



County of San Mateo

Inter-Departmental Correspondence

Department: PLANNING AND BUILDING

File #: 21-335

Board Meeting Date: 5/4/2021

Special Notice / Hearing: 10 Days
Vote Required: Majority

To: Honorable Board of Supervisors

From: Steve Monowitz, Community Development Director

Subject: Public hearing regarding: an ordinance creating a new Chapter 22.2, "Child Care Centers" of the 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 reconcile those regulations with the new ordinance

County File Number: PLN 2020-00014

RECOMMENDATION:

Recommendation to:

- 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 waive 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.

PROPOSAL

The overarching goal of the Child Care Facilities Ordinance (Attachment A) is to ease and incentivize the expansion of child care services within San Mateo County. In a county-wide child care needs assessment conducted in 2017 (2017 San Mateo County Child Care and Preschool Needs Assessment (“2017 Needs Assessment”), prepared by Sarah Kinahan Consulting), the San Mateo County Office of Education identified a significant shortage of child care services. The 2017 Needs Assessment estimates there are 39,528 existing child care and preschool spaces in the County, among residence-based family child care centers and child care centers. It estimates that a total of 59,252 child care spaces are needed, by both County residents and non-residents working in the County. The 2017 Needs Assessment also found that among the child care centers surveyed, 54 percent were open to the idea of expanding their operation. The largest deficits for child care spaces were found in the areas of Burlingame, Redwood City, Daly City, Menlo Park, Montara, and Pacifica. Specifically, the 2017 Needs Assessment identified the following significant deficiencies:

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

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 Child Care Facilities 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;
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.

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 (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). Obtaining a use permit for a child care center would require notice and a public hearing, adding substantial cost and time to the process of opening a child care center.

The Child Care Facilities Ordinance would also establish specific permitting requirements for child care centers, where specific requirements currently only apply to Large Family Day Care Homes (Section 6401.2 of the Zoning Regulations). Large Family Day Care Homes (referred to as Large Family Child Care Homes in the Ordinance) are State-licensed, residence-based care facilities for up to 14 children. The adoption of the Ordinance would repeal Section 6401.2 and create a new Chapter 22.2 (Child Care Facilities) of the Zoning Regulations. The Ordinance would not regulate Small or Large Family Child Care Homes as these uses are allowed by right by State law. Small Family Child Care Homes are State-licensed, residence-based care facilities for up to 8 children.

In general, the Ordinance would ease restrictions for a child care center to locate within an existing building of similar use in terms of purpose, intensity, and parking needs (such as commercial and institutional buildings) or compatible use (such as single- and multiple-family residential). It would also allow for expansion of such buildings according to environmental and locational criteria. Child care centers in the following circumstances would be allowed 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 Ordinance.

The Child Care Facilities Ordinance would also:

- provide a streamlined use permit process, with a reduced appeal process and no requirement for use permit renewal, for child care centers not meeting the ministerial permit criteria;
- Create an amnesty program for existing, unpermitted child care centers that have been in continuous operation at a specified location for a minimum of 3 years prior to the effective date of this Ordinance, as confirmed by State license documentation; and
- Provide developers a Floor Area Ratio (FAR) Bonus and a Parking Waiver as incentives to incorporate a child care center as a part of an employment center (those employing 50 or more employees and meeting additional criteria) or Transit-Oriented Development (TOD) located within 1/4-mile radius of a Transit Center, as defined by the Ordinance.

BACKGROUND

Report Prepared By: Camille Leung, Senior Planner

Applicant: San Mateo County Planning and Building Department

Location: Unincorporated County areas

APN(s): Various

Existing Zoning:

- Outside of the Coastal Zone: Commercial, Institutional, Residential (Single- and Multiple-Family), and Commercial/ Residential Mixed Use zoning districts, in urban and rural areas.
- Inside the Coastal Zone, Commercial, Institutional, and Single-Family Residential zoning districts, in urban and rural areas.

General Plan Designation:

- Outside of the Coastal Zone: Areas designated for Commercial, Institutional, Residential (Single- and Multiple-Family), or Commercial/ Residential Mixed Use land uses, in urban and rural areas.
- Inside the Coastal Zone: Areas designated for Commercial, Institutional, or Single-Family Residential land uses, in urban and rural areas.

