

File No. 101094

Committee Item No. 5

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date November 22, 2010

Board of Supervisors Meeting Date _____

Cmte Board

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OTHER

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Environmental Review Determination</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Planning Commission Resolution No. 10200</u> |
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Completed by: Alisa Somera Date November 19, 2010

Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

1 [Child Care Centers for City Projects and City-Funded Private Projects]

2
3 **Ordinance amending the San Francisco Administrative Code by adding Chapter 29B to**
4 **require a City agency, or a private developer that receives City funds for a development**
5 **project, as defined, to prepare a feasibility study for providing an on-site child care**
6 **center whenever it plans to construct or purchase a building, lease more than 50**
7 **percent of space in a private building for an initial term of more than one year, or alter**
8 **more than 50 percent of the space in an existing building; adopting findings, including**
9 **environmental findings.**

10
11 NOTE: Additions are *single-underline italics Times New Roman*;
12 deletions are *strike-through italics Times New Roman*.
13 Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough-normal~~.

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

15 Section 1. Findings.

16 (a) Environmental Findings. The Planning Department has determined that the
17 actions contemplated in this ordinance comply with the California Environmental Quality Act
18 (Public Resources Code Section 21000 et seq.) Said determination is on file with the Clerk of
19 the Board of Supervisors in File No. 101094.

20 (b) General Findings.

21 (1) In a report prepared for the Bay Area Council and the Bay Area Early Childhood
22 Funders in 2009 entitled "Key to Economic Success in the 21st Century," the authors state that
23 there is a substantial body of research showing that investments in high-quality educational
24 experiences during the years from birth to age five significantly improve not only school
25 achievement but also a range of social and economic outcomes throughout life. Economists

1 have shown that public investments in high-quality early child care and education generate a
2 higher rate of return than almost any other public investment. However, early child care and
3 education in the Bay Area is expensive and working families with young children, most of
4 whom receive no government subsidies, typically devote large portions of their income to child
5 care.

6 (2) In a 2009 report, the National Association of Child Care Resource and Referral
7 Agencies (NAACRRA) found that in every region of the country, average child care fees for an
8 infant were higher than the average amount that families spent on food; child care fees for two
9 children at any age exceeded median rent costs and were as high or higher than the average
10 mortgage payment. The cost of child care is rising faster than inflation.

11 (3) In San Francisco, the availability of child care spaces at high-quality,
12 community-based child care programs is at a premium, with infant care being the most difficult
13 to find. According to the Child Care Needs Assessment prepared in 2007 by the San
14 Francisco Child Care Planning & Advisory Council, San Francisco has increased the City's
15 licensed center capacity by 1,264 slots since the 2002 Needs Assessment. Concerted efforts
16 by the City, child care providers, foundations, and corporate support contributed to the growth
17 in infant/toddler care as well as preschool and school-age care. Despite existing efforts,
18 however, there remains a considerable gap in available licensed care. Studies have shown
19 that in San Francisco, licensed care is available for only 43 percent of parents in the labor
20 force. For one-third of the families with children who need licensed child care, it is unavailable
21 irrespective of affordability. Licensed child care spaces are particularly limited in specific
22 neighborhoods, such as the downtown corridor and South of Market.

23 (4) San Francisco currently has a child care requirement for private projects that is
24 codified in Section 414 et seq. of the Planning Code. Under Section 414 et seq., an office or
25 hotel development project in the downtown area proposing the net addition of 50,000 or more

1 gross square feet of office or hotel space must provide a licensed child care facility or pay an
2 in-lieu fee. A child care nexus study prepared for the City and County of San Francisco in
3 2007 found that there is a shortage of approximately 17,828 spaces overall for children aged
4 0 to 13 in San Francisco; most of this shortage is for preschool-age and school-age care. For
5 infant care, only 46 percent of the demand is being met. Overall, one-third of children that
6 need a licensed child care space may not have one available, and the City will experience
7 even more demand in the future based on projected population growth.

