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CITY OF LOS ANGELES GENERAL PLAN

Introduction

The City of Los Angeles includes as an element in its general plan called the Citywide General Plan Framework. As will be seen below, this element serves as an overview to the entire general plan and thus addresses all of the general plan's elements. The Framework Element itself is divided into parts, two of which address child care: Land Use and Economic Development. Like other general plans, each part is divided into goals, objectives, and policies. The last part of the Framework Element provides implementing measures. Los Angeles addresses child care only to a limited extent. The plan is included here because of the unusual Framework Element.

The Citywide General Plan Framework

Below are excerpts from the Citywide General Plan Framework:

Chapter 1: The General Plan System

The General Plan Framework Element is a guide for communities to implement growth and development policies by providing a comprehensive long-range view of the City as a whole

The Framework Element establishes the broad overall policy and direction for the entire general plan. It is a discretionary element of the general plan which looks to the future....It provides a citywide context and a comprehensive long-range strategy to guide the comprehensive update of the general plan's other elements – including the community plans which collectively comprise the Land Use Element. The Framework Element also provides guidance for the preparation of related general plan implementation measures including Specific Plans, ordinances, or programs, including the Capital Improvements Program.

...

The Framework Element is a special purpose element of the City of Los Angeles General Plan that establishes the vision for the future of the City of Los Angeles and the direction by which the citywide elements and the community plans shall be comprehensively updated in harmony with that division. The Framework Element establishes development policy at a citywide level and within a citywide context, so that both the benefits and challenges of growth are shared.

Chapter 3: Land Use

Goals, Objectives and Policies Regarding Neighborhood Districts

Neighborhood districts are intended focal points of surrounding residential neighborhoods and serve populations of 15,000 to 25,000 residents. They contain a diversity of uses that serve daily needs, such as restaurants, retail outlets, grocery stores, child care facilities, community meeting rooms, pharmacies, religious facilities and other similar uses. The clustering of uses minimizes

automobile trips and encourages walking to and from adjacent residential neighborhoods. Pedestrian-oriented areas are encouraged, and the district may be served by a local shuttle service.

....

Goal 3D

Pedestrian-oriented districts that provide local identity, commercial activity, and support Los Angeles' neighborhoods.

Objective 3.8

Reinforce existing and establish new neighborhood districts which accommodate a broad range of uses that serve the needs of adjacent residents, promote neighborhood activity, are compatible with adjacent neighborhoods, and are developed as desirable places to work and visit.

Policies

3.8.2

Encourage the retention of existing and development of new commercial uses that primarily are oriented to the residents of adjacent neighborhoods and promote the inclusion of community services (e.g., childcare and community meeting rooms). (P1, P18, P34)

3.8.3

Encourage the owners of existing commercial shopping centers that contain chain grocery and drug stores to include additional uses, such as restaurants, entertainment, childcare facilities, public meeting rooms, recreation, cultural facilities, and public open spaces, which enhance neighborhood activity. (P18, P35)

Chapter 7: Economic Development

Goals, Objectives, and Policies

Goal 7D

A City able to attract and maintain new land uses and businesses.

Objective 7.6

Maintain a viable retail base in the City to address changing resident and business shopping needs.

Policy 7.6.1

Encourage the inclusion of community-serving uses (post offices, senior community centers, daycare providers, personal services, etc.) at the community and regional centers, in transit stations, and along the mixed-use corridors. (P18)

Chapter 10: Implementation Programs

P1

Comprehensively review and amend the community plans as guided by the citywide policies and standards of the General Plan Framework Element. The Framework Element Long-Range Diagram may be amended to reflect the final determinations made through the Community Plan Update process, should the determinations be different from the adopted Framework Element.

- a. Generally, these should include the application of the Framework Element's land use categories to specific parcels, as a refinement of the pattern of uses generally depicted on the Land Use Diagram, and the accommodation of the amount of development forecast for each subregion (as specified in Table 2-2). While the Framework Element's land use categories set a range of development, lesser intensities may be specified to meet specific circumstances. Pertinent incentives for mixed-use development, transit related development, low- and very low-income housing, and other uses and locations established as districts, centers and boulevards should be identified.
- b. Policies and standards for the provision of an adequate transportation system, including:
 - (1) Specification of a local accessibility plan that:
 - assesses the mobility and accessibility needs of community residents, including access to work opportunities, unmet transit needs, access to essential services, and access to regional line-haul transit services;
 - determines the community's current highway and transit accessibility levels;
 - revises citywide accessibility standards as needed to address unique community problems and issues;
 - identifies actions to achieve the desired level of accessibility; and
 - includes measures intended to preserve the existing character of conservation areas while also maintaining and enhancing accessibility within these parts of the City.
 - (2) definition of neighborhood traffic management strategies to protect residential areas from the intrusion of traffic from nearby developments and regional traffic.
 - (3) Identification of highway segments by user priority (pedestrian, transit or other vehicle) [see Chapter 5: *Urban Form and Neighborhood Design* and Chapter 8: *Transportation*].
- c. Open space, recreation/parks, and wildlife conservation needs defined at the neighborhood level.
- d. Streetscape and building elements that reflect the characteristics and intentions for community and regional centers, neighborhood districts, and/or mixed-use boulevards.

Responsibility: Department of City Planning, with assistance from the Departments of Transportation and Public Works; adopted by City Council

Funding Source: General Fund and other sources that may be available

Schedule: Initiate comprehensive updates within five years of Framework Element adoption

P18

Amend the Zoning Ordinance to implement the policies and standards of the General Plan Framework Element. The revisions provide tools needed to which are described below and are representative of the actions that may be taken.

- a. Revise land use and density classifications, zoning maps, and pertinent development standards (e.g., parking standards, design of multi-family units, pedestrian districts, development transitions, and other) to reflect the concepts contained in the Framework Element, appropriately applied through amendments of the community plans consistent with community characteristics.
- b. Establish incentives to stimulate the types of use desired (e.g., mixed-use, community facilities in centers, districts, and boulevards, and other) and development in appropriate selected targeted growth areas as defined in the community plans, such as density bonuses for mixed-use development, parking in proximity to transit stations and transit corridors, “by-right” entitlements with administrative review and approval for traffic or other necessary studies and mitigation, and other.
- c. Permit the incorporation of revenue-generating recreation facilities into communities, where such uses are feasible and where levying fees would not place an undue hardship on the users.
- d. Allow commercial structures and multi-family dwelling units destroyed by natural catastrophes to be re-constructed to their pre-existing use and density in any areas where permitted densities may be reduced by amendments to the community plans.
- e. Establish reasonable defensible space design requirements that will help ensure maximum visibility and security for entrances, pathways, and corridors, as well as open space (both public and private) and parking lots or structures. The code and design review amendments should address landscaping and lighting in addition to site design.

Responsibility: Department of City Planning, with assistance from the Departments of Transportation and Public Works and the Community Redevelopment Agency and the Los Angeles Unified School District

Funding Source: General Fund and State funds

Schedule: Within one year of General Plan Framework Element adoption and ongoing, as necessary

P34

Continue utilizing a variety of cost effective maintenance techniques to more properly maintain streets in a perpetual good to excellent condition, with an emphasis on providing major maintenance in the form of full-width resurfacing prior to a street segment suffering more than 15 percent base failure, which would require significantly costlier reconstruction work.

Responsibility: Department of Public Works

Funding Source: State Gas Tax

Schedule: Ongoing, as funding permits

P35

Establish a comprehensive Economic Development Strategy and a pro-active Business Attraction and Retention Program that will:

- a. Coordinate the City's economic development functions and business support services to provide better service delivery and eliminate duplicative functions.
- b. Include methods to maximize the use of non-local financial incentive programs such as those provided by the State and Federal government.
- c. Actively promote the information resources available through the City's various departments (e.g., the export assistance program and foreign trade zone program), and effectively coordinate the provision of the City's technical assistance through the City's centralized economic development function.
- d. Identify local labor force resources and emerging industries.
- e. Actively assist firms in understanding and complying with State and Federal regulations.
- f. Use the Regional Comprehensive Plan and Guide (RCPG) developed by the Southern California Association of Governments (SCAG) as a guide for identifying target industries.
- g. Direct available economic development resources to targeted locations within the City and to specific emerging industrial sectors.

Responsibility: To be determined by Mayor and Council

Funding Sources: General Fund and other sources (e.g. and the Federal government)

Schedule: Initiate within 24 months of Framework Element adoption

ORANGE COUNTY GENERAL PLAN

Introduction

Similar to Los Angeles, Orange County addresses child care throughout the general plan. The Orange County General Plan first describes the current condition of child care in the county, and then through the general plan it provides ways in which the problem can be addressed. This particular plan is included in the appendix because it deals at length with child care in the Land Use Element, as well as in the Public Services and Facilities Element. The Plan is quite repetitive across various elements, however for the sake of completeness, all of the sections relevant to this manual are excerpted below.

Land Use Element

Below are excerpts from the Orange County General Plan, Land Use Element:

Chapter 2: Current Conditions and Future Demand, Part C: Analysis of Current Conditions and Future Demand

1. Infrastructure Analysis

...

Child care has also arisen as an issue exhibiting major local and regional imbalances. Child care imbalances occur between the need for and provision of adequate and affordable facilities. With a significant increase in women in the labor force, the rising numbers of single-parent households, the rise in dual-income families, and the increase in the number of children (infants through school-aged), the supply of child care has not kept pace with the accelerating demand. Orange County has the second greatest child population in the state, and the County Administrative Office estimates it will increase 17% over the next decade. Child care improvement policies and programs in Chapter Five of this volume address measures which not only help to alleviate current pressures but also address the future demands. It should be noted that although portions of this element highlight opportunities for increased County participation, it is acknowledged that local schools, private agencies, and non-profit entities play the primary role in the provision of child care facilities and services.

Chapter 3: Future Objectives and Policies, Part C: Land Use Categories

...

Child care facilities are permitted in any land use category but shall be subject to review for appropriateness. Child care centers, as defined by Health and Safety Code Section 1596.76, must obtain a license from the State Department of Social Services before beginning operations. Additional State licensing requirements (Title 22 of the California Administrative Code, Division 12 and other various sections) concern facility design and facility operation. Present County practices enhance the provision of child care facilities through increased coordination between State regulations, County policy documents, and local land use concerns. For child care centers which serve more than six children, the County can exercise discretionary authority through site development plan review. The purpose of this review is to address local concerns and any

restrictions or conditions which may apply to specific land use categories. Child care facilities will have the same land use/noise compatibility requirements as preschools which will assure outdoor living areas will not be permitted in the 65 or above CNEL.

...

Open Space

...

Provision is also made under the Open Space category for less-intense employment uses in conjunction with large open space areas shown on the Community Profiles as Research/Open Space Parks. Employment facilities on large building sites would be permitted when they are consistent with the open space character of the area.

The intent is to create opportunities for low-intensity high technology, industrial, research and development, office, and education uses and child care facilities which do not require a commitment of significant urban infrastructure. Generally, building sites within this category should be large with the area covered by structures, and parking should not exceed 20% in order to blend development with the natural surroundings. Innovative design solutions are encouraged to incorporate buildings and parking into the natural features of the site as well as to maximize the efficient use of energy.

Chapter 5: Implementation Policies, Part B: Major Land Use Element Implementation Policies

...

10. Child Care Improvement

To encourage and facilitate provision of child care facilities to address the growing county demand.

The purpose of the Child Care Improvement Policy is to develop measures which will encourage establishment of child care facilities within Orange County. Due to changing demographic trends, there exists a countywide shortfall, in filling child care demand which is expected to increase significantly over the next decade.

In order to address this current shortfall, it is necessary to examine three components of child care needs. Infant care refers to child care for children 0-2 years old; Preschool care is primarily for children 2-5 years old; and Extended Day care is for school age children after and/or before normal school hours. Provision of sites for the first two types of child care should be encouraged in concentrated employment areas for ease of access for working parents (however, some communities may have sufficient demand in residential areas); Extended Day care facilities are more appropriate near residential areas and school facilities.

Implementation of a Child Care Improvement Policy is essential to achieve a balance between supply and demand of the various types of child care facilities. Supply and demand for child care services should be monitored through the Annual Monitoring Report process (see Appendix D).

