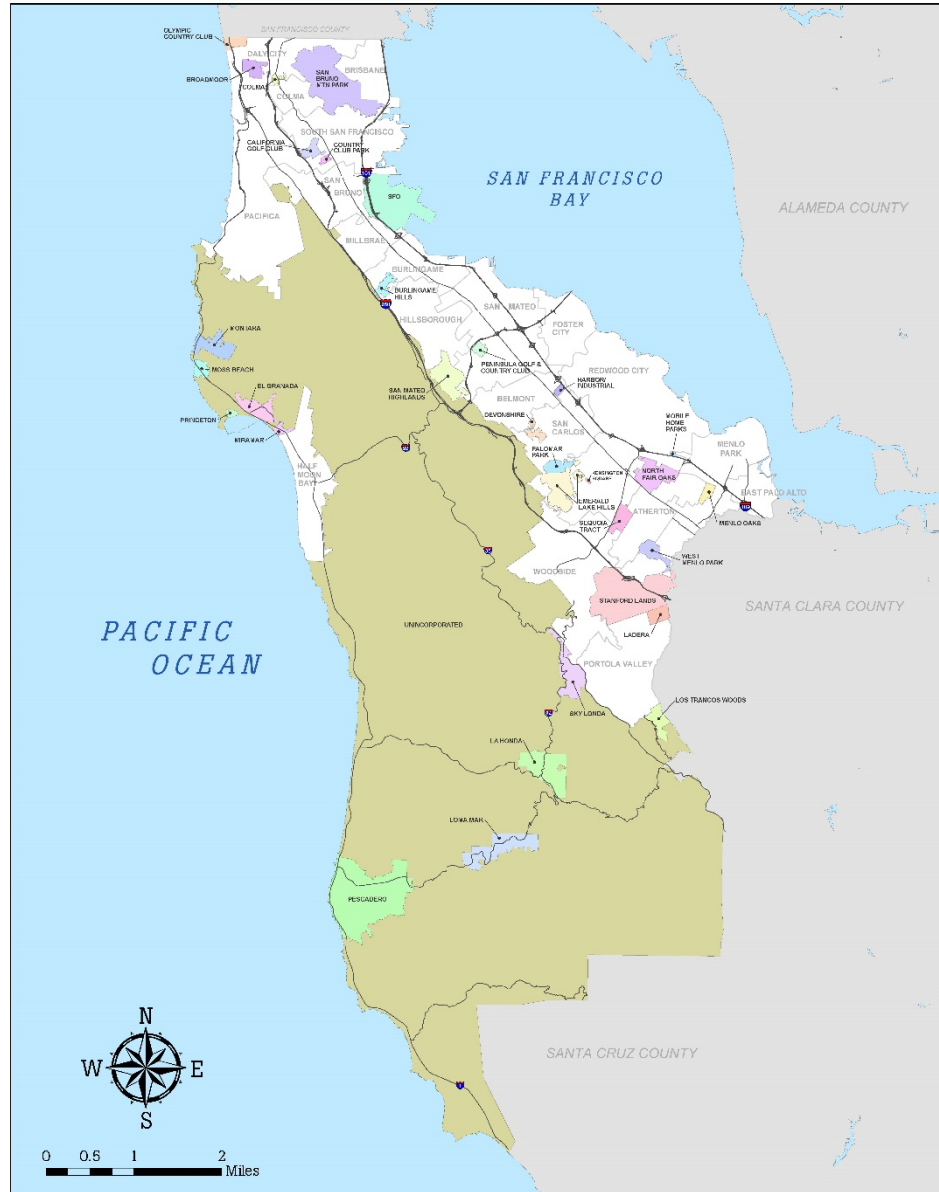


DRAFT CHILD CARE ORDINANCE



Board of Supervisors
May 4, 2021
County of San Mateo
Camille Leung, Senior Planner



New SMC Child Care Facilities Ordinance

Applies to area of County's Jurisdiction:
Unincorporated Areas of San Mateo County

- Bayside Areas (Non-Coastal Zone)
- Coastal Zone
- Excludes areas in City Limits

Presentation Slides:

Unincorporated Areas of San Mateo County - Grey
Bayside Areas (Non-Coastal Zone) - Beige
Coastal Zone - Blue

CURRENT REGULATION

- **Small Family Day Care Home (up to 8 children)**
 - Residence-based
 - No Planning permit is required.
- **Large Family Day Care Home (up to 14 children)**
 - Residence-based
 - Ministerial Permit (Section 6401.2 of Zoning Regulations): *County Requirements nullified by State Law (SB234) which permits this use outright*
- **Child Care Centers (Non-Residential; Facility)**
 - No County-wide Regulation:
 - Use allowed in North Fair Oaks Districts (I/NFO, C-2/NFO, CMU-3)
 - Use Permit required in Residential Zoning Districts and RH
 - Use Permit required in Planned Colma (PC), Neighborhood Mixed Use (NMU), Commercial Mixed Use (CMU), M-1 /NFO, M-1 /NFO/Edison, COSC.

NEED FOR MORE CHILD CARE SPACES IN SAN MATEO COUNTY

San Mateo County Child Care and Preschool Needs Assessment (2017)

- Estimates 39,528 existing child care and preschool spaces in the County, among care homes and child care centers
- Estimates a need for 59,252 such spaces among those residing and/or working in the County.
- Among the child care centers surveyed, 54% were open to the idea of expanding their operation.
- The large deficits for child care spaces were found in specific County areas

NEED FOR MORE CHILD CARE SPACES IN SAN MATEO COUNTY

Largest deficits in Burlingame, Redwood City, Daly City, Menlo Park, Montara, Pacifica, and Pescadero.

Infant/Toddler Spaces

- Menlo Park – 37% of demand is met by existing services
- Pacifica – 51% of demand is met by existing services
- Montara – 46% of demand is met by existing services
- Pescadero – 0% of demand is met by existing services

Preschool Spaces

- Redwood City – 47% of demand is met by existing services
- Menlo Park – 77% of demand is met by existing services
- Montara – 36% of demand is met by existing services
- Moss Beach – 16% of demand is met by existing services
- Pescadero – 62% of demand is met by existing services

EFFECT OF COVID-19 PANDEMIC ON CHILD CARE

Loss of Child Care Facilities due to pandemic

- In California, an estimated 8,500 licensed child care sites have shut down since the pandemic began.
- Tens of thousands of child care slots eliminated for children who need care while their parents work or attend school.
- Educational impacts to children (Source: CalMatters.org)

Women with Children Leaving Workforce

- 3 out of 10 working mothers said they had to take time off because school or daycare was closed.
- Low-income women are 3x more likely than higher income women to report quitting a job for a reason related to COVID-19. (Source: KFF Women's Health Survey 2020)

CHALLENGES FOR CHILD CARE CENTERS WITH CURRENT REGULATIONS

- **No County-wide Regulation** – Patchwork of regulations
- **Outdated** - Conflicts with State regulations
- **Use Permit Required in Most Cases**– Use Permit Process can be costly, time-consuming, and unpredictable. Ministerial Permits do not require public notice in advance of decision, no hearing, and no appeal process.

The overarching goal of the Draft Child Care Ordinance is to ease and incentivize the expansion of child care services within San Mateo County.