Existing Land Use: Existing commercial, institutional, residential, or commercial/ residential mixed-use buildings; and public facilities.

Environmental Evaluation: An Initial Study/Negative Declaration (IS/ND) was prepared in compliance with the California Environmental Quality Act ("CEQA"), with a public comment period from November 12, 2020 to December 14, 2020. The IS/ND was distributed by the State Clearinghouse to applicable State agencies (SCH 2020110224).

Chronology:

<u>Date</u>	<u>Action</u>
October 21, 1997	-Section 6401.2 (General Provisions Relating to Large Family Day Care Homes) is added by County Ordinance No. 3791, requiring a large family day care permit for large residential day care facilities (serving between 7-12 children). A small family daycare home (serving between 1-6 children) is treated as a residential use of property for purposes of all local ordinances.
November 2017	-County-wide child care needs assessment is conducted by Sarah Kinahan Consulting for the San Mateo County Office of Education, which identifies a significant shortage of child care services in San Mateo County.

May 21, 2018	-Presentation of Draft Ordinance to the Child Care Partnership Council; Staff revises Draft Ordinance to address comments received.
August 14, 2018	-Presentation of Draft Ordinance to the Facilities Committee of the Child Care Partnership Council; Staff revises Draft Ordinance to address comments received.
September 5, 2019	-Senate Bill 234 (SB234) is approved by the Governor. SB234 requires a large family daycare home to be treated as a residential use of property for purposes of all local ordinances.
July 1, 2020	-Presentation of Draft Ordinance to the C/CAG Transportation Working Group to collect feedback regarding reasonable walking distance for affiliated employment centers, parking requirements, and definition of transit center; Staff revises Draft Ordinance to address comments received.
November 12, 2020 to December 14, 2020	-Release of Initial Study/Negative Declaration and public comment period.
November 30, 2020	-Presentation of Draft Ordinance to California Coastal Commission staff; Staff revises Draft Ordinance to address comments received.
January 27, 2021	-Planning staff presented the Draft Ordinance as an informational item at the Midcoast Community Council (MCC) public meeting, where public comment was provided.
January 28, 2021	-At its public meeting, the North Fair Oaks Community Council (NFOCC) recommends the approval of the Ordinance to the Planning Commission and the Board of Supervisors.
March 10, 2021	-At its public hearing, the Planning Commission recommended that the Board of Supervisors adopt a resolution adopting the Initial Study/Negative Declaration; adopt an ordinance adding the new Chapter 22.2, "Child Care Centers" of the Zoning Regulations, repealing Section 6401.2 (General Provisions Relating to Large Family Day Care Homes), and amending the text of the County Zoning Regulations for various zoning districts; and adopt a resolution directing staff to submit the Ordinance to the Coastal Commission.
May 4, 2021	- Board of Supervisors public hearing

DISCUSSION

A. PLANNING COMMISSION RECOMMENDATION

At its public hearing on March 10, 2021, after receiving staff's presentation and public testimony, the Planning Commission voted unanimously to recommended that the Board of Supervisors adopt a resolution adopting the Initial Study/Negative Declaration; adopt an

ordinance adding the new Chapter 22.2, “Child Care Centers” of the Zoning Regulations, repealing Section 6401.2 (General Provisions Relating to Large Family Day Care Homes) and amending the text of the County Zoning Regulations for various zoning districts; and adopt a resolution directing staff to submit the Ordinance to the Coastal Commission; without modification.

B. COMPLIANCE WITH COUNTY GENERAL PLAN

1. County Unincorporated Areas

Through various policies, 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, such as those listed below:

- Policy 7.2 (*Local Economies*): Designate land uses in order to support and strengthen existing local economies (i.e., jobs, incomes and housing to support local populations).
- Policy 7.7 (*Land Use Patterns*): Distribute the designation of land uses in order to achieve orderly, understandable, coherent and workable land use patterns.
- Policy 8.5 (*Definition of Urban Community*): Define Urban Communities as those large, populated unincorporated areas which contain a wide range of residential land use densities and a mix of land uses which provide services to surrounding areas and meet, in part, the internal shopping, employment and recreational needs of the community residents.
- Policy 9.5 (*Rural Service Centers*): Define Rural Service Centers as small rural communities having a combination of land uses which provide services to surrounding rural areas.
- Policy 27.2 of the County’s Housing Element calls for the County to incentivize and support affordable housing opportunities for Large Family and Single-Parent Households and specifically encourages affordable housing development linked to child care services.

