

ORDINANCE NO. _____
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

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**ORDINANCE AMENDING THE COUNTY ORDINANCE CODE, DIVISION VI, PART
ONE (ZONING REGULATIONS) CHAPTER 22.2 (CHILD CARE CENTERS) TO
ADOPT THE CALIFORNIA COASTAL COMMISSION’S SUGGESTED
MODIFICATIONS**

The Board of Supervisors of the County of San Mateo, State of California, **ORDAINS**
as follows

SECTION 1. Findings. The Board of Supervisors of the County of San Mateo
("County") hereby finds and declares as follows:

WHEREAS, in May 2021 the Board of Supervisors adopted an ordinance repealing
Section 6401.2. of the San Mateo County Ordinance Code (Zoning Regulations) and
adopting a new Chapter 22.2 of the Zoning Regulations to regulate child care centers; and

WHEREAS, the County adopted Chapter 22.2, "Child Care Centers" of the Zoning
Regulations to streamline the permitting process for child care centers, provide incentives to
child care center developers and service providers to increase the supply of child care
services in the County, and increase the ease of interpretation and implementation of the
regulations (Chapter 22.2, "Child Care Centers"); and

WHEREAS, the adopted amendments were subsequently submitted to the
California Coastal Commission for the Commission’s review and certification, as
required by law for any amendments to land use regulations in the County’s Coastal
Zone; and

WHEREAS, the California Coastal Commission considered the proposed amendments on October 14, 2022, and conditionally certified the amendments, contingent on modifications to require a Coastal Development Permit for the conversion of a single-family residence to a child care center, and to clarify that the State density bonus law provisions will only apply after separate certification of the County's Local Coastal Program amendment to address updates from State density bonus law provisions; and

WHEREAS, in order for the conditionally certified amendments to take effect, the Board of Supervisors must accept, agree, and adopt the Coastal Commission's suggested modifications, as reflected in this ordinance; and

WHEREAS, the San Mateo County Planning Commission considered the proposed modifications on January 25, 2023, and recommended that the Board of Supervisors adopt the amendments.

NOW, THEREFORE, the Board of Supervisors of the County of San Mateo, State of California, ordains as follows:

SECTION 2. The San Mateo County Ordinance Code (Zoning Regulations), Division VI, Part One, Chapter 22.2, is hereby amended to read as follows (additions shown in double underline text and deletions in ~~strikethrough~~ text):

SECTION 6420.4.2. CHILD CARE CENTERS – MINISTERIAL PERMIT CRITERIA AND REQUIREMENTS

A. Ministerial Permit Criteria and Requirements: CCCs meeting the following criteria and requirements, as determined by the Community Development Director, are eligible for a ministerial permit.

2. Locational Criteria:

- a. Outside the Coastal Zone, proposed CCC development is eligible for a ministerial permit if the development meets the criteria of this Section and applicable locational criteria pertaining to the type of development proposed, as set forth in Table 1.
- b. Within the Coastal Zone, a proposed CCC development is eligible for a ministerial permit if the development meets the criteria of this Section and applicable locational criteria pertaining to the type of development proposed, as set forth in Table 2.

Table 2 Locational Criteria for Ministerial Permits for Child Care Centers Within the Coastal Zone		
Project Types	Ministerial Permit	Use Permit and CDP
1. Location of a CCC in an existing building in an Institutional or Commercial Zoning District or in an existing Institutional Building or Public Facility, including expansion		
Applies to sites in an Institutional or Commercial Zoning District or designated for such use by the General Plan, or in an existing Institutional Building or Public Facility	X	
Design Review District: Development must comply with design review standards and permitting requirements.	X	
Coastal Commission Appeals Jurisdiction (CCC APJ) or Scenic Corridor: Expansion of less than 10% of existing internal floor area allowed; no additional stories/loft.	X	
Site is served by public utilities and roads or does not involve expansion or construction of water wells or septic systems	X	
Areas of Special Flood Hazard: In accordance with Chapter 35.5 of the Zoning Regulations, the project shall not involve an intensification of use (e.g., building occupancy shall remain equal to or lesser than the	X	