GOALS OF NEW ORDINANCE

- **County-wide Regulation** to replace patchwork
- **Consistent with State Requirements**
- **Expedite Process for Child Care Centers** under Compatible Conditions
- Provide a program to **authorize existing unpermitted Child Care Facilities**
- Provide Incentives for **Child Centers in Employment Centers and Transit-Oriented Development** to encourage co-location with compatible uses to reduce traffic and parking

SCOPE OF NEW ORDINANCE

- **No permits** required for **Small and Large Family Day Care Homes**
- Establishes **Ministerial Permit for Child Care Centers meeting criteria**
 - Conversion of Existing Buildings with a Similar Use in terms of purpose, intensity, and parking needs
 - Portion of a building with an Existing Compatible use
 - Minor additions
- **Maintains Use Permit process for other projects.**
 - Streamlines appeals process and eliminates Use Permit renewal requirement

CRITERIA FOR A MINISTERIAL PERMIT TO CHILD CARE CENTERS

Based on Applicable **Environmental Criteria:**

- Bayside Areas - Based on Exemptions from CEQA review
- Coastal Zone - Based on Exemptions from Coastal Development Permit
- **Conversion of Existing Buildings** with a Similar Use
 - Institutional, Commercial, Public Facility
 - Minor Additions allowed
 - New buildings allowed outside of the Coastal Zone
- **Conversion of a Portion of a Building** with a Compatible use
 - Comm/Res Mixed-Use; Office Use
 - Minor additions allowed

CONVERSION OF EXISTING BUILDINGS WITH A SIMILAR USE: INSTITUTIONAL, COMMERCIAL, COMM/RES MIXED-USE, PUBLIC FACILITY

- Bayside Areas
- Coastal Zone



BAYSIDE AREAS

Ministerial Permit process for child care centers in areas designated for:

- **Commercial**
- **Institutional**
- **Commercial/Residential Mixed-Use**
- **Single-Family Residential land uses**

Existing Institutional Buildings or Public Facilities, as defined by the Ordinance.

Applies to Urban and Rural Areas



**Table 1 - Locational Criteria for Ministerial Permits for Child Care Centers
Outside of the Coastal Zone**

Project Types	Ministerial Permit	Use Permit
[2,3]. Location of a CCC in an existing building in an Institutional, Commercial, or Commercial/ Residential Mixed-Use Zoning District, including minor or major expansion		
Applies to <u>sites zoned or designated by the General Plan</u> for one of the listed uses, or in <u>an existing Institutional Building or Public Facility</u>	X	
Expansion allowed up to 50% of the floor area of the structure before the addition, or 2,500 square feet in floor area, whichever is less	X	
Expansion allowed up to 10,000 sq. ft. square feet in floor area, if served by public utilities and roads, outside of Environmentally Sensitive Area and scenic corridor	X	

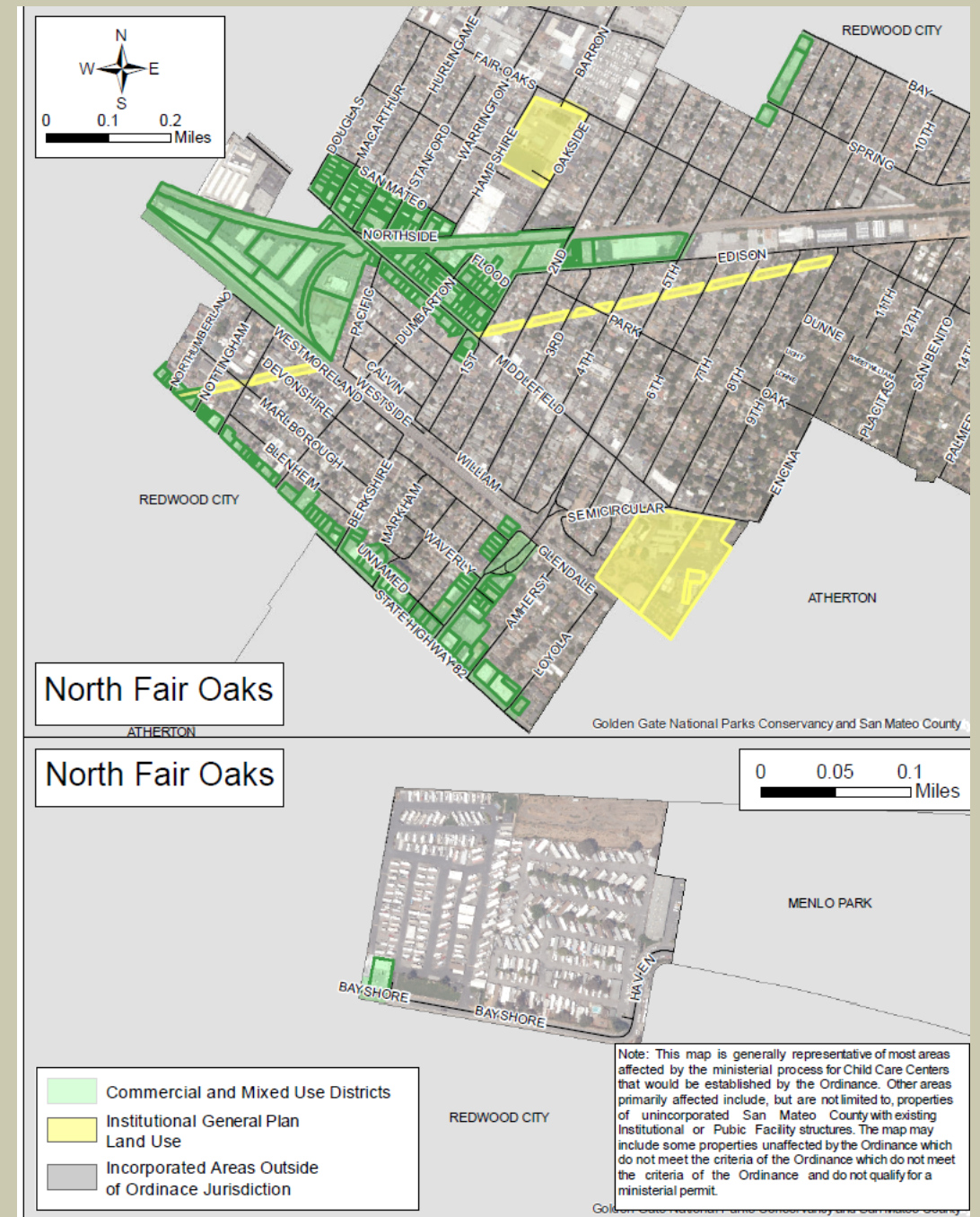
**Table 1 - Locational Criteria for Ministerial Permits for Child Care Centers
Outside of the Coastal Zone**

Project Types	Ministerial Permit	Use Permit
[4.] New CCC building in a Commercial or Institutional Zoning District		
Applies to <u>sites zoned or designated by the General Plan</u> for one of the listed uses	X	
New Building up to 10,000 sq. ft. in Urban areas	X	
New Building up to 2,500 sq. ft. in Rural areas	X	
Site is served by public utilities and roads	X	
Located in an ESA or Scenic Corridor		X