Currently, the Department treats child care centers as similar to a school use, which is institutional in nature. The General Plan defines “Institutional use” as cultural and educational and public service uses including but not limited to schools, libraries, hospitals, and churches. In the unincorporated areas of the County, institutional land uses are allowed in both urban and rural areas, subject to the following locational criteria: (1) Developed with existing educational facilities, government facilities or other public facilities; (2) Owned by public agencies; and (3) Suitable for development for institutional uses. The Ordinance would allow a child care center in areas zoned or designated by the General Plan for Institutional land uses and also within existing or expanded institutional buildings or public facilities. The Ordinance would also allow child care centers in areas zoned or designated for Commercial or Commercial/ Residential Mixed Use land uses as the child care center use would serve both commercial and multiple-family residential uses and has similar traffic and parking needs to those uses.

Policy 7.6 (*Natural and Man-Made Hazards*) designates land uses in order to minimize the danger of natural and manmade hazards to life and property. The construction of a building or conversion/alteration of an existing building for a child care center are subject to building codes and the County's Zoning Regulations, which regulate development in geological hazard areas, special flood hazard areas, and other identified hazard areas. For further discussion of the potential impact of the Ordinance in special flood hazard areas, see Section F.2 of this report.

2. North Fair Oaks Community Plan

Several policies of Section 5.2.5 *Neighborhood Goods and Services* of the North Fair Oaks Community Plan (*Community Plan*) promote the establishment of additional child care facilities, including child care centers. Policy 13A calls for the County to allow and encourage small-scale neighborhood-serving retail and amenities such as child care centers in underserved areas. The 2017 Needs Assessment identified significant infant/toddler and preschool space deficits for North Fair Oaks. The following summarizes the applicable policies of the Community Plan and how each is addressed by the Child Care Facilities Ordinance:

a. Policy 13F: Promote 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 Policy 13H: Allow childcare as a use permitted by right in all areas designated Commercial Mixed-Use. As shown in Table 1 of the Child Care Facilities Ordinance, the Ordinance would create a streamlined ministerial permit process for the establishment of child care centers: 1) within existing Multiple-Family, Institutional, and Public Facility buildings and 2) within an existing or new building within an Institutional, Commercial, and Commercial/ Residential Mixed-Use zoning district meeting the criteria of the Ordinance.

As described in Section 6420.5.C (pages 15-17) of the Ordinance, the Ordinance would provide a density bonus, floor area bonus, and 50% parking waiver for Transit-Oriented Development located within a 1/4-mile radius of a Transit Center, serving a minimum of 40 children, and meeting other criteria of the Ordinance.

b. Policy 13G: Explore policies 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. Identify and remove barriers to, and provide incentives and assistance for, large-scale and small-scale childcare provision in all parts of North Fair Oaks. Encourage multiple new developments to pool needed childcare space in centrally accessible locations, and to contribute to creation of shared childcare space on- or offsite. As a result of the passage of Senate Bill 234 in 2019, the establishment and operation of a Small or Large Family Child Care Home is permitted in any legal single- or multiple-family residence and does not require a planning permit. As described in Section 6420.5.B (pages 14-15) of the Ordinance, the Ordinance would provide a floor area bonus and 50% parking waiver for employment centers with a total or combined

minimum of 50 employees and meeting other criteria of the Ordinance.

C. COMPLIANCE WITH THE LOCAL COASTAL PROGRAM

Policy 3.15.d of the Housing Component of the County's Local Coastal Program (LCP) encourages the provision of community services, such as day care centers, at designated affordable housing sites and other appropriate sites. LCP Policy 2.52 of the Public Works Component also cites the establishing a day care program for employees of a development project as an example of a traffic mitigation measure that should be implemented for development projects in the urban Midcoast.

The Ordinance encourages the provision of day care centers at appropriate sites by creating a ministerial permit process for the location of child care centers in suitable urban and rural locations, applying LCP 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 the Coastal Commission Appeals Jurisdiction, including areas within 300 feet of a beach or within 100 feet of a creek or wetland.

