary contains specific information regarding small family child care, large family child care, and child care centers, and includes:

- ✓ Designated zones for each type of child care,
- ✓ Types of permits necessary for each type of child care,
- ✓ Cost of permits,
- ✓ Overview of the permit application process,
- ✓ Specific ordinance requirements for each type of child care,
- ✓ Information on public hearing and appeals,
- ✓ Business license information and fee rates,
- ✓ Fire inspection information and fee rates, and
- ✓ Average permitting process timeframe.

These summaries also contain appropriate contact information for key public agencies serving child care facilities and providers within each jurisdiction, as well as graphic "flow charts" of the various steps comprising the permit approval process.

All information is current as of October 2002.



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Alameda County Unincorporated

www.co.alameda.ca.us

Community Development Agency

399 Elmhurst Street
Hayward, CA 94544
510.670.5400

Fire Department

22341 Redwood Road
Castro Valley, CA 94546
510.670.5853

Community Care Licensing

1515 Clay Street, Suite 1102
Oakland, CA 94612
510.622.2602

Business License Information

224 W. Winton Avenue, Room 169
Hayward, California 94544-1221
510.670.6400

Building Inspection Information

510.670.5440

Local Resource & Referral Agency

East Livermore: Child Care Links
925.417.8733
Castro Valley, Ashland, Cherryland:
4Cs
510.582.2182

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. Zoning, fire or business permits are not required.

Large Family Child Care Homes

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

Zones: Permitted in all zones with special review.

Permit: Large Family Day Care Permit.
Fee: \$200; \$250 if hearing required.

Approximate Time for Approval:

4 weeks without hearing; 8-12 weeks with hearing.

Application: Currently available at the planning department, soon to be published on-line. Applicants must provide the planning department with a detailed site map, written narrative of business practices including estimated number of employees and daily activity schedule, stamped addressed envelopes of all property owners within 100 feet of the affected property along with the completed application. If no requests for a hearing are made by the public within the ten day notice period, the planning department may issue a permit under specific conditions.

Impact Requirements: Hours of operation are limited to between 6:30 am and 6:00 pm, five days a week. All outdoor play areas must be secured with fencing and the entire premises must be maintained in an attractive manner to the standards of the Neighborhood Preservation Ordinance. The provider must ensure that the drop-off and pick-up of children is orderly and convenient for neighbors. Only one sign is allowed for the site.

Hearing: Ten days before the Board of Zoning Adjustments (BZA) decision takes effect, notices of the permit's conditions are mailed to property owners within a 100 foot radius. If a request for a hearing is made, a hearing date is scheduled before the BZA. They review the application and may approve it as submitted, approve it with specific conditions, or deny the application.

Appeal Process: Any decision of the BZA may be appealed to the County Board of Supervisors. **Appeal Fee:** \$100

Fire Clearance: Required.

Fee: \$50 for pre-inspection. \$80 an hour for inspection.

Business License: Required. **Fee:** \$20 initial fee, later credited upon renewal. If gross receipts exceed \$5,000, then \$1 per \$1,000 generated. Under \$5,000, no fee.

Child Care Centers

Zones: Permitted in all zones.

Permit: Conditional use permit valid for one to five years. **Fee:** Cost of staff time, approximately \$300 in residential districts and \$375 in all other districts.

Approximate Time for Approval:
8-12 weeks

Application: Currently available at the planning department, soon to be published on-line. The application requires documentation similar to that required of Large Family Day Care Permits.

Impact Requirements: One staff person must be present at the child drop-off/pick-up area. Applicants must estimate projected traffic impact within application. Upkeep of property area must be in accordance with the Neighborhood Preservation Ordinance.

Hearing: A conditional use permit requires a public hearing with notification of property owners within 300 feet of the site. If granted, the conditional use permit expires at the end of the stated term, usually one to five years, and must be renewed to continue operations.

Appeal Process: Any decision of the Board of Zoning Adjustments (BZA) may be appealed to the County Board of Supervisors. **Appeal Fee:** \$100

Fire Clearance: Required. **Fee:** \$50 for pre-inspection. \$80 an hour for inspection.

Business License: Required. **Fee:** \$20 initial fee + \$0.40 per \$1,000 generated gross receipts.

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

Alameda County Unincorporated – Guide to Obtaining a Land Use Permit

1. Visit the Planning Department

Apply for a Use Permit at the Community Development Agency at 399 Elmhurst Street in Hayward.

Individuals living within the unincorporated areas of Alameda County must obtain a **Large Family Day Care Permit** to operate day care within their homes.

Large Family Day Care Permits are obtained if all zoning ordinances are met without any variances, or special considerations. These permits are granted by the Planning Department, but may require a public hearing if a neighbor opposes your child care business.

All **Child Care Centers** require **Conditional Use Permits**, which always includes a public hearing.

A **Conditional Use Permit** means that certain "conditions" must be met in order for property to be used for child care within the unincorporated areas of Alameda County. These conditions are ultimately made by planning staff, the Board of Zoning Adjustments, or the County Board of Supervisors; however, the previous page lists the usual conditions placed upon child care facilities.

2. The Written Application

Planners and other department officials are on-hand to assist you at the Community Development Agency. 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 a new building and/or site, floor, and transportation plans for a home-based facility.
- c. Pay a fee of \$200 for large family child care homes.
- d. Pay fee of \$300-375 for child care centers.

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

Upon receipt of a complete application, the Planning Department will notify property owners within 100 feet of your site. The public may request a public hearing on the matter within ten days of the notification date. If they do not, the Planning Department may then approve your application. It is a good idea to contact your neighbors personally about your intended business before public notices are sent out.

(See Appendices C&E)

A. If no neighbor complains, your **Large Family Day Care Permit** is granted. (See Approval).

B. If a neighbor files a written appeal to the **Planning Department** within ten days of notification, a public hearing before the **Board of Zoning Adjustments** is scheduled and the same residents or property owners invited to attend.

3. Staff Review and Public Notices For Child Care Centers

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

5. Approval

- Congratulations! You have one to three years to implement a conditional use permit.
- If a hearing was required, the **Board of Zoning Adjustments** may require additional changes to the site.
- Additional permits may be needed depending on the scope of your project in order to ensure that your building is safe (i.e. building permits for construction, signs, etc.).
- Your permit is good for one to five years.
- Applicant must obtain business license by contacting the City Finance Department.
- Applicant must meet all the standards of Community Care Licensing and your local fire department.
- Contact 4 C's or Child Care Links for additional assistance throughout this process. These phone numbers are included on the other page of this document.

8. County Board of Supervisors

At an upcoming meeting of the **Board of Supervisors**, members will make the final decision to approve or deny your use permit.

7. Appeal

Any decision of the **Board of Zoning Adjustments** may be appealed to the County Board of Supervisors by filing an appeal with the Clerk of Board of Supervisors within ten days of the decision.

The appeal fee is \$100.

6. Denial

The **Board of Zoning Adjustments** may not approve your application if it finds that your child care business will negatively impact your neighborhood and that those negative impacts can not be reasonably mitigated, or resolved.

4. Public Hearing before the Planning Commission

Attend the **Public Hearing** before the **Board of Zoning Adjustments**. Be prepared to resolve complaints from neighbors who might be concerned about the noise of children playing outside or the traffic congestion of 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.

City of Alameda

www.ci.alameda.ca.us

Planning Department

City Hall, Room 190
2263 Santa Clara
Alameda, CA 94501
510.748.4554

Fire Department

950 West Mall Square, Suite 150
Alameda, Ca 94501
510.749.5885

Community Care Licensing

1515 Clay Street, Suite 1102
Oakland, CA 94612
510.622.2602

Business License Information

Finance Department
510.748.4561

Building Department

Permit Technician
510.748.4530

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 permits are required.

Large Family Child Care Homes

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

Zones: Residential, commercial, industrial and mixed use districts.

Permit: Use permit. **Fee:** \$650

Approximate Time for Approval: 12 to 24 weeks

Application: Currently, available at the planning department. The completed application including site plans, written statement of expected impacts, etc. is reviewed by individual departments before planning staff makes recommendation at a public hearing before the Planning Board. The City of Alameda is currently upgrading their application process to include on-line forms, tracking the for the status of projects on-line, and an in-house development review committee to examine projects with representatives from fire, building, engineering, and police departments.

Impact Requirements: Providers must ensure one parking space for every 600 feet of gross floor area. Traffic concerns are addressed on a case by case basis. Residences must meet building and fire safety requirements before permit is issued.

Hearing: A hearing before the Planning Board is required to approve a permit. Residents within a 300 foot radius are notified and the applicant is encouraged to attend. After the Planning Board approves the final conditions of the permit, providers have 3-6 months to complete additional reviews or building modifications in order to comply with the Planning Board's recommendations. The permit is valid for the entire time that the land is in use for child care and is only called into review or revoked by significant public complaint.

Appeal Process: Individuals can appeal within ten days of the Planning Board's decision. Appeal date is determined by planning staff and heard before the City Council. **Appeal Fee:** \$120.

Fire Clearance: Required. **Fees:** There is a one time pre-inspection fee of \$42 per hour. Average inspection lasts 30 minutes. There is no charge for follow-up inspections.

Business License: Required. Applications available on-line. **Fee:** \$.40 per \$1000 generated from gross receipts, minimum \$65.

Child Care Centers

Zones: Commercial, industrial are by right and limited residential districts with use permit.

Permit: No permit requirement for centers wishing to operate in commercial or industrial districts. A use permit is required for residential districts. **Fee:** \$650

Approximate Time for Approval: 12-24 weeks if use permit is required.

Application: Same process and application as large family child care homes seeking a use permit.

Impact Requirements: Providers must ensure one parking space for every 600 feet of gross floor area. Traffic concerns are addressed on a case by case basis.

Hearing: Same as large family child care home requiring a use permit.

Appeal Process: Same as large family child care homes appealing a use permit. **Appeal Fee:** \$120

Fire Clearance: Required. **Fees:** One time pre-inspection fee of \$42 per hour. Average inspection lasts 30 minutes. No charge for follow-ups.

Business License: Required. Applications are available on-line. **Fee:** \$.40 per \$1000 generated from gross receipts, minimum \$65

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 **Conditional Use Permit** from the City Planning Department at City Hall, Room 190.

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



2. The Written Application

City Planners are on-hand at City Hall to assist you. You must do the following:

- a. Complete an application, including information about your business, hours of operation, number of children served, etc.
- b. Submit physical plans for a new building and/or site, floor, and transportation plans for a home-based facility.
- c. Obtain and submit fire clearance approval from your local Fire Department (See fire clearance information).
- d. Pay fee of \$650.



3. Planning Staff Review

Staff reviews application and may request more information from or suggest changes in the application before recommending that the permit be approved.



4. Public Notices Sent Out

Once the Planning Staff deems your application complete, they agendaize your application for the local **Planning Board** at a public hearing. The Planning Department then notifies all

residents and businesses within a 300 foot radius of your property of your hearing date. 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)

Approval

- Congratulations! You have one year to begin child care within the home or begin construction of the new facility.
 - The Planning 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 \$650 fee.
 - Your permit is good for as long as you own your property and use it for child care.
 - Applicant must obtain 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.

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 within ten days to appeal the Planning Board's decision.
The appeal fee is \$120.



6. Denial

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



5. Public Hearing

Attend the **Public Hearing** before the **Planning Board**. Be prepared to address complaints from neighbors who might be concerned with 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.



Community Development Division

1000 San Pablo Avenue
Albany, CA 94706
510.528.5760

Fire Department

1000 San Pablo Avenue, Albany, CA
94706
510.528.5775

Community Care Licensing

1515 Clay Street, Suite 1102
Oakland, CA 94612
510.622.2602

Business License Information

Finance & Administrative
Services Department
510.528.5730

Building Department

Permit Technician
510.528.5760

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 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: Conditional use permit.
Fee: \$550

Approximate Time for Approval:
4-6 weeks

Application: Available at Community
Development Department. Applicants
are required to provide site plans,
written narrative of their proposed
business practices, landscape designs,
and deposit for the use permit. These
are reviewed by individual departments
or at a monthly in-house review
committee if necessary. Conditions
placed upon the permit must be
approved in a public hearing before the
planning and zoning commission.

