

Constructing Connections by  
Building and Expanding  
Child Care Facilities

# A Resource Guide To Opening and Operating A Child Care Facility In Merced County

A.C.C.E.S.S.  
Merced County Office of Education



A Child Care & Education Services System



Merced County Office of Education

1520 West Main Street  
Merced, CA 95340  
Telephone (209) 722-3804

# THE MERCED COUNTY CHILD CARE FACILITY FINANCING AND DEVELOPMENT RESOURCE GUIDE

Is made possible by ABCD Constructing Connections,  
a program of the Low Income Investment Fund, with major  
funding from First 5 California

Other Partners Include:

**Merced County P-16  
Educational Community Council**

**“United for Student Success”**

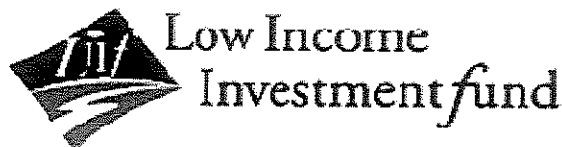
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**Merced  
County  
Office of  
Education**



## INTRODUCTION

Thank you for your interest in establishing a child care center or family child care home in Merced County. The County of Merced is committed to expanding the availability and accessibility of high quality child care where children can thrive in a safe, stimulating and nurturing environment and are intentionally supported by qualified adults to be healthy, socially competent and prepared for school success. This Child Care Resource Catalogue is designed to provide those interested in opening a child care program in Merced County with the tools and resources necessary to support the development of high quality child care facilities.

The Merced County Constructing Connections Program (MCCCP) is creating a streamlined process for child care facilities financing and development. To create this process MCCCP is strengthening partnerships between the child care community and businesses, real estate developers, government agencies, community developers and others. The primary goal is the creation of an efficient and cost effective process for developing high quality child care spaces throughout Merced County. Also, MCCCP works to insure that child care facility planning and development is always included in the conversations around city and county land use planning, community development programming, zoning, permit processes and transportation planning.

The Merced County Constructing Connections Program is funded by the Affordable Building for Children's Development (ABCD) Constructing Connections, a program for the Low Income Investment Fund (Liif) with major funding from First 5 California. The grantee is the Merced County Office of Education and the P-16 Council and is administered by the Early Care and Education Department at MCOE.

The work of MCCCP is made possible through support from Merced County Office of Education, United Way of Merced County, University of California, Merced, and the Workforce Investment Board of Merced County. MCCCP thanks the following collaborative partners:

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Renee Bettis	Assistant to Constructing Connections Project
Mary Cervantes	Department of Commerce, Aviation and Economic Development
Denard Davis	President, D&D Associates
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Jon Galloway	City of Merced – Fire Inspector II, Public Education Officer
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Addie Hanebury	Community Care Licensing – Fresno
Mike Hiller	County Bank
Donna Kenney	City of Livingston, Community Development Director
Scott McBride	City of Atwater, Administrative Analyst
Ken Mitten	City of Merced - Fire Chief
Joy Montes	Assistant to Constructing Connections Project
Julie Nelson	City of Merced - Planner
Jerry O'Banion	Supervisor, District Five / First 5 Merced County, Commissioner
Pedro Paz	First 5 Merced County, Executive Director
Elaine Post	City of Los Banos
Gaye Riggs	Merced County Office of Education, Assistant Superintendent
Armando Rios	Merced County Fire
Tracy Staiger	City of Merced
Mike Souza	The Alliance Small Business Development Center
Mark Theofanides	Merced County Fire Department
Sharon Twitty	Merced County Office of Education, Assistant Superintendent
Jeff Wilson	Merced County Planning & Community Development Department

If you have any questions about the information contained in the Child Care Facility Resource Catalogue please contact:

A.C.C.E.S.S. Resource & Referral Office  
1520 W. Main Street  
Merced, CA 95340  
(209) 722.3804

Christie Hendricks, Coordinator  
Child Care Support Services  
(209) 722.3804 x 6153  
[chendricks@mcoe.org](mailto:chendricks@mcoe.org)

The Child Care Resource Catalogue is available online at the Merced County Office of Education's website: [www.mcoe.org](http://www.mcoe.org)

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# Child Care 101

## Glossary of Terms



**Child or Children** – Means a person, including an infant, who has not yet reached his or her eighteenth birthday.

**Infant** – Any child under two years of age.

**Toddler** - Any child between the ages of 18 months and 30 months.

**Preschool Age Child** – A child who is enrolled in a licensed child care center and who is not enrolled in either an infant care center or a school-age care center.

**School-Age** – Any child who has entered first grade or above or is in a child care program providing care and supervision exclusively to children enrolled in kindergarten and above.

**Capacity** – Means the maximum number of children for who care is authorized at any one time.

**Small Family Child Care Home** – Means a home that provides family child care for up to six children, or for up to eight children if the criteria in Section 102416.5(b) are met. These capacities include children under age 10 who live in the licensee's home.

**Large Family Child Care Home** – Means a home that provides family child care for up to 12 children, or for up to 14 children if the criteria in Section 102416.5(c) are met. These capacities include children under age 10 who live in the licensee's home and the assistant provider's children under age 10.

**Child Care Center** – Means any child care facility of any capacity, other than a Family Child Care Home, in which less than 24-hour per day non-medical care and supervision are provided to children in a group setting.

## SMALL FAMILY CHILD CARE HOME

A small family child care home is a facility in a provider's own home in which he/she lives, that provides family child care for 8 or fewer children, including children under the age of 10 years who reside at the home, for periods less than 24 hours per day.

California is one of several states which have enacted laws protecting family child care homes from restrictive local regulation. Small family child care homes are now allowed in all zones without the need for a Use Permit or local Business License. The state law which authorizes this supersedes local regulations which may still restrict or disallow small family child care homes. The specific section of California Health and Safety Code related to zoning for small family child care homes is 1597.45.

The number and ages of children who can be cared for in family child care homes has always been confusing. These numbers are determined by state law and are considered to be the maximum number of children that a provider can care for and still assure the health and safety of those children. To insure program quality, many providers take fewer children than their licensed capacity. In 1997, the law changed to allow family child care providers to take care of two additional school-age children under certain circumstances.

### Staffing Requirements:

#### SMALL FAMILY CHILD CARE HOMES

If a family child care home is licensed for six or eight children, a provider can care for ONE of these five options:

Four infants only  
(0-24 months)



OR

Three infants and three older children  
(over the age of 24 months)



OR

Two infants and four older children



OR

One infant and five older children



OR

Six older children



In a small family child care home, the provider can care for eight children only if the license says eight or if there is a signed addendum posted with the license. Then s/he can use ONE of the following three options:

1. Two infants and six older children – one of the older children must be at least 6 years old and another must be in Kindergarten or older (shown here:)



+



OR

2. One infant and seven older children – one of the older children must be at least 6 years old and another must be in Kindergarten or older OR
3. Eight older children – one of the older children must be at least 6 years old and another must be in Kindergarten or older.

## **Step One:**

### **Submit a Family Child Care Orientation Payment Form and Attend a Licensing Orientation**

All Child Care Facilities in the State of California must be licensed by the California Department of Social Services (CDSS) and under the Community Care Licensing Division (CCLD). The regulations used in licensing are taken from the California Code of Regulations, Title 22, Division 12, Chapter 3. The Community Care Licensing Division-Fresno regularly holds Licensing Orientations to acquaint the applicant with requirements and regulations related to the application process.

It is recommended that you contact Local Planning department to determine your local jurisdiction and become familiar with any unique requirements they may have.

In an effort to ensure that your business is successful, it is critical that you develop a business plan prior to opening your child care business (pg. 50 **Appendix G**). This lists local business resources that can assist with developing your unique business plan.

Once you have determined that you would like to apply for the Child Care License, you must complete and return the Family Child Care Orientation Payment Form to the Community Care Licensing Division-Fresno and a receipt will be sent to you. Remember, that there is a fee to attend the orientation, so be sure to call the office and ask about the cost.

The following information is important for the applicant:

- ☒ You can obtain a Family Child Care Orientation Payment Form from the A.C.C.E.S.S. Resource & Referral office at 1520 West Main Street, Merced, California 95340.
- ☒ Once you receive the receipt from Child Care Licensing, sign up for an orientation through the Resource and Referral office. Attending a Licensing Orientation is a mandatory part of obtaining a license.
- ☒ You can obtain dates and times of these orientations by calling Community Care Licensing Division-Fresno listed below or call the A.C.C.E.S.S. Resource & Referral office at (209) 722-3804.
- ☒ A copy of the Title 22 Regulations manual can be downloaded through the Community Care Licensing website: <http://cclld.ca.gov>, or purchased from A.C.C.E.S.S. Resource & Referral.
- ☒ Recommended to obtain review from your local jurisdiction.
- ☒ Have you reviewed the requirements of the California Department of Social Services Community Care Licensing for Small Family Child Care Homes? You may have to make some modifications to your home, particularly if you have a pool or hot tub.

**Note:** Attending a Licensing Orientation is both mandatory and important, especially if you are uncertain about whether or not a career in child care is for you. At the orientation, you will receive information about:

- The licensing process
- The requirements of operating and owning a licensed facility
- The fees involved
- The *application packet*
- And other pertinent child care information.

After you have attended the Licensing Orientation you must submit a completed *application packet* to Community Care Licensing. (Refer to **Step Two**, pg. 4)

## **Step Two:**

### The Application Process

1. **Complete the application packet received at the Licensing Orientation.**
2. **Submit Completed Application Packet to Community Care Licensing-Fresno.**  
The necessary forms include:
  - A. **Application** – A completed application will include:
    - a) Information stating name, address, telephone number and confirmation that the applicant is 18 years of age or over;
    - b) Name, age, and relation of all persons in the home;
    - c) Type of facility you wish to license, age and number of children for whom care will be provided and days and hours the facility will be operating;
  - B. **Criminal Record Statement** – Required of every adult living in the home or associated with the facility to be licensed;
  - C. **An Emergency Disaster Plan** – Details the course of action that will be taken in the event of an emergency. It also includes important names and numbers, along with the location of emergency equipment such as first aid kits, flashlights, blankets and utility shut off devices;
  - D. **Facility Sketch** – Outlining the floor plan of the home or facility and outside yard. Door and window exits from the rooms must be shown in case of an emergency; (parcel # Property owner must sign application)
  - E. **Fire Inspection** – No fire inspection is necessary for small family child care facilities;
  - F. **Property Owner/Landlord of Notification and Consent** – If you rent or lease the property you are applying to provide child care in and you are applying for a license capacity of eight (8) children, you **must** obtain the notification and consent of the property owner or landlord;
  - G. **Tuberculosis Clearance** – All adults residing in the home must show evidence of a Tuberculosis (TB) clearance obtained within the last 12 months;
  - H. **Fee** – There is a fee for a small family child care license application;

Once a completed application is received and accepted, a Licensing Program Analyst will be assigned by geographic area to assist you through the rest of the process. After receiving instructions, all adults in the facility will need to make an appointment to have a Live Scan fingerprint clearance. A site visit will be conducted once Community Care Licensing-Fresno receives Live Scan clearance.

3. **A Home Pre-Licensing Visit is scheduled.** Any corrections identified must be completed and verified through your assigned Licensing Program Analyst.



4. **California Criminal Record Clearance and Child Abuse Index Clearance must be completed.**
5. **Verification of 15 hours of training on preventive health practices for licensee only.**
  - 7 hours of Health & Safety
  - 8 hours of Pediatric CPR & First Aid
6. **Application will be approved and Child Care License will be issued OR application will be denied.**
7. **Contact A.C.C.E.S.S. Resource & Referral – Call for an appointment to register and be entered in the referral database as soon as you receive Profile or License at (209) 722-3804.**



## General Questions



### **When is a license not required?**

A license **is not** required for:

- \* Any person providing care for the children of only one family, in addition to the operator's own children.
- \* Any care and supervision of persons by a relative or guardian.
- \* Certain public and private schools that operate a program before and/or after school for school age children.
- \* Certain public and private recreation programs.
- \* Cooperative arrangements between parents that involve no payment.
- \* Child care on federal lands.

### **What do I do when my landlord will not allow me to operate a family child care home out of the home that I am living in and renting?**

Contact Public Counsel (contact information is on pg. 29). This organization will provide you with free legal assistance and let you know your rights to operate a family child care home facility while renting or leasing.

