



North Fair Oaks Community Council
San Mateo County Coordinated
Departmental Response



DATE: January 25, 2021
NFOCC MEETING DATE: January 28, 2021
SPECIAL NOTICE/HEARING: 10 days, within 300 feet
VOTE REQUIRED: Majority

TO: Members, North Fair Oaks Community Council

FROM: Planning Staff

SUBJECT: NFOCC recommendation to the Planning Commission for the consideration of a zoning text amendment creating a new Chapter 22.2, "Child Care Centers" of the Zoning Regulations. The new chapter will regulate child care centers in the unincorporated areas of San Mateo County.

County File Number: PLN 2020-00014

PROPOSAL

The overarching goal of the Draft Child Care Facilities Ordinance 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, prepared by Sarah Kinahan Consulting¹), the San Mateo County Office of Education identified a significant shortage of child care services. The 2017 Assessment estimates 39,528 child care and preschool spaces in the County, among residence-based family child care centers and child care centers. It estimates that 59,252 child care spaces are needed, by both County residents and non-residents working in the County. The largest deficits for child care spaces were found in Burlingame, Redwood City, Daly City, Menlo Park, Montara, and Pacifica.

The 2017 Needs Assessment identified the following significant deficiencies in the zip code areas of 94063 (Redwood City) and 94025 (Menlo Park), which include the area of North Fair Oaks (NFO):

- In 94025, the Infant/Toddler space deficit was 150 or more, with a deficit of 322 spaces.

¹ The San Mateo County Child Care and Preschool Needs Assessment is available at: <https://www.smcoe.org/about/child-care-partnership-council/needs-assessment.html>

- In 94025 and 94063, the Preschool space deficit was 250 or more, with a deficit of 456 spaces in 94025 and 645 spaces in 94063.

The 2017 Need Assessment also found that amongst the child care centers surveyed, 54 percent were open to expansion. 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 Draft 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 Draft Child Care Facilities Ordinance are listed below:

1. Establish unincorporated County-wide regulation to replace patchwork regulations;
2. Establish clear regulation/requirements;
3. Expedite the process for child care centers under compatible conditions;
4. Provide a program to authorize existing unpermitted child care facilities; and
5. Provide incentives for child care centers in Employment Centers and Transit-Oriented Development 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 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.

Currently, a use permit, which is granted at a public hearing, 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 streamline the process and set consistent requirements for establishing child care centers to relieve the shortage of care facilities in San Mateo County.

The Child Care Facilities Ordinance (Attachment C) 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). 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 Day Care Homes as these uses are allowed by right by State law.

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. Outside of the Coastal Zone, child care centers would be allowed in the following locations with a ministerial permit, with additional criteria listed in the Ordinance:

- Child care centers (within an existing building, expanded building, or in a new building) would be allowed in areas zoned or designated by the General Plan for Commercial, Institutional, or Commercial/ Residential Mixed Use land uses;
- Child care centers would be allowed in converted single-family residences (existing or expanded buildings) on parcels of conforming size which are zoned for residential (Single- and Multiple-Family) land use.
- Child care centers would be allowed within existing or expanded institutional buildings or public facilities, as defined by the Ordinance.

The Child Care Facilities Ordinance would apply the standard Use Permit process for child care centers not meeting the above criteria.

The Child Care Facilities Ordinance would 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.

The Child Care Facilities Ordinance would provide developers a Floor Area Ratio (FAR) Bonus and a Parking Waiver 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.

RECOMMENDED ACTION

That the North Fair Oaks Community Council provide a recommendation to the Planning Commission regarding the adoption an ordinance adding the new Chapter 22.2, "Child Care Centers" of the Zoning Regulations.

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, 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.

Chronology:

<u>Date</u>	<u>Action</u>
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.

- 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 28, 2021 - North Fair Oaks Community Council public meeting.
- March/April 2021 - Planning Commission public hearing (date to be determined)
- April/May 2021 - Board of Supervisors public hearing (date to be determined)

DISCUSSION

A. COMPLIANCE WITH 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. As discussed previously, 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 Draft Child Care Facilities Ordinance:

1. 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 Draft 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 percent parking waiver² 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.