Impact Requirements: One parking
space per employee. Must comply with
noise ordinances. Other requirements
considered on a case-by-case basis.

Hearing: Hearing required. Residents
within a 300 foot radius are notified.
Decision made by Planning and Zoning
Commission.

Appeal Process: Written appeal must
be filed within 14 days of the
commission's final decision. Revised
plans and testimony are present before
the City Council. **Appeal Fee:** \$275

Fire Clearance: Required. **Fees:** Fees
are waived at discretion of fire marshal
for the purchase of smoke detectors, etc.

Business License: Required. **Fee:** \$201
+ \$41 per employee annually

Child Care Centers

Zones: Residential and commercial
districts

Permit: Conditional use permit.
Fee: \$550

Approximate Time for Approval:
4-6 weeks

Application: Available at Community
Development Department.

Impact Requirements: One parking
space per employee. Must comply with
noise ordinances.

Hearing: Hearing required. Residents
within a 300 foot radius are notified.
Decision made by planning and zoning
commission.

Appeal Process: Written appeal must
be filed within 14 days of the
commission's final decision. Revised
plans and testimony are present before
the City Council. **Appeal Fee:** \$275

Fire Clearance: Required.
Fees: No fee for pre-inspection.
\$50 for annual inspection

Business License: Required.
Fee: \$201 + \$41 per employee annually.

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 **Conditional Use Permit** from the Community Development Division located at 1000 San Pablo.

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



2. The Written Application

City Planners are on-hand at 1000 San Pablo to assist you. 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 a new building and/or site, floor, and transportation plans for a home-based facility.
- c. Pay fee of \$550 for large family child care or \$550 for child care centers.



3. Department Staff Review

Staff from different city departments review your application at a monthly meeting. These officials may request more information from you.



4. Public Notices Sent Out

If City Departments approve your project, they recommend that your application be presented to the local **Planning and Zoning Commission** at a public hearing.

The Planning Department then notifies all residents and businesses within 300 foot radius of your

property of your hearing date. 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 contests, your permit is approved.

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 within fourteen days to appeal the Planning and Zoning Commission's decision. The appeal fee is \$275.



6. Denial

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



5. Public Hearing

Attend the **Public Hearing** before the **Planning and Zoning Commission**. Be prepared to resolve complaints from neighbors who might be concerned with 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.



Approval

- Congratulations! You have one year to begin child care within the home or begin construction of the new facility.
- **Planning and Zoning Commission** 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 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.

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.

Planning Department
100 Civic Plaza
Dublin, CA 94568
925.833.6610

Fire Department
100 Civic Plaza
Dublin, CA 94568
925.833.6606

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

Business License Information
Finance Department
925.833.6640

Building Department
925.833.6620

Local Resource & Referral Agency
Child Care Links
925.417.8733

Small Family Child Care Homes

Small family child care is allowed "by right" in residential districts. No use permits required. No fire clearance or business license required.

Large Family Child Care Homes

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

Zones: Residential districts

Permit: Conditional use permit.
Fee: \$50

Approximate Time for Approval:
8 weeks

Application: Available at the planning department. Requires written statement outlining business practices, site plans, building evaluations, floor plans, traffic data, and a list of residents and property owners within a 300 foot radius of the proposed site.

Impact Requirements: Two parking spaces per home, plus one space for every employee not residing in the home, and one space for every four children in the facility. Noise must be controlled and no outdoor activities are permitted before 9:00 am.

Hearing: Required. Resident property owners and tenants within a 300 foot radius are notified.

Appeal Process: Appeals must be filed within ten days of the Planning Commission's decision to the City Council. **Appeal Fees:** No charge to file an appeal

Fire Clearance: Required. Pre-inspection often serves as final inspection if all code requirements are met. **Fee:** \$50 for pre-inspection. \$80 per hour for inspection and first follow-up. Additional follow-ups at no charge.

Business License: Required. **Fee:** \$50 annually, term begins in October.

Child Care Centers

Zones: Residential, commercial, and industrial districts

Permit: Conditional use permit.
Fee: \$130

Approximate Time for Approval:
8 weeks

Application: Same as large family child care homes.

Impact Requirements: Centers must provide one parking space per employee, one space per company vehicle, and one space for every five children at the facility. Additional conditions are applied on a case by case basis.

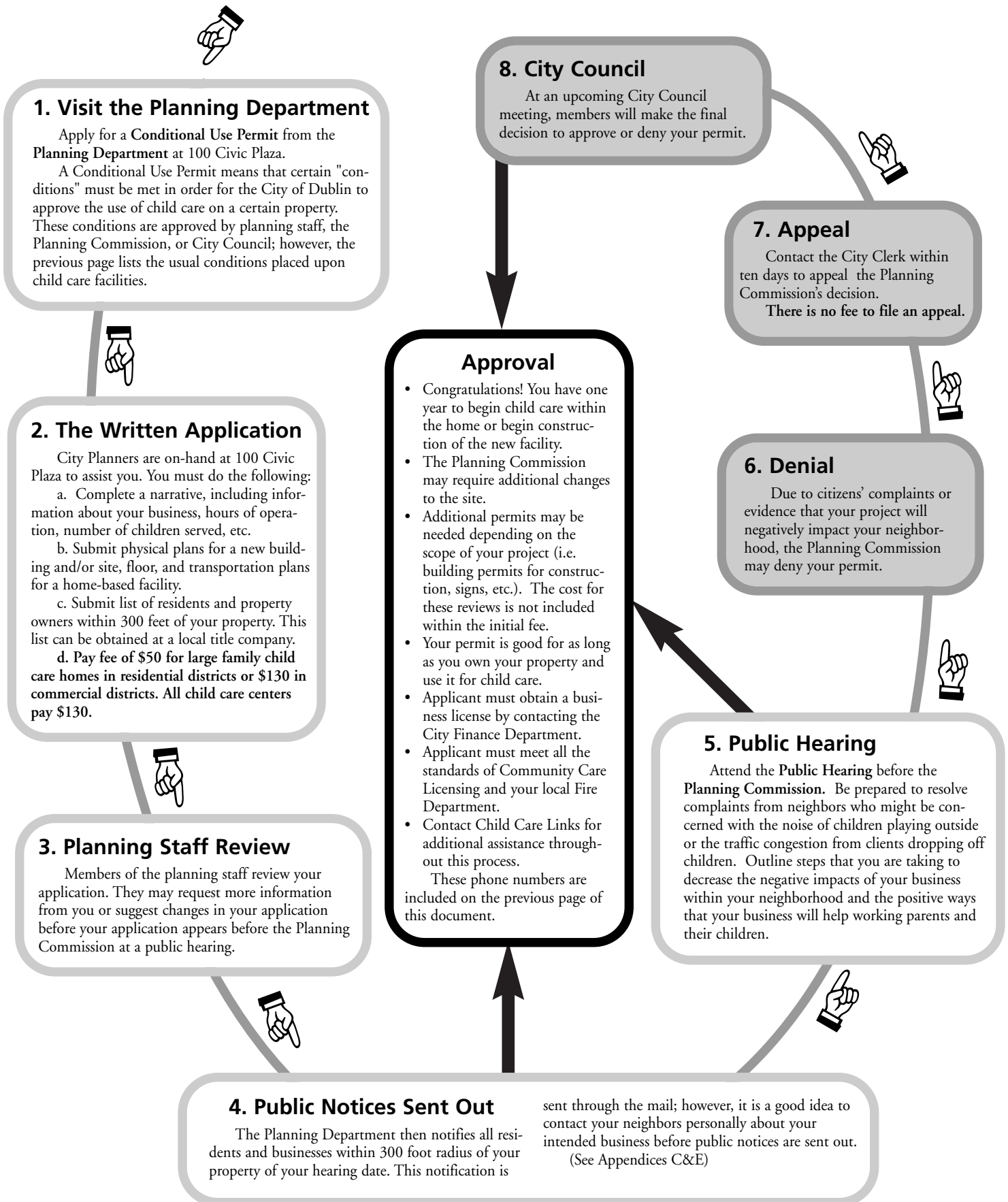
Hearing: Required. Property owners and tenants within a 300 foot radius are notified. Planning staff makes recommendations and presents permit conditions for the Planning Commission's approval.

Appeal Process: Appeals must be filed in writing to the City Council within ten days of the Planning Commission's decision. **Appeal Fee:** No charge to file an appeal

Fire Clearance: Required. **Fees:** \$50 for Pre-Inspection. \$80 per hour for inspection or first follow-up. Additional requested follow-ups at no charge.

Business License: Required. **Fee:** \$50 annually, term begins in October

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



City of Emeryville

www.ci.emeryville.ca.us

Planning Department
1333 Park Avenue
Emeryville, CA 94608
510.596.4360

Fire Department
2449 Powell Street
Emeryville, CA 94608
510.596.3759

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

Business License Information
510.596.4325

Building Department
510.596.4310

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 is required.

Large Family Child Care Homes

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

Zones: Residential districts

Permit: Conditional use permit
Fee: \$500

Approximate Time for Approval:
2-3 months

Application: Emeryville offers an on-line "one-stop shop" to inform residents of a property's zoning classification, assessed property value, etc. using GIS technology. While these inquiries can be performed on-line, applications for conditional use. Permits are only available at the planning department.

Impact Requirements: Minimum 35 square feet of interior residential and external/outdoor play area per child. Minimum 75 square feet for children older than two (side yards and front yards are not included in this estimate). No outdoor activity before 8:00 am or after dark. Garages shall not be used for family child care unless they meet all building and fire code regulations and sufficient alternative on-site parking is available. Traffic concerns are addressed on a case by case basis.

Hearing: A public hearing before the Planning Commission is required. Residents within a 300 foot radius along with affected municipal agencies are invited to attend. If number of owners exceeds 1,000, a 1/8 page notice must be displayed in a newspaper ten days before the hearing and is covered with the permit application fees.

Appeal Process: Concerned parties must appeal in writing 15 days after the Planning Commission's decision. City Council sets a hearing date to review the decision and approves or disapproves the project without further conditions.
Appeal Fee: \$200

Fire Clearance: Required. Pre-Inspection offered as an on-site visit. **Fees:** \$60 an hour. Free re-inspection. All additional follow-ups are \$60 an hour.

Business License: Required.
Fee: 0.08% of gross receipts

Child Care Centers

Zones: Residential, light industrial, mixed use, and public use districts

Permit: Conditional use permit.
Fee: \$500 for initial application fee

Approximate Time for Approval:
2-3 months

Additional Review Fees: Design review \$500 and sign review \$200. However, if both a design review and a sign review are required, a set fee of \$500 plus the application fee is charged, so total fees don't exceed \$1,000.

Application: Same as large family child care homes.

Impact Requirements: A suitable zone for unloading and loading children, along with one parking space per 500 square feet of office and classroom area is required. Other conditions are determined by the Planning Commission in line with the general plan and the community's needs and safety.