8 (5) The lack of affordable quality child care for workers greatly affects the
9 productivity of the workforce. Large employers in the City who have built on-site child care for
10 their employees, such as Pacific Gas & Electric, The Gap, and University of California at San
11 Francisco, have stated that their investments of company resources in on-site child care has
12 increased recruitment and yielded a more stable productive workforce. Offering on-site child
13 care for employees also boosts the morale of all employees, not only those who use the child
14 care services.

15 (6) The Federal Government has recognized that providing its employees with the
16 opportunity for quality child care at the work site of a federal agency can enhance the
17 performance of the organization, especially because the majority of worker absences result
18 from the breakdown in child care arrangements, and increase the employee's allegiance to
19 the workplace as a quality, family-friendly environment. Therefore, the Federal Government
20 has a policy of providing child care centers in federal buildings for government employees and
21 also for nonemployees if space is available.

22 (7) As a large employer, the City and County of San Francisco is severely impacted
23 by the lack of affordable quality child care in San Francisco. Requiring City agencies to
24 explore the feasibility of building on-site child care whenever they construct, purchase, lease,
25 or perform a major renovation to a City facility would not only provide the significant benefits

1 that have been recognized by the Federal Government and large private-sector San
2 Francisco employers, it would also ease the demand for child care services in private
3 facilities. Requiring that private developers who receive City funds for a large project also
4 comply with this requirement would ensure that these developments do not burden San
5 Francisco's already scarce child care resources.

6 Section 2. The San Francisco Administrative Code is hereby amended by adding
7 Chapter 29B, to read as follows:

8 CHAPTER 29B: CHILD CARE FEASIBILITY STUDY FOR CITY AND
9 CITY-FUNDED PROJECTS

10 SEC. 29B.1. Applicability.

11 (a) This Chapter shall be applicable to:

12 (1) a development project of more than 25,000 gross square feet proposed and/or funded by
13 a City agency; and

14 (2) a development project of more than 25,000 gross square feet proposed by a private
15 developer receiving any funds controlled by the City and County of San Francisco unless the developer
16 is required to comply with Planning Code Section 414 et seq.

17 SEC. 29B.2. Definitions.

18 (1) "Child Care Feasibility Study" or "Feasibility Study." A study described in Section
19 29B.4.

20 (2) "City agency." An office, board, department, commission, or other unit of government of
21 the City and County of San Francisco.

22 (3) "Development project" or "project." A project to (a) construct a new building, (b)
23 purchase an existing building, (c) perform alterations to more than 50 percent of the gross square
24 footage of an existing building, or (d) lease more than 50 percent of the space in a privately-owned
25

1 building for an initial term of more than one year. It shall not include a building that will not be used
2 primarily for human occupancy.

3 (4) "Project sponsor." The City agency or private developer of a project subject to this
4 Chapter.

5 SEC. 29B.3. Purpose. The purpose of this Chapter is to enhance the performance and morale of
6 City employees by offering the opportunity for quality child care in a City-owned or controlled space,
7 and to increase the availability of quality child care options in the City and County of San Francisco.

8 SEC. 29B.4. Child Care Feasibility Study.

9 (a) Preparation of Study. A City agency or private developer that is subject to the
10 requirements of this Chapter shall prepare a Child Care Feasibility Study that considers the build out
11 and tenant improvements of a child care center on the project site that contains the information
12 required in subsection (d) below and has the minimum features described in subsection (e). The
13 Feasibility Study shall be prepared at an early stage in the project design when budgeting and other
14 planning decisions are made.

15 (b) Submission to the City Administrator and Board of Supervisors. The Feasibility Study
16 shall be submitted to the City Administrator by the City agency involved in either proposing or funding
17 the development project prior to either (1) the purchase or lease of the building or (2) the submission of
18 an environmental evaluation application, application for a building permit, or application for other
19 project approvals by the City, whichever is applicable. If the project is subject to the Fiscal
20 Responsibility and Feasibility requirements of Chapter 29 of this Code, the Child Care Feasibility
21 Study shall be presented to the Board of Supervisors at the same time the information required by
22 Chapter 29 is required to be presented.

