



Resident's Guide to the City of San Ramon Child Care Regulations

The State Legislature enacted the California Child Day Care Act in 1984 to encourage the expansion of child care services and to regulate child care services in the state. Health & Safety Code Section 1597.40(a) and (b) of the California Child Day Care Act provides:

“(a) It is the intent of the Legislature that family day care homes for children should be situated in normal residential surroundings so as to give children the home environment which is conducive to healthy and safe development. It is the public policy of this state to provide children in a family day care home the same home environment as provided in a traditional setting.

The Legislature declares this policy to be of statewide concern with the purpose of occupying the field to the exclusion of municipal zoning, building and fire codes and regulations governing the use or occupancy of family day care homes for children, except as specifically provided for in this chapter, and to prohibit any restrictions relating to the use of single-family residences for family day care homes for children except as provided in this chapter.

(b) Every provision in a written instrument entered into relating to real property which purports to forbid or restrict the conveyance, encumbrance, leasing or mortgaging of the real property for use or occupancy as a family day care home for children, is void and every restriction or prohibition in any such written instrument as to the use or occupancy of the property as a family day care home for children is void.”

The above excerpt from the California Child Day Care Act shows the extent to which local discretion on regulating family day care homes for children is restricted by State law. The City is prohibited from regulating small family day care homes – those providing care for more than six (6) and up to eight (8) children. Local regulation of large family day care homes is limited to four issues: noise, parking, traffic, and spacing/concentration – each of which is discussed below.

Types of Child Care Facilities

Small Family Day Care Home

State Law defines a small family day care home as a home that provides care for more than six (6) and up to eight (8) children and is not regulated by the City of San Ramon zoning code. A small family day care home is considered a residential use of property

and is permitted in all zones which allow residences – including zones with single-family dwellings, apartments and condominiums.

Large Family Day Care Home

A large family day care home is one that provides care for more than eight (8) and up to fourteen (14) children in the provider's own home for less than 24 hours per day.

California State Law gives local governments authority to place certain restrictions on large family day care facilities. In the City of San Ramon, large family day care homes are required to obtain a City-issued minor use permit **and** a State license prior to the operation of such facilities in a residential zoning district.

When an application for a large family day care home is submitted for review by the City, the City is restricted by State Law to only look at the potential impacts of this use and place reasonable restrictions on the operation of large family day care programs in the areas of noise, parking and traffic, and space and concentration.

1. *Noise* – Typically noise generated by a large family day care (e.g., outdoor play) is similar to noise generated by a single-family residence. We are bound to the City's General Plan standards when reviewing child care facilities. Regulation of noise by the City is limited to enforcement of provisions in the General Plan and any noise ordinance.
2. *Parking* – The Zoning Ordinance requires that a large family day care home must provide the required parking for the residence (e.g., garage) as well as one off-street parking space provided per employee, typically in the driveway. Additionally, the applicant is required to provide an adequate off-street loading space for the safe pick-up and drop-off of children to the residence. This is typically accommodated in the driveway. Most large family day care providers also identify viable on-street parking in close proximity to their home for use by clients.
3. *Traffic* – A typical large family day care home operates with a staggered arrival and departure schedule during the morning and evening with drop-off times generally between 7:00 a.m. to 9:00 a.m. and pick-up times generally between 4:00 p.m. to 6:00 p.m., to minimize traffic impacts on the neighborhood. However, schedules may be subject to change as drop-off and pick-up times are staggered throughout the day to accommodate a variety of work schedules, school hours, and other specific part-time day care needs. The City Traffic Engineer will review the proposed large family day care request and determine if the facility will have an impact on the neighborhood.
4. *Space and Concentration* – The Zoning Ordinance does not allow the operation of large family day care homes within 300 feet of any other such licensed facility.

The City of San Ramon cannot regulate the facility's capacity (e.g., reducing the number below 14 children), hours of operation and hours of outdoor recreational activities. To do so would be unreasonable and unenforceable under California Law. As with any application approved by the City, the applicant would need to satisfy the conditions of approval and obtain all necessary permits (building, fire department, etc.) prior to operation of any family day care home.

For more information regarding the requirements of the State of California, please contact the State of California, Department of Social Services Community Care Licensing Division on their website at <http://www.cclid.ca.gov/PG411.htm> or at their local District Office in Oakland at 510.622.2602.