Training Family Child Care on Permit Hearings:
LINCC’s Approach

A Tool for Family Child Care Providers, Resource & Referral Staff, Child Care Advocates and Others Who Care about our Children
By Local Investment in Child Care (LINCC) 09/07

What is LINCC?

- Local Investment in Child Care (LINCC) Project launched in 1997 by The Packard Foundation and the National Economic Development and Law Center
- Today operates independently in Alameda, Kern, San Mateo, Santa Clara and Santa Cruz Counties. Ventura and Monterey have also participated.
- The LINCC Consulting Group was launched in 2006 with five partners to offer LINCC’s proven strategies to jurisdictions throughout California and beyond.

What is LINCC?

LINCC’s four key strategies:
1. Influence land use policy to encourage child care facilities development
2. Integrate child care interests in economic development and transportation planning
3. Support child care facilities development and improvement
4. Enhance business skills of child care providers
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 offers 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 Professional, 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. FCCC is a good type of care for Infants and Toddlers.

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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.

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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 the 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 children 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 use)

Response: Neighborhood Conformity

- State Policy trumps Covenants, Conditions and Restrictions (CC&Rs)
- 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; FCCCH children do not.

Response: Business
- Application of certain Home Occupation restrictions could be considered in conflict with state law requiring jurisdictions to allow large FCCCH.
- 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/

- 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

- 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