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## INCLUDING CHILD CARE IN LOCAL PLANNING

If communities are to succeed in increasing child care capacity, they must undertake long-range child care planning as part of their overall planning process. Convincing the local jurisdiction to include child care in planning decisions involves several strategic steps. First, advocates must learn how the local planning process operates and how, if at all, the local jurisdiction handles child care in planning decisions. Second, the advocate should document the community's particular child care needs. This is especially important when educating local planning and elected officials about why child care is a critical component of quality community development and when proposing specific language to key politicians and planners. Finally, advocates should begin to develop recommendations for amending general plans or local ordinances to meet the community's need for child care.

### Understanding the Local Planning Process

Before developing specific proposals, advocates should review local law to see how and whether the jurisdiction views child care as part of its overall planning strategy. In some cases, this may require a survey of local ordinances, with a careful review of zoning codes to identify the types of child care facilities permitted in each zone as well as the permits and fees required. Several child care planning councils and other organizations have developed reports, surveys and matrixes of this kind of review that could serve as helpful models. This initial survey should also include a review of the local general plan for its' treatment of child care. General plans can be quite bulky with many parts not particularly relevant to child care, but they are the "blueprint" for local land use and planning decisions so they are discussed in detail below.

### Assessing Local Child Care Needs

Documenting the local need for child care helps educate local planners, business leaders, and officials about the importance of encouraging, and planning for, the creation of child care slots. There is the added benefit that an evaluation will help local child care providers decide whether expansion of their programs – or opening new programs – makes good business sense.

Frequently, facilities development advocates will find that the local child care planning council has already evaluated the community's child care infrastructure. Many communities have

terminology or zoning processes. This approach was adopted by the City of West Sacramento, which required city officials to “streamline processing and permit regulations to promote the development of child care facilities.” San Diego County agreed to “[c]ooperate with ... the region’s cities to draft a model ordinance or procedure for the processing of permits for child care facilities” and to “[w]ork with the region’s cities to develop uniform zoning policies regarding location, parking and other requirements.” The City of Los Angeles has recently streamlined its permitting process and a planning guide for child care facilities.

**C. Require Mitigation or Incentive Measures to Encourage Developers to Plan for Child Care Facilities**

To address a lack of child care slots, some cities and counties require developers to mitigate the specific impact of their projects on the local child care supply, and/or have offered incentives to a range of developers to help develop the child care infrastructure.

Requiring mitigation calls for specific data that documents the need for child care and links the type of project to its effects on child care supply. A jurisdiction that provides clear instructions on mitigation will have a stronger legal basis for defending an exaction requirement than one that determines exactions on an informal, case-by-case basis. This need for a precise approach explains why some local plans, such as San Diego County’s, require planners to “[d]evelop a formula for use in assessing the child care needs created by new development.”

Incentives and mitigations – also called exactions – differ in terms of the immediate outcome. Exactions may require developers to create on-site facilities or choose an alternative such as “in lieu” fees paid by developers to the city or county. The local government, in turn, pools these fees to support the development of child care slots in the area. An incentive system, on the other hand, might take longer to produce positive effects as developers weigh the costs and benefits of taking part in the program. Results depend on developers choosing to take advantage of incentives to increase child care availability, rather than being *required* to mitigate effects on child care.

**D. Provide for Governmental Assistance (Informational and Financial) in Child Care Development**

Local planning department staff, as well as personnel from other government agencies, can serve as powerful resources to local child care providers. For example, the planning department could be required to develop a written “start-up guide” for child care centers and family child care homes within the jurisdiction. In addition to locating the relevant planning, building, fire, and business license requirements in a single and convenient document for providers, this type of guide may have the additional benefit of requiring that all the relevant departments coordinate with each other with respect to child care.

Local government also can assist child care development efforts by making resources available. Placing child care centers in public lands or buildings can lower significantly the financial burden of creating a center, and public dollars can be used as grants or low-interest loans for child care development, particularly for those child care facility types of

- Develop a legal basis for requesting that child care needs be considered before building permits, site permits, subdivision and other land use approvals are given;
- Develop a legal basis for zoning ordinances that would be favorable to the establishment of child care; and
- Educate decisionmakers and the public about the need for and importance of planning affirmatively for child care.

California law requires each county or city planning department to prepare, for adoption by the local legislative body, a “comprehensive, long-term general plan for the physical development” of the jurisdiction. The general plan serves as a “constitution” for future community development, and all land use approvals must be consistent with it. Every general plan must include a statement of development policies, as well as diagrams and text setting forth objectives, principles, standards, and plan proposals.