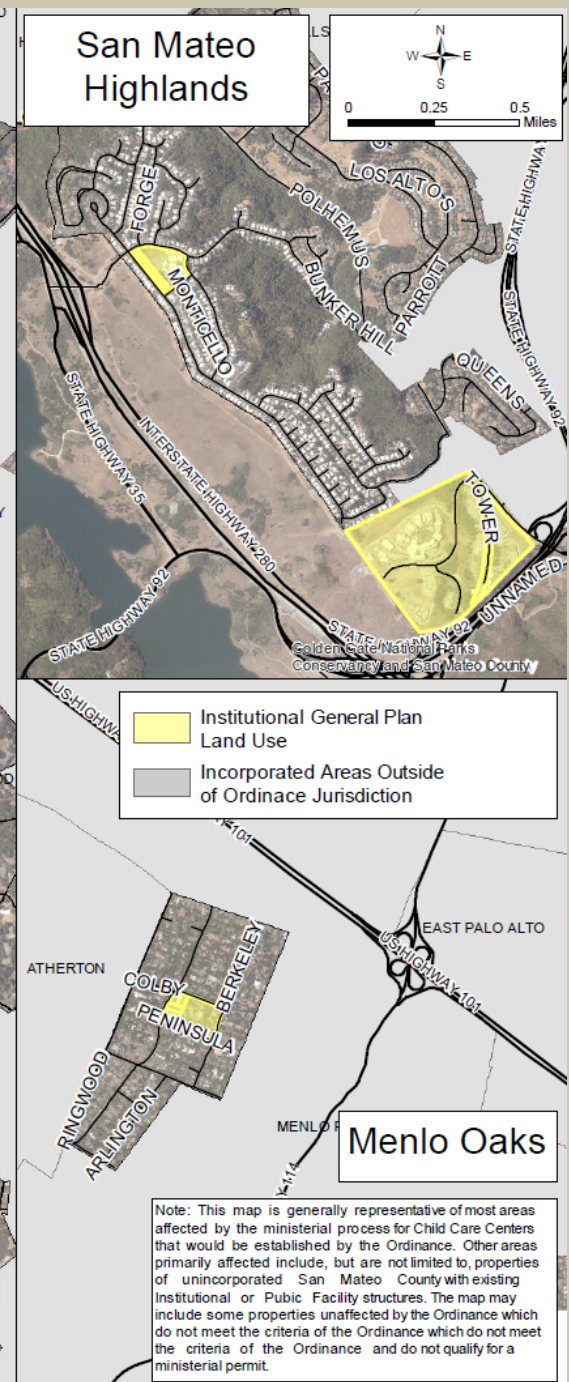
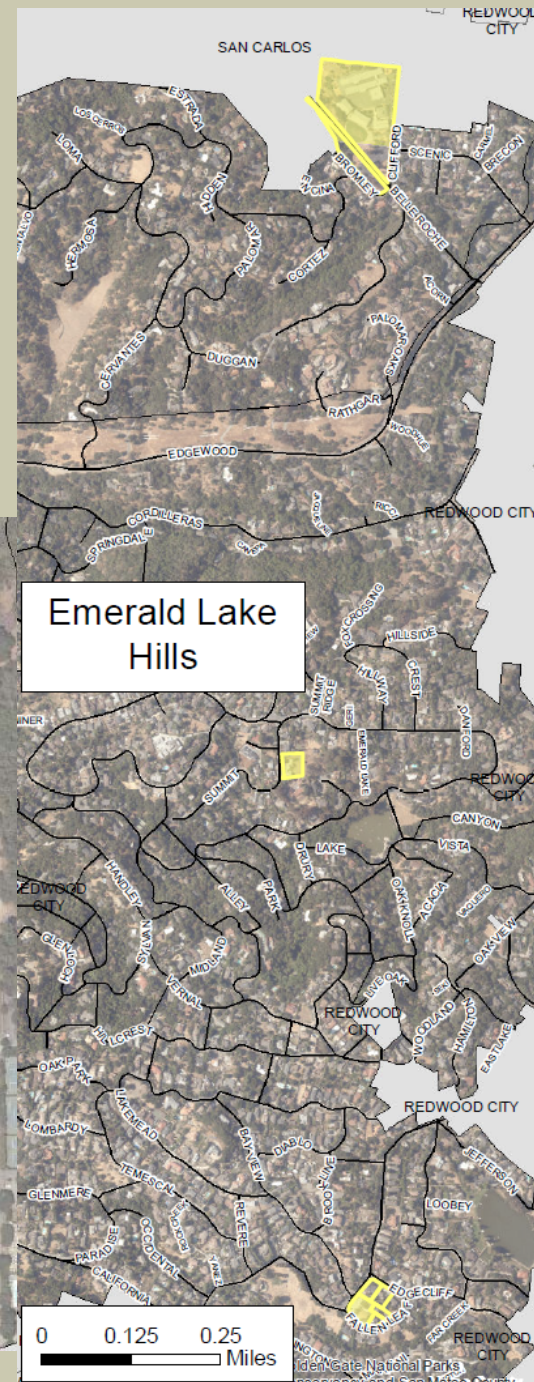
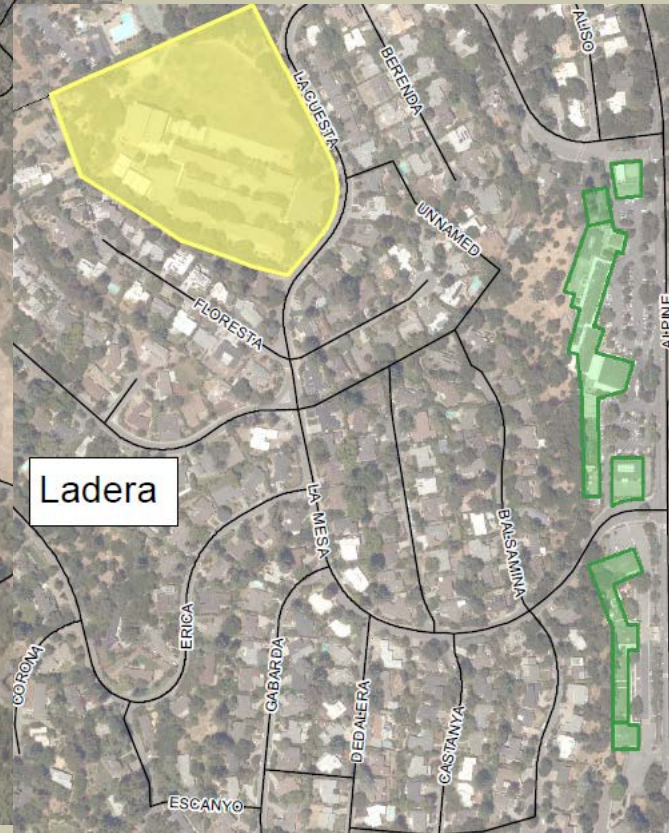
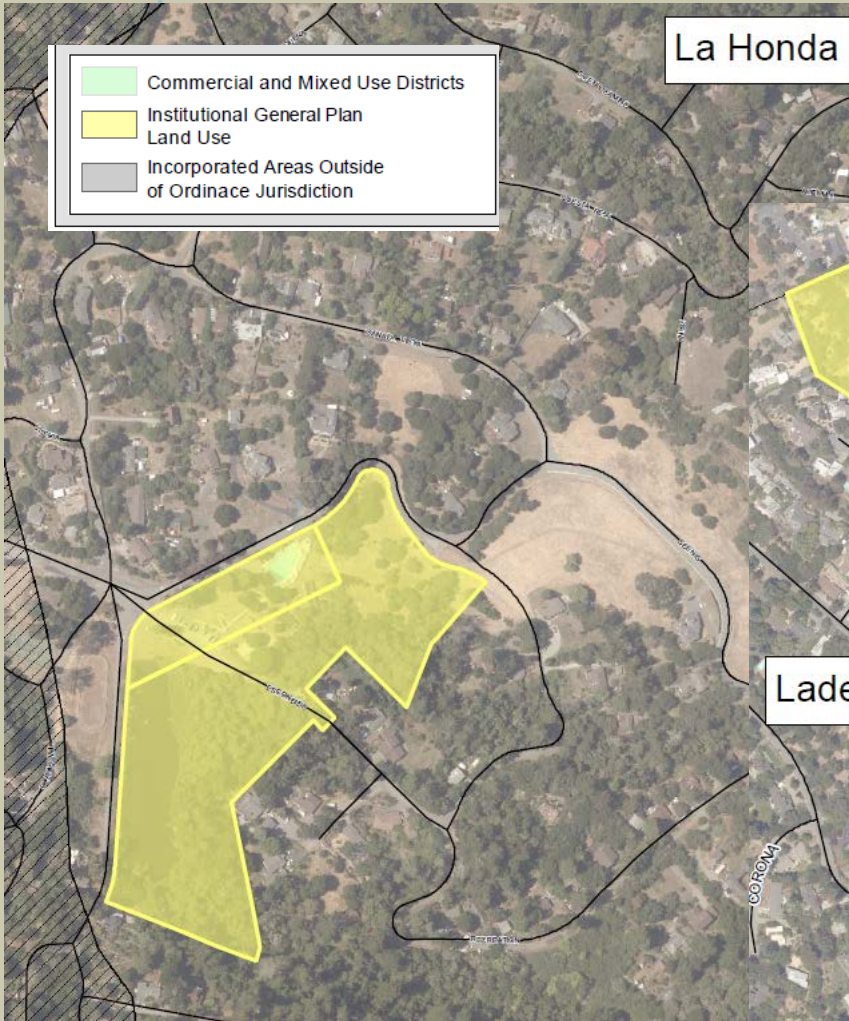
COMMERCIAL AND INSTITUTIONAL AREAS

