



## **FAMILY CHILD CARE HOMES (Home-Based Child Care)**

*Family day care homes for children (family child care homes) provide child care in a home setting. A home-based business providing child care is encouraged by the City of San Rafael as it provides a needed service in the community, primarily for working and/or single parents. All family day care facilities for children are required to be licensed by the State of California and some require City of San Rafael permits and inspections.*



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This informational sheet is intended to provide **step-by-step assistance** in establishing a home-based family day care business in the City of San Rafael.

### **STEP 1: CONTACT THE STATE OF CALIFORNIA FOR A LICENSE TO OPERATE**

The State of California has specific laws regulating the establishment and operation of family day care facilities. These laws apply to family day care that is provided in a home setting (for 1-14 children) and in centers (15 or more children). A State license is required to operate a family day care facility, which is processed and issued by the California Department of Social Services – Community Care Licensing Division. The website for the Department of Social Services can be accessed by the following link: <http://www.cclcd.ca.gov/PG411.htm>. This website provides detailed information on how to file for and secure a State license to operate a family day care facility. Also, you can contact the local office for this agency at **650.266.8843** (Peninsula Regional Office). Here are some important facts about the State licensing for family day care facilities:

- Small family day care homes licensed for eight (8) or fewer children are exempt from local zoning permits and inspections.
- Large family day care homes licensed for nine (9) to 14 children can be subject to local zoning permits or approvals and are required to pass a fire inspection that is conducted by the local Fire Marshal ("850" Inspection).
- Family day care centers serving 15 or more children are not permitted to operate in a home and must be located in a commercial building.

## STEP 2: DETERMINE IF YOU NEED CITY OF SAN RAFAEL PERMITS & INSPECTIONS

The State of California Department of Social Services does not provide any detailed information regarding permits, inspections or licenses that may be required by the local cities and towns. These requirements vary from city-to-city. The City of San Rafael requirements and regulations are as follows:

### WHERE ARE FAMILY DAY CARE FACILITIES PERMITTED?

- Family day care homes (large and small) are permitted to operate in all residential zoning districts (R, DR, MR, HR and PD Districts) and in some office/residential districts (R/O and 5/MR/O Districts).
- Family day care centers are permitted to operate in non-residential and in high-density residential zoning districts only.

### WHEN ARE CITY PERMITS AND INSPECTIONS REQUIRED?

Family Day Care Home	Fire Inspection Required?	Zoning Permit or Approval?	City Business License?
Small (8 or fewer children)	No	No	No
Large (9-14 children)	Yes ("850 Inspection)	Yes; Administrative Use Permit	Yes

#### Please Note:

- If you are seeking a State license to operate a small family day care home for children, no further action or approval is required by the City of San Rafael.
- If you are seeking a State license to operate a large family day care home for children, proceed to Step 3.
- If you are currently licensed by the State to operate a small family day care home for children, but you wish to amend your State license to operate a large family day care home, proceed to Step 3.

## STEP 3: REQUEST A FIRE INSPECTION

Before the State Department of Social Services will issue a license to operate a large family day care home for children, it will commission a fire inspection, which is conducted by the City of San Rafael Fire Department. The fire inspection ("850" Inspection) will inspect the residence to ensure compliance with the State fire standards, which will include proper exiting, fire-rated construction and the installation of a fire alarm. **An inspection can be scheduled by contacting the Fire Department at 415.485.3308.**

#### Please note:

- The Fire Department relies on the State fire standards to determine the appropriate fire alarm required for installation. The Fire Department will be able to advise on appropriate and acceptable alarm systems.
- This inspection is completed one time for the issuance of the State license to operate.

- The inspection will not be completed and forwarded to the State until an Administrative Use Permit has been filed and approved (Step 4, below).

#### **STEP 4: FILE FOR AND OBTAIN AN ADMINISTRATIVE USE PERMIT**

To establish and operate a large family day care home for children, an Administrative Use Permit must be filed with and approved by the City of San Rafael Community Development Department. For information on application filing requirements and access to the General Planning Application Form, please contact the Planning Division at **415.485.3085** or visit the Community Development Department webpage at: <http://www.cityofsanrafael.org/commdev-planning-handouts/>. The application fee for an Administrative Use Permit is **\$398.00**.