State law requires that a general plan address seven specific issues, called “elements”:

- Land Use: As the central framework for the entire plan, the Land Use element identifies the proposed general distribution of land for uses such as housing, business, industry, open space, natural resources, public facilities, and waste disposal sites. This element must include population and building density standards for all territory covered by the plan.
- Circulation: This element discusses the location and extent of, among others, present and future thoroughfares, transportation routes, terminals, and public utilities and facilities.
- Housing: The state legislature has given special priority to this element, requiring much more detail in what it must cover than is required for other elements. The housing element must analyze existing and projected housing needs, identify possible housing sites, and address the housing needs “of all economic segments of the community.” More specifically, this element must include “quantified objectives and policies relative to the maintenance, preservation, improvement, and development of housing,” as well as a schedule of actions the local jurisdiction will take to achieve the goals and objectives of the housing element. The housing element must be revised at least once every five years; other mandatory elements of the general plan need only be reviewed periodically and revised when warranted by changed circumstances.
- Conservation: This element addresses the use, development, and conservation of natural resources.
- Open-space: Local jurisdictions use this element to govern the preservation and conservation of open land.
- Noise: After identifying and appraising specific noise problems in the community, planners must develop land use patterns that will minimize residents’ exposure to excessive noise.
- Safety: The safety element establishes policies and programs to protect the community from seismic, geologic, flood, and fire hazards.

Counties or cities may include additional elements that relate to the physical development of the community. All elements, whether mandatory or optional, carry equal legal status; by statute, all elements of any general plan must be “integrated, internally consistent and compatible.”

Local jurisdictions take different approaches to organizing their general plans. Please keep in mind when reading examples of child care references in local general plans that they are not meant to be “model” plans, as each community will have different needs that need to be addressed in different ways. Instead, these plans are illustrative of how various communities have incorporated child care into their general plans.

For example, the Santa Cruz County general plan addresses each required element through a series of broadly worded objectives. It then explains each objective through several policy statements and program ideas for implementing the objective. Hence, when drafting a general plan amendment to address child care concerns in Santa Cruz County, advocates would want to clarify the intent of a broad child care objective through policy and program statements and through explanations of how the objective would be pursued within the jurisdiction.

In contrast to Santa Cruz, other jurisdictions have multiple objectives for each issue and consequently, the objectives are more specific. For example, in the San Diego County General Plan, there are three objectives listed under the child care section. For each objective, various policies and corresponding implementation measures are listed. Thus, an advocate in San Diego County would want to make sure that proposed objectives are narrow and that they are linked with effective policy goals and implementation measures. Finally, other jurisdictions, such as Orange County, provide a brief overview to the targeted problem or area of focus before providing goals, policies, and implementing programs.

#### **D. Developing Recommendations for the Local General Plan**

After garnering some support for the concept of child care development locally, learning how planning decisions are made, and evaluating local child care infrastructure needs, advocates must turn to the task of convincing the local legislative body to include child care considerations in the general plan. Many have found that proactively offering specific language for particular locations within the general plan reduces potential resistance to plan amendment. Other advocates have formed committees – comprised of representatives of provider associations, resource & referral agencies, Head Start programs, planning departments, school districts, and labor groups– to help develop this type of specific language. This strategy has the added benefit of creating a group of individuals who understand both the general plan process and child care needs. As a result, they are able to give persuasive public testimony on the importance of including child care in the general plan.

##### **1. Including Child Care in a General Plan**

As mentioned above, any general plan must include each of the seven mandatory elements and may add others at the discretion of the local government. Child care can be included either as a subsection of an existing element or as a separate element. Due to the internal consistency requirement, as long as child care is placed somewhere in the general plan, all other elements must be compatible with the child care provisions. Having child care as a separate element suggests that it stands on an equal footing with other elements. On the other hand, including child care in existing elements explicitly demonstrates the connections between child care and other planning issues and increases the likelihood that staff assigned to implement policies within a particular element will embrace child care issues as well. Deciding where to include child care in the general plan will also depend on how the particular city or county’s general plan

Some jurisdictions have made reporting on child care needs a continuing priority through their general plans. The City of West Sacramento general plan requires the city to “monitor child care supply and demand in West Sacramento on an ongoing basis and implement programs to address shortfalls as necessary.” The City of San Clemente developed an excellent general plan proposal for a child care needs study that provides:

Conduct a comprehensive study of the needs for child care, identifying public and private day care services and facilities that are currently operating and needed within the City, and ... propose the implementation of those policies and programs which are deemed to be appropriate and feasible.