existing occupancy) and operator shall submit an emergency evacuation plan		
Conversion of a visitor-serving commercial use		X
Located within a sensitive habitat or buffer zone		X
2. Conversion of Single-Family Residence on Parcel \geq 10,000 sq. ft. in a Residential Zoning District to a CCC, including expansion¹		<u>X</u>
Parking Requirement Met: One on-site parking space per six children enrolled	X	
Parcel size is 10,000 sf or larger and in a Residential Zoning District	X	
Design Review District: Development must comply with design review standards and permitting requirements pertaining to residences.	X	
Located in Single-Family Residence Categorical Exclusion Area (SFEX)	X	
Located outside of SFEX and involving expansion or construction of water wells or septic systems		X
— Located outside of SFEX and in CCC APJ or Scenic Corridor, involving: a) Expansion of 10% or more of existing internal floor area; b) additional stories/loft; or c) construction or installation of significant non-attached structure(s) (excluding play structures and fences)		X
Located within a sensitive habitat or buffer zone		X
3. New CCC building or replacement or reconstruction of an existing building		X
¹ CCCs located within an existing converted Single-Family Residence: The conversion of a single family residential use to a CCC use is not an intensification of use. A Child Care Center use, as allowed in a residential structure in this Section, is similar in intensity to a Large Family Child Care Home (which allows up to 14 children) which is considered a residential use and allowed within any residence by State law, except that the Child Care Center may enroll more children and would not retain a residential use. This Section establishes additional criteria which limit the intensity of the Child Care Center use such that it is appropriate and proportional to the size of the parcel and available on-site parking.		

SECTION 6420.5. INCENTIVES FOR THE PROVISION OF CHILD CARE CENTERS

The County’s grant of any of the incentives described in this Section is subject to proposal by the applicant who shall demonstrate compliance with criteria at the time of permit application for the permits outlined in this Chapter. The decision-making authority for the CCC will determine whether criteria are adequately met and, if so, will grant the applicable bonus, concession, or incentives, at the time the permit is approved.

A. State Density Bonus Provisions for CCCs in Effect at the Time of Application:

When an applicant proposes a project that meets the requirements of the State Density Bonus Law, the County shall follow the provisions of State law to determine the applicable density bonus and additional concession(s) or incentive(s). Examples of projects that qualify under State Law include, but are not limited to: (1) a housing development including a child care facility (Government Code Section 65915(h)) and (2) a minimum 50,000 sq. ft. commercial or industrial development including a child care facility (Section 65917.5). Within the coastal zone only: State Density Bonus Law provisions associated with Zoning Regulations Chapter 22.6 (or its successor) shall only apply to child care center development if (1) Zoning Regulations Chapter 22.6 is updated and certified by California Coastal Commission after October 14, 2022; and (2) the so certified Chapter 22.6 allows for its application to child care center development.

SECTION 3. California Environmental Quality Act. The County adopted a Negative

Declaration for Child Care Center regulations, consistent with the requirements of the California Environmental Quality Act (CEQA), and determined that Chapter 22.2, "Child Care Centers" would not have a significant effect on the environment because all potential impacts of the project would be below established CEQA thresholds of significance.

Adoption of this ordinance would reduce the scope of permitted uses authorized by the adopted regulations. Therefore, the environmental impacts of the amended regulations would be less than the level of impact identified in the adopted Negative Declaration and no additional environmental analysis is required. The ordinance is also exempt from CEQA because the Coastal Commission review process is the functional equivalent of CEQA review and therefore LCP amendments are not subject to CEQA review by local governments.

SECTION 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Ordinance.

SECTION 5. Publication. The Clerk shall publish this Ordinance in accordance with applicable law.

SECTION 6. Effective Date. This Ordinance shall be effective immediately upon the California Coastal Commission's filing of the notice of certification of the LCP amendment with the Secretary of the Natural Resources Agency.

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