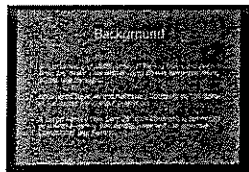


Presentation Outcomes

- At the completion of this presentation you will understand:
 - Responses to challenges raised at public permit hearings for large Family Child Care Homes (FCCH)
 - The permit and hearing process
 - What is within - and outside of - the local jurisdiction's scope
 - How to prepare and advocate
- ...and you will have greater appreciation of democracy in action!

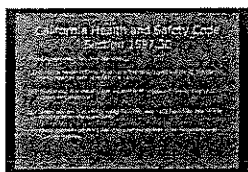
Introduction to FCCH Facts

- FCCH is an important resource in any community and CA. law offer certain protections
- Small FCCH are "Permitted By Right" = not subject to use permit process



FCCH Background Information

- CA State Licensing is Responsible for licensing FCCH in residences
- Small FCCH can care for up to 8 children, depending on ages; Large FCCH for up to 14 children depending on ages



Large FCCH Permit Processes

Health & Safety Code specifies that a local jurisdiction has 3 options for permitting Large FCCH in residential zones:

1. Allow By Right, as with Small FCCH
2. Require Non-Discretionary Permit, with no hearing, and limited to traffic, parking, noise, and concentration or spacing of FCCH.
3. Require Conditional Use Permit with same 4 issues, notify neighbors within 100 feet, and hold hearing only if requested by those noticed

Conditional Use Permit Hearings

- In spite of the protections by the state, land use regulations for child care is largely controlled at the local level, city or county
- Local jurisdiction may not be in compliance with state; though planning dept. may know and help
- If the jurisdiction chooses the Use Permit process with its notification of surrounding property owners, a hearing is probable; preparation should be made

Permit Fees and Time

- If the local jurisdiction has chosen the more restrictive options (Non-Discretionary or Conditional Use Permit), the permit standards must be reasonable, and not be overly burdensome and costly

Entities Which Can Hold Public Hearings

- Public hearing may be held by Planning Commission, City Council/Co. Board of Supervisors (highest levels especially for appeals of prior decision)



Public Hearing Procedures

1. Description of the project by planning staff and/or applicant (inquire of planner)
2. Questions from PC/Council/Board
3. Open public hearing: applicant usually first if hasn't presented case earlier, speakers from audience pro & con (time limit);
4. Public hearing officially closed;
5. Council discussion; only Council speaks unless applicant or staff are asked to respond. Then take vote to approve or deny permit.



Preventative Measures: FCCH as good neighbors

- It's important for FCCH to be compatible with residential neighborhoods, by working to minimize negative impacts from their operations
- Get to know your neighbors.
- Encourage them to talk to you if they have a concern
- Provide written instructions to parents on parking, traffic, safety, noise, and respect for neighbors



More Preventative Measures: Advocate

- Write a letter to the Editor
- Have elected representatives and planning commissioners visit your FCCH
- Join local civic associations and talk about the value of child care



Recruit Supporters

FCCH providers have lots of supporters:

- Resource & Referral Agencies
- FCCH Associations
- Unions
- Parents (offer child care and pizza so they can attend)
- Child Care Professionals, including the Child Care Law Center
- Neighbors
- City Council Members



Prepare Supporters

- People who will speak at the public hearing need to fill out a speaker card, and prepare to speak within the time limit (usually 3 minutes)
- People who can't make the hearing, can call or email the city council members at least a day before



Prepare Information

- Find out what other cities within the county require by contacting the planning departments, and see how your city compares
- Know the status of the existing license, and the date/year last visit
- Check with your local Resource & Referral Agency on supply and demand. FCCH is a good type of care for Infants and Toddlers



Gather Resources

- Child Care Needs Assessment reports have child care supply and demand statistics. Contact the Child Care Planning Council in your county for a copy
- Economic Impact of Child Care reports have information on the value of child care to the economy. Check the National Economic Development Law Center to see if there is a report for your county or state