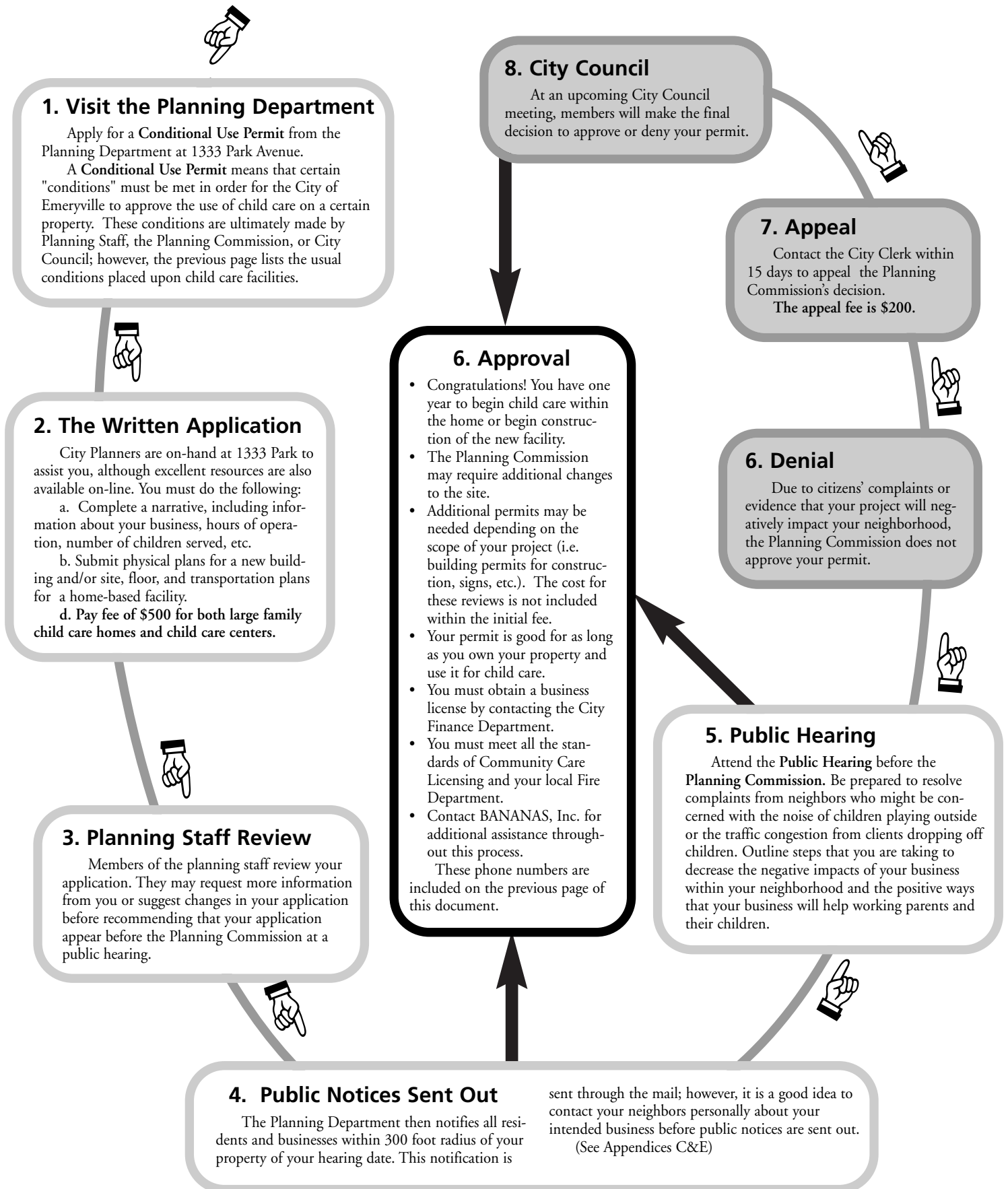
Hearing: Same as large family child care homes.

Appeal Process: Same as large family child care homes. **Appeal Fee:** \$200

Fire Clearance: Required. Pre-inspection offered. **Fees:** \$60 an hour. Free re-inspection. All additional follow-ups are \$60 an hour.

Business License: Required.
Fee: 0.08% of gross receipts

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



City of Fremont

www.ci.fremont.ca.us

Planning Department
39550 Liberty Street
Fremont, CA 94537
510.494.4440

Development Services Center
Appt. 510.499.4433

Fire Department
39100 Liberty Street
Fremont, CA 94537-5006
510.494.4274

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

Business Tax Information
City of Fremont Revenue Division
39550 Liberty St., P.O. Box 5006
510.494.4790

Building Department
Appointments: 510.494.4443
Information: 510.494.4400

Local Resource & Referral Agency
4Cs
510.582.2182

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 districts

Permit: Daycare home permit / Zoning administrator's permit. **Fee:** \$150 without hearing; \$450 with hearing.

Approximate Time for Approval:
4 weeks

Application: Fremont offers a specific application for large family child care homes. It is available both on-line and in person at the planning department. This application outlines all requirements necessary to acquire a use permit.

Impact Requirements: Large family child care homes cannot be located in a 300 foot radius of each other. Two off-site parking spaces per home are required. Noise levels can not exceed 60 decibels at the property line. All outdoor play areas must be hidden from view of street and/or adjacent property owners through fencing and landscaping. In addition, the times of outdoor play must not overlap with other child care facilities within the 300 foot set radius. Hours of outdoor play are limited to 9:00 am to 8:00 pm. If any construction is required for the residence in order to provide day care services, the applicant must submit appropriate plans to the Development Organization (D.O.) for review and approval prior to construction, within one year of the Zoning Administrator's approval.

Hearing: Resident property owners within a 100 foot radius will be notified ten days prior to the permit decision. If all zoning requirements are met, the permit is granted without a hearing. If the applicant or any affected residents contest the conditions of the permit, a hearing date is set.

Appeal Process: Unfavorable decisions of the Zoning Administrator's hearing may be appealed to the Planning Commission. **Appeal Fee:** \$35

Fire Clearance: Required. **Fees:** \$120 per hour for initial and all follow-up inspections.

Business License: Required. **Fee:** \$30 + \$1 per \$1000 generated from gross receipts.

Child Care Centers

Zones:

- Centers within most commercial and industrial zones require a Zoning Administrator's permit and follow the same procedure as large family child care homes for a fee of \$850.
- Centers within zones categorized as "thoroughfare commercial" require a conditional use permit and are reviewed by the Planning Commission.

Permit: Conditional use permit.
Fee: \$2,400 initial deposit, plus additional processing costs

Approximate Time for Approval:
6 weeks

Application: Applications including information for all necessary attachments are available on-line and at the Planning Department.

Impact Requirements: Centers must maintain a minimum 6 foot high fence, solid board fence or masonry wall on any property line abutting a residential district. The lot must be no less than 10,000 square feet and shall not develop excessive traffic on local residential streets.

Hearing: A hearing is required for a conditional use permit with tenants and property owners within a 300 foot radius are notified. If the Planning Commission approves the project, it must still be reviewed by the Development Organization (D.O.) for the permit to take effect. The D.O. serves as a coordinated review committee between planning, building, engineering, and fire departments and generally results in the issuance of a building permit if applicable.

Appeal Process: Same as large family child care homes. **Appeal Fee:** \$50

Fire Clearance: Required. **Fees:** Same as large family child care homes.

Business License: Required. **Fee:** \$30 + \$1 per \$1,000 generated from gross receipts.

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

City of Fremont – Guide to Obtaining a Land Use Permit

1. Visit the Planning Department

Apply for a Use Permit from **Development Services Center** at 39550 Liberty Street from 8:00 am till 4:00 pm. You may call 510-494-4443 for an appointment.

The City of Fremont offers two types of permits. **Large family child care** receives a special **Zoning Administrator's Permit**, known as a **Daycare Home Permit**.

A **Zoning Administrator's Permit** indicates that all zoning ordinances are met and that the permit can be granted without variances, or special considerations. These permits are granted by the Planning Department, but may require a public hearing if a neighbor opposes your child care business.

Child care centers wishing to operate in most commercial and industrial districts must obtain a **Zoning Administrator's Permit** as well; however, centers wishing to operate in one district, known as **Thoroughfare Commercial**, require **Conditional Use Permits**, a permit which always includes a public hearing before the Planning Commission.

2. The Written Application

Staff planners are on-hand at the Planning Department to assist you; application instructions are also available on-line. You must do the following:

- a. Complete a narrative, including information about your business, hours of operation, number of children served, etc.
- b. Submit plans for new building, such as site plans, floor plans, and/or building elevation plans for a new building.
- c. **Child care centers pay a flat fee of \$850 if operating in any zone other than Thoroughfare Commercial.**
- c. **Child care centers operating in Thoroughfare Commercial zones pay an initial deposit of \$2,400.**

3a. Staff Review and Public Notices for Zoning Administrator's Permits

For large family child care and centers not operating in Thoroughfare Commercial districts: The Planning Department reviews your application and then notifies all residents and businesses within 300 foot radius of your property of your permit application. 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, your **Zoning Administrator's Permit** is granted.

(see Approval)

If a neighbor complains, you may have to pay an additional \$300 for public hearing before the **Zoning Administrator**.

8b. City Council

Your project will be scheduled for a meeting before the City Council (approx. 4 weeks) which will make the decision to approve or deny your permit, based on findings.

7a. Appeal

Contact the Planning Commission to appeal the Zoning Administrator's decision. **Fee is \$35.**

7b. Appeal

Contact the City Clerk within 10 days to appeal the Planning Commission's decision. **Fee is \$50.**

5a&b. Denial

Due to citizens' complaints or evidence that your project will negatively impact your neighborhood, the Zoning Administrator or the Planning Commission does not approve your permit under any conditions.

5a&b. 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 Planning Commission or Zoning Administrator may require additional improvements to the site.
- Additional permits may be needed depending on the scope of your project (i.e. building permits for construction, signs, etc.). Costs for these reviews are not included within the initial fee and are minimal for family child care homes.
- Your permit is valid for as long as you comply with the permit's conditions of approval.
- Applicant must obtain business license by contacting the City Finance Department.
- Applicant must meet all the standards of Community Care Licensing and your local Fire Department.
- Contact 4C's for additional assistance throughout this process.

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

4a. Zoning Administrator's Hearing

Attend the **Public Hearing** before the **Zoning Administrator**. 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.

4b. Planning Commission Hearing

Attend the **Public Hearing** before the **Planning Commission**. 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.

3b. Staff Review and Public Notices for Conditional Use Permits

Child Care Centers operating in Thoroughfare Commercial Districts: Within 30 days of submitting your application, a staff member will contact you and inform you if your application is complete. When your application is complete, staff will write a report of your project to be presented before the **Planning Commission**. Public notices are distributed 10 days prior to the hearing date.

Permit Center
777 B Street
Hayward, CA 94541
510.583.4200

Fire Department
777 B Street
Hayward, CA 94541-5007
510.583.4900

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

Business License Information
510.583.4600

Building Inspections and Permits
510.583.4140

Local Resource & Referral Agency
4Cs
510.582.2182

Small Family Child Care Homes

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

All businesses providing care for 8 or fewer children are allowed "by right" in residential and commercial 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.

All businesses providing care for 14 or fewer children are considered "primary uses" by the City of Hayward and are not subject to discretionary action. No land use permit is required. No business license tax is required. A fire clearance must still be obtained in order to be meet Community Care Licensing requirements. (See below).

Child Care Centers

Defined as any center serving more than 14 children

Zones: Residential, commercial, mixed-use districts

Permit: Administrative use permit
Fee: \$125 + time and material, not to exceed \$600

Approximate Time for Approval:
6 weeks

Application: Currently available at permit center. Soon to be published online. Applicant must present sufficient site plans addressing traffic circulation patterns, landscaping designs, etc. to the planning director. Applicants can apply for a preliminary plan review free of charge. This process must be initiated by the applicant, and is recommended by city planners. If the Planning Director approves the project, notification of the approved permit is sent by mail to property owners or tenants within a 300 foot radius of the proposed site. Barring a neighbor's complaint, your permit is granted.

Impact Requirements: One parking space for every four children. Proper area for drop-off and pick up of children. Traffic congestion and noise conditions are determined on a case by case basis. Centers are required to maintain appearance consistent with the appearance of the surrounding neighborhood.

