

Board Meeting Date: May 4, 2021
Special Notice / Hearing: 10 Days
Vote Required: Majority

To: Honorable Board of Supervisors

From: Steve Monowitz, Community Development Director

SUBJECT: EXECUTIVE SUMMARY: Public hearing regarding: an ordinance creating a new Chapter 22.2, "Child Care Centers" of the San Mateo County Zoning Regulations, repealing Section 6401.2 (General Provisions Relating to Large Family Day Care Homes), and adopting related text amendments to the County Zoning Regulations for various zoning districts to conform those regulations with the new Chapter 22.2. The ordinance will regulate the land use aspects of child care centers in the unincorporated areas of San Mateo County.

County File Number: PLN 2020-00014

RECOMMENDATION

That the Board of Supervisors:

1. Open the public hearing;
2. Close the public hearing;
3. Adopt a resolution adopting the Negative Declaration for an ordinance repealing Section 6410.2 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;
4. Adopt 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, previously introduced to the Planning Commission on March 10, 2021, and waiving reading of the ordinance its entirety; and
5. Adopt a resolution directing submittal of the new Chapter 22.2 of the Zoning Regulations to regulate child care centers, and related text amendments of other chapters of the Zoning Regulations, as amendments to the County's Implementation Plan for the Local Coastal Program, to the California Coastal Commission for review and certification.

PROPOSAL

In the 2017 County-wide child care needs assessment, the San Mateo County Office of Education identified a significant shortage of child care services, estimating a total of 39,528 existing child care and preschool spaces in the County, where a total of 59,252 child care spaces are needed among those residing and/or working in the County. Permitting requirements and associated cost have been identified by child care

operators, child care planning organizations, and advocacy groups as barriers to expanding and establishing new child care centers. The County's proposed Child Care Facilities Ordinance aims to address these deficits by reducing the permitting requirements and costs for child care providers within the unincorporated areas of the County. The goals of the Ordinance are listed below:

1. Establish consistent County regulations throughout the unincorporated County to replace patchwork regulations;
2. Establish clear regulations and requirements;
3. Expedite the process for child care centers to be established or expanded under compatible conditions, such as a child care center locating within an existing building of similar use in terms of purpose, intensity, and parking needs or compatible use.
4. Provide a program to authorize existing unpermitted child care facilities; and
5. Provide incentives for the development of child care centers in Employment Centers and Transit-Oriented Development areas to encourage co-location with compatible uses to reduce traffic and parking.

SUMMARY

Planning Commission Action: At its public hearing on March 10, 2021, after receiving staff's presentation and public testimony, the Planning Commission voted unanimously to recommend that the Board of Supervisors adopt an ordinance adding the new Chapter 22.2, "Child Care Centers" of the Zoning Regulations and other specified actions.

Ministerial Process for Child Care Centers in Compatible Conditions: The adoption of the Child Care Facilities Ordinance would ease and streamline permitting requirements for child care centers by creating a ministerial approval process. A ministerial permit involves an application to the Planning Section, review of application materials by staff for compliance with requirements, and a letter of decision. No public noticing is performed prior to a decision, the decision would not be appealable, and no permit renewal would be required. In contrast, under the County's existing regulations, a use permit would be required for most child care centers; the use permit process requires notice and a public hearing adding substantial cost and time to the process of opening a child care center. A use permit would be required for most child care centers pursuant to the regulations for each zoning district and Section 6161(k)1 of the County's Zoning Regulations which allows "schools" with a use permit in the R-1, R-2 and R-3 residential zoning districts. The Ordinance would allow child care centers in the following circumstances with a ministerial permit:

- Within existing buildings, allowing for limited expansion, in areas zoned or designated by the General Plan for Commercial or Institutional, or Commercial/

Residential Mixed Use land uses. In urban areas outside of the Coastal Zone, new buildings up to 10,000 sq. ft. may be allowed subject to further criteria.

- Within converted single-family residences on parcels of conforming size which are zoned for Single-Family Residential land uses. In the Coastal Zone, residential parcels must be 10,000 sq. ft. or larger.
- Within existing or expanded institutional buildings or public facilities, as defined by the Child Care Facilities Ordinance.

Child care centers that do not meet the criteria of the Child Care Facilities Ordinance would require a Use Permit, as well as a Coastal Development Permit in the Coastal Zone, subject to compliance with applicable policies of the Local Coastal Program.

General Plan: The General Plan encourages the establishment of a mix of land uses, such as child care services, in order to support both residential and non-residential uses within existing urban and rural neighborhoods and communities. The North Fair Oaks Community Plan promotes creation of new childcare space in and around larger residential, mixed-use, commercial and other larger developments, and as part of transit stations and transit-oriented development projects; and directs the County to streamline and facilitate creation of new childcare facilities, particularly neighborhood-based large family childcare facilities, through changes to County code, changes to permitting processes, fee waivers, exemption from permitting requirements, and other incentives.

Local Coastal Program (LCP): Policy 3.15.d of the County's LCP encourages the provision of day care centers at designated affordable housing sites and other appropriate sites. The Child Care Facilities Ordinance creates a ministerial permit process for the location of child care centers in suitable urban and rural locations, applying Local Coastal Program coastal development permit exemption criteria within the Coastal Zone. Established exemption criteria would restrict building expansion for child care centers within a scenic corridor or within 300 feet of a beach or within 100 feet of a creek or wetland. Planning staff has added additional criteria for a ministerial permit in the Coastal Zone to protect visitor-serving uses and set specific parcel size and parking requirements to limit enrollment to a level proportional to the size of the parcel and available on-site parking.

Related Zoning Text Amendments: In addition to adding a new chapter of the Zoning Regulations pertaining to child care centers, the Child Care Facilities Ordinance includes zoning text amendments to revise chapters of the Zoning Regulations that contain outdated permit requirements for Small and Large Day Care Homes, separate definitions for child care facility types including centers, and separate permit requirements for child care centers. Language in I/NFO, C-2/NFO, and CMU-3 zoning districts would be retained which allow child care centers by right.

Environmental Review: The Child Care Facilities Ordinance is a project within the meaning of the California Environmental Quality Act (CEQA), in that it would establish a

new ministerial permit process, whereby child care centers that in the past would have needed to secure a Use Permit through a discretionary permit process subject to CEQA analysis on a project by project basis, will now require a ministerial permit which is exempt from CEQA. The Initial Study/Negative Declaration (IS/ND) focuses on the potential environmental impacts of child care projects that would qualify for the ministerial permit process. An IS/ND was prepared and released for public review from November 12, 2020 to December 14, 2020. As measures have been incorporated into the Ordinance to avoid or minimize impacts to the environment, no mitigation measures are needed.

FISCAL IMPACT

Nominal cost associated with implementation of the application processes created by the Child Care Facilities Ordinance by the Planning and Building Department.