Challenge: Parking

- There is not enough parking spaces in driveway and/or on street for child care parents to drop-off and pick up children, and for staff



Response: Parking

- Average time for drop-off & pick-up children is 5-6 minutes
- Know the city parking space requirements for FCCH by reviewing the planning department codes
- Know residents parking habits



Challenge: Noise

- Neighbors can't enjoy their yard with FCCH next door



Response: Noise

- Children playing in the FCCH yard create noise that is within normal neighborhood levels. Children are part of the community
- FCCH providers can limit outdoor play to hours when neighbors are least likely to be disturbed after 9:00 AM and before 5:00 PM



Challenge: Traffic

- The street was not designed for child care parents
- Too much traffic will make the street unsafe to play in
- There is only one way in and out of neighborhood



Response: Traffic

- Parents arrive and depart over hours in the morning and evening - not all at once.
- Large FCCH would add no more than a dozen cars over a few hours in a.m. & p.m.
 - There may be fewer cars if parents drive siblings together and/or if Provider has own children in the FCCH
- Kids should play in parks, not streets!



Challenge: Concentration

- There is already child care
- There is another FCCH in the neighborhood or within a few blocks



Response: Concentration

- There is more demand than supply for child care
- FCCH provide home-like setting for children
- Parents want choice in child care



Challenge: Neighborhood Conformity

- FCCH does not fit with the Covenants, Conditions and Restrictions (CC&Rs) of a homeowners' association (preventing business uses)



Response: Neighborhood Conformity

- State Policy trumps Covenants, Conditions and Restrictions (CC&R)
- What could be more residential than caring for children?



Challenge: Fire Safety

- A Provider could not keep 14 children safe from fire



Response: Fire Safety

- Fire safety is a concern of Community Care Licensing CA.
- They will request a fire inspection by the Fire Marshal
- Large FCCHs must meet extra requirements for safety



Challenge: Lot Size

- Non-conforming lot size or small house is not fair for children



Reponses: Lot Size

- CA. Community Care Licensing is responsible for granting licenses based on health and safety standards



Challenge: Business

- Residential neighborhoods are no place for profit-making businesses
- "Our" children belong; FCCH children do not



Response: Business

- Application of certain Home Occupation restrictions could be considered in conflict with state law requiring jurisdictions to allow Large FCCH
- This challenge is based on "Not In My Back Yard" (NIMBY) attitudes



Challenge: Property Values

- Property values will decrease if a FCCH is nearby
- Home-sellers will have to declare there is child care nearby



Response: Property Values

- Property values do not correlate with child care/FCCH
- Some buyers may appreciate FCCH close



Challenge: Strangers and Vandalism

- Strangers will be introduced to neighborhood
- There will be an increase in vandalism



Response: Strangers and Vandalism

- FCCH can be "eyes on site" in the neighborhood since the Provider is home, not away at work, so may decrease crime and vandalism



Other Child Care Advocacy Topics

- Child Care is essential to attract businesses which support local economy
 - Within a year, neighbors who raised arguments at the hearings will probably be FCCH supporters
- Working parents need child care



Hear from the provider!



Information and Resources

- California Resource and Referral Network
<http://www.rrnetwork.org/>
- Child Care Planning Coordinator [enter
local contact] Child Care Needs
Assessment. [http://california-childcare-
coordinators.org/](http://california-childcare-coordinators.org/) ^{www.}
- City Planning Departments [insert local
department contacts here]
- California Department of Social Services
Community Care Licensing
<http://ccld.ca.gov/ChildCare>
- Conflict Resolution Center [enter local
resource here]

< investigate local resources >
Cal Rural Legal could refer

Supportive References

- CA. law offers some protection to FCCH.
CA Health and Safety Code 1597.30-1997.621
www.leginfo.ca.gov
- Anderson, K. *Planning for Child Care in California* (Solano Press, 2006) includes "Being a Good Neighbor—Tips for Family Child Care Providers" (also available at www.lincc-childcare.com)
- Child Care Law Center www.childcarelaw.org
- Value of child care to local and state economies.
National Economic Development Law Center
www.nedlc.org