Areas where Child Care Centers would likely be allowed with a Ministerial Permit:

- Areas zoned **Commercial** and **Commercial Mixed-Use**
- Areas designated for **Institutional Use**
- Also, properties containing **Existing Institutional Buildings or Public Facilities** (not shown)

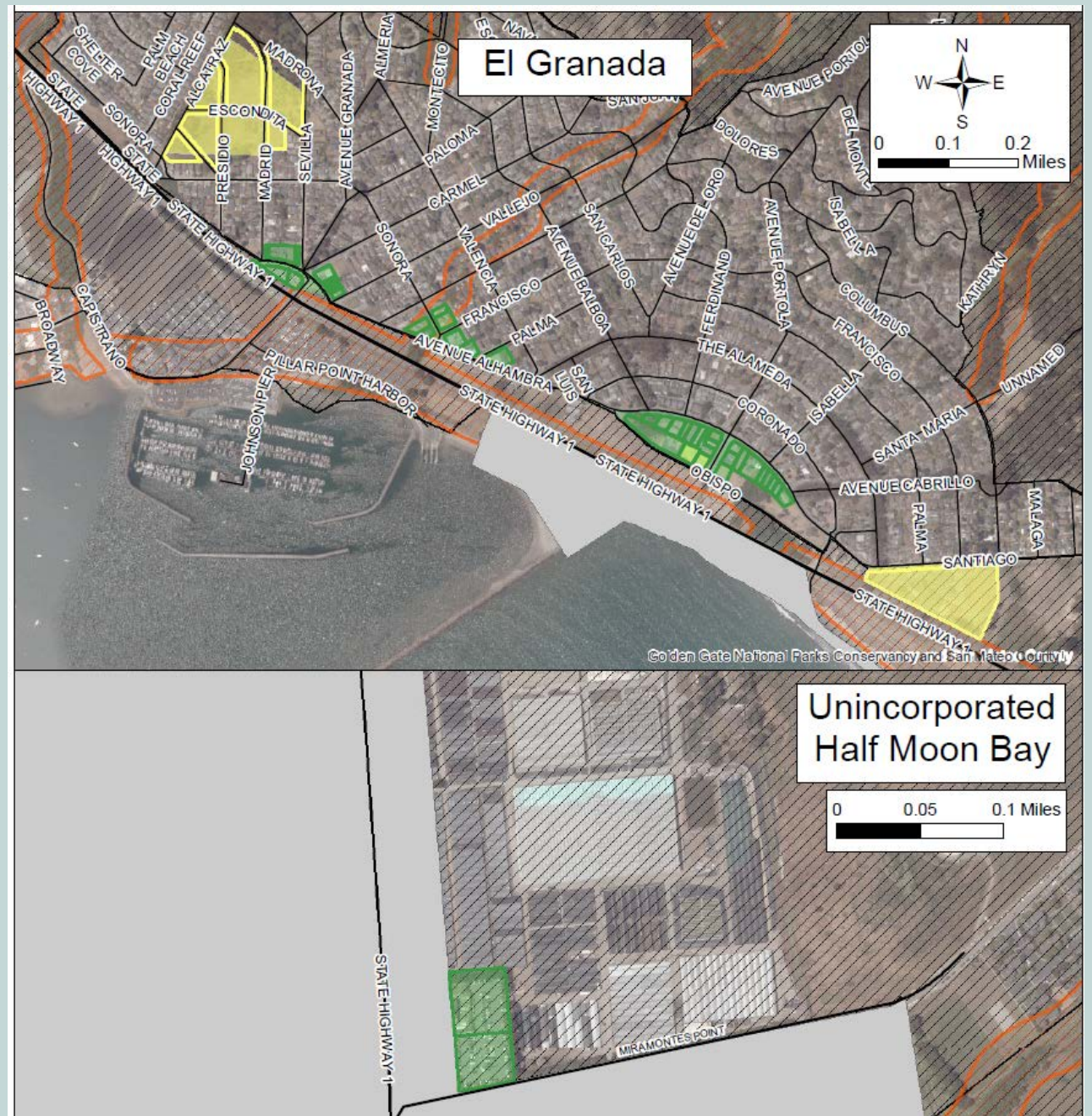
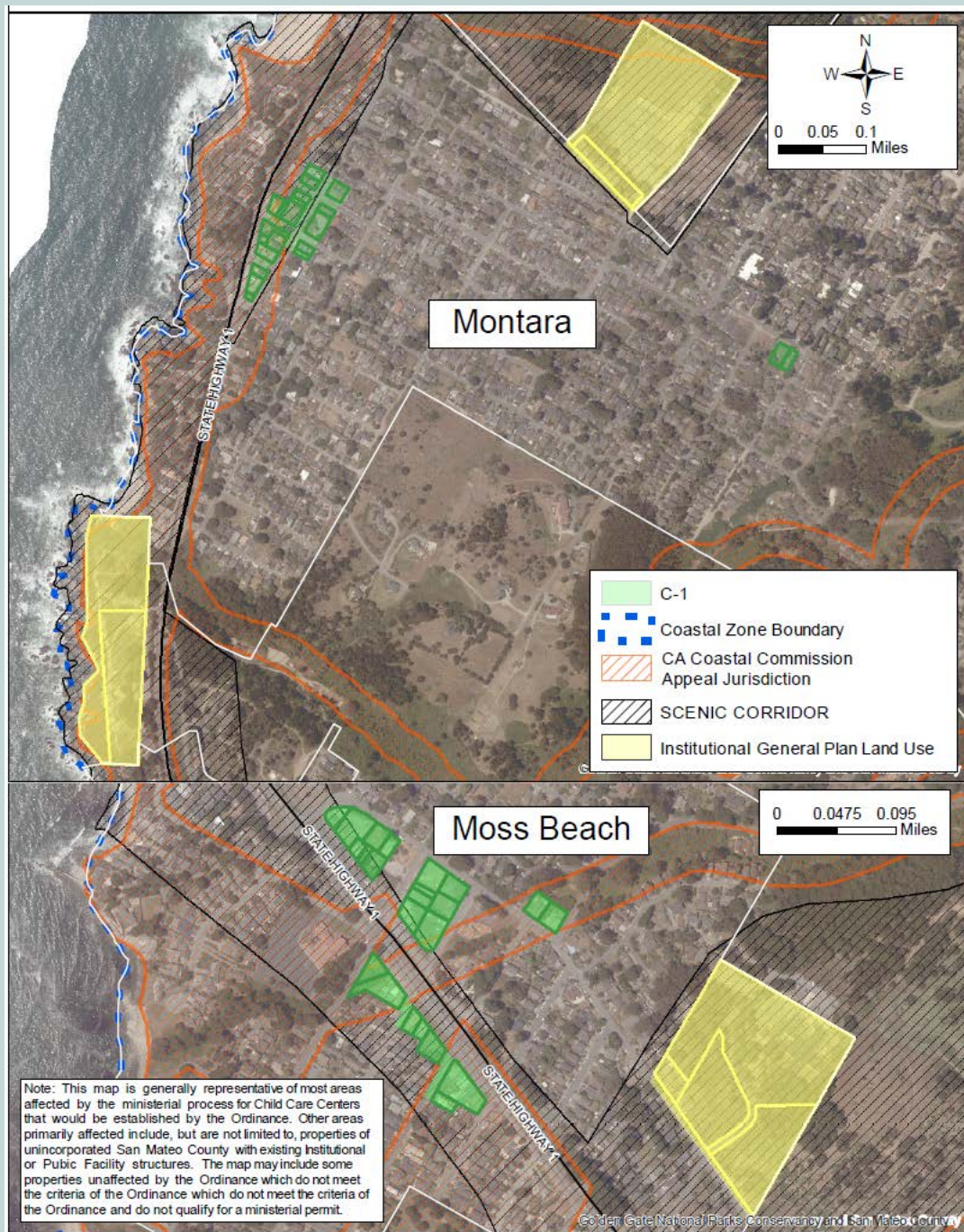


