

**COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT**

**DATE:** January 25, 2023

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** Consideration of an ordinance amending Chapter 22.2, "Child Care Centers" of the Zoning Regulations, applicable to the County's Coastal Zone, to accept and adopt modifications suggested by the California Coastal Commission.

County File Number: PLN 2020-00014

**PROPOSAL**

Staff has prepared an ordinance amending the County's adopted Chapter 22.2, "Child Care Centers" of the Zoning Regulations applicable to the County's Coastal Zone, to incorporate modifications suggested by the California Coastal Commission in the Commission's conditional certification of the County's recently adopted regulations.

**RECOMMENDATION**

That the Planning Commission recommend that the San Mateo County Board of Supervisors adopt an ordinance amending Chapter 22.2, "Child Care Centers" of the Zoning Regulations applicable to the County's Coastal Zone, to accept and adopt modifications suggested by the California Coastal Commission in the Commission's conditional certification of the regulations adopted by the Board of Supervisors on May 4, 2021.

**BACKGROUND**

Report Prepared By: Camille Leung, Project Planner, 650/363-1826

Applicant: San Mateo County Planning and Building Department

Location: San Mateo County's Coastal Zone

Public Notification: Ten (10) business day advanced notification for the hearing was mailed to child care centers within the County and interested parties, and a 1/8th-page notice for the hearing posted in a newspaper (San Mateo Times and Half Moon Bay Review) of general public circulation.

Environmental Evaluation: On May 4, 2021, the Board of Supervisors adopted the Negative Declaration for the ordinance repealing Section 6401.2 of the San Mateo County Ordinance Code (Zoning Regulations) and adopting a new Chapter 22.2 of the Zoning Regulations to regulate child care centers.

## **DISCUSSION**

On March 10, 2021, the Planning Commission recommended that the Board of Supervisors adopt an ordinance adding the new Chapter 22.2, “Child Care Centers” of the Zoning Regulations, repealing Section 6401.2. (General Provisions Relating to Large Family Day Care Homes) and amending the text of the County Zoning Regulations for various zoning districts for consistency with the new regulations. The Board of Supervisors adopted these amendments by ordinance on May 4, 2021.

Per State law, amendments to the County’s zoning regulations applicable in the Coastal Zone, and amendments to the County’s Local Coastal Program (LCP), cannot take effect until they are reviewed and certified by the California Coastal Commission. The Coastal Commission considered the County’s amendments on October 14, 2022, and conditionally certified the amendments, with the following minor modifications:

- Update Table 2 to clearly state that a conversion of a single-family residence to a child care center constitutes an intensification of use requiring a Coastal Development Permit (CDP) (see Coastal Commission Staff Report, Suggested Modifications 1 and 2, Attachment D); and
- Clarify that State density bonus law provisions related to child care centers will only apply after submission and certification of the County’s separate LCP amendment regarding density bonus provisions (see Coastal Commission Staff Report, Suggested Modification 3, Attachment D).

The modifications proposed by the Coastal Commission are described in more detail below. The full proposed adopting ordinance accepting and adopting the Commission’s modifications is Attachment B.

In order for the certified regulations to take effect, the County Board of Supervisors must acknowledge receipt of the Coastal Commission’s action, accept and adopt the requested modifications to the Zoning Regulations and the Local Coastal Program, as certified by the California Coastal Commission, and agree to issue coastal development permits subject to the modified regulations.

### **A. COASTAL COMMISSION MODIFICATIONS**

The Coastal Commission requested the following modifications in its conditional certification of the County’s updated regulations:

1. A CDP is Required for Conversion of a Single-Family Residence to a Child Care Center (Coastal Commission’s Suggested Modifications 1 and 2)

The County's adopted regulations (Table 2 of Section 6420.4.2) establish specific permitting requirements for child care centers. The prior, now repealed, regulations only applied to Large Family Day Care Homes. The adopted regulations also ease restrictions for a child care center to locate within an existing building of a similar use in terms of purpose, intensity, and parking needs (such as commercial and institutional buildings) or within structures supporting compatible uses (such as single- and multiple-family residential); and allow expansion of such buildings when certain environmental and locational criteria are met. The updated regulations also allow child care centers to operate pursuant to a ministerial permit when the center would be located: 1) within existing buildings, with limited expansion, in areas zoned or designated by the General Plan for Commercial or Institutional, or Commercial/Residential Mixed Use land uses; 2) within converted single-family residences on parcels 10,000 sq. ft. or larger and zoned for Single Family Residential within the Coastal Zone; or 3) within existing or expanded institutional buildings or public facilities.

The Coastal Commission requested that Section 6420.4.2 be amended to require a CDP to convert a single-family residence to a child care center. The Coastal Commission concluded that, because a child care center is not a primary permitted use in residential zoning districts, a conversion from a single-family residence to a child care center is an intensification of use requiring a Coastal Development Permit.

Staff notes that Section 6420.3 of the regulations will continue to allow Small Family Day Care Homes (allows up to 8 children) and Large Family Day Care Homes (allows up to 14 children) as a permitted incidental use to a primary permitted residential use. Small and Large Family Day Care Homes are distinct from child care centers, which are the subject of the Coastal Commission modification.

2. Application of State Density Bonus Law Provisions to Child Care Centers is Subject to Review and Certification of Separate Density Bonus LCP Amendment (Coastal Commission's Suggested Modification 3)

The County's adopted regulations, Section 6420.5, incentivize the creation of new child care centers in the unincorporated County by establishing two new incentive programs, and incorporating incentives provided by the State, including the State density bonus law provisions. However, Coastal Commission staff correctly note that, to date, the County has not amended its LCP to incorporate updates to State Density Bonus law. Within the Coastal Zone, State laws such as the Density Bonus Law must be incorporated into an LCP, and receive Coastal Commission certification, prior to taking effect. Accordingly, it is premature to apply the County's proposed density bonus provisions to child care centers prior to a full evaluation of LCP density bonus amendments. The requested modification clarifies that State density bonus law provisions will only apply to child care centers after the County's density bonus LCP amendment is certified, and

only to the extent that the density bonus provisions, as certified, apply to child care centers.

The Coastal Commission requests that Section 6420.5 be amended to read as follows (underlined text indicates requested modification):

- a. *State Density Bonus Provisions for CCCs in Effect at the Time of Application:*

*When an applicant proposes a project that meets the requirements of the State Density Bonus Law, the County shall follow the provisions of State law to determine the applicable density bonus and additional concession(s) or incentive(s). Examples of projects that qualify under State Law include but are not limited to: (1) a housing development including a child care facility (Government Code Section 65915(h)) and (2) a minimum 50,000 sq. ft. commercial or industrial development including a child care facility (Section 65917.5). Within the coastal zone only: State Density Bonus Law Provisions associated with LCP Section 6440 shall only apply to child care center development if (1) Section 6440 is updated and certified by California Coastal Commission after October 14, 2022; and (2) the so certified Section 6440 allows for its application to child care center development.*

#### COASTAL COMMISSION REVIEW AND ACTION

As described above and detailed in Attachment C, in order for the conditionally certified amendments to take effect, the Board of Supervisors must acknowledge receipt of the resolution of certification, including the suggested modifications, accept and adopt the modifications, and agree to issue coastal development permits subject to the approved amendment. Once this action is completed, the amended regulations will be submitted to the Coastal Commission for the Executive Director's determination of the adequacy of the County's actions, and should the amended regulations be found adequate, the Coastal Commission will submit notice of certification with the Secretary of the Resources Agency.

#### ALTERNATIVES

The alternatives to a Planning Commission recommendation that the Board of Supervisors adopt an ordinance amending the County's adopted Chapter 22.2, "Child Care Centers" of the Zoning Regulations applicable to the County's Coastal Zone, is a recommendation against adoption of the proposed amendment. Should the modifications be rejected, the proposed update to child care regulations would not take effect in the coastal zone.

B. ENVIRONMENTAL REVIEW

The proposed amendment would reduce the scope of permitted uses authorized by the Child Care Centers Ordinance (now Chapter 22.2, "Child Care Centers" of the Zoning Regulations) from that evaluated in the adopted Negative Declaration. Therefore, the environmental impacts of the amended ordinance would be less than the level of impact identified in the adopted Negative Declaration. As a result, no additional environmental review is required for County adoption of the proposed ordinance.

In addition, the Coastal Commission process of reviewing LCP amendments has been certified by the Secretary of Natural Resources as being functionally equivalent to a California Environmental Quality Act (CEQA) review, thereby exempting LCP amendments from CEQA review by local governments.

C. REVIEWING AGENCIES

The County Attorney's Office has reviewed the regulations and adopting ordinance as to form.

**ATTACHMENTS**

- A. Recommendation
- B. Ordinance accepting and adopting Coastal Commission modifications, including Child Care Center Regulations in redline/strikethrough.
- C. Coastal Commission Notification of Action on Local Coastal Program Amendment
- D. Coastal Commission Staff Report on San Mateo County LCP Amendment Number LCP-2-SMC-22-0004-1 (Child Care Centers)

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County of San Mateo  
Planning and Building Department

**RECOMMENDED ACTION**

Permit or Project File Number: PLN 2020-00014

Hearing Date: January 25, 2023

Prepared By: Camille Leung, Project Planner

For: Planning Commission

**RECOMMENDED ACTION**

That the Planning Commission recommend that the San Mateo County Board of Supervisors adopt an ordinance amending the County's adopted Chapter 22.2, "Child Care Centers" of the Zoning Regulations applicable to the County's Coastal Zone, to accept and adopt modifications suggested by the California Coastal Commission in the Commission's conditional certification of the adopted regulations.

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**County of San Mateo - Planning and Building Department**

# **ATTACHMENT B**

**ORDINANCE NO. \_\_\_\_\_**  
**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,**  
**STATE OF CALIFORNIA**

\* \* \* \* \*

**AN ORDINANCE AMENDING THE COUNTY ORDINANCE CODE, DIVISION VI, PART ONE (ZONING REGULATIONS) CHAPTER 22.2 (CHILD CARE CENTERS) TO ADOPT THE CALIFORNIA COASTAL COMMISSION’S SUGGESTED MODIFICATIONS TO THE COUNTY’S CONDITIONALLY CERTIFIED REGULATIONS**

The Board of Supervisors of the County of San Mateo, State of California, **ORDAINS** as follows

**SECTION 1. Findings.** The Board of Supervisors of the County of San Mateo (“County”) hereby finds and declares as follows:

**WHEREAS**, in May 2021 the Board of Supervisors adopted an ordinance repealing Section 6401.2. of the San Mateo County Ordinance Code (Zoning Regulations) and adopting a new Chapter 22.2 of the Zoning Regulations to regulate child care centers, previously introduced to the Planning Commission on March 10, 2021; and

**WHEREAS**, the County adopted Chapter 22.2, "Child Care Centers" of the Zoning Regulations to streamline the permitting process for child care centers, provide incentives to child care center developers and service providers to increase the supply of child care services in the County, and increase the ease of interpretation and implementation of the regulations (Chapter 22.2, "Child Care Centers"); and

**WHEREAS**, the adopted amendments were subsequently submitted to the California Coastal Commission for the Commission’s review and certification, as



required by law for any amendments to land use regulations in the County's Coastal Zone; and

**WHEREAS**, the California Coastal Commission considered the proposed amendments on October 14, 2022, and conditionally certified the amendments, contingent on modifications to require a Coastal Development Permit for the conversion of a single-family residence to a child care center, and to clarify that the State density bonus law provisions will only apply after separate certification of the County's Local Coastal Program amendment to address updates from State density bonus law provisions.

**WHEREAS**, in order for the conditionally certified amendments to take effect, the Board of Supervisors must accept, agree, and adopt the Coastal Commission's suggested modifications, as reflected in this ordinance; and

**WHEREAS**, the San Mateo County Planning Commission considered the proposed modifications on January 25, 2023, and recommended that the Board of Supervisors adopt the amendments.

**NOW, THEREFORE**, the Board of Supervisors of the County of San Mateo, State of California, ordains as follows:

\* \* \* \* \*

**SECTION 2.** The San Mateo County Ordinance Code (Zoning Regulations), Division VI, Part One, Chapter 22.2 of the Zoning Regulations, is hereby amended to read as follows (additions shown in double underline text and deletions in ~~strike through~~ text):

**SECTION 6420.4.2. CHILD CARE CENTERS – MINISTERIAL PERMIT CRITERIA AND REQUIREMENTS**

A. Ministerial Permit Criteria and Requirements: CCCs meeting the following criteria and requirements, as determined by the Community Development Director, are eligible for a ministerial permit.

2. Locational Criteria:

- a. Outside the Coastal Zone, proposed CCC development is eligible for a ministerial permit if the development meets the criteria of this Section and applicable locational criteria pertaining to the type of development proposed, as set forth in Table 1.
- b. Within the Coastal Zone, a proposed CCC development is eligible for a ministerial permit if the development meets the criteria of this Section and applicable locational criteria pertaining to the type of development proposed, as set forth in Table 2.

