

1 [Planning Code – Transfer of Child Care Facility Oversight to Office of Early Care and
2 Education]

3 **Ordinance amending the Planning Code to transfer proposed child care facility**
4 **oversight from the Department of Children, Youth and Their Families to the Office of**
5 **Early Care and Education; and making environmental findings.**

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7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.
9 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
10 **Board amendment additions** are in double-underlined Arial font.
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.
12 **Asterisks (* * * *)** indicate the omission of unchanged Code
13 subsections or parts of tables.

14 Be it ordained by the People of the City and County of San Francisco:

15 Section 1. The Planning Department has determined that the actions contemplated in
16 this ordinance comply with the California Environmental Quality Act (California Public
17 Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the
18 Board of Supervisors in File No. ____ and is incorporated herein by reference.

19 Section 2. The San Francisco Planning Code is hereby amended by revision Section
20 410.10, to read as follows:

21 **SEC. 410.10. COMPLIANCE BY ENTERING INTO AN ARRANGEMENT WITH A**
22 **NON-PROFIT ORGANIZATION.**

23 The sponsor of a development project subject to this Section may elect to satisfy its
24 child-care requirement by entering into an arrangement pursuant to which a nonprofit
25 organization will provide a child-care facility at a site within the City. The sponsor shall, prior to
the issuance of the first certificate of occupancy by the Director of DBI for the development
project, provide proof to the Director of Planning that:

1 (a) A space for a child-care facility has been provided by the nonprofit
2 organization, either for its own use if the organization will provide child-care services, or to a
3 nonprofit child-care provider without charge for rent, utilities, property taxes, building services,
4 repairs, or any other charges of any nature, as evidenced by a lease or sublease and an
5 operating agreement between the nonprofit organization and the provider with minimum terms
6 of three years;

7 (b) The child-care facility is a licensed child-care facility;

8 (c) The child-care facility has a minimum gross floor area of 3,000 square feet
9 or an area determined according to the following formula, whichever is greater:

10
$$\text{Net add. gross sq. ft. office or hotel space} \times .01 = \text{sq. ft. of child-care facility}$$

11 In the event that the net addition of gross square feet of office or hotel space is
12 less than 300,000 square feet, the child-care facility may have a minimum gross floor of 2,000
13 square feet or the area determined according to the above formula, whichever is greater;

14 (d) The nonprofit organization has executed and recorded a binding written
15 agreement, with a term of 20 years from the date of issuance of the first certificate of
16 occupancy for the development project, pursuant to which the nonprofit organization
17 guarantees that it will operate a child-care facility or it will lease or sublease a child-care
18 facility to one or more nonprofit child-care providers for as long as there is a demonstrated
19 need under Section 414.12, and that it will comply with all of the requirements imposed on the
20 nonprofit organization under Section 414.10 and imposed on a sponsor under Sections 414.4.

21 (e) To support the provision of a child-care facility in accordance with the
22 foregoing requirements, the sponsor has paid to the nonprofit organization a sum which
23 equals or exceeds the amount of the in-lieu fee which would have been applicable to the
24 project under Section 414.8.

1 (f) The ~~Department of Children, Youth and Their Families~~ Office of Early Care and
2 Education, or any successor entity has determined that the proposed child-care facility will help
3 meet the needs identified in the San Francisco Child Care Needs Assessment and will be
4 consistent with the ~~City Wide Child Care Plan~~ San Francisco Citywide Plan for Early Care and
5 Education and Out of School Time; provided, however, that this Paragraph (f) shall not apply to
6 any office or hotel development project approved by the Planning Commission prior to
7 December 31, 1999.

8 Upon compliance with the requirements of this Section, the nonprofit organization shall
9 enjoy all of the rights and be subject to all of the obligations of the sponsor, and the sponsor
10 shall have no further rights or obligations under Section 414.1 et seq.

11 Section 3. Effective Date. This ordinance shall become effective 30 days after
12 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
13 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
14 of Supervisors overrides the Mayor's veto of the ordinance.

15 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
16 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
17 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
18 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
19 additions, and Board amendment deletions in accordance with the "Note" that appears under
20 the official title of the ordinance.

21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By: _____
24 VIRGINIA DARIO ELIZONDO
25 Deputy City Attorney

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