Appendix A Land Use Element Implementation Programs

8. Child Care Improvement Program

- a. Policy mandate: Child Care Improvement Policy.
- b. Program implementation schedule: On-going, upon adoption of Child Care Improvement Policy.
- c. Responsible agency: EMA (Advance Planning Division)
- d. Discussion: The purpose of this program is to ensure that child care facilities are accommodated in areas of greatest need. In order to adequately address child care needs, it is necessary to examine three components of child care. Infant care refers to child care for children 0-2 years old; Preschool care is primarily for children 2-5 years old; and Extended Day care is for school age children after and/or before normal school hours. Provision of sites for the first two types of child care should be encouraged in concentrated employment areas for ease of access for working parents (however, some communities may have sufficient demand in residential areas); Extended Day care facilities are more appropriate near residential areas and school facilities.
This program also provides coordination between the County and school districts and/or private agencies which provide child care services. School district/private agency services include before and after school programs located at local schools.
- e. Necessary action: New developments will participate in the Child Care Improvement Program through conditions placed on projects in the unincorporated South County area. Appropriate coordination will also be encouraged between the County, school districts, community programs, and developers. An assessment of the supply and demand for child care facilities should be monitored through the Annual Monitoring Report process (see Appendix D).

Public Services and Facilities Element

Below are excerpts from the Orange County General Plan, Public Services and Facilities Element:

Chapter 2: Inventory of Existing Conditions and Future Trends, Part C.6: Community Facilities

...

g. Child Care Improvement Program

1. Introduction

Child care has arisen as yet another issue exhibiting major local and regional imbalances. Child care imbalances occur between the need for and provision of adequate and affordable facilities. With a significant increase in women in the labor force, the rising numbers of single-parent households, the rise in dual-income families, and the increase in the number of children (infants through school-aged), the supply of child care has not kept pace with the accelerating demands. Orange County has the second greatest child population in the state, and the County

Administrative Office estimates it will increase 17% over the next decade. The child care improvement program in Chapter Ten of this volume addresses measures which not only help to alleviate current pressures but also address the future demands.

It should be noted that although discussion of child care in this element highlights opportunities for increased County participation, it is acknowledged that local schools, private agencies and non-profit entities play the primary role in the provision of child care facilities and services. For example, many of the school districts in Orange County participate to some degree in latch-key or Extended Day programs. These programs have been established to provide a safe, nurturing environment for the care of children before and after school. Additionally, the programs serve as support for the family and the school in guiding children's growth and development.

2. Current Conditions

On October 27, 1987, the Board of Supervisors directed the Environmental Management Agency (EMA) in consultation with the County Administration Office (CAO), the Social Services Agency (SSA), and the General Services Agency (GSA) to investigate the feasibility of pursuing a Child Care Improvement Program in the unincorporated County and the Santa Ana Civic Center area. Four areas of investigation were identified as follows: amending the County General Plan; integrating child care components into major employment areas; considering the siting of child care facilities in parks and on County surplus property; and providing child care to employees in the Civic Center area.

The agencies mentioned above form the Child Care Improvement Program Task Force. The Task Force has been actively pursuing the Board-directed investigations since October 1987 and will present a full report on their findings to the Board in late 1988.

Additionally, on August 3, 1988 the Board approved an amendment to the Land Use Element which serves as a mechanism to ensure that child care facility proposals shall not be precluded from any land use category, but shall be subject to review. Part of this amendment is the Child Care Improvement Policy. The purpose of the Child Care Improvement Policy is to encourage and facilitate provision of child care facilities to address the growing County demand.

Implementation of a Child Care Improvement Policy is essential to achieve a balance between supply and demand of the various types of child care facilities. Supply and demand for child care services will be monitored through the Annual Monitoring process.

3. Future Conditions

Due to changing demographic trends, there exists a countywide shortfall in filling child care demand which is expected to increase significantly over the next decade. In order to address this shortfall, it will be necessary to examine three components of child care needs. Infant care refers to child care for children 0-2 years old; preschool care is primarily for children 2-5 years old; and Extended Day Care is for school age children after and/or before normal school hours. Provision of sites for the first two types of child care should be encouraged in concentrated employment areas for ease of access for working parents (however, some communities may have sufficient

demand in residential areas). Extended Day Care facilities are more appropriate near residential areas and school facilities.

The Child Care Improvement Program Task Force will continue to examine child care issues as directed by the Board. Results of their research will be reported back to the Board at a future date.

Chapter 10: Community Facilities Component, Part VII. Child Care Improvement Program

A. Overview

The primary purpose of the Child Care Improvement Program is to develop measures which will encourage the establishment of child care facilities within Orange County. The Child Care Improvement Program Task Force was directed by the Board to investigate the feasibility of pursuing child care in the unincorporated County and the Santa Ana Civic Center area.

Child care has arisen as an issue exhibiting major imbalances between the need for and provision of adequate and affordable facilities. With a significant increase of women in the labor force, single parent households, dual-income families, and total number of children, the supply of child care has not kept pace with accelerating demand. Orange County has the second greatest child population in the state, and the County Administrative Office estimates it will increase 17% over the next decade. This section describes child care improvement policies and programs which help to alleviate current pressures and also address future demands.

B. Goal, Objective, and Policy

1. Goal and Objective

Goal: To encourage and facilitate provision of child care facilities to address the growing County demand.

Objective: To achieve facilitation of child care services consistent with the Orange County General Plan.

2. Policy

- a. Land Use Compatibility: To ensure that child care facility proposals are compatible with surrounding land uses and to review planned land uses adjacent to facilities for their compatibility with facility operations.
- b. Interagency Cooperation: To encourage and support a cooperative effort among all agencies towards the implementation of necessary child care facilities through normal County review procedures.

C. Implementation Program

1. Child Care Improvement Program

Action: New developments will participate in the Child Care Improvement Program through conditions placed on projects in the unincorporated South County area. Appropriate coordination will also be encouraged between the County, school districts, community

programs, and developers. An assessment of the supply and demand for child care facilities should be monitored through the Annual Monitoring Report process.

Discussion: The purpose of this program is to ensure that child care facilities are accommodated in areas of greatest need. In order to adequately address child care needs, it is necessary to examine three components of child care. Infant care refers to child care for children 0-2 years old; preschool care is primarily for children 2-5 years old; and Extended Day Care is for school age children after and/or before normal school hours. Provision of sites for the first two types of child care should be encouraged in concentrated employment areas for ease of access for working parents (however, some communities may have sufficient demand in residential areas); Extended Day care facilities are more appropriate near residential areas and school facilities.

This program also provides coordination between the County and school districts and/or private agencies which provide child care services. School districts/private agency services include before and after school programs located at local schools.

New or Existing Program: New

Implementation Schedule: Ongoing

Responsible Agencies: EMA (in coordination with school districts and other quasi-public agencies)

Source of Funds: County General Fund, New Development Exactions

CITY OF SAN CLEMENTE GENERAL PLAN

Introduction

The City of San Clemente General Plan provides a detailed “policy” section with many examples of how the community’s child care objectives can be achieved. Child care is addressed in the Plan’s Public Facilities and Institutions Element.

Public Facilities and Institutions Element

Below are excerpts from the City of San Clemente General Plan, Public Facilities and Institutions Element:

IV. Goals, Objectives, and Policies

G. Human Services and Facilities

Goal

Promote the maintenance and enhancement of the quality of human services and facilities within the community.

...

Objective

7.18

Contribute (along with the private sector residential and business community and existing service providers) to the future development, implementation, and management of a successful child care network within the community.

Policies

7.18.1

Determine the need for child care facilities within the community while identifying the condition of existing facilities and services (*I 7.44 and I 7.45*).

7.18.2

Pursue programs, mechanisms, and liaison activities that will increase the provision of modern child care services in the community, in accordance with local and state building/zoning, and health and safety code requirements (*I 7.48*).

7.18.3

Coordinate with CUSD to utilize existing educational facilities for the expansion of day care opportunities within the community (*I 7.46 and I 7.47*).

7.18.4

Monitor and analyze the overall needs of child day care-eligible population, in order to better meet the needs of this segment of the community (*I 7.45*).

7.18.5

Require that new large commercial developments and business parks include child care facilities (I 7.47).

V. Implementation Programs

H. Child Care

I 7.44

Conduct a comprehensive study of the needs for child care identifying public and private day care services and facilities that are currently operating and needed within the City, and shall propose the implementation of those policies and programs which are deemed to be appropriate and feasible.

Responsibility: City of San Clemente Beaches, Parks and Recreation Department and the Community Development Department.

Funding Source: City of San Clemente General Fund and/or other available funds approved by the City.

Schedule: Within five (5) years of General Plan adoption or as funding permits.

I 7.45

Poll and interview a selected percentage of local child care providers and patrons (either through written questionnaires, telephone interviews, or other appropriate methods) in an effort to help monitor and analyze the specific needs of this segment of the community.

Responsibility: City of San Clemente Beaches, Parks and Recreation Departments/Community Development Department.

Funding Source: City of San Clemente General Fund and/or other available funding sources approved by the City.

Schedule: As necessary to implement program I 7.44.

I 7.46

Coordinate with the Capistrano Unified School District (CUSD) to study the feasibility of creating and implementing additional after school or summer services and activities for children as a supplement to more traditional means of child care services.

Responsibility: City of San Clemente Community Development Department/Beaches, Parks and Recreation Department in cooperation with the Capistrano Unified School District.

Funding Source: City of San Clemente General Fund and/or other available funding sources approved by the City.

Schedule: Ongoing, as funding permits.

I 7.47

Review all relevant portions of the existing City of San Clemente Zoning Code and consider modifications to the zoning code and ranch specific plans to require that child care facilities be provided by large commercial developments and business parks to allow child day care homes as a specifically permitted use, consistent with state requirements and regulations.

Responsibility: City of San Clemente Community Development Department.

Funding Source: City of San Clemente General Fund and/or other available funds/fees approved by the City.

Schedule: Review and modify, where appropriate, development requirements (Zoning Code) within 18 months of General Plan adoption, or as funding permits.

SAN DIEGO COUNTY GENERAL PLAN

Introduction

The San Diego County General Plan is included in this appendix because of the breadth of its overview section. The plan describes in detail the existing conditions of child care in the county. Child care is included in the Public Facilities element.

Public Facilities Element

On the following pages, please find excerpts from the San Diego County Plan, Public Facilities Element.

SECTION 14. CHILD CARE

OVERVIEW

Changes in demographics and lifestyles are making child care an increasingly critical issue for parents, children, society and our economy. Studies have identified the availability of child care as a crucial factor in improving the productivity of working parents. The San Diego County Commission on Children and Youth defines child care as: "Care for children from birth to fourteen years old by an adult other than their parent or guardian." This includes infant and pre-school child care, before and after school programs, and care for children with special needs. The three primary factors indicating the growth in demand for child care facilities are: an increase in the population of children under the age of fourteen; an increase in the number of working mothers; and changes in the composition of families, including an increase in the number of single working parents and dual income families.

While precise data are not available, the following data suggest an increased demand for child care facilities:

Nation

- "Traditional" American families where a mother works full-time as a homemaker comprise only 10% of our nation's families. (U.S. Department Labor Statistics, 1987).
- If current trends continue, it is projected that by 1995 two-thirds of all preschool children and three-fourths of all school-age children will mothers in the labor force. (U.S. Bureau of the Census, 1986).
- Among non-working mothers in families with incomes below \$15,000, 36% stated they would seek work if reasonably priced child care were available. Among single mothers not in the labor force, 45% stated they would seek work. (U.S. Bureau of the Census, 1982 Population Survey).

Unincorporated San Diego County and the Region

A 21.2% increase in the number of children in the San Diego region under the age of fourteen from 1980 to 1989. In 1989 there were an estimated 78,798 children in this age group in the unincorporated County, and 454,436 in the region. (Derived from California State Department of Finance Estimates, 1989 and U.S Bureau of the Census, 1980).

In 1980, 17.9% of families within the unincorporated County were single parent households. This figure was 23.9% for the region. (U.S. Bureau of the Census).

In 1980, both mother and father worked in 23.3% of families within the region with children under eighteen. (U.S. Bureau of the Census).

EXISTING CONDITIONS

Child care facilities within the County are currently provided by private for-profit and non-profit entities, and by some school systems. Individual child care facilities usually serve only specific age groups. There are two primary types of facilities: Family Day Care Homes and Child Care Centers. Both are licensed under Title 22 regulations (State of California Health and Welfare Agency, Department of Social Services) and administered by Community Care Licensing.

Family Day Care Homes are located in private residences, and are licensed to care for a maximum of six or twelve children. These facilities can serve children of any age, but most often serve children between the ages of birth and five years old.

Child Care Centers are larger facilities located in residential or non-residential areas. These centers are licensed to care for between 13 and 250 children. Typically these facilities serve children between the ages of two and twelve; however, they are not limited to these age groups. Child care centers are required to be licensed by the state and must meet a number of health and safety standards, for example, child-to-teacher ratio, and child-per-square-foot ratio.

