



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 19920

HEARING DATE MAY 18, 2017

Project Name: Amendments Relating to Child Care Facilities in the Planning Code
Case Number: 2016.011947CWP [Board File No. TBD]
Initiated by: Planning Commission
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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD 1) AMEND SECTION 135 TO ALLOW RESIDENTIAL AND CHILD CARE FACILITIES TO SHARE REQUIRED OPEN SPACE; 2) AMEND TABLES 209.1, 209.2, 209.3, AND 209.4 TO REMOVE NOTE NUMBER 2; 3) AMEND TABLES 210.2 AND 210.3 TO MAKE CHILD CARE PRINCIPALLY PERMITTED IN C-3-S, AND CONDITIONALLY PERMITTED IN PDR-1-G AND PDR-1-B; 4) AMEND SECTION 211.2 TO REMOVE CHILD CARE FACILITIES FROM USES REQUIRING CONDITIONAL USE; 5) AMEND SECTION 311 TO MAKE CHILD CARE NOT SUBJECT TO 311(C)(2); 6) AMEND SECTION 312 MAKE CHILD CARE NOT SUBJECT TO NOTIFICATION REQUIREMENTS; 7) AMEND ARTICLE 7 TO DEFINE CHILD CARE IN REFERENCE TO SECTION 102; 8) AMEND SECTIONS 790.50 AND 790.51 TO REMOVE CHILD CARE FROM THE DEFINITION OF INSTITUTIONS, OTHER LARGE, AND INSTITUTIONS, OTHER SMALL; 9) AMEND ARTICLE 8 TO DEFINE CHILD CARE IN REFERENCE TO SECTION 102; 10) AMEND SECTION 890.5 TO REMOVE CHILD CARE FACILITIES FROM THE DEFINITION OF INSTITUTIONS, OTHER; AND; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider initiation of the proposed Ordinance on May 4, 2017; and

WHEREAS, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on May 18, 2017; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c) and 15378 because they do not result in a physical change in the environment; and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors approve the proposed ordinance.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. There is a significant dearth of child care facilities throughout San Francisco. Child care facilities are a necessary and desirable service that benefit parents, children, and our communities. A number of local and State agencies regulate child care facilities. The existing Planning Code regulations prolong the entitlement process and exacerbate the challenges of opening and operating child care facilities in San Francisco. The primary objections to child care facilities are noise and traffic, both of which can be identified and addressed through other Planning processes and requirements.
2. The Planning Commission finds that the legislation will simplify the process of opening new Child Care Facilities in a number of ways:
 - The current the patchwork of definitions, as well as permitted and conditional uses, have made it difficult for Child Care Facilities to navigate the permitting process, sometimes adding months to the process. Simplifying the code will smooth the process for project sponsors.
 - Neighbors' primary concerns about Child Care Facilities are noise and traffic. Both of these concerns are adequately addressed through other existing review mechanisms (discussed in detailed in the Issue and Considerations section).
 - Allowing residential developments to meet residential open space requirements and child care open space requirements within the same open space will provide more opportunities for child care facilities to operate in mixed use buildings. Child care facilities will still be required to meet all the safety and egress requirements for open spaces, as determined by the California Child Care Licensing Program, the Fire Department, and other relevant agencies with jurisdiction over health and safety regulations.

For these reasons, many San Franciscans do not have adequate access to needed human services, and therefore a commitment should be made to develop a network of neighborhood centers that will provide a focus for neighborhood activities and services. These centers would provide new and better locations for existing services that are inadequately housed, and would have space for new services or expanded existing services to meet the needs of a particular neighborhood. In addition to providing services directly, the neighborhood centers can be used to refer residents to other locations in a citywide network of services.

Fundamental Assumptions

1. The quality of community life is enhanced when services and facilities that meet diverse human needs are readily available.

A socially responsive society maintains an awareness of the needs of its citizens, and is particularly sensitive to basic life-sustaining needs such as requirements for health services, neighborhoods also need a focus for community life and opportunities for informal activities and programs related to the recreation, education and civic concerns of all age groups. Neighborhood center facilities can provide the physical setting for fulfilling these needs.

2. Expanding community responsiveness to meeting social needs and enriching human life requires the development of adequate and flexible facilities to house needed services.

Increasing national awareness of the needs of many people including the economically disadvantaged, elderly, underemployed and single parent households has resulted in substantial expansion of both private and public efforts to meet the basic service needs of these groups. Also, interest in civic and community activities on a neighborhood level has increased in recent years.

The expansion of social services and increased participation in neighborhood activities have resulted in an acute awareness of the inadequacy of existing facilities, both public and private, to meet needed spatial and functional requirements. If needed services are to be provided and neighborhood awareness encouraged, adequate and flexible community centers are necessary.

As a core component of a successful neighborhood center facility, child care helps meet the social, cultural, educational, recreational and civic needs and contributes significantly to the quality of community life.