In addition to the established exemption criteria, Planning staff has added additional criteria for a ministerial permit in the Coastal Zone:

- Existing Institutional and Commercial buildings providing visitor-serving uses cannot be converted to a child care use.
- Properties containing sensitive habitat and required buffer zones cannot be used for child care centers.
- Parking requirements must be met (see Sections D.2 and F.1.d of this report for further discussion of parking requirements).
- For child care centers to be located within a converted single-family residence, the property must be 10,000 sq. ft. or larger and located in a residential zoning district.
- Within Areas of Special Flood Hazard, the project shall not involve an intensification of use (e.g., building occupancy shall remain equal to or lesser than the existing occupancy) in accordance with Chapter 35.5 of the Zoning Regulations, and the operator shall submit an emergency evacuation plan.

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

Regarding the conversion of a single-family residential use to a child care center use, Planning staff has determined that such a conversion does not constitute an intensification of use. A Child Care Center use, as would be allowed in a residential structure, 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. As discussed previously, the Ordinance would limit the intensity of the Child Care Center use such that enrollment is appropriate and proportional to the size of the parcel and available on-site

parking.

As discussed in Section D.4 of this report, in compliance with LCP Policy 2.52, the Ordinance would provide development incentives, specifically a floor area bonus and 50% parking waiver, for employment centers employing a total or combined minimum of 50 employees which include a child care center.

D. SUMMARY OF CHILD CARE CENTER FACILITIES ORDINANCE

1. Ministerial and Use Permit Process

Currently, the County of San Mateo generally requires child care operators to obtain a use permit, to establish a child care center. A use permit is granted at a public hearing and is subject to public notice requirements, an appeals process, and use permit renewal requirements. The adoption of the

Child Care Facilities Ordinance would ease and streamline permitting requirements for child care centers by creating a ministerial permit process for certain child care proposals that meet the use and locational criteria of the Ordinance. A ministerial permit involves an application to the Planning Section, review of application materials 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.

As discussed previously, the Ordinance would allow child care centers 1) within an existing building within an Institutional, Commercial, and Commercial/ Residential Mixed-Use zoning district meeting the criteria of the Ordinance (as well as a new building outside the Coastal Zone in these areas) and 2) within existing Multiple-Family, Institutional, and Public Facility buildings. The Ordinance would also allow the conversion of an existing single-family residence to a child care center as long as development standards, as discussed in the section below, are met. A new child care center in a manufacturing zoning district or within a new building in a single-family residential zoning district would not be eligible for a ministerial permit under the proposed Ordinance.

Outside of the Coastal Zone, locational criteria of the Ordinance are largely based on the environmental criteria of the California Environmental Quality Act (CEQA), which generally exempts from CEQA review development that would not result in significant impacts to the environment, such as impacts involving incompatible uses, utilities, scenic corridors, sensitive habitat areas, and other resource areas. In the Coastal Zone, as described in Section C of this report, the Ordinance creates a ministerial permit process for the location of child care centers in suitable urban and rural locations, applying Local Coastal Program exemption criteria within the Coastal Zone.

For child care centers which do not meet the criteria for a ministerial permit, the use permit process that would be established by the Ordinance would generally follow the current use permit process. The Ordinance streamlines the use permit process by limiting the appeals process to an appeal to the Planning Commission which would be the final decision; also, there would be no requirement for renewal of the use permit. Limiting the appeals process shortens the appeals process for such use permits. By eliminating the use permit renewal requirement, the Ordinance would reduce the permitting costs to

the operator and the financial risk involving lost investment and profits if the use permit is not renewed. The Ordinance allows the Community Development Director, or their designee, to revoke a ministerial permit if the State facility license is revoked for any reason or the child care center fails to comply with the requirements of the Ordinance, the County-issued permit, or any other County regulation.

2. Development Standards

Child Care Center converted from a Single-Family Residence

To qualify for a ministerial permit, the single-family residence to be converted to a child care center would need to be located on property within a Residential, Mixed-Use, or Commercial Zoning District and the property would need to meet the minimum lot size of the zoning district, typically 5,000 sq. ft. In terms of parking, the child care center would need to provide a minimum of 1 on-site parking space for every 6 children enrolled. If the child care center will adjoin a Noise-Sensitive Receptor (defined by the Ordinance to include single-family residential uses, hospitals, and residential care facilities), noise reduction measures, such as landscaping, trees, or other noise dampening structures/materials, will be required along the shared property line(s). All outdoor light sources shall be downward-directed and shielded to confine rays to the site and specific task areas.