Before- and after-school programs provide care for school age children. Studies prepared by the University of California School of Medicine have shown that children enrolled in before- and after-school programs are less likely to be involved with drugs and crime. The facilities for these programs are often but not exclusively provided in Child Care Centers, public schools, and recreation centers. In 1989 there were an estimated 6,465 children residing in the unincorporated areas of San Diego County who needed before- and after-school care. Many of these children currently come home daily from school to an empty house. In the unincorporated areas of San Diego County, 13 out of 30 elementary school districts have some type of before- and after-school program provided either by individual school districts or private for profit or non-profit organizations. Table 14-1 indicates those school districts where before- and after-school programs are provided in school facilities. Youth recreational facilities such as the Boys and Girls Clubs of San Diego also provide child care for some older school age children. However, these facilities are not recognized as formal care due to the fact that children may come and leave at their own will.

TABLE 14-1

SCHOOL DISTRICTS SERVING THE UNINCORPORATED AREA
 PROVIDING FACILITIES FOR BEFORE- AND AFTER-SCHOOL CARE IN 1990

| | |
|-----------------------|---------------|
| Bonsall Union | Santee |
| Cajon Valley Union | Solana Beach |
| Chula Vista City | Poway Unified |
| Encinitas Union | Ramona |
| Escondido Union | San Marcos |
| Lakeside Union | Vista |
| La Mesa/Spring Valley | |

In 1989 there were an estimated 12,826 children needing affordable, accessible and quality child care in the unincorporated areas of San Diego County. Included in these numbers are those children needing before- and after-school care. These figures are estimates only, and do not take into account many of those children served in license-exempt (e.g., child care on military bases) and unlicensed care. Tables 14-2 and 14-3 show the estimated need for child care in both the region and the unincorporated area.

San Diego County has demonstrated its commitment to cost-effective and quality day care by the establishment of the San Diego County Employees Child Care Center. This center was the first county employee child care program in the country and was established through a joint cooperative effort between San Diego County and its employees. The San Diego County Board of Supervisors initially appropriated start-up costs for this center and continues its support through a low-cost lease.

FUNDING METHODS

For many child care facilities, construction and start-up costs are funded through private ventures; however, there are alternative funding options for some child care providers. Some of the sources available for facility financing are: Federal and State grants, foundation grants, partnerships between private sector employers and child care providers, and Mello-Roos Community Facility Districts.

GRANTS

Federal and State grant programs are available on a limited basis to non-profit child care providers. Federal grants can be used for start-up costs for future child care facilities and the renovation of existing structures. Currently, Federal and State grants are used primarily for subsidizing the costs of child care for parents and, to a limited extent, to fund program operations and maintenance, rather than for establishing child care facilities. Existing Federal grants for funding child care facilities include Community Development Block Grants. Federal grants are distributed through the Department of Health and Human Services, Administration of Children,

TABLE 14-2
1989 ESTIMATED DEMAND FOR CHILD CARE SPACES
IN THE UNINCORPORATED AREA AND THE SAN DIEGO REGION

UNINCORPORATED AREA

| | INFANT/PRESCHOOL AGE (0-4 YEARS) | SCHOOL AGE (5-13 YEARS) | TOTAL |
|--|-------------------------------------|----------------------------|--------|
| Child Population, 1989 | 28,912 | 49,886 | 78,798 |
| Projected No. of Children with Working Mothers | 11,565 | 26,938 | 38,503 |
| Projected No. of Children with Working Mothers Needing Formal Child Care | 6,361 | 6,465 | 12,826 |

SAN DIEGO REGION

| | INFANT/PRESCHOOL AGE (0-4 YEARS) | SCHOOL AGE (5-13 YEARS) | TOTAL |
|--|-------------------------------------|----------------------------|---------|
| Child Population, 1989 | 181,837 | 272,599 | 454,436 |
| Projected No. of Children with Working Mothers | 72,735 | 147,204 | 219,939 |
| Projected No. of Children with Working Mothers Needing Formal Child Care | 40,004 | 35,329 | 75,333 |

TABLE 14-3
1989 ESTIMATED SUPPLY OF LICENSED CHILD CARE SPACES
IN THE SAN DIEGO REGION

INFANT/PRESCHOOL AND SCHOOL AGE
 (0-13 YEARS)

| | |
|---|--------|
| Projected No. of Children with Working Mothers Needing Formal Child Care | 75,333 |
| Total No. of Licensed Child Care Spaces (Including Before and After School Care) | 59,878 |
| Estimated Deficiency in the No. of Licensed Child Care Spaces | 15,455 |

Youth, and Families; and the Department of Education. State grants are currently available for special populations and facility expansion. However, State grants are not available for facility start-up nor for operation and maintenance costs.

FOUNDATIONS

Private foundations provide various grants for the funding of child care programs and facilities. Each foundation grant specifies the approved uses and any limitations on use.

PRIVATE SECTOR

An increasing number of private sector employers are entering into joint partnerships with child care providers to establish child care facilities for their employees. One example is when the employer finances the costs of establishing a child care facility. The facility is then administered by a licensed child care provider that supplies child care services for employees of the organization providing the initial funding.

MELLO-ROOS COMMUNITY FACILITY DISTRICT

The Mello-Roos Community Facilities District Act, Government Code Section 53311 et seq., permits the formation of a special financing district to fund the purchase, construction, expansion, improvement or rehabilitation of child care facilities. The district may also fund child care insurance costs. Community Facilities Districts may be implemented in an area upon the affirmative vote of two-thirds of the residents or property owners.

ISSUES

1. The high costs of establishing and maintaining a child care facility are a major factor inhibiting the provision of sufficient child care facilities.

Discussion: Obstacles that providers encounter in establishing child care facilities are: financing start-up costs, locating affordable spaces to lease or buy, ongoing operation and maintenance costs, inadequate labor pool, and high child care insurance costs. Due to these limitations many proposed child care centers are never opened, and many that are opened are not situated in the most optimal location or do not have economical rates. Government funding to help finance or renovate non-profit child care centers has decreased substantially in recent years, creating an additional impediment to the establishment of affordable child care facilities.

2. Lack of uniformity of the zoning and planning process within the region in relation to proposed child care facilities poses difficulties for child care providers.

Discussion: Child care providers are faced with different zoning and planning policies for the County and for each city within the San Diego region. This creates ambiguity as to the specific criteria that must be met to establish a child care facility. The San Diego Association of Governments is considering coordinating with the County and the region's 18 cities to examine their zoning and planning processes in relation to child care facilities. The goal would be to provide consistency among all jurisdictions.

3. There are insufficient facilities currently available for school-age children.

Discussion: One of the most prominent child care needs is the provision of facilities for before- and after-school care. There are approximately 35,329 children in the San Diego region needing this type of care. Currently 13 out of the 30 school districts serving the unincorporated areas of the County provide before- and after-school programs; however, many school districts do not have such facilities. These school facilities provide a valuable service in supervising children who might otherwise be left unattended.

4. Inadequate facilities for infants, children with handicapping conditions, and mildly ill children.

Discussion: Many of the existing child care facilities cannot serve children with handicapping conditions, or children who are mildly ill (e.g., colds and flu). These children must be cared for in special facilities, which are usually very expensive and scarce in supply. In 1989 there were no facilities within the unincorporated area to serve mildly ill children, and only one facility to serve handicapped children. Child care facilities for infants are inadequate due to the limited number of child care providers willing to furnish this type of service because of higher insurance costs and a high child-to-teacher ratio mandated by the State.

5. Increasing child care needs are created by demographic changes and by new development.

Discussion: Demographic changes such as the increase in working mothers and the changing composition of families are the main factors contributing to the increased need for child care facilities. Population and job opportunities created from new residential and commercial development add to the number of children in need of child care facilities. Demand is increasing faster than supply.

GOALS, OBJECTIVES POLICIES AND IMPLEMENTATION MEASURES

GOAL

AFFORDABLE, ACCESSIBLE AND AVAILABLE CHILD CARE FACILITIES

OBJECTIVE 1:

Child care facilities appropriately located near the workplace, home and schools.

Policy 1.1: The County will encourage the siting of child care facilities compatible with community needs, land use and character, and encourage such facilities to be available, accessible, and affordable for all economic levels.

Implementation Measure 1.1.1: Support research on the feasibility of locating child care centers at "Park and Ride" sites, transit centers or other locations accessible to public transportation.

Implementation Measure 1.1.2: Advocate the inclusion of child care facilities in both the planning of new school facilities, and plans for the expansion or improvements of existing school facilities.

Implementation Measure 1.1.3 Investigate the feasibility of siting before- and after-school programs in parks located near schools.

OBJECTIVE 2:

Acceptance by state, county and city agencies of the need for child care facilities.

Policy 2.1: The County will actively encourage the provision of child care facilities.

Implementation Measure 2.1.1: Where feasible, make underutilized County properties or low-cost loans available to child care providers, particularly for those child care facility types of greatest need.

Implementation Measure 2.1.2: Review the zoning ordinance to simplify the procedures for land use permits for child care centers.

Policy 2.2: The County will work with other jurisdictions within the region to simplify the zoning and planning process in relation to child care facilities, in particular Family Day Care Homes.

Implementation Measure 2.2.1: Cooperate with the San Diego Association of Governments and the region's cities to draft a model ordinance or procedure for the processing of permits for child care facilities.

Implementation Measure 2.2.2: Work with the region's cities to develop uniform zoning policies regarding location, parking and other requirements.

Policy 2.3: The County will encourage the State and Federal government to stimulate the provision of child care facilities.

Implementation Measure 2.3.1: Support legislation that would assist in the provision of quality child care facilities.

Implementation Measure 2.3.2: Encourage governmental agencies to expand educational child care facilities e.g., Headstart and before- and after-school programs.

Policy 2.4: The County will establish cooperative partnerships with child care providers to help facilitate the availability of child care.

Implementation Measure 2.4.1: Provide a "checklist" to child care providers on physical standards for construction of child care facilities.

OBJECTIVE 3:

Establish the role that new development plays in the demand for child care, and the role it should play in the supply of child care facilities.

Policy 3.1: The County will work to ensure that child care facilities are available when needed by new development.

Implementation Measure 3.1.1: Develop a formula for use in assessing the child care needs created by new development.

Implementation Measure 3.1.2: Investigate the feasibility of requiring applicants for projects for major residential, commercial, and industrial developments to use the developed formula to assess the demand for child care facilities created by the development, and to mitigate these needs.

Implementation Measure 3.1.3: Investigate a program to grant a bonus in density or intensity of use for commercial, industrial and residential projects that provide child care facilities.

CITY OF SAUSALITO GENERAL PLAN

Introduction

The City of Sausalito General Plan only briefly addresses child care. It provides a good example of a plan that incorporates state law regarding family child care homes, but it only briefly addresses efforts at increasing the supply of child care. Child care is addressed in two of the plan's elements: Land Use and Growth Management Element and the Housing Element.

Land Use and Growth Management Element

Below are excerpts from the City of Sausalito General Plan, Land Use and Growth Management Element:

Objective LU-1.0

Protect and Maintain the Character of Residential Neighborhoods. Maintain the character, diversity and long term viability of the City's residential neighborhoods by establishing residential land use districts that reflect the predominant land use, scale, density and intensity of existing development.

Policy LU-1.16

Child Care and Residential Care Facilities. Permit child care facilities and residential care facilities as required by State law where such uses will have minimal impact on the surrounding neighborhood.

Program LU-1.16.1

Conditional Use Permit (Child Care). Continue to require conditional use permits for child care centers which provide care for 13 or more children.

Program LU-1.16.2

Zoning Ordinance (Large Family Day Care). Consider adopting an ordinance which allows large family day care facilities (6-12 children) in all residential areas with a conditional use permit.

Land Use and Growth Management Background Section

Child Care and Residential Care Facilities

In compliance with California Health and Safety Code, child care and residential care facilities for fewer than 6 persons will be considered residential uses of property for zoning purposes. State law also prohibits local government from prohibiting large family day care homes, defined as homes which provide family day care to 7 to 12 children, on lots zoned for single-family dwellings. These facilities may be required to apply for a use permit but standards which may be

imposed are prescribed by state law. The City will amend the zoning ordinance to clarify the procedure for approval for large family day care homes.

Day care centers which provide care for 13 or more children will be permitted in any public, high density multi-family or commercial area with the granting of a conditional use permit. The zoning ordinance will be amended to provide for this regulation.