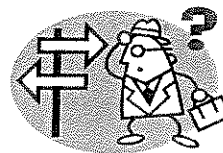
### **I am a provider. What resources are available to help me improve the quality and safety of my program?**

- A.C.C.E.S.S. Resource and Referral (R&R) Merced County Office of Education gives child care providers the opportunity to utilize resources to improve the quality and safety of their child care business. (Visit website: [www.mcoe.org](http://www.mcoe.org) or contact information is on page 26). The following resources available are:
  - ↓ Resource Library
  - ↓ Toy Lending Library
  - ↓ Computer Access
  - ↓ Workshops & Trainings
  - ↓ Licensing Assistance & Home Inspections
- The National Resource Center for Health and Safety in Child Care and early child education has materials about caring for children. Their contact information is 1-800-598-kids(5437) or go to their website address: <http://nrc.uchsc.edu/> - This site also has resources on specific topics you can access which include:
  - ↓ Reducing the Risk of SIDS
  - ↓ Children with Special Health Care Needs
  - ↓ Inclusion/Exclusion Criteria for Sick Kids
  - ↓ Biting
  - ↓ Playground Safety
  - ↓ And many other Health and Safety sources
- The National Clearinghouse for Educational Facilities (NCEF) is another website: <http://www.edfacilities.org/rl/earlychildcenters.cfm> which gives ideas on construction design of facilities.



## A.C.C.E.S.S.

A Child Care & Education Services System  
Child Care Resource and Referral  
1520 West Main Street  
Merced, CA 95340  
(209) 722-3804  
Fax (209) 723-1068



### Steps for Obtaining a Small Family Child Care Home License

#### Orientation Payment Form

**\$ Fee** (non-refundable)  
(check or money order)

Send to:

**Community Care Licensing**  
770 E. Shaw Avenue, Suite 300  
Fresno, CA 93710-7785  
(559) 243-4588

#### Additional Requirements:

Title 22  
Regulations

- ☒ **Obtain and Read**  
Title 22 Regulations  
manual available online:  
<http://CCLD.ca.gov>. also,  
Resource & Referral  
1520 W. Main Street  
Merced, CA 95340
- ☒ **Training Required**  
15 hours of training on  
preventive health practices.
  - 7 hours of Health & Safety.
  - 8 hours of Pediatric CPR & First Aid  
(must be taken prior to Site Visit)



For questions or assistance in the  
licensing process contact :  
Resource & Referral Office  
Monday- Friday 8:00am-5:00pm  
(209) 722-3804

#### Sign up for Orientation

Once you receive the receipt from Community Care  
Licensing call Resource & Referral at  
(209) 722-3804  
to sign up for orientation.

#### Orientation (Mandatory)

Orientations are held every month.  
English 8:30am – 12:00pm / \*Spanish 1:30pm – 4:30pm  
(\*spanish orientation is offered every other month)

#### Application

Complete and submit application with appropriate  
\$ fee and a copy of TB test results

#### Fingerprint Clearance

All adults residing in the home shall obtain a  
California Criminal Record Clearance or Exemption.  
(Wait for facility number before obtaining fingerprints)

#### Site Visit

Conducted by an Authorized Officer (Analyst) to  
ensure compliance of regulations.  
(must pass to obtain license)

#### License FCCH

Contact Resource & Referral for appointment to  
register and be entered in the referral database as  
soon as you receive PROFILE or LICENSE.

## **EXPANDING TO A LARGE FAMILY CHILD CARE HOME**

A large family child care home is a child care facility in a provider's own home in which he/she lives and provides family child care for 9 to 14 children, including children under the age of ten years who reside at the home, for periods less than 24 hours per day. The provider of a large family child care home is to have successfully operated a small family child care home for one year prior to applying for large family child care home status, unless, a waiver is granted by the State of California for equivalent experience.

### **Are you ready to expand your Family Child Care Business?**

- ☒ Do you have at least one year of experience either as a licensed small family child care home provider or as an administrator, director, or teacher at a licensed Child Care Center?
- ☒ Do you have verification of past experience? (Can include copies of previous licenses or a written statement from your previous employer on company letterhead. The letter should verify your job duties and length of employment.)
- ☒ Have you been successful in marketing your present small family child care business?
- ☒ Are your services in demand? Have you called the A.C.C.E.S.S. Resource & Referral office at Merced County Office of Education to determine how many large family child care settings are currently located in your neighborhood and school area?
- ☒ Have you contacted the Local Child Care Planning & Development Council to obtain current information regarding the local CC Needs Assessment and local CC priorities?
- ☒ Have you reviewed the requirements of the California Department of Social Services Community Care Licensing for Large Family Child Care Homes?

This list of recommendations from the California Department of Child Care Licensing should be considered before opening a small or large family child care business.

- You must live in the home where you want to provide child care.
  - You may have to make some modifications to your home, particularly if you have a pool or hot tub.
  - You must contact your local planning department before making improvements or changes.
  - You and any adult living or working in your home must submit fingerprints for a criminal record check and a Child Abuse Index check and must have a TB test.
  - You will have to complete 15 hours of preventive Health and Safety training.
  - You will be required to keep records on the children you care for, and you will receive periodic visits from Community Care Licensing to review your home and records.
- ☒ Be sure to contact your Licensing Program Analyst to discuss the possibility of opening or expanding to a large family child care license.
  - ☒ Do you have the physical room to expand the number of children you serve and maintain comfort and quality for children and staff?

- ☒ Do you rent your home? Have you discussed the possible expansion with your landlord?
- ☒ Do you have the finances to expand your business to include additional expenses?
- ☒ Do you have good record keeping skills and are you prepared to maintain the employee and client files required of you?
- ☒ Do you have an assistant and possible back-up staff to work in your large family child care home when more than 8 children are present in the home?
- ☒ Are you prepared to pay new expenses related to having employees such as training costs, workers compensation insurance, liability insurance, and payroll taxes?
  - Please contact an insurance professional to determine what type of insurance you'll need for your business.
- ☒ If you are planning on making any capital improvements to your home for your business expansion, you need to speak to the Planning Department in your community. (see pg. 27 for County and City Planning Department contacts)

Contact the following agencies before you consider expanding to a Large Family Child Care Home to obtain current information:

1. Your Community Care Licensing Program Analyst
2. The Resource and Referral office (pg. 26)
3. Your local Planning and Permit Department (pg. 27)
4. Your landlord if you do not own your own home
5. Discuss business expenses and tax considerations with your tax consultant and/or bookkeeper.
6. Market your expansion with present clients, business and community contacts.
7. The Alliance Small Business Development Center can assist with developing and marketing your business. (pg. 28)
8. Inform current families of your plans to expand your business.

If you want to know more, visit the California Community Care Licensing website: <http://ccld.ca.gov>. To learn more about getting help with these steps in Merced County please contact your Resource and Referral office at the following address:

**A.C.C.E.S.S.**  
**A Child Care and Education Services System**  
**Resource and Referral**  
 1520 West Main Street  
 Merced, CA 95340  
 (209) 722-3804  
[www.mcoe.org](http://www.mcoe.org)

## Staffing Requirements:

A provider is not required to have an assistant if she/he cares for six or fewer children. A provider can also care for seven or eight children without an assistant if one of the additional children is 6 years of age or older and the other is in Kindergarten and the provider meets the other qualifications to care for eight. However, an assistant is required when all of the children in a group of seven or eight are under Kindergarten age. Once a provider has more than eight children in their care, she/he is required, without exception, to have an assistant.

### LARGE FAMILY CHILD CARE HOMES

If a family child care home is licensed for 12 or 14 children, a provider can care for ONE of these five options:

1. Four infants (0-24 months) and eight older children over 2 years of age (shown here)

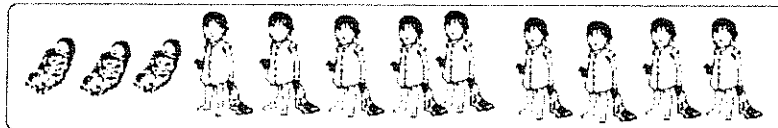


OR

2. Three infants and nine older children, OR
3. Two infants and ten older children, OR
4. One infant and eleven older children, OR
5. Twelve children over the age of 2 years.

A provider can care for 14 children only if the license says 14 or if there is a signed addendum posted with her license. Then she can care for ONE of these four options:

1. Three infants and eleven older children – one of the older children must be at least 6 years old and another must be in Kindergarten or older (shown here)



OR

2. Two infants and twelve older children – one of the older children must be at least 6 years old and another must be in Kindergarten or older OR
3. One infant and thirteen older children – one of the older children must be at least 6 years old and another must be in Kindergarten or older OR
4. Fourteen older children – one of the older children must be at least 6 years old and another must be in Kindergarten or older.

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The overall quality of child care is directly related to the number of children cared for by each adult. A provider should never care for more children (not even one!) than the number on the license. This is especially crucial when infants and toddlers are in your care. You need to count both the total number of children and the number of children less than 2 years of age. All children under the age of ten, who are in the home during child care hours, are counted toward the provider's licensed capacity. This includes relatives, neighbors and/or the provider's own children.

## **Step One:**

### **Submit a Family Child Care Orientation Payment Form and Attend a Licensing Orientation**

All Child Care Facilities in the State of California must be licensed by the California Department of Social Services (CDSS) and under the Community Care Licensing Division (CCLD). The regulations used in licensing are taken from the California Code of Regulations, Title 22, Division 12, Chapter 3. The Community Care Licensing Division-Fresno regularly holds Licensing Orientations to acquaint the applicant with requirements and regulations related to the application process.

It is recommended that you contact Local Planning department to determine your local jurisdiction and become familiar with any unique requirements they may have.

In an effort to ensure that your business is successful, it is critical that you develop a business plan prior to opening your child care business (pg.50 **Appendix G**). This lists local business resources that can assist with developing your unique business plan.

Once you have determined that you would like to apply for the Child Care License, you must complete and return the Family Child Care Orientation Payment Form to the Community Care Licensing Division-Fresno and a receipt will be sent to you. Remember, that there is a fee to attend the orientation, so be sure to call the office and ask about the cost.

The following information is important for the applicant:

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- ☒ Once you receive the receipt from Child Care Licensing, sign up for an orientation through the Resource and Referral office. Attending a Licensing Orientation is a mandatory part of obtaining a license.
- ☒ You can obtain dates and times of these orientations by calling Community Care Licensing Division-Fresno listed below or call the A.C.C.E.S.S. Resource & Referral office at (209) 722-3804.
- ☒ A copy of the Title 22 Regulations manual can be downloaded through the Community Care Licensing website: <http://cclid.ca.gov>. or purchased from A.C.C.E.S.S. Resource & Referral.

**Note:** Attending a Licensing Orientation is both mandatory and important, especially if you are uncertain about whether or not a career in child care is for you. At the orientation, you will receive information about:

- The licensing process
- The requirements of operating and owning a licensed facility
- The fees involved
- The *application packet*
- And other pertinent child care information.

After you have attended the Licensing Orientation you must submit a completed application packet to Community Care Licensing. (Refer to Step Two, pg.12)

## **Step Two:**

### The Application Process

1. **Complete the application packet received at the Licensing Orientation.**
2. **Submit Completed application packet to Community Care Licensing-Fresno.**  
The necessary forms include:
  - A. **Application** – A completed application will include:
    - a) Information stating name, address, telephone number and confirmation that the applicant is 18 years of age or over;
    - b) Name, age, and relation of all persons in the home;
    - c) Type of facility you wish to license, age and number of children for whom care will be provided and days and hours the facility will be operating;
  - B. **Criminal Record Statement** – Required of every adult living in the home or associated with the facility to be licensed;
  - C. **An Emergency Disaster Plan** – Details the course of action that will be taken in the event of an emergency. It also includes important names and numbers, along with the location of emergency equipment such as first aid kits, flashlights, blankets and utility shut off devices;
  - D. **Facility Sketch** – Outlining the floor plan of the home or facility and outside yard. Door and window exits from the rooms must be shown in case of an emergency;
  - E. **Fire Inspection**– Identifies your local fire inspection authority that is responsible to inspect your facility and issue a fire clearance;
  - F. **Property Owner/Landlord of Notification and Consent** – If you rent or lease the property you are applying to provide child care in and you are applying for a license capacity of eight (8) children, you **must** obtain the notification and consent of the property owner or landlord;
  - G. **Tuberculosis Clearance** – All adults residing in the home must show evidence of a Tuberculosis (TB) clearance obtained within the last 12 months;
  - H. **Identify an Assistant** – Anytime there are more than 8 children in a home, an assistant must be present;
  - I. **Training** – Submit fifteen (15) hours of Health and Safety training including Certificate in First Aid and CPR for licensee only;
  - J. **Fee** – There is a fee for a large family child care license application;

Once a completed application is received and accepted, a Licensing Program Analyst will be assigned by geographic area to assist you through the rest of the licensing process. After receiving instructions, all adults in the facility will need to make an



appointment to have a Live Scan fingerprint clearance. A site visit will be conducted once Community Care Licensing-Fresno receives Live Scan clearance.