<b>Table 2 Locational Criteria for Ministerial Permits for Child Care Centers Within the Coastal Zone</b>		
Project Types	Ministerial Permit	Use Permit and CDP
<b>1. Location of a CCC in an existing building in an Institutional or Commercial Zoning District or in an existing Institutional Building or Public Facility, including expansion</b>		
Applies to sites in an Institutional or Commercial Zoning District or designated for such use by the General Plan, or in an existing Institutional Building or Public Facility	X	
Design Review District: Development must comply with design review standards and permitting requirements.	X	
Coastal Commission Appeals Jurisdiction (CCC APJ) or Scenic Corridor: Expansion of less than 10% of existing internal floor area allowed; no additional stories/loft.	X	
Site is served by public utilities and roads or does not involve expansion or construction of water wells or septic systems	X	

Areas of Special Flood Hazard: In accordance with Chapter 35.5 of the Zoning Regulations, the project shall not involve an intensification of use (e.g., building occupancy shall remain equal to or lesser than the existing occupancy) and operator shall submit an emergency evacuation plan	X	
Conversion of a visitor-serving commercial use		X
Located within a sensitive habitat or buffer zone		X
<b>2. Conversion of Single-Family Residence on Parcel <math>\geq</math> 10,000 sq. ft. in a Residential Zoning District to a CCC, including expansion<sup>1</sup></b>		<u>X</u>
Parking Requirement Met: One on-site parking space per six children enrolled	X	
Parcel size is 10,000 sf or larger and in a Residential Zoning District	X	
Design Review District: Development must comply with design review standards and permitting requirements pertaining to residences.	X	
Located in Single-Family Residence Categorical Exclusion Area (SFEX)	X	
Located outside of SFEX and involving expansion or construction of water wells or septic systems		X
Located outside of SFEX and in CCC APJ or Scenic Corridor, involving: a) Expansion of 10% or more of existing internal floor area; b) additional stories/loft; or c) construction or installation of significant non-attached structure(s) (excluding play structures and fences)		X
Located within a sensitive habitat or buffer zone		X
<b>3. New CCC building or replacement or reconstruction of an existing building</b>		X
<sup>1</sup> CCCs located within an existing converted Single-Family Residence: The conversion of a single-family residential use to a CCC use is not an intensification of use. A Child Care Center use, as allowed in a residential structure in this Section, is similar in intensity to a Large Family Child Care Home (which allows up to 14 children) which is considered a residential use and allowed within any residence by State law, except that the Child Care Center may enroll more children and would not retain a residential use. This Section establishes additional criteria which limit the intensity of the Child Care Center use such that it is appropriate and proportional to the size of the parcel and available on-site parking.		

**SECTION 6420.5. INCENTIVES FOR THE PROVISION OF CHILD CARE CENTERS**

The County’s grant of any of the incentives described in this Section is subject to proposal by the applicant who shall demonstrate compliance with criteria at the time of permit application for the permits outlined in this Chapter. The decision-making authority for the CCC will determine whether criteria are adequately met and, if so, will grant the applicable bonus, concession, or incentives, at the time the permit is approved.

**A. State Density Bonus Provisions for CCCs in Effect at the Time of Application:**

When an applicant proposes a project that meets the requirements of the State Density Bonus Law, the County shall follow the provisions of State law to determine

the applicable density bonus and additional concession(s) or incentive(s). Examples of projects that qualify under State Law include, but are not limited to: (1) a housing development including a child care facility (Government Code Section 65915(h)) and (2) a minimum 50,000 sq. ft. commercial or industrial development including a child care facility (Section 65917.5). Within the coastal zone only: State Density Bonus Law provisions associated with Zoning Regulations Chapter 22.6 (or its successor) shall only apply to child care center development if (1) Zoning Regulations Chapter 22.6 is updated and certified by California Coastal Commission after October 14, 2022; and (2) the so certified Chapter 22.6 allows for its application to child care center development.

**SECTION 3. California Environmental Quality Act.** The County adopted a Negative

Declaration for Child Care Center regulations, consistent with the requirements of the California Environmental Quality Act (CEQA), and determined that Chapter 22.2, "Child Care Centers" would not have a significant effect on the environment because all potential impacts of the project would be below established CEQA thresholds of significance.

Adoption of this ordinance would reduce the scope of permitted uses authorized by the adopted regulations. Therefore, the environmental impacts of the amended regulations would be less than the level of impact identified in the adopted Negative Declaration and no additional environmental analysis is required. The ordinance is also exempt from CEQA because the Coastal Commission review process is the functional equivalent of CEQA review and therefore LCP amendments are not subject to CEQA review by local governments.

**SECTION 4. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Ordinance.

**SECTION 5. Publication.** The Clerk shall publish this Ordinance in accordance with applicable law.

**SECTION 6. Effective Date.** This Ordinance shall be effective immediately upon the California Coastal Commission's filing of the notice of certification of the LCP amendment with the Secretary of the Natural Resources Agency.

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**County of San Mateo - Planning and Building Department**

# **ATTACHMENT C**

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
455 MARKET STREET, SUITE 300  
SAN FRANCISCO, CALIFORNIA 94105-2421  
PH (415) 904-5260 OR (415) 904-5200 FAX (415) 904-5400  
WWW.COASTAL.CA.GOV



## NOTIFICATION OF ACTION ON LOCAL COASTAL PROGRAM AMENDMENT

**Date:** October 18, 2022

**To:** San Mateo County  
County Government Center  
455 County Center, 2<sup>nd</sup> Floor  
Redwood City, CA 64063

**From:** Stephanie Rexing, North Central Coast District Manager  
Erik Martinez, North Central Coastal Planner

**Subject:** **San Mateo County LCP Amendment Number LCP-2-SMC-22-0004-1 (Child Care Centers)**

Dear Ms. Leung:

At its October 14, 2022 meeting, the California Coastal Commission took action on the San Mateo County LCP Amendment No. LCP-2-SMC-22-0004-1 (Child Care Centers). The Commission approved the proposed amendments to the LCP, if modified as suggested. A copy of the findings and suggested modifications is enclosed.

This letter formally transmits to you the Commission's resolution of certification and findings pursuant to Section 13544 of Title 14 of the California Code of Regulations. Pursuant to Section 13544, effective certification of LCP Amendment No. LCP-2-SMC-22-0004-1, whereby the County may begin implementing the Child Care Center regulations subject to this amendment, will occur after:

1. The County, by action of the Board of Supervisors: (a) acknowledges receipt of this resolution of certification, including the suggested modifications; (b) accepts and agrees to the modifications and takes whatever formal action is required to satisfy the modifications (e.g., implementation of ordinances); and (c) agrees to issue coastal development permits subject to the approved amendment.
2. The Commission's Executive Director reports to the Commission his/her determination that the County's actions are legally adequate, and the Commission does not object to the Executive Director's determination.

**Notification of Commission Action**  
LCP-2-SMC-22-0004-1

3. Notice of the certification of the LCP amendment is filed with the Secretary of the Resources Agency.

Coastal Commission staff will take care of items #2 and #3 above, following completion of item #1 by the County. Note that the Commission's regulations provide that the Commission's action of certification with the suggested modifications shall expire six months from the date of the Commission's action, or on April 14, 2023.

Please let us know if we can assist you in any way in completing action on this LCP amendment, or if you have any questions.

Sincerely,

DocuSigned by:  
  
035096250A8E49E...  
Stephanie Rexing  
District Manager  
North Central Coast District Office

cc: Commissioners/File

Encl.: Coastal Commission Staff Report





**County of San Mateo - Planning and Building Department**

# **ATTACHMENT D**

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT  
455 MARKET STREET, SUITE 300  
SAN FRANCISCO, CA 94105  
PHONE: (415) 904-5260  
FAX: (415) 904-5400  
WEB: WWW.COASTAL.CA.GOV



# F8b

**Prepared September 23, 2022 for October 14, 2022 Hearing**

**To:** Commissioners and Interested Persons

**From:** Stephanie Rexing, North Central Coast District Manager  
Erik Martinez, Coastal Planner

**Subject: San Mateo County LCP Amendment Number LCP-2-SMC-22-0004-1  
(Child Care Centers)**

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## **SUMMARY OF STAFF RECOMMENDATION**

San Mateo County proposes to amend its Local Coastal Program (LCP) Implementation Plan (IP) to create a new Chapter 22.2 ("Child Care Centers"), and to eliminate Section 6401.2 in IP Chapter 22 (General Provisions Relating to Large Family Day Care Homes). In addition, the County proposes IP text amendments to other chapters that contain outdated permit requirements for both Small and Large Day Care Homes, separate definitions for child care facility types including centers, and separate permit requirements for child care centers. The amendment also proposes to add related text amendments to the IP in order to streamline approvals for such child care facilities, including to help ease restrictions on and incentivize child care services within the County. In effect, the proposed changes would establish specific permitting requirements for child care centers and regulate their use in the unincorporated areas of San Mateo County.

As indicated, and at a broad level, the County proposal aims to address the acute County need for more child care facilities by reducing permitting requirements and costs for child care providers within the unincorporated areas of the County. The proposed amendment would: establish specific permitting requirements for child care centers, where specific requirements currently only apply to Large Family Day Care Homes<sup>1</sup> (per Section 6401.2); ease restrictions for a child care center to locate within an existing building of similar use in terms of purpose, intensity, and parking needs (such as commercial and institutional buildings) or compatibility of uses (such as single- and multiple-family residential); allow for expansion of such buildings according to environmental and locational criteria; and allow child care centers to operate with a ministerial permit when located: 1) within existing buildings, allowing for limited expansion, in areas zoned or designated by the General Plan for Commercial or Institutional, or Commercial/Residential Mixed Use land uses; 2) within converted single-family residences on parcels of conforming size which are zoned for Single-

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<sup>1</sup> 'Large Family Day Care Homes' (referred to as Large Family Child Care Homes in the proposal) are State-licensed, residence-based care facilities for up to 14 children.

## **LCP-2-SMC-22-0004-1 (Child Care Centers)**

Family Residential land uses within the coastal zone that must be 10,000 square feet or larger; and 3) within existing or expanded institutional buildings or public facilities as defined by the amendment. The amendment would also create an amnesty program for existing, unpermitted child care centers that have been in continuous operation at a specified location for a minimum of 3 years prior to the effective date of this ordinance, as confirmed by State license documentation.

The proposed amendment includes additional criteria required for ministerial permit approval to include compliance with parking requirements and for child care centers located within a converted single-family residence in a residential zoning district to minimize impacts to public parking access to the coast by assuring parking is accommodated. Similarly, conversion of an existing institutional, commercial (excluding visitor-serving commercial use), or public facility building to a child care center may be considered ministerially provided criteria consistent with the coastal development permit (CDP) exemption criteria are met in order to reduce urban sprawl. New construction, replacement, or reconstruction of a building to accommodate a child care center is subject to full coastal development permitting processes to ensure coastal resource protections and adequate water and sewer services are available to serve the new development. Child care centers that do not meet the ministerial permit criteria of the proposed amendment require a Use Permit and CDP, subject to compliance with applicable policies of the LCP in order to ensure that new development is sited and designed to prevent coastal resource impacts, including to ensure there are adequate services and utilities.

As proposed, the amendment would allow the complete conversion of a single-family residence in a residential zoning district to a child care center without a CDP, and the public noticing and hearing process that comes along with that permit process. However, converting a single-family residence to a child care center is development that requires a CDP, both because it constitutes an intensification of use of land and a change in allowable use. Although child care providers and children occupying houses as part of an in-home facility, is not unlike residential use (including as directed by the legislature), that argument doesn't apply when only the child care use itself occupies that same space as a commercial business disconnected from 'normal' residential use patterns. In that case, the result is a change from residential use to something else, and often a change in the intensity of use as well, which constitutes development under the Coastal Act for which a CDP is required. Therefore, **Suggested Modifications 1 and 2** are necessary to update the permitting requirements table for these types of uses to clearly state that a complete conversion of a single-family residence constitutes an intensification of use and requires a CDP. With those changes, the existing policies in the LCP would continue to protect all relevant coastal resources where these uses would be allowed, assuring consistency with the LCP provisions that require protection of coastal resources such as environmentally sensitive habitat areas (ESHAs), public views, and minimization of the potential for adverse impacts from hazards on new development.

To incentivize the creation of new child care centers in the unincorporated County, the amendment also proposes two new incentive programs, and references incentives provided by the State, including through State density bonus law provisions. However,

## **LCP-2-SMC-22-0004-1 (Child Care Centers)**

the County's proposed density bonus provisions LCP amendment has not been formally submitted for certification, and thus it is premature to apply its provisions to these cases without understanding the ways in which the two proposed LCP amendments interact. **Suggested Modification 3** thus clarifies that such State density bonus law provisions will only apply to once that amendment is certified, and provided it applies to such development.

In conclusion, the proposed amendment if modified as suggested will adequately regulate child care uses in the County without detriment to the coastal resources that require protection by the County's LCP. The amendment with suggested modifications thus strikes an appropriate balance that will encourage and streamline child care centers in the coastal zone while protecting coastal resources, consistent with the County's certified LUP. Accordingly, the proposed IP amendment as modified is consistent with and adequate to carry out the LUP. Therefore, staff recommends that the Commission approve the proposed amendment with the suggested modifications, and County staff is in agreement with the staff recommendation. The required motions and resolutions are found on page 5 below.

### **Staff Note: LCP Amendment Action Deadline**

This proposed LCP amendment was filed as complete on August 25, 2022. The proposed amendment affects the LCP's IP, and the 60-working-day action deadline is October 25, 2022. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until October 25, 2022 to take a final action on this LCP amendment.

Therefore, if the Commission fails to take a final action in this case (e.g., if the Commission instead chooses to postpone/continue LCP amendment consideration), then staff recommends that, as part of such non-final action, the Commission extend the deadline for final Commission action on the proposed amendment by one year. To do so, staff recommends a YES vote on the motion below. Passage of the motion will result in a new deadline for final Commission action on the proposed LCP amendment. The motion passes only by an affirmative vote of a majority of the Commissioners present.

*Motion: I move that the Commission extend the time limit to act on San Mateo County Local Coastal Program Amendment Number LCP-2-SMC-22-0004-1 to October 25, 2023, and I recommend a yes vote.*

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**EXHIBITS**

Exhibit 1: Proposed IP Amendment

## **1. MOTIONS AND RESOLUTIONS**

Staff recommends that the Commission, after public hearing, approve the proposed LCP amendment with suggested modifications. The Commission needs to make two motions on the LCP amendment in order to act on this recommendation. First the IP amendment needs to be denied as submitted, and then the IP amendment needs to be approved as modified, to complete the staff recommendation.