MISSION AREA PLAN

OBJECTIVE 7.1

PROVIDE ESSENTIAL COMMUNITY SERVICES AND FACILITIES

The Mission is an economically and demographically diverse community. There is a significant amount of housing in the Mission and it is expected to increase with the implementation of new zoning controls. For both the existing and new residents, community resources will be a priority to ensure the area's livability and to provide a full range of services and amenities. Existing facilities should be maintained and strengthened, while new facilities can enhance the

3. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 2

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.3: Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

An important factor in choosing to locate in San Francisco or to remain once here is the attractiveness of the city as a place to live, work and pursue recreational interests. Recognition must be given to the importance of public efforts to improve the environmental quality in residential neighborhoods, provide recreational and cultural opportunities, and to improve the quality of the schools, and create and protect other amenities. Those aspects of the city have direct economic value. Desirability as a place to live and as an area in which to enjoy cultural and recreational activities are particularly important factors in determining location for the types of activities for which San Francisco enjoys a comparative advantage. If the city is to maintain its economically vital areas, it must assure that these social, cultural and environmental factors remain strong assets.

Reliable, quality Child Care enables parents and guardians to pursue education, job training, and employment opportunities. Increasing the number and variety of child care facilities throughout San Francisco will give parents more options, as well as provide children with the play and early learning that is the foundation for a successful school experience.

COMMUNITY FACILITIES ELEMENT

Background Perspective

Community services and facilities to meet social, cultural, educational, recreational and civic needs contribute significantly to the quality of community life. Traditional public facilities such as libraries, schools, recreation centers and public health clinics have long been recognized as meeting many of those needs. In addition, many neighborhoods are served by private non-profit community centers that are often available to the general public and provide services at no cost or low to moderate fees. These neighborhood centers, such as those connected with the YM/YWCA's or Golden Gate Neighborhood Centers Association, often provide recreational and cultural programs, child-care services, senior citizen programs, health screening, and various counseling and referral services.

In many instances, however, citizens are deprived of ready access to the foregoing services because neighborhoods lack adequate facilities to house needed services. In other cases, the inability of facilities to meet code requirements, such as open space standards for child care or kitchen health standards for meals programs, precludes provision of services. Furthermore, existing services are often inaccessible to many people they ought to serve.

neighborhood and fill existing gaps in service. New residents will increase the need to add new facilities and to maintain and expand existing ones.

Community facilities are necessary for many kinds of households, but particularly for families - improved schooling, upgraded libraries, improved and expanded parks, and increased child care facilities, including programming, are critical to maintaining an acceptable quality of life for San Francisco's families. Schools provide an anchor for families even beyond education: providing a safe local environment, facilitating social connections, and facilitating child growth and development.

Child care facilities, like schools, can be strong neighborhood and community anchors. Locating child care in schools, near residential areas, on-site in new residential complexes, near transit facilities, or near employment centers, supports families by reducing the time spent by parents going to and from daycare. This may also contribute to other plan goals such as traffic reduction, and increased transit ridership. Sufficient care facilities for the neighborhood's working families are critical if the Eastern Neighborhoods are to not only continue, but grow their role as a place for families.

Therefore, the city should facilitate the careful location and expansion of essential neighborhood services, while limiting the concentration of such activities within any one neighborhood. New development can also help fund such additional new services and amenities in proportion to the need generated by new development. Additionally, maintenance is an important, though often neglected, aspect of community facilities. Proper maintenance of existing (and new) facilities is equally important to the creation of new facilities. The influx of residents will further increase the usage of existing facilities, potentially increasing their staffing and maintenance costs. Even if no new facilities are built in Mission, existing facilities need to be adequately staffed and maintained and methods for meeting the increased costs must be considered.

The policies to provide essential community facilities and services are as follows:

POLICY 7.1.1: Support the siting of new facilities to meet the needs of a growing community and to provide opportunities for residents of all age levels.

POLICY 7.1.2: Recognize the value of existing facilities, including recreational and cultural facilities, and support their expansion and continued use.

POLICY 7.1.3: Ensure childcare services are located where they will best serve neighborhood workers and residents.

The proposed Ordinance eases the process of expanding and creating new child care facilities in neighborhoods like the Mission.

BAYVIEW HUNTERS POINT AREA PLAN

OBJECTIVE 15

COMBINE SOCIAL REVITALIZATION WITH PHYSICAL AND ECONOMIC REVITALIZATION EFFORTS.

There is an increasing need for physical facilities for more specialized community services, particularly child care centers and senior housing related facilities. Although the Bayview has one of the highest female-headed household and child populations in the city, it has only two

subsidized child care centers. As large scale new development occurs it will be important to also require provision of child care facilities as a part of the development. The need for even more specialized services has come with the increase in babies born into addiction due to drug usage by their mothers during pregnancy. The effort to stimulate construction of more senior housing in the district should include measures to assure that the housing is properly designed to meet the social and health needs of the residents on a project specific basis.

The proposed Ordinance eases the process of expanding and creating new child care facilities in neighborhoods like the Bayview Hunters Point. Child Care Facilities provide care for children, which enables parents and caregivers to pursue school and work, as well important support services and networks for the families.

4. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed Ordinance would not have a negative effect on housing or neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an

earthquake;

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

5. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on May 18, 2017.



Jonas P. Ionin
Commission Secretary

AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore, Richards,

NOES: None

ABSENT: None

ADOPTED: May 18, 2017