



# SAN FRANCISCO PLANNING DEPARTMENT

---

November 5, 2010

Ms. Angela Calvillo, Clerk  
Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

**Re: Transmittal of Planning Case Number 2010.0788U to the Board of Supervisors File No. 10-1095: Child Care Feasibility Study**

**Recommendation: Approval with Modifications**

Dear Ms. Calvillo,

On October 28, 2010, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearings at a regularly scheduled meeting to consider the proposed Ordinance.

At the April 1<sup>st</sup> hearing, the Commission voted 6-0 to recommend approval with the following modifications:

- **Apply requirement to City-occupied projects only.**
- **Focus the requirement on the goal: ensure that the City is a leader in the provision of child care and that City agencies understand their employees' child care needs; any new demand for child care services that a proposed project would generate early in the process of developing new projects; and the cost of providing such services as part of the total project development budget.**
- **DCYF would provide the all of the applicable/needed data on child care need generated by a specific project.**
  - **The sponsoring city Department would pay DCYF and provide certain material to DCYF for the review.**
  - **Timing.** The proposed feasibility analysis must be completed *prior to* any funding approvals and must be submitted for consideration by approving entities of said funding including the Mayor, the Board of Supervisors and related commissions.

- **After the study.** While the provision of child care would not be required, the working group recommended that the legislation be modified to require those City agencies that develop office projects that create a need for additional child care services and decide not to provide new child care services as part of a proposed project to provide evidence to approving entities that they fairly considered providing such services early in project development and why such services would not be provided.

Please find attached resolution which provides more detail about the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'AM-Rodgers', with a horizontal line extending to the right.

AnMarie Rodgers  
Manager of Legislative Affairs

Cc:

Supervisor Bevan Dufty

Attachments (one copy of the following):

Planning Commission Resolution No. 18208



# SAN FRANCISCO PLANNING DEPARTMENT

---

## Planning Commission Resolution No. 18208 Administrative Code Text Change

HEARING DATE: OCTOBER 28, 2010

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Project Name:* **Child Care Feasibility Study**  
*Case Number:* 2010.0788U [Board File No. 10-1095]  
*Initiated by:* Supervisor Dufty and Alioto-Pier / Introduced August 10, 2010  
*Staff Contact:* AnMarie Rodgers, Manager Legislative Affairs  
anmarie.rodgers@sfgov.org, 415-558-6395

*Recommendation:* **Recommend Approval With Modifications**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT WITH MODIFICATIONS A PROPOSED ORDINANCE THAT WOULD AMEND THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING CHAPTER 29B TO REQUIRE A CITY AGENCY, OR A PRIVATE DEVELOPER THAT RECEIVES CITY FUNDS FOR A DEVELOPMENT PROJECT, AS DEFINED, TO PREPARE A FEASIBILITY STUDY FOR PROVIDING AN ON-SITE CHILD CARE CENTER WHENEVER IT PLANS TO CONSTRUCT OR PURCHASE A BUILDING, LEASE MORE THAN 50 PERCENT OF SPACE IN A PRIVATE BUILDING FOR AN INITIAL TERM OF MORE THAN ONE YEAR, OR ALTER MORE THAN 50 PERCENT OF THE SPACE IN AN EXISTING BUILDING; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS.

### PREAMBLE

Whereas, on August 10, 2010, Supervisor Dufty introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 10-1094 which would amend the San Francisco Administrative Code by adding Chapter 29B to require a city agency, or a private developer that receives city funds for a development project, as defined, to prepare a feasibility study for providing an on-site child care center whenever it plans to construct or purchase a building, lease more than 50 percent of space in a private building for an initial term of more than one year, or alter more than 50 percent of the space in an existing building; adopting findings, including environmental findings; and

Whereas, on October 28, 2010, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas, the proposed Administrative Code amendment has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2); and

Whereas, the 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 the legislative sponsor, Department staff, and other interested parties; and

Whereas, the 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 Commission has reviewed the proposed Ordinance; and

**MOVED**, that the Commission hereby recommends that the Board of Supervisors recommends *approval with modification of the proposed Ordinance* and adopts the Resolution to that effect.

## **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. A child care nexus study prepared for San Francisco in 2007 found that there is a shortage of approximately 17,828 spaces overall for children aged 0 to 13 in San Francisco and that most of this shortage is for preschool-age and school-age care. For infant care, only 46 percent of the demand is being met. Overall, one-third of children that need a licensed child care space may not have one available, and the City will experience even more demand in the future based on projected population growth;
2. **General Plan Compliance.** The proposed Ordinance is, on balance, consistent with the following Objectives and Policies of the General Plan:

### **I. COMMUNITY FACILITIES ELEMENT**

#### **OBJECTIVE 3**

#### **ASSURE THAT NEIGHBORHOOD RESIDENTS HAVE ACCESS TO NEEDED SERVICES AND A FOCUS FOR NEIGHBORHOOD ACTIVITIES.**

One component contributing to the quality of the living environment is the availability of community services and facilities designed to meet the cultural, social and recreational needs of neighborhood residents. While there are already many neighborhood services and facilities (libraries, recreation centers, health centers, police stations, schools) there are still unmet needs. Services to be provided vary according to the composition and needs of the population in the area and include activities such as child care, health care, youth activities, senior citizen programs and adult education and enrichment programs.