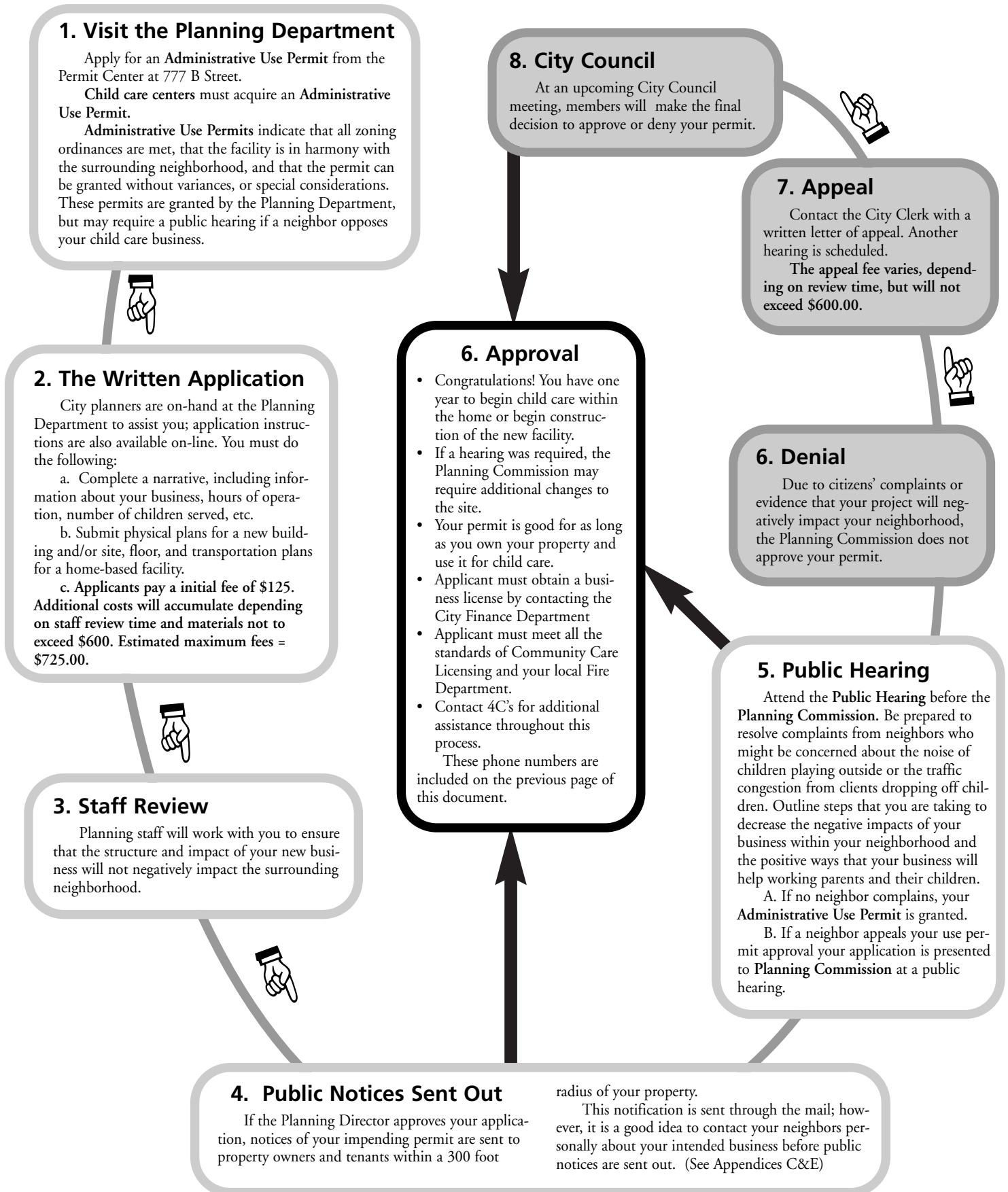
Hearing: Necessitated by citizen's appeal of permit approval or applicant's appeal of permit conditions determined by the Planning Director. Final conditions and permit issued by Planning Commission at a public hearing.

Appeal Process: Written letter of appeal to City Council must be filed after which another public hearing is scheduled. City Council's decision is final. **Appeal Fee:** Varies with time and material. Not to exceed \$600.

Fire Clearance: Required. No Pre-Inspection. **Fees:** \$133 per inspection. Annual inspections enforced at same rate.

Business License: Required.
Fee: \$21.35- \$100 charged annually based on gross receipts. Excise tax per employee is also charged.

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



City of Livermore

www.ci.livermore.ca.us

Planning Division
1052 S. Livermore Ave.
Livermore, CA 94550
925.960.4500

Fire Department
4550 East Avenue
Livermore, CA 94550
925.454.2361

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

Business License Information
925.960.4510

Building Division
925.960.4410

Local Resource & Referral Agency
Child Care Links
925.417.8733

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 permits are required.

Large Family Child Care Homes

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

Zones: Residential districts

Permit: Large family day care permit
Fee: \$46

Approximate Time for Approval:
1-2 weeks

Application: Applications for large family child care homes are available in person at the offices of the Planning Division, and are soon to be published on-line. If an application adheres to the minimum requirements and includes adequate site plans of outdoor play areas, parking locations, fences, etc., a permit is issued on the spot. If the applicant cannot meet one or more of the requirements, a modified conditional use permit must be approved. Neighbors within a 100 foot radius of the property will be notified of the conditions for the modified permit ten days before the permit takes effect. If an adjacent property owner files a written request, the permit is reviewed by the Planning Commission at a public hearing.

Impact Requirements: 1) Large family child care homes must be located 300 feet from any other large family child care home. 2) One on-site parking space per nonresident employee and one on-site parking space for pick-up and drop-off purposes. 3) A six-foot high solid wood wall or masonry wall must surround all outdoor activity areas.

Hearing: At the hearing, property owners and tenants within 100 feet of the proposed site are invited to appear before the Planning Commission. The Planning Commission approves the final conditions of the permit.

Appeal Process: Written request, stating the basis of the appeal, must be filed within 14 days of the staff's administrative decision. A hearing date is scheduled within 60 days of filing the appeal. The Planning Commission reviews the basis of the appeal to determine consistency with the requirements of the permit. The Planning Commission's decision can be appealed to the City Council.
Appeal Fee: \$153

Fire Clearance: Required. **Fees:** Pre-Inspection offered at \$50; Regular inspections at \$80 an hour, minimum two hours.

Business License: Required.
Fee: 0.0016 per \$1,000 of Gross Receipts.

Child Care Centers

Defined as any center serving more than 14 children.

Zones: Residential, commercial, and industrial districts.

Permit: Conditional use permit.
\$2,939 for conditional use permit.

Approximate Time for Approval:
6-8 weeks for conditional use permit.

Application: Same information required of large family child care homes; however, the review process is more formal for centers not meeting the minimum requirements listed below. If centers do not meet these minimum requirements or wish to operate within a district not designated for child care services, they must apply for a conditional use permit and have their application reviewed at a mandated public hearing.

Impact Requirements: 1) Two parking spaces for the first ten students and one space for each additional ten students. The percentage of parking spaces to students can be increased depending on the location site. 2) Traffic conditions determined on a case by case basis. 3) Noise standards must be kept to levels stipulated within the city's general plan.

Hearing: Hearing before the Planning Commission. Tenants and/or property owners in a 300 foot radius of the site invited to attend.

Appeal Process: Same as large family child care homes. **Appeal Fee:** \$153

Fire Clearance: Required. **Fees:** Pre-inspection offered at \$50; regular inspections at \$80 an hour, minimum inspection lasts two hours.

Business License: Required.
Fee: 0.0016/1,000 of gross receipts

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

City of Livermore – Guide to Obtaining a Land Use Permit

1. Visit the Planning Department

Apply for a use permit from the Planning Division at 1052 S. Livermore Avenue.

The City of Livermore requires that **large family child care homes** and all **child care centers** obtain a **large family day Care Permit** or a **Conditional Use Permit**.

Large Family Day Care Permits require that all zoning ordinance regulations are met. The permit can be granted without variances, or special considerations. These permits are granted by the Planning Division, but may require a public hearing if a neighbor opposes your child care business.

A **Conditional Use Permit** may be required. In the City of Livermore, this permit requires a greater fee and more review by planning staff.

All **Child Care Centers** are required to obtain a **Conditional Use Permit**.

2. The Written Application

City planners are on-hand at City Hall to assist you. 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 of the site, floor, parking and outdoor play area.
- c. **Pay a fee of \$46.**
- d. If you are applying to operate a **child care center** with more than 14 children, you must apply for a **Conditional Use Permit**. This permit automatically requires a public hearing and costs **\$2,939 in processing fees**.
 1. If no neighbor objects to the application, your **Large Family Day Care Permit** is granted.
 2. If a neighbor objects, your application is presented to **Planning Commission** at a public hearing.

3. Public Notices Sent Out

City planners will work with you to complete your application so that your project meets local zoning ordinances.

Once staff approves your permit, they send notices to all property owners within a 100 foot radius of your property, informing them of your application.

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)

4. Public Hearing before the Planning Commission

Attend the **Public Hearing** before the **Planning Commission**. Be prepared to address issues from neighbors who might be concerned about noise

from children playing in the rear yard or the traffic/parking issues 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.

5. Approval

- Congratulations! You have one year to begin child care within the home or begin construction of the new facility.
 - The **Planning Commission** 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 **Child Care Links** for additional assistance throughout this process.
- These phone numbers are included on the previous page of this document.

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** within 14 days to appeal the **Planning Commission** decision.
The appeal fee is \$153.00.

5. Denial

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

5. Public Hearing

Attend the **Public Hearing** before the **Planning Commission**. Be prepared to resolve complaints from neighbors who might be concerned with 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.

Planning Department
37101 Newark Blvd.
Newark, CA 94560
510.794.2330

Fire Department
6170 Thornton Avenue, Unit D,
Newark, CA 94560-3796
510.790.7218

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

Business License Information
First Floor, City Administration
Building, 37101
Newark Blvd.
510.794.2310

Building Inspection
510.790.7261

Local Resource & Referral Agency
4Cs
510.582.2182

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 districts

Permit: Minor conditional use permit
Fee: \$400

Approximate Time for Approval:
4-6 weeks

Application: Applicant needs to submit a written letter of intent, a site plan, and a floor plan. Prior to filing an application, planning can provide preliminary, sample conditions for approval for the applicant's review, and a list of property owners within a 100 foot

radius. Applicant is strongly encouraged to discuss their proposed large family child care home with these property owners (the same property owners that will be notified of the application after it is filed), to see if there are any concerns that can be identified and addressed prior to filing an application.

Impact Requirements: Required to be located a minimum of 300 feet from another facility; reductions may be allowed subject to Planning Commission and City Council review and approval under the conditional use permit process. At least two parking spaces to serve customers during business hours. Use and location of outdoor recreation areas shall be limited to between 9:00 am to 6:00 pm, be supervised by the facility operator or attendant, and not significantly impact surrounding properties. Playground apparatus may be placed in the rear yard or interior side yard; however, under no conditions shall it be visible from a public street.

Hearing: Application reviewed by Zoning Administrator. Hearing will be held if requested by applicant or property owner within a 100 foot radius.

Appeal Process: Written notice appealing the Zoning Administrator's decision must be sent to the City Clerk's office no later than seven days from the mailing date of the letter of approval. The appeal is heard by the Planning Commission. **Appeal Fee:** \$100

Fire Clearance: Required. **Fees:** Initial and second follow-up inspection fee subsumed within the costs of Community Care Licensing and planning fees. Third visit, however, results in fines of up to \$1,000.

Business License: Required. Applications available in person at the license/cashier counter or on-line. **Fee:** \$30 for initial registration. Varying fee range calculated from gross receipts.

Child Care Centers

Zones: Residential, commercial, and industrial districts.

Permit: Conditional use permit.
Fee: \$2,700

Approximate Time for Approval:
6-8 weeks

Application: Applicant needs to submit a completed conditional use permit application form, along with multiple copies of site plans, floor plans, and building evaluations (if this involves construction of a new building or exterior modifications to an existing building). Planners strongly recommended that providers take advantage of a Preliminary Plan Review, a coordinated review forum involving staff from planning, fire engineering, and building departments. Staff will provide applicant with comments on the project, and draft recommended conditions of approval. Applicant may be requested to hold a neighborhood meeting.

Impact Requirements: One parking space per employee and additional spaces as required. Sufficient space for safe and convenient loading and unloading of children is reviewed on a case by case basis. Noise analysis performed on a discretionary basis.