23 (c) Waiver of Requirement. The City Administrator is authorized to waive the requirement
24 to prepare a Child Care Feasibility Study under the following circumstances. Any waiver granted by
25

1 the City Administrator must be in writing and shall set forth the specific reason or reasons why the
2 waiver has been granted.

3 (1) The City Administrator shall waive the requirement if:

4 (A) the project sponsor has made a determination that the proposed development project
5 will include an on-site child care center, or

6 (B) the proposed development project is under the jurisdiction of the Port of San Francisco,
7 the San Francisco Public Utilities Commission, or other City agency where the agency contends, and
8 the City Attorney agrees, that the use of agency funds to support the establishment or operation of a
9 child care center as described in this Chapter is prohibited by State law, the San Francisco Charter, or
10 other local law.

11 (2) The City Administrator may waive the requirement if:

12 (A) The project sponsor has documented that including an on-site child care center in the
13 project is infeasible because the site cannot meet, or be remodeled to meet, the State of California child
14 care licensing requirements.

15 (B) The project sponsor has provided evidence sufficient to establish that including a child
16 care center on site is infeasible without the necessity of preparing a Feasibility Study. Such reasons
17 include, but are not limited to space or legal constraints. In the case of legal constraints, the City
18 Attorney must agree that they apply.

19 (d) Required Information. The Feasibility Study shall include and document the following
20 information, in addition to any other information that the City Administrator requires or that the City
21 agency proposing and/or funding the project deems relevant:

22 (1) Project Description:

23 (A) a description of the proposed development project;

24 (B) the estimated total cost of the project.

25 (2) Population and Need:

1 (A) the total number of City employees within a two-to-three mile radius of the project
2 location (the "target area"):

3 (B) the number of City employees who have indicated they would use the child care center;
4 and

5 (C) the number and ages of children 3 months to five years old in the target area.

6 (3) Community Impact:

7 (A) the number of existing child care centers serving the general public that are in the target
8 area;

9 (B) the licensed capacity of existing child care centers in the target area and the number of
10 vacant spaces;

11 (4) Cost:

12 (A) the estimated start-up cost for construction or renovation of space for an on-site child
13 care facility and identification of any source of funding;

14 (B) the estimated cost of appliances, permanent fixtures, furnishings and equipment to
15 appropriately furnish the child care center; and

16 (C) the estimated annual cost of providing the space for the child care center.

17 (e) Minimum Requirements. In preparing the Feasibility Study required by this Chapter, the
18 following assumptions shall be made:

19 (1) The child care center shall be a licensed facility.

20 (2) The child care center shall have a minimum gross floor area of 3,000 square feet of
21 usable interior space and access to dedicated exterior space of at least 1,500 square feet.

22 (3) The space for the child care center shall be provided to a nonprofit child care provider
23 without charge for rent, utilities, property taxes, building services, repairs, or other charges of any
24 nature.

1 (4) Unless otherwise indicated in the Feasibility Study (with reasons supporting the
2 proposed alternative priorities), the child care center shall provide for the following priority of
3 enrollment:

4 (A) City employees working in the building shall have first priority for child care space;

5 (B) If space is available, all City employees shall have the second priority for child care
6 space; and

7 (C) If space is available, San Francisco residents shall have the third priority for child care
8 space.

9 (e) Approval by the Department of Children, Youth and their Families. The consultant that
10 prepares the Child Care Feasibility Study required by this Chapter shall be on the list of consultants
11 approved by the San Francisco Department of Children, Youth and their Families as qualified to
12 prepare the Feasibility Study. If the City agency or private sponsor of a development project subject to
13 this Chapter wishes to use either its own staff or a consultant that is not on the Department of Children,
14 Youth and their Families' list, it must obtain the prior written approval of that Department.

15 SEC. 29A.5. Annual Report by City Administrator. One year after the effective date of this
16 Chapter, and every year thereafter, the City Administrator shall prepare and submit to the Board of
17 Supervisors a report that summarizes any waivers that have been granted pursuant to Subsection (c) of
18 this Chapter. A copy of the Annual Report shall also be provided to the San Francisco Child Care
19 Planning and Advisory Council and the Department of Children, Youth and Their Families.