### **A. Deny the IP Amendment as Submitted**

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in rejection of the County's proposed LCP Implementation Plan amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission reject LCP Implementation Plan Amendment LCP-2-SMC-22-0004-1 as submitted by San Mateo County, and I recommend a yes vote.*

***Resolution to Deny:** The Commission hereby denies certification of LCP Amendment LCP-2-SMC-22-0004-1 as submitted by San Mateo County and adopts the findings set forth below on grounds that the Amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified LCP Land Use Plan. Certification of the Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Amendment as submitted.*

### **B. Certify the IP Amendment with Suggested Modifications**

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the LCP Implementation Plan amendment with suggested modifications and the adoption of the following resolution and findings. The motion to certify with suggested modifications passes only by an affirmative vote of a majority of the Commissioners present:

***Motion:** I move that the Commission certify LCP Implementation Plan Amendment LCP-2-SMC-22-0004-1 as submitted by San Mateo County if it is modified as suggested in this staff report, and I recommend a yes vote.*

***Resolution to Certify:** The Commission hereby certifies LCP Implementation Plan Amendment LCP-2-SMC-22-0004-1, if modified as suggested, and adopts the findings set forth below on grounds that the Amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified LCP Land Use Plan. Certification of the Amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Amendment on the environment, or 2) there are no further feasible alternatives and mitigation*

## LCP-2-SMC-22-0004-1 (Child Care Centers)

*measures that would substantially lessen any significant adverse impacts on the environment.*

### 2. SUGGESTED MODIFICATIONS

The Commission hereby suggests the following modifications to the proposed LCP Implementation Plan amendment, which are necessary to make the requisite Land Use Plan consistency findings. If San Mateo County accepts the suggested modifications within six months of Commission action (i.e., by April 14, 2023), by formal resolution of the Board of Supervisors, the modified amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished. Where applicable, text in single cross-out and single underline format denotes proposed text to be deleted/added by the County. Text in ~~double cross-out~~ and double underline denotes text to be deleted/added by the Commission.

1. Update text in Table 2 of IP Section 6420.4.2 to check the box denoting a Use Permit and CDP are required next to #2. "Conversion of Single-Family Residence on Parcel > 10,000 sq. ft. in a Residential Zoning District to a CCC including expansion" and update text after as follows:

~~2. Conversion of Single-Family Residence on Parcel >~~

~~10,000 sq. ft. in a Residential Zoning District to a~~

~~CCC, including expansion~~

~~Parking Requirement Met: One on-site parking space~~

~~per six children enrolled~~

~~☒~~

~~Parcel size is 10,000 sf or larger and in a Residential~~

~~Zoning District~~

~~☒~~

~~Design Review District: Development must comply with~~

~~design review standards and permitting requirements~~

~~pertaining to residences.~~

~~☒~~

~~Located in Single-Family Residence Categorical~~

~~Exclusion Area (SFEX)~~

~~☒~~

~~Located outside of SFEX and involving expansion of~~

~~construction of water wells or septic systems~~

~~☒~~

~~Located outside of SFEX and in CCC APJ or Sconic~~

~~Corridor, involving: a) Expansion of 10% or more of~~

~~existing internal floor area; b) additional stories/left, or~~

~~c) construction or installation of significant nonattached~~

~~structure(s) (excluding play structures and~~

~~fences)~~

~~☒~~

~~Located within a sensitive habitat or buffer zone~~

## LCP-2-SMC-22-0004-1 (Child Care Centers)

✕

2. Delete Footnote 1 in Table 2 of IP Section 6420.4.2.
3. Modify IP Section 6420.5 as follows:

### A. State Density Bonus Provisions for CCCs in Effect at the Time of Application:

When an applicant proposes a project that meets the requirements of the State Density Bonus Law, the County shall follow the provisions of State law to determine the applicable density bonus and additional concession(s) or incentive(s). Examples of projects that qualify under State Law include, but are not limited to: (1) a housing development including a child care facility (Government Code Section 65915(h)) and (2) a minimum 50,000 sq. ft. commercial or industrial development including a child care facility (Section 65917.5). Within the coastal zone Only: State Density Bonus Law Provisions associated with LCP Section 6440 shall only apply to child care center development if (1) Section 6440 is updated and certified by California Coastal Commission after October 14, 2022; and (2) the so certified Section 6440 allows for its application to child care center development.

## **3. FINDINGS AND DECLARATIONS**

### **A. Description of Proposed LCP Amendment**

The proposed LCP amendment would create a new Implementation Plan (IP) Chapter 22.2 (“Child Care Centers”) and would eliminate IP Chapter 22 Section 6401.2 (General Provisions Relating to Large Family Day Care Homes). In addition, the amendments propose IP text amendments to other chapters that contain outdated permit requirements for Small and Large Day Care Homes, separate definitions for child care facility types including centers, and separate permit requirements for child care centers. The amendment would add related text amendments to the IP in order streamline approvals for such child care facilities, including as a means to ease restrictions on and incentivize child care services within the County. In effect, the amendments propose to establish specific permitting requirements for child care centers and to regulate their use in the unincorporated areas of San Mateo County.

The proposed amendment defines various child care uses as follows: small family child care home is a State-licensed, residence-based care facility for up to 8 children, in which less than 24-hour per day, non-medical care and supervision are provided to children in a group setting, operated at the residence of the license holder. Pursuant to State law, a small family child care home is considered a residential use of property for the purposes of all County ordinances. Large family child care home is a State-licensed, residence-based care facility for up to 14 children, in which less than 24-hour per day, non-medical care and supervision are provided to children in a group setting, operated at the residence of the license holder and is considered a residential use of property for the purposes of all County ordinances pursuant to State Law. Child care centers are State-licensed care facilities of any capacity, other than a Small or Large Family Child Care Home, in which less than 24-hour per day, non-medical care and supervision are provided to children in a group setting, including but not limited to, infant centers,



## **LCP-2-SMC-22-0004-1 (Child Care Centers)**

preschools, and school-age child care centers. Currently in the IP, child care centers are defined as licensed facilities including infant centers, pre-schools, and extended day care facilities, which regularly provide non-medical care, protection, and supervision of children in a non-residential setting.

In 2017, the San Mateo County Office of Education conducted a county-wide child care needs assessment that identified a significant shortage of child care services in the County. Permitting requirements and associated costs were identified by child care operators, child care planning organizations, and advocacy groups as barriers to expanding and establishing new child care centers. The County's proposed Child Care Facilities Ordinance amendment aims to address these issues by reducing the permitting requirements and costs for child care providers within the unincorporated areas of the County. The proposed amendment would: establish new permitting requirements for child care centers, where the LCP currently only contains permitting requirements for Large Family Day Care Homes<sup>2</sup> (Section 6401.2); ease restrictions for a child care center to locate within an existing building of similar use in terms of purpose, intensity, and parking needs (such as commercial and institutional buildings) or compatible use (such as single- and multiple-family residential); allow for expansion of such buildings according to environmental and locational criteria; and allow child care centers to operate with a ministerial permit when located: 1) within existing buildings, allowing for limited expansion, in areas zoned or designated by the General Plan for Commercial or Institutional, or Commercial/Residential Mixed Use land uses; 2) within converted single-family residences on parcels of conforming size which are zoned for Single-Family Residential Land uses within the coastal zone that must be 10,000 square feet or larger; and 3) within existing or expanded institutional buildings or public facilities as defined by the amendment.

Under the County's existing regulations, a use permit and CDP are required for most child care uses (pursuant to the regulations for each zoning district and Section 6161(k)1 of the IP). The amendment would also create an amnesty program for existing, unpermitted child care centers that have been in continuous operation at a specified location for a minimum of 3 years prior to the effective date of the ordinance, as confirmed by State license documentation, and it would provide developers a floor area ratio (FAR) bonus and a parking waiver as incentives to incorporate a child care center as a part of an employment center (those employing 50 or more employees and meeting additional criteria) or transit-oriented development (TOD) located within 1/4-mile radius of a transit center, as defined by the ordinance.

In terms of ministerial permits, if a child care facility meets the County's established CDP exemption criteria<sup>3</sup> (which are consistent with the Coastal Act and the Commission's regulations (in CCR Sections 13250 and 13253)), it could be granted such a ministerial permit; however, the amendments establish that if the creation of the child care facility does not meet exemption criteria a Use Permit and CDP would be

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<sup>2</sup> Large Family Day Care Homes (referred to as Large Family Child Care Homes in the Ordinance) are State-licensed, residence-based care facilities for up to 14 children.

<sup>3</sup> IP Section 6328.5 (Exemptions) and Categorical Exclusion Order E-81-1 (refer to substantive file documents).

## **LCP-2-SMC-22-0004-1 (Child Care Centers)**

required. Consistent with the exemption criteria, building expansion for child care centers within a scenic corridor or within the Coastal Commission appeals jurisdiction, including areas within 300 feet of a beach or within 100 feet of a creek or wetland, are restricted to expansion of less than 10% in existing floor area and no additional stories/lofts. Any proposed expansion not fitting these criteria would require a use permit and CDP. Any child care use proposing the following is not eligible for a ministerial permit in the proposed amendment and would require a Use Permit and CDP: conversion of a visitor-serving commercial use to a child care center, locating a child care center within a sensitive habitat or buffer zone, any child care center not meeting parking requirements, and any child care center that involves intensification of use in a flood hazard zone. Finally, per the County's proposed amendments, a conversion of a single-family residential use to a child care center could be authorized solely by a ministerial permit without a CDP, as the County reasons such a conversion does not constitute an intensification of use of land, in other words does not constitute development.

Please see **Exhibit 1** for the proposed IP amendment text.

### **B. Evaluation of Proposed IP Amendment**

#### **1. Standard of Review**

The proposed LCP amendment affects the Implementation Plan of the San Mateo County LCP only. For the proposed IP changes, the standard of review is whether the IP, as amended, would be in conformance with, and adequate to carry out, the provisions of the LUP.

#### **2. *Applicable Land Use Plan Provisions***

San Mateo County's certified LUP requires that new development be located in areas with adequate public services able to accommodate it and where it will not have significant adverse impacts on coastal resources. It also requires that new development be concentrated in urban areas and rural service centers in order to discourage urban sprawl, minimize energy consumption and vehicles miles traveled. These policies include:

##### ***LUP Policy 1.18. Location of New Development***

*a. Direct new development to existing urban areas and rural service centers in order to: (1) discourage urban sprawl, (2) maximize the efficiency of public facilities, services, and utilities, (3) minimize energy consumption, (4) encourage the orderly formation and development of local governmental agencies, (5) protect and enhance the natural environment, and (6) revitalize existing developed areas.*

*b. Concentrate new development in urban areas and rural service centers by requiring the "infilling" of existing residential subdivisions and commercial areas.*

*c. Allow some future growth to develop at relatively high densities for affordable housing in areas where public facilities and services are or will be adequate and where coastal resources will not be endangered.*

## **LCP-2-SMC-22-0004-1 (Child Care Centers)**

San Mateo County's certified LUP also has specific policy directives requiring protection for coastal resources, including for environmentally sensitive habitat areas (ESHAs), scenic and visual qualities, and minimization of the potential for adverse impacts from hazards on new development. These provisions include:

***LUP Policy 7.3. Protection of Sensitive Habitats.*** (a) *Prohibit any land use or development which would have significant adverse impact on sensitive habitat areas. (b) Development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the sensitive habitats. All uses shall be compatible with the maintenance of biologic productivity of the habitats.*

***LUP Policy 8.6. Streams, Wetlands and Estuaries.*** (a) *Set back development from the edge of streams and other natural waterways a sufficient distance to preserve the visual character of the waterway. (b) Prohibit structural development which will adversely affect the visual quality of perennial streams and associated riparian habitat, except for those permitted by Sensitive Habitats Component Policies. (c) Retain the open natural visual appearance of estuaries and their surrounding beaches. (d) Retain wetlands intact except for public accessways designed to respect the visual and ecological fragility of the area and adjacent land, in accordance with the Sensitive Habitats Component policies.*

***LUP Policy 8.5.a. Location of Development. On rural lands and urban parcels larger than 20,000 sq. ft.*** *Require that new development be located on a portion of a parcel where the development: (1) is least visible from State and County Scenic Roads; (2) is least likely to significantly impact views from public viewpoints; (3) and is consistent with all other LCP requirements, best preserves the visual and open space qualities of the parcel overall. Where conflicts in complying with this requirement occur, resolve them in a manner which, on balance, most protects significant coastal resources on the parcel, consistent with Coastal Act Section 30007.5. Public viewpoints include, but are not limited to, coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches. This provision does not apply to enlargement of existing structures, provided that the size of the structure after enlargement does not exceed 150% of the pre-existing floor area, or 2,000 sq. ft., whichever is greater. This provision does not apply to agricultural development to the extent that application of the provision would impair any agricultural use or operation on the parcel. In such cases, agricultural development shall use appropriate building materials, colors, landscaping and screening to eliminate or minimize the visual impact of the development.*

### **Consistency Analysis**

The San Mateo County LCP requires that allowable uses in zones meet all the development standards set out in the LUP, comply with all other policies in the LUP, and prohibits development that would have significant impacts on sensitive habitat areas. The LCP also contains policies that define when development is exempt from the requirement to obtain a CDP. As discussed above, the proposed IP amendment would encourage the provision of child care centers at appropriate sites by creating a

## **LCP-2-SMC-22-0004-1 (Child Care Centers)**

ministerial permit process that does not require a CDP for many types of child care facilities (either child care centers or large or small family day cares). In most cases, the proposed IP amendment is consistent with LCP CDP exemption criteria. Consistent with the exemption criteria, building expansion for child care centers within a scenic corridor or within the Coastal Commission's appeals jurisdiction, including areas within 300 feet of a beach or within 100 feet of a creek or wetland, would be limited to expansion of less than 10% in existing floor area and would not be allowed to add additional stories/lofts. Such limited expansion, if fit those criteria, would still qualify for a ministerial permit.

The proposed amendment includes additional exemption criteria required for ministerial permit approval of child care centers including: parking requirements and child care centers must be located within a converted single-family residence in a residential zoning district on properties 10,000 sq. ft. or larger (which minimizes impacts to public parking access to the coast by assuring parking is accommodated onsite as required by LUP Policy 8.5). Similarly, conversion of an existing institutional, commercial (excluding visitor-serving commercial use), or public facility building to a child care center may be approved ministerially and without a CDP, provided identified criteria consistent with the LCP's coastal development exemption criteria are satisfied. This encourages child care centers to be located within existing commercial areas which helps concentrate development in urban areas and rural service centers, and reduces urban sprawl, consistent with LUP Policy 1.18.

New construction, replacement, or reconstruction of a building to accommodate a child care center would require a CDP to ensure coastal resource protections, including that proof of adequate water and sewer services are available to serve the new development would be required. Furthermore, the proposed amendment requires child care centers to be located outside of sensitive habitats and required buffer zones to be eligible for a ministerial permit. If a child care center is proposed in a sensitive habitat or buffer zone, a Use Permit and CDP would be required. The amendment does not eliminate, reduce, or modify any of the definitions, designations, or standards incorporated in the Sensitive Habitats Component (Section 7) of the County's IP (which defines sensitive habitats, establishes standards for protection, and defines permitted uses) and any prohibition or restriction on development established in this section continues to apply.