Hearing: Hearing before the Planning Commission and/or City Council. Residents within a minimum 300 foot radius are notified.

Appeal Process: Written notice appealing the Planning Commission's decision must be sent to the City Clerk within seven days. Appeal heard by the City Council. City Council's decision is final. **Appeal Fee:** \$100

Fire Clearance: Required. **Fees:** Initial and second follow-up inspection fee subsumed within the costs of Community Care Licensing and planning fees. Third visit, however, results in fines of up to \$1,000.

Business License: Required. Applications available in person at the license/cashier counter or on-line. **Fee:** \$30 for initial registration. Varying fee range calculated from 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 **Conditional Use Permit** from the Planning Department at 37101 Newark Boulevard. A **Conditional Use Permit** means that certain "conditions" must be met in order for the City of Newark to approve the use of child care on a certain property. These conditions are ultimately made by the Zoning Administrator, or City Council; however, the previous page lists the usual conditions placed upon child care facilities.



2. The Written Application

City planners are on-hand at 37101 Newark Blvd. to assist you, although excellent resources are also available on-line. 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 a new building and/or site, floor, and transportation plans for a home-based facility.
- c. Pay fee of \$400 for large family child care homes or \$2,700 for child care centers.

3. Preliminary Plan Review

Contact city staff to obtain preliminary comments on your proposal before you pay application fees. This allows you to know up-front all changes you must make to your home or building in order to meet city ordinances. This body may request more information from you or suggest changes in your application.

4a. Staff Review Public Notification For large family child care homes

Before the **Zoning Administrator** will act on your project, City staff will notify all property owners within a 100 foot radius of your property. This allows these property owners an opportunity to express concerns about the project. The **Zoning Administrator** will not hold a public hearing unless a hearing is requested by the applicant or other affected person.

It is a good idea to contact your neighbors personally about your intended business before submitting your application and fees to the City. (See Appendices C & E).

8a. Planning Commission

At an upcoming Planning Commission meeting, members will review your application. The outcome can be appealed to the City Council.

8b. City Council

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

6. Approval

- Congratulations! You have one year to begin child care within the home or begin construction of the new facility.
- The Zoning Administrator or City Council approvals 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 separate and in addition to your initial application fees.
- Your permit is good for as long as you own your property and use it for child care.
- You must obtain a business license by contacting the City Cashier
- You must meet all the standards of Community Care Licensing and your local Fire Department.
- Contact 4C's for additional assistance throughout this process.

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

7. Appeal

Contact the City Clerk within seven days to appeal the outcome of your public hearing. The appeal fee is \$100.

6. Denial

Due to citizens' complaints or evidence that your project will negatively impact your neighborhood, your permit may be denied.

5a. Zoning Administrator's Hearing

- a. **Large family child care homes** acted on by the **Zoning Administrator**. A hearing is required if requested by the applicant or other affected person.
- b. **Child care centers** appear before the Planning Commission and City Council .

5b. Planning Commission Hearing

Attend a **Public Hearing**. Be prepared to resolve complaints from neighbors who might be concerned with 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. If the Planning Commission recommends approval, the application will be scheduled for a public hearing with the City Council.

4b. Staff Review and Public Notification For child care centers

Your application is presented before the Planning Commission and all property owners within a minimum 300 foot radius are notified.

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.

Planning Department
120 Vista Avenue
Piedmont, CA 94611
510.420.3050

Fire Department
120 Vista Avenue
Piedmont, CA, 94611
510.420.3030

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

Business License Information
N/A

Building Inspections and Permits
510.420.3062

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 all residential districts. No zoning, fire, or business permits are required.

Large Family Child Care Homes

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

Large family child care is allowed "by right" in all residential districts. While no specific land permits are required, providers must maintain their property in accordance with established residential zoning ordinances (e.g. setbacks, parking, etc.). No business license fee is required. Fire Clearance must still be obtained.

Child Care Centers

Zones: All districts

Permit: Conditional use permit.
Fee: \$1,200

Approximate Time for Approval:
Two months

Application: Applications for conditional use permit are available on-line or in person at the Planning Department.

Impact Requirements: Parking regulations must adhere to ordinances of the particular district, usually one or two spaces for 150 to 250 square feet of service area. Applicant must demonstrate that their center will not negatively impact pedestrian or vehicle safety. Landscaping and fencing may be required depending on the scope of exterior changes to the facility.

Hearing: All conditional use permits require Planning Commission review and City Council approval. Residents within a 500 foot radius are invited to attend.

Appeal Process: No appeal process.
Appeal Fee: N/A

Fire Clearance: Required.
Pre-Inspections offered. **Fee:** All fees are subsumed in Community Care Licensing fees.

Business License: Not Required.
Fee: N/A

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

All family child care homes are allowed "by right" within the city of Piedmont. Large family child care homes, however, must still obtain a fire clearance for their homes.

Only child care centers need a permit to operate. Apply for a **Conditional Use Permit** from the Planning Department at 120 Vista Avenue.

A **Conditional Use Permit** means that certain "conditions" must be met in order for the City of Piedmont 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 in the City of Piedmont.



2. The Written Application

City planners are on-hand at 120 Vista Avenue to assist you. You can also access the application on-line at www.ci.piedmont.ca.us. 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 of your building and/or site, floor, and transportation plans for the drop-off and pick-up of children.
- c. Pay fee of \$1200.



3. City Department Review

Staff from different city departments review your application at a monthly meeting. These officials from Fire, Building, etc. may request more information from you or suggest changes in the application before recommending that the permit be approved.



4. Public Notices Sent Out

If these city departments approve your project, they recommend that your application be presented to the **Planning Commission** at a public hearing. The Planning Department then notifies all resi-

dents and businesses within 500 feet of your property of your application and your hearing date. 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)

8. Final 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.). Costs for these reviews are not included within the initial deposit 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.



7. City Council

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



6. Denial

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



6. Approval

If the Planning Commission approves your permit, your application must still be reviewed and approved by the City Council.

5. Public Hearing before Planning Commission

Attend the **Public Hearing** before the **Planning Commission**. Be prepared to resolve complaints from neighbors who might be concerned with the noise of children playing outside or the traffic congestion from clients dropping off children. Suggest steps 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.



City of Pleasanton

www.ci.pleasanton.ca.us

Planning and Community Development Department
200 Old Bernal Ave
Pleasanton, CA 94566
925.931.5600

Fire Department
4500 East Ave
Livermore, CA 94550
925.454.2333

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

Business License Information
925.931.5440

Building Inspection Information
925.931.5300

Local Resource & Referral Agency
Child Care Links
925.417.8733

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 permit or business license is required. Fire inspectors offer a courtesy home visit for new providers per request.

Large Family Child Care Homes

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

Zones: Agricultural, single-family, and multi-family residential districts and some planned unit development districts.

Permit: Modified conditional use permit. **Fee:** \$15

Approximate Time for Approval: 4 to 6 weeks plus appeal period

Application: Applications are available on-line and may be mailed back to Planning Department for approval along with fee. Detailed site, floor plans and a written narrative of business purpose is required. Completed applications will be reviewed by both the Planning Department and a weekly in-house Staff Review Board, a body made of representatives from building, fire, police and other departments. A staff planner is assigned to serve as your liaison throughout this process.

Impact Requirements: A large family child care home shall not be located within 300 feet of another large family child care home without the approval of the Zone Administrator. Parking must meet the demands of employees and the transportation of children to and from the facility. This requirement may be met by on-street parking if the area is safely accessible for children. In addition, large family child care homes must neither create a traffic hazard nor exceed established noise levels. Traffic control measures and restricted hours of operation may be imposed in order to comply with noise limits.

Hearing: After staff review, all residents within a 300 foot radius of the project are notified of the application by mail. If requested by a neighbor, the Zoning Administrator conducts a public hearing. Providers are strongly recommended to attend this hearing and will be informed in writing of any decisions or new conditions issued at the hearing. If the permit is granted, its conditions "run with the land;" however, permits may be re-reviewed as the result of "bad practices," or non-compliance with the original conditions of the permit.

Appeal Process: Applicants or any concerned party have 15 days to appeal the Zoning Administrator's decision by notifying the Planning Commission with a written request. The Planning Commission's decision may be appealed to the City Council. **Appeal Fee:** \$3.75

Fire Clearance: Required. Pleasanton offers pre-inspection and annual inspections. **Fee:** All inspections are free.

Business License: Required. **Fee:** \$25-75 or \$.30/1000 for generated gross receipts above \$250,000

Child Care Centers

Zones: Regional commercial, neighborhood commercial, and public institutional districts.

Permit: Conditional use permit. **Fee:** \$150

Approximate Time for Approval: 8-10 weeks plus appeal period

Application: Additional review and fees will accompany the building of a new center or the modification of an existing structure. These reviews require minimal fees.

Impact Requirements: Determined on a case by case basis. Major concerns are impacts of traffic and noise.

Hearing: A public hearing before the Planning Commission is required. Residents within a 1,000 foot radius are notified.

Appeal Process: Applicants or any concerned party have 15 days to appeal the Planning Commission's decision by notifying the City Council with a written request. **Appeal Fee:** \$37.50 per appeal

Fire Clearance: Required. Pleasanton offers pre-inspection and annual inspections. **Fee:** All inspections are free

Business License: Required. Applications available on-line. **Fee:** \$25-75 or \$.30/1000 for generated gross receipts above \$250,000.

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

City of Pleasanton – Guide to Obtaining a Land Use Permit

1. Visit the Planning Department

Apply for a **Conditional Use Permit** from the Planning & Community Development Division located at 200 Old Bernal Ave.

A **Conditional Use Permit** means that certain "conditions" must be met in order for the City of Pleasanton to approve the use of child care on a certain property. These conditions are ultimately made by planning staff, Zoning Administrator, 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 are available at 200 Old Bernal Avenue to assist you. Applications are also available on-line and can be submitted along with fee for approval. If you are uncertain about your application, you should visit the Planning Department in person. You must do the following:

- Complete a narrative, including information about your business, hours of operation, number of children served, etc.
- Submit physical plans for a new building and/or site, floor, and transportation plans for a home-based facility.
- Pay fee of \$15 for large family child care homes or \$150 for child care centers.

3. Department Staff Review

Staff from different city departments review your application at a weekly meeting. These officials from fire, building, engineering, etc. may request more information from applicant or suggest changes in the application before recommending that the permit be approved.



4. Public Notices Sent Out

For large family child care homes: The Planning Department notifies all residents and businesses within a 300 foot radius of your property of your application. A hearing before the **Zoning Administrator** is held if requested by a neighbor. (See Appendices C&E)

If a request for a hearing is not made, your permit is granted.

For child care centers: Hearings are required of all center applicants. The Planning Department notifies all residents and businesses within a 300 foot radius of your property of your hearing date. 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.

8a. Planning Commission

At an upcoming Planning Commission meeting, members will make the final decision to approve or deny your permit.

8b. City Council

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

6. Approval

- Congratulations! You have one year to begin child care within the home or begin construction of the new facility.
- The city 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.). Costs for these reviews are not included within the initial 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 Child Care Links for additional assistance throughout this process.

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

7. Appeal

Contact the City Clerk within 15 days to appeal the Zoning Administrator's or the Planning Commission's decision.

- A fee of \$ 3.75 is required to appeal the Zoning Administrator's decision.
- A fee of \$ 37.50 is required to appeal the Planning Commission's decision.



6. Denial

If the hearing indicates that your child care business would negatively impact your neighborhood, your permit may be denied.



5. Public Hearing

Attend the **Public Hearing** before the **Zoning Administrator** (large family child care homes) or Planning Commission (child care centers). Be prepared to resolve complaints from neighbors who might be concerned with 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.

City of San Leandro

www.ci.san-leandro.ca.us

Community Development Department

City Hall, 835 East 14th Street
San Leandro, CA 94577-3767
510.577.3371

Fire Department

835 E. 14th St. Suite 200,
San Leandro, CA 94577
510.577.3319

Community Care Licensing

1515 Clay Street, Suite 1102
Oakland, CA 94612
510.622.2602

Business License Information

Hotline: 510.577.3468
General 510.577.3378

Building Inspection Information Permit Center

510.577.3405

Local Resource & Referral Agency 4C's

510.582.2182

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 permit, business license, or fire clearance is required.