20 SEC. 29A.6. Severability.

21 If any section, paragraph, sentence, clause or phrase of this Chapter 29B is for any
22 reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction,
23 such decision shall not affect the validity or effectiveness of the remaining portions of this
24 Chapter 29B. The Board of Supervisors declares that it would have passed each section,
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paragraph, sentence, clause, or phrase of this Chapter 29B irrespective of the fact that any portion of this Chapter 29B could be declared unconstitutional, invalid, or ineffective.

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

By: *Judith A. Boyajian*
JUDITH A. BOYAJIAN
Deputy City Attorney

LEGISLATIVE DIGEST

[Child Care Centers for City Projects and City-Funded Private Projects]

Ordinance amending 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.

Existing Law

Planning Code Section 414 et seq. establishes child care requirements for private office and hotel development projects proposing the net addition of 50,000 or more gross square feet of office or hotel space. Such projects must either provide a child care center of at least 3,000 square feet on site or nearby, or pay an in-lieu fee of \$1.00 per net additional gross square foot of office or hotel space. There are no existing requirements for City projects or other private projects to include a child care center in the project.

Amendments to Current Law

The proposed legislation adds Chapter 29B to the San Francisco Administrative Code to require a City agency that is proposing or funding a "development project" of more than 25,000 gross square feet to prepare an on-site Child Care Feasibility Study at an early stage in the project design when budgeting and other planning decisions are made. This Feasibility Study requirement is also imposed on a private development project that receives any funds controlled by the City and County of San Francisco unless the project sponsor is required to comply with the child care requirements of Planning Code Section 414 et seq. "Development project" is defined as a project to construct a new building, purchase an existing building, perform alterations to more than 50 percent of the gross square footage of an existing building, or lease more than 50 percent of the space in a privately-owned building for an initial term of more than one year; it does not include a building that will not be used primarily for human occupancy.

The Child Care Feasibility Study must consider the build out and tenant improvements of a child care center on the project site that has the minimum features described in the legislation. The Study must be submitted to the City Administrator prior to either (1) the purchase or lease of the building or (2) the submission of an environmental evaluation application, application for a building permit, or application for other project approvals by the City, whichever applies. If the project is subject to the Fiscal Responsibility and Feasibility requirements of Chapter 29 of the Administrative Code, the Feasibility Study must be presented to the Board of Supervisors at the same time. Unless otherwise indicated in the Feasibility Study (with reasons supporting

alternative priorities), the child care center shall provide first priority for child care space to City employees working in the building. If space is available, all City employees shall have the second priority for child care space and San Francisco residents shall have third priority.

The City Administrator is authorized to waive the requirement to prepare a Feasibility Study. The City Administrator must grant the waiver if (1) the project sponsor has decided to include a child care center in the project or (2) the proposed project is under the jurisdiction of the Port, the Public Utilities Commission, or other City agency where the agency contends, and the City Attorney agrees, that the use of agency funds to support the establishment or operation of a child care center is prohibited by State or local law. The City Administrator may grant the waiver if (1) the project sponsor has documented that the site cannot meet, or be remodeled to meet, the State of California child care licensing requirements or (2) the project sponsor has provided evidence establishing that due to space constraints, legal constraints, or other reasons, including a child care center on site is infeasible without the necessity of preparing a Feasibility Study. All waivers must be in writing and state the specific reason or reasons for granting the waiver.

The consultant that prepares the Child Care Feasibility Study must be approved by the San Francisco Department of Children, Youth and Their Families as qualified to prepare the Study. One year after the effective date of this legislation and every year thereafter, the City Administrator shall prepare and submit to the Board of Supervisors a report that summarizes any waivers that have been granted. A copy of the report shall also be submitted to the the San Francisco Child Care Planning and Advisory Council and the Department of Children, Youth and Their Families.