3. **Obtain a Fire Safety Clearance** (see pg. 49 **Appendix F**) Fire safety is a particular concern of Community Care Licensing. A fire clearance is required from the local fire district for large family child care homes. Community Care Licensing will request the fire clearance directly when the licensing application is submitted. The requirements involve exiting, signage, fire safety equipment, and other items. Obtaining your fire clearance may include expensive modifications such as a fire sprinkler system and/or fire alarm system. It is a good idea to contact your local Fire Marshal early in the planning process to find out more about specific requirements.
4. **Home Pre-Licensing visit will be conducted by both state and local authorities.**
5. **California Criminal Record Clearance, Child Abuse Index Clearance and Fire Clearance are received by Community Care Licensing.**
6. **Application will be approved and Child Care License will be issued OR application will be denied.**
7. **Contact A.C.C.E.S.S. Resource & Referral** – Call for an appointment to register and be entered in the child care referral database as soon as you receive your Profile or Child Care License at (209) 722-3804.



### **Step Three:**

## Understanding Your Permit and Licensing Requirements

### **101156 License Required**

Unless a child care arrangement is exempt from licensure (101158), no adult, partnership, corporation, public agency or other governmental entity shall operate, establish, manage, conduct or provide care and supervision without a valid license from the Department.

**Business License** – A business license is necessary to insure the consumer that only legitimate businesses are operating and selling goods in Merced County. As a business owner, you must obtain a business license whenever you:

- Establish or change location
- Become or change owners, or
- Change the name of your business

The license is only valid for the person and place to which it is issued. All businesses conducting business in a city jurisdiction or in the county need a business license, even temporary businesses. Contractors, retailers, service providers, apartment owners, and street vendors all need a business license.

The following procedure should be taken to obtain a business license:

You can download a business license application from the Planning web page or contact the Planning Department in your jurisdiction and they can assist you in completing the form. The Planning Department will determine if your proposed business is in the proper zoning district. They will also explain other review procedures for signing, remodeling, etc., and may refer you to your city jurisdiction and or County Inspection Services for building/fire life safety requirements, Merced County Environmental Health Department, and/or the Merced City Police Department for their respective review processes.

For example, certain businesses are of a sensitive nature and require approval by the Police Department before a business license can be issued. Businesses needing police review include, but may not be limited to: sale of alcoholic beverages, card room, pawn shop, secondhand dealers, sale of firearms, massage therapy, private patrols, alarm companies, pool tables, **child care centers**, fortune tellers, carnivals, itinerant vendors, etc. For specific information, contact the Merced City Police Department at (209) 385-6912. (see pg. 21 for Contact Information for county or local city Planning Departments).

## When Do Family Child Care Homes Need a Building Permit?

Separate from the state licensing process and the local use permit process is the building permit process. Family child care homes are responsible to follow the same building permit requirements as any other builder.

A building permit is required if you are planning any but the most minor changes to the interior or exterior of your family child care home. Even routine maintenance projects, such as roof repair, might trigger the need for a permit. The requirements vary based on where you live, so you'll need to check with your local building department.

## State Land Use Regulations

The state is in charge of licensing child care programs, leaving most land use regulations to local jurisdictions. While local land use control can serve to meet local needs and conditions, the effects of local zoning on child care can also create a barrier to development. Even well-intentioned zoning ordinances can make it extremely difficult for child care providers to begin operation.

Recognizing the importance of child care, California state law does offer some land use protections from potential burdensome local policies for both small and large family child care homes. Contact the Public Law Counsel to obtain additional information (see pg. 24).

**Building /Fire Clearance** – Contact your county or local city planning department (see pg. 27).

## OPENING AND OPERATING A CHILD CARE CENTER

The State Department of Social Services defines a child care center as a facility of any capacity other than a family child care home that provides non-medical supervision in a group setting for less than 24 hours per day. Infant centers, preschools, nursery schools and after-school facilities are included within this category. Because zoning regulations related to child care centers are left to the individual localities there is no state code that addresses zoning regulations for centers.

### Where to Find the State Law

Child Care Centers are governed by the California Child Day Care Facilities Act in California Health and Safety Code, Section **1596.90** through **1596.799**

You can find the code online at <http://www.leginfo.ca.gov>. Click on the "California Law" button. Select "Health and Safety Code" and select "Search". Locate and click on Chapter 3.5. Read the chapters to gain an initial familiarity with its provisions regarding Child Care Centers.

## Developing a Child Care Center

Note: There are two main differences between developing a Child Care Center and a family Child Care Home

1. There are different zoning considerations for each.
2. There are different licensing considerations.

When planning to expand, renovate, build or purchase a child care center, whatever the type, it is very important to think through the entire process by breaking all of the activities down into four stages:

- Stage 1 – Planning
- Stage 2 – Predevelopment
- Stage 3 – Development
- Stage 4 – Start-Up

Though these steps are laid out sequentially here, some may occur simultaneously and others might not be necessary depending on the type and scale of your project. Also, it is important to note that while this list represents a number of the activities involved in a facilities development project, each project varies and so in addition to reviewing these steps you should also be sure to identify what other steps might be required for your own project. Refer to pg. 31 for detailed information related to the four stages.

To learn more about getting help with these steps in Merced County you can contact A.C.C.E.S.S Resource & Referral (209) 722-3804 or visit us at: [www.mcoe.org](http://www.mcoe.org)

Additional information is also available at Building Child Care, toll free line at 888-411-3535, or visit the Community Resources section of the Building Child Care website, [www.buildingchildcare.org](http://www.buildingchildcare.org)

Contact Community Care Licensing-Fresno to attend a Licensing Orientation specifically related to opening a child care center.

## **Step One:**

### **Attend a Licensing Orientation**

All Child Care Facilities in the State of California must be licensed by the California Department of Social Services (CDSS) under the Community Care Licensing Division (CCLD). The regulations used in licensing are from the California Code of Regulations, Title 22, Division 12, Chapter 1. The Community Care Licensing Division-Fresno regularly holds Licensing Orientations to acquaint the applicant with requirements and regulations related to the application process.

It is recommended that you contact Local Planning department to determine your local jurisdiction and become familiar with any unique requirements they may have.

In an effort to ensure that your business is successful, it is critical that you develop a business plan prior to opening your child care business (pg. 50 **Appendix G**). This lists local business resources that can assist with developing your unique business plan.

Once you have determined that you would like to apply for the Child Care License, you must attend an orientation. The person(s) applying for the license are required to attend, as well as the director. If the applicant is a corporation, the person attending the orientation must be the chief executive officer, the board president or another board member. If the applicant is a public agency, such as a school district, the person attending must be authorized by resolution.

The following information is important for the applicant:

- ☒ You can obtain dates and times of these orientations by calling Community Care Licensing Division-Fresno listed below or call the A.C.C.E.S.S. Resource & Referral office at (209) 722-3804.
- ☒ A copy of the Title 22 Regulations manual can be downloaded through the Community Care Licensing website: <http://cclcd.ca.gov>, or purchased from A.C.C.E.S.S. Resource & Referral.

**Note:** Attending a Licensing Orientation is both mandatory and important, especially if you are uncertain about whether or not a career in child care is for you. At the orientation, you will receive information about:

- The licensing process
- The requirements of operating and owning a licensed facility
- The fees involved
- The *application packet*
- And other pertinent child care information.

After you have attended the Licensing Orientation you must submit a completed application packet to Community Care Licensing. (Refer to Step Two, pg.18)

## **Step Two**

### The Application Process

1. Complete the application packet received at the Licensing Orientation.
2. Submit Complete Application Packet. The application is divided into two sections:
  - **Section A** – Describes the Licensing Forms that you must submit to the licensing agency as part of your application. The information in Section A is designed to help you prepare, complete and review the forms. Be sure to pay special attention to the information and instructions on each form, to refer to the guidelines for each form, and to thoroughly complete each form;
  - **Section B** – Describes the supportive documents that you must submit to the licensing agency as part of your application. In addition to the licensing forms required in Section A, you must complete the following supportive documents;

#### **Section A**

Licensing Forms include:

- ☒ Application for Child Care Center License (LIC 200A) – Identifies applicant(s) and facility for licensure.
- ☒ Applicant Information (LIC 215) – Submitted by applicant(s) e.g., individual(s), chief executive officer(s) of a corporation, general partners of a partnership, or controlling partner(s) in a limited liability company.
- ☒ Criminal Record Statement (LIC 508) – Requires applicant(s) to disclose any criminal convictions.
- ☒ Designation of Facility Responsibility (LIC 308) – Identifies the person authorized by the licensee to accept responsibility for the facility in the licensee's absence.
- ☒ Administrative Organization (LIC 309) – Identifies the organization of a corporation, the board of officers, and anyone having a beneficial ownership of 10 percent or more in the corporation. Also required for a partnership, limited liability company, and public agency application.
- ☒ Monthly Operating Statement (LIC 401) – Establishes estimated gross profit based on income from children's care, less operation costs.
- ☒ Balance Sheet (LIC 403) – Compilation of total assets and liabilities to establish equity of applicant(s). A credit check may be obtained to verify financial ability to operate the facility.
- ☒ Financial Information Release and Verification (LIC 404) – Provides financial information that is verified by a bank or other financial institution. (Applicant completes Section 1 only.)
- ☒ Personnel Record (LIC 501) – To be completed by site director if other than applicant.

- ☑ Health Screening Report Facility Personnel (LIC 503) – Verifies health of applicant(s) and site director to effectively perform duties as required.
- ☑ Emergency Disaster Plan (LIC 610) – Plan developed by applicant to enable facility to handle any emergency that may arise and to protect the safety and well-being of each child.
- ☑ Earthquake Preparedness Checklist (LIC 9148) – List of earthquake safety measures that must be attached to the Emergency Disaster Plan (LIC 610).
- ☑ Facility Sketch (LIC 999) – Required for all indoor and outdoor space. The front of the form is for a floor plan; the back is for a yard sketch.
- ☑ Local Fire Inspection Authority Information (LIC 9054) – To be completed by any applicant who intends to serve non-ambulatory children or children with disabilities or special health care needs.

## **Section B**

### **Supportive Documents:**

- ☑ Partnership Agreement, Articles of Incorporation or Articles of Organization – Information contained in these documents lets the licensing agency know who is ultimately responsible for which functions in the facility.
- ☑ Verification of Administrator/Director Qualifications – Transcripts from an accredited school/college and reference letters confirming required experience.
- ☑ Job Descriptions – To be submitted for each position.
- ☑ Personnel Policies – Statement of general personnel policies covering the selection of qualified staff and conditions of employment (e.g., pre-employment medical report, knowledge of corporal punishment, etc.)
- ☑ In-service Training for Staff – Plan for in-service training for staff that includes proposed topics, frequency of training, etc.
- ☑ Parent Handbook – Includes admission policies and procedures, a child care program description, and discipline policies.
- ☑ Schedule of Daily Activities – An attachment to the parent handbook. Includes times that meals and snacks are served, nap time (if required), and times of specific activities.
- ☑ Admission Agreement – Must include specific information required by the regulations, including a description of basic and optional services, payment provisions, modification conditions, refund policy, rights of the licensing agency, and reasons for termination.
- ☑ Sample Menu – Times for serving meals and snacks and a sample menu for one week.
- ☑ List of Furniture/Play Equipment – List of indoor and outdoor play equipment and furniture geared to ages of children served. Copy of inventory list provided to insurance agency is acceptable.

- ☑ Control of Property – Must be established through proof of ownership (copy of deed or property-tax bill) or copy of the lease or rental agreement.
- ☑ Bacteriological Analysis of Private Water Supply – If drinking water is from a well or other private source, submit evidence of onsite inspection of the source of water and an bacteriological analysis by a local or state health department or other qualified public or private laboratory. This is necessary to establish that the water is safe.
- ☑ Fee – The licensing application fee for a child care center is determined by the capacity of the center ranging from several hundred dollars to several thousand dollars.

Once a completed application is received and accepted, a State Licensing Program Analyst will be assigned by geographic area to assist you through the rest of the process. Additional instructions will be mailed. After receiving instructions, all adults in the facility will need to make an appointment to have a Live Scan fingerprint clearance.

3. **Fire Clearance.**
4. **Component II Orientation** – Face to face interview with assigned State Licensing Program Analyst.
5. **Pre-licensing visit.**
6. **Criminal Record Clearance, Child Abuse Index Clearance** - for the applicant and director.
7. **Component III** – Category specific training.
8. **Application will be approved and Child Care License will be issued OR application will be denied.**

Staffing Requirements	
✓	A fully qualified Director on site at all times.
✓	An Assistant Director when 25 or more infants are in attendance.
✓	The teacher-child ratio for children between six weeks and 18 months of age is one teacher for every four infants in attendance or one teacher directly supervising no more than 12 infants, where each aide is responsible for no more than four infants.
✓	The teacher-child ratio for toddlers (children between 18 and 30 months of age) is one teacher to six toddlers or one teacher and one aide supervising a maximum of 12 toddlers. The maximum group size for this age group is 12 children.
✓	The teacher-child ratio for preschoolers (ages two through five) is one teacher for every 12 children.
✓	Teacher aides may not supervise children alone but can assist a teacher with a group of up to 15 preschool age children. If the aide is currently completing at least two post secondary semester units or equivalent units in early childhood education or child development each semester or quarter, 18 children may be included in the group supervised by the teacher and the aide.
✓	Programs licensed to serve school-age children must offer one teacher for ever 14 children, one teacher and one aide for each group of 15 to 28 children, two teachers and one aide for every 29 to 42 children, or two teachers for groups numbering 43 to 56 children.