*Responsibility:* City of San Clemente Beaches, Parks and Recreation Department and the Community Development Department  
*Funding Source:* City of San Clemente General Fund and/or other available funds approved by the City.  
*Schedule:* Within five (5) years of General Plan adoption or as funding permits.

Considering child care supply and demand in planning reports and surveys ensures that this important issue remains in the forefront of local policymakers’ minds, and that it will not be overlooked when major planning decisions are made.

## **2. Require that Local Land Use Ordinances and Planning Codes Reduce Barriers to Child Care**

Local jurisdictions can also use general plan provisions to reduce zoning barriers for child care centers. The City of South San Francisco – located in San Mateo County, California – included a provision in its Land Use Element stating that efforts to promote the development of child care facilities “should include . . . [p]ermitting childcare centers in all districts.” The City of West Sacramento wrote a similar, but slightly more restrictive provision stating that “[c]hild care facilities shall not be precluded in any land use designation except the Open Space and Heavy Industrial designations.”

The City of West Sacramento general plan also requires city officials to “streamline processing and permit regulations to promote the development of child care facilities.” San Diego County agreed to “[c]ooperate with ... the region’s cities to draft a model ordinance or procedure for the processing of permits for child care facilities” and to “[w]ork with the region’s cities to develop uniform zoning policies regarding location, parking and other requirements.”

## **3. Require Mitigation or Incentive Measures to Encourage Developers to Plan for Child Care Facilities**

Cities throughout California have used both mitigations and incentives, or even a combination of the two, in their general plans. One example of a mitigation approach is in the City of Marina (Monterey County) General Plan. The plan lists specific local developments that were required to provide an adequate number of child care facilities. Under the Land Use Element, the Marina General Plan has a provision concerning “Childcare Facilities” that reads:

information about navigating the process, preparing a “start-up” guide and provide funding if available.

In its general plan, San Diego County pledged to “where feasible, make underutilized County properties or low-cost loans available to child care providers, particularly for those child care facility types of greatest need.”

## **5. Support the Inclusion of Child Care Facilities at Transportation Hubs**

To promote the development of child care facilities at transportation hubs, general plan advocates can take several approaches. The most concrete would be a general plan mandate that transportation centers include child care facilities nearby. The South San Francisco General Plan requires that a key 8-acre transportation corridor, which encompasses a major street as well as a Bay Area Rapid Transit (“BART”) station, include certain development characteristics, one of which is child care facilities. Clearly identifying a particular area and specifically requiring that child care facilities be included there gives advocates an unmistakable policy to rely on when approaching development in that area.

Taking a less definitive approach, San Diego County simply directed staff to “[s]upport research on the feasibility of locating child care centers at ‘Park and Ride’ sites, transit centers or other locations accessible to public transportation.” This type of general plan provision may be useful to jurisdictions that have less experience with developing child care facilities or that are concerned that local transit centers may be near toxic waste sites or have toxic emissions.

## **6. Coordinate with Local School Districts, Parks and Recreation Facilities to Maximize Child Care Opportunities**

Recognizing such opportunities, the South San Francisco General Plan requires that local planners “[w]ork with the SSFUSD on appropriate land uses for school sites no longer needed for educational facilities [including to] [a]cquire closed school sites for ... childcare purposes where appropriate.” Similarly, the County of San Diego’s General Plan directs county officials to “[c]oordinate the planning and siting of schools, recreational facilities, [and] child care centers . . . .” Moreover, the County requires that its officials “advocate [for] the inclusion of child care facilities in both the planning of new school facilities, and plans for the expansion or improvements of existing school facilities.”

## **Conclusion**

As the above demonstrates, incorporating child care issues into a community’s long-term planning strategy will be a lengthy process. In addition, an advocate who successfully negotiates inclusion of child care issues in the general plan has much work yet to do. Advocates must monitor the implementation of general plan provisions to ensure that promises are carried out and implemented effectively. Fortunately, in the course of general plan advocacy, LINCC participants have discovered that local planners and other officials who adopt such policies often become invested in the issue of community support for child care. Hence, LINCC participants have created new advocates for child care – advocates who are eager to monitor the impacts of their general plan policies.