Other Child Care Centers

For child care centers which do not involve the conversion of a single-family residence, the child care center may be located in an Institutional, Commercial, or Commercial/ Residential Mixed-Use Zoning District (outside of Coastal Zone only), or in an existing Institutional Building or Public Facility, to qualify for a ministerial permit. The lighting and noise requirements as mentioned above would also apply. Regarding parking, the child care center would need to provide required on-site parking of 1 parking space for every 4 children or 3 parking spaces for every 1,000 sq. ft. of gross floor area, whichever is lower.

If the child care center use is an accessory use, affiliated with a business, or located within 1/4-mile radius of a Transit Center (as defined in the Ordinance), 1 parking space is required for every 8 children or 1.5 parking spaces for every 1,000 sq. ft. of gross floor area, whichever is lower. For such uses, bicycle racks to accommodate parking of 10 bicycles on-site shall also be provided.

3. Amnesty

The Ordinance would allow a streamlined approval process for certain child care centers that have been in continuous operation at the specific location for a minimum of 3 years prior to the effective date of the Ordinance. At this time, the County is not aware of any unpermitted child care centers within the unincorporated areas of the County. Facilities that conform to the development standards (currently or through permitted modification) would be eligible for a ministerial permit. Facilities that do not conform to the Ordinance requirements would need to apply for a use permit where the non-conforming aspects may be granted an exception.

4. Development Incentives

To incentivize the creation of new child care centers in the unincorporated County, the Ordinance creates two new incentive programs and references incentives provided by the State. To receive incentives, the decision-making authority for the child care center would determine whether criteria are adequately met and, if so, will grant the applicable bonus, concession, or incentives, at the time the permit is approved.

Incentives for Eligible Employment Centers

As described in Section 6420.5.B (pages 14-15) of the Ordinance, the Ordinance would provide a floor area bonus and 50% parking waiver for Eligible Employment Centers employing a total or combined minimum of 50 employees. The employment center may consist of multiple businesses located within 1/4-mile radius of the child care center. For employer(s) with fewer than 100 employees, the child care center must serve a minimum of 20 children. For employer(s) with over 100 employees, the child care center must serve a minimum of 40 children. Children served include all children enrolled at the center, including children of employees of the employer(s) and non-employees.

Incentives for Transit-Oriented Development

As described in Section 6420.5.C (pages 15-17) of the Ordinance, the Ordinance would provide a density bonus, floor area bonus, and 50% parking waiver for Transit-Oriented Development located within a 1/4-mile radius of a Transit Center, serving a minimum of 40 children, and meeting other criteria of the Ordinance. The Ordinance defines Transit Center as a site containing any of the following: (a) an existing rail or bus rapid transit station or (b) the intersection of two or more major bus routes with a frequency of service interval of 20 minutes or less during the morning and afternoon peak commute periods. Transit centers in the unincorporated County include, but are not limited to, Colma BART station and a potential multi-modal transit station along Northside Avenue along the existing rail corridor in North Fair Oaks.

E. RELATED ZONING TEXT AMENDMENTS

In addition to adding a new chapter of the Zoning Regulations pertaining to child care centers, this Ordinance includes zoning text amendments to clean up 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. Proposed changes to County Zoning Regulations relating to child care facilities are described in Attachment A.

F. ENVIRONMENTAL REVIEW

The project, as it pertains to the California Environmental Quality Act (CEQA), is the Ordinance's establishment of the new ministerial permit process, whereby child care centers that would have had to obtain a Use Permit through a discretionary permit process subject to CEQA, would only 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. The IS/ND was distributed by the State Clearinghouse to applicable State agencies. Staff provided a notice of the release of the IS/ND to local organizations, including the Midcoast Community Council, Pescadero Municipal Advisory Committee, California Coastal Commission, the Committee for Green Foothills, and the San Mateo County Child Care Partnership Council.