## Step Three:

### Understanding Your Permit and Licensing Requirements

The County of Merced requires that all child care facilities possess all required permits and licenses. **Child care centers must have a Business License.**

### When Do Child Care Centers Need a Building Permit?

Separate from the state licensing process and the local use permit process is the building permit process. Child care centers are responsible for following the same building permit requirements as any other builder.

A building permit is required if you are planning any but the most minor changes to the interior or exterior of your child care center. Even routine maintenance projects, such as roof repair, might trigger the need for a permit. The requirements vary based on where you live, so you'll need to check with your local building department. (See pg. 25-27 for city and county contact information)

### Apply for Building Permit

Permits requiring plan check are issued after the plans have been reviewed and approved by the Department. The application for the permit can be submitted at the same time the plans are checked and approved.

Fees for the building permit and plan check are calculated based on several factors including building type, project valuation, if project is on a hillside area. Also, if an expedited plan check is requested, floor area in square feet of the construction, and other factors.

### How Can I Determine the Zone for my Property?

As a first step to determining whether it is feasible to open or expand a child care center, it is critical that the zoning of a property be confirmed with the city. You cannot determine zoning by a physical inspection of the property; nor should you rely solely on a real estate broker.

The purpose of verifying zoning is to answer the basic question: is this property zoned to permit a child care center, and if so under what circumstances?

If the zoning does not permit a child care center, the provider will be forced to seek a zone change or a variance. As discussed below, zone changes and variances are always time consuming and typically difficult to obtain. Thus if you learn that the property is not zoned to permit a child care center you should proceed at that site with extreme caution and only after consultation with local land use experts. Again, you should not rely solely on information from a real estate broker.

The zoning may "conditionally permit" a child care center. This means that a child care center is permitted only if a special permit is sought and obtained. These permits are often referred to as "conditional use permits" or "CUPs" and are also sometimes referred to as "special use permits" or "development permits". These permits are also discussed below.

You can obtain the zoning for the property by calling the local jurisdiction's planning department (sometimes called community development department). If you do not know which department to call, call the local jurisdiction's main number and tell the operator you need to verify zoning for a property. You should have the street address available. The best approach is to tell the person to whom you are speaking that you need to find out if the zoning of the particular address permits a child care center and if so whether an application will need to be filed to permit a child care center. Get as much information as possible during this initial call, including the name of the person to whom you are speaking and a contact person to call with follow up questions.

If you cannot reach anyone by telephone or if your voice mail messages are not returned, go to your local jurisdiction's City Hall or County Office and visit the planning department in person.

## Local Use Regulations &Permits

In spite of basic protection by the state for family child care homes, land use regulation for child care facilities is largely controlled at the local level.

## Local and Land Use Regulations

Local regulations for child care facilities vary significantly between jurisdictions. In most cases local planning departments will know if their regulations conflict with state law and will be flexible. It is still a good idea, however, to check with your local department to make sure there is agreement. (see pg. 27 for Contact Information)

California law does not provide land use protection for child care centers. Consequently, you'll find significant differences in regulations between localities, and within their various zones.

Localities almost always require that child care centers obtain a use permit. They also typically ask that centers comply with the building and grounds requirements (setbacks, lot size, building height, landscape designs, sidewalks, etc.) and mitigate traffic and noise impacts within their neighborhoods. A business license is also required. As is true of any project, new construction or major renovation work will trigger the need for a building permit and a variety of additional fees. It is important to work with your local planning department to estimate what these fees will be so that they can be included in your development budget early in the process.

## Locating a Site

Locating an appropriate site for the child care facility is probably the most challenging and frustrating step in the process. Careful consideration has to be taken in choosing a site; is there a need for child care in the area or are there facilities near with vacancies? You can contact the Local Child Care Planning and Development Council or Resource & Referral office at (209) 722-3804 to obtain information related to areas of our county with a high need for child care facilities.

- What zoning rules or requirements are permitted at that site?
- Will this location provide adequate and safe place for parking?

This step involves careful consideration of the location and the actual physical layout of the facility.

## New Construction, Conversion, Remodel or Change of Occupancy of a Building to a Child Care Center

The Department of Building and Safety has additional requirements for new construction or the conversion of a building to a child care center. The items are required:

- ✕ Plans
- ✕ Building Permit
- ✕ New Certificate of Occupancy
- ✕ Change of Use Permit

Please contact your local planning department for more information (see pg. 27)

### Inspections



Before you can request an inspection, you must first obtain the required permit(s) for the work you intend to do. Once you obtain a permit you can commence with the work. However, you must call for an inspection before you cover or conceal any work. If you are unsure of when to call for inspection, please contact your local planning department for information (see pg. 27).

The inspector will make sure that the work is being performed in accordance with the applicable codes and standards. It is important to remember the permitted work is not approved until it has been inspected and accepted by the inspection staff.

Depending on the scope of work being performed and the type of building, you may have one or more inspections. For buildings other than single-family dwellings and duplexes, specialty inspectors will inspect the different trades such as building (structural), plumbing, electrical, and HVAC (Heating, Ventilation and Air Conditioning) work.

#### Building inspections may include the following categories:

- **General Inspection** – Reinforcing steel or structural framework of any part of any building or structure before any work is covered.
- **Foundation Inspection** – Inspection made after excavations for footings is complete and required reinforcing steel is in place.
- **Concrete Slab or under floor inspection** – Inspection of in-slab or under floor building service equipment, conduit, piping accessories and other ancillary equipment items are installed, but before any concrete is placed or floor sheathing installed.
- **Framing Inspection** – Inspection should be made after the roof, all framing, fire blocking and bracing are in place and all conduits, plumbing pipes, chimneys and vents are complete and the rough electrical, plumbing and heating wire, conduit, plumbing pipes are approved.



- **Reinforced Masonry** – In grouted masonry when vertical reinforcing steel in place and other reinforcing steel distributed and ready for placing, but before any units are laid up. Deputy or Specialized inspectors may be required.
- **Reinforced Concrete** – When forms and reinforcing steel are in place ready for concrete. Deputy or Specialized inspectors may be required.
- **Structural Steel** – When structural steel members are in place and required connections are complete, but before concealing any members or connections. Deputy or Specialized inspectors may be required.
- **Thermal insulation** – When all internal insulation is installed in required wall and attic spaces, but before any of this work is covered.
- **Plaster** – When the backing and lath is in place ready for plaster or stucco. For gypsum wallboard (drywall), when the nailing has been completed but before the joints have been covered.
- **Final** – When the construction or work is completed and the structure is ready for occupancy, but before being occupied. All fixtures and fixed appliances must be installed. The Department may also make any other inspections to assure compliance with any laws enforced by the Department.

### **Issuance of the Certificate of Occupancy and Change of Use Permit**

A Certificate of Occupancy and a Change of Use Permit are issued pursuant to a building permit for new construction, additions, and changes of occupancy after all the necessary construction has been approved by the inspector.

# MERCED CITY DEPARTMENT DIRECTORY

## **Business Licenses**

### **Finance Department**

The Civic Center  
678 W. 18<sup>th</sup> Street  
Merced, CA 95340  
Open: 8am-5pm  
Tel: (209) 385-6843

website Address: [www.cityofmerced.org/dept/finance](http://www.cityofmerced.org/dept/finance)  
e-mail: [BLinquiry@cityofmerced.org](mailto:BLinquiry@cityofmerced.org)

### **Development Services & Planning Department**

Planning / Permitting / Zoning  
678 West 18<sup>th</sup> Street  
Merced, CA 95340  
209-385-6858

### **Building and Safety Department**

Permit Information / Inspection Services / Building Code Violations  
678 West 18<sup>th</sup> Street  
Merced, CA 95340  
209-385-6861

Inspections (only 24 hr. recorder)  
209-723-2489

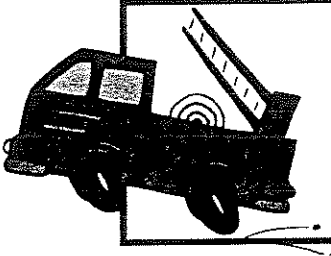
### **Parks & Community Services**

Tel: (209) 385-6855  
Fax: (209) 384-5805  
website: [www.cityofmerced.org](http://www.cityofmerced.org)

### **Fire Department City of Merced**

99 East 16<sup>th</sup> Street  
Merced, CA 95340  
Tel: 209-385-6891

E-mail: [fireweb@cityofmerced.org](mailto:fireweb@cityofmerced.org)  
website: [www.cityofmerced.org/depts/fire](http://www.cityofmerced.org/depts/fire)



### **Redevelopment Agency and Office of Economic Development Contacts**

(209) 385-6827

## **MERCED COUNTY CONTACT INFORMATION**

### **A.C.C.E.S.S.**

#### **A Child Care Education Services System**

Resource & Referral  
1520 West Main Street  
Merced, CA 95340  
(209) 722-3804  
[www.mcoe.org](http://www.mcoe.org)

#### **Merced County Planning**

2222 M Street  
Merced, Ca 95340  
(209) 385-7654  
[www.co.merced.us/planning](http://www.co.merced.us/planning)

#### **State of California Department of Consumer Affairs**

(Contractor/Handyman State License Board)  
3374 E. Shields Ave., Room E-17  
Fresno, CA 93726  
1-800-321-2752  
[www.cslb.ca.gov](http://www.cslb.ca.gov)

#### **Merced County Sheriff's Dept.**

700 W. 22<sup>nd</sup> Street  
Merced, CA 95340  
(209) 385-7555

#### **State of California Board of Equalization**

(Sales Tax Number)  
31 E. Channel Street, Room 264  
Stockton, CA 93729  
1-800-432-2829  
(209) 948-7720

#### **Merced County Clerk**

(Fictitious Business Name Statement)  
2222 M Street  
Merced, CA 95340  
(209) 385-7541  
(basement floor)

#### **Building & Safety Division**

2222 M Street  
Merced, CA 95340

[www.co.merced.ca.us](http://www.co.merced.ca.us)

(209) 385-7477

#### **State of California Employment Development**

(State Tax ID)  
1205 W. 18<sup>th</sup> Street  
(209) 726-5450

#### **California Department of Social Services**

Community Child Care Licensing-Fresno Child Care  
770 E. Shaw Avenue, Suite 300  
Fresno, CA 93710-7785  
(559) 243-4588  
<http://ccld.ca.gov>

#### **Commerce Aviation and Economic Development**

Castle Airport Development Center  
(County Business Licenses)  
2507 Heritage Drive, Bldg 1230  
Merced, CA

#### **Internal Revenue Service**

(Federal Tax ID Number)  
1-800-829-1040

## **City & County Planning Departments**

### **City of Atwater**

Community Development Department  
750 Bellevue Road Atwater, CA 95301  
Office: (209) 357-6300  
Fax: (209) 357-6302

### **City of Livingston**

Community Development Department  
1416 C Street Livingston, CA 95334  
Office: (209) 394-8041  
Fax: (209) 394-4190

### **City of Los Banos**

Community Development Department  
520 J Street Los Banos, CA 93635  
Office: (209) 827-7000  
Fax: (209) 827-7006

### **City of Dos Palos**

Planning Department  
1546 Golden Gate  
Dos Palos, CA 93620  
Office: (209) 392-2178  
Fax: (209) 392-2801

### **City of Gustine**

Planning Department  
682 Third Avenue Gustine, CA 95322  
or P.O. Box 16 Gustine, CA 95322  
Office: (209) 854-6471  
Fax: (209) 854-2840

### **City of Merced**

Community Development Department  
678 W. 18<sup>th</sup> Street Merced, CA 95340  
Office: (209) 385-6834  
Fax: (209) 723-1780

### **Merced County Administration Building**

Planning Department  
2222 M Street  
Merced, CA 95340  
Office: (209) 385-7654  
Fax: (209) 726-1710

## Merced County Community Resources

### **First 5 – Merced County**

3327 M Street, Suite C

Merced, CA 95348

Tel: (209) 725-3776

Fax: (209) 725-3778

[www.first5.org](http://www.first5.org) or <http://prop10.merced.ca.us/>

Provides funding for organizations/individuals to develop and implement programs, projects, services and activities that improve the well-being of children and help prepare them for school.

### **Local Child Care Planning Council (LPC)**

Merced County Office of Education

A.C.C.E.S.S.