COMMERCIAL AND INSTITUTIONAL AREAS

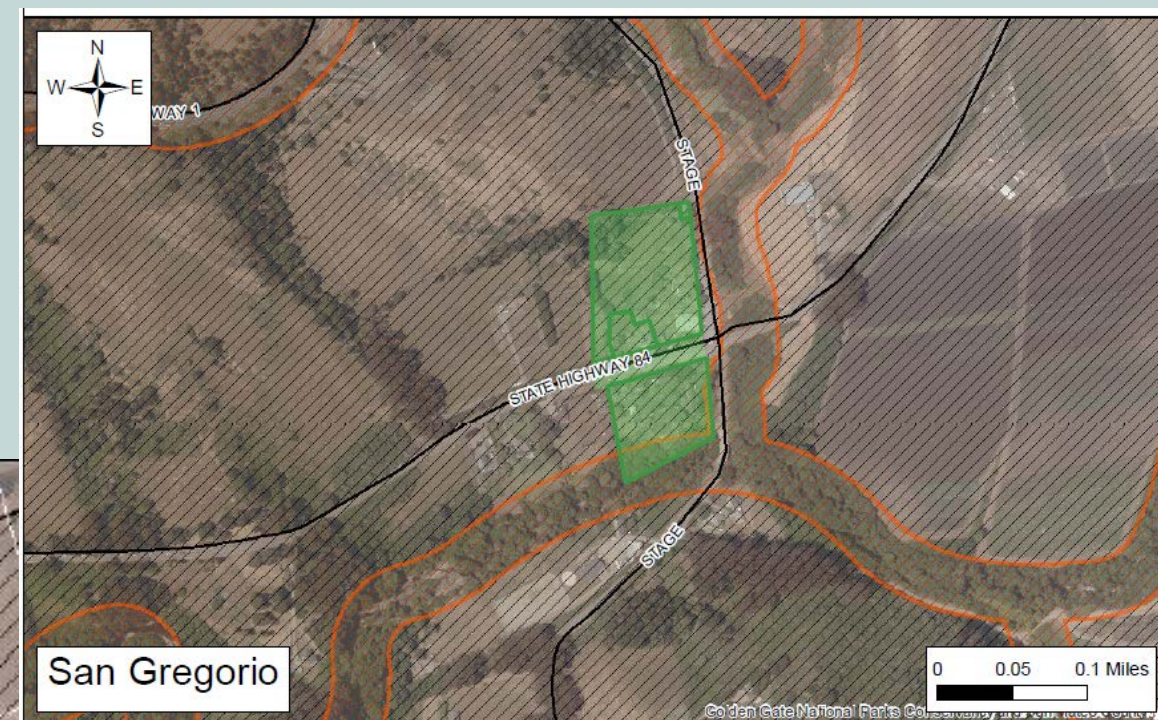
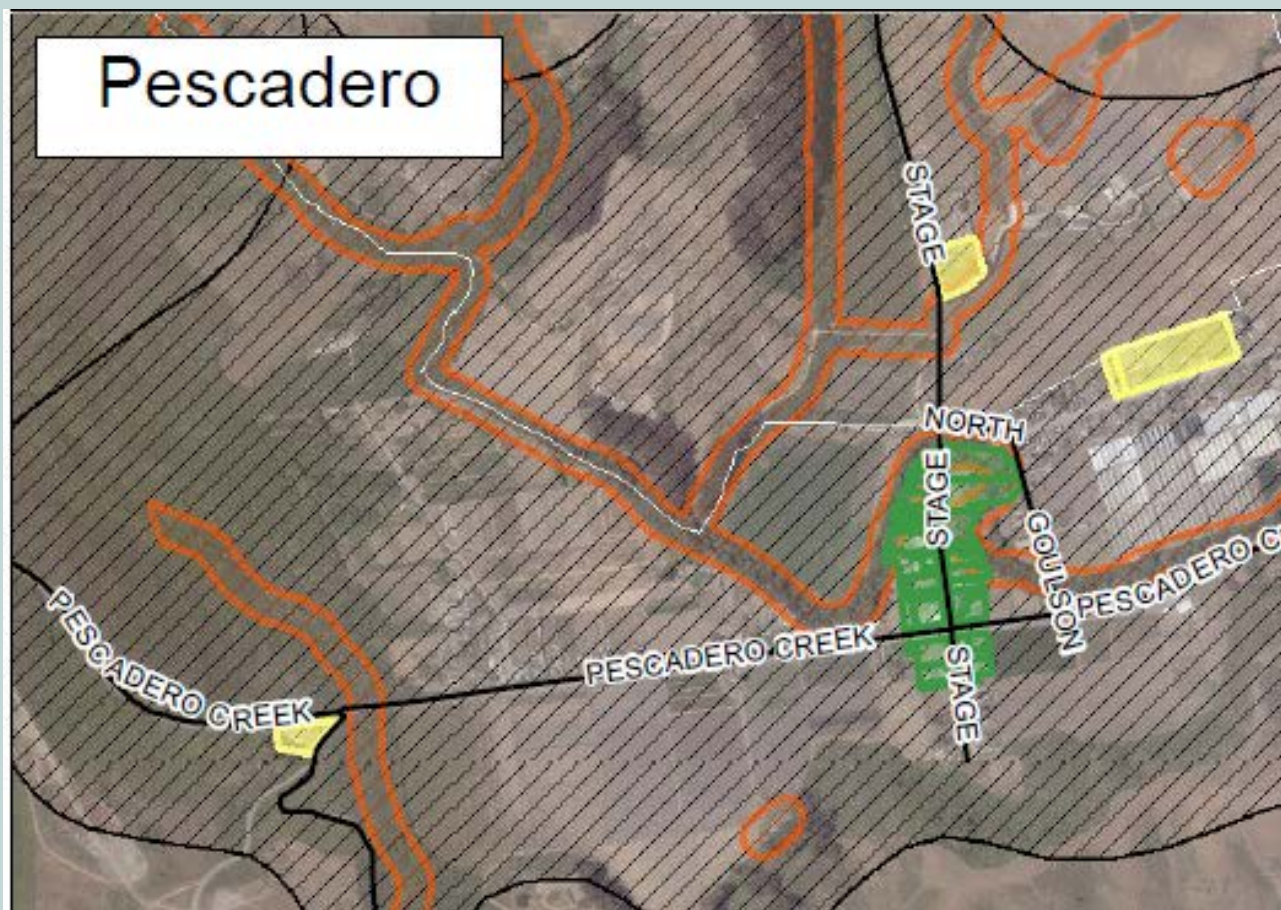