1. Potential Environmental Impacts of Ordinance Discussed in the IS/ND

While the IS/ND contains a full discussion of the potential environmental impacts of the adoption of the Ordinance, the following is a summary of the main impacts identified in the IS/ND:

a. Aesthetics: The conversion of a single-family residence to a child care center would not have a significant aesthetic impact, as the Ordinance would place minimum size requirements on the parcel, requiring a conforming-size parcel in non-Coastal areas and a 10,000 sq. ft. or greater parcel in the Coastal Zone, which would minimize crowding of exterior structures and play yard spaces. Within Design Review zoning districts of the Coastal Zone, development of a child care center within a converted residence must comply with design review standards and permitting requirements. The Ordinance also requires all exterior lights to be downward-directed and shielded to confine rays to the site and specific task areas.

For child care centers which are located outside of the Coastal Zone in commercial, institutional, mixed-use, buildings or areas, the Ordinance limits building expansion to 2,500 sq. ft. within a scenic corridor and limits building expansion to 10,000 sq. ft. outside of a scenic corridor. Outside of the Coastal Zone, a new child care building in a scenic corridor would require a Use Permit. In the Coastal Zone, building expansion is limited to 10% of the internal floor area, with no additional stories or lofts, within a scenic corridor. A new building within the Coastal Zone would require a Use Permit and a Coastal Development Permit.

b. Biological: Outside of the Coastal Zone, building expansion for child care centers located in commercial, institutional, mixed-use, buildings or areas, are limited to 2,500 sq. ft. in an Environmentally Sensitive Area (ESA) and 10,000 sq. ft. outside of an ESA. Outside of the Coastal Zone, a new building in an ESA would require a Use Permit. A new building within the Coastal Zone would require a Use Permit and a Coastal Development Permit.

c. Noise: The development of a new child care center may generate temporary construction noise, which is subject to the County's Noise Ordinance. The Ordinance's parcel size criteria and enrollment limits for child care centers within converted single-family residences would 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. In these instances, ambient daytime noise may increase in affected areas but not to a significant level. Child care centers located in commercial, institutional, mixed-use, buildings or areas would likely generate noise at comparable levels to existing uses. For properties

that adjoin a noise-sensitive receptor, such as single-family residential uses, hospitals, and residential care facilities, the Ordinance requires noise reduction measures such as fences and prohibits large play structures to be located within 5 feet of any shared property line.

d. **Transportation:** To qualify for a ministerial permit, child care centers located within a converted single-family residence, must provide a minimum of one uncovered or covered parking space for every 6 children enrolled. For example, a typical house with 2 garage parking spaces and 2 uncovered parking spaces in the driveway would be limited to a maximum of 24 children enrolled.

Child care centers located in commercial, institutional, mixed-use, buildings or areas must provide a minimum of 1 parking space for every 4 children or 3 parking spaces for every 1,000 sq. ft. of gross floor area, whichever is lower, which is based on average peak period parking demand estimates provided in the 2010 Institute of Transportation Engineers Manual.

For child care centers that are accessory to a primary use, affiliated with business (es), located within 1/4-mile radius of a transit center, or eligible for a parking waiver as an Eligible Employment Center or Transit Oriented Development, the total required parking is reduced by 50% as a significant percentage of child care center users would work or live nearby or use regional or local transportation.

2. Changes made to the Ordinance after Release of the IS/MND

Planning staff has made changes to the Ordinance (Attachment A) in response to comments from review agencies. Staff has summarized the main changes below:

a. *Buildings within Special Flood Hazard Areas*

After the release of the IS/MND, Planning staff identified a need to address the potential location of child care centers within existing buildings of the C-1 zoned areas of Pescadero, the commercial area located at the intersection of Pescadero Creek Road and Stage Road (Map included in Attachment C.2.a), which are located within an area of special flood hazard (AE and AE Floodway zones). Chapter 35.5 (Flood Hazard Areas) of the Zoning Regulations requires that projects meeting the definition of “development” in areas of special flood hazard are housed in an elevated building, where the top of the elevated floor is constructed in a manner so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. The Base Flood Elevation (BFE) is set by Federal Emergency Management Agency (FEMA) for this area between 31 and 33 feet above sea level. Based on a review of topographic contour maps of the area, many of existing buildings in the area are potentially 1 to 3 feet below the BFE. Development, as defined in Chapter 35.5, includes intensification of use (e.g., an increase in the density of occupants) or construction, reconstruction, demolition, or alteration of the size of any structure. Such changes to the use within a structure or the structure itself would require the owner to raise the elevated floor of the building to the BFE. Additionally, a project involving the intensification of the use of a building would not be eligible for a Coastal Permit Exemption and would require a Coastal Development Permit.

