



Senate Bill 234 - Family Daycare Homes

City Council

April 14, 2020

Outline

- What is a Family Daycare Home?
- Background on Senate Bill 234 (SB 234)
- Amendments needed to update the Zoning Ordinance

What is a Family Daycare Home?

Family Daycare Homes, as defined by the State, are facilities that regularly provide care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day. Family Daycare Homes, licensed by the State of California, are classified as follows:

Small Family Daycare Home involves the use of a dwelling, as described above, for eight (8) or fewer children, including children under 10 years of age who reside at the home.

Large Family Daycare Home involves the use of a dwelling, as described above, for nine (9) to fourteen (14) children, including children under 10 years of age who reside at the home.

Background on SB 234 – Family Daycare Home

According to Senator Skinner, licensed Family Daycare Homes play an important role in the childcare market – providing flexible hours, affordable care, and low staff-to-child ratios in a home environment. This bill reduces barriers and costs to those operating or wanting to operate licensed Family Daycare Homes.

- Signed into law on September 5, 2019
- Prohibits jurisdictions from levying any type of business license fee or tax on Family Daycare Homes.
- Requires ministerial approval of Family Daycare Homes in all districts where residential uses are allowed.

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB234

Recommended Zoning Amendments

1. Reduce Level of Discretion
2. Expand Districts where Permitted Use is Allowed
3. Remove Large Family Daycare Home from Findings
4. Update Family Daycare Home Definition
5. Update Spelling for Consistency with State Law

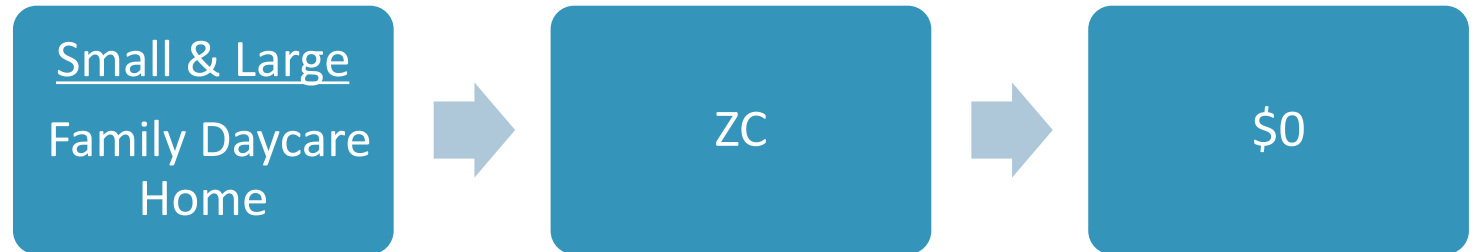
Recommended Zoning Amendments

1. Reduce Level of Discretion

- Change the permit required to establish a Large Family Daycare Home from an Administrative Use Permit (AUP) to Zoning Certificate (ZC)



- The Finance Department is adjusting the City's fee schedule to reduce the cost of a permit for Family Daycare Homes to zero dollars.



Recommended Zoning Amendments

2. Expand Districts where Permitted Use is Allowed

- Allow Family Daycare Homes to locate in zones where residential uses are permitted.

Modify Uses Permitted Tables in zones:

- ES-R
- C-1, C-N, C-E, C-NS, C-SA, C-T, C-SO and C-DMU

Recommended Zoning Amendments

3. Remove Large Family Daycare Home from Findings

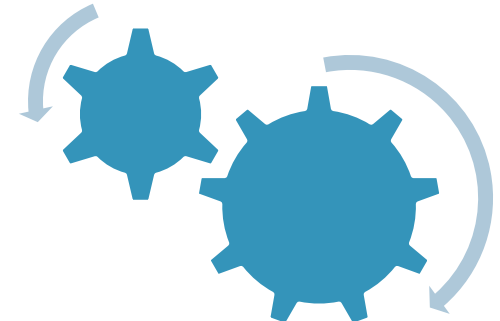
- Amend Findings to remove reference to Large Family Daycare Homes since findings are not required for uses permitted with a ZC.

4. Update Family Daycare Home Definition

- Amend to clarify that Family Daycare Home must be operated from the provider's own home and children under 10 years of age residing in the home are counted towards the maximum number of children that can be serviced.

5. Update Spelling for Consistency with State Law

- "day care" to "daycare"



Next Steps

Conduct a public hearing and, upon conclusion, adopt:

1. The first reading of an ordinance amending Berkeley Municipal Code (BMC) Title 23 (Zoning Ordinance) to comply with Family Daycare Home regulations recently enacted by Senate Bill 234 (SB 234); and
2. A resolution amending Resolution 67,985-N.S., the Planning Department Fee Schedule, to reflect the requirement that no permit fees may be charged for Family Daycare Homes pursuant to SB 234.