1520 W. Main Street

Merced, CA 95340

(209) 722-3804

<http://www.mcoe.org>

The LPC coordinator in your community can help in the facilities development process by providing information on: The highest need areas for child care in the county; Local priorities designed to meet those needs; Referrals to other community resources.

### **Resource and Referral (R&R)**

Merced County Office of Education

A.C.C.E.S.S.

1520 West Main Street

Merced, CA 95340

Tel: (209) 722-3804

<http://www.mcoe.org>

Provides help in the facilities development process which include: County-specific information about the current supply of licensed child care; Local demographic information; Data on local market rates for licensed child care services and staff wages; Dates for upcoming licensing orientation meetings; assistance making your services known in the community; Low-Cost or free trainings on a range of subjects.

### **Family Resource Council (FRC)**

1573 West Main Street

Merced, CA 95340

(209) 381-5980

[www.frc.merced.k12.ca.us/frcweb/](http://www.frc.merced.k12.ca.us/frcweb/)

The FRC leverages diverse community resources by building strong local cooperatives that broaden community capacity building efforts and ensures that ongoing collaboration.

### **Challenged Family Resource Center**

827 West 20<sup>th</sup> Street

Merced, CA 95340

(209) 385-5314

[www.challengedfrc.com](http://www.challengedfrc.com)

Challenged FRC, is a 501(c)(3) non-profit organization where the parent-to-parent support is the heart of our mission. Challenged is a place where you can get information on raising and educating your child. Challenged is a place where families, schools, and communities can come together to help children with special needs to be successful in school and life.

### **The Alliance Small Business Development Center (SBDC)**

P.O. Box 1029

Merced, CA 95351

Tel: (209) 381-6557

[www.alliancesbdc.com](http://www.alliancesbdc.com)

Recognizes the vital role small business plays in the economic success. The center provides one-on-one business counseling and meets the needs of existing and start-up businesses through workshops, seminars, business research, and entrepreneurial training.



## Additional Resources

### **Public Counsel Law Center**

601 South Ardmore Avenue  
Los Angeles, CA 90005  
Tel: (13) 385-2977  
[www.publiccounsel.org](http://www.publiccounsel.org)

Provides free legal assistance to existing and/or potential state licensed family child care providers and non-profit child care centers on the legal issues they will face as a unique small business owner.

### **National Association for the Education of Young Children (NAEYC)**

1509 16th Street, N.W.  
Washington, DC 20036-1426  
[www.naeyc.org](http://www.naeyc.org)

A source for early childhood resources and information. Find out about the Accreditation process, criteria, application, and NAEYC resources for Accreditation, plus much more.

### **National Association for Family Child Care (NAFCC)**

5202 Pinemont Drive  
Salt Lake City, Utah 84123  
Tel: (801) 269-9338  
[www.nafcc.org](http://www.nafcc.org)

Provides technical assistance to family child care associations. Promotes high quality family child care through accreditation, leadership training, technical assistance, public education, and policy initiatives.

### **Low-Income Investment Fund (LIIF), ABCD Initiative**

800 South Figueroa Street,  
Ste 760  
Los Angeles, CA 90017  
Tel: (213) 627-9611  
<http://www.liifund.org/site/about/mission.htm>

Through a family of funds – Affordable Buildings for Children's Development (ABCD) Fund, Revolving Loan Fund, Fund for Children and Communities, San Francisco Child Care Facilities Fund, New York Child Care Seed Fund, Making Space for Children, and the Low Income Housing Fund, this community development financial institution provides capital and technical assistance to those looking to address the needs of low-income people and communities, specifically in the areas of housing, child care, education, workforce development and other community-building initiatives.

### **WestEd**

730 Harrison Street  
San Francisco, CA 94107  
Tel: 1-877-4-WestEd  
[www.wested.org](http://www.wested.org)

A non-profit research, development and service agency, striving to enhance and increase education and human development in schools, families, and communities. WestEd provides learning opportunities, consulting and technical assistance in education and human development including Early Childhood/Early intervention and Prevention programs and Special Education and Disabilities programs for children with special needs.

**Child Care Advocate  
Program (CCAP)**

Northern California  
Bay Area Child Care  
Regional Office  
1515 Clay Street, Ste 1102  
Oakland, CA 94612  
1-888-411-3535  
[www.buildingchildcare.org](http://www.buildingchildcare.org)

Your Advocate can provide: A first line of licensing information and assistance to providers who want to expand, renovate, or start child care programs; Answers to licensing questions; inspections of potential facilities; Reviews of site plans.

**Note:** It is essential to contact your Advocate before any large design decisions or changes are made so that he or she can help you identify potential licensing problems before you make financial commitments.

**Building Child Care**

2201 Broadway,  
Suite 815  
Oakland, CA 94612  
1-888-411-3535  
[www.buildingchildcare.org](http://www.buildingchildcare.org)

Provides a network of information and services for people interested in acquiring, building, renovating, or expanding child care facilities. Detailed information related to the stage 4 of the child care facility development is also included.

**NACCRRRA**

3101 Wilson Boulevard  
Suite 350  
Arlington, VA 22201  
Tel: (703) 341-4100  
Fax: (703) 341-4101  
[www.naccrra.net/](http://www.naccrra.net/)

Non-profit organization dedicated to providing child care information to parents, professionals, and advocates. It is an internet-based child care referral and reporting software program that manages family, child care program, and community data. NACCRRRAware™ is a modern, internet-enabled child care resource and referral software.

**California Child Care Resource & Referral Network**

111 New Montgomery Street  
7<sup>th</sup> Floor  
San Francisco, CA 94105  
Tel: (415) 882-6233  
[info@rrnetwork.org](mailto:info@rrnetwork.org)

R&R services have evolved from a grassroots effort to help parents find child care, to a well-developed system that supports parents, providers, and local communities in finding, planning for, and providing affordable, quality child care.

## Child Care Center Facility Development Checklists

**When planning to expand, renovate, build or purchase a child care center,** whatever the type, it is very important to think through the entire process by breaking all of the activities down into four stages:

Stage 1 - Planning

Stage 2 - Predevelopment

Stage 3 - Development

Stage 4 - Start-Up

Though these steps are laid out sequentially here, some may occur simultaneously and others might not be necessary depending on the type and scale of your project. Also, it is important to note that while this list represents a number of the activities involved in a facilities development project, each project varies and so in addition to reviewing these steps you should also be sure to identify what other steps might be required for your own project.

To learn more about getting help with these steps you can call the Building Child Care toll free line at 888-411-3535, and you can visit the Community Resources section of the site or call A.C.C.E.S.S. Resource & Referral office (209) 722-3804.

### Stage 1 - Planning

1. Market Demand
2. Financial Feasibility
3. Organizational Capacity

***Note:** The planning stage is the most essential in any facilities development process, because the more time and attention that goes into planning the project, the less likely it is that you'll face costly mistakes in the later stages. Additionally, careful attention to the steps in the planning stage allows you to learn early on if you or your business is not ready to take on the financial risk of a facilities development project.*

#### 1. Market Demand

- a. Estimate the number of families demanding services in your area at the rate to be charged (note: this is not an estimate of those who just need services, but of those

who demand the services and can pay your rates or use vouchers). Contact the Resource and Referral Agency (R&R) and the Local Child Care Planning Council (LPC) at (209) 722-3804 to find out about the existing supply and the highest need for care in your area. (See Appendix PP Merced County Portfolio.)

- b. Decide whether your services will target low-income, middle-income, and/or affluent families. This decision will affect both the rates you charge and your eligibility for subsidy programs.
- c. Decide what age group(s) your services will cater to. This will affect your assessment of local supply and demand. Keep in mind that different age groups have different requirements for both staff and room size, which will impact your operational budget and site selection.
- d. Assess whether or not the rates you intend to charge will generate enough revenues to meet the costs of operating expenses and the debt incurred by the facilities development project.
- e. Begin to write a business plan that addresses these issues (Appendix G). For assistance with business planning contact the Small Business Development to find out what local resources are available to you (see pg. 28). If you are developing a nonprofit center then other resources may be available through local nonprofit management assistance programs as well.

## **2. Financial Feasibility**

- a. Estimate the overall start-up or capital cost of the facility development process and divide this into
  - i. Soft costs (design, permits, legal, and financing),
  - ii. Hard costs (acquisition, construction, equipment - a contractor can help you estimate these), and
  - iii. Hidden costs (staff and board time, attention, lost income if an existing program has to close during construction).
  - iv. Contingency costs (a portion of construction costs set aside to cover unexpected expenses).
- b. Design an operating budget for your child care business. In identifying your expected revenues (incoming money from parent fees and vouchers, state subsidies, etc.) you shouldn't project that your program will ever be more than 90% full because it usually takes at minimum six months to reach capacity, and even then it is quite common for enrollments to fluctuate throughout the year.
- c. Identify the financing you will need to cover your start-up and operational budgets. You may need to adjust your budget projections as you figure out more specific details about your incoming revenues.
- d. Analyze your capability to apply for financing (i.e. loans) by determining debt capacity, or debt service coverage (for definitions see the Glossary of Loan Terms).

- e. Ensure that you will have enough working capital at the end of the facility development process to cover at minimum three months of operating expenses because revenues take time to come in as enrollment builds. It is best to have an even larger cash reserve if possible in order to prepare for any cash flow problems that may occur, especially for new programs.
- f. Identify donor relationships and look into new ones for development grants and especially for donations of toys, equipment, furniture, dress-up clothes, building supplies, etc. You should also try to identify potential partnerships with other community organizations like churches, hospitals, and schools that might be able to collaborate with you to provide certain services and share some expenses.
- g. Determine your legal status as a nonprofit or for-profit child care program. This will directly affect your approach to obtaining financing. To become a nonprofit you will need to establish a Board of Directors, form a nonprofit corporation (501c (3)), and file for your tax-exempt status with the IRS. To become a for-profit you will need to decide if you want to be a sole proprietor, a corporation, or a partnership.

### 3. Organizational Capacity

- a. Establish a development team of individuals to lead the facilities development project. Explore volunteer, pro bono, or in-kind assistance options before seeking paid consultants.
- b. Ensure that the staff, the board, and the leader(s) share a commitment to take this process in the same direction. Also, assess whether you have the staff/skills needed for the long term process of facilities development.
- c. Evaluate your financial readiness as an organization by identifying red and green flags:
  - 1. **Red Flags** - difficulty paying bills, deficits in recent years, large amounts of uncollected receivables such as parent fees, and a lack of any cushion or cash reserve.
  - 2. **Green Flags** - services are constrained by a lack of space, you are in a financially strong a growing position, and there is a clear demand for your services.
- d. Identify local support - know the community and the demand for services; have relationships beyond just the Early Care and Education (ECE) field; and make sure the community understands what you have to offer.

**MONEY NEEDED DURING THIS STAGE:** Equity (planning grants, internal resources) and limited Debt (soft loans)

## Stage 2 - Predevelopment

1. Site Selection
2. Site Control and Approval
3. Project Design
4. Securing a Contractor
5. Obtaining Financing for the Development Process

### 1. Site Selection

- a. **Expanding or Renovating an existing facility:** Evaluate the site and neighborhood in relation to the project concept, the size of the lot, zoning and licensing requirements, health and safety issues, the quality of the existing structure, and design, engineering, repair and renovation costs.
- b. **Finding a new site:** Evaluate the site in relation to the project concept, site costs (direct and indirect), quality of the neighborhood, licensing requirements, zoning and land use restrictions, size, plans for new developments in the area, health and safety issues, infrastructure (utilities, roads, easements), traffic patterns, transportation, parking and access to the building.

### 2. Site Control and Approval

- a. Explore different site control alternatives and determine which method fits best with your project needs, such as using an option, using a conditional lease or purchase contract, using a joint venture agreement, etc.
- b. Contact Community Care Licensing to review the site plans and to advise you on licensing requirements.
- c. Seek information about required public approvals (e.g. *land use/zoning; building code, health, safety; community care licensing requirements; fire clearance, insurance*) and find out if your identified site will have any problems obtaining these approvals once the facility development process is complete.

### 3. Project Design

- a. Discuss project design with an architect to translate the project concept into a physical design that meets the organization's program goals, budget constraints and satisfies public approval requirements. Include input from parents, children and your staff when designing the project.
- b. Review required vs. recommended elements of design.
- c. Visit other similar facilities in and around your community and talk with other child care providers to identify successful designs and mistakes to avoid.

- d. Research cost-effective design options, taking into account both the initial costs and the long-term quality and maintenance consequences of using certain materials and equipment.