Child care centers that do not meet the ministerial permit criteria of the proposed amendment require a Use Permit and CDP, subject to compliance with applicable policies of the LCP in order to ensure that new development is sited and designed to prevent significant adverse impacts on sensitive habitat areas as required by LUP Policies 7.3, 8.5 and 8.6. To further ensure consistency with LUP policies that maximize the efficiency of public facilities, services, and utilities and ensure that adequate infrastructure is available to serve the facility, all child care centers must obtain building permits for construction assuring consistency with LUP policies that require public services to be adequately available as required by LUP Policy 1.18. Therefore, the proposed LCPA is generally consistent with LCP and Coastal Act definitions of development that is exempt from the requirement to obtain a CDP.

However, as proposed, the amendment would allow the complete conversion of a single-family residence in a residential zoning district to a child care center without a

## **LCP-2-SMC-22-0004-1 (Child Care Centers)**

CDP, and the public noticing and hearing process that comes along with that permit process. The County asserts, and the ordinance states, that the conversion of a single-family residence to a child care center is not an “intensification of use” that qualifies as development requiring a CDP. However, converting a single-family residence into a “child care center” (or any other type of complete conversion to a child care use) would constitute a change in use, and an intensification of use of land, because a child care center is likely to have more people on site than a single-family home, requiring additional parking and potentially more impacts on coastal resources. Using a home as a place to look after children is not unlike a ‘normal’ residential use, as recognized by the legislature in adopting the most recent child care regulations at the State level. However, when only the child care use itself occupies that same space, with hours of operation and the trappings of commercial use applied in a way that is now disconnected from ‘normal’ residential use patterns (e.g., open for business from 6am to 6pm, but employees essentially ‘clock out’ after that time until the following morning, etc.), the similarities to residential use start to diminish. The result is a change from residential use to something else, and often a change in the intensity of use as well, which constitutes development under the Coastal Act for which a CDP is required. Thus, it is important to make that distinction in the LCP. To be clear, it is not that the change is prohibited or otherwise not allowed. On the contrary, the coastal permit review process allows a ‘check’ of sorts to ensure that such development is LCP consistent, including in terms of priorities of use and other sorts of coastal resource protections. Therefore, **Suggested Modifications 1 and 2** are necessary to clarify that a conversion of a single-family residence to a child care center requires a CDP.

On the other hand, as opposed to new child care centers, when and if a new small or large family day care use is proposed within existing residential or commercial zones, by definition such uses would be incidental to an existing residential use and would not involve conversion of a residential use to a different use (such as commercial). In such instances, the existing residence in which the new family daycare is proposed likely would have been permitted as an allowable use in the zone through a CDP, which assures that existing residence complies with relevant resource protection standards in the LCP, including policies that protect wetlands, sensitive habitat areas, and coastal bluffs. In addition, a new small or large family daycare within an existing residence is unlikely to result in an intensification of use of the residence because it is considered a residential use and allowed within any residence under State Law SB 234. Therefore, the ordinance appropriately does not require a CDP for new small or large day care uses within certain existing permitted uses. However, when a complete conversion of a residence to a child care center is proposed, **Suggested Modifications 1 and 2** are necessary to ensure that this change in use and change in intensity of use accounts for the necessary resource protections by requiring a CDP for such a change, assuring consistency with the LUP provisions that require protection of coastal resources such as environmentally sensitive habitat areas (ESHAs), scenic and visual qualities, and minimization of the potential for adverse impacts from hazards on new development.

Lastly, to incentivize the creation of new child care centers in the unincorporated County, the Ordinance would create two new incentive programs and would reference incentives provided by the State, including the State density bonus law provisions. To receive incentives, the amended IP would require decision-making authority for the child

## **LCP-2-SMC-22-0004-1 (Child Care Centers)**

care center to determine whether the tests are adequately met and, if so, would grant the applicable bonus, concession, or incentive at the time the permit is approved. In 2020, the County submitted a request to amend their certified LCP with relevant updates that flow from State density bonus law provisions. The County and Commission staff coordinated on ways to make that LCP amendment more Coastal Act consistent, at which time the County decided to withdraw the LCP amendment request to bring an updated ordinance back through the local process. It is Commission staff's understanding that the State density bonus law provisions LCP amendment is a low priority item at the moment for County staff and will be resubmitted at a later date. Therefore, the current State density bonus law provisions have not yet been incorporated into the County's certified LCP. As such, the density bonus incentives proposed as part of this LCP amendment should not apply in the coastal zone until they are certified, and provided the certified version is allowed to cover child care centers as Coastal Act consistent. Therefore, **Suggested Modification 3** is required in order to clarify that State density bonus law provisions will only apply outside of the coastal zone unless and until the provisions are certified as a par to the LCP.

In conclusion, the proposed amendment if modified as suggested will adequately regulate child care uses in the relevant zoning districts of the County without detriment to the coastal resources that require protection in the County's LCP. Furthermore, impacts from specific projects emanating from the expanded allowable uses in these zones will be addressed during the County's CDP review process, ensuring consistency with all applicable LCP provisions. The amendment with **Suggested Modifications** thus strikes an appropriate balance that will encourage and streamline child care centers in the coastal zone while protecting coastal resources, consistent with the County's certified LUP. Accordingly, the proposed IP amendment as modified is consistent with and adequate to carry out the LUP.

### **D. California Environmental Quality Act (CEQA)**

CEQA Section 21080.5(d)(2)(A) prohibits a proposed LCP or LCP amendment from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the LCP or LCP amendment may have on the environment. Although local governments are not required to satisfy CEQA in terms of local preparation and adoption of LCPs and LCP amendments, many local governments use the CEQA process to develop information about proposed LCPs and LCP amendments, including to help facilitate Coastal Act review. In this case, the County prepared an Initial Study and Negative Declaration for its Child Care Facilities Ordinance, consistent with the requirements of CEQA, and determined that the proposed zoning text amendments would not have a significant effect on the environment because all potential impacts of the project would be below established CEQA thresholds of significance.

The Coastal Commission is not exempt from CEQA with respect to LCPs and LCP amendments, but the Commission's LCP/LCP amendment review, approval, and certification process has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal, has addressed all

## **LCP-2-SMC-22-0004-1 (Child Care Centers)**

comments received, and has concluded that the proposed LCP amendment is expected to result in significant environmental effects, including as those terms are understood in CEQA, if it is not modified to address the coastal resource issues identified herein. Accordingly, it is necessary for the Commission to suggest modifications to the proposed LCP amendment to ensure that it does not result in significant adverse environmental effects. If modified as recommended by Commission staff, the proposed LCP amendment as modified will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

### **3. APPENDICES**

#### **A. Substantive File Documents<sup>4</sup>**

- San Mateo County Adopted Ordinance No. 4844
- San Mateo County Local Coastal Program Consistency Analysis
- IP Section 6328.5 (Exemptions)
- Categorical Exclusion Order No. E-81-1

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<sup>4</sup> These documents are available for review from the Commission's North Central Coast District office.

## **CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT  
455 MARKET STREET, SUITE 300  
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**LCP-2-SMC-22-0004-1 (Child Care Centers)**

**September 23, 2022**

### **EXHIBITS**

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**EXHIBITS**

**Exhibit 1: Proposed IP Amendment**



**ORDINANCE NO. 4844**  
**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,**  
**STATE OF CALIFORNIA**

\* \* \* \* \*

**AN ORDINANCE REPEALING SECTION 6401.2. OF THE SAN MATEO COUNTY  
ORDINANCE CODE (ZONING REGULATIONS) AND ADOPTING A NEW CHAPTER  
22.2 OF THE ZONING REGULATIONS TO REGULATE CHILD CARE CENTERS**

---

The Board of Supervisors of the County of San Mateo, State of California,

**ORDAINS** as follows

**SECTION 1. Findings.** The Board of Supervisors of the County of San Mateo (“County”)

hereby finds and declares as follows:

**WHEREAS**, the County of San Mateo in 1997 adopted an ordinance regulating Large Family Day Care Homes, known as the County General Provisions Relating to Large Family Day Care Homes, numbered as Section 6401.2 of the County Ordinance Code; and

**WHEREAS**, the County’s General Provisions Relating to Large Family Day Care Homes has not been amended since adoption; and

**WHEREAS**, current regulations for various zoning districts and Section 6161(k)1 of the County’s Zoning Regulations (which allows “schools” with a use permit in the R-1, R-2 and R-3 residential zoning districts) require a use permit for child care centers in most cases; and

**WHEREAS**, obtaining a use permit for a child care center would require notice and a public hearing, adding substantial cost and time to the process of opening a child care center; and

**WHEREAS**, since 1997, the legislature of the State of California has enacted additional legislation substantially amending laws pertaining to child care facilities, including increasing the maximum capacity of small and large family day care homes and requiring small and large family day care homes to be treated as a residential use of property for purposes of all local ordinances; and

**WHEREAS**, in November 2017, Sarah Kinahan Consulting for the San Mateo County Office of Education, conducted a county-wide child care needs assessment which identifies a significant shortage of child care services in San Mateo County; and

**WHEREAS**, the proposed amendments to the County Ordinance Code would streamline the permitting process for child care centers, provide incentives to child care center developers and service providers to increase the supply of child care services in the County, and increase the ease of interpretation and implementation of the regulations (the “Child Care Facilities Ordinance”); and

**WHEREAS**, the purpose of both State law pertaining to child care facilities and the County’s Child Care Facilities Ordinance is to incentivize the production of needed child care services, in exchange for relief from use permit requirements for child care centers to be established or expanded under compatible conditions; and

**WHEREAS**, the County has prepared and the Board of Supervisors has adopted an Initial Study and Negative Declaration for this project, consistent with the requirements of the California Environmental Quality Act (“CEQA”) and the CEQA Guidelines, which determined that the proposed zoning text amendments could not have a significant effect on the environment because all potential impacts of the project would be below established CEQA thresholds of significance; and

**WHEREAS**, the County Planning Commission conducted a duly noticed public hearing on March 10, 2021, received public comment, and recommended that the Board of Supervisors adopt the Child Care Facilities Ordinance; and

**WHEREAS**, the ordinance is consistent with the County’s Local Coastal Program; and

**WHEREAS**, the ordinance constitutes an amendment to the Implementation Plan of the Local Coastal Program; and

**WHEREAS**, on adoption by the Board of Supervisors, the ordinance will be submitted to the California Coastal Commission for review and certification; and

**WHEREAS**, the ordinance will ensure that the County’s regulations are consistent with State law, are easier to interpret and implement, and will facilitate and promote the creation of child care services.

**NOW, THEREFORE**, the Board of Supervisors of the County of San Mateo, State of California, ordains as follows:

\* \* \* \* \*

**SECTION 2.** Section 6401.2 of the San Mateo County Ordinance Code is hereby repealed and replaced in its entirety by a new Chapter 22.2 of the Zoning Regulations, as follows:

**CHAPTER 22.2 CHILD CARE CENTERS**

**SECTION 6420. CHILD CARE FACILITIES**

**SECTION 6420.1. PURPOSE**

**SECTION 6420.2. DEFINITIONS**

**SECTION 6420.3. SMALL AND LARGE FAMILY CHILD CARE HOMES**

**SECTION 6420.4. PLANNING PERMIT REQUIREMENTS FOR CHILD CARE CENTERS**

**SECTION 6420.4.1. CHILD CARE CENTERS ON PUBLIC SCHOOL PROPERTY**

**SECTION 6420.4.2. CHILD CARE CENTERS - MINISTERIAL PERMIT CRITERIA AND REQUIREMENTS**

**SECTION 6420.4.3. CHILD CARE CENTERS - USE PERMIT**

**SECTION 6420.5. INCENTIVES FOR THE PROVISION OF CHILD CARE CENTERS**

**SECTION 6420.6. EXISTING UNPERMITTED FACILITIES**

**SECTION 6420.7 RELATIONSHIP OF THE CHILD CARE ORDINANCE TO OTHER COUNTY REGULATIONS**

## **SECTION 6420. CHILD CARE FACILITIES**

The following regulations shall apply to all Child Care Centers located in zoning districts where they are allowed.

### **SECTION 6420.1. PURPOSE**

1. Promote and facilitate the provision of infant, toddler, preschool, and school-age child care services in safe and convenient locations (e.g., near housing, workplaces, and regional transit centers) in the unincorporated areas of the County to increase access to child care services for County residents.
2. Ensure child care facilities have the necessary improvements to create safe care environments that are well integrated in their surroundings.
3. Align County regulations pertaining to child care facilities with State regulation.
4. Allow child care centers in certain suitable locations, including institutional (e.g., churches, governmental buildings), commercial, and multiple-family residential sites that are suitably constructed and located to accommodate associated traffic patterns and noise.
5. Streamline the permitting process for child care centers by allowing ministerial permits for child care centers meeting specified criteria.
6. Minimize traffic, parking, and noise impacts of child care facilities to sensitive receptors (e.g., single-family residential uses, hospitals, residential care facilities).
7. Provide incentives, such as density and floor area bonuses and parking exceptions to child care center developers and service providers to increase the supply of child care services in the County.

### **SECTION 6420.2. DEFINITIONS**

For purposes of this Chapter, the following definitions shall apply (Definitions included here are for use in the application of this Chapter only):

1. Accessory Use: A use that is secondary and supportive to the primary use of a property, which is larger in size or intensity.
2. Affiliated Use: Relationship of a Child Care Center to an employment center, residential project, or other use, which is located on the same site, adjacent to, or within 1/4-mile radius of the Child Care Center. A Child Care Center has an affiliation with the employment center, residential project or other use when incentive(s) to use the Child Care Center are provided or will be provided, with the intention of achieving higher enrollment from affiliated uses. Such incentives may be offered by the Child Care Center, the employment center, residential project, or other affiliated use and

may include, but are not limited to, fee reductions to employees or residents to use the Child Care Center. A Child Care Center that is an affiliated use may also be available to the public for enrollment.

