

Communication from Public

Name: Jessica Lall
Date Submitted: 01/25/2022 08:25 AM
Council File No: 20-0652
Comments for Public Posting: Please see attached letter.



January 25, 2022

Councilmember John Lee, Chair
Arts, Parks, Health, Education, and Neighborhoods Committee
Los Angeles City Council
200 North Spring Street
Los Angeles, CA 90012

RE: ECE Support Recommendations (CF 20-0652)

Dear Councilmember Lee,

Central City Association (CCA) is committed to advancing policies and projects that enhance Downtown Los Angeles' vibrancy and increase opportunity in the region. Early Childhood Education (ECE) is a fundamental community resource and there is great need for more child care facilities in Downtown and across our city. **We are strong supporters of this effort to expand opportunities for ECE and submit this letter with our recommendations for ECE supportive policies, including creating centralized resources for child care providers, removing land use barriers to ECE facilities and proactively establishing a program for providers to use City park space in dense areas like Downtown.**

Creating Centralized Resources for Child Care Providers

In May 2020, we published a white paper titled "[Expanding Opportunities for Childcare and Schools in DTLA](#)." Through our research we found that there is a critical lack of information sharing and communication between municipal and state governments, ECE providers and the real estate community. For instance, we learned that the California Department of Social Services (DSS), the State agency responsible for licensing childcare facilities, readily grants waivers to child care providers that cannot meet onerous outdoor space requirements of 75 square feet of outdoor space per child so long as providers can satisfy other criteria that are fairly standard but unwritten in the code. Without this background knowledge, a provider or property owner reviewing DSS licensing code would be deterred from opening an ECE facility in dense, vertical areas with sites that have constrained outdoor spaces like Downtown. **We recommend that the City direct the Community and Families Investment Department (CIFD) to serve as the liaison between levels of government, child care providers and the real estate community, providing a centralized hub of information and means of coordinating the implementation of new ECE facilities, including a website and dedicated staff. It is important to act swiftly, as federal funding for ECE facilities will be allocated in the coming months and local government capacity and assistance will help best position Los Angeles ECE providers.**

Given the absence of available information and resources for child care providers and the real estate community, we prepared a document titled "Navigating Outdoor Space Requirements for Childcare Centers in California's Urban Areas" (included as Attachment A to this letter). This is one example of the kind of information and guidance that the CIFD should provide.

Removing Land Use Barriers to ECE Facilities

One of the main goals of this effort to support ECE facilities is to reduce the need for costly and time-consuming discretionary approval through the Conditional Use Permit (CUP) process and to instead enable ECE facilities to be approved administratively if they follow a standardized set of conditions. The Department of City Planning's report raises the challenges with the originally proposed conditions given the incorporation of other departments' jurisdiction and that more investigation and coordination is needed before moving forward with land use changes.

This remains an important barrier to overcome, particularly for areas where the underlying zoning has not kept pace with contemporary land use trends and needs in a neighborhood, like many single-family neighborhoods and transitioning industrial areas (like the Arts and Fashion Districts in Downtown) where child care centers are lacking. Additionally, we believe the City's Restaurant Beverage Program, which created an administrative approval process for sit-down restaurants that serve alcohol, should serve as a model for how an administrative ECE approval program could work. **Like the Restaurant Beverage Program, we recommend that CIPD, Planning and any other necessary departments work together expeditiously to draft an administrative approval ordinance for child care centers based on standard criteria and present it to Council in a month.**

Proactively Establishing a Program for Providers To Use City Park Space In Dense Areas Like Downtown

Another key objective of this effort is to make it possible for child care providers to use nearby City park space to meet outdoor space requirements set by DSS. As mentioned previously, DSS' outdoor space requirements are challenging to satisfy in dense, vertical areas like Downtown where there is limited outdoor space. The Department of City Planning's report touches on the fact that Recreation and Parks (RAP) allows anyone to apply for a permit to use City park space, but this is impractical for a child care provider as it would require providers to make speculative and risky real estate decisions premised on the possibility of RAP approving their request and then DSS subsequently approving their license. It is unreasonable to expect that a child care provider would sign a lease without first having some degree of certainty or assurance that they might use a given park space and that DSS has signaled approval at least for a general framework.