*Staff Comment: Ensuring that the activity that creates the demand for the service (in this case employment) helps meet the need is a fundamental underpinning of the development impact fees.*

### **II. MISSION AREA PLAN**

#### **POLICY 2.3.6**

Establish an impact fee to be allocated towards an Eastern Neighborhoods Public Benefit Fund to mitigate the impacts of new development on transit, pedestrian, bicycle, and street improvements, park and recreational facilities, and community facilities such as libraries, child care and other neighborhood services in the area.

**OBJECTIVE 7.1**

**PROVIDE ESSENTIAL COMMUNITY SERVICES AND FACILITIES.**

**POLICY 7.1.3**

**Ensure childcare services are located where they will best serve neighborhood workers and residents.**

III. Community Safety Element

**POLICY 2.21**

**Develop partnerships with private businesses, public service organizations and local nonprofits to meet disaster-time needs.**

The City should seek opportunities to partner with private sector businesses and organizations where possible. For example, drug stores can be used to distribute medical supplies and pharmaceuticals during emergencies. Medical institutions and university health centers can be set

up to provide medical treatment such as inoculations in the event of a chemical or biological emergency. Private and community-based organizations can assist with recovery activities, and in the dissemination of disaster information. The American Red Cross, Habitat for Humanity and the Salvation Army, as well as numerous local groups, can be supportive partners in providing emergency shelter, food, clothing, physical and mental health support. The City's relationships with these agencies and organizations should be mutually supportive. Local services, particularly in lower-income areas, such as food banks, senior centers, child care centers, may be ill-prepared to cope with disaster. The City should assist in developing support networks for these organizations, providing them with employee response training, assisting them in securing insurance coverage, and helping to develop contingency plans for their operations' continuance post-disaster.

*Staff Comment: Locating child care services near or at their parents' employment site may make it easier for families to reconnect after a disaster.*

3. The proposed Ordinance is generally consistent with the eight General Plan priority policies set forth in Section 101.1 in that:
  - A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

*The proposed Ordinance would not significantly impact existing neighborhood-serving retail uses or opportunities for employment in or ownership of such businesses. It may slightly increase family-oriented shopping near work.*

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

*The proposed Ordinance would not negatively affect neighborhood character.*

- C) The City's supply of affordable housing will be preserved and enhanced:

*The proposed Ordinance not affect affordable housing supply.*

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

*The proposed Ordinance will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking. In fact, the proposed Ordinance may reduce trips generated in that parents would not need to travel to pick-up their children.*

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

*The proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors. It may spur the development of more child care.*

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*Preparedness against injury and loss of life in an earthquake may be increased by locating children closer to their parents.*

- G) That landmark and historic buildings will be preserved:

*The proposed Ordinance will not affect landmark and historic buildings.*

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

*The proposed Ordinance will not impact the City's parks and open space.*

4. The proposed Ordinance is exempt from CEQA per CEQA Guidelines Section 15060(c)(2).

5. The Commission therefore recommends ***approval with modifications described below:***

### Recommended Modifications

The Commission recommends that the Board incorporate all of the modifications recommended by the working group consisting of the Department of Youth, Children and Families (DCYF), the Planning Department, and the Office of Economic and Workforce Development. Below is a summary of the modifications under consideration and supported by this working group:

1. **Apply requirement to City-occupied projects only.** The Planning Code already has a child care provide-or-pay requirement that applies to private projects regardless of whether the project receives city funding or not.
2. **Focus the requirement on the goal:** ensure that the City is a leader in the provision of child care and that City agencies understand their employees' child care needs; any new demand for child care services that a proposed project would generate early in the process of developing new projects; and the cost of providing such services as part of the total project development budget. To meet this goal the legislation should require City-occupied projects of 50,000 or more square feet to consult with DCYF in order for the sponsoring department to produce a Child Care Needs and Feasibility Analysis prior to any city funding approvals related to a future lease and/or net new construction of office space. The key components of this revised study would be:
  - **DCYF would provide the all of the applicable/needed data on child care need related to a specific project.** DCYF would provide the child care data for demographics, existing area deficiencies, availability, and pricing. DCYF would also provide a list of appropriate consultants that have the expertise to conduct a child care feasibility study, as well as any technical assistance related to the understanding and effective use of the child care data required in the feasibility study. This would also ensure that the sponsoring department discusses the project with DCYF staff and would ensure that DCYF can educate the sponsoring department and/or their hired consultants about how to successfully implement child care services, where a need is identified.
  - **Timing.** The proposed feasibility analysis must be completed prior to any funding approvals and must be submitted for consideration by approving entities of said funding including the Mayor, the Board of Supervisors and related commissions.
  - **After the study.** While the provision of child care would not be required, the working group recommended that the legislation be modified to require those City agencies that develop office projects that create a need for additional child care services and decide not to provide new child care services as part of a proposed project to provide evidence to approving entities that they fairly considered providing such services early in project development and why such services would not be provided. The working group recommended that this response be required in actions to approve funding for such projects.

In addition to the recommendations provided by the working group, the Planning Commission commends Supervisor Duffy for his offer to conduct outreach to relevant City agencies so as to ensure that the City family understands and can implement the legislation upon adoption.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on October 28, 2010.

Linda Avery



Commission Secretary

AYES: Miguel, Olague, Antonini, Borden, Moore, and Sugaya

NAYS:

ABSENT:

ADOPTED: October 28, 2010