Large Family Child Care Homes

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

Zones: Residential districts

Permit: Administrative use permit or Conditional use permit. **Fee:** \$50 Administrative use permit; \$650 Conditional use permit

Approximate Time for Approval: 2 weeks for an administrative use permit; 6-7 weeks for a conditional use permit

Application: Available at the Community Development Department. Land-use permits for child care facilities are not available at the Permit Center. If your application complies with a simple checklist of requirements and you provide a written plan for managing parking and traffic circulation, you are immediately granted an administrative use permit by the Zoning Enforcement Officer. If your application is incomplete or requires additional review because it does not meet established zoning codes and requires variances, it is brought before a hearing of the Board of Zoning Adjustments (BZA) to acquire a conditional use permit.

Impact Requirements: Large family child care homes shall not be located within 300 feet of each other. In addition, parking requirements for employees and clients, including 32 feet of legally permitted parking at the front of the lot, must be met. In addition, large family child care homes may not be located on an exceptionally busy street (more than four lanes of traffic or daily traffic of 5,000+ cars) or on a lot with a curb-to-curb street width of less than 30 feet. Noise levels shall not exceed 55 decibels.

Hearing: Property owners within a 300 foot radius of your home are invited to attend your hearing before the Board of Zoning Adjustments. Your presence is recommended. The BZA's approval secures your permit for two years. At any point during those two years, a citizen's complaint demonstrating non-compliance with the established permit triggers a review hearing by the BZA.

Appeals Process: Within 15 days of the BZA's decision, an applicant, adjacent property owner, or staff planner, can file an appeal with the City Clerk contesting the BZA's decision. The conditions of the permit are then decided by the Planning Commission and/or the City Council. **Appeal Fee:** \$160

Fire Clearance: Required. San Leandro offers pre-inspections and annual inspections. **Fee:** Pre-inspection accrues no fee for individuals referred through Community Care Licensing. Self-initiated pre-inspection is offered at \$50. Regular inspection fee rates are \$80 an hour. No fee for annual inspections.

Business License: Required.
Fee: \$36.50 plus \$19.50 per owner and employee

Child Care Centers

Zones: Residential, commercial, and industrial districts

Permit: Conditional use permit. **Fee:** \$650 for an existing building. Direct cost of staff time for the development of a new building (Approximately \$3,000-\$4,000).

Approximate Time for Approval: 6-7 weeks

Application: Same as large family child care homes, however, in the case of a large development, requiring construction of a new or existing building, the application receives additional staff review and accrues additional fees. San Leandro offers a Permit Center where representatives from several departments are available to assist applicants with questions both in person and over the phone.

Impact Requirements: One parking space is required for every six children. Traffic and noise concerns are reviewed on a case by case basis. Plans for landscaping, decorative walls and fences are recommended as a buffer between the children's area and surrounding neighborhood.

Hearing: Same as large family child care homes. Hearing before the BZA. Property owners and tenants within a 300 foot radius are invited to attend.

Appeals: Same as large family child care homes. **Appeal Fee:** \$160

Fire Prevention: Required. **Fees:** Same as large family child care homes with added safety regulations for a commercial child care setting

Business License: Required.
Fee: \$36.50 plus \$19.50 per owner and employee

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 Community Development Department at City Hall.

The City of San Leandro offers two types of permits for **large family child care homes**: an **Administrative Use Permit**, which does not require a public hearing and is granted to projects which meet all zoning ordinance requirements, or a **Conditional Use Permit**.

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

All child care centers are required to obtain a **Conditional Use Permit**.



2. The Written Application

City planners are on-hand at City Hall to assist you. 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.



3. Preliminary Application Review

- **Large family child care** applicants whose projects meet all requirements pay a fee of \$50 and are granted a permit immediately.
- **Large family child care** applications which do not meet all requirements, must pay a fee of \$650 and submit their application for approval by the **Board of Zoning Adjustments (BZA)**.
- All **child care centers** must pay fee of \$650 and be approved by the BZA. City planners may request more information from applicant or suggest changes in the application before recommending that the permit be approved.



4. Public Notices Sent Out

City planners will work with you to complete your application before submitting it to the BZA for approval at a public hearing.

The Planning Department then notifies all residents and businesses within 300 feet of your property about your application and hearing date. 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 B & D)

6. Approval

- Congratulations! You have one year to begin child care within the home or begin construction of the new facility.
 - BZA 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 fee and are minimal for family child care. Child care centers can expect to pay \$3,000-4,000.
 - 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 4C's for additional assistance throughout this process.
- These phone numbers are included on the previous page of this document.

8. City Council

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



7. Appeal

Contact the City Clerk within 15 days to appeal the BZA's decision.
The appeal fee is \$160.



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 Board of Zoning Adjustments (BZA)

Attend the Public Hearing before the BZA. Be prepared to resolve complaints from neighbors who might be concerned about the noise of children playing outside or the traffic congestion caused by clients dropping off children. Suggest steps 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.



City of Union City

www.ci.union-city.ca.us

Planning Department
34009 Alvarado-Niles Rd.
Union City, CA 94587
510.675.5319

Fire Department
34009 Alvarado-Niles Rd.
Union City, CA, 94587
510.675.5320

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

Business License Information
510.675.5343

Building Inspection Information
Permit Center
510.577.3405

Local Resource & Referral Agency
4C's
510.582.2182

Small Family Child Care Homes

Small family child care is allowed "by right" in residential districts. 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 districts

Permit: Administrative use permit.
Fee: \$408

Approximate Time for Approval:
4-8 weeks

Application: Available at planning department. Site plans, floor plans, written statement of business practices, hours of operation, and list of adjacent property owners is required.

Applications undergo a coordinated preliminary review by different city departments (fire, building, engineering, etc.) free of charge. Applicants are presented "up-front" with all costs and conditions needed to acquire a permit. If an applicant wishes to proceed, they then pay the fee and submit a formal application with the help of a city planner.

Impact Requirements: Parking and traffic concerns are priorities. A garage or driveway with a minimum of two spaces available for use at all times is required. Outdoor play time should be staggered to reduce noise. New traffic patterns and means to alleviate inconveniences and dangers to the neighborhoods must be explored (e.g. adding stop signs). A clear drop-off and pick-up area for children and a means to keep children out of the roadway are also priorities.

Hearing: Prior to the Zoning Administrator's approval of the plan, notices are sent to property owners and tenants within a 300 foot radius of the property. Applicants need to provide the planning department with this list. If an affected individual protests the permit's approval, a hearing is set before the Planning Commission.

Appeal Process: Written appeal must be filed within five days of resident notification of Planning Commission's decision. Revised plans and testimony are presented to the City Council for further review. **Appeal Fee:** \$408

Fire Clearance: Required. **Fees:** Pre-inspection offered at \$50; regular inspections at \$86.14 an hour; no charge for annual inspections.

Business License: Required. **Fee:** \$128

Child Care Centers

Zones: Residential, commercial, and light Industrial

Permit: Conditional use permit.
Fee: \$699 in residential districts; \$1165 in commercial districts

Approximate Time for Approval:
4-12 weeks

Application: Same information required of large family child care homes; however, the review process is more formal.

Impact Requirements: One parking space for every ten children and for every two employees. Other requirements similar to large family child care homes, including mitigating traffic and noise concerns.

Hearing: Hearing required. Residents within a 300 foot radius are notified by mail. A hearing is conducted before the Planning Commission.

Appeal Process: Written appeal must be filed within five days of Planning Commission's final decision. Revised plans and testimony are presented before the City Council in 25 to 30 days. **Appeal Fee:** \$408

Fire Clearance: Required. **Fees:** Pre-inspection offered at \$50; regular inspections at \$86.14 and hour; no charge for annual inspections.

Business License: Required. **Fee:** \$128

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

City of Union City – Guide to Obtaining a Land Use Permit

1. Visit the Planning Department

Apply for a use permit at the Community Development Department at 34009 Alvarado-Niles Road.

Union City requires **large family child care homes** to obtain an **Administrative Use Permit**.

Administrative Use Permits indicate that all zoning ordinances are met and that the permit can be granted without variances, or special considerations. These permits are granted by the Planning Department, but may require a public hearing if a neighbor opposes your child care business.

All **child care centers** require **conditional use permits**, which always includes a public hearing.

A conditional use permit means that certain "conditions" must be met in order for Union City 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 a new building and/or site, floor, and transportation plans for a home-based facility.

3. Preliminary Plan Review

Officials from fire, engineering, building, and other departments may review your plans before you pay an initial deposit. This service grants you a rough estimate of changes you must make to your home or building in order to meet city ordinances.

If you wish to file a formal application, large family child care homes pay an application fee of \$408 and child care centers pay an application and staff review fees of around \$699 if the center is in a Residential Zone and \$1,165 in a Commercial Zone.

4. Public Notices Sent Out For Large Family Child Care

If your application meets the minimum zoning ordinances listed on the front side of this sheet, the Zoning Administrator should approve your permit and then notify all residents and businesses within a 300 foot radius of your property about your new business. 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 Appendixes C&E)

- A. If no neighbor complains, your **administrative use permit** is granted. (see Approval)
- B. If a neighbor files a written appeal to the **Planning Commission** within five days of notification, a public hearing before the Planning Commission is scheduled and the same residents or property owners invited to attend.

8. City Council

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

6. 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 Planning Commission or City Council 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 Fire Department.
- Contact 4C's for additional assistance throughout this process.
These phone numbers are included on the previous page of this document.

7. Appeal

Contact the City Clerk to file a written letter of appeal to the City Council appealing Planning Commission's decision.
The appeal fee is \$408.

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**. 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. Staff Review and Public Notices For Child Care Centers

When your application is complete, staff will write a report of your project to be presented before the **Planning Commission** for approval.

Appendix B

Sample Large Family Day Care Permit Application

The following application is a guide for creating permit application materials. The following application gives examples of all required information, illuminates all the steps of the application process, and can be accessed on-line at www.ci.fremont.ca.us/Permits/PlanningReview/LargeFamilyDayCareHome.htm. (Below is the application for city of Fremont which is used here as an example.)

Why do I need this permit?

All family daycare facilities in residential districts require state licensing from the California Department of Social Services Community Care Licensing Division (CCLD). After a facility has substantiated one year of experience as a small family daycare facility (a facility with eight or fewer children), the applicant may apply for a CCLD license to increase the size of the facility to a large family daycare facility (a facility with 9 to 14 children). In addition to state licensing requirements, a large family daycare facility in the City of Fremont must receive the review and approval of a Zoning Administrator Permit and City Business Tax License.

The purpose of a large family daycare zoning administrator permit is to assure that its operation in a residential district does not have an adverse impact on the adjacent neighboring property. Operational regulations are imposed to address issues such as parking, traffic, noise and outdoor play areas.

If you would like additional information about Large Family Daycare Permits and a permit application form, please click on the icon below.

How much does it cost?

The cost of a Large Family Daycare Zoning Administrator Permit is a flat fee of \$150.00. Should the Zoning Administrator or any interested party request a public hearing, the applicant is required to pay an additional \$300.00.

Please contact the Development Services Center at 510-494-4443 for additional fee information about these applications.

Disclaimer

The specific application type necessary for your project may vary. Please contact Development Services Center staff for additional information.



Development and Environmental Services Department
39550 Liberty Street, P.O. Box 5006, Fremont, CA 94537-5006
510 494-4460 ph | 510 494-4820 fax | www.ci.fremont.ca.us

FOR OFFICIAL USE ONLY

ZA # _____ - _____

FEE _____

WORK ORDER # _____

LARGE FAMILY DAY CARE HOMES
ZONING ADMINISTRATOR PERMIT

Name: _____

Name Address (with zip code): _____

Name Phone Number: _____

Description of business including the number of children (9 to 14) and the hours of proposed operations (must conform to regulations listed in the paragraphs below):

Four horizontal lines for describing the business and operations.