3. Child Care Center (CCC): State-licensed care facility of any capacity, other than a Small or Large Family Child Care Home, in which less than 24-hour per day, non-medical care and supervision are provided to children in a group setting, including but not limited to, infant centers, preschools, and school-age child care centers.
4. Commercial Zoning Districts: These include commercial zoning districts (e.g., C-1, C-2, C-1/NFO, and C-1/WMP) and Mixed-Use zoning districts (e.g., NMU, NMU-ECR, CMU-1, CMU-2 and CMU-3), as further identified and defined in the Zoning Regulations.
5. Eligible Employment Centers: A project involving property developed or to be developed with one or more businesses that contain a Child Care Center, that does not qualify for State incentives, and meet requirements for County incentives, per Section 6420.5.B.
6. Eligible Transit-Oriented Development (TOD): A new, existing, or expanded development within 1/4-mile radius of a Transit Center which contains a Child Care Center and meets the requirements for listed incentives, per Section 6420.5.C
7. Environmentally Sensitive Area (ESA): An area containing an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.<sup>1</sup>
8. Facility: For the purposes of this Chapter, a facility includes all buildings, structures, play areas, playground structures, and developed outdoor areas (i.e., grass lawns, landscaping) used in the operation of the Child Care Center.
9. Gross Floor Area: The sum (in square feet) of the area of each floor level in the building(s) of a facility, including classrooms, assembly rooms, lobbies, and offices that are within the outside faces of exterior walls, for the purpose of calculating required parking. This area excludes kitchens, restrooms, and storage rooms and closets.
10. Institutional Building: Building located on properties within an institutional zoning district and/or designated for Institutional Use by the General Plan, and/or containing an institutional primary use, as defined by the County's General Plan, in which such use is located within an existing building. For the purposes of this Chapter, this definition excludes existing adult and senior care facilities, defined as licensed, non-medical facilities providing residential, or daytime care to adults and seniors,

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<sup>1</sup> The definition of ESA is consistent with Section 15300.2 of the CEQA Guidelines.

including senior assisted living facilities, hospice care facilities, and other similar care facilities.

11. Large Family Child Care Home: State-licensed, residence-based care facility for up to 14 children, in which less than 24-hour per day, non-medical care and supervision are provided to children in a group setting, operated at the residence of the license holder. Pursuant to State law, a large family child care home is considered a residential use of property for the purposes of all County ordinances.
12. Location within an Existing Building: Location of a Child Care Center within an existing building and/or facility that does not involve the development of or expansion of building(s), structure(s), property(ies) or outdoor areas from pre-project conditions, with the exception of the construction or installation of play equipment, landscaping or fencing within existing disturbed outdoor areas.
13. Mixed-Use Zoning Districts: These include NMU, NMU-ECR, CMU-1, CMU-2 and CMU-3 zoning districts, as further identified and defined in the Zoning Regulations.
14. Multiple-Family Residential Building: Residential building containing three (3) or more dwelling units, excluding accessory dwelling units and farm labor housing units.
15. Noise Reduction Measures: Measures installed along a property line shared between a Child Care Center and a noise-sensitive receptor which are intended to provide noise dampening for outdoor play areas. Such measures may include installation of landscaping, trees, or installation of other noise dampening structures/materials.
16. Noise-Sensitive Receptor: Use such as, but not limited to, single-family residential uses, hospitals, and residential care facilities that contain persons that may be sensitive to noise (i.e., noise from outdoor play areas).
17. Public Facility: Property with a primary use meeting the definition of public facilities as defined in the Zoning Regulations where such use is located within a building.
18. Residential Zoning Districts: R-1, R-2, R-3, R-3-A, PC, R-E, and RH zoning districts, excluding PUD and MH zoning districts, as further identified and defined in the Zoning Regulations.
19. Rural: Properties designated as rural by the County's General Plan and located outside the County's Urban Rural Boundary.
20. Site: Pertaining to Child Care Centers, site includes both the developed land and undeveloped land intended for the location of a Child Care Center, including existing and/or proposed structures associated with the use.

21. Small Family Child Care Home: State-licensed, residence-based care facility for up to 8 children, in which less than 24-hour per day, non-medical care and supervision are provided to children in a group setting, operated at the residence of the license holder. Pursuant to State law, a small family child care home is considered a residential use of property for the purposes of all County ordinances.
22. Tandem Parking Space: Tandem parking spaces are configured where one parking space is in front of or in back of the other such that one car must be moved out of the way in order for the second car to exit.
23. Transit Center: Site containing any of the following: (a) an existing rail or bus rapid transit station or (b) the intersection of two or more major bus routes with a frequency of service interval of 20 minutes or less during the morning and afternoon peak commute periods.
24. Urban: Properties designated as urban by the County's General Plan and located within the County's Urban Rural Boundary.

### **SECTION 6420.3. SMALL AND LARGE FAMILY CHILD CARE HOMES**

The establishment and operation of a Small or Large Family Child Care Home is permitted in any legal single- or multiple-family residence and does not require a planning permit. A building permit is required for any new construction or remodeling of the structure. Use of a single-family dwelling for the purposes of a Small or Large Family Child Care Home shall not constitute a change of occupancy for purposes of Part 1.5 of Division 13 (State Housing Law), or for purposes of local building and fire codes. A Coastal Development Permit may be required in the Coastal Zone if the facility does not meet the criteria for a Coastal Development Permit Exemption.

### **SECTION 6420.4. PLANNING PERMIT REQUIREMENTS FOR CHILD CARE CENTERS**

#### **SECTION 6420.4.1. CHILD CARE CENTERS ON PUBLIC SCHOOL PROPERTY**

Child Care Centers (CCCs) located on property owned or leased by a public school district are not subject to County Zoning Regulations, if the school district has adopted a resolution exempting the school district from the application of County Zoning Regulations. In the Coastal Zone, such CCCs may require a Coastal Development Permit or Coastal Development Permit Exemption and may require environmental review under the California Environmental Quality Act.

#### **SECTION 6420.4.2. CHILD CARE CENTERS – MINISTERIAL PERMIT CRITERIA AND REQUIREMENTS**

- A. Ministerial Permit Criteria and Requirements: CCCs meeting the following criteria and requirements, as determined by the Community Development Director, are eligible for a ministerial permit.



1. State and County regulations:

- a. The provider shall secure a license from the State of California Department of Social Services (Community Care Licensing Division).
- b. The facility shall comply with all applicable State and County regulations, including completing a fire safety inspection to the standards set by the Building Inspection Section. Where County and State requirements conflict, State requirements shall apply.
- c. The facility shall comply with any applicable Airport Land Use Plan.
- d. Areas of Special Flood Hazard: In accordance with Chapter 35.5 of the Zoning Regulations, the project shall not involve an intensification of use (e.g., building occupancy shall remain equal to or lesser than the existing occupancy) and operator shall submit an emergency evacuation plan
- e. A building permit is required for construction or remodeling of any CCC or change from another use to a CCC use.
- f. Outdoor uses associated with CCCs that meet the requirements of this Section do not require a Use Permit.
- g. In Design Review Districts:
  - i. For new construction or exterior modifications, the facility shall be consistent with applicable design review standards. For CCCs involving the conversion of a single-family residence, design review standards pertaining to residential development shall apply. Access ramps, e.g., for wheelchair or stroller access, shall not be considered alterations to the character of the building.
  - ii. Design review permits shall be processed according to the procedure set forth in Chapter 28.1 of the Zoning Regulations, with the exception of appeals, which shall follow the process outlined in this Section.
  - iii. Appeals: A decision on a Design Review permit is appealable to the Planning Commission; the Planning Commission decision is the final local decision and is not subject to further administrative appeal.

2. Locational Criteria:

- a. Outside the Coastal Zone, proposed CCC development is eligible for a ministerial permit if the development meets the criteria of this Section and

applicable locational criteria pertaining to the type of development proposed, as set forth in Table 1.

- b. Within the Coastal Zone, a proposed CCC development is eligible for a ministerial permit if the development meets the criteria of this Section and applicable locational criteria pertaining to the type of development proposed, as set forth in Table 2.

**Table 1  
Locational Criteria for Ministerial Permits for Child Care Centers  
Outside of the Coastal Zone**

Project Types	Ministerial Permit	Use Permit
<b>1. Conversion of an existing Single-Family Residence or a portion of a Multiple-Family Residential Building to a CCC, including expansion</b>		
Applies to sites in a Residential, Mixed-Use, or Commercial Zoning District and property is of conforming size	X	
Urban or Rural area	X	
Parking Requirement Met: provides one on-site parking space per six children enrolled	X	
Expansion allowed when compliant with the development standards of the applicable zoning district	X	
Design Review District: Development must comply with design review standards and permitting requirements pertaining to residences.	X	
<b>2. Location of a CCC in an existing building in an Institutional, Commercial, or Commercial/ Residential Mixed-Use Zoning District, or in an existing Institutional Building or Public Facility, including minor expansion</b>		
Applies to sites zoned or designated by the General Plan for one of the listed uses, or in an existing Institutional Building or Public Facility	X	
Expansion allowed up to 50% of the floor area of the structure before the addition, or 2,500 square feet in floor area, whichever is less	X	
Located in or outside of area served by public utilities and roads	X	
Located in or outside of Environmentally Sensitive Area (ESA)	X	
Located in or outside of Scenic Corridor	X	
<b>3. Location of a CCC in an existing building in an Institutional, Commercial, or Commercial/ Residential Mixed-Use Zoning District, including major expansion</b>		
Expansion allowed up to 10,000 sq. ft. square feet in floor area on sites zoned or designated by the General Plan for one of the listed uses	X	
Site is served by public utilities and roads	X	
Located in ESA or Scenic Corridor		X
<b>4. New CCC building in a Commercial, Commercial/ Residential Mixed-Use Zoning District, or Institutional Zoning District</b>		
Applies to sites zoned or designated by the General Plan for one of the listed uses	X	
New Building up to 10,000 sq. ft. in Urban areas	X	
New Building up to 2,500 sq. ft. in Rural areas	X	
Site is served by public utilities and roads	X	
Located in an ESA or Scenic Corridor		X

<b>5. A CCC involving replacement or reconstruction of an existing building</b>		
The new building must be substantially the same size, purpose, and capacity, on the same site as the building replaced (no limit to size or location), as determined by the Community Development Director	X	
Located in or outside of ESA or Scenic Corridor	X	

<b>Table 2 Locational Criteria for Ministerial Permits for Child Care Centers Within the Coastal Zone</b>		
Project Types	Ministerial Permit	Use Permit and CDP
<b>1. Location of a CCC in an existing building in an Institutional or Commercial Zoning District or in an existing Institutional Building or Public Facility, including expansion</b>		
Applies to sites in an Institutional or Commercial Zoning District or designated for such use by the General Plan, or in an existing Institutional Building or Public Facility	X	
Design Review District: Development must comply with design review standards and permitting requirements.	X	
Coastal Commission Appeals Jurisdiction (CCC APJ) or Scenic Corridor: Expansion of less than 10% of existing internal floor area allowed; no additional stories/loft.	X	
Site is served by public utilities and roads or does not involve expansion or construction of water wells or septic systems	X	
Areas of Special Flood Hazard: In accordance with Chapter 35.5 of the Zoning Regulations, the project shall not involve an intensification of use (e.g., building occupancy shall remain equal to or lesser than the existing occupancy) and operator shall submit an emergency evacuation plan <sup>2</sup>	X	
Conversion of a visitor-serving commercial use		X
Located within a sensitive habitat or buffer zone		X
<b>2. Conversion of Single-Family Residence on Parcel <math>\geq</math> 10,000 sq. ft. in a Residential Zoning District to a CCC, including expansion<sup>1</sup></b>		
Parking Requirement Met: One on-site parking space per six children enrolled	X	
Parcel size is 10,000 sf or larger and in a Residential Zoning District	X	
Design Review District: Development must comply with design review standards and permitting requirements pertaining to residences.	X	
Located in Single-Family Residence Categorical Exclusion Area (SFEX)	X	
Located outside of SFEX and involving expansion or construction of water wells or septic systems		X
Located outside of SFEX <u>and</u> in CCC APJ or Scenic Corridor, involving: a) Expansion of 10% or more of existing internal floor area;		X

<sup>2</sup> Emergency evacuation plans are subject to review by the County, with approval obtained prior to occupancy of the building. Emergency evacuation plans shall meet applicable Federal Emergency Management Agency (FEMA) guidelines.

b) additional stories/loft; or c) construction or installation of significant non-attached structure(s) (excluding play structures and fences)		
Located within a sensitive habitat or buffer zone		X
<b>3. New CCC building or replacement or reconstruction of an existing building</b>		X
<sup>1</sup> CCCs located within an existing converted Single-Family Residence: The conversion of a single-family residential use to a CCC use is not an intensification of use. A Child Care Center use, as allowed in a residential structure in this Section, is similar in intensity to a Large Family Child Care Home (which allows up to 14 children) which is considered a residential use and allowed within any residence by State law, except that the Child Care Center may enroll more children and would not retain a residential use. This Section establishes additional criteria which limit the intensity of the Child Care Center use such that it is appropriate and proportional to the size of the parcel and available on-site parking.		

### 3. Parking Requirements:

- a. Required parking spaces may be uncovered or covered. Tandem Parking Spaces count toward required parking.
- b. Space Dimensions: Each parking space must be a minimum of 19 feet long by 9 feet wide
- c. Required On-Site Parking:
  - i. CCC as Primary Use: 1 parking space is required for every 4 children or 3 parking spaces for every 1,000 square feet of Gross Floor Area, whichever is lower.
  - ii. CCC as Accessory, Affiliated Use, or located within 1/4-mile radius of a Transit Center: 1 parking space is required for every 8 children or 1.5 parking spaces for every 1,000 sq. ft. of Gross Floor Area, whichever is lower. Required parking for a CCC that is an Accessory or Affiliated Use shall be separately identified from other on-site parking using signage or other markers and reserved for CCC use only. Bicycle racks to accommodate parking of 10 bicycles on-site shall be provided.
  - iii. CCC located within a Converted Residence: One on-site parking space shall be required for every 6 children enrolled.