Housing Element

Below are excerpts from the City of Sausalito General Plan, Housing Element:

Housing Background Section

Housing Committee. The City will also establish a local Housing Committee to direct Sausalito's efforts to implement affordable housing measures and measures to address the needs of special groups in the community. With formal appointment of the Housing Committee by the City Council, specific work tasks and responsibilities will be established. A first work item of the Housing Committee will be to develop recommendations for work priorities based on review of the City's Housing Element. Examples of work items could include:

...

(8) Work with county agencies to examine child care and other support service needs that could be implemented for family and single parent housing.

SOUTH SAN FRANCISCO GENERAL PLAN

Introduction

The City of South San Francisco General Plan addresses many different aspects of child care. Among others, it looks at (1) permitting child care in all districts, (2) writing a start-up guide for child care providers, and (3) using vacant educational facilities for child care.

Land Use Element

Below are excerpts from the City of South San Francisco Land Use Element:

Implementing Policies

2-I-12

Undertake comprehensive efforts to promote development of childcare facilities. Efforts should include:

- Permitting childcare centers in all districts;
- Developing criteria for incentives for childcare facilities, as part of bonuses for specified TDM programs (Policy 2-I-5);
- Exploring the feasibility of assisting child care providers and developers to identify and develop potential sites; and
- Preparing a childcare start-up guide.

Regulations would also need to be in accordance with criteria for family day care homes established in Chapter 3.4 and Chapter 3.6, Division 2 of the California Health and Safety Code.

Planning Sub-Areas Element

Below are excerpts from the City of South San Francisco General Plan, Planning Sub-Areas Element:

Implementing Policies

BART Station Area

3.4.1-5

Establish transit-supportive development requirements for the approximately eight-acre station area that include:

...

- Inclusion of child care facilities

Parks, Public Facilities, and Services Element

Below are excerpts from the City of South San Francisco General Plan, Parks, Public Facilities, and Services Element:

Guiding Policies: Educational Facilities

5.2-G-1

Support efforts by the South San Francisco Unified School District to maintain and improve educational facilities and services.

5.2-G-2

Work with the SSFUSD and local neighborhoods on appropriate land uses for school sites no longer needed for educational purposes.

5.2-G-3

Continue to coordinate with the District the joint use of school recreational facilities for community-wide use.

Implementing Policies: Educational Facilities

5.2-I-1

Work with the SSFUSD on appropriate land uses for school sites no longer needed for educational facilities. Acquire closed school sites for recreation facilities and childcare purposes where appropriate.

CITY OF WEST SACRAMENTO GENERAL PLAN

Introduction

The City of West Sacramento has a separate child care element that addresses many aspects of child care. Notably, its implementation programs include a charge that the city acts as a model employer in helping its employees to deal with child care issues.

Child Care Element

On the following pages, please find the Child Care Element of the City of West Sacramento General Plan.

SECTION IX CHILD CARE GOALS AND POLICIES

Goal A: To ensure that an adequate and diverse supply of child care facilities and services is available to parents who live and/or work in West Sacramento.

Policies:

1. The City shall periodically monitor child care supply and demand in West Sacramento and implement programs to address shortfalls as necessary.
2. The City shall encourage the development of a range of child care facilities and arrangements, including family day care homes, public and private child care centers, and recreation activities, in order to provide alternatives to fulfill the needs of West Sacramento residents and employees.
3. The City shall provide information to assist child care providers in getting started and licensed.
4. Child care facilities shall not be precluded in any land use designation except the Open Space and Heavy Industrial designations.
5. Family day care homes shall be permitted uses in all residential land use designations.
6. The City shall streamline processing and permit regulations to promote the development of child care facilities.
7. Family day care homes shall be exempted from payment of City business license fees.
8. The City shall work with the Washington Unified School District, Head Start, Yolo County Department of Social Services, Child Action, and other public and private organizations to support and promote child care facilities and services.
9. The City shall coordinate and integrate child care programs with housing and social programs wherever feasible.

10. The City shall incorporate child care programs into City-sponsored recreation activities wherever feasible and appropriate.
11. The City shall work with the Washington Unified School District to establish and continue child care programs at school sites.
12. The City shall consider child care transportation needs in its Dial-a-Ride system.
13. The City shall promote the coordination of senior citizen programs and child care programs wherever feasible and appropriate.
14. The City shall pursue available funding sources for the development of child care facilities and programs.
15. The City shall encourage the development of school-age child care to meet existing shortfalls.
16. The City shall encourage residential real estate agents to notify home buyers that family day care homes are permitted, notwithstanding any deed restrictions on operating home occupations (i.e., conditions, covenants, and restrictions).
17. The City shall consider promoting, through density bonuses, the provision of child care facilities in new developments accommodating intensive occupancy use.

Goal B: To provide for affordable child care facilities and services for all West Sacramento residents and employees, including low- and moderate-income families.

Policies:

1. The City shall support and promote subsidized child care for low- and moderate-income families in West Sacramento.
2. The City shall support or contribute to, as budgetary limits permit, the establishment of child care facilities and services. The City shall target its limited resources on the areas of greatest identified need.
3. The City shall encourage the development of child care facilities within the Redevelopment Project Area to serve the needs of low- and moderate-income families.
4. The City shall promote the availability of lower-cost insurance or establishment of insurance pools for child care providers.
5. The City shall support and advocate state and federal legislation to promote affordable child care.

Goal C: To ensure that new development provides for child care facilities and services to meet associated child care demand.

Policies:

1. The City shall establish and maintain a position of child care coordinator, either as a new position, or as a part time responsibility of existing staff, to work with child care providers in West Sacramento and administer the City's child care programs.
2. The City shall encourage the inclusion of child care facilities or payment of in-lieu fees in multi-family housing projects, especially those which serve single parents.
3. The City shall encourage the provision of child care facilities within employee-intensive office/industrial developments.
4. The City shall provide information about child care services in West Sacramento to major employers, developers, and others.
5. The City shall consider the inclusion of child care facilities in the development of public buildings.
6. The City shall consider the impacts on the demand for child care in the city in its environmental review of development projects, and shall encourage developers to mitigate these impacts.
7. The City shall encourage employer and corporate contributions towards employee child care costs.
8. The City shall encourage new developments to mitigate the impacts on child care demand in West Sacramento by either providing child care facilities or through the payment of in-lieu fees.

Goal D: To provide for high quality child care facilities and programs.

Policies:

1. The City shall designate a position of child care coordinator, either as a new position or as a part time responsibility of existing staff, to work with child care providers in West Sacramento and administer the City's child care programs.
2. The City shall encourage training and education programs for child care workers in West Sacramento.
3. The City shall publicize and promote child development classes and related child care courses offered at local community colleges and universities.
4. The City shall publicize certified CPR courses and other health and safety training, as deemed necessary, to child care workers to promote safety in child care facilities and programs.
5. The City shall work with the State Department of Social Services and the Yolo County Department of Social Services to ensure that child care providers in West Sacramento meet state

licensing standards.

6. The City shall support state legislation for increased funding for child care facility inspections and training programs.

IMPLEMENTATION PROGRAMS

1. The City shall designate a position of child care coordinator, either as a new position or as a part-time Responsibility for existing staff, to administer the City's child care programs.

Responsibility: City Council

Time Frame: On Going

2. The Community Services Commission shall assess child care needs and programs and advise the City Council and Planning Commission on matters related to child care.

Responsibility: Community Services Commission

Time Frame: On Going

3. The City shall provide technical assistance and referrals to persons interested in establishing child care facilities in West Sacramento and shall offer seminars to churches, employers, and other institutions. In doing so, the City shall cooperate with and avoid duplicating services provided by the local child care resource and referral agency.

Responsibility: Child Care Coordinator

Time Frame: Ongoing

4. The City shall develop guidelines for waiving or reducing permit and environmental processing and/or development fees for all or certain classes of child care facilities.

Responsibility: City Council Child Care Coordinator Community Development Department

Time Frame: FY 99-00

5. The City shall coordinate with the local child care resource and referral agency to distribute resource and informational materials to child care providers, employers, parents, developers, and local business and service organizations.

Responsibility: Child Care Coordinator

Time Frame: Ongoing

6. The City shall promote and publicize City-sponsored health and safety programs (e.g., CPR, first aid) and coordinate with public and private child care agencies to inform child care providers of the availability of these programs. The City shall work with the local resource and referral agency to encourage the inclusion of health and safety training information in the agency's referrals.

Responsibility: Child Care Coordinator

Time Frame: Ongoing

7. The City shall continue to permit family day care homes in all residential zones and to allow child care centers by conditional use permits in all zones other than Open Space, Heavy Industrial, and other zones where child care facilities are prohibited for health or safety reasons.

Responsibility: City Council Planning Commission Community Development Department

Time Frame: Ongoing

8. The City shall periodically monitor the effectiveness of allowing on-site employee child care facilities as an accessory use in commercial and industrial zones.

Responsibility: City Council Planning Commission Community Development Department

Time Frame: Ongoing

9. Acting as a model employer, the City shall:

- Review City personnel policies and benefits related to child care;
- Publicize City policies which assist employees in balancing their work and family responsibilities, such as job sharing, family sick leave, and permanent part-time positions;
- Offer child care referral services, lunch hour programs, and other assistance to employees;
- Offer a Dependent Care Assistance Plan to allow employees to use pre-tax dollars to pay for child care.

Responsibility: City Council City Manager Department Heads

Time Frame: Ongoing

10. The City shall investigate the feasibility of offering low-interest loans or grants to child care operators for the establishment, rehabilitation, or expansion of child care facilities.

Responsibility: City Council Redevelopment Agency Child Care Coordinator

Time Frame: As funding is available

11. The City shall work with the Washington Unified School District to expand after-school child care programs.

Responsibility: City Council Child Care Coordinator

Time Frame: Ongoing

12. The City shall explore the feasibility of offering training programs or providing grants for child care education and training.

Responsibility: Child Care Coordinator

Time Frame: Ongoing

13. The City and the Redevelopment Agency shall continue to pursue all available and appropriate state and federal funding sources to support the efforts of the public and developers to meet the child care needs of low- and moderate-income households.

Responsibility: City Council Redevelopment Agency Child Care Coordinator

Time Frame: Ongoing

14. The City shall evaluate its adopted child care ordinance to mitigate impacts on child care services in West Sacramento.

Responsibility: City Council Community Development Department Child Care Coordinator

Time Frame: Ongoing

15. The City shall prepare and send out notices to residential real estate agents to inform them that family day care is permitted in homes, notwithstanding any deed restrictions against home occupations (i.e., in CC&Rs), and requesting them to notify potential home buyers.

Responsibility: Child Care Coordinator
Time Frame: Ongoing

APPENDIX C: LAND USE PLANNING DOCUMENTS

APA POLICY GUIDE ON THE PROVISION OF CHILD CARE

Revised by the APA Legislative & Policy Committee, July, 1997
Adopted by the Chapter Delegate Assembly, September 20, 1997
Ratified by the Board of Directors, September 21, 1997

STATEMENT OF ISSUE and FINDINGS

Affordable, conveniently-located, quality child care is one of the most pressing concerns of contemporary family life. In the 1990's, 75% of women with school-aged children are in the labor force. According to the Census Bureau, in 1990, there were 19.2 million employed women with children under 15 years old living with them. Their 31 million children must be cared for while their mothers are at work.

The most rapid increase in the rate of labor force participation since 1970 has been among women with children under the age of three. In 1997, 62% of mothers with pre-schoolers are in the work force. Additionally, most of these mothers work full time.

In 1990, an estimated 1.6 million children 5 to 14 years old were "latchkey" children, i.e., left unsupervised for at least part of the day. Child care is clearly a national problem calling out for some form of Federal support. In addition, there are numerous state and local level policies and actions which would enhance the provision of quality child care.

In 1990, a common type of arrangement chosen by working parents was family day care homes. It continues to be a preferred choice. Family day care is provided by an adult working in her or his home and typically caring for four to seven children. Local planners can play an important role in facilitating the provision of family day care by working to amend zoning to permit such a use by right in some residential districts. Local planners are also increasing the availability of child care by working with developers to provide affordable space. Child Care in the workplace as another convenient option for working parents.

POLICY POSITIONS

1. APA advocates the inclusion of child care policies as part of local planning policies.
2. APA supports local or state legislation which provides for small child care homes as permitted land uses in all zoning districts, without the standard home occupation restrictions, but with reasonable compatibility standards; and further supports state preemption of local legislation which does not permit this type of child care home.