Recognizing this challenge in the Bay Area, the City of San Francisco launched a pilot program with DSS to certify parks that providers may use within a certain proximity. **We recommend that CIPD and RAP coordinate with DSS to launch a program like San Francisco's that allows child care providers to use City park space to meet their licensing requirements and to report on progress quarterly. To be effective, the City must be proactive in identifying parks and areas where this would be suitable and receive confirmation from DSS, not wait until child care providers submit applications. As a pilot project, we recommend starting with parks in Downtown.**

There is a great need for child care across our city and the COVID-19 pandemic has only further exacerbated this need. Expanding access to child care facilities is a key way to support working families and can also be a path to economic opportunity for historically disadvantaged residents and communities, as child care owners, operators and workers are disproportionately women, particularly women of color. Thank you for considering our recommendations.



Sincerely,

A handwritten signature in blue ink, appearing to read "J. Lall", is positioned below the word "Sincerely,".

Jessica Lall
President & CEO
Central City Association of Los Angeles

Attachment A: Navigating Outdoor Space Requirements for Childcare Centers in California's Urban Areas

CC: Council President Nury Martinez
Councilmember Paul Krekorian
Councilmember Mike Bonin
Councilmember Joe Buscaino
Councilmember Gil Cedillo
Councilmember Kevin de León

Navigating Outdoor Space Requirements for Childcare Centers in California's Urban Areas

Childcare infrastructure is critical to our state's social health and economic stability. Childcare supports working families, creates jobs and provides opportunities for young children to learn and grow during crucial stages of cognitive development. Despite the desperate need for more and affordable childcare in our state, a complex web of land use, permitting and regulatory challenges makes it difficult to site facilities in dense, urban areas that are close to jobs, transit and housing.

We offer this guidance document to childcare providers, the real estate community and other stakeholders with a vested interest in creating more childcare facilities in California's urban cores with specific insights and recommendations for addressing outdoor space requirements - one of the most onerous obstacles to meeting child care licensing requirements.

The following insights and recommendations are intended to provide greater clarity for **options to satisfy outdoor space requirements for childcare centers** regulated by the California Department of Social Services (DSS), the State agency responsible for licensing childcare facilities. Our recommendations are informed by existing childcare sites that balance best practices for the care of young children with the existing land use and development policies often found in our urban cores.

The Issue:

- *Outdoor Space Requirements are Difficult to Satisfy in Dense, Urban Areas* – DSS requires a minimum of 75 square feet of outdoor space per child enrolled in a childcare program.¹ For example, a 50-child center would therefore be required to provide 3,750 square feet of outdoor space. **This requirement is difficult to satisfy and can be prohibitive for childcare centers in urban areas that often have small, constrained lots and a mix of uses.**
- *Vague Criteria for Waiver Determinations* – DSS recognizes that some childcare providers have facilities constraints that necessitate waiving a portion of the required per child allotment for outdoor space and allow waivers from any number of the required provisions, including the amount of required open space.² DSS considers each waiver request on an individual basis and maintains broad discretion over its determinations but does not specify the criteria used to make these decisions. **The uncertainty and added time it takes to obtain a waiver is a disincentive to the provision of childcare facilities in urban environments, as a developer or**

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[https://govt.westlaw.com/calregs/Document/IAA178110D4C011DE8879F88E8B0DAAAE?viewType=FullText&originContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/IAA178110D4C011DE8879F88E8B0DAAAE?viewType=FullText&originContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

²

[https://govt.westlaw.com/calregs/Document/I9AEF58C0D4C011DE8879F88E8B0DAAAE?viewType=FullText&originContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I9AEF58C0D4C011DE8879F88E8B0DAAAE?viewType=FullText&originContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

property owner can more easily and predictably lease to a conventional retail or restaurant tenant in the same space despite the demand for child care.