**Table 2 - Locational Criteria for a Ministerial Permit for Child Care Centers
Within the Coastal Zone**

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 <u>Institutional or Commercial Zoning District</u> or designated for such use by the <u>General Plan</u> , or in an <u>existing Institutional Building or Public Facility</u>	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	
Conversion of a visitor-serving commercial use		X
Located within a sensitive habitat or buffer zone		X



Pescadero

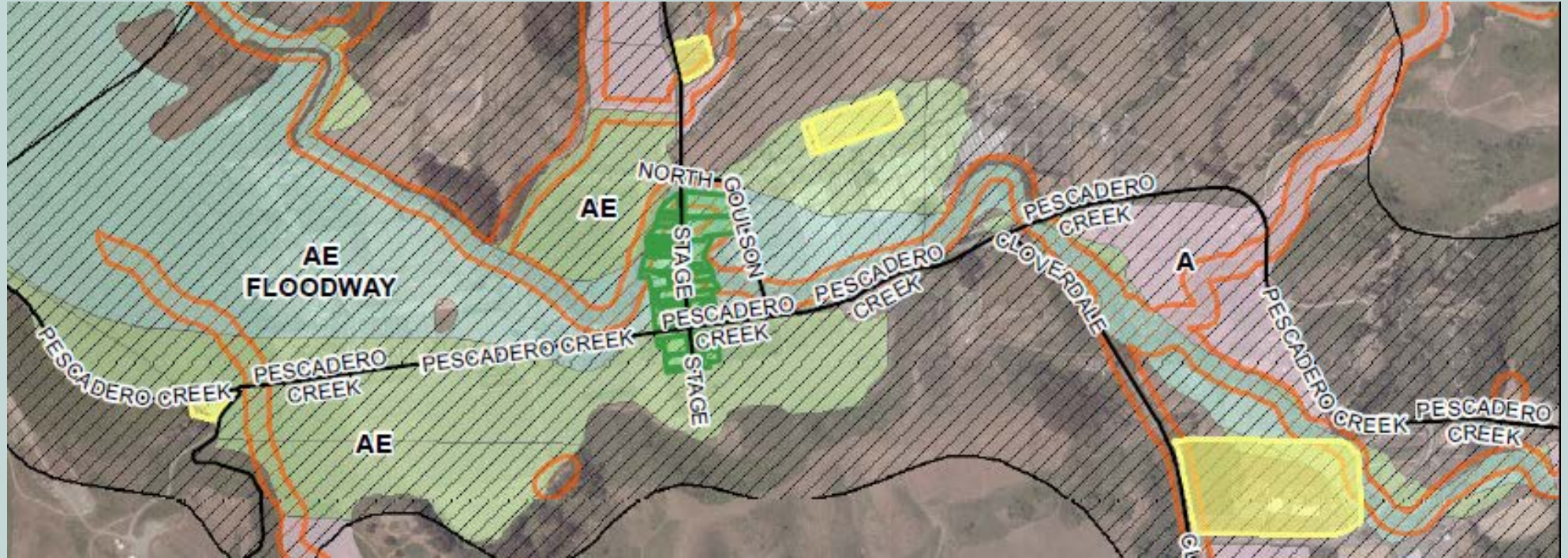
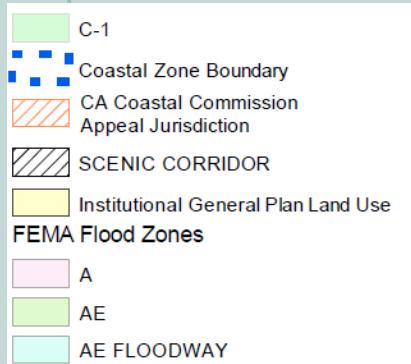


San Gregorio

- C-1
- Coastal Zone Boundary
- CA Coastal Commission Appeal Jurisdiction
- SCENIC CORRIDOR
- Institutional General Plan Land Use

BUILDINGS IN THE C-1 ZONE OF PESCADERO

Buildings on subject parcels are potentially 1-3 feet below the Base Flood Elevation (BFE)



- **INTENSIFICATION OF USE:** If the project increases the intensity of the existing use, improvements will be required to raise the floor elevation to BFE
- **SUBSTANTIAL IMPROVEMENT:** If “substantial development” (over 50% valuation) threshold is proposed, improvements will be required to raise the floor elevation to BFE+1 feet
- Evacuation plans would be required for all new child centers within the floodplain or floodway

CONVERSION OF SINGLE-FAMILY RESIDENCES

- Bayside Areas – Residences in Residential, Mixed-Use, or Commercial Zoning Districts
- Coastal Zone – Residences in Residential Districts Only



**Table 1 - Locational Criteria for Ministerial Permits for Child Care Centers
Outside of the Coastal Zone**

Project Types	Ministerial Permit	Use Permit
1. Conversion of an existing Single-Family Residence or a portion of a Multiple-Family Residential Building to a CCC, including expansion		
Applies to sites in a <u>Residential, Mixed-Use, or Commercial Zoning District</u> and property is <u>of conforming size</u>	X	
Urban or Rural area	X	
Parking Requirement Met: provides one on-site parking space per six children enrolled	X	
Expansion allowed when compliant with the development standards of the applicable zoning district	X	
Design Review District: Development must comply with design review standards and permitting requirements pertaining to residences.	X	

BAYSIDE RESIDENTIAL AREAS

Residential Zoning Districts: R-1, R-2, R-3, R-3-A, PC, R-E, and RH zoning districts, excluding PUD and MH zoning districts.