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 September 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 percent parking waiver for employment centers with a total or combined minimum of 50 employees and meeting other criteria of the Ordinance.

B. ENVIRONMENTAL REVIEW

In compliance with the California Environmental Quality Act (CEQA), an Initial Study/Negative Declaration (IS/ND) was prepared and released for public review from November 12, 2020 to December 14, 2020. As measures have been incorporated to minimize impact to the environment, no mitigation measures are needed. The IS/ND was distributed by the State Clearinghouse to applicable State agencies.

C. 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:

County Counsel
San Mateo County Child Care Partnership Council
Department of Public Works
C/CAG – Transportation Working Group
California Coastal Commission
North Fair Oaks Community Council

² Required parking shall be calculated as fifty-percent (50%) of the required parking for the child care center. Bicycle racks to accommodate parking of 10 bicycles on-site shall be provided. The waiver does not apply to parking required for non-child care center uses of the development.

ATTACHMENTS

- A. Recommended Action
- B. Summary of Draft Child Care Facilities Ordinance
- C. Draft Child Care Facilities Ordinance
- D. Proposed Changes to County Zoning Regulations Relating to Child Care Facilities
- E. Initial Study/Negative Declaration (excluding Attachments already included with this report)
- F. 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.*):
 - 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.*

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County of San Mateo
Planning and Building Department

RECOMMENDED ACTION

Permit or Project File Number: PLN 2020-00014 Hearing Date: January 28, 2021

Prepared By: Planning Staff For Adoption By: Board of Supervisors

RECOMMENDED ACTION

That the North Fair Oaks Community Council provide a recommendation to the Planning Commission regarding the adoption 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, as listed in Attachment D, to reconcile those regulations with the new Ordinance.

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SUMMARY OF DRAFT CHILD CARE CENTER FACILITIES ORDINANCE

A. DRAFT 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.³ 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.

The use criteria of the Ordinance would allow 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. 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.

Locational criteria of the Ordinance are largely based on the environmental criteria of the California Environmental Quality Act (CEQA), which generally exempts 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. As there are no scenic corridors in NFO, NFO is served by public sewer and water agencies, and there are no sensitive areas adjoining a creek or the bay, child care center development in the area of NFO would likely qualify for a ministerial permit process.

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

³ With the exception of setting up a child care center in the I/NFO, C-2/NFO, and CMU-3 zoning districts, where the use is allowed by right.

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.

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 square feet. In terms of parking, the child care center would need to provide 1 on-site parking space for every 6 children enrolled. If the child care center will adjoin a Noise-Sensitive Receptor (as defined by the ordinance, including 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

To qualify for a ministerial permit, the requirements for a child care center that is not located within a converted single-family residence would be the same, with the exception of 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 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 in North Fair Oaks. 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.⁴ 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 percent parking waiver⁵ for Eligible Employment Centers employing a total or combined minimum of 50 employees. The employment center may contain many businesses located within 1/4-mile radius of the child care center (CCC). For employer(s) with fewer than 100 employees, the CCC must serve a minimum of 20 children. For employer(s) with over 100 employees, the CCC must serve a minimum of 40 children. Children served include all children enrolled at the center, including children of employees and non-employees of the employer(s).

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 percent

⁴ Examples of projects that qualify under State Law include, but are not limited to: (1) a housing development including a child care facility and (2) a minimum 50,000 sq. ft. commercial or industrial development including a child care facility. Eligible child care centers would receive a density bonus and additional concession(s) or incentive(s).

⁵ Required parking shall be calculated as fifty-percent (50 percent) of the required parking for the child care center. Bicycle racks to accommodate parking of 10 bicycles on-site shall be provided. The waiver does not apply to parking required for non-child care center uses of the development.

parking waiver⁶ 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. It is anticipated that a multi-modal transit station may be established along the existing rail corridor along Northside Avenue in the future.

B. RELATED ZONING TEXT AMENDMENTS

In addition to adding a new chapter of the Zoning Regulations pertaining to child care centers, this project 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 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.

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⁶ Required parking shall be calculated as fifty-percent (50%) of the required parking for the child care center as established. Bicycle racks to accommodate parking of 10 bicycles on-site shall be provided. The waiver does not apply to parking required for non-child care center uses of the development.