#### 4. Securing a Contractor

- a. Solicit and review at least three bids from qualified contractors.\*
- b. Check license, references, qualifications and insurance.
- c. Negotiate a contract\* that includes a scope of work, a work schedule, a payment schedule, a cancellation policy, and agreement about what happens if there are cost overruns or delays. Also, specify a payment type, either lump sum or guaranteed maximum price. \*Note, funders may have requirement

#### 5. Obtaining Financing for the Development Process

- a. Finalize the business plan with the following components:

- an executive summary of the plan,
- organizational capacity information,
- a description of the proposed project,
- a market analysis,
- a marketing plan,
- an operations plan,
- a financial management plan, and
- supporting documents.

(For more information about child care business plans, see the Child Care Center Financial Planning and Facilities Development Manual, Chapter 3: Developing a Business Plan available for order in Publications).

- b. Determine the start up/capital budget for the project including:

- facility related costs and deposits,
- personnel costs prior to opening,
- supplies and equipment costs,
- lost income if the program has to close during construction,
- other costs like insurance, advertising, legal, professional and licensing fees, and
- contingency costs to cover unexpected expenses.

- c. Identify likely funding sources (e.g. public, philanthropic, nonprofit, and commercial sources). Look first to financial institutions where you already have a relationship. If there are none, think about local community lenders, and be sure to price shop for the best overall terms. (For more information visit the Financial Resources page)

- d. Apply for funding, secure commitments, close loans, and have cash in hand before construction begins.

**MONEY NEEDED DURING THIS STAGE:** Equity (planning grants, internal resources) and limited Debt (soft loans)

## Stage 3 - Development

- 1. Construction or Renovation of the Site**
- 2. Equipping the Classroom**
- 3. License Approval for the Facility**
- 4. Personnel**
- 5. Marketing the Program in the Community**

### **1. Construction or Renovation of the Site**

- a. Identify the key person responsible for overseeing all site and design developments.
- b. Ensure that the construction process is conducted according to the arranged design, budget, and timeline.
- c. Develop a "punch list" of corrections that need to be made after the final inspection.
- d. Release the final payment (the "retention") only after the punch list is completed.
- e. Clarify call back and warranty procedures.
- f. Prepare a maintenance schedule for the facility.

### **2. Equipping the Classroom**

- a. Purchase appropriate furniture and curriculum specific materials for the classroom(s). Make sure the timing of this step correlates with the timeline established for developing and opening the facility.
- b. Develop a plan for receiving, installing, and taking inventory of all supplies and equipment.

### **3. License Approval for the Facility**

- a. Submit a completed application and pay fees to your local Community Care Licensing office. You will receive further details and materials at the orientation meeting.
- b. Submit fingerprint cards and child abuse index form.
- c. Set up an appointment with your local fire department for an inspection to obtain fire clearance.
- d. Set up an appointment with a certified playground inspector to review your playground.



- e. Make sure that you have obtained all required public approvals (see Predevelopment 2c). Then send your criminal record, child abuse index, and clearances to your Community Care Licensing Office.

#### **4. Personnel**

- a. Identify how many staff members you will need, when they will work, what their responsibilities will be, and how much they will be paid, including benefits and staff training opportunities.
- b. Begin advertising for staff at least 60 days in advance of your anticipated start date by contacting local teachers, college placement offices, vocational high schools, the state licensing office, your local Resource and Referral agency, and the local employment agency.
- c. Place job advertisements in the paper and post them at local grocery stores and Laundromats.
- d. Include the job title, a brief job description, required qualifications, application deadline, resume request, your telephone number, address and name on the job advertisement.
- e. Review applications, conduct interviews, contact references, and notify all candidates of your decisions.
- f. Clearly define personnel expectations and responsibilities to your staff.
- g. Recruit volunteers who can help with clerical and administrative tasks in order to save staff time.
- h. Contact government agencies to learn about public dollars that pay the salary of those needing job training and apprenticeship experience in child care settings.

#### **5. Marketing the Program in the Community**

- a. Create a unique message that clearly and concisely describes what is special about your child care business.
- b. Start marketing your services three months before you open. Include your program's name, address, hours of operation, ages of children served, fees, contact information, your unique message, and expected opening date on all advertising materials.
- c. Identify what parents look for and need from child care services in your community, and cater your child care program and marketing efforts to those needs.
- d. Devise an effective plan to promote your services and message. This plan will depend on your community and the type of organization you are promoting, but will most likely include a number of different techniques, such as word of mouth

networking, creating a distinctive logo, distributing business cards, flyers, signs and brochures, participating in community events, seeking free media coverage, offering on-site workshops and lectures, listing your program in the yellow pages, hosting an open house, and making a good first impression!

- e. Make sure that your program is registered with the local Child Care Resource and Referral Agency (R&R) so that they can refer parents in need of care to any slots you have available.

**MONEY NEEDED DURING THIS STAGE:** Debt (loans) and Equity (internal resources, grants)

## Stage 4 - Start-Up

1. Phase in Staffing and Children
2. Program Sustainability

### 1. Phase-in Staffing and Children

- a. Remember that you need to build up to full capacity. You won't start with a full staff or full enrollment the day you open.
- b. Try to start up in either early fall (August/September) or January, because these are the times of year when parents are most likely to make changes in care arrangements since they correlate with breaks in the school schedule.
- c. Create parent/provider contracts in order to lay out in advance all expectations and responsibilities for both you and the parents whose children are enrolled in your child care program.
- d. Maintain your image and publicity even after the facility is up and running. For example, bring business cards with you whenever you go out with the children, make T-shirts for the children to wear on field trips, and make sure your services are well known throughout the community.
- e. Establish a waiting list if possible because child care enrollment can fluctuate easily and you will want to fill vacancies as quickly as you can to ensure regular cash flow.

### 2. Program Sustainability

- a. Maintain relationships with funder and build new relationships with funder consistently, even when you don't need money. It is important to stay aware of all funding opportunities.
- b. Establish an operating reserves budget so that you are prepared for unexpected expenses and cash flow inconsistencies.
- c. Be realistic about the fees you charge and adjust them over time as your expenses change, but always give parents advance warning of these changes.
- d. Above all, balance your service obligations with your business obligations. If you don't attend to the business matters of your child care program you won't be able to provide high quality services.

**MONEY NEEDED DURING THIS STAGE:** Equity

## **BASIC INFORMATION REGARDING LAND USE AND ZONING FOR CHILD CARE FACILITIES DEVELOPMENT WORK**

This primer is designed for persons working to increase the number of child care centers and/or the capacity of existing centers. It provides some basic information on land use and zoning to enable you to assist potential child care operators develop a new center or expand an existing center. This primer should also prove useful to you in your work in making local jurisdictions more "child care friendly" by eliminating unnecessary burdens and barriers to child care.

Except in very rare circumstances, cities and counties are free to regulate land use decisions without state oversight. State law gives local jurisdictions a lot of discretion about how to regulate the use of property. Accordingly, land use and zoning matters can become very complicated. Therefore, you should always consult a land use expert if a matter is unclear or before applying for any land use permit. Land use experts are not necessarily attorneys. Private planning consultants and other non-lawyers often have extensive experience in land use issues. There are times when a planning consultant may be a better choice than an attorney. Please see pages 25-30 for local resources.

### **The Importance of Determining Zoning and Land Use Regulations In Advance of Purchase or Lease of Property is Key**

All jurisdictions provide mechanisms to change existing zoning or land use regulations. However, the fact that you can apply to change the zoning or a regulation, does not mean that your application will be granted. Besides being uncertain of the outcome, most applications to change zoning or a land use regulation are time consuming and costly.

Further, courts are very deferential to a jurisdiction's decision about the use of land. While the judicial system will enforce most procedural rules, the substance of a land use decision is rarely successfully challenged. Therefore, if a jurisdiction decides to deny a permit to a child care center or if it places onerous conditions on a center, it is unlikely that a court will grant the center relief. Officials are well aware that primarily the voters – not the courts, will scrutinize their decisions. And, their decisions often reflect this!

Thus, the best way to assure a good outcome is to do your homework ahead of time. And, because each jurisdiction has broad discretion to regulate zoning and land use, you must investigate the applicable jurisdiction's rules as they may apply to a particular piece of property. For example, one jurisdiction may permit a child care center in a high density residential area. However, in another jurisdiction, all commercial use may be prohibited in a residentially zoned area. And, at least in larger cities, regulations may change depending on the location of a property. Parking requirements or setbacks may differ throughout a city.

There is no substitute for determining city requirements on a city by city, parcel by parcel basis.

## **Development Restrictions and Requirements**

Knowing if zoning permits a child care center is a good first step, but it is only that, a first step. Most jurisdictions also impose a slew of other requirements or restrictions on the development of a property. Some of these are county-wide; some of these are imposed for each zone; some of these are imposed only on certain uses. Theoretically, you could determine all these additional restrictions by reading the municipal code. Of course, this is not practical, and will also fail to turn up some "unwritten" rules.

Therefore, the next step in determining whether a child care center is feasible is to meet with a city planner and discuss the proposed development. You should start with the person you called to determine whether the zoning permitted a child care center. If that person cannot meet with you, ask them to tell you with whom you should meet. If you cannot reach anyone by telephone, you should simply go to the Planning Department to ask your questions.

You should only meet with your local planning jurisdiction after you have a general idea of what you want to do with the property. Without some information about what you are trying to build, a city or county planner will be unable to give you meaningful feedback.

Here are the general questions you should be able to answer before meeting with a city or county planner:

How large a center are you trying to build (in terms of size of the building as well as the number of children)? Is it new construction or a remodel? Are you using modular construction? Where do you think the vehicle entry and exit points will be? What type of signage do you envision?

You should bring to the meeting at least a rough diagram of the property, any existing structures that will remain, and a sketch of the building envelope (how big the building will be, including height). Show the sketch to the planner and ask the planner if the proposal meets city or county standards and requirements. If possible, bring an architect or someone familiar with land use issues to the meeting to make sure that you are asking the right questions (especially follow up questions!).

At a bare minimum, you should leave the meeting knowing:

- How many parking places you will need;
- Whether the proposed entry and exit locations are acceptable;
- Whether the city requires any "set backs" (set backs is the term used to describe how far away a building must be from the various property lines. Most jurisdictions have different set back requirements for the front, rear and side property lines);
- Whether there are any other restrictions governing the size of the facility (for example, a height restriction);
- Whether there is anyone else in your local jurisdiction that you should meet with to learn about special requirements. For example, in some cities, you may need to schedule a separate meeting with the transportation department or the department of building and safety.

Following this meeting, you should have a good understanding of what will be permitted and what parts of the proposed development may require special permits. Combining this information with

other information you are gathering about the proposed development should give you some idea of whether it is feasible to have a child care center at this location.

As a person who is working with child care facilities in that general area, you should try to learn whether the requirements you are being given for a particular development are city-wide or property specific. For example, the parking requirements may be applicable to any child care facility in the city. Once you have learned that information, you will be able to share it with your community partners and apply it to the next project. You will also be learning about regulatory barriers that may need to be addressed city-wide.

## WHAT IS A CONDITIONAL USE PERMIT? (MAY ALSO BE CALLED: LAND USE PERMIT OR ADMINISTRATIVE PERMIT)

As discussed above, if the local zoning code permits a child care center in a particular zone, that permission may not be automatic. Instead, most zoning ordinances identify certain land uses which do not precisely fit into existing zones, but which may be allowed upon approval of a conditional use permit (CUP). Other names for this type of permit are "special use permit," "land use permit," "administrative permit" or "development permit".

The uses for which a CUP may be required include community facilities (such as hospitals or schools), public buildings or grounds (such as fire stations or parks), temporary or hard-to-classify uses (such as Christmas tree sales or small engine repair), or land uses with potentially significant environmental impacts (hazardous chemical storage or building a house in a floodplain).

The city's zoning code will specify those uses for which a conditional use permit may be required, which zones they may be required in, and the public hearing procedure. Cities often require a child care center to obtain a CUP. If the CUP is granted, it will usually be subject to certain conditions being met by the permit applicant. Alternatively, it may deny uses that do not meet local standards.

If a conditional use permit will be needed to open a child care center, you should find out from the city:

- What findings will be required for the City to approve a center (these are often broadly worded to cover all types of conditional uses);
- What the City typically relies on in making those findings (i.e. what type of evidence the provider will need to assemble);
- If there are any conditions routinely required for child care centers;
- The process for obtaining a CUP and approximate time line for a decision from the city.

You should also pick up a copy of the application for a conditional use permit. You should consult with a local land use expert in filling out the CUP application.

## WHAT IS A VARIANCE?

A variance is basically the grant of an exemption to a land use regulation. State law does require some amount of consistency in the application of land use regulations; therefore variances can only be granted if there is something unique to a particular property that makes the application of a land use regulation unduly harsh and unnecessary. For example, an irregularly shaped property may make it difficult to comply with setback requirements and still make productive use of the property. In some circumstances, this may make the grant of a variance from the strict application of the setback requirements appropriate.