- Broadmoor
- Unincorporated Colma
- Country Club Park
- Burlingame Hills
- Palomar Park
- Emerald Lake Hills

- North Fair Oaks
- Menlo Oaks
- Sequoia Tract
- San Mateo Highlands
- Devonshire
- West Menlo Oaks
- Stanford Lands
- Ladera
- Sky Londa
- La Honda
- Los Trancos Woods

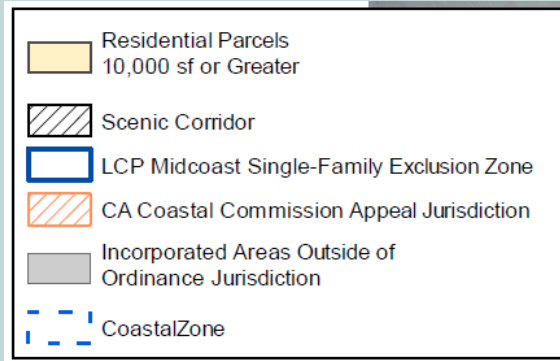
Also, allowed within an existing residence in a Mixed-Use or Commercial Zoning District.

**Table 2 - Locational Criteria for a Ministerial Permit for Child Care Centers
Within the Coastal Zone**

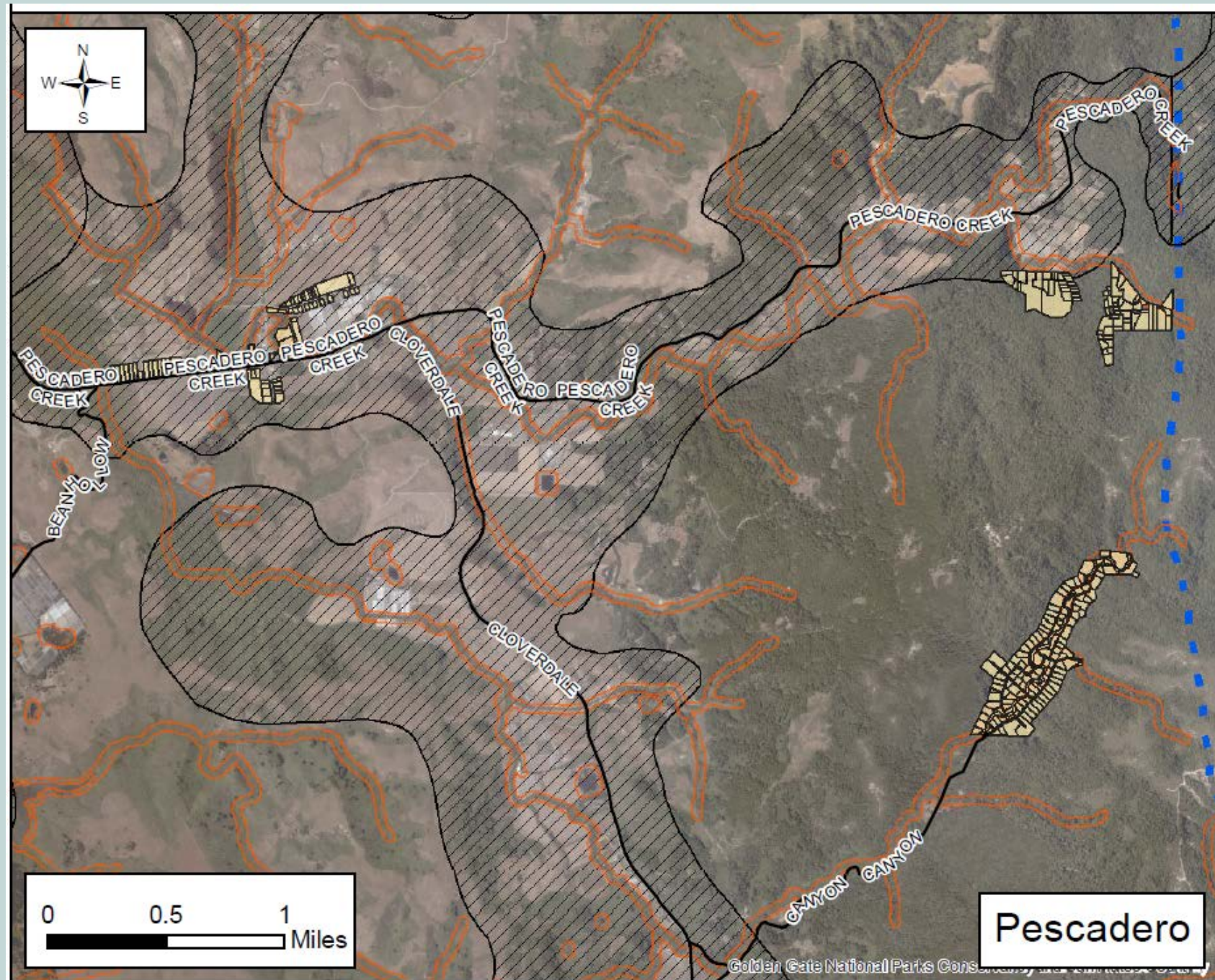
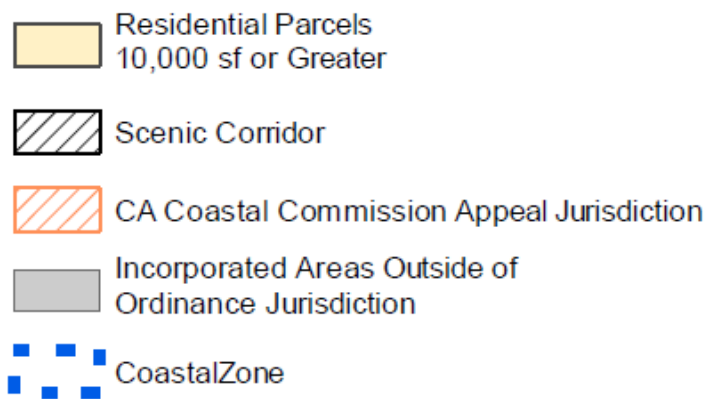
Project Types	Ministerial Permit	Use Permit and CDP
[2.] Conversion of Single-Family Residence on Parcel \geq 10,000 sq. ft. in a Residential Zoning District to a CCC, including expansion		
Parking Requirement Met: 6 children enrolled for each on-site parking space	X	
Parcel size is 10,000 sf or larger 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 <u>and</u> 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

