

**REVISED LEGISLATIVE DIGEST**

(9/5/2017, Amended in Board)

[Planning Code - Child Care Facilities]

**Ordinance amending the Planning Code to allow residential uses and Child Care Facility uses to share required open space; make Child Care Facilities principally permitted in all zoning districts except the Production, Distribution, and Repair (Light Industrial Buffer) (PDR-1-B), Production, Distribution, and Repair (General) (PDR-1-G) and Industrial (Light Industrial) (M-1) zoning districts, where they would be conditionally permitted, and in the Production, Distribution, and Repair (Core Production, Distribution, and Repair) (PDR-2) and Industrial (Heavy Industrial) (M-2) zoning districts, where they would not be permitted; remove certain notice requirements for Child Care Facilities; and make other conforming changes to references to the definition of Child Care Facility; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.**

Existing Law

The Planning Code currently contains several definitions of "Child Care Facilities." Across the City, Child Care Facilities are principally permitted, conditionally permitted, or not permitted, depending on the zoning district in which they are located. Specifically,

- In residential districts, child care facilities serving 14 children or fewer are permitted, and Child Care Facilities serving 15 children or more require conditional use authorization.
- In commercial districts, Child Care Facilities are permitted, except in C-3-S, where a conditional use authorization is required.
- In Production, Distribution, and Repair (PDR) Districts, Child Care Facilities are only permitted in PDR-1-G.
- In Manufacturing (M) Districts, Child Care Facilities are only permitted in M-1.
- In Public (P) Districts, Child Care Facilities require conditional use authorization.
- In Neighborhood Commercial Districts, Child Care Facilities are generally permitted on the first floor regardless of enrollment, permitted on the second and third floor when serving 12 or fewer children. Conditional use authorization is generally required when operating a Child Care Facility on the second or third floor with 13 or more children.
- In Mixed Use Districts, Child Care Facilities are permitted except in RH-DTR (Rincon Hill DT Residential), SB-DTR (South Beach DT Residential), and SALI (Service/Arts/Light Industrial).

Neighborhood notice is required for Section 311 requires neighborhood notification for all Child Care Facilities in residential districts, and in other districts, neighborhood notice is required for changes of use to both Other Large Institutions and Other Small

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Institutions, which currently includes Child Care Facilities under Planning Code Sections 790.50 and 790.51.

Under current law, Child Care Facilities in mixed-use projects are required to meet both local residential open space requirements, which vary by zoning district, and State law requirements.

### Amendments to Current Law

The proposed legislation would amend the Planning Code to provide only one definition of "Child Care Facility", in Planning Code Section 102.

Child Care Facilities will be principally permitted in all zoning districts, except the following, which would be subject to the listed use controls.

- PDR-1-B: Conditional Use
- PDR-1-G: Conditional Use
- PDR-2: Not Permitted
- M-1: Conditional Use
- M-2: Not Permitted

The proposed legislation would eliminate the neighborhood notice requirements for Child Care Facilities.

The ordinance would allow a residential development to use required residential open space to meet child care open space requirements during weekday business hours. The space would be required to meet State licensing requirements, and not more than 50% of the single common open space may be used by the Child Care Facility.

### Background Information

On June 30, 2017 and on July 27, 2017, the Board passed Ordinance No. 129-17 and Ordinance No. 166-17 (Board File Nos. 170203 and 170820, respectively), which substantially amended several Planning Code sections that are also amended by this Ordinance. Because this proposed legislation was introduced prior to the effective date of Ordinance Nos 129-17 and 166-17, as introduced this legislation did not reflect these later amendments as part of the existing Planning Code. Accordingly, this ordinance has been revised on September 5, 2017, to reflect the current Planning Code as amended by Ordinance Nos. 129-17 and 166-17. Only new amendments proposed that differ from the currently effective Planning Code are shown in this version as additions, deletions, Board amendment additions, or Board amendment deletions.

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