It is theoretically possible to ask a city for a zoning variance to allow a child care center in a location not otherwise permitted under its code. However, since state law requires variances to be tied to some particular circumstance of the property, it is very difficult to obtain a zoning variance to allow a use otherwise prohibited.

More typically, variances are used to alter other municipal code requirements of a center, for example parking, set backs, landscaping, or height restrictions. Because variances are not easy to obtain, all other avenues should be explored before resorting to a variance. For example, if the regulation is ambiguously worded, you might instead seek an administrative interpretation of the regulation that gives you the same relief as a variance.

## WHAT IS A ZONE CHANGE?

If the property is zoned in such a way that prohibits a child care center, you may request that the zone be changed to one that permits a child care center. Unlike variances, zone changes are subject to little state regulation. And zone changes can be tailor made for a particular development. However, zone changes tend to more complex and can often take a significant amount of time.

## Other Land Use Terms

Here are some additional land use terms that you may have heard or may hear in your facilities work:

**General Plan** (also referred to as the Community Plan). Every local jurisdiction must have a general plan that guides the development of its territory. There are certain required elements of a general plan (housing, land use, circulation, open space, etc.). Child care is not a required element, but some jurisdictions have opted to include child care as part of the general plan.

In nearly all cities, zoning and all land use regulations must be consistent with the general plan. In terms of day to day facilities work, you will not have much contact with the general plan. However, if you are seeking a discretionary permit, it is often a good idea to review the general plan to see if there are policies or provisions in the general plan that help your application. And, it is always a good idea to know if there is anything in the general plan that may detract from your application.

**Specific Plan.** Specific plans are optional and not every jurisdiction has them. The best way to think of them is as very detailed zoning ordinances. Typically cities use these as a way to plan to a particular area of a city that has special planning needs that would not be covered by the more general zoning ordinances. For example, a city may adopt a Specific Plan to cover the downtown area. If the property you are interested in is subject to a specific plan, you should be sure to review all portions of the plan that apply to your proposed development. Typically, so much community and political effort goes into adopting a specific plan that requests for variances from the plan are not encouraged.

**Subdivision** (or Tentative Subdivision Map). If an owner wants to subdivide a single parcel into multiple parcels to be sold separately, the owner will have to request permission from the local jurisdiction to subdivide the property. This is most often found in residential areas, but there can be commercial subdivisions. Unless the child care center is part of a larger development, most potential centers need not be concerned about subdivisions.

**Redevelopment.** Cities in California can adopt redevelopment project areas in "blighted" portions of the city. The term "blight" for purposes of redevelopment does not necessarily mean what it means in common usage. If a proposed child care center is in a redevelopment project area, the center will likely require approval by the redevelopment agency. In virtually all cities, the redevelopment agency board and the city council are the same people. Nevertheless, the project may require a separate approval from the redevelopment agency. Being in a redevelopment project area may make the child care center eligible for funds not available in other parts of the city.

**Grandfather clauses or "grandfathered".** In general terms, this refers to a land use regulation that does not apply to existing developments. For example, the City may adopt a new parking ordinance that increases the number of parking spaces for a child care center. This will not apply to an existing center so people often say, "the parking is grandfathered". When you hear this term in connection with a proposed development, it is very important that you find out the terms of the grandfather clause. Some apply for a specific amount of time (for example, a new sign ordinance may allow existing businesses to keep a non complying sign for a specified period of time). Some apply as long as a facility is used in the same manner (for example, as long as it is a child care center). Some apply until a new permit is requested (for example, a permit to expand the center). The term "grandfather



clause" without more does not give you enough information to proceed with a new development or an expansion.

**Legal non conforming use.** This refers to a situation in which the current zoning prohibits an existing use of the property. For example, a housing development may be built on property that had been zoned residential, but was later zoned commercial. Most cities permit the residential building to remain, but will not permit that building to be replaced by another residential building. If the building is demolished, the property will then need to be used consistent with the new zoning. In addition, many cities limit the amount of repair and rehabilitation work that may be done on a legal non conforming use. Expansions of legal non conforming uses are generally not permitted. Therefore, if you are evaluating an expansion or renovation of a center that you are told is a legal non conforming use, you need to thoroughly investigate the local rules to determine if an expansion or contemplated renovation will be permitted.

**Certificate of Occupancy ("COO").** A certificate of occupancy is issued by the local jurisdiction's building and safety department. It is issued as a certification that the building complies with all building and safety codes applicable to the building and its use. It is important to note that different building codes apply to child care centers than to other commercial uses. Therefore, an office or warehouse building being remodeled for child care use will require the issuance of a new certificate of occupancy establishing that building and safety codes applicable to child care have been satisfied. There is no public hearing or opportunity for public input on the issuance of a Certificate of Occupancy.

## **Merced City Fire Department**

### **Large Family Child Care Inspection Guidelines**

Definition: CBC Section 205; "Large Family Child Care Home, is a provider's own home licensed to provide child care for periods less than 24 hours per day for 9 to 14 persons, including children under the age of 10 who reside at the home."

Requirements: California Building Code

- CBC Section 310.15.2; Approved State Fire Marshal approved single station smoke detectors.
- CBC Section 310.15.3; At least one 2A10BC rated fire extinguisher with a current State Fire Marshal service tag attached.
- CBC Section 310.15.4; At least one manual fire alarm pull station is required.
  1. Not required to be UL listed or connected to any other system.
  2. Must be loud enough to reach 15db above ambient noise level.
  3. Must be attached to the structure.
- Evacuation Plan; An evacuation plan indicating exits, fire alarm, smoke detectors, and fire extinguisher must be posted.
- CBC Section 1010; Exits
  - ☒ Two exits which are remotely located from each other.
  - ☒ A sliding door may be used as one of the exits.
  - ☒ Exit doors, including sliding doors shall be operable from the inside without the use of a key or any special knowledge or effort.
  - ☒ Not permitted above the first floor unless provided with an approved automatic fire sprinkler system.
  - ☒ Where basements are used for child care purposes, one of the doors must exit directly to the exterior.

## **How Large Family Child Care Homes Can Be Good Neighbors**

It's easy to avoid neighborhood complaints if you are a considerate neighbor yourself!

- It's important to build a friendly and mutually considerate relationship with your neighbors.
- Let your neighbors know that you plan to operate a child care business out of you home.
- Be considerate of you neighbors schedules. For example, if you have a neighbor who works nights and sleeps during the day, you may want to schedule outdoor play for later in the day. Or better, yet; check with your neighbor and develop a plan that works for both of you.
- Remind your families to park in designated parking for drop-offs and pick-ups. Please avoid blocking your neighbor's driveway.

Remember that your home is your business. Keep it looking neat and tidy!

## Health and Safety Facility Checklist

- | Yes                      | No                       |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Is the tap water 120° degrees Fahrenheit or less?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Are there safety covers on all electrical outlets?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Are radiators, pipes, fireplaces, wood burning stoves and other hot surfaces covered to prevent children from being burned?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Are windows secured so they cannot be opened more than six inches?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Is there a gate on stairways?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Does the gate have small enough openings to prevent a child's head from getting stuck?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Are knives, other sharp objects and dangerous appliances kept in a secure place out of the reach of children?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Are pot handles always turned toward the back of the stove?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Are cleaning materials and other toxic supplies kept in a secure place out of reach of children?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Is trash stored away from food preparation and storage areas? Trash must have a cover.  |
| <input type="checkbox"/> | <input type="checkbox"/> | Are toilet seats kept down?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Are electrical equipment, hair dryers, shavers, curling irons, etc. kept away from water and out of reach of children?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Is the play area fenced if it is near a dangerous area such as a busy street?   |
| <input type="checkbox"/> | <input type="checkbox"/> | If there is a pool, is there a five foot see through fence around the pool with a self-latching gate, with lock, where the latch is at the top or a covering strong enough to support the weight of an adult? |
| <input type="checkbox"/> | <input type="checkbox"/> | If the provider has permission to transport a child, does the vehicle have seatbelts and car seats appropriate for the size and age of the child?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Is the provider aware of the right of the parent to enter the home and see their child at any time during which care is being provided?   |
| <input type="checkbox"/> | <input type="checkbox"/> | If you have play equipment (swings, slides, etc..) does the play are have a soft surface such as sand or woodchips?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Is there a First Aid kit available for emergencies?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Is there a C16 Contractor Approved fire extinguisher and working smoke detector and alarm system (for large family child care homes and centers)?   |

## **102371 FIRE SAFETY CLEARANCE**

- (a) A fire safety clearance approved by the city or county fire department, the district providing fire protection services, or the State Fire Marshal shall be required for a large family child care home.
  - (1) For purposes of Section 102371, "non-ambulatory persons" includes the following persons who would be unable to leave a building unassisted under emergency conditions:
    - (A) Any person who is unable, or likely to be unable, to physically and mentally respond to a sensory signal approved by the State Fire Marshal, or an oral instruction relating to fire danger; and
    - (B) Persons who depend upon mechanical aids such as crutches, walkers, and wheelchairs.
  - (2) The Director of Social Services or his/her designated representative, in consultation with the Director of Developmental Services or his/her designated representative, shall determine the ambulatory or non-ambulatory status of persons with developmental disabilities.
  - (3) The Director of Social Services or his/her designated representative shall determine the ambulatory or non-ambulatory status of all other disabled persons placed after January 1, 1984, who are not developmentally disabled.
- (b) A fire clearance shall not be required for a small family child care home.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.78, 1596.81(b), 1597.44, 1597.45, 1597.465, 13131, 13131.3 and 13143, Health and Safety Code.

## **Business Plan Outline for Child Care Centers**

### **COVER SHEET:**

Name, Address, and Phone Number of Business

Names of Principals

### **STATEMENT OF PURPOSE:**

Table of Contents

#### 1. The Business

- A. Description of the Business
- B. Location of the Business
- C. Competition and Feasibility Study
- D. Operating Procedures and Policies
- E. Personnel
- F. Business Insurance

#### 2. Financial Data

- A. Fundraising report and/or application for loan
- B. Capital Equipment and Supply List
- C. Balance Sheet
- D. Break-even Analysis
- E. Pro-Forma Income Projections (Profit & Loss Statement) 3yr.  
Summary – Detail by month, first year: Detail by quarter, second  
and third years: Assumptions upon which projections were based
- F. Pro-Forma Cash Flow - Follow guidelines from above

### **SUPPORTIVE DOCUMENTS**

- Tax returns of principals for last three years
- Personal Financial Statement (all banks have these forms)
- Information on family child care home location
- Copy of contractor' renovation or building estimates
- Copy of licenses or other legal documents
- Copies of resumes' of all principals
- Copies of references letters and/or letters of intent EG. Suppliers
- Copy of curriculum

## Child Care Business Resources

### Business Start-up and/or Expansions Consulting and Business Assistance

#### **ALLIANCE Small Business Development Center**

Merced Tri College TC-3 Rm-D  
PO Box 1029  
Merced, CA 95341  
Office: (209) 381-6557  
Fax: (209) 381-6552  
<http://www.alliancesbdc.com>

#### **Merced County Department of Commerce, Aviation and Economic Development**

2507 Heritage Drive  
Atwater, CA 95301  
Office: (209) 385-7686  
Fax: (209) 383-4959  
<http://web.co.merced.ca.us/econdev/index.html>

#### **SCORE**

Yosemite SCORE Chapter 556  
1880 W. Wardrobe Ave.  
Merced, CA 95340  
Office: (209) 724-2033  
Fax: (209) 725-3592  
<http://www.score556.org>

### Funding Source

Merced County  

- Revolving Loan Fund

\$5,000 to \$375,000

Merced County Department of Commerce,  
Aviation and Economic Development  
2507 Heritage Drive  
Atwater, CA 95301  
Office: (209) 385-7686  
Fax: (209) 383-4959  
<http://www.coed.merced.ca.us>

### Funding Source (continued)

#### **Valley Small Business Development Center**

- SBA Direct Microloan Program
- California Child Care Guarantee/Loan Program

7035 N. Fruit Ave.  
Fresno, CA 93711  
Office: (559) 438-9680  
Fax: (559) 438-9690  
<http://www.vsbdc.com>

#### **Innovative Bank**

- Community Express Loan

\$5,000 to \$50,000  
<http://www.innovativebank.com/site/soho.html>

#### **Business Loan Express (BLX)**

- Community Express Loan

[http://www.blxonline.com/Products\\_Community\\_Express.cfm](http://www.blxonline.com/Products_Community_Express.cfm)

#### **U.S. Small Business Administration (SBA)**

- 7a Loan Guarantee Program

Maximum loan amount \$1.5 million  
Contact most traditional banking institutes  
Business loan Department  
<http://www.sba.gov/financing/sbaloan/7a.html>