MIDCOAST R-1 PARCELS

10,000 SF OR LARGER

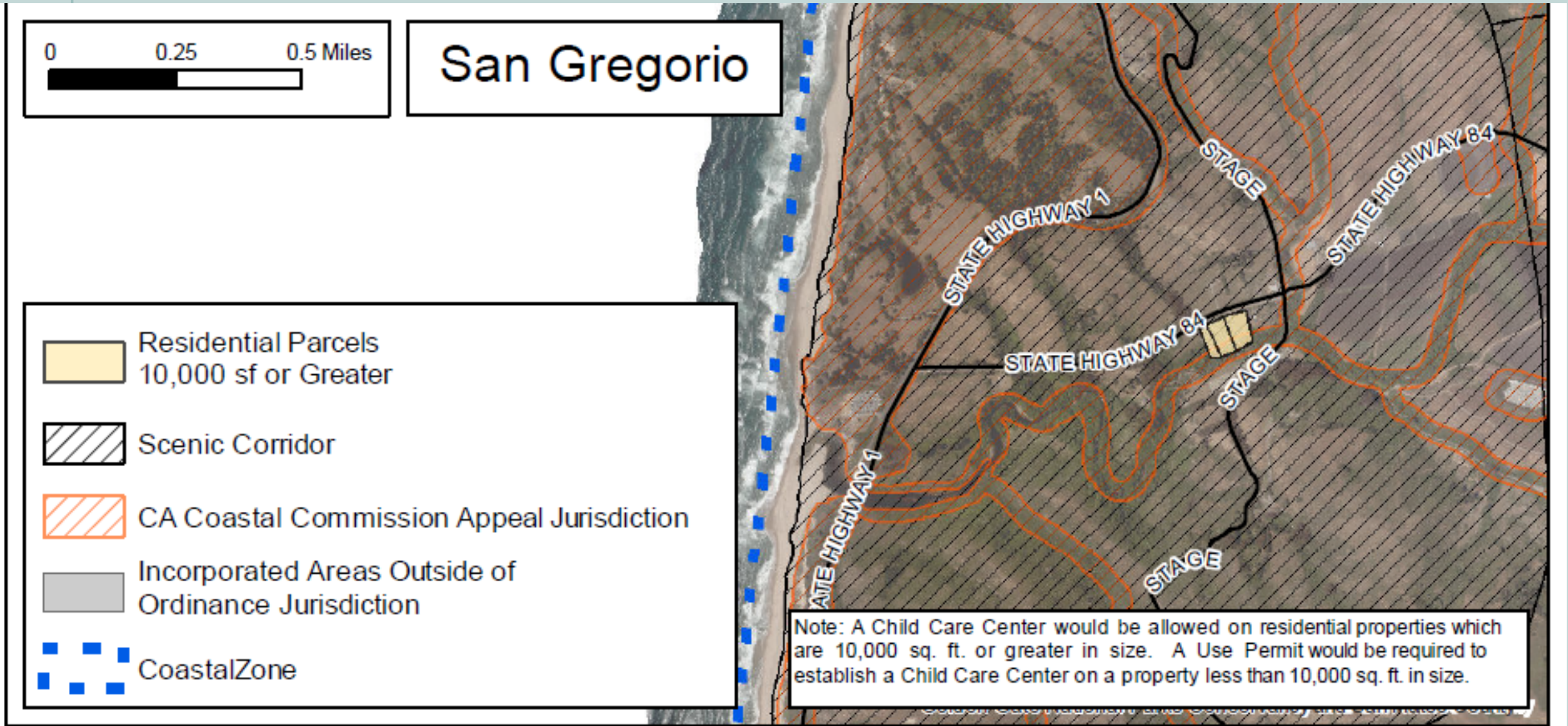


PESCADERO R-1 PARCELS 10,000 SF OR LARGER



SAN GREGORIO R-1 PARCELS

10,000 SF OR LARGER



NON-INTENSIFICATION OF USE

County does not consider the conversion of a single-family residential use to a Child Care Center (CCC) use as an “intensification of use”

- A CCC use is **similar in intensity to a Large Family Child Care Home (LFCCH; allows up to 14 children)** which is considered a residential use and allowed within *any residence* by State law.
- Criteria limits the intensity of the CCC use:
 - A CCC may enroll more children than a LFCCH, but only in proportion to on-site parking provided
 - A CCC does not support a residential use
 - Ordinance sets a 10,000 sq. ft. parcel size and limits use to Residential Zoning Districts

SCOPE OF NEW ORDINANCE

- **Use Permit for Child Care Centers** which do not meet ministerial permit criteria
 - Use Permit Process, Public Hearing
- **Examples of Types of Uses requiring a Use Permit:**
 - Location in Manufacturing (M-1) Zoning District
 - New building in Residential zoning district
 - Conversion of house on a sub-standard size Residential Parcel
 - New Building in the Coastal Zone
 - Child Care that does not meet parking requirements

HIGHLIGHTS OF ORDINANCE

▪ **REQUIRED PARKING**

- Commercial/Institutional/Public Facility: 1 Parking Space required per 4 Enrolled Children or 3 parking spaces for every 1,000 square feet of Gross Floor Area, whichever is lower
- SFD Conversion: 1 Parking Space required per 6 Enrolled Children
- 50% Parking Reduction: For co-located, affiliated, and Transit-Oriented Child Care Centers

▪ **LEGALIZATION PROCESS FOR EXISTING UNPERMITTED FACILITIES**

▪ **INCENTIVES**

- State Law: Density Bonus
- Floor Area & Parking Waiver for Eligible Employment Centers
- Density/Floor Area & Parking Waiver for Eligible TOD

50% PARKING REDUCTION TO CHILD CENTER PARKING REQTS

- Accessory Use: Child care center is located on-site with a compatible use (residential; office); need for fewer parking spaces
- Affiliated Use: Employer provides incentive(s) for employees to use affiliated Child care center located within 1/4-mile of business
- 1/4-mile radius of a Transit Center (Transit-Oriented Development): More parents likely to take public transit; need for fewer parking spaces

50% Parking Reduction, FAR, and Density Bonus

- **Eligible Employer** - Employment Center with On-Site Child Care
- **Eligible TOD** – Transit-Oriented Development (Typically housing) with On-Site Child Care
 - Area of Child Care Center must remain as Child Care use

PUBLIC ENGAGEMENT



- NEGATIVE DECLARATION:
 - Public Review Period: November 12 to December 14, 2020
- RESPONSIBLE AGENCY: CA COASTAL COMMISSION - November 30, 2020
- CHILD CARE PARTNERSHIP COUNCIL, San Mateo County Office of Education
 - May 21, 2018; August 14, 2018
- TRANSPORTATION WORKING GROUP, San Mateo County C/CAG - July 1, 2020
- MIDCOAST COMMUNITY COUNCIL - January 27, 2021
- NORTH FAIR OAKS COMMUNITY COUNCIL – January 28, 2021
- PLANNING COMMISSION –
 - Recommendation to the BOS - March 10, 2021
- BOARD OF SUPERVISORS – May 4, 2021

Upcoming

- Certification by the Coastal Commission (Coastal Zone Only)

ASSOCIATED ZONING TEXT CHANGES



Establish **consistency** throughout County Zoning Districts with New Chapter

- Zoning text amendments to revise chapters of the Zoning Regulations that contain:
 - Outdated permit requirements for Small and Large Day Care Homes
 - Conflicting definitions of child care facility types
 - Conflicting permit requirements

Retain Permissive Requirements in North Fair Oaks:

- Language in I/NFO, C-2/NFO, and CMU-3 zoning districts would be retained which allow child care centers by right.

RECOMMENDED ACTION

- A) Open the public hearing
- B) Close the public hearing
- C) Adopt a **resolution adopting the Negative Declaration** for 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
- D) 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
- E) 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.

THANK YOU

Kristen Anderson

Sarah Kinahan (Office of Education)

Christine Padilla (4Cs)

Randy Torrijos (Supervisor's Aide)

DRAFT CHILD CARE ORDINANCE

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