4. Play Area Requirements:

a. CCC adjoining a Noise-Sensitive Receptor:

- i. Install Noise Reduction Measures as defined in Section 6420.2 along the shared property line(s) adjoining a Noise-Sensitive Receptor. Noise Reduction Measures shall not block access clearance. Large play structures may not be located within 5 feet of the shared property line(s).
- ii. Install a minimum 6-foot high solid wood fence or masonry wall around any rear and side yard play areas that adjoin a Noise-Sensitive Receptor. The facility shall also provide a minimum 4-foot high fence in all other play yard areas. Fences shall comply with County fence height regulations.

5. Lighting: All outdoor light sources shall be downward-directed and shielded to confine rays to the site and specific task areas.

B. Ministerial Procedure:

1. Applications shall be made to the County Planning and Building Department and shall include:

- a. Plans: Plans should be as accurate as possible and do not need to be drawn by a licensed professional, unless required for design review applications.
  - i. a site plan, showing all buildings on the property, designated play yards and their overall size, adjacent structures and their use, the type and height of fences and gates on or along all property boundaries, walkways, on- and off-site parking areas, all areas off limits to children and potential hazardous areas such as pools, garbage storage, animal pens;
  - ii. a floor plan, showing all rooms, door and window exits, and areas off limits to children;
  - iii. building elevations or photos if there are no changes or only minor changes to the exterior;
- b. an operations plan with hours of operation;
- c. the number of full- and part-time employees; and
- d. any proposed areas of construction.

2. Projects in DR Districts that involve new construction or exterior modifications shall submit the materials required in Section 6565.6 of the DR Chapter.
  3. In the Coastal Zone: No Coastal Development Permit Exemption fee shall be charged.
  4. The Community Development Director or their designee determines whether a CCC project is in full compliance with the standards and requirements in this Chapter for a ministerial permit.
  5. Public notice prior to consideration or issuance of the requested permit is not required.
  6. All property owners within 100 feet of the exterior boundaries of the property for which the facility is approved shall receive a copy of the letter of decision.
  7. The decision on a permit is not appealable.
  8. Permit renewal is not required.
- C. Existing Child Care Centers: All existing CCCs qualifying for a ministerial permit and currently operating with an approved use permit shall apply for and obtain a ministerial permit upon expiration of their use permit.
- D. Revocation: The Community Development Director, or their designee, may revoke a ministerial permit, pursuant to the process outlined in Section 6505, if: (a) the State facility license is revoked for any reason, or (b) the CCC fails to comply with the requirements of this Chapter, the County-issued permit, or any other County regulation.

### **SECTION 6420.4.3. CHILD CARE CENTERS - USE PERMIT**

Child Care Centers that do not meet the criteria for a ministerial permit may be permitted with the issuance of a Use Permit.

A. Use Permit Requirements:

1. Compliance with State and County regulations:
  - a. See Requirements under Section 6420.4.2.A, with the exception of locational criteria.
  - b. CCCs shall not be considered a Major Development Project, as defined in Section 6415.

c. Within the Coastal Zone, a Coastal Development Permit (CDP) is required.

d. In Design Review Districts:

i. For new construction or exterior modifications, the facility shall be consistent with applicable design review standards. For CCCs involving the conversion of a single-family residence, design review standards pertaining to residential development shall apply. Access ramps, e.g., for wheelchair or stroller access, shall not be considered alterations to the character of the building.

ii. Design Review permits shall be processed according to the procedure set forth in Chapter 28.1 of the Zoning Regulations, with the exception of the appeal process which shall follow the process outlined for appeal of a Use Permit in this Section.

2. Parking: Parking requirements of Section 6420.4.2 (Child Care Centers – Ministerial Permit Criteria and Requirements) shall apply. A proposal for a reduction in required parking spaces or parking requirements may be considered through the Use Permit process.

3. Play Areas: Play Area requirements of Section 6420.4.2 (Child Care Centers— Ministerial Permit Criteria and Requirements) shall apply.

4. Lighting: All outdoor light sources shall be downward-directed and shielded to confine rays to the site and specific task areas.

2 Procedure:

a. Use Permits shall be processed according to the procedure set forth in Chapter 24 of the Zoning Regulations, with the exception of the appeal process which shall follow the process outlined in this Section. Approval of a Use Permit is subject to the required finding set forth in Chapter 24 of the Zoning Regulations: that the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

b. Appeals: A decision on a Use Permit for a CCC is appealable to the Planning Commission, which shall be considered the final local decision and may not be appealed. Within the Coastal Zone, the same process



shall apply, except that if the Use Permit is granted, the final local decision is appealable to the California Coastal Commission.

- c. **Administrative Reviews and Permit Renewal:** Use Permits shall establish regular administrative reviews according to a schedule determined by the decision-making authority and set forth in the permit. There shall be no requirement for Use Permit renewal.
- 3 **Revocation:** The Community Development Director, or their designee, may revoke a Use Permit, pursuant to the process outlined in Section 6505, if: (a) the State facility license is revoked for any reason, or (b) if the CCC fails to comply with the requirements of this Chapter, the County-issued permit, or any other County regulation.

### **SECTION 6420.5. INCENTIVES FOR THE PROVISION OF CHILD CARE CENTERS**

The County's grant of any of the incentives described in this Section is subject to proposal by the applicant who shall demonstrate compliance with criteria at the time of permit application for the permits outlined in this Chapter. The decision-making authority for the CCC will determine whether criteria are adequately met and, if so, will grant the applicable bonus, concession, or incentives, at the time the permit is approved.

#### **A. State Density Bonus Provisions for CCCs in Effect at the Time of Application:**

When an applicant proposes a project that meets the requirements of the State Density Bonus Law, the County shall follow the provisions of State law to determine the applicable density bonus and additional concession(s) or incentive(s). Examples of projects that qualify under State Law include, but are not limited to: (1) a housing development including a child care facility (Government Code Section 65915(h)) and (2) a minimum 50,000 sq. ft. commercial or industrial development including a child care facility (Section 65917.5).

#### **B. Floor Area Ratio (FAR) Bonus and Parking Waiver for Eligible Employment Centers:**

These incentives apply to development which does not meet the size and use qualifications provided by State Density Bonus Law relating to Child Care Centers installed, operated and maintained in a commercial or industrial project (e.g., Section 65917.5). Projects eligible for a density bonus under the California Government Code are not be eligible for this incentive.

1. **Incentives:** For CCCs that will be located on the same property as an Eligible Employment Center, the following incentives are available:

- a. **Floor Area Ratio (FAR) Bonus:** The FAR of the CCC shall be excluded from the total maximum FAR established by the zoning district; and

- b. 50% Parking Waiver: Required parking shall be calculated as fifty-percent (50%) of the required parking for the Child Care Center as established in this Chapter. Bicycle racks to accommodate parking of 10 bicycles on-site shall be provided.
2. Eligible Employment Center Requirements: An Eligible Employment Center must meet the following requirements to receive the incentives listed above:
  - a. The CCC shall meet the definition of an Affiliated Use, as it pertains to an employment center.
  - b. The area designated as a CCC on project plans shall only be used as a CCC and must remain in operation and shall not be reduced in physical size, unless the Planning Commission finds that the need for child care services is no longer present or is not present to the same degree as it was at the time the facility was established. Required parking for the CCC shall be maintained for the life of the CCC.
  - c. The CCC may be, but is not required to be, operated by a private care provider.
  - d. The employer(s) must employ a total or combined minimum of 50 employees.
  - e. The CCC may be, but is not required to be, available to the public for enrollment.
  - f. For employer(s) with fewer than 100 employees, the CCC must serve a minimum of 20 children. For employer(s) with over 100 employees, the CCC must serve a minimum of 40 children. Children served include all children enrolled at the center, including children of employees and non-employees of the employer(s).
  - g. The employer(s) receiving incentive(s) listed above must retain the CCC as an Affiliated Use and promote the use of the center to its employees, including, but not limited to, offering enrollment incentives.
  - h. Employer(s) within the Employment Center may change and be replaced with other businesses meeting the criteria of this Section.
  - i. The above requirements shall be added as permit conditions at the time of project approval.
3. Continuation of CCC Use: If the business(es) of an Employment Center discontinue their operation and are not immediately replaced with business(es) meeting the above criteria, the CCC may continue to operate without providing any additional parking.

C. Density and FAR Bonus and Parking Waiver for Eligible Transit-Oriented Development (TOD):

These incentives apply to Eligible Transit-Oriented Development which does not meet the size and use qualifications provided by State Density Bonus Law. Projects eligible for a density bonus under the California Government Code are not be eligible for these incentives.

1. Incentives: For CCCs that will be located in an Eligible TOD, the following incentives are available:
  - a. Density Bonus: An additional density bonus or density bonuses of 10% of the maximum dwelling units/acre for the site established by the zoning district or land use designation of the General Plan, if no maximum dwelling units/acre is established by the zoning district, whichever is greater. The method for calculating the number of density bonus units shall follow Chapter 22.6, Section 6440.1 (Density Bonus), of the Zoning Regulations.
  - b. FAR Bonus: The FAR of the CCC shall be excluded from the total maximum FAR for the site established by the zoning district.
  - c. 50% Parking Waiver: Required parking shall be calculated as fifty-percent (50%) of the required parking for the Child Care Center as established in this Chapter. Bicycle racks to accommodate parking of 10 bicycles on-site shall be provided.
2. Requirements: An Eligible TOD must meet the following requirements to receive the incentives listed above:
  - a. The CCC shall be established within a 1/4-mile radius of a Transit Center, as defined in this Chapter.
  - b. The area designated as a CCC on project plans shall only be used as a CCC and must remain in operation and shall not be reduced in physical size, unless the Planning Commission finds that the need for child care services is no longer present or is not present to the same degree as it was at the time the facility was established. Required parking for the CCC shall be maintained for the life of the CCC.
  - c. The property owner for the Eligible TOD receiving incentive(s) listed above must promote the use of the center to the public, including, but not limited to, offering enrollment incentives.
  - d. The CCC must serve a minimum of 40 children.
  - e. The CCC may be, but is not required to be, operated by a private care provider.

The above requirements shall be added as permit conditions at the time of project approval.

3. Continuation of CCC Use: If the operations of the associated Transit Center discontinue or no longer meet the definition of Transit Center established by this Chapter, the CCC may continue to operate without providing any additional parking.

## **SECTION 6420.6. EXISTING UNPERMITTED FACILITIES**

### A. Requirement for an After-the-Fact Permit for Child Care Facilities:

1. Existing CCCs Currently Operating without a Permit. Operators of existing CCCs operating without a permit shall meet the requirements of, apply for, and obtain a permit as specified in this Chapter. Operators of unpermitted CCC(s) shall submit a complete application for such permit, to the satisfaction of the Planning and Building Department, and obtain such permit within one (1) year of the effective date of this Ordinance. Failure to do so may result in referral of the unpermitted facility to the Planning and Building Department's Code Compliance Section, which may result in administrative citations and fines as set in Chapter 1.40 (Administrative Remedies) of the San Mateo County Ordinance Code.

B. Amnesty Program: This Section establishes a streamlined process for existing CCCs that meet the following eligibility criteria. Section 6420.6.B shall sunset one (1) year after the effective date of the Ordinance.

1. Eligibility Criteria: To qualify for the amnesty program, a CCC shall have been in continuous operation at the subject location for a minimum of 3 years prior to the effective date of this Ordinance, as confirmed by State license documentation.
2. Permit Requirement and Process:
  - a. Conforming facilities are eligible for a ministerial permit, as described in Section 6420.4.2. Conforming facilities are facilities that conform (currently or through permitted modification) to all requirements of Section 6420. Any modifications required to bring the facility into conformance with Section 6420 shall be made a condition of permit approval.
  - b. Non-conforming facilities require a Use Permit, as described in Section 6420.4.3. The non-conforming aspects may be granted an exception from requirements of Section 6420 as allowed in the Zoning Regulations. Non-conforming facilities are facilities that cannot be feasibly made to conform (currently or through permitted modification) to the requirements of Section 6420.

**SECTION 6420.7. RELATIONSHIP OF THE CHILD CARE ORDINANCE TO OTHER COUNTY REGULATIONS**

On May 4, 2021, the Board repealed the former Section 6401.2. (General Provisions Relating to Large Family Day Care Homes) with this Ordinance (Chapter 22.2). When a discrepancy exists between the permissions, requirements, and procedures outlined in this Chapter and those of an individual zoning district pertaining to Child Care Facilities, the permissions, requirements, and procedures of this Chapter shall apply.

**SECTION 3. Related Zoning Text Amendments.** In addition to adding a new chapter of the Zoning Regulations pertaining to child care centers, the County proposes zoning text amendments to the following chapters of the Zoning Regulations: R-1, R-2, R-3, R-3-A, R-1/CCP, R-E, RM, PC, TPZ, RH, C-2/NFO, M-1/NFO, M-1/Edison/NFO, I/NFO, PC, NMU, NMU-ECR, CMU-1, CMU-2, CMU-3, and COSC, to eliminate now outdated permit requirements for Small and Large Day Care Homes, separate definitions for child care facility types including centers, and separate permit requirements for child care centers. Those chapters of the Zoning Regulations are amended as indicated below in underline (additions) and ~~strike through~~ (deletions):

**1. Revise the following sections of the Zoning Regulations to remove definitions (including capacity references) for Small and Large Family Care Homes (LFDCH) and/or permit requirements for LFDCH, which is now allowed by right:**

a. One-Family Residential (R-1) (Section 6161.j):

~~(j) Large Residential Day Care Facilities for Children (Family Day Care Homes; 7-12 children), subject to a large family day care permit issued in accordance with the County Zoning Regulations, Chapter 22, Section 6401.2.~~

~~(k)~~(j) The following uses subject to securing a use permit in each case:

1. Churches, schools, libraries and fire stations.
2. Golf courses with standard length fairways and country clubs.
3. Non-commercial clubs.

4. Nurseries and greenhouses used only for the propagating and cultivating of plants, provided that no retail sales shall be allowed. The granting of such use permits shall generally be confined to those areas of the County in which the nurseries and greenhouses are already established, and use permits granted to applicants presently operating such greenhouses and nurseries shall normally cover the proposed future development of all property owned or controlled by the applicant.