3. APA encourages communities to consider amending local zoning ordinances to remove obstacles to the provision of regulated group and family child care in all zoning districts, in locations that are appropriate and safe for children.

4 APA encourages communities to negotiate with developers and to offer incentives to provide space for child care in all types of projects, residential, office, mixed use, and commercial, including new construction and reuse.

Reasons for these principles include:

The impact of child care shortages is most acutely felt at the local level. A survey of parents seeking child care in five counties in New York State showed the number one problem to be finding a center which was conveniently located. Many communities are already actively engaged in improving the availability of child care for their residents. For example, in Hartford, Connecticut, developers can receive a FAR bonus in exchange for providing space for day care. Prince George's County, Maryland has amended its zoning to include a special exception for child care facilities in excess public school buildings undergoing adaptive reuse. Palo Alto, California includes in its comprehensive plan a variance permitting expanded site coverage in industrial zones when the additional building space is used for child care. Tucson, Arizona zoning regulations allow by right small child care homes and, conditionally, small child care centers in residential zones. The State of California requires local jurisdictions to classify family day care as a residential use and prohibits the imposition of licenses, fees, or zoning requirements on day care centers with 6 or fewer children. Local jurisdictions may require special use permits for facilities with up to 12 children, but limit local discretion to consideration of spacing, parking, traffic, and noise control, subject to the building meeting state building and fire safety requirements.

It should be noted that, although much attention is being focused on the provision of child care at work, surveys consistently show that most parents prefer that their children be in small facilities close to home. Parents are concerned not just about convenience of child care, but also the quality of child care. Child care for a limited number of children in a home is the preferred choice of many parents. Home occupation restrictions, such as limited use of floor space in the home and prohibitions on the use of outdoor space, unreasonably restrict child care in the home.

Some locations, such as high noise areas near airports and industrial areas with hazardous materials storage, may be inappropriate for child care. In addition, maintaining the quality of life in a neighborhood is important. Traffic and parking, waste disposal, and adequate sound control measures should be considered when providing for child care in a neighborhood. Licensing of child care to assure the quality of care and safety of children should be reasonable requirements.

5. APA supports legislation at the Federal, state and local levels providing for child care needs assessment and planning to be performed at the state and local level.

6. APA supports local legislation (zoning ordinances) which provide for child care in locations convenient to neighborhoods and in public facilities such as schools, recreation and social service centers, and subsidized housing projects. Procedures to locate child care facilities should not be overly burdensome and should be related to size and land use impacts of the facility.

7. APA supports national and state legislation which moves toward the goal of providing adequate funding for safe, convenient and affordable child care opportunities for all children.

Reasons for these principles include:

The United States is the only industrialized nation which provides no job protection or child care support for working parents. American women have no statutory entitlement to job protection, health coverage for themselves and their newborn, or access to affordable, convenient and quality child care. The majority of women (80%, according to the National Commission on Working Women) work in low-paying, low status jobs. Nearly two thirds (63.6%) of all minimum wage earners are women. Twenty percent of mothers in the work force, or over 6 million women, are the sole support of their families. Without public policies in support of parents, we as a society run the risk that many of today's children will not receive the necessary care to grow into productive adults. Regulations which protect the safety of children, enhance the quality of care, or assure child care affordability are appropriate and will help to address concerns of parents and communities about child care.

Child care costs are most burdensome on low-income mothers. Women, especially women of color, are more likely to hold low-wage jobs. Child care costs approximately 27% of the monthly income for a family below poverty in 1991.

Increased zoning barriers add to the cost of child care and the lowering of quality of care. Typically, churches and schools are permitted in residential zones as uses that are compatible with and help support the viability of a neighborhood. Child care centers are usually considered commercial land uses, thus making the cost and convenience of child care greater for neighborhood residents.

Welfare reform's impact on the need for child care for low-income mothers has the potential to be significant. Public funding for day care (e.g. the provision of safe, affordable, child care at convenient locations) is essential to implementation of any Federal or State program for welfare reform.

Note: The implementation of actions at the state level is at the initiative of the chapter taken in the legislative context particular to each state.

RESOURCES

Planning Advisory service Report Number 422, Zoning for Child Care, Ann Cibulskis and Marsha Ritzdoft, American Planning Association, 1989.

Bureau of Census, Statistical Briefs: American Women: A Profile (SB/95-19); The Earnings Ladder (SB/94-3RV); Who's Minding The Kids? (SB/94-5)

Zoning For Family Day Care: Transforming a Stumbling Block Into A Building Block, Abby Cohen, The Planning Commissioner's Journal, Number 3, March/April 1992.

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Alameda County Child Care'Land'Use Zoning Report

a tool for developing child care facilities through land use planning



Alameda County Child Care Planning Council

Local Investment in Child Care Project (LINCC) Land Use Subcommittee

Prepared by Agnes Briones and Margot Lederer, December 1999

Alameda County Child Care Planning Council



1999

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1401 LAKESIDE DR., 10th FL.
OAKLAND, CA 94612

December, 1999

Dear Colleagues,

The Alameda County Child Care Planning Council is delighted to present this Child Care Land Use Zoning Report.

The Local Investment in Child Care (LINCC) Committee of the Planning Council has organized the report as part of its efforts to eliminate barriers to the development of quality child care in Alameda County. The lack of adequate and appropriate child care facilities relative to increasing demand is one of the greatest problems faced by families and by communities as we strive to build healthy and sound economic environments in Alameda County.

The Report is intended to be a tool for planning professionals, policy makers, child care providers, and public officials as they work with land use regulatory processes and child care development in Alameda County.

The Report will be helpful to child care agencies navigating their way through city and county zoning requirements, and will inform Planning Departments of comparative zoning practices and procedures within the County. Our goal is to help to ensure streamlined, affordable regulatory processes that encourage and support the development of child care facilities to benefit neighborhoods, businesses, and families in our communities.

If you would like further information about the Alameda County Child Care Planning Council, please call (510) 208-9714 or contact our Web Site at www.co.alameda.ca.us/childcare

Sincerely,

Rose Johnson, *Chair, Alameda County Child Care Planning Council*

Margot Lederer, *Chair, LINCC Committee*

Special Thanks to the LINCC Land Use Committee Members (see below) and the Alameda County Community Development Agency for assisting in the development of this report. Thanks to BANANAS, Inc and to the Alameda County Community Development Agency for cover photos.

Alice Bussiere, *Child Care Law Center*

Megan Ford, *BANANAS*

Sally Leonard, *Child Care Links*

Miriam Miller, *Child Care Links*

Rosemary Obeid, *AC's of Alameda County*

Betsy Rutana, *Community Care Licensing*

“The knowledge of how people and the built environment (land use activities) interact may be the biggest single contribution (other than big picture thinking) that planners can offer in community collaborations”

—Tovah Redwood, Planner, APA
Modernizing State Planning Statutes, The Growing-Smart Working Papers, Vol II

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CHILD CARE AND LAND USE ZONING SURVEY DECEMBER 1999

Alameda Child Care Planning Council
Local Investment in Child Care Project (LINCC) / Land Use Subcommittee

SUMMARY

The following report presents the findings of a 1999 survey conducted by the LINCC subcommittee on zoning and land use issues relative to child care facilities, including the operation of a child care program within a residential setting. All 14 cities and the County Community Development Agency were surveyed for information on permit fees and processes. Principal findings include the following:

- Most planning departments are aware of the new State Regulations (Community Care Licensing Health and Safety Code **1596.78**, effective January 1, 1997) which now allow up to 8 children in a small family child care setting and up to 14 children in a large family child care home, provided that in either case, two of the 8 or 14 children are school age. Some of the cities have not yet updated their ordinances to allow for the increased numbers.
- Noise, parking and traffic circulation are the primary concerns of neighbors adjacent to potential child care activities and therefore of primary concern for planners and zoning staff.
- Several cities (including Dublin and the County) have restrictions on hours of outdoor use to avoid conflicts with neighbors.
- Child care centers are commonly allowed in residential and commercial & stricts, however some cities and the County allow centers to operate in light industrial and mixed use districts, given conditions regarding health and safety are met.
- Conditional Use Permit fees for child care centers vary from **\$130.00** (Dublin) to **\$4,700.00** (Newark). Sometimes fees are deposits, with actual cost dependent upon staff review time. Use permit fees for large family child care home permits vary from \$15 (Pleasanton) to **\$400** (Newark).

INTRODUCTION

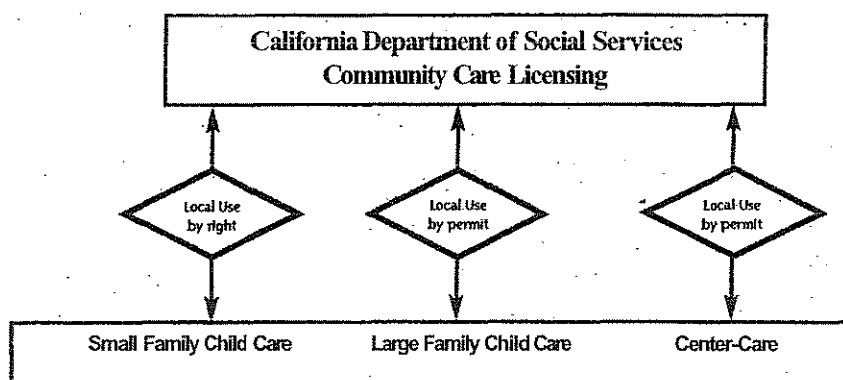
Affordable, conveniently located, quality child care is one of the most pressing concerns for families today due to longer work days, longer commutes, and the increasing participation of women in the labor force. In Alameda County alone, there are approximately 2,600 licensed child care establishments with the capacity to care for 48,800 children. Over the next 10 years birthrates are expected to climb by 9% and the County's total population is expected to grow by 25%; by the year 2020 the County will have over 1.5 million residents. The licensed child care industry's ability to meet increasing demand is threatened by high land and development costs, coupled with low vacancy rates. These factors and the shifts in population and demographics make it difficult to develop new facilities or to retain and expand existing ones.

In this time of increased need for efficient development of child care facilities, it is clear that land use issues present obstacles that need attention. In October of 1998, the Local Investment In Child Care Project (LINCC)', under the guidance and support of the Alameda County Child Care Planning Council², began surveying 14 city planning departments and the Alameda County Planning Department, which assumes responsibility for the unincorporated areas. The survey's purpose was to

State Legislation

The California Department of Social Services / Community Care Licensing issues licenses to operate a child care facility. Community Care Licensing relies on the local jurisdiction to issue a use permit for the activity to conform to local land use regulation. In California, the state legislature has taken steps to remove restrictions on family child care in residential areas. Although state law does not address local ordinances with regard to child care centers, advocates and policy makers should make sure that zoning restrictions and procedures do not create unnecessary barriers to the development of all types of child care. The following section outlines state health and safety code relative to child care, and describes regulations on child care activities relative to land use and zoning. All information contained in this paper is current as of December, 1999, and all processes and fees are subject to change, at the discretion of individual jurisdictions. State law has recently revised regulations to increase the numbers of children allowed in both small family child care and large family child care homes. While boosting overall supply capacity, this action also decreased the supply of infant care in the community since the family child care provider must limit the number of infants in order to meet state requirements.

California Department of Social Services Community Care Licensing



Types of Child Care Facilities

Family child care homes provide child care in the home of the provider. Family child care homes are described as small or large, depending on the number and ages of children cared for and how many adults are caring for the children. Family child care homes can serve up to 14 children. A *child care center* is child care facility in a non-residential setting in which nonmedical care and supervision are provided to children in a group setting, for less than 24 hours per day. (Day Care Center, Title 22 Regulation, California Administrative Code).

Small Family Child Care Homes

Small family child care homes may care for up to 8 children including two infants, providing two of those children are school age. Small family child care homes are allowed by right in residential districts. Health and Safety Code §1597.45 requires that the use of a single-family home as a small family child care home be considered a residential use. In other words, small family child care

ALAMEDA COUNTY UNINCORPORATED - Planning Department / CDA

399 Elmhurst St, Room 136, Hayward, CA 94544

Phone: 510. 670. 5400

Small Family Child Care: (*Up to 8 children including providers own children >10 years*). Small family child care is allowed by right in homes in all districts.