The following are the standards of operation (Section 8-22147.5, Article 21.3 of the City of Fremont Municipal Code), which you agree to follow, for large family day care homes:

- a. Large family day care homes shall be located at least three hundred feet apart in all directions.
b. There shall be a minimum of two parking spaces available to the customers during the facility's hours of operation.
c. If the driveway is the designated parking area for the day care home, the driveway shall remain clear and available for customers during hours of operation.
d. Day care homes shall limit noise levels from exceeding a LdN level of sixty db at the property lines.
e. Playground apparatus (swings, jungle gym, etc.) shall be located in the rear or side yards only.
f. Outdoor play areas shall be screened from view from the street and adjacent properties.

- g. Notice of the proposed large family day care home shall be sent to all property owners within a one hundred foot radius of the day care home ten days prior to the zoning administrator decision.
- h. A public hearing is not required unless requested by the applicant or other member of the public.
- i. The day care home shall comply with all regulations of the State of California Fire Marshal relating to large family day care homes. Inspection and approval of the home by the fire department shall be required prior to the operation of the day care facility.
- j. If any construction is required, the appropriate building permits must be approved within one year of the approval of this permit. The Zoning Administrator permit for a large family day care home shall be for an indefinite period of time following approval of this permit or the building permit.
- k. This Zoning Administrator permit issued for a large family day care home is not transferable. Applications for permits by tenants shall be signed by the owner of the lot indicating the approval of the proposed use.
- l. The applicant shall be licensed by the state for the operation of a large family day care home.
- m. The applicant shall file a business tax application prior to operation of the large family day care home.

Certification of Applicant

I, the undersigned, have read and will comply with all the foregoing regulations for the duration of the large family day care home I base from my residence.

Print Name	Signature	Date
------------	-----------	------

Authorization of Property Owner(s) (where different than Applicant)

I, (we), the owner(s) of the real property which is the subject of the application, hereby authorize the applicant to file this application.

Print Name	Signature	Date
------------	-----------	------

Print Name	Signature	Date
------------	-----------	------

FOR OFFICIAL USE ONLY

Received by	Date
-------------	------

Appendix C

Sample Letter to Neighbors

The following information was developed by Redwood City's Child Care Coordinator. Large family child care providers can use it as a model for information to accompany notices or introductions to neighbors who are routinely notified as part of the permit application and approval process.

Dear Neighbor,

I am interested in establishing a child care program within my home located at 1414 Riverside Terrace, where we hope to serve no more than 14 children. Because I do not wish to inconvenience you or your family, I thought that I would take this time to explain to you the nature of my new business, its potential impact on our neighborhood, and the steps I will take to minimize this impact.

How do Family Child Care Homes operate?

Although I will determine my own program services, hours, parent fees, etc., most programs operate weekdays from 7 a.m. to 6 p.m. Since parents' work schedules differ, children usually arrive over a period of two or more hours in the morning and leave during a similar period in the late afternoon. This reduces the number of vehicles likely to stop at the home at one time, as do siblings or carpoolers arriving together. Parents are encouraged to escort children safely to and from cars to the home. By implementing these measures, my business will not increase traffic congestion on our street.

While children are in my care, my assistant and I are responsible for their supervision at all times, including indoor activities, outdoor play, and on walks or vehicle trips away from my home. I anticipate outdoor play time to be limited to one hour after 9 am and one hour after 1 pm, and noise will be kept below the maximum stipulated by city officials.

For more information

If you have questions or concerns, or if you would like me to consider other impacts to our neighborhood, please contact me. Gathering your input now will help me to better plan my program and prevent issues that might arise in the future. Feel free to call me to arrange a visit of my home to familiarize yourself with my program, especially if you might want to refer a family or to volunteer.

If you need further information or assistance, please contact:

 [Your City Here] Planning Department: [Phone Number]
(regarding neighborhood impact issues)

[Your Local Child Care Resource and Referral Agency]: [Phone Number]

State Community Care Licensing office in Oakland: 510-622-2620
(regarding licensing status, children's health & safety, program issues).

Appendix D

Child Care Field Contact List

Community Care Licensing

1515 Clay Street, Suite 1102
Oakland, CA 94612
510-622-2602

Northern Alameda County Resource and Referral Agency

BANANAS, Inc.

5232 Claremont Avenue
Oakland, CA 94612
510-658-7353

Southern Alameda County Resource and Referral Agency

4C's of Alameda County

22351 City Center Drive, Suite 200
Hayward, CA 94541
510-582-2182

Eastern Alameda County Resource and Referral Agency

Child Care Links

1020 Serpentine Lane #102
Pleasanton, CA 94566
925-417-8733

Alameda County Child Care Planning Council

1401 Lakeside Drive, 11th Floor
Oakland, CA 94612
510-208-9631

The Child Care Fund

Every Child Counts

1850 Fairway Drive
San Leandro, CA 94577
510-667-3960

Child Care Law Center

221 Pine Street, 3rd Floor
San Francisco, CA 94104
415-394-7144

Appendix E

Tips on Being a Good Neighbor

The following information could be distributed to applicants along with their permit applications or shared at local child care resource and referral agencies to support their development of positive relationships with neighbors. Thanks to Redwood City's Child Care Coordinator for sharing this material.

Being a Good Neighbor: Tips for Family Child Care Providers

Family child care homes are a very important child care resource in any community. They provide an intimate, home-like setting for children being cared for away from their own homes. For this reason, California law offers certain protections for family day care.

However, it is important for family child care homes to be compatible with residential neighborhoods, by working to minimize negative impacts that can result from their operation. Providers need to be sensitive to neighbors' concerns about traffic, parking, and noise, and to be proactive, along with parents, in preventing problems. The following are some suggestions for measures that can help to create and maintain good relations.

- ✓ Take the time to get to know your neighbors, to explain your routine, number of children cared for, and, maybe, to invite them to visit your program.
- ✓ Encourage them to talk to you first if they have a concern or complaint. Be willing to compromise. Use a mediation service to help resolve issues, if necessary.
- ✓ Providing written instructions to parents, and sharing those with neighbors, can demonstrate your will to be a good neighbor and to ensure children's safety.

Parking, Traffic, and Safety

- ✓ Ask parents of children you care for to be considerate of neighbors. Give them instructions such as:
- ✓ Do not block, turn around in, or park in neighbors' driveways.
- ✓ Do not double park, or honk their horns when picking up children.
- ✓ Supervise children carefully between vehicles and your home, to keep them from running into the street or across neighbors' yards. If parents park across the street, they must escort children even more carefully.
- ✓ Do not allow children to cross or play on neighbors' property without their permission.

Set up your schedule in a way that allows parents to come and go over a period of time, to reduce the parking impact.

Noise

- ✓ When children are playing outside, be aware of the noise level. Children who are having a loud tantrum or argument should be taken indoors until they quiet down.
- ✓ Normal noise of children's play is generally not a problem for neighbors, unless their homes are very close to your yard or they need to sleep. In extreme cases, it is possible to construct fencing in a way that provides a good sound barrier. Vegetation, like tall hedges, can also help.
- ✓ Limit outdoor play time to hours of the day when neighbors are least likely to be disturbed—after 9:00 a.m. and before 5:00 p.m. Be sure there are periods during the day when all children are indoors. If you have a neighbor who works nights and sleeps during the day, or works from home, discuss a schedule that would be least disruptive.
- ✓ If you care for children who arrive very early in the morning or leave very late at night, talk to the parents about coming and going quietly, in consideration of neighbors.

Appendix F

Excerpts from State Law Related to Child Care

EXCERPTS FROM THE CALIFORNIA HEALTH AND SAFETY CODE SECTION 1596.70-1596.798 (as Amended through 1999)

1596.70. This chapter and Chapters 3.5 (commencing with Section 1596.90) and 3.6 (commencing with 1597.30) may be cited as the California Child Day Care Facilities Act.

1596.71. This chapter applies to Chapters 3.5 (commencing with Section 1596.90) and 3.6 (commencing with Section 1597.30). This chapter also applies to Chapter 3.65 (commencing with Section 1597.70)

1596.72. The Legislature finds all of the following:

- a) That child day care 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 day care facilities to ensure a quality day care environment.
- c) That this system of licensure requires a special understanding of the unique characteristics and needs of the children served by child day care 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 day care facilities from those facility types administered under Chapter 3 (commencing with Section 1500).
- e) That good quality child day care services are an essential service for working parents.

1596.73. The purposes of this act are to:

- a) Streamline the administration of child care 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 child care needs.
- c) Provide providers of child care with technical assistance about licensing requirements.
- d) Enhance consumer awareness of licensing requirements and the benefits of licensed child care.
- e) Recognize that affordable, quality licensed child care is critical to the well-being of parents and children in this state.

1596.74. Unless the context otherwise requires, the definitions contained in this chapter govern the construction of this chapter and Chapters 3.5 (commencing with Section 1596.90) and 3.6 (commencing with Section 1597.30).

1596.75. Child. means a person who is under 18 years of age who is being provided care and supervision in a child day care facility, except where otherwise specified in this act.

1596.750. Child day care facility means a facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Child day care facility includes day care centers, employer-sponsored child care centers, and family day care homes.

1596.76. Day care center. means any child day care facility other than a family day care home, and includes infant centers, preschools, and extended day care facilities.

1596.77. Department means the State Department of Social Services. 1596.770. Director means the Director of Social Services.

1596.771. Employer-sponsored child care center. means any child day care facility at the employer's site of business operated directly or through a provider contract by any person or entity having one or more employees, and available exclusively for the care of children of that employer, and of the officers, managers, and employees of that employer.

1596.78. (a) Family day care home means a home 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 day care home or a small family day care home. b) Large family day care home means a home that provides family day care for 7 to 14 children, inclusive, including children under the age of 10 years who reside at the home, as set forth in Section 1597.465 and as defined in regulations.

1597.30. The Legislature finds and declares:

- a) It has a responsibility to ensure the health and safety of children in family homes that provide day care.
- b) That there are insufficient numbers of regulated family day care homes in California.
- c) There will be a growing need for child day care facilities due to the increase in working parents.
- d) Many parents prefer child day care located in their neighborhoods in family homes.
- e) There should be a variety of child care settings, including regulated family day care homes, as suitable alternatives for parents.
- f) That the 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 day care homes, while not placing undue burdens on the providers.
- g) That the state should maintain an efficient program of regulating family day care homes that ensures the provision of adequate protection, supervision, and guidance to children in their homes.

1597.40. (a) It is the intent of the Legislature that family day care homes for children should be situated in normal residential surroundings so as to give children the home environment which is conducive to healthy and safe development. It is the public policy of this state to provide children in a family day care home the same home environment as provided in a traditional home setting. The Legislature declares this policy to be of statewide concern with the purpose of occupying the field to the exclusion of municipal zoning, building and fire codes and regulations governing the use or occupancy of family day care homes for children, except as specifically provided for in this chapter, and to prohibit any restrictions relating to the use of single-family residences for family day care homes for children except as provided by this chapter. b) Every provision in a written instrument entered into relating to real property which purports to forbid

or restrict the conveyance, encumbrance, leasing, or mortgaging of the real property for use or occupancy as a family day care home for children, is void and every restriction or prohibition in any such written instrument as to the use or occupancy of the property as a family day care home for children is void. (c) Except as provided in subdivision (d), every restriction or prohibition entered into, whether by way of covenant, condition upon use or occupancy, or upon transfer of title to real property, which restricts or prohibits directly, or indirectly limits, the acquisition, use, or occupancy of such property for a family day care home for children is void.

1597.43. The Legislature finds and declares all of the following: a) Family day care homes operated under the standards of state law constitute accessory uses of residentially zoned and occupied properties and do not fundamentally alter the nature of the underlying residential uses. Family day care homes draw clients and vehicles to their sites during a limited time of day and do not require the attendance of a large number of employees and equipment.