5. A second residential unit on a parcel at least 7,000 sq. ft. in size in the Coastal Zone.

~~(h)(k)~~ Keeping of confined animals.

b. Two-Family Residential District (R-2) (Section 6171.c)

~~(c) Large Residential Day Care Facilities for Children (Family Day Care Homes; 7-12 children), subject to a large family day care permit issued in accordance with the County Zoning Regulations, Chapter 22, Section 6401.2.~~

c. Multiple-Family Residential District (R-3) (Section 6181.e)

~~(e) Large Residential Day Care Facilities for Children (Family Day Care Homes; 7-12 children), subject to a large family day care permit issued in accordance with the County Zoning Regulations, Chapter 22, Section 6401.2.~~

d. Affordable Housing District (R-3-A) (Section 6184.d.5)

~~5. Large Residential Day Care Facilities for Children (Family Day Care Homes; 7-12 children), subject to a large family day care permit issued in accordance with the County Zoning Regulations, Chapter 22, Section 6401.2.~~

e. One-Family Residential/Country Club Park (R-1/CCP) (Sections 6163.3.13, 6163.3.29; 6163.3.34, 6163.4.E)

### 13. Institutional Uses

Land uses included in the following use modules: (1) Neighborhood Institutional Facilities (INT-1), (2) Neighborhood Cultural Facilities (INT-2), ~~(3) Residential Community Care Facilities (Large Facilities Only) (RES-11),~~ except Residential Day Care Facilities for Children, and ~~(4) Lodging Facilities for Religious Orders (RES-15).~~

~~29. Residential Day Care Facilities for Children (Family Day Care Homes) (1.08.11)~~

~~Licensed facilities in a building containing a dwelling unit(s) in which non-medical care, protection, and supervision of children are regularly provided in~~

~~the provider's own home for a period of less than 24 hours a day while parents or guardians are away. Includes small family day care homes (one to six children) and large family day care homes (seven to twelve children).~~

~~3029.~~ Residential Full-Time Care Facilities for Adults/Elderly (1.08.22)

Licensed facilities in a building containing a dwelling unit(s) in which 24-hour a day non-medical care and supervision are provided to adults or elderly adults who may or may not have special needs or disabilities including, but not limited to, individuals who are physically, developmentally or mentally disabled, or recovering from alcohol or drug addictions. Includes small adult full-time care facilities (one to six adults) and large adult full-time care facilities (seven to fifteen adults).

~~3130.~~ Residential Full-Time Care Facilities for Children (Group Homes, Foster Family Homes) (1.08.12)

Licensed facilities in a building containing a dwelling unit(s) in which 24-hour a day non-medical care and supervision are provided for children who may or may not have special needs or disabilities. Includes small full-time care homes (one to six children) and large full-time care homes (seven to twelve children).

~~3231.~~ Residential Multipurpose Accessory Structures (1.06.12)

Detached accessory structures which are not intended for sleeping, but may be used for variety of purposes including, but not limited to, workshops, storage sheds, game rooms and greenhouses, where bathrooms, if included, are accessible only from the outside. Residential multipurpose accessory structures may not include kitchen facilities.

~~3332.~~ Residential Nursing Care Facilities (1.08.30)

Licensed facilities in a building containing a dwelling unit(s), which provide 24-hour a day intermittent or continuous skilled nursing supervision and supportive care to inpatients. Residential nursing facilities include, but are not limited to, intermediate care, skilled nursing or congregate living health facilities. Includes small nursing facilities (one to six inpatients) and large nursing facilities (seven to twelve inpatients).

~~3433.~~ Residential Uses

Land uses included in the following use modules: (1) One-Family Dwellings (RES-1), (2) Second Dwelling Units (RES-2), (3) Small Hostelrys (RES-10), ~~(4) Residential Community Care Facilities (Residential Day Care Facilities for Children, Small and Large Facilities; a~~All other community care facilities, Small Facilities Only) (RES-11), ~~(54)~~ Residential Accessory Structures (RES-12), and ~~(65)~~ Residential Accessory Uses (RES-13).

~~3534.~~ Second Dwelling Units (1.02.10)

Attached or detached rental dwelling units with kitchens, located on the same parcel as a one-family dwelling.



~~3635~~. Small Hostelries (1.07.10)

Facilities that rent five (5) or fewer rooms for the overnight accommodation of paying guests including, but not limited to, rooming houses, boarding houses, tourist homes, country inns, small motels and hotels, and bed and breakfast establishments.

~~3736~~. Small Solid Waste Collection Facilities (4.01.40)

Facilities, 500 sq. ft. or less in area, where discarded glass, paper or clothes or other recyclable materials are bought and/or collected including, but not limited to, containers, igloos, bins, groups of reverse vending machines and mobile units.

~~3837~~. Temporary Living Facilities During Residence Construction (1.10.10)

Temporary dwelling units such as mobilehomes without permanent foundations, travel trailers or recreational vehicles, which are: (1) located on a parcel of land during the construction or reconstruction of a permanent dwelling unit on the same parcel, and (2) removed prior to the granting of a Certificate of Occupancy for the permanent residence.

Section 6163.4.E

<b>PERMITTED USES</b>	<b>REQUIRED PLANNING PERMIT FOR THIS DISTRICT</b>
<b>E. RESIDENTIAL COMMUNITY CARE FACILITIES MODULE (RES-11)</b>  <del>1. Residential Day Care Facilities for Children (Family Day Care Homes) (1.08.11)</del> <del>Small (1-6 children)</del> <del>Large (7-12 children)</del>  21. Residential Full-Time Care Facilities for Children (Group Homes, Foster Family Homes) (1.08.12)  32. Residential Day Care Facilities for Adults/Elderly (1.08.21)  43. Residential Full-Time Care Facilities for Adults/Elderly (1.08.22)  54. Residential Nursing Care Facilities (1.08.30)	  None Large Family Day Care Permit  1-6 None; 7-12 Use Permit  1-6 None; 7-12 Use Permit  1-6 None; 7-15 Use Permit  1-6 None; 7-12 Use Permit

f. Residential Estates District (R-E) (Section 6151.i)

~~(i) Large Residential Day Care Facilities for Children (Family Day Care Homes; 7-12 children), subject to a large family day care permit issued in accordance with the County Zoning Regulations, Chapter 22, Section 6401.2.~~

~~(j)(i) The following uses subject to securing a use permit in each case:  
(1) Schools, libraries, fire stations, churches, and keeping of confined animals.  
(2) Golf courses with standard length fairways, and other non-commercial clubs.~~

g. Resource Management District (RM) Section 6315(ab) and Footnote ab<sup>5</sup>

~~(ab)<sup>5</sup> Large Residential Day Care Facilities for Children (Family Day Care Homes; 7-12 children).~~

~~(ac~~b~~) Keeping of confined animals.~~

<sup>5</sup>Allowed subject to a large family day care permit

h. Planned Colma District (PC) (References in Sections 6373.48, 6380.1.B.1, 6381.1.C.1, and 6382.1.B.1)

~~48. Residential Day Care Facilities for Children (Family Day Care Homes) (1.08.11)~~

~~Licensed facilities in a building containing a dwelling unit(s) in which non-medical care, protection, and supervision of children are regularly provided in the provider's own home for a period of less than 24 hours a day while parents or guardians are away. Includes small family day care homes (one to six children) and large family day care homes (seven to twelve children).  
[re-number following sections accordingly]~~

~~49~~47. Residential Full-Time Care Facilities for Adults/Elderly (1.08.22)

Licensed facilities in a building containing a dwelling unit(s) in which 24-hour a day non-medical care and supervision are provided to adults or elderly adults who may have special needs or disabilities including, but not limited to, individuals who are physically, developmentally or mentally disabled, or recovering from alcohol or drug addictions. Includes small adult full-time facilities (one to six adults) and large adult full-time care facilities (seven to twelve adults).

~~50~~48. Residential Full-Time Care Facilities for Children (Group Homes, Foster Family Homes) (1.08.12)

Licensed facilities in a building containing a dwelling unit(s) in which 24-hour a day non-medical care and supervision are provided for children who may or may not have special needs or disabilities. Includes small full-time care homes (one to six children) and large full-time care homes (seven to twelve children).

5149. Residential Multipurpose Accessory Structures (1.06.12)

Detached accessory structures which are not intended for sleeping, but may be used for a variety of purposes including, but not limited to, workshops, storage sheds, game rooms and greenhouses. Residential multipurpose accessory structures may not include kitchen facilities.

5250. Residential Shared Housing Facilities for the Elderly (1.08.32)

Licensed facilities in a building containing a dwelling unit(s) in which varying levels of supportive services or non-medical care are provided to no more than six (6) elderly adults on a 24-hour a day basis including, but not limited to, small rest homes or retirement homes.

5351. Restaurants (2.02.10)

Commercial establishments which primarily serve prepared food to the general public for immediate consumption on the premises. Restaurants may include a bar as defined in Section 2.02.030.

5452. Retail Cleaning Establishments (2.01.10)

Commercial establishments engaged in the washing, cleaning or dyeing of clothing, linens and other fabrics including, but not limited to, dry cleaners, laundries and laundromats where coin-operated washers and dryers are provided for self-service to the public.

5553. Seaport and Marine Terminals (8.01.32)

Facilities for loading and unloading freight from boats or ships including, but not limited to, piers, boat launches, dry docks, boat storage and repair yards, cargo handling equipment, and storage areas.

5654. Second Dwelling Units (1.02.10)

Attached or detached rental dwelling units with kitchens, located on the same parcel as a one-family dwelling.

5755. Short-Term Bicycle Parking Facilities

A space that includes lockers and/or racks or other devices used to secure and park bicycles park for short-time periods.

5856. Single-Family Home

A building containing a one-family dwelling.

5957. Single-Story Commercial Building

A building containing commercial uses within one story.

6058. Small Apartment Building

A multiple-story building containing multiple-family dwellings with shared entrances.

6159. Small Apartment Building with Ground Floor Retail  
A multiple-story building containing multiple-family dwellings with shared entrances and ground floor retail use.

6260. Temporary Living Facilities During Residence Construction (1.10.10)  
Temporary dwelling units such as mobilehomes without permanent foundations, travel trailers or recreational vehicles, which are: (1) located on a parcel of land during the construction or reconstruction of a permanent dwelling unit on the same parcel, and (2) removed prior to the granting of a Certificate of Occupancy for the permanent residence.

6361. Townhouse  
A multiple-story building containing one-family dwellings with each unit side-by-side and individual entrances.

6462. Trade and Vocational Schools (5.01.20)  
Public or private educational facilities and associated grounds offering specialized trade or commercial instruction, but not academic education, above the secondary level.

6563. Transit Terminal Facilities (8.01.15)  
Public transit facilities where trains or buses accept riders and are repaired, maintained and stored, including offices from which operations are directed.

6664. Truck Facilities (8.01.13)  
Truck terminals and other facilities used by trucks to haul freight to local and regional destinations including, but not limited to, drayage yards, loading docks or bays, maneuvering areas, and short-term parking and storage of freight and trucks.

6765. Tuck-Under Parking  
Single-car covered parking integrated into the overall facade of a building. Garage shall be a maximum of 10 feet wide.

6866. Two-Family Dwellings (1.03.10)  
Buildings, one per parcel, containing two attached dwelling units which are intended for use by two separate households.

6967. Two One-Family Dwellings (1.03.20)  
Two detached buildings on the same parcel, each containing a single-dwelling unit, which are intended for use by two separate households.

7068. Two-Story Commercial Building  
A building containing commercial uses within two stories.

7169. Veterinary Hospitals for Small Animals (9.02.30)  
Establishments where cats, dogs and other domestic animals generally of the

same size or smaller are treated by a person(s) trained and licensed to provide medical care for animals. Veterinary hospitals may hold animals overnight on a limited basis if necessary for their proper medical or surgical treatment.

Section 6380.1

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT
<b>In all areas designated High Density Residential:</b>	
<b>B. RESIDENTIAL COMMUNITY CARE FACILITIES MODULE (RES-11)</b>  <del>1. Residential Day Care Facilities for Children (Family Day Care Homes) (1.08.11)</del> <del>Small (1-6 children)</del> <del>Large (7-12 children)</del>  <del>21. Residential Full-Time Care Facilities for Children (Group Homes, Foster Family Homes) (1.08.12)</del> <del>1 - 6 children</del> <del>7 - 12 children</del>  <del>32. Residential Day Care Facilities for Adults/Elderly (1.08.21)</del> <del>1 - 6 residents</del> <del>7 - 12 residents</del>  <del>43. Residential Full-Time Care Facilities for Adults/Elderly (1.08.22)</del> <del>1 - 6 residents</del> <del>7 - 12 residents</del>  <del>54. Residential Nursing Care Facilities (1.08.30)</del> <del>1 - 6 residents</del> <del>7 - 12 residents</del>	   None Large Family Day Care Permit   None None   None None   None None   None None

Section 6381.1

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT
<b>C. RESIDENTIAL COMMUNITY CARE FACILITIES MODULE (RES-11)</b>	

<del>1. Residential Day Care Facilities for Children (Family Day Care Homes) (1.08.11)</del> <del>Small (1-6 children)</del> <del>Large (7-12 children)</del>	None Large Family Day Care Permit
21. Residential Full-Time Care Facilities for Children (Group Homes, Foster Family Homes) (1.08.12) 1 - 6 children 7 - 12 children	None None
<del>32. Residential Day Care Facilities for Adults/Elderly (1.08.21)</del> <del>1 - 6 residents</del> <del>7 - 12 residents</del>	None None
43. Residential Full-Time Care Facilities for Adults/Elderly (1.08.22) 1 - 6 residents 7 - 12 residents	None None
<del>54. Residential Nursing Care Facilities (1.08.30)</del> <del>1 - 6 residents</del> <del>7 - 12 residents</del>	None None

Section 6382.1

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT
<b>B. PARKS (REC-2)</b>  <del>1. Residential Day Care Facilities for Children (Family Day Care Homes) (1.08.11)</del> <del>Small (1-6 children)</del> <del>Large (7-12 children)</del>	None Large Family Day Care Permit
2. Linear Parks and Trails (7.03.30)	None

Section 6383.1

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT
<p><b>B. RESIDENTIAL COMMUNITY CARE FACILITIES (RES-11)</b></p> <p><del>1. Residential Day Care Facilities for Children (Family Day Care Homes) (1.08.11)</del>  <del>1 - 6 children</del>  <del>7 - 12 children</del></p> <p><del>21. Residential Full-Time Care Facilities for Children (Group Homes, Foster Family Homes) (1.08.12)</del>  <del>1 - 6 children</del>  <del>7 - 12 children</del></p> <p><del>32. Residential Day Care Facilities for Adults/Elderly (1.08.21)</del>  <del>1 - 6 residents</del>  <del>7 - 12 residents</del></p> <p><del>43. Residential Full-Time Care Facilities for Adults/Elderly (1.08.22)</del>  <del>1 - 6 residents</del>  <del>7 - 12 residents</del></p> <p><del>54. Residential Nursing Care Facilities (1.08.30)</del>  <del>1 - 6 residents</del>  <del>7 - 12 residents</del></p>	<p>None</p> <p>None</p> <p>None</p> <p>None</p> <p>None</p> <p>None</p> <p>None</p> <p>None</p>

i. Timberland Preserve Zone (TPZ) (Section 6710.1.17)

~~17. Large Residential Day Care Facilities for Children (Family Day Care Homes; 7 to 12 children), subject to a large family day care permit.~~

~~17. Keeping of confined animals.~~

j. Residential Hillside District (RH) (Sections 6801.18 and 6802.H.1)

~~18. Residential Day Care Facilities for Children (Family Day Care Homes) (1.8.11)~~

~~Licensed facilities in a building containing a dwelling unit in which non-medical care, protection, and supervision of children are regularly provided in the provider's own home for a period of less than 24 hours a day while parents or~~

~~guardians are away. Includes small family day care~~

~~19~~18. Residential Full-Time Care Facilities for Children (1.8.12)

Dwelling units in which 24-hour non-medical care and supervision are provided in a licensee's family residence for not more than six (6) children who may or may not have special needs or disabilities.

