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May 6, 2022

TO: Each Supervisor

FROM: Dr. Barbara Ferrer, Ph.D., M.P.H., M.Ed.
Director *Barbara Ferrer*

SUBJECT: PLAN TO ASSESS FEASIBILITY OF POTENTIAL SOLUTIONS TO REMOVE BARRIERS IN EARLY CARE AND EDUCATION (ECE) LAND USE ENTITLEMENTS AND PERMITTING PROCESSES AND ENGAGE ADDITIONAL PARTNERS TO SUPPORT ECE PROVIDERS APPLYING FOR STATE INFRASTRUCTURE GRANT PROGRAM

This report is in response to the February 8, 2022 motion by the LA County Board of Supervisors directing the Department of Public Health’s Office for the Advancement of Early Care and Education (OAECE) in collaboration with the Department of Regional Planning (Regional Planning) and the Policy Roundtable for Child Care and Development Commission (Policy Roundtable Commission) to:

1. Provide a plan to assess the feasibility of strategies to streamline the early care and education (ECE) facility development process. The plan should explore strategies to identify barriers and potential solutions to remove those barriers in ECE facilities land use entitlement and permitting processes. The plan should also identify any staffing needs and costs that would be required to implement strategies to streamline the ECE land use and facilities requests process.
2. Engage additional partners such as First 5 LA, the Child Care Alliance of Los Angeles, and the Partnership for Early Childhood Investment to develop a comprehensive support system for ECE providers applying for the State Infrastructure Grant Program.

Section 1. Plan to Assess the Feasibility of Strategies to Streamline the ECE Facility Development Process

Early care and education is a critical part of Los Angeles County's education and economic infrastructure, yet in 2019, child care facilities only had the capacity to serve 5% of children under 2 years old.¹ In 2017-2021, the ECE field lost more than 7% of child care homes and more than 16% of licensed infant/toddler spaces.² This shortage of child care services is due to a combination of factors including a high demand for subsidized ECE services, a shortage of child care facilities, and minimal State and local funding. Additionally, due to the expansion of universal transitional kindergarten for all four year-olds, there is an immediate need to convert ECE facility space designed for preschool age children to be developmentally appropriate facilities for infants and toddlers.

To examine possible solutions, OAECE, in collaboration with Regional Planning, the Policy Roundtable Commission, Public Works Department Building and Safety Division (Building and Safety), Fire Department (Fire), California Department of Social Services (CDSS), Public Counsel, and First 5 LA developed the following plan to assess the feasibility of strategies to streamline the ECE facility development process in LA County. Grounded in the County of Los Angeles Unified Strategic Plan for Early Care and Education 2020-2025 (Strategic Plan), OAECE and Regional Planning established the LA County ECE Facilities Development Workgroup (Workgroup) that includes the OAECE, Regional Planning, Building and Safety, Fire, CDSS, Public Counsel, and First 5 LA to collectively identify the:

- Current issues ECE providers face when developing a new facility and/or renovating facilities
- Infrastructure in place to support ECE providers in navigating LA County's facility development and approval process
- Barriers ECE providers experience in seeking land entitlement approvals
- Possible solutions and approaches to determine if solutions are feasible

The OAECE also researched local, state, and national ECE facility development approval protocols, conducted individual interviews, and reviewed research with local and state-wide ECE facilities experts to identify effective practices to inform recommendations. Also, the information gathered during this process incorporates data and recommendations from the report "Assessing LA County Property for Future Early Care and Learning Sites" submitted to the Board in 2019. The following plan outlines strategies and feasibility of streamlining the ECE facilities development process, as well as an overview of the comprehensive system that has been developed to support ECE providers applying for State Infrastructure Grant funding.

