



Family day care homes are residential dwellings in which day care is provided for children. There are two categories of family day care homes depending upon the number of children care is given to. The two categories are Small (8 or less) and Large (9 to 14) Family Day Care Homes. The standards provided in this document are for residentially based day care only. These standards are NOT applicable to day care facilities located in churches, schools, or commercially zoned districts.

Small Family Day Care Homes

Small Family Day Care Home: A dwelling unit that provides day care for eight (8) or less ambulatory children, or children two (2) years of age or younger for less than 24 hours per day. The dwelling unit can be either a single-family home or an apartment unit.

Operator: The person operating a small family day care home must be a permanent resident of the dwelling. In addition the operator must be the owner of the dwelling, or if a tenant, must have written permission from the owner to operate such a facility.

State License: Operators must be licensed by the State of California Department of Social Services.

Local License: Operators are not required to obtain either a City business license or a home occupation permit.

City Planning Division Approval: Operators do not need City Planning Division review or approval to operate out of a single-family home or an apartment unit. An exception would be if there is an over-concentration of similar uses within 300 feet of a small family day care home. If there is an over-concentration, the State Department of Social Services will request comments and recommendations from the City Planning Division.

Building Permits: Building permits issued by the City Building Inspection Division are not required unless construction will occur. Construction includes, but is not limited to, moving or installing walls, doors, or windows; adding or modifying the electrical, mechanical, or plumbing systems; installation of stairs, steps, or ramps; replacing water heaters or air conditioners.

Occupant Load: The number of people a small family day care home can accommodate is based upon habitable floor area available to permanent residents, staff, and clients. The maximum occupant load is based on 300 square feet for each permanent resident and 35 square feet for each client (child) and staff member.

Miscellaneous Building Standards: In addition to the occupant load standards, each facility shall meet the following minimum standards:

1. The entire structure shall be in compliance with single-family dwelling building standards in effect at the time the original structure was built.
2. The space heater shall be in compliance with current code requirements (flue installed correctly and adequate combustion air).
3. The water heater shall be in compliance with current code requirements (flue installed correctly, adequate combustion air, seismic straps installed).
4. The fire rating of the wall between the home and garage, along with any doors in such wall, shall be maintained.
5. Smoke alarms shall be installed in each bedroom, in halls leading to bedrooms, at the top of stairs, and in rooms with cathedral ceilings. Smoke alarms may be battery powered, single station units.
6. The address shall be posted and plainly visible from the street 24 hours per day (illuminated).
7. A 2A, 10B:C fire extinguisher shall be installed in a central location.

Illegal Construction: Building permits shall be obtained for any construction performed without appropriate building permits.

Fire Department Inspections: The City Fire Department will conduct safety inspections of the facility when requested to do so by the State Department of Social Services.

Large Family Day Care Homes

Large Family Day Care Home: A single-family dwelling that provides day care for nine (9) to fourteen (14) ambulatory children, or children two (2) years of age or younger for less than 24 hours per day. Apartments cannot be used for large family day care facilities.

Operator: The person operating a large family day care home must be a permanent resident of the dwelling. In addition the operator must be the owner of the dwelling, or if a tenant, must have written permission from the owner to operate such facility.

State License: Operators must be licensed by the State of California Department of Social Services.

Local License: Operators must obtain both a City business license and a home occupation permit. For additional information regarding the business license, contact the City cashier at (510) 578-4310. For additional information regarding obtaining a home occupation permit, contact Community Preservation at (510) 578-4285. Both offices are located in City Hall, 37101 Newark Boulevard.

City Planning Division Approval: Operators must obtain a land use permit from the City Planning Division. For detailed information and requirements please contact the Planning Division at (510) 578-4330 or visit them at City Hall, 37101 Newark Boulevard, first floor. In general, the issues the Planning Division will address are:

- Over-concentration of similar facilities in one area

- Adequate parking
- Noise generated by facility
- Impact on neighbors

There is a \$400 application fee. The review process takes approximately one month.

Building Permits: Building permits issued by the City Building Inspection Division are not required unless construction will occur. Construction includes, but is not limited to, moving or installing walls, doors, or windows; adding or modifying the electrical, mechanical, or plumbing systems; installation of stairs, steps, or ramps; replacing water heaters or air conditioners.

Multi-story Building: Unless the entire building in which a large family day care is located is equipped with an automatic fire sprinkler system, only the ground floor can be used to house clients (children).

Occupant Load: The number of people a large family day care home can accommodate is based upon habitable floor area available to permanent residents, staff, and clients. Because only the ground floor can be used to house clients, second stories cannot be calculated in the usable area for clients, only permanent residents and staff. The maximum occupant load is based on 300 square feet for each permanent resident and 35 square feet for each client (child) and staff member.

Miscellaneous Building Standards: In addition to the occupant load standards, each facility shall meet the following minimum standards:

1. The entire structure shall be in compliance with single-family dwelling building standards in effect at the time the original structure was built.
2. The space heater shall be in compliance with current code requirements (flue installed correctly and adequate combustion air).
3. The water heater shall be in compliance with current code requirements (flue installed correctly, adequate combustion air, seismic straps installed).
4. The fire rating of the wall between the home and garage, along with any doors in such wall, shall be maintained.
5. Smoke alarms shall be installed in each bedroom, in halls leading to bedrooms, at the top of stairs, and in rooms with cathedral ceilings. Smoke alarms may be battery powered, single station units.
6. The address shall be posted and plainly visible from the street 24 hours per day (illuminated).
7. A 2A, 10B:C fire extinguisher shall be installed in a central location.

Illegal Construction: Building permits shall be obtained for any construction performed without appropriate building permits.

Fire Department Inspections: The City Fire Department will conduct safety inspections of the facility when requested to do so by the State Department of Social Services.