

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

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

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

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

11 Section 1. The Planning Department has determined that the actions contemplated in
12 this ordinance comply with the California Environmental Quality Act (California Public
13 Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the
14 Board of Supervisors in File No. 130300 and is incorporated herein by reference.

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

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

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

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

15 (b) Submission to the City Administrator, the Child Care Facilities Interagency
16 Committee, funding entities, and Board of Supervisors.

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

22 (ii) Prior to the City's approval of funding for the development project, the
23 sponsor shall submit the Child Care Feasibility Study to the funding entity for its consideration,
24 including the Mayor, the Board of Supervisors, and any applicable agencies or commissions,
25 including the Child Care Facilities Interagency Committee.

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

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

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

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

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

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

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

21 (B) The project sponsor has provided evidence sufficient to establish that
22 including a child care center on site is infeasible without the necessity of preparing a
23 Feasibility Study. Such reasons include, but are not limited to space or legal constraints. In
24 the case of legal constraints, the City Attorney must agree that they apply.
25

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

4 (1) Project Description:

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

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

7 (2) Population and Need:

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

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

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

14 (3) Community Impact:

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

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

19 (4) Cost:

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

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

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

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

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

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

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

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

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

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

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

19 (f) Approval by the *Department of Children, Youth and their Families* OECE. The
20 consultant that prepares the Child Care Feasibility Study required by this Chapter shall be on
21 the list of consultants approved by the San Francisco *Department of Children, Youth and their*
22 *Families* OECE as qualified to prepare the Feasibility Study. If the City agency or private
23 sponsor of a development project subject to this Chapter wishes to use either its own staff or
24 a consultant that is not on the *Department of Children, Youth and their Families*' OECE list, it must
25 obtain the prior written approval of that *Department* Office.

1 (g) If a City agency proposes an office development project, as defined in Section
2 401 of the San Francisco Planning Code, that creates a need for additional child care services
3 and has decided not to provide new child care services as part of the proposed project, the
4 sponsoring agency shall provide evidence to the agencies approving the project that the
5 sponsor fairly considered providing child care services early in project development and why
6 such services would not be provided.

7 **SEC. 29B.5. ANNUAL REPORT BY CITY ADMINISTRATOR.**

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

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

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

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

24 By: _____
25 VIRGINIA DARIO ELIZONDO
Deputy City Attorney

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