

1 [Administrative Code - Child Care Centers for City and City-Funded Projects; Feasibility
2 Studies]

3 **Ordinance amending the Administrative Code, Sections 29B.4 and 29B.5, to transfer**
4 **responsibility for Child Care Feasibility Studies from the City Administrator and the**
5 **Department of Children, Youth and Their Families to the Office of Early Care and**
6 **Education in the Human Services Agency, and the Child Care Facilities Interagency**
7 **Committee; and making environmental findings.**

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

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

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

17 Section 2. The San Francisco Administrative Code is hereby amended by amending
18 Sections 29B.4 and 29B.5, to read as follows:

19 **SEC. 29B.4. CHILD CARE FEASIBILITY STUDY.**

20 (a) Preparation of Study. A City agency or private developer that is subject to the
21 requirements of this Chapter shall prepare a Child Care Feasibility Study that considers the
22 build out and tenant improvements of a child care center on the project site that contains the
23 information required in subsection (d) below and has the minimum features described in
24 subsection (e). The Feasibility Study shall be prepared at an early stage in the project design
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1 when budgeting and other planning decisions are made and must be completed and
2 submitted as required by subsection (b)(ii) below prior to any funding approvals.

3 The sponsor of a development project subject to this Article shall consult with the San
4 Francisco ~~Department of Children, Youth and their Families (DCYF)~~Office of Early Care and
5 Education (OECE), located in the San Francisco Human Services Agency, in preparing the Child
6 Care Feasibility Study. ~~DCYF~~OECE shall be responsible for providing all of the necessary data
7 on the child care needs generated by a specific project. ~~DCYF~~OECE will provide all of the
8 applicable/needed data on child care needs related to a specific project. ~~DCYF~~OECE would
9 provide the child care data for demographics, existing area deficiencies, availability, and
10 pricing. ~~DCYF~~OECE would also provide a list of appropriate consultants that have the
11 expertise to conduct a child care feasibility study, as well as any technical assistance related
12 to the understanding and effective use of the child care data required in the feasibility study.
13 This would also ensure that the sponsoring department discusses the project with ~~DCYF~~OECE
14 staff and would ensure that ~~DCYF~~OECE can educate the sponsoring department and/or their
15 hired consultants about how to successfully implement child care services where a need is
16 identified.

17 (b) Submission to the ~~City Administrator~~OECE, the Child Care Facilities Interagency
18 Committee, funding entities, and Board of Supervisors.

19 (i) The Feasibility Study shall be submitted to the ~~City Administrator~~OECE by
20 the City agency involved in either proposing or funding the development project prior to either
21 (1) the purchase or lease of the building or (2) the submission of an environmental evaluation
22 application, application for a building permit, or application for other project approvals by the
23 City, whichever is applicable.

24 (ii) Prior to the City's approval of funding for the development project, the
25 sponsor shall submit the Child Care Feasibility Study to the funding entity for its consideration,

1 including the Mayor, the Board of Supervisors, and any applicable agencies or commissions,
2 including the Child Care Facilities Interagency Committee.

3 (iii) If the project is subject to the Fiscal Responsibility and Feasibility
4 requirements of Chapter 29 of this Code, the Child Care Feasibility Study shall be presented
5 to the Board of Supervisors at the same time the information required by Chapter 29 is
6 required to be presented.

7 (c) Waiver of Requirement. The ~~City Administrator~~OECE is authorized to waive the
8 requirement to prepare a Child Care Feasibility Study under the following circumstances. Any
9 waiver granted by the ~~City Administrator~~OECE must be in writing and shall set forth the specific
10 reason or reasons why the waiver has been granted.

11 (1) The ~~City Administrator~~OECE, in consultation with the Child Care Facilities
12 Interagency Committee, shall waive the requirement if:

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

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

20 (2) The ~~City Administrator~~OECE, in consultation with the Child Care Facilities
21 Interagency Committee, may waive the requirement if:

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

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

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

8 (1) Project Description:

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

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

11 (2) Population and Need:

12 (A) the total number of City employees within a two-to-three mile radius of
13 the project location (the "target area");

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

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

18 (3) Community Impact:

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

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

23 (4) Cost:

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

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

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

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

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

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

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

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

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

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

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

23 (f) Approval by the *Department of Children, Youth and their Families* OECE. The
24 consultant that prepares the Child Care Feasibility Study required by this Chapter shall be on
25 the list of consultants approved by the San Francisco *Department of Children, Youth and their*

1 ~~Families~~OECE as qualified to prepare the Feasibility Study. If the City agency or private
2 sponsor of a development project subject to this Chapter wishes to use either its own staff or
3 a consultant that is not on the ~~Department of Children, Youth and their Families'~~OECE list, it must
4 obtain the prior written approval of that ~~Department~~Office.

5 (g) If a City agency proposes an office development project, as defined in Section
6 401 of the San Francisco Planning Code, that creates a need for additional child care services
7 and has decided not to provide new child care services as part of the proposed project, the
8 sponsoring agency shall provide evidence to the agencies approving the project that the
9 sponsor fairly considered providing child care services early in project development and why
10 such services would not be provided.

11 **SEC. 29B.5. ANNUAL REPORT BY ~~CITY ADMINISTRATOR~~OECE.**

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

18 Section 3. Effective Date. This ordinance shall become effective 30 days from the
19 date of passage.

20 Section 4. This section is uncodified. In enacting this Ordinance, the Board intends to
21 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
22 punctuation, charts, diagrams, or any other constituent part of the Administrative Code that
23 are explicitly shown in this legislation as additions, deletions, Board amendment additions,
24 and Board amendment deletions in accordance with the "Note" that appears under the official
25 title of the legislation.

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

By: _____
VIRGINIA DARIO ELIZONDO
Deputy City Attorney

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