Access to Information

The land use and facility development approval process can be challenging for most ECE providers because there are multiple systems they need to navigate, with each system possibly

¹ California Child Care Resource and Referral Network, Child Care Data Tool, accessed, 4.20.22.
<https://rrnetwork.org/research/child-care-data-tool#!0>

² California Child Care Resource and Referral Network, Child Care Data Tool, accessed, 4.20.22.
<https://rrnetwork.org/research/child-care-data-tool#!0>

requiring different information from the ECE provider. For example, ECE providers seeking to develop new facilities or improve current facilities will likely need various types of approvals from the following County/State departments: 1) Regional Planning, 2) Building and Safety, 3) Fire, and 4) CDSS Child Care Licensing Division. Building and Safety operates District Offices that provide Building and Safety services in localized locations throughout LA County. The seven District Offices that serve the unincorporated communities and include Regional Planning staff, which helps strengthen coordination between the two Departments, includes Antelope Valley, Calabasas, East Los Angeles, La Puente, San Gabriel Valley, Santa Clarita Valley, and Southwest. At a County level, Regional Planning, Building and Safety, and Fire have designated ECE Facility Coordinators to support ECE providers in their respective department's land use and/or facility development requirements and these staff are also members of the Workgroup. The Department of Public Works also provides Building and Safety services, such as reviewing and approving ECE facility development plans and permit requests to 14 contract cities. In addition, Building and Safety partners with municipal planning staff to provide services in Artesia, Carson, Cerritos, Industry, Irwindale, La Canada Flintridge, La Mirada, Lakewood, Lawndale, Lomita, Rolling Hills, Rolling Hills Estate, Santa Fe Springs, and Westlake Village.

- **Recommendation 1: Maximize ECE coordination between Regional Planning, Building and Safety, and Fire through the proactive interdepartmental coordination of all ECE facility development applications**

To help ECE providers navigate the complex facilities development requirements, it is recommended that ECE providers start with Regional Planning staff at each District Office listed above to obtain basic information including application requirements and who to contact in the other departments. "One Stop" meetings with the designated Regional Planning, Building and Safety, and Fire ECE Coordinators would also be offered to ECE providers so they can obtain more detailed, site-specific information before they submit an application. ECE providers can travel to any District Office to participate in these meetings, but because there is one designated ECE Coordinator in each department, the ECE Coordinators may participate virtually. After ECE providers submit an application online or at a District Office, the application would be routed to the designated Regional Planning ECE Coordinator, who will work directly with the designated Building and Safety and Fire ECE Coordinators to obtain the required approvals from all departments. By implementing this process, ECE providers will have a single point of contact that will make sure applications for facilities throughout the unincorporated communities are processed consistently and expeditiously. A single application form addressing all departments' requirements will be explored to further expedite the process.

- Feasibility of Recommendation:

Due to the existing relationship across County departments, the Workgroup has determined that this recommendation is highly feasible to implement. The current level of staffing is able to sufficiently manage the ECE facilities plan reviews and permit requests, but if the demand for ECE facility permits significantly increases, then additional staff from the departments may be needed. The current staff are able to partner to maximize ECE coordination among all departments and no additional costs are associated with this recommendation.

- **Recommendation 2: Create a website with informational resources for ECE providers, including user-friendly summaries of State and local code requirements, permitting processes, and potential fees associated with the project.**

The proposed on-line resource would be housed on OAECE's website at childcare.lacounty.gov. It would include a user-friendly directory of staff designated in LA County departments that can help with processing ECE facilities development plan reviews and requests for permits. This staff directory will be available to the public and County staff to help ECE providers know who to contact in each department and improve timely communication between departments. In addition, the OAECE recently partnered with Public Council to produce an ECE Facility Development Toolkit and corresponding training. Once completed, the toolkit would also be housed on the OAECE website as a part of a collection of ECE facilities development resources.

- *Feasibility of Recommendation:*

By building upon OAECE's current website, the Workgroup has determined that this recommendation is highly feasible to implement. The OAECE has staff resources to update the website's information on a regular basis and it has the funding to support the costs associated with building the webpage. The total budget for the project is estimated to be \$5,000. The most significant challenge is the time needed to create content and design the new elements of the website.

Reduce Processing Time

The time to process land use and facility development plans, as well as permitting approvals, could range from a couple of months to over a year. For example, the process to authorize a Conditional Use Permit (CUP) that requires a public hearing could take more than 12 months. In March 2022, Regional Planning and the OAECE presented to the Regional Planning Commission about the critical need for ECE services in LA County and the ECE facilities development challenges providers experience in obtaining zoning and permit approvals. The Regional Planning Commission expressed interest in identifying ways to improve these processes for ECE providers.

Currently, the County zoning code has the following relevant land use definitions:

- **Small FCC Home** - A home that regularly provides non-medical care, protection, and supervision for eight or fewer children in the provider's own home for periods of less than 24 hours per day, as defined and licensed under the regulations of the State of California.
- **Large FCC Home** - A home that regularly provides non-medical care, protection, and supervision for nine to 14 children in the provider's own home, for periods of less than 24 hours per day as defined and licensed under the regulations of the State of California.
- **Child Day Care Center** - As defined by Section 1596.76 of the California Health and Safety Code, a licensed child day care facility other than a FCC home, that provides non-medical care and supervision for children on less than a 24-hour basis. This term includes

"infant center," "preschool," "extended day care facility" and "school-age child care center."

The County zoning code allows ECE facilities: by right (P); with a ministerial Site Plan Review (SPR) that only requires staff review and approval and does not require a public hearing; or a CUP in certain zones, as follows:

AGRICULTURAL /RURAL ZONES	A-1	A-2	C-RU	MXD- RU
Child care centers	CUP	CUP	SPR	SPR
Child care centers, accessory to K-12 school	CUP	SPR		
Schools K-12	CUP	CUP	SPR	SPR
FCC homes, large and small, in an approved residential use	P	P	P	P

RESIDENTIAL ZONES	R-A	R-1	R-2	R-3	R-4	R-5
Child care centers >50	CUP	CUP	CUP	SPR	SPR	SPR
Child care centers <=50	CUP	CUP	CUP	MCUP	SPR	SPR
Schools K-12	CUP	CUP	CUP	CUP	SPR	-
FCC homes, large and small, in an approved residential use	P	P	P	P	P	P

COMMERCIAL/MIXED USE ZONES	C-H	C-1	C-2	C-3	C-M	C-R	C-MJ	MXD
Child care centers	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR
Schools K-12	SPR	SPR	SPR	SPR	SPR	CUP	-	SPR
FCC homes, large and small, in an approved residential use	P	P	P	P	P	P	P	P

Other jurisdictions such as Santa Monica³, San Francisco⁴, Redwood City⁵, Oakland, and Hayward have streamlined their review processes of ECE facilities land use requests by

³ Santa Monica Zoning Ordinance, accessed 4.21.22, <https://publicdocs.smgov.net/WebLink/0/edoc/2343115/o-2486.pdf>

⁴ San Francisco Planning, Memo To The Planning Commission, accessed 4.11.22, <https://commissions.sfplanning.org/cpcpackets/2020-014033OTH.pdf>; San Francisco Planning, Save Our Small Businesses Initiative (Prop H/SBRA), accessed 4.11.22, <https://sfplanning.org/save-our-small-businesses-initiative>,

⁵ Redwood City, Zoning Code Amendments and Updates, accessed, 4.11.22, <https://www.redwoodcity.org/departments/community-development-department/planning-housing/planning-services/zoning-code-amendments>

Redwood City, Article 39 – Child Care Facilities, accessed 4.11.22, https://library.municode.com/ca/redwood_city/codes/zoning_code?nodeId=ART39CHCAFA_39.5FAEXHCACE

establishing additional by right or ministerial site plan review processes for ECE facilities.⁶ In 2019, Governor Newsom signed SB 234, the “Keeping Kids Close To Home Act”⁷ that extends large family child care homes serving up to 14 children the same exemptions under local neighborhood zoning and permitting laws that small family child care homes received. Specifically, SB 234 clarified that a city or county cannot require a large family child care home to obtain a zoning permit or business license to provide services.⁸ Although this legislation streamlined the steps for family child care facility development, ECE centers are still required to go through a lengthy process.

- **Recommendation 3: Amend LA County zoning code to streamline the review of ECE centers**

To reduce the barriers to ECE facility development, OAECE recommends amending the County’s zoning code as appropriate to allow child care centers a use by right or with a ministerial SPR in all applicable zones. The ordinance would expedite the process by making some projects ministerial, eliminating long procedures such as individualized public hearings and California Environmental Quality Act (CEQA), which analyzes the potential environmental impacts of proposed projects. A shift of this nature will allow ECE providers to move through the facility development process in a timely way.

- *Feasibility of Recommendation:*

Since there is precedent by other jurisdictions to make some projects eligible for a use by right or ministerial reviews, the Workgroup has determined that this recommendation is somewhat feasible to implement. Overall, there is collective interest by County departments, ECE providers, and the public to eliminate ECE facilities development barriers such as long approval processes for some projects. The most significant barriers to the recommendation are the costs and the time it would take to implement. The budget associated with preparing the ordinance is estimated to be between \$300,000 to \$500,000. This amount would be to prepare the analyses and documents in compliance with the CEQA. An additional \$50,000-\$100,000 would be needed for community engagement. Finally, the process to gain approval for a use by right or a ministerial review can be lengthy, taking an average of 12 months.

Reduce Financial Barriers

Child care facility development fees also create barriers for ECE providers in obtaining land use/entitlement, facility development plan reviews and permit approvals. ECE services are primarily provided by not-for-profit centers and small businesses called family child care (FCC) home providers. In 2021, over 68% of licensed facilities in LA County were family child care

⁶ Child Care Planning Council Alameda County, Land Use for Child Care Facilities: Current Practice and Strategies for Streamlining the Development of Child Care Spaces for Alameda County’s Children, accessed 4.10.22, https://www.acgov.org/ece/documents/Final_Land_Use_Report.pdf

⁷ Nancy Skinner, Gov. Newsom Signs SB 234, The “Keeping Kids Close To Home Act”, accessed 4.10.22, <https://sd09.senate.ca.gov/news/20190906-gov-newsom-signs-sb-234-“keeping-kids-close-home-act”>

⁸ Child Care Law Center, SB 234 Frequently Asked Questions, accessed, 4.10.22, <https://www.childcarelaw.org/sb234-resources/sb-234-faqs-for-family-child-care-providers/>

homes.⁹ On average, the ECE sector earns just above minimum wage. In addition, ECE providers are predominantly women of color and 50% of ECE worker households are “low income” with a high proportion of these households on some form of public assistance.¹⁰ As a result, it is difficult for ECE providers to raise the funding needed to acquire a facility and/or make facility improvements. LA County facility development filing fees can range from hundreds to thousands of dollars for child care facilities. Far too often providers abandon their project to improve their ECE facilities because the land use and Building and Safety fees are too high to continue the project. For example, an ECE provider who has a project that costs \$50,000 will be charged approximately \$2,000 for the building, energy, and disabled access plan check fee and permit fee. A project that costs \$100,000 will be charged approximately \$3,000 for the same types of fees. Some fees are based on the cost of the project and the fee is a percentage of the project’s total budget. Building and Safety has additional fees that include plan check fees and permit fees for areas such as mechanical, plumbing, electrical, sewer, and grading. In addition, the ECE provider will likely have to pay Regional Planning and Fire fees. For example, a CUP process facilitated by Regional Planning may cost an ECE provider \$10,215. One provider paid nearly \$90,000 in combined fees and was not able to complete the project due to the lack of funds. If a by right ordinance for land use was adopted, the processing time for facility development requests would be shortened and there would also be less fees associated with the project.

- **Recommendation 4: Conduct an ECE facility development fee study**
OAECE recommends the implementation of a facility development fee study to understand the types of fees associated with applications, the amounts of the various fees, and what the fees pay for in the County system. The study also needs to identify the estimated amount of ECE facility projects that each department reviews per year, over time. In addition, the study would explore different funding sources to offset the fees that have been historically passed onto the ECE providers.
 - *Feasibility of Recommendation:* Based on the success of other municipalities implementing fee studies for ECE facilities, the Workgroup has determined that this recommendation is highly feasible. The City of Santa Monica’s Child Care Linkage Fee Study provides a roadmap for this recommendation. The County departments’ designated ECE facilities development staff have both the knowledge and the data readily available to conduct the fee study so there are no additional costs associated with the project. The largest challenge is that staff will need time to conduct the fee study, including gathering the data and conducting the analysis.

⁹ California Department of Social Services, Child Care Centers, accessed 2.27.22, <https://www.ccl.dss.ca.gov/carefacilitysearch/DownloadData>

¹⁰ While the wages for the industry overall are low, disparities within the field also exist depending on funding source, ages of children served, organization, and type of care provided. There is also significant racial disparity in wages. According to the [2020 Early Childhood Workforce Index report](#), Black women and educators who work with infants and toddlers are paid thousands of dollars less than their peers

Section 2. Comprehensive Support System for ECE Providers Applying for the State Infrastructure Grant Program

In Fiscal Year 21-22, the State of California allocated a historic investment of \$250 million in one-time Federal and General Funds for funding infrastructure for child care facilities, focusing on areas of highest unmet need “child care deserts.” The CDSS released its Requests for Application (RFA) in February 2022 for minor facilities repairs. Successful applicants will receive CDSS grants for the acquisition, construction, development, and renovation of ECE facilities. To support LA County ECE providers, the Workgroup in partnership with Resource and Referral (R&R) agencies, provided application assistance to LA County ECE providers. Examples of the supports provided include:

- **LA County Facilities Development Process Webinar** – With the support of First 5 LA, the Workgroup provided a webinar outlining LA County’s land use and facilities development review and approval process. Staff from the OAECE, Regional Planning, Building and Safety, Fire, and CDSS presented information about their respective department’s role, oversight, and process related to ECE facilities development. The webinar was provided in English and Spanish and more than 200 people attended. The recording of the webinar is available on the OAECE’s website for the public to access.
- **CDSS Infrastructure Application Clinic Webinars** – With the support of First 5 LA, the OAECE, and Public Counsel provided webinars that reviewed a step-by-step process for completing the Infrastructure Grant application. Webinars were provided in English and Spanish, and in partnership with R&Rs, more than 600 people participated. The webinars are also available on the OAECE’s website for the public to access.
- **CDSS Infrastructure Application Reviews** – Public Counsel provided individual review and feedback to ECE providers about their draft CDSS Infrastructure Applications. More than 50 application reviews were provided.
- **Responded to Questions About CDSS Infrastructure Application** – OAECE, Public Counsel, Regional Planning, and Building and Safety answered more than 100 questions submitted to the Workgroup about the CDSS Infrastructure Application.
- **LA County Staff Prioritized ECE Facilities Requests** – Regional Planning and Building and Safety coordinated and prioritized all questions, plan reviews, and permit applications related to ECE facilities.
- **ECE Facilities Development Project Webpage** – The OAECE established an ECE Facilities Development Project webpage that includes CDSS Infrastructure Application information and resources about the LA County facilities development process and contacts. This page of the website can be accessed at childcare.lacounty.gov/special-projects.
- **OAECE and Regional Planning Collaboration** – The two departments are co-leading the Workgroup and co-presented an overview of the effort to the Policy Roundtable Commission on January 12, 2022. On March 16, 2022, the team also presented to the Regional Planning Commission about the challenges ECE providers face to improve or acquire new facilities, as well as an overview of the CDSS ECE infrastructure facilities development funding. Finally, the OAECE gained input from the Policy Roundtable

Commission on the solutions to remove barriers for acquiring and improving ECE facilities.

It is anticipated that CDSS will release a second RFA for major facilities construction by June 2022 and the Workgroup will provide supports consistent with those provided for the minor facilities repairs RFA.

To create a long-term vision for ECE facilities, OAECE is also working with the LA Partnership for Early Childhood Investment (LA Partnership), a public-private collaboration of the County's largest private foundations, family foundations, Unite-LA, Frist 5 LA, and key government agencies that come together to invest in and promote innovations that advance the lifelong health and well-being of LA County children, age birth - 5. The LA Partnership is exploring the possibility of conducting a landscape analysis of the ECE field to help inform what is needed to build on-going and stronger support for the ECE system. This analysis would identify the number of ECE facilities needed in lower-resourced communities. The LA Partnership is also exploring possible long-term alternative funding sources to increase and stabilize ECE services, including funding to reduce and/or remove the ECE facility development financial barriers.