Large Family Child Care: (*9-14 children including provider's own children >10 years*). Large family child care is allowed in all districts subject to a day care administrative use permit. The process takes 2 to 4 weeks and the current fee for the use permit is \$125. Neighbors within 300 feet of the property are given notice of the application. A two-page information sheet is given to all applicants. Providers are allowed a single sign conforming to the Zoning Ordinance. A site plan showing the drop-off/ pick-up areas and staff parking, including parking for the dwelling, and a sample of a parent notice describing these arrangements is required. Fencing and landscaping plans are reviewed. Other information is required with the application, including the number of children to be served and the hours the children spend outdoors. Policies such as maintenance of the site in accordance with the standards of the Neighborhood Preservation Ordinance are also stated in the information sheet. A modified conditional use permit and hearing (with fee of \$50) may be required if a hearing is requested by adjacent property owners or the applicant. The applicant or affected person may appeal the decision of the Zoning Administrator to the Alameda County Board of Supervisors at a fee of \$50 to the appellant. An approved permit is valid for five years. On or about the fifth anniversary of the approval of the permit, the applicant must re-apply for approval of the permit. Business licenses are required for both child care centers and family child care homes. There is a \$20 application fee for the business license plus an annual tax of 0.1% of gross receipts.

Child Care Centers: Child care centers are allowed in all districts. A conditional use permit is required, and a fee of \$375 is charged for the permit. The process takes about six weeks. The same conditions which apply to large family child care homes generally apply to child care centers, including review of plan, site, fencing and landscaping plans. Public hearing and appeals procedures for large family child care and child care centers are the same.

CITY OF ALAMEDA - Planning Department

2263 Santa Clara Avenue, Alameda, CA 94501

Phone: 510. 748. 4554

Small Family Child Care: (*Up to 8 children including the provider's own children >10 yrs*) Small family child care is allowed by right in residential districts.

Large Family Child Care: (*Up to 14 children including the provider's own children*) Family child care up to 12 children is allowed "by right" in residential areas (no permit required). Family child care for 14 children is allowed subject to a conditional use permit and a business license fee. The annual business license fee ranges from \$58.00-\$110.00 per year (based on gross receipts). Providers must have a parking space for every 600 square feet of the facility. Family child care is allowed in mixed used (commercial/residential such as live-work) districts.

Child Care Center: Child care centers are allowed by right in commercial, industrial and certain residential zoning districts.

Centers may also be allowed in other residential zoning districts subject to a conditional use permit and public hearing. The conditional use permit fee is \$500.00. Child care centers must have 1 parking space per 600 total square feet. An annual business fee is required for all child care providers, based on gross receipts.

DUBLIN- Planning Department

100 Civic Plaza, Dublin, CA 94568

Phone: 925. 833. 6610

Small Family Child Care: (*Up to 8 children including the provider's own children >10 yrs*). Small family child care is allowed by right in residential districts.

Large Family Child Care: (*Up to 14 children including the provider's own children >10 yrs*). Large family child care is allowed in residential, commercial, and industrial zones, subject to a conditional use permit. The fees are \$50.00 (residential zone), and \$130 in a commercial district with an additional \$50.00 charged for an environmental filing fee. A business license is required and the fee is \$50.00 for the year. The process takes about 8 weeks. Dublin requires 2 parking spaces per dwelling plus one for every employee not residing in the home, plus one parking space for every 4 children at the facility. Noise must be controlled so as not to create a nuisance to the adjoining residential neighborhood. No outdoor activities are allowed before 9:00 am, and there may be no more than 15 children in the backyard at a time. A noise study must demonstrate no increase in noise impacts. These are conditions of approval that Dublin has applied to past projects, but are not required by the Zoning Ordinance. Public hearings are held on all conditional use permits.

Child Care Centers: Child care centers with 15 or more children are allowed in residential, commercial, and industrial zones subject to a conditional use permit. Conditional use permit fees are the \$50.00 (residential), \$50.00 (administration and initial study), and \$130.00 (commercial/ industrial). Centers must have 1 parking space per employee plus 1 per company vehicle, plus 1 space for every 5 children at the facility. Other conditions are applied on a case by case basis. The review process takes about 8 weeks. Centers are required to pay an annual business fee of \$50.00, as well as \$130.00 for a conditional use permit and an [environmental/ administration fee] of \$50.00.

EMERYVILLE - Planning Department, Planning & Building Center

2200 Powell Street, 12th Floor, Emeryville CA 94608

Phone: 510. 596. 4360

Small Family Child Care: (*Up to 8 children including provider's own children >10 yrs*). Small family child care is allowed by right in residential districts.

Large Family Child Care: (*9-14 children including provider's own children >10 yrs*). Large family child care is allowed in medium and high density residential zones subject to a standard conditional use permit. The process takes 8 to 12 weeks and the current fee for the use permit is \$500.00. Neighbors within 300 feet of the property are given notice of the application. No outdoor activities are allowed at either a small or large family child care before 8:00 am or after dark. 35 square feet per child of useable space is required, not counting bathrooms. Requirements for exterior space (outdoor play areas) include 35 square feet per infant and 75 square feet for children over the age of two years. (Side yards under 10 feet wide and front yards may not be included in this calculation). Hearings are always required, as part of the standard conditional use permit procedure and are heard by the Planning Commission. Appeals must be filed within 15 days of the Planning Commission action and the appeal is noticed within 300 feet of the site. A decision is made within 60 days of the hearing.

Child Care Centers: Child care centers are allowed in the medium density and high density residential, light industrial, mixed use (residential/commercial); and public use zoning districts, subject to

LIVERMORE - Planning Division

1052 S. Livennore Avenue, Livermore CA 94550

Phone: 925.373. 5200

Small Family Child Care: (*Up to 8 children including the provider's own children*). Small family child care serving up to 8 children is allowed by right.

Large Family Child Care: (*Up to 14 children including the provider's own children*). Large family child care is allowed in residential zones subject to a discretionary administrative use permit. This process takes between 1 day and 1 week depending on circumstances where the applicant does not meet the minimum criteria. The provider must have an off-street parking space for each employee and an off street pick-up / drop-off space. The home must be 300 feet from any other family day care home and must have a 6 foot fence around outdoor areas. Approvals are subject to a 14 day appeal period. Permit fees are \$30.00 and both large family child care and child care centers must obtain a business license. The fee is based on gross receipts.

Child Care Centers: Child care centers are allowed in residential, commercial and industrial zones subject to a conditional use permit. Centers must have 2 parking spaces for the first 10 children and at least 1 space for every 10 children above the first ten. Location and access is reviewed. There is a \$275.00 environmental and administrative fee. The review process takes about eight weeks.

NEWARK - Planning Division

37101 Newark Blvd, Newark CA 94560

Phone: 510. 794. 2339

Small Family Child Care: (*Up to 8 children including the provider's own children > 10 yrs*). Small family child care up to 8 children is allowed by right.

Large Family Child Care: (*Up to 14 children including the provider's own children > 10 yrs*). Large family child care is allowed in residential zones, with the approval of a modified conditional use permit, which takes about 4 to 6 weeks. There is a permit cost of \$400.00 and family child care providers must obtain a business license with the fee of \$30.00 plus a percentage of gross receipts. Additional requirements limit hours of outdoor recreation between 9:00 am to 6:00 pm.

Child Care Centers: Child care centers are allowed in residential, commercial, and industrial zones and may be allowed in "planned unit developments" subject to a conditional use permit. Cost of a permit is \$4,700.00 and requires a final approval by the City Council. Centers must provide 1 parking space per employee plus additional spaces as required by the Planning Commission.

children, however, this requirement may be met in part by on-street parking within a reasonable distance from the home that can be used safely by children. Large family day care homes must not create a traffic hazard, not exceed noise levels as stated in the General Plan and in the Municipal Code, and may not be located within 300 feet of another large family child care unless the Zoning Administrator finds that it would not adversely affect the neighborhood due to increase in noise, traffic, and/or parking. The Zoning Administrator may impose conditions, including traffic control measures to ensure safety and may impose reasonable limits on hours of operation to ensure adherence with noise limits. A hearing is available at the request of adjacent property owners. The process takes approximately 4 weeks, but may take 6-8 weeks if a hearing is requested. Family child care providers must pay an annual business license fee of \$25.00 to \$75.00.

Child Care Centers: Child care centers are allowed in the regional commercial, neighborhood commercial, and public institutional districts subject to the granting of a conditional use permit. Requirements are imposed on a case by case basis. The review process takes about 8 to 10 weeks. In addition to a \$150.00 fee for a conditional use permit, centers must pay an annual business license fee of \$25.00 to \$75.00. Outdoor play areas must contain and "be buffered" by landscaping, must be separated from parking areas by fencing and must be insulated from truck circulation areas.

SAN LEANDRO - Planning Department

835 East 14th Street, San Leandro, CA 94577

Phone: 510. 577. 3371

Small Family Child Care: (*Up to 8 children including the provider's own children >10 yrs*). Small family child care is allowed for up to 8 children in residential districts.

Large Family Child Care: (*Up to 14 children including the provider's own children >10 yrs*). San Leandro allows large family child care in residential zones subject to an administrative use permit. The administrative use permit costs \$50.00. Providers must have 32 feet of on-street parking at the front of the property. Large family child care is not allowed on a street with 4 or more lanes of traffic or on a street with an average daily traffic of 5,000 or more vehicles. Noise may not be above 55 decibels along property lines, and may not be located within 300 feet of another large family child care or care facility. The application is a simple check List, and compliance with the check list requirements typically assures approval. The process usually takes about 7 to 10 days. Any exceptions to the requirements above will require a conditional use permit. This process takes between 6 to 7 weeks, and the cost is \$325.00. The Board of Zoning Adjustments conducts the public hearing, if a hearing is triggered due to public review. Notices of administrative and conditional use permits are sent to property owners within 300 feet. Family child care home operators and centers must pay an annual business fee of \$36.50 plus \$9.50 per employee.

Child Care Centers: Child care centers are allowed in residential, commercial, and industrial zones subject to a conditional use permit. The permit fee is \$525.00 for an existing structure and \$2,000 to \$3,000 for a new structure for staff time to process the application. Centers must have 1 parking space for each 6 children. Landscaping delineates and creates a buffer between outside nuisances, such as traffic and the children in the center. Decorative wall and fencing are strongly recommended in place of chain-linked fences. Other requirements are on a case by case basis through the conditional use permit process. The review process takes about 6 to 7 weeks.

Zoning Terms Relevant to Child Care

(Sources: *A Survey of Zoning Definitions, American Planning Association, Planning Advisory Service Report Number 421*)

The California General Plan Glossary, California Planning Roundtable, 1990.

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 Facility: The definition of child care distinguishes among types of child care establishments.

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 8 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.

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 8 rather than 6 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 fourteen children are school-age.)

Child Care Center: (formerly known as Day Care Centers and Nursery Schools, but generally accepted in the professional child care community as Child Care Centers): A building or structure in a non-residential building where care, protection, and supervision are provided to children for less than 24 hours. 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.

Footnotes,

- ¹ Alameda County is one of eight Counties in California to implement the Local Investment in Child Care Project (LINCC). The LINCC projects in each County formulate analysis on child care as an economic development issue emphasizing how the child care industry contributes to the economic growth and vitality of the community. LINCC also identifies needed resources to retain and strengthen that contribution. One of the strongest goals of LINCC is to engage local leaders from business, policy development, and government in planning and implementing approaches that incorporate child care into every aspect of economic development.
- ² The Alameda County Child Care Planning Council is an advisory body to the County Board of Supervisors and the County Superintendent of Schools. Established in 1991, the Planning Council is composed of approximately 200 General Members and an appointed Steering Committee of 35. Its members represent child care consumers, health and social services, business, community based agencies, and child care providers. It is staffed by the General Services Agency of Alameda County. The Planning Council's primary function is to identify child care needs in the County and investigate resources to meet those needs.