~~20~~19. Residential Foster Family Homes (1.8.13)

Dwelling units in which 24-hour non-medical care and supervision are provided in

a family setting in a licensee's family residence for not more than six (6) foster children, exclusive of licensee's family members.

~~21~~20. Residential Day Care Facilities for Adults (1.8.21)

Dwelling units in which non-medical care and supervision are provided to no more than six (6) adults on less than a 24-hour per day basis.

~~22~~21. Residential Full-Time Care Facilities for Adults (1.8.22)

Dwellings units in which 24-hour a day non-medical care and supervision are provided to no more than six (6) adults.

~~23~~22. Residential Rehabilitation Facilities (1.8.23)

Dwelling units in which 24-hour a day non-medical care and supervision are provided in a group setting to no more than six (6) adults and/or emancipated minors recovering from drug or alcohol misuse.

~~24~~23. Residential Day Care Facilities for the Elderly (1.8.31)

Dwellings units in which non-medical care and supervision are provided to no more than six (6) elderly adults, age 62 and over, on less than a 24-hour per day basis.

~~25~~24. Residential Shared Housing Facilities for the Elderly (1.8.32)

Group housing arrangements for no more than six (6) adults chosen voluntarily by residents who are 62 years of age or older, and who are provided varying levels of supportive services or non-medical care as agreed upon at the time of admission, based upon varying needs.

## **NEIGHBORHOOD INSTITUTIONAL FACILITIES MODULE**

~~26~~25. Elementary and Secondary Schools (5.1.10)

Public or private educational facilities and associated grounds used for academic instruction below the collegiate level.

~~27~~26. Religious Facilities (5.2.10)

Facilities or meeting places used for worship and religious instruction including churches, synagogues, mosques and temples.



~~2827.~~ Club and Organization Meeting Facilities (5.3.60)

Facilities used for gatherings of groups primarily for social or political purposes including, but not limited to, social and fraternal clubs and lodges, union halls and philanthropic and charitable institutions.

Section 6802.H.1

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT
<b>H. RESIDENTIAL COMMUNITY CARE FACILITIES MODULE (RES-11)</b>	
<del>1.</del> Residential Day Care Facilities for Children (Family Day Care Homes) (1.08.11) Small (1-6 children) Large (7-12 children)	None Large Family Day Care Permit
<del>21.</del> Residential Full-Time Care Facilities for Children . . . (1.8.12)	None
<del>32.</del> Residential Foster Family Homes (1.8.13)	None
<del>43.</del> Residential Day Care Facilities for Adults (1.8.21)	None
<del>54.</del> Residential Full-Time Care Facilities for Adults (1.8.22)	None
<del>65.</del> Residential Rehabilitation Facilities (1.8.23)	None
<del>76.</del> Residential Day Care Facilities for the Elderly (1.8.31)	None
<del>87.</del> Residential Shared Housing for the Elderly (1.8.32)	None

**2. Revise the following sections of the Zoning Regulations to remove definitions of Day Care Centers and Child Care Centers:**

- a. General Commercial Districts/North Fair Oaks (C-2/NFO) – (Reference to Institutional Day Care Facilities in Section 6263.2.25)

~~25. Institutional Day Care Facilities for Children (Day Care Centers) (5.04.11)~~

~~Licensed facilities including infant centers, pre-schools and extended day care facilities, located in buildings that do not contain a dwelling unit, which regularly provide non-medical care, protection, and supervision of children for a period of less than 24 hours a day while parents or guardians are away.~~

~~26~~25. Institutional Day Care Facilities for the Elderly (5.04.31)

Licensed facilities in buildings that do not contain a dwelling unit(s), which provide non-medical care and supervision to elderly adults on less than a 24-hour a day basis.

~~27~~26. Institutional Shared Housing Facilities for the Elderly (5.04.32)

Facilities for seven (7) or more elderly adults where varying levels of supportive services or non-medical care are provided on a 24-hour a day basis including, but not limited to, rest homes or retirement homes.

~~28~~27. Institutional Full-Time Care Facilities for Children (5.04.12)

Licensed facilities which provide 24-hour a day non-medical care and supervision to seven (7) or more children, who may or may not have special needs or disabilities, in a structured environment.

~~29~~28. Institutional Full-Time Care Facilities for Adults (5.04.22)

Licensed facilities which provide 24-hour a day non-medical care and supervision to seven (7) or more adults including, but not limited to, individuals who are physically handicapped, mentally impaired, abused or recovering from alcohol or drug addictions.

~~30~~29. Intermediate Care Facilities (5.05.22)

Facilities providing basic health care to inpatients who have intermittent, though not continuous, need for skilled nursing care but need continuous 24-hour a day supportive health care and skilled nursing supervision.

~~31~~30. Interpretive Centers (5.03.70)

Facilities used for the education of the public with respect to natural, historical and cultural environments and legacies.

~~32~~31. Large Solid Waste Collection Facilities (4.01.42)

Facilities, more than 500 sq. ft. in area, where discarded glass, paper or clothes or any other recyclable materials are bought and/or collected.

~~33~~32. Libraries (5.03.10)

Facilities used for storage, exhibition and lending of various media including, but not limited to, books, periodicals, documents, audio and video tapes and visual art.

~~34~~33. Limited Keeping of Pets (9.01.20)

The raising or maintaining of domestic birds or animals that are customarily kept as pets for amusement or companionship, excluding exotic animals, horses, livestock and poultry, and subject to the following limitations: (a) no more than two (2) dogs and two (2) cats, nor more than four (4) animals total of any type shall be kept per two-family dwelling unit, multiple-family dwelling unit, or lawfully permitted and occupied second unit or farm labor housing unit; or (b) per business establishment in commercial or industrial zoning districts.

~~3534~~. Medical and Dental Offices (2.06.20)

Establishments providing consultation, diagnosis, therapeutic, preventative or corrective personal treatment services by licensed doctors, dentists and similar practitioners of medical and healing arts for humans, and which may include medical and dental laboratories and associated prescription pharmacies.

~~3635~~. Motor Vehicle Fuel Sales (2.03.10)

Commercial establishments primarily engaged in the sale of gasoline or other combustive fuels to the general public, often on a self-service basis.

~~3736~~. Motor Vehicle Sales or Rentals (2.03.50)

Commercial establishments primarily engaged in the retail sale or rental of motor vehicles or mobile homes, and which may include repair or service departments and sales of replacement parts and accessories.

~~3837~~. Motor Vehicle Service Stations (2.03.20)

Commercial establishments primarily engaged in the sale of fuel, the servicing of motor vehicles and the provision of services to motorists including, but not limited to, the sale of vehicle parts and accessories, the performance of minor repairs and the sale of refreshments and sundry items.

~~3938~~. Museums (5.03.20)

Facilities used for the storage, exhibition, preservation or study of culturally, historically or scientifically valued works and phenomena.

~~4039~~. Night Clubs with Entertainment (7.01.40)

Commercial establishments that primarily provide entertainment such as musical or comedic performances but do not provide adult entertainment. Night clubs with entertainment may serve drinks and food.

~~40-540~~ Non-Chartered Financial Institution

See Section 6102.63.1 (Zoning Definitions) for definition.

- b. Light Industrial Districts/North Fair Oaks (M-1/NFO) – (Reference to Child Care Facilities in Section 6276.2.10)

~~10. Child Care Facilities~~

~~State-licensed care facility of any capacity, in which less than 24-hour per day non-medical care and supervision are provided to children in a group setting, including but not limited to, infant centers, preschools, and school-age child care centers, not including small or large family child care homes.~~

4110. Construction and Maintenance Trade and Service Establishments  
Indoor business establishments consisting of offices, workshops and incidental areas for storage of equipment and supplies that provide services, which are primarily delivered off-site including, but not limited to, building contractors, janitorial services, or landscape maintenance services.

4211. Distillation of Spirits and Wine and Brewing of Beer  
Breweries, microbreweries, wineries and distilleries for the manufacture, blending, fermentation of beer, wine or spirits, which may include tasting rooms, tours, and temporary special events and food trucks, and which have a current and applicable California Alcohol Beverage Control license.

4312. Dwelling, Multiple  
A building or portion thereof containing more than one dwelling unit, including apartment houses, condominiums, and flats.

4413. Educational Facilities  
Public or private educational facilities, or schools offering instruction, including academic, trade or other specialized instruction, to students, including conservatories for the instruction of music and the arts.

4514. Electronic Game Amusement Arcades  
Commercial establishments featuring the operation of six or more coin or token-operated electronic games.

4615. Energy Utility Facilities  
All gas compression stations, electrical power substations and associated service facilities.

4716. Financial Institutions  
Establishments accepting deposits and providing services relating to the exchange, protection or lending of money including, but not limited to, banks, savings and loan institutions, or credit unions.

4817. Food Establishments Specializing in Carry-Out or Delivery Service  
Commercial establishments engaged in the provision of prepared food to the general public primarily for consumption elsewhere, but may include limited seating or drive-through take-out service.

4918. Indoor Exercise and Leisure Facilities  
Enclosed facilities used for active recreation including exercise and athletic clubs, bowling alleys, skating rinks, billiard halls, dance halls and academies, or similar uses.

2019. Indoor Kennels  
A place for the keeping, boarding or other handling of more than ten (10) dogs, or more than ten (10) dogs and cats per dwelling unit or per business establishment. Ancillary activities that may be conducted in association with

the keeping of animals at a kennel include, but are not limited to, grooming, training, and sales of animals and supplies.

2120. Indoor Light Manufacturing

Manufacturing operations, including fabricating, assembling, or processing products from previously manufactured raw, or prepared materials that are conducted entirely within an enclosed, covered building. Indoor low to moderate impact manufacturing operations have a low to moderate impact on surrounding development with regard to noise, smoke, odor, fumes, vibration, heat and glare and visual impacts, and do not use acutely hazardous materials, as identified in the California Administrative Code. Indoor light manufacturing operations include, but are not limited to, cabinet making and woodworking, plastic and ceramic products manufacturing, metal working, machining and welding, electronic products and parts manufacturing, and textile manufacturing.

2221. Indoor Wholesale Establishments

Commercial establishments engaged in bulk sales of goods primarily to licensed merchants and members of consumer discount associations or clubs.

2322. Indoor Storage of Non-Hazardous Goods, Warehouses, and Distribution Establishments for receiving, storing and transporting goods and materials that require protection from the elements, including but not limited to associated handling equipment, facilities for refrigeration shipping operations and associated trucking, and the needs of the operating personnel within one or more completely enclosed, covered structures, excluding acutely hazardous materials, as defined in the California Administrative Code.

2423. Indoor Theaters

Enclosed facilities used for the presentation of motion pictures, plays or other dramatic performances except adult motion pictures and live performances featuring sexually explicit behavior intended to arouse sexual excitement.

2524. Institutional Facilities

Schools, religious institutions (facilities or meeting places used for worship or religious instruction including, but not limited to, churches, synagogues, mosques, and temples), municipal buildings, hospitals, or uses of a similar nature.

2625. Limited Keeping of Pets

The raising or maintaining of domestic birds or animals that are customarily kept as pets for amusement or companionship, excluding exotic animals, horses, livestock and poultry, and subject to the following limitations: (a) no more than two (2) dogs and two (2) cats, nor more than four (4) animals total of any type shall be kept per two-family dwelling unit, multiple-family dwelling unit, or lawfully permitted and occupied second unit or farm labor housing unit; or (b) per business establishment in commercial or industrial zoning districts.

2726. Live/Work Units

A single unit (e.g., studio, loft, or one bedroom) consisting of both commercial/office and residential components that is occupied by, and is the primary residence of, the same resident.

2827. Medical and Dental Offices

Establishments providing consultation, diagnosis, therapeutic, preventative or corrective personal treatment services by licensed doctors, dentists and similar practitioners of medical and healing arts for humans, and which may include medical and dental laboratories and associated prescription pharmacies.

2928. Mixed-Use Development

A development in which a mix of uses is located in close proximity to each other on the same parcel, usually within the same building. The land uses may be stacked on top of each other (vertical) or placed next to each other (horizontal). Mixed use development may include any combination of at least two of the following four land use categories: commercial (including retail sales and service, and personal services, but excluding motor-vehicle related uses), office (including professional services), residential (dwellings), and institutional uses.

3029. Motor Vehicle Fuel Sales or Charging Stations

Commercial establishments primarily engaged in the sale of gasoline or other combustible fuels to the general public, often on a self-service basis.

3130. Motor Vehicle Sales or Rentals

Indoor commercial establishments primarily engaged in the retail sale or rental of motor vehicles or mobile homes, and which may include repair or service departments and sales of replacement parts and accessories.

3231. Motