

CHILD CARE CENTER PERMITS & CLEARANCES



This bulletin outlines the necessary licenses, permits, and clearances required to legally operate a child care program in the City of San José.

WHAT IS A CHILD CARE BUSINESS?

Child care is any regularly scheduled supervision provided to children under the age of 18 when they are not with their parents. It can be provided either in family child care homes or in child care centers.

Family child care homes may care for a maximum of 14 children under age 18 in the home of the service provider, including any children residing in the home. Based on certain criteria, the State allows family child care homes by right — approval by local government is not needed. To operate, a family child care home requires:

- A State of California Family Child Care License
- Payment of the City business license tax
- A City building permit and fire permit for any alterations to the home
- A Fire Department clearance permit if the home serves seven or more children

Child care centers provide care for any number of children under age 18 years of age in a non-residential setting. To operate, a child care center requires:

- A State of California Child Care Center License
- Payment of the City business license tax
- A City building permit and fire permit for any alterations to the facility
- A City-issued conditional use permit
- A Fire Department clearance permit

CHILD CARE BUSINESS REGULATIONS

The City of San José regulates the siting of child care businesses under the Municipal Code Zoning Ordinance and the City Council policy on [Guidelines for Child Care](#). The Zoning Ordinance requires a conditional use permit for any child care center in any zoning designation. The guidelines outline the project characteristics that are necessary for approval of a conditional use permit.

Child care centers in neighborhoods. This is important: Adhering to the provisions of the [Guidelines for Child Care](#) for facility location, traffic and circulation, parking and drop-off zones, site design and open space, number of children proposed, noise control, and facility operation will help to achieve a measure of compatibility with the surrounding neighborhood. Expect to submit an operations and management plan that shows and provides details on these aspects of your center. You are encouraged to contact residents and business owners in the targeted neighborhood to discuss the proposed project before you apply for a conditional use permit. Hours and days of operation for a child care center adjoining a residential property are 6:00 a.m. to 7:00 p.m., Monday through Friday.

Child care centers in existing schools or churches. If you are planning to open a child care center as part of and on the same property of an existing school or church, you do NOT need to secure a Conditional Use Permit. All other types of clearances and permits may still be applicable and required.

continued >

GETTING HELP WITH REGULATIONS AND PERMITS

Before you invest in a child care business, contact the following experts who can help you understand requirements, costs, and the path to the successful launch of your business:

- Talk with staff in the [San José Public Library Early Education Unit](#); call 408-808-2617.
- Seek no-cost assistance from the City's [Business Coaching Center](#). Our coaches speak English, Spanish, and Vietnamese and are here specifically to help small businesses through the permitting process.
- Speak with a City planner (call 408-535-3555) to learn about basic project and permit requirements. You can also make an appointment for a fee-based [Preliminary Review](#) that will provide detailed direction on the codes, policies, and development review processes that may be applicable to your project. Preliminary Review can help ensure that your plans are designed to meet City standards.
- Consult with professional designers with experience in designing child care centers.

FEES & PROCESSING TIME

Fees can be found at the links shown in the Resources section. You can also ask a City planner or Small Business Coach to help you identify applicable City fees. The process for a conditional use permit typically takes six months from the date the application is filed. *

RESOURCES

Business Coaching Center

San José City Hall, 1st FL
200 E. Santa Clara Street, San José, CA 95113
www.sanjoseca.gov/BusinessCoach

Business License Tax

San José City Hall, 1st FL
200 E. Santa Clara Street, San José, CA 95113
For fees and information, visit:
www.sanjoseca.gov/index.aspx?nid=1154

Permits & Clearances

Permit Center, San José City Hall, 1st FL
200 E. Santa Clara Street, San José, CA 95113
www.sanjoseca.gov/PermitCenter

Conditional Use Permit

Planning staff: 408-535-3555
View: [Guidelines for Child Care](#)
Fees: <http://www.sanjoseca.gov/documentcenter/view/45349>

Building Permit

Building permit staff: 408-535-3555
View: [How to Get A Building Permit](#)
Fees: <http://www.sanjoseca.gov/DocumentCenter/View/47168>.

Fire Clearance

Fire Prevention staff: 408-535-3555
Fees: <http://www.sanjoseca.gov/DocumentCenter/View/7284>

Public Works Clearance

Public Works staff: 408-535-3555
Fees: <http://www.sanjoseca.gov/DocumentCenter/View/4803>

San José Public Library Early Education Unit

408-808-2617
www.sjpl.org/earlyeducation

State Department of Social Services Community Care Licensing Division

111 N. Market Street, Suite 300, San José, CA 95113
408-277-1286
For fees and information, visit www.cclld.ca.gov