Background Information

There is a substantial body of research showing that investments in high-quality educational experiences during a child's early years significantly improve not only school achievement but also a range of social and economic outcomes throughout life. Economists have shown that public investments in high-quality early child care and education generate a higher rate of return than almost any other public investment. However, early child care and education in the Bay Area is expensive and working families with young children, most of whom receive no government subsidies, typically devote large portions of their income to child care. The cost of child care is rising faster than inflation.

In San Francisco, the availability of child care spaces at high-quality, community-based child care programs is at a premium, with infant care being the most difficult to find. Despite existing efforts by the City, child care providers, foundations, and corporations to increase the capacity, there remains a considerable gap in available licensed care. Studies have shown that in San Francisco, licensed care is available for only 43 percent of parents in the labor force. For one-third of the families with children who need licensed care, it is unavailable irrespective of affordability. Licensed child care spaces are particularly limited in specific neighborhoods, such as the downtown corridor and South of Market. A child care nexus study

prepared for the City in 2007 found that there is a shortage of approximately 17,828 spaces overall for children aged 0 to 13; 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.

The lack of affordable quality child care for workers greatly affects the productivity of the workforce. Large employers in the City who have built on-site child care for their employees, such as PG&E, The Gap, and the UCSF, have stated that their investments of company resources in on-site child care has increased recruitment and yielded a more stable productive workforce. Offering on-site child care for employees also boosts the morale of all employees, not only those who use the child care services. The Federal Government has a policy of providing child care centers in federal buildings for government employees and also for nonemployees if space is available.

As a large employer, the City is severely impacted by the lack of affordable quality child care in San Francisco. Requiring City agencies to explore the feasibility of building on-site child care whenever they construct, purchase, lease, or perform a major renovation to a City building would not only provide the significant benefits to its employees that have been recognized by the Federal Government and large private-sector San Francisco employers, it would also ease the demand for child care services in private facilities. Requiring that private developers who receive City funds for a large project also comply with this requirement would ensure that these developments do not burden San Francisco's already scarce child care resources.

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

August 27, 2010

File No. 101094

Bill Wycko
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Mr. Wycko:

On August 10, 2010, Supervisor Duffy introduced the following proposed legislation:

File No. 101094

Ordinance amending 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.

The legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Somera".

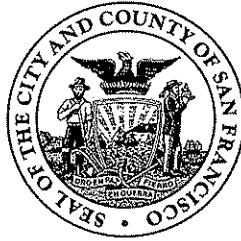
By: Alisa Somera, Committee Clerk
Land Use & Economic Development Committee

Attachment

c: Nannie Turrell, Major Environmental Analysis
Brett Bollinger, Major Environmental Analysis

Non-physical per CEQA
Guidelines Section 15060(c)(2).
A handwritten signature in cursive script that reads "Brett Bollinger".
9/20/10
~~Approved Planning Dept. Brett Bollinger~~
2010.0788E

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Chris Schulman, Commission Secretary
Small Business Commission, City Hall, Room 448

FROM: Angela Calvillo, Clerk of the Board

DATE: August 27, 2010

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use & Economic Development Committee

The Board of Supervisors Land Use and Economic Development Committee has received the following, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 101094

Ordinance amending 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.

Please return this cover sheet with the Commission's response to **Alisa Somera, Clerk, Land Use & Economic Development Committee.**

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: 9/29/2010

No Comment
 Recommendation Attached

~~Chairperson,~~ Small Business Commission
Director,



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. ~~10-1094~~: 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.

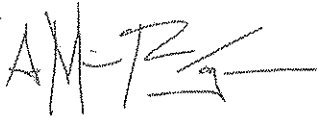
At the April 1st hearing, the Commission voted 6-0 to recommend approval with the following modifications:

- **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 black 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.

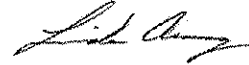
In addition to the recommendations provided by the working group, the Planning Commission commends Supervisor Dufty for his offer to conduct outreach to relevant City agencies so as to ensure that the City family understands and can implement the legislation upon adoption.

Panning Commission Resolution No. 18208
Hearing Date: October 28, 2010

CASE NO. 2010.0788U
Child Care Feasibility Study

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