Chapter 35.5 requires a project meeting the definition of substantial improvement to have an elevated floor at an elevation of BFE plus 1 foot. Substantial improvement, as defined in Chapter 35.5, is any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the replacement value of the existing structure. Substantial improvement to a building is not likely to be eligible for a Coastal Permit Exemption and would likely require a Coastal Development Permit.

The improvements to buildings as required by Chapter 35.5 along with Coastal Development Permit Exemption criteria adequately addresses and mitigates flood risk to child centers that would locate within this area of Pescadero. These existing regulations limit the intensity of building use to existing levels and restrict building improvements that could be achieved under a ministerial permit, thereby requiring substantial changes to the use and structure to be reviewed under a Coastal Development Permit and Use Permit. In addition, for all child care centers located within areas of special flood hazard, Planning staff has added a requirement to the Ordinance for the preparation and submittal of an emergency evacuation plan to the County prior to building occupancy.

b. Sensitive Habitats and Buffer Zones of the Coastal Zone

In consultation with California Coastal Commission staff, Planning staff has revised the ministerial permit criteria in the Coastal Zone requiring child care centers to be located outside of sensitive habitats to also require that child care centers be located outside of required buffer zones, as already required by the Local Coastal Program. If a child care center is located in a sensitive habitat or buffer zone, the project would need a Use Permit and Coastal Development Permit.

As the additional requirements added to the Ordinance are consistent with and included in existing County regulations, the changes are not considered substantial changes to the project, would not result in increased environmental impacts, and do not require revision or re-circulation of the Negative Declaration.

G. AGENCIES CONSULTED

As described in the chronology of this report, County staff has consulted with the following agencies in the preparation of the Draft Ordinance:

San Mateo County Child Care Partnership Council
Department of Public Works
C/CAG - Transportation Working Group
California Coastal Commission
North Fair Oaks Community Council
Midcoast Community Council
Pescadero Municipal Advisory Committee

County Counsel has reviewed and approved the ordinance and resolutions as to form.

FISCAL IMPACT

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

ATTACHMENTS

- A. Child Care Facilities Ordinance, including Proposed Changes to County Zoning Regulations Relating to Child Care Facilities
- B. Initial Study/Negative Declaration (excluding Attachments already included with this report)
- C. Maps of Zoning Districts Outside of the Coastal Zone that area Primarily Affected by the New Ministerial Process of the Child Care Facilities Ordinance (*NOTE: These maps are generally representative of most areas affected by the ministerial process for child care centers that would be established by the Ordinance. Other areas primarily affected include, but are not limited to, properties of unincorporated San Mateo County with existing Institutional or Pubic Facility structures. The maps may include some properties unaffected by the Ordinance which do not meet the criteria of the Ordinance and do not qualify for a ministerial permit.*):

1. Outside Coastal Zone

(a) *Areas Zoned or Designated by the General Plan for Institutional; Commercial; and Commercial/Residential Mixed-Use [Non-Coastal/Non-Residential] uses in the following areas:* Broadmoor, Unincorporated Colma, North Fair Oaks, Sequoia Tract, West Menlo Park, Ladera, La Honda, Emerald Lake Hills, San Mateo Highlands, and Menlo Oaks)

(b) *Residential Zoning Districts [Non-Coastal/Residential] in the following areas:* 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, and Los Trancos Woods.

2. Inside Coastal Zone

(a) *Areas Zoned or Designated by the General Plan for Institutional or Commercial uses [Coastal/Non-Residential] uses in the following areas:* Montara, Moss Beach, El Granada, Unincorporated Half Moon Bay, San Gregorio, and Pescadero.

(b) *Residential Zoning Districts [Coastal/Residential] in the following areas:* Midcoast (Miramar, El Granada, Moss Beach, Montara), San Gregorio, and Pescadero.

- D. San Mateo County Child Care Needs Assessment 2017: Summary sheet of County-wide results.
- E. Resolution adopting the Initial Study and Negative Declaration
- F. Resolution directing staff to submit the Ordinance to the California Coastal Commission

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