#### **WHAT ARE THE CITY STANDARDS OR REQUIREMENTS THAT MUST BE MET TO OBTAIN AN ADMINISTRATIVE USE PERMIT?**

In order for the City to approve an Administrative Use Permit, it must be demonstrated that the large family day care home will meet and/or comply with specific “performance standards.” The City’s municipal code (SRMC Section 14.17.040) sets forth these minimum standards, which are:

- Off-street Parking – The amount of parking required need only meet the amount mandatory for the residential use. It is prohibited to use the required, covered parking (garage) for the family day care operation.
- Passenger Loading and Parking Plan - A passenger loading and parking plan is required and shall be approved by the city traffic engineer. The plan must demonstrate adequate and safe access with minimal disruption to local traffic.
- Exterior Lighting – Passenger loading areas shall be illuminated to match the intensity of the neighborhood and lighting shall be directed away from adjacent properties.
- Outdoor Play Area – Outdoor activities may be conducted between the hours of (7:00am) and (9:00pm) and shall comply with the noise limitations set forth in SRMC Chapter 8.13. If play equipment is present, all stationary play equipment shall not be located in the required side yard setbacks.

#### **WHAT INFORMATION IS NEEDED TO FILE FOR AN ADMINISTRATIVE USE PERMIT?**

- General Planning Application form + detailed project description. Application form must be signed by the property owner
- Application fee- \$398.00
- Property site plan showing building footprint, outdoor play area (if proposed), parking and loading area
- Floor plan showing location of day care facilities within the residence
- Photographs of the property and residence

#### **HOW IS THE ADMINISTRATIVE USE PERMIT PROCESSED AND APPROVED?**

Following receipt of the Administrative Use Permit application, the application is assigned to a project planner, who will review the application materials and conduct a site inspection. The application review will include consultation with the Fire Department (coordination of fire inspection) and other City departments (e.g., Public Works Department for review of parking and loading) to ensure compliance with the provisions of the City code.

Once it has been determined that the application is complete and the proposed day care home complies with the provisions of the City code, A “Notice of Decision” on the Administrative Use Permit by the Community Development Director is prepared and mailed to the applicant, property owner, and the property owners and residents that are immediately contiguous to and across the street/road from the proposed operation. This notice is mailed a minimum of fifteen (15) days prior to the decision date by the Community Development Director. The notice is required to indicate the decision date on the Administrative Use Permit, and the ability to comment on the application and/or appeal the decision.

Following the 15-day notice period and a review of any comments, a written decision of permit action is made by the Community Development Director. The written decision of permit action shall be mailed to the applicant and property owner. If someone is grieved by the permit action, it can be appealed to the Planning Commission. Appeals must be filed within five (5) working days of the permit action.

Please note:

- The Administrative Use Permit is a one-time approval. It is not required to be renewed annually but can be brought up for review by the City at any time to ensure that the day care home is in compliance with the permit approval.

## **STEP 5: OBTAIN THE STATE LICENSE TO OPERATE**

Provide proof of the completed “850” fire inspection and City Administrative Use Permit approval to the State to obtain the operating license.

## **STEP 6: FILE FOR AN OBTAIN A CITY BUSINESS LICENSE**

A City of San Rafael business license is required to operate a large family day care home for children. While you can file for the business license at any time, the business license will not be issued until an Administrative Use Permit is approved, the fire inspection has been completed and the State license to operate has been issued by the State Department of Social Services.

### **HOW DO I FILE FOR AND OBTAIN A BUSINESS LICENSE?**

- Fill out the **Home Occupation** portion of the “In Town” business license application, which is available online @ <http://www.cityofsanrafael.org/finance-bl-apps/#InTown>.
- Once complete, fax/ mail or deliver in person, with payment method based on tax schedule, to 1400 5<sup>th</sup> Avenue, San Rafael, Ca or (415) 485-3100.

For further information on this step, contact the Business License Division at **415.458.5324**.

Please note:

- A City business license is valid for one year and must be renewed annually. The annual license renewal is prompted by an email or hard copy notice to the business owner. As a home-based business (home occupation), an annual fire inspection is not required.

### **ARE THERE OTHER RESOURCES AVAILABLE TO ASSIST THE DAY CARE PROVIDERS?**

Marin Child Care Council- [www.mc3.org](http://www.mc3.org)  
Child Care Law Center- <http://childcarelaw.org/>

Family Services in Marin- <http://www.marin.org/comres/family.cfm>  
Marin Strong Start- [www.MarinStrongStart.org](http://www.MarinStrongStart.org)