1597.44. A small family day care home may provide care for more than six and up to eight children, without an additional adult attendant, if all of the following conditions are met:

- a) At least two of the children are at least six years of age.
- b) No more than two infants are cared for during any time when more than six children are cared for.
- c) The licensee notifies each parent that the facility is caring for two additional schoolage children and that there may be up to seven or eight children in the home at one time.
- d) The licensee obtains the written consent of the property owner when the family day care home is operated on property that is leased or rented.

1597.45. All of the following shall apply to small family day care homes:

- a) The use of single-family residence as a small family day care home shall be considered a residential use of property for the purposes of all local ordinances.
- b) No local jurisdiction shall impose any business license, fee, or tax for the privilege of operating a small family day care home.
- c) Use of a single-family dwelling for purposes of a small family day care 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 family day care 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, except that a small family day care home shall contain a fire extinguisher and smoke detector device that meet standards established by the State Fire Marshal.

1597.46. All of the following shall apply to large family day care homes:

- a) A city, county, or city and county shall not prohibit large family day care homes on lots zoned for single-family dwellings, but shall do one of the following:
 - 1) Classify these homes as a permitted use of residential property for zoning purposes.
 - 2) Grant a nondiscretionary permit to use a lot zoned for a single-family dwelling to any large family day care home that complies with local ordinances prescribing reasonable standards, restrictions, and requirements concerning spacing and concentration, traffic control, parking, and noise control

relating to such homes, and complies with subdivision (d) and any regulations adopted by the State Fire Marshal pursuant to that subdivision. Any noise standards shall be consistent with local noise ordinances implementing the noise element of the general plan and shall take into consideration the noise level generated by children. The permit issued pursuant to this paragraph shall be granted by the zoning administrator, if any, or if there is no zoning administrator by the person or persons designated by the planning agency to grant such permits, upon the certification without a hearing.

(3) Require any large family day care home to apply for a permit to use a lot zoned for single-family dwellings. The zoning administrator, if any, or if there is no zoning administrator, the person or persons designated by the planning agency to handle the use permits shall review and decide the applications. The use permit shall be granted if the large family day care home complies with local ordinances, if any, prescribing reasonable standards, restrictions, and requirements concerning spacing and concentration, traffic control, parking, and noise control relating to such homes, and complies with subdivision (d) and any regulations adopted by the State Fire Marshal pursuant to that subdivision. Any noise standards shall be consistent with local noise ordinances implementing the noise element of the general plan and shall take into consideration the noise levels generated by children. The local government shall process any required permit as economically as possible, and fees charged for review shall not exceed the costs of the review and permit process. Not less than 10 days prior to the date on which the decision will be made on the application, the zoning administrator or person designated to handle such use permits shall give notice of the proposed use by mail or delivery to all owners shown on the last equalized assessment roll as owning real property within a 100 foot radius of the exterior boundaries of the proposed large family day care home. No hearing on the application for a permit issued pursuant to this paragraph shall be held before a decision is made unless a hearing is requested by the applicant or other affected person. The applicant or other affected person may appeal the decision. The appellant shall pay the cost, if any of the appeal.

- b) A large family day care home shall not be subject to the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code.
- c) Use of a single-family dwelling for the purposes of a large family day care 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 and fire codes.
- d) Large family day care homes shall be considered as single-family residences for the purposes of the State Uniform Building Standards Code and local building and fire codes, except with respect to any additional standards specifically designed to promote the fire and life safety of the children in these homes adopted by the State Fire Marshal pursuant to this subdivision. The State Fire Marshal shall adopt separate building standards specifically relating to the subject of fire and life safety in large family day care homes which shall be published in Title 24 of the California Administrative Code. These standards shall apply uniformly throughout the state and shall include, but not be limited to: (1) the requirement that a large family day care home contain a fire extinguisher or smoke detector device, or both, which meets standards established by the State Fire Marshal; (2) specification as to the number of required exits from the home; and (3) specification as to the floor or floors on which day care may be provided. Enforcement of these provisions shall be in accordance with Sections 13145 and 13146. No city, county, city and county, or district shall adopt or enforce any building ordinance or local rule or regulation relating to the subject of fire and life safety in large family day care homes which 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 single-family residences in which day care is not provided.

Appendix G

Glossary of Zoning Terms Relevant to Child Care

Allowed Use: A use which is allowed or permitted by the local jurisdiction in a particular zoning district without obtaining an administrative or conditional use permit.

Child Care Center: (formerly known as day care centers and nursery schools, but generally accepted in the professional child care community as child care center): A building or structure in a non-residential building where care, protection, and supervision are provided to children for less than 24 hours per day. Centers are most often permitted in commercial zones, and less frequently in all districts, in residential districts, or in light industrial districts.

Community Center: A place, structure, area, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

Conditional Use: A use that, owing to some special characteristics attendant to its operation or installation (for example, potential danger, smoke, or noise) is permitted in a district subject to discretionary approval by the jurisdictions, and subject to special requirements, different from those usual requirements for the district in which the conditional use may be located. *Or*, a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to public health, safety, or general welfare.

General Plan: A compendium of city or county policies regarding long-term development, in the form of maps and accompanying text. The General Plan is a legal document required by the State.

Home Occupation: A commercial activity conducted solely by the occupants of a particular dwelling unit in a manner incidental to residential occupancy.

Large Family Child Care Home: A private residence where care, protection, and supervision are provided, for a fee, at least twice a week, to no more than 14 children at one time, including the children of the provider. Care must be for less than 24 hours per day. (Note: State law was amended in January 1997 to allow for eight rather than six children for small family child care homes, and 14 rather than 12 children in large family child care homes, provided that two of the eight and 14 children are school-age).

Multifamily Dwelling: A building or portion thereof used for occupancy by three or more families living independently of each other and containing three or more dwelling units. Includes apartment buildings, but not group, row, or townhouses or condominiums.

Nonconforming Use: A lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

Ordinance: A law or regulation set forth and adopted by a government authority, usually a city or county.

Parcel: A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

Planned Development (or Planned Unit Development): Land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations phases.

Setback: The required minimum horizontal distance between the building line and the related front, side, or rear property line.

Single Family Dwelling: A residential building containing not more than one dwelling unit, or one or two or more residential buildings, containing dwelling units (which may be attached), each of which houses a single family, and which has access to the outside (as in the case of townhouses or duplexes).

Site ("Lot"): A parcel of land used or intended for one use or a group of uses and having frontage on a public or an approved private street.

Small Family Child Care Home: A private residence where care, protection, and supervision are provided, for a fee, at least twice a week, to no more than eight children at one time, including the children of the provider. Care must be for less than 24 hours per day. Small family child care is an allowed use throughout the State of California. State law exempts small family child care homes from local zoning regulations.

Use Permit: The discretionary and conditional review of an activity or function or operation on a site or in a building or facility. An Administrative Use Permit is approved in-house rather than by a judicial or executive body (Planning Commission, Zoning Board of Adjustments, or City Council). A Conditional Use Permit may impose extra conditions that accompany the application and may require approval by a judicial or executive body.

Variance: A variation in requirements permitted on individual parcels of property as a method of alleviating unnecessary hardship by allowing a reasonable use of the building, structure or property, which, because of unusual or unique circumstances, is denied by the terms of the zoning code. Usually applicable to deviations from the dimensional requirements of the ordinance (i.e. height, yard), not to establish a use of land that is otherwise prohibited in that zoning district.

Zoning: The division of a city or county by legislative regulation into areas, or zones, that specify allowable uses for real property and size restrictions for building within these areas; a program that implements policies of the General Plan.

Zoning District: A designated section of a city or county for which prescribed land use requirements and building and development standards are uniform, such as "R-1" Single Family Residential, or "C" Commercial.

(Sources: A Survey of Zoning Definitions, American Planning Association, Planning Advisory Service Report Number 421, The California General Plan Glossary, California Planning Roundtable, 1990. As cited in the Alameda County Child Care Land Use and Zoning Report, December, 1999).

Appendix H

Matrix of City Permit and Zoning Practices

		Alameda Co.	Alameda	Albany	Berkeley	Dublin	Emeryville	Fremont
Large Family Child Care Homes (LFCCH)	Permitted Zones	All zones	Residential, commercial, industrial & mixed-use	Residential & commercial	Residential, Commercial, & Mixed-Use	Residential	Residential	Residential
	Permit Type	Large Family Day Care Permit	Use Permit	Conditional Use Permit	Administrative use permit	Conditional use permit	Conditional use permit	Daycare home permit
	Permit Fee	\$200 or \$250 with hearing	\$650	\$550	\$671	\$50	\$500	\$150 or \$450 with hearing
	Business Tax	\$20 + \$1 per 1,000 of gross receipts	\$0.40 per \$1,000 of gross receipts	\$201 + 41.00 per employee	N/A	\$50	0.08% of gross receipts	\$30 + 1 per \$1,000 of gross receipts
	Time to Secure	4 weeks; 8-12 weeks with hearing	12-24 weeks	4-6 weeks	8-10 weeks	8 weeks	8-12 weeks	4 weeks
Child Care Centers (CCC)	Permitted Zones	All zones	Commercial, industrial, & limited residential	Residential & commercial	Residential and commercial	Residential, commercial, & industrial	Residential, light industrial, mixed & public use	Commercial & industrial
	Permit Type	Conditional Use Permit	Use permit in residential zones	Conditional use permit	Use permit- Public hearing	Conditional use permit	Conditional use permit	Zoning administrator's permit
	Permit Fee	Approx. \$300 in residential zones, \$375 in all others	\$650	\$550	\$2,321	\$130	Min. \$500. Max. \$1,000 including additional review costs	\$850
	Business Tax	\$20 - \$0.40 per \$1,000 of gross receipts	\$0.40 per \$1,000 of gross receipts	\$201+41 per employee	0.36% of gross receipts	\$50	0.08% of gross receipts	\$30+\$1 per \$1,000 of gross receipts
	Time to Secure	8-12 weeks	12-24 weeks	4-6 weeks	10-12 weeks	8 weeks	8-12 weeks	6 weeks

Land Use for Child Care Facilities: Current Practice and Strategies
for Streamlining the Development of Child Care Spaces for Alameda County's Children

Appendix H
continued

Hayward	Livermore	Newark	Oakland	Piedmont	Pleasanton	San Leandro	Union City
Residential	Residential	Residential	Residential & commercial	All Districts	Agricultural, single and multi-family residential	Residential	Residential
No permit	Large family day care permit	Minor conditional use permit	Zoning clearance	No Permit	Modified conditional use permit	Administrative use or conditional use permit	Administrative use permit
N/A	\$46	\$400	\$11.15	N/A	\$15	\$50 for administrative use; \$650 for conditional use permit	\$408
N/A	0.16% of gross receipts	\$30 + % of gross receipts	N/A	N/A	\$25-75	\$36.50 + 19.50 per owner and employee	\$128
N/A	1-2 weeks	4-6 weeks	One day. Over the Counter	N/A	4-6 weeks + appeal period	2 weeks for administrative use 6-7 weeks for conditional use	4-8 Weeks
Residential, commercial, & mixed-use	Residential, commercial, & industrial	Residential, commercial, & industrial	Residential & commercial	All Districts	Regional and neighborhood commercial, & public institutional	Residential, commercial, & industrial	Residential, commercial, & light industrial
Administrative use permit	conditional use permit	Conditional use permit	Minor or Major conditional use permit	Conditional use permit	Conditional use permit	Conditional use permit	Conditional use permit
\$125 + staff review time. Max. \$600	\$2,939.00 for conditional use permit	\$2,700	Minor \$1,211 Major \$2,238	\$1,200	\$150	\$650 for existing building. \$3000-4000 for review of new building	\$699 in residential \$1165 in commercial
\$21.35-\$100 based on gross receipts	0.16% of gross receipts	\$30+% of gross receipts	\$30	N/A	\$25-\$75	\$36.50+\$19.50 per owner and employee	\$128
6 weeks	6-8 weeks for conditional use permit	6-8 weeks	8-16 weeks	8 weeks	8-10 weeks+appeal period	6-7 weeks	4-12 weeks

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