#### **U.S. Small Business Administration (SBA)**

- 504 Loan Program

Maximum SBA debenture \$1.5 million  
Success Capital Expansion & Development Corp.  
(SCEDCO)  
10121 "I" Street, 2<sup>nd</sup> Floor  
Modesto, CA 95354-0808  
Office: (209) 521-9372  
Fax: (209) 521-9373  
<http://www.scedco.org>

# Step By Step Checklist

<b>Number of Children Permitted</b> The number permitted includes children under to age of 10 who reside in the home. For centers, the number allowed is based on state license and square footage of building or room.	Up to 8	9 to 14	Limited-Depends on square footage of room or building
<b>Duration of Stay</b>	Less than 24 hours per day	Less than 24 hours per day	Less than 24 hours per day
<b>Type of Building Permitted</b>	Single Family Dwelling	Single Family Dwelling	Any non-residential building
<b>Permanent Sleeping Accommodations</b> Use of cots or mats for napping are permitted, provided all employees, attendants and staff personnel are awake and on duty for children.	Not permitted	Not permitted	Not permitted
<b>Community Redevelopment Agency</b> Verify location of proposed site. If site is in a designated Redevelopment Project Area, planning and development activities must be approved by this agency.	No	No	Yes
<b>Zoning Information</b> Permitted in the following zones.	Contact Local Planning Departments		
<b>Conditional Use Permit</b> Required if a Large Family Child Care Home is within 300ft of another large family day care home or if site is in an unauthorized zone.	No	Yes	Yes
<b>State Licensing</b>	Yes	Yes	Yes
<b>Fire Clearance</b> Required only if site capacity is 13 or more children.	No	Yes	Yes
<b>Fire Department Requirements</b>	No	See pages 46	See pages 49



# Step By Step Checklist

Business License	No	Yes	Yes
<b>Building Permit</b> Required for work being performed that requires a permit and a new Certificate of Occupancy.	Yes	Yes	Yes
<b>Plans Required</b> Plans are required for new construction or the conversion of a building to a child care center and must be prepared by a CA state licensed engineer or architect.	No	No	Yes
<b>Certificate of Occupancy</b> Required for new or expanded facilities or where there is a conversion of any existing building to a child care center.	No	No	Yes
<b>Change of Use Permit</b> Required for the conversion of any existing building to a child care center. Plans must also be submitted.	No	No	Yes
<b>Other Zoning Code Requirements</b>	No	Yes	Yes
<b>Disabled Access Requirements</b> Must comply with Title 24 requirements.	Check with your local jurisdiction	Check with your local jurisdiction	Yes
<b>Additional Requirements</b> Other requirements such as fire prevention devices, parking spaces, exits, doors, lighting, ventilation, room size, fixtures, furniture, equipment and supplies, outdoor activity space, drinking water, and disabled access may be necessary.	Yes	Yes	Yes

**1. Visit the Planning Department**

Determine if the facility will be a "Family Day Care" location - less than 14 children or a "Day Care Center". Family Day Care locations are governed under state code and are exempt from local ordinances, Day Care Centers require a Conditional Use Permit for any underlying zone, a business license, and if proposed in a residential area a Home Occupation License.

**2. The Written Application**

A Conditional Use Permit (CUP) Application may be obtained by visiting the City at 750 Bellevue Road or the web site [www.atwater.org](http://www.atwater.org). The application identifies the information needed to process the application. Applicants are encouraged to meet with and contact City Staff before the application preparation for feed back and assistance. The fee of \$375 must be paid at the time the application is submitted.

**3. Planning Staff Review**

Staff reviews the application and may request more information or suggest changes in the application before proceeding. The application is also routed to other departments for review and comments.

**4. Public Notices Sent Out**

Once the application is deemed complete a Public Hearing is agendized for the Planning Commission (PC). Notification is sent to all residents within a 350 foot radius of the project location by mail. The project information is posted on the City Web Site: [www.atwater.org](http://www.atwater.org), and notification is placed in the Atwater Signal at least ten days before the public hearing.

**8. City Council**

Upon an appeal the City Council will make the final decision to approve or deny the CUP.

**7. Appeal**

Either an approval or denial by the Planning Commission may be appealed to the City Council within 5 days of the PC action. The fee is \$50.

**6. Denial**

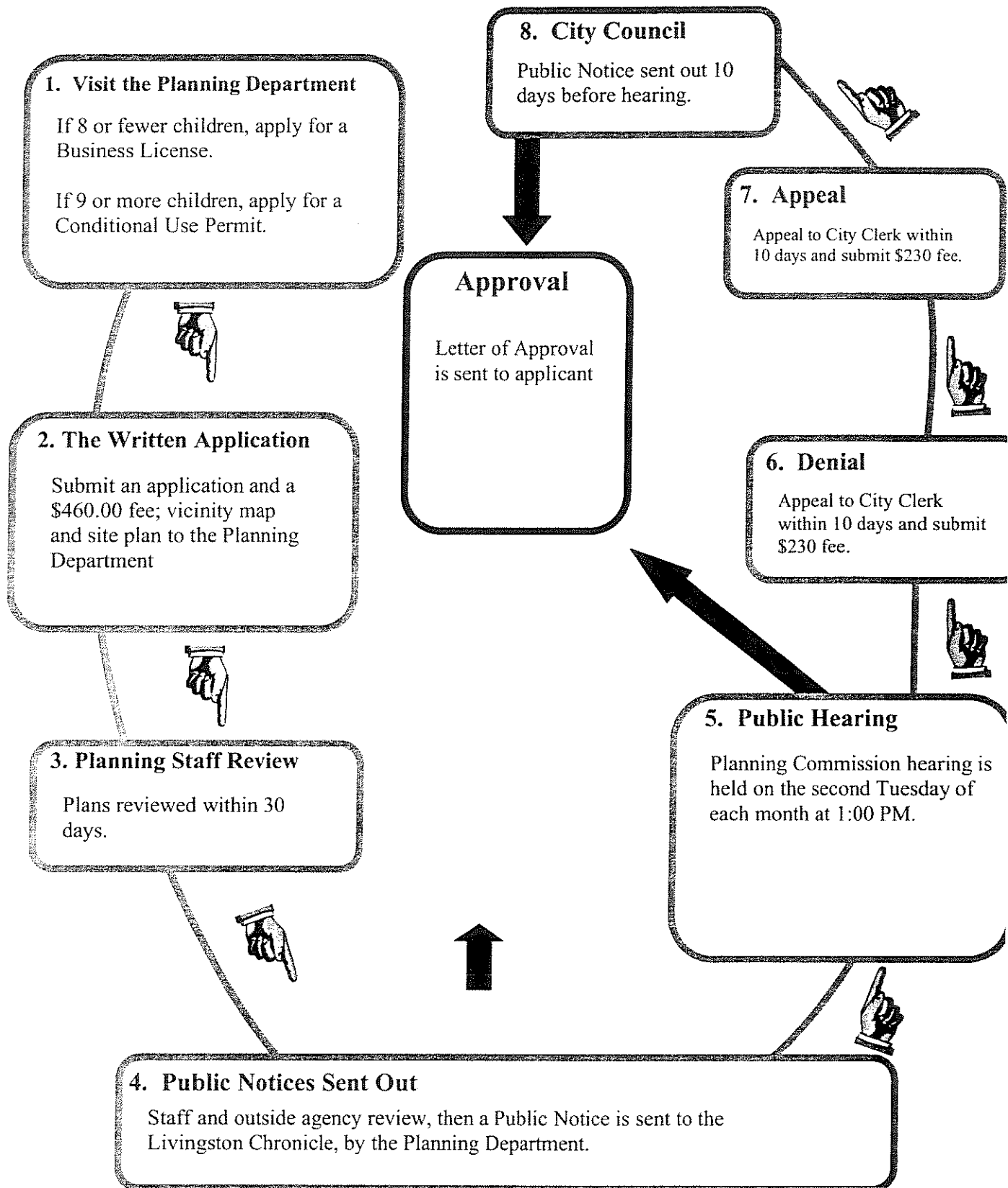
Due to neighbor complaints or other evidence that the project may negatively impact the surrounding uses the PC may deny approval of the CUP.

**5. Public Hearing**

The PC meets on the second and fourth Wednesdays of each month at 6 PM in the City Council Chambers, 750 Bellevue Road. Applicants are requested to attend and copies of the notice and CUP documents are sent prior to the meeting. The Hearing is open to public comments which may include concerns over noise, traffic, children's safety, and other possible concerns.

**Approval**

Congratulations!  
The Day Care Center has one year from the date of the CUP to begin operations or a new application and approval process will be required. The City Business License Process begins, and if the location is in a home the Home Occupation Permit approval also begins. Applications are available at the City Finance Department of web site. The Business License process requires a physical inspection of the proposed location before the license is issued and the business may open. In some instances specific items may need to be addressed based on health and safety concerns as noted by the Building Department and or Fire Department. These items may also require for an application for a building permit and further inspection before the business license may be issued. The Business License fee is \$60, the HOP is \$100.



**1. Visit the Planning Department**

Determine if the facility will be a "Small or Large Family Day Care" location – 8 or less children (small) or 9 – 14 (large) family day care or a "Day Care Center". Small family Day Care locations are governed under state code and are exempt from local ordinances, Large Family and Day Care Centers require an Administrative Permit.

**2. The Written Application**

An Administrative Application (AA) may be obtained by visiting County of Merced or the web site [www.co.merced.ca.us](http://www.co.merced.ca.us). The application identifies the information needed to process the application. Applicants are encouraged to meet with and contact County Staff before the application preparation for feed back and assistance. The fee of \$753 must be paid at the time the application is submitted. (If a public hearing is deemed necessary higher fees may apply).

**3. Planning Staff Review**

Staff reviews the application and may request more information or suggest changes in the application before proceeding. The application is also routed to other departments for review and a Preliminary Application Review meeting is set.

**4. Staff Report /Public Notices Sent Out**

Once the application is deemed complete and all the agency comments are received the staff report will be generated by the planning team assigned to the application. The Development Services Director may make the decision regarding approval or denial of the application at this time, or if a Public Hearing is required the application will be agenized for the Hearing officer (HO). Notification is sent to all residents within a 300 foot radius of the project location by mail. Notification is placed in the local paper at least ten days before the public hearing.

**8. Planning Commission**

Upon an appeal the Planning Commission will make the decision to approve or deny the AA.

**7. Appeal**

Either an approval or denial by the Hearing Officer or Director may be appealed to the Planning Commission within 5 days of the action. The fee is \$591.

**6. Denial**

Due to neighbor complaints or other evidence that the project may negatively impact the surrounding uses the Director or Hearing Officer may deny approval of the AA.

**5. Public Hearing**

Hearing Officer Meetings are held twice monthly at 2222 M Street in Merced. Applicants are requested to attend the hearing if one is required. Copies of the notice and AA documents are sent prior to the meeting. The Hearing is open to public comments which may include concerns over noise, traffic, children's safety, and other possible concerns.

**Approval**

Congratulations!  
The Child Care Center has one year from the date of the AA to begin operations or a new application and approval process will be required. The County of Merced Business License Process begins, in some instances specific items may need to be addressed based on health and safety concerns as noted by the Building Department and or Fire Department. These items may also require an application for a building permit and further inspection before the business license may be issued and commencement of operation of the Day Care.

**1. When is a license required?**

If less than 8 children, no license is required.

For 8 to 14 children, obtain a Business License application at the Planning Dept.

For more than 14 children, a Conditional Use Permit may be required.

**2. The Written Application**

Complete the Business License application. This application can be obtained at the City's website: [http://www.cityofmerced.org/depts/finance/business\\_license\\_applications.asp](http://www.cityofmerced.org/depts/finance/business_license_applications.asp), or it may be picked up at the City's Planning Department at 678 W. 18<sup>th</sup> Street, 2<sup>nd</sup> floor.

**3. Environmental Health Department**

The Environmental Health Department requires the City to refer all Large Family Child Care applications to their office for review. The application will need to be hand-carried to the Environmental Health Dept. at 777 W. 22<sup>nd</sup> Street. They will sign-off on the license, if appropriate. The applicant can bring the application back to the Planning Dept. for continued processing.

**6. Finance Department**

Once all required signatures have been obtained, the Finance office will issue the Business License.

**5. Police Department**

The Police Dept. will perform any necessary checks and sign-off the application, if appropriate. Typically, if an applicant has passed the State of California's background check, the Police Dept. will be able to approve the application. The Police Dept. will return the application to the Planning Dept. and the Planning Dept. will forward the application to the Finance Dept.

**4. Planning Review**

Planning staff will review the application and sign off, if appropriate. The application will be forwarded to the Police Department for their signature. Copies will be made for Inspection Services and Fire Departments. If inspections have already been performed, Planning Dept. staff may sign-off for the Inspection Services and Fire Departments. If inspections have not been performed, Planning Dept. staff will forward the application to the Finance Dept. to hold until the inspections can be made and the inspector signs-off on the application.