Alameda County Child Care Planning Council — December 1999

| | Hayward | Livermore | Newark | Oakland | Piedmont | Pleasanton | San Leandro | Union City |
|---|---|--|--|---|---|---|---|---|
| City Planning Community Development or Permit Dept. | 777 B Street, Hayward | 1052 S. Livermore Avenue, Livermore | 37101 Newark Boulevard, Newark | 250 Frank Ogawa Plaza, Oakland | 120 Vista Drive, Piedmont | 200 Old Bernal Avenue, Pleasanton | 835 East 14th Street, San Leandro | 24009 Alvarado-Niles Road, Union City |
| Phone Number | 510.683.4205 | 925.372.5200 | 510.794.2330 | 510.238.3443 | 510.420.3040 | 925.484.8033 | 510.577.3371 | 510.471.3232 |
| Business License Dept. | 510.583.4600 | 925.372.5159 | 510.790.1310 | 510.238.3704 | 510.420.3040 | 925.484.8037 | 510.577.3392 | 510.471.3232 ext. 343 |
| Acceptable Zones | Allowed by right in Residential & Commercial. | Allowed in Residential. | Allowed in Residential. | Allowed in Residential, Commercial & most Industrial zones. | Allowed by right in Residential zones. | Allowed in Agriculture, Single-Family / Multi- Family Residential | Allowed in Residential zones. | Allowed in Residential zones. |
| Permits required | Conditional Use Permit | Administrative Use Permit | Modified Conditional Use Permit | Zoning Clearance | no | Conditional Use Permit | Administrative Use Permit | Administrative & Site Development Review |
| Permit Fee | n/a | \$30.00 | \$400.00 | \$10.00 | no fee | \$15.00 | \$50.00 (AUP) / \$325 (CUP) | \$670 |
| Annual Business License Fee | n/a | .0016 x Gross Receipts | \$30.00 plus % of gross receipts | No fee | no fee | \$25.00-\$75.00 | \$75.50 | \$126.00 (flat fee) |
| Time to Secure Permit | 6-9 wks | 1 day to 1 week | 4-6 wks | 1 day | n/a | 4 wks | 7-10 days (AUP) / 6-7 wks (CUP) | 4-5 wks |
| Acceptable Zones | Allowed by right in Residential & Commercial. | Allowed in Residential, Commercial & Industrial zones. | Allowed in Residential, Commercial & Industrial | Allowed in Residential, Commercial & Industrial zones. | Allowed by right in all districts / zones. | Allowed in some Commercial, and Public Institutional Districts. | Allowed in Residential, Commercial & Industrial. | Allowed in Residential, Commercial & Light- Industrial. |
| Permits required | Conditional Use Permit | Conditional Use Permit | Conditional Use Permit | Administrative Use Permit | Conditional Use Permit | Conditional Use Permit | Conditional Use Permit | Conditional Use Permit |
| Permit Fee | \$1,500.00 | \$2,975.00 | \$4,700.00 | \$939.00 | \$600.00 | \$150.00 | \$525 — \$3,000.00 | \$362 — \$1,034 |
| Annual Business License Fee | \$44.35 | \$25-\$75 or \$.30/1000 of Gross Receipts | Calculated on gross receipts. | \$1.80 per \$1,000.00 of gross receipts | no fee | \$25.00-\$75.00 | \$36.50 plus \$9.50 per employee | \$128.00 |
| Time to Secure Permit | 6-9 wks | 8 wks | 6-8 wks | 8 weeks | 6 wks | 8-10 wks | 6-7 wks | 4-12 wks |
| Who does one appeal to for denial? | City Council | Planning Commission / City Council | Planning Commission & City Council | Planning Commission | No Appeal Process Upon City Council Decision | Planning Commission & City Council | Zoning Adjustments Board | Planning Commission |
| Additional Comments | (CC) = Business License Fee Based on Gross Income Hayward welcomes qual- ity child care providers; only zone that prohibits child care = Industrial & Hayward Airport. | | | (CC) prohibited in C-60 Commercial District | | | (CC) | |



APPENDIX D: MATERIALS ON FAMILY CHILD CARE IN RENTAL PROPERTY

SAMPLE LETTER TO LANDLORD

Ms. Jane Smith
Landlord
Big City, CA 00001

Dear Ms. Smith:

I write this letter on behalf of Ms. Sarah Jones. As you know, she wishes to operate a family day care home in her residence. She has informed me that under the terms of her lease, entered into with you, she is not permitted to operate her family day care home.

Although I understand that you are concerned about having a child care facility in your building, I write to inform you that the lease provision preventing Ms. Jones from operating a family day care home is unenforceable under California state law. In particular, California Health and Safety Code § 1597.40 provides in relevant part:

- (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.

As defined in California Health and Safety Code § 1596.78, a family day care home is 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 a day, while the parents or guardians are away...." Ms. Jones plans to operate a facility for between 8 and 10 children, which will fall within the definition of a "family day care home." Consequently, the lease provision forbidding the operation of a family day care home in Ms. Jones' unit is unenforceable, as it constitutes a restriction on the use of property for family day care.

Under California state law, Ms. Jones has a legal right, notwithstanding any lease provisions, to operate her family day care home. If you have any questions regarding Ms. Jones' right to operate her child care facility, please do not hesitate to ask. I can be reached at 555-1234. Thank you for your consideration in this matter.

Sincerely,

Advocate



CHILD
CARE
LAW
CENTER

221 PINE STREET, 3RD FLOOR ♦ SAN FRANCISCO ♦ CALIFORNIA 94104
TELEPHONE: 415.394.7144 ♦ FAX: 415.394.7140 ♦ E-MAIL: info@childcarelaw.org

Your Rights and Responsibilities: Family Child Care Homes in Rental Property in California

A “Family Child Care Home” is a child care setting in which the state licenses a child care provider to care for a small number of children in his or her own home. Family child care providers are regulated and must comply with health and safety standards. Parents often choose family child care because of its home-like atmosphere, flexible hours and proximity to their work or homes. Currently, about one-third of the children cared for in licensed child care settings in California are in family child care homes, making family child care a common and important source of licensed child care in California.¹

Because family child care is so important to California’s families, the state has enacted several laws that protect the right to provide licensed family child care in rental property. This article answers many of the common questions about these rules and laws.

I RENT MY HOME IN CALIFORNIA. MAY MY LANDLORD STOP ME FROM PROVIDING LICENSED FAMILY CHILD CARE?

No. Your landlord *cannot* stop you from providing family child care if you care for six or fewer children in a small family child care or twelve or fewer children in a large family child care.² Even if your lease says “No businesses” or “No commercial uses,” those provisions are void if the landlord tries to use them to stop you from running a family child care home of these sizes.³

MAY MY LANDLORD LIMIT THE NUMBER OF CHILDREN I CARE FOR?

Yes. You have to get *written permission* from your landlord if you want to care for more than six children in a small family child care or more than twelve children in a large family child care.

You can get a license to care for up to eight children in a small family child care home.⁴ However, if you want to care for more than six children (either seven or eight

children), you must get written permission from your landlord for the additional two children.⁵

If you have a large family child care home, you can get a license for up to fourteen children.⁶ However if you want to care for more than twelve children (either thirteen or fourteen children), you must get written permission for the additional two children.⁷

If your landlord will not give you permission for the additional children, you can still care for six children with a small family child care license or twelve children with a large family child care license.

DO I HAVE TO TELL MY LANDLORD ABOUT MY FAMILY CHILD CARE HOME?

Yes. No matter how many children you care for, you are required by law to **inform** your landlord that you are operating, or are going to operate, a family child care home.⁸ You do not need to ask your landlord for permission; rather, you just have to tell your landlord that you will be providing licensed family child care. Attached to this article you will find a Department of Social Services form you can use to inform your landlord.

| Must Inform Landlord about operation of Family Child Care | Must Also Get Landlord's <i>Permission</i> for Additional Children |
|--|---|
| All Small Family Child Care Homes | Small Family Child Care with 7 or 8 children |
| All Large Family Child Care Homes | Large Family Child Care with 13 or 14 children |

WHEN DO I HAVE TO TELL MY LANDLORD ABOUT MY FAMILY CHILD CARE HOME?

- *If you are about to open a family child care home, you must tell your landlord **30 days** before you start providing child care.*⁹
- *If you already have a family child care home, but you are moving to a new house or apartment, ask your licensing analyst when you have to tell your landlord. Sometimes the amount of time required for the notice can be shortened because it might take less than 30 days to transfer your license to the new home.*¹⁰
- *If you already have a family child care home, but have never told your landlord, you are required to give notice immediately.*¹¹

MAY MY LANDLORD EVICT ME FOR HAVING A FAMILY CHILD CARE HOME?

No. As discussed above, your landlord cannot stop you from providing licensed family child care for six or twelve children, which also means that he or she cannot evict you for providing licensed child care.¹² However, family child care providers should be extra careful to comply with all of the other provisions in their lease, because a landlord still can evict you for other reasons, like failure to pay rent on time or if the landlord's family is moving into the rental unit.

In cities that do not have eviction-control ordinances, a landlord can evict a tenant without any reason by giving a proper thirty-day notice at the end of the lease term. However, a landlord cannot pretend that they are using a "no-cause" eviction if the real reason for the eviction is because the tenant is a family child care provider.

MAY MY LANDLORD RAISE MY RENT BECAUSE I HAVE A FAMILY CHILD CARE HOME?

No. The landlord may raise your rent for other reasons, but he or she may not charge you extra rent because you operate a family child care home.¹³ Also, any increase in the rent must comply with local rent control laws.

MAY MY LANDLORD REQUIRE A LARGER SECURITY DEPOSIT FROM A FAMILY CHILD CARE PROVIDER THAN HE OR SHE DOES FROM OTHER TENANTS?

Yes. Landlords may charge the maximum security deposit to a family child care provider, even if they do not charge other tenants the maximum amount. The landlord can charge this increased security deposit "upon commencement of, or knowledge of, the operation of a family [child] care home on his or her property."¹⁴ The maximum amount a landlord can charge a tenant is two months rent for an unfurnished unit or three months rent for a furnished unit (in addition to the first month of rent).¹⁵

CAN MY LANDLORD REQUIRE ME TO GET AN INSURANCE POLICY?

No. Since landlords cannot put restrictions on family child care homes, your landlord cannot require you to get liability insurance for your family child care home.¹⁶ While the Child Care Law Center highly recommends that you get liability insurance for your family child care, it is not required, and you can choose not to.¹⁷

CAN MY LANDLORD REQUIRE ME TO ADD HIM OR HER TO MY EXISTING INSURANCE POLICY?

Yes. However, you only have to add your landlord to your family child care liability insurance policy if all of the following conditions are met:

- you already have or are getting a liability insurance policy;
- your landlord requests to be added to your policy in writing;
- your policy will not be cancelled because you added your landlord; and,
- your landlord pays any premium for the additional coverage.¹⁸

WHAT CAN I DO IF MY LANDLORD TRIES TO EVICT ME OR RAISE MY RENT EVEN THOUGH IT IS AGAINST THE LAW?

- Save copies of all letters, notes and notices. Keep a log with the date and description of all conversations you have with your landlord.
- Check all notices and papers for deadlines. You usually must respond very quickly to eviction notices or court papers. An eviction notice with a three day deadline means that your landlord could file a case to evict you after three days if the problem is not resolved. Court papers that say that the landlord filed an "Unlawful Detainer" (eviction) against you must be answered within five days.
- It is always a good idea to consult with a lawyer before you respond to your landlord.
- If you contest an eviction, continue to pay rent or keep the money in a separate bank account.

The following is a list of the resources and laws cited in this article. You will find a copy of the California Health and Safety Code sections attached to this document.

Useful Resources

- Call **Legal Aid or Legal Services** if you are a low-income tenant and you have received a notice of eviction or illegal rent increase from your landlord.
- Call your **County Bar Association Lawyer Referral Service** to find a private attorney. The number is listed in your telephone book, or visit the California Bar Association website at www.calbar.org to find the county bar association near you.
- Call the **Child Care Law Center** for more information. However, the Child Care Law Center cannot provide individual legal representation.

¹ CALIFORNIA CHILD CARE RESOURCE AND REFERRAL NETWORK, THE CALIFORNIA CHILD CARE PORTFOLIO 1999 (1999).

² Cal. Health & Safety Code § 1597.40 (b).

³ Cal. Health & Safety Code § 1597.40 (b).

⁴ Cal. Health & Safety Code § 1597.44.

⁵ Cal. Health & Safety Code § 1597.44 (d).

⁶ Cal. Health & Safety Code § 1597.465.

⁷ Cal. Health & Safety Code § 1597.465 (d).

⁸ Cal. Health & Safety Code § 1597.40 (d).

⁹ Cal. Health and Safety Code § 1597.40 (d)(1).

¹⁰ Cal. Health and Safety Code § 1597.40 (d)(2).

¹¹ Cal. Health and Safety Code § 1597.40 (d)(3).

¹² Cal. Health and Safety Code § 1597.40 (b); Cal. Civil Code § 1942.5 (c) (rendering eviction or threats of eviction for the purpose of retaliating against a lessee for the lawful and peaceable exercise of any right under law illegal.)

¹³ Cal. Civil Code § 1942.5 (c) (rendering increases in rent for the purpose of retaliating against a lessee for the lawful and peaceable exercise of any right under law illegal.)

¹⁴ Cal. Health and Safety Code § 1597.40(d)(4).

¹⁵ Cal. Civil Code § 1950.5 (c).

¹⁶ Cal. Health & Safety Code § 1597.40 (b).