Recommendations to Childcare Providers and the Real Estate Community to Obtain Open Space Waivers:

- **Meet with a DSS Childcare Advocate** – DSS has childcare advocates on staff that can help guide applicants with the application and waiver process and can help centers in urban areas understand how they might configure spaces to obtain waivers. [Find an advocate here.](#)
- **Fulfill Outdoor Space Requirements with a Staggered Play Schedule** – DSS regularly approves waiver requests for reduced amounts of outdoor space, often halving the requirement that would otherwise be needed for a center’s total number of children. The waiver is typically issued if a provider can demonstrate that not all children will utilize the outdoor space simultaneously through the use of a staggered play schedule. For example, a 50-child center that would generally be required to provide 3,750 square feet of outdoor space could justify providing only 1,875 square feet of outdoor space if a staggered schedule is used.



Bright Horizons Early Education and Preschool in Downtown Los Angeles was given a waiver for less outdoor space by using a staggered play schedule.

- **Utilize Nearby Parks and Open Spaces** – Some cities will allow childcare providers to use nearby parks and open spaces to satisfy DSS’ open space requirements (a pilot program is underway in San Francisco and is being studied in Los Angeles). Qualifying parks must typically meet very strict criteria with DSS staff visiting the sites as part of the licensing process. These sites also usually require approval by the local parks department for use.

DSS looks for extensive qualifications in these applications, San Francisco’s program includes:

- The park/playground is less than half a mile from the facility (approximately five blocks).
- The park/playground is appropriately equipped, and facility staff shall ensure that the park/playground is cleared of all debris or harmful material before each use.



- Children shall be escorted to and from the park/playground by adult staff. There shall be a ratio of 1 adult to each 6 children when going to and from the park/playground and while using the park/playground, and one staff person shall act as a crossing guard when crossing any street.
- Teacher/child ratios shall be maintained and children shall be visually observed at all times.
- Facility shall ensure that children have access to drinking water and shade.
- Facility shall ensure that bathrooms are available and children are accompanied/closely supervised by fingerprint cleared staff when using restrooms. Children shall never be left alone while using any restroom. Restrooms shall be checked for safety concerns prior to use by children.
- Facility staff shall carry a first aid kit, cell phone, emergency information for all children, and toilet paper for use at the park/playground.
- Facility shall ensure that all Individual Incidental Medical service plans (IMS) for children are followed and include the transporting of all medication, Epi-Pen, Inhaler etc. in case an emergency occurs while off site.
- Facility shall ensure that park/playground equipment used by facility and any toys/materials brought to the park/playground from the facility are age appropriate.
- Children shall have outdoor playtime at least once a day (weather permitting) and the schedule shall be posted at the facility. Also posted shall be a written plan for how children will be accounted for to ensure that no children are lost or left behind.
- That parents shall give written permission for their child(ren) to use the park/playground.
- A written permission/agreement for use of the park/playground shall be obtained from the San Francisco Parks and Recreation Department. Written permission/agreement shall be on file with Community Care Licensing and available for review at the facility.
- All children using the park/playground shall wear clearly visible identifying markers such as a brightly colored T-shirt with the name, phone number of the facility, and license number.
- All staff accompanying the children to the park/playground shall wear the same clearly visible identifying markers such as a brightly colored T-shirt with the name and phone number of the facility, and also the word "STAFF" clearly visible from a distance.
- Areas of the park/playground to be used shall be identified by a detailed sketch submitted to Community Care Licensing and posted at the facility next to the Waiver.



Tinker's Preschool, Inc. in San Francisco received a waiver from DSS to utilize Mountain Lake Park located a few blocks away in lieu of providing on-site outdoor space as part of a pilot program between San Francisco Recreation and Parks and DSS. The preschool uses a range of safety protocols like bright yellow vests worn by children.