¹⁷ Cal. Health & Safety Code § 1597.531 (a).

¹⁸ Cal. Health & Safety Code § 1597.531 (b).



CHILD

CARE

LAW

CENTER

221 PINE STREET, 3RD FLOOR • SAN FRANCISCO, CALIFORNIA • 94104
TELEPHONE: 415.394.7144 • FAX: 415.394.7140 • E-MAIL: INFO@CHILDCARELAW.ORG

Questions & Answers for California Landlords About Family Child Care

Q: Does a tenant have to tell a landlord that he or she is doing family child care?

A: Yes, a tenant is required to give the landlord notice of the operation or the intended operation of family child care on the premises.

Q: Does a tenant need permission from a landlord to do family child care?

A: No, not if the tenant is caring for 6 children in a small family child care home or 12 children in a large family child care home. California law *explicitly* allows a tenant licensed as a small family child care provider to care for up to 6 children and a large family child care provider to care for up to 12 (including her own children under the age of ten) *without the permission of the landlord*. But if a tenant want to exercise her “plus 2 option” – which allows a small family day care provider to care for 8 children and a large family day care provider to care for 14, if the 2 additional children are school-age – the tenant *would* have to get the landlord’s permission. For example,

a landlord can choose whether or not to permit the expansion of s small family child care home from 6 to 8 children, but *not* whether the tenant can provide child care for up to 6 children, as permitted by Health & Safety Code §1597.30 *et. seq.*

Q: Can a landlord prohibit family child care in a tenant’s home?

A: No.

Some landlords may tell their tenants that family child care is not permitted on the property. However, landlords have no authority to do this in California. **It is illegal in California for a landlord to try to prohibit a tenant from operating a licensed family child care program in a rental unit or to attempt to evict a tenant who tries to do so.** While a landlord may have some questions and concerns about the effect of operating a family child care home on the property, none of these concerns can legally justify requiring the tenant to terminate the family child care program. The following questions and answers address some of the difficulties encountered

between landlords and tenants who are family child care providers, and offer some suggestions on how to handle some of the more common conflicts and concerns. The Child Care Law Center has prepared other materials on “plus 2” and on the notice requirement.

Q: Is the operation of a family child care home a “business” use of property?

A: No.

California state law requires that a licensed family child care provider care for children in his or her own home. There is no requirement, however, that a provider own the home to get a license (California Health & Safety Code Section 1596.78). Another law, also found in the Health and Safety Code, prohibits any restrictions or conditions that limit the use of a residence as a family child care home (Section 1597.40). Even if a rental agreement or lease says the apartment or home is to be used only as a residence, that statement cannot be used to prohibit family child care. In California, family child care is legally considered a residential use of property, not a business use. Thus, if a lease or rental agreement says that the apartment or home cannot be used as a place of business, that statement cannot be used to prohibit licensed family child.

Some landlords argue that the operation of a family child care home on the premises is a commercial activity for which the premises is not intended. The law is clear that the use of the premises for family child care does not change the residential nature of the use. Section 1597.43(a) of the Health and Safety Code states:

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.

Q: May a landlord require a family child care provider to carry liability insurance?

A: No.

The landlord may be concerned about his or her liability if, for example, a child is injured while in the child care home. Landlords should know that tenants may voluntarily purchase liability insurance for the program. However, the law does not require a program to have liability insurance in order to operate, and a landlord can not require the tenant to obtain child care liability insurance as a condition of renting the property. If the provider chooses not to get liability insurance or purchase a bond, the parents of the children in care must sign an affidavit provided by Community Care Licensing indicating they are aware that the program does not have liability

insurance. In the case of a provider in rental housing, the affidavit must also state that any liability insurance held by the landlord may not cover losses arising out of the operation of the family child care home. Having the signed affidavits does not limit the provider's liability.

On the other hand, if the tenant has liability insurance, then the landlord may ask the tenant to add the landlord as an additional, named insured on the policy. Health & Safety Code Section 1597.531 requires a family child care provider who resides in rental property to name the property owner as an additional insured on any policy the tenant may have *if* the property owner makes a written request. However, the addition of the landlord's name must not result in a cancellation or non-renewal of the policy, and any additional premium must be paid by the property owner.

Q: What about disturbing neighbors, wear and tear to property, and increased operation costs?

A: Landlords often confuse a family child care home with a child care center. They have visions of streams of children disturbing other tenants and running about in the home or yard. The landlord should remember that the operation of a family child care home is not a child care center, and that the license limits the number

of children in care. The tenant is a licensed provider who is required to constantly supervise the small number of children in his or her care. Tenants who are family child care providers tend to be very interested in protecting the neighborhood as an attractive site for parents to leave their children and in maintaining good relations with neighbors. Thus, they tend to be good tenants.

Many providers will include something in the child care policies distributed to parents about the need to be respectful of neighbors when dropping off and picking up children. Most child care providers will plan activities for the children which consider and respect the needs of other tenants.

Under state law, a landlord may not limit the hours that care is provided. For example, the provider is free to decide whether or not to provide evening or weekend care. The flexibility of the program and the small group size are just the factors that parents look for in family child care.

Landlords are occasionally concerned about increased costs which may result from the use of utilities, water, power, or additional garbage generated by the family child care home. In actuality, the amount of increased energy a family child care home uses is usually negligible. Providers normally do not bathe the

children in their care, nor wash their clothes; and most providers do not prepare cooked meals for the children. While the provider is under no legal obligation to cover these added costs, the provider may offer to meet any increased costs or share them with the landlord. Many providers learn about and practice water and energy conservation and recycling to demonstrate concern for these issues.

Landlords may be concerned about additional wear and tear on the home. Most tenants are also interested in taking care of the home because, again, they want their home to be attractive to parents and safe for children. However, tenants are not expected to live in a home without

some amount of wear and tear. If a tenant pays a security deposit, those funds may be used specifically for repairs beyond normal wear and tear or cleaning, should they be necessary when the tenant moves. A landlord may require a reasonable security deposit, but it can not be more than two months' rent on an unfurnished home, whether it is called a cleaning deposit or security deposit.

Family child care providers strive to offer a safe and well-maintained environment for children, in compliance with the licensing regulations. Repairs are important, especially if the health or safety of children in care is threatened. In fact, prompt repairs by the landlord will reduce the risk of liability for both the landlord *and* the tenant

This document is intended to provide general information about the topic covered and is made available with the understanding that it does not render legal or other professional advice. We believe it is accurate as of December 2002, but the law changes often. If you need legal advice, seek help from a competent attorney.

Landlords who wish to obtain a copy of our free Landlord Packet may call the Child Care Law Center at 415.394.7144 during our Information & Referral Line hours, which are Monday, Tuesday, and Thursday from 12 to 3 P.M.

APPENDIX F:

PUBLIC RECORDS ACT REQUEST SAMPLE LETTER

John Smith
Redevelopment Agency
Big City, CA 00001

Dear Mr. Smith:

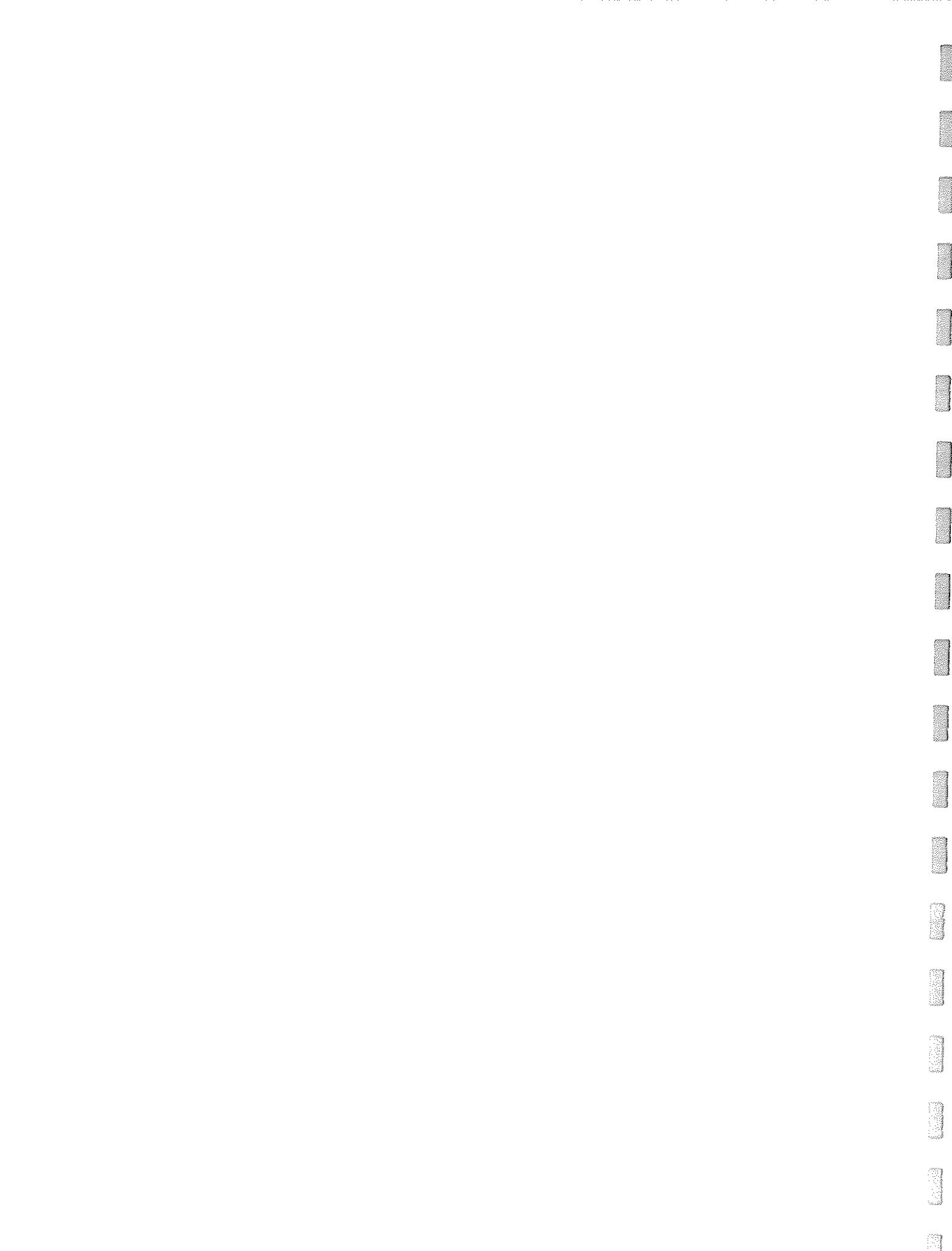
Pursuant to the California Public Records Act, Government Code §§ 6250 *et seq.*, I request that you send me copies of the [insert name of developer here] most recent development plans for the Redevelopment Area of Big City. I look forward to your response within ten days as required by Government Code § 6253.

If any form of privilege or exception to the Public Records Act is claimed as a ground for withholding a requested record, please set forth with respect to the record the date, title, identity of the author, subject matter (without revealing the information for which the privilege is claimed), and the basis on which you claim your privilege with sufficient specificity to permit a determination as to whether the claim of privilege or exception is valid.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

Advocate



APPENDIX E:

SAMPLE LETTER TO PROPERTY OWNERS' ASSOCIATION

Ms. Jane Smith
President
Big Suburb Property Owners' Association
Big City, CA 00001

Dear Ms. Smith:

I write this letter on behalf of Ms. Sarah Jones. As you know, she wishes to operate a family day care home in her residence. She has informed me that under the association's covenants, which apply to her as a property owner, she is not permitted to operate her family day care home.

Although I understand that you are concerned about having a child care facility in the neighborhood, I write to inform you that the covenant preventing Ms. Jones from operating a family day care home is unenforceable under California state law. In particular, California Health and Safety Code § 1597.40 provides in relevant part:

[E]very 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.

As defined in California Health and Safety Code § 1596.78, a family day care home is 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 a day, while the parents or guardians are away...." Ms. Jones plans to operate a facility for between 8 and 10 children, which will fall within the definition of a "family day care home."

Consequently, the Big Suburb Property Owners' Association's covenant that forbids the operation of a family day care home on Ms. Jones' property is unenforceable, as it constitutes a restriction on the use of property for family day care.

Under California state law, Ms. Jones has a legal right, notwithstanding any covenants on her property, to operate her family day care home. If you have any questions regarding Ms. Jones' right to operate her day care facility, please do not hesitate to ask. I can be reached at 555-1234. Thank you for your consideration in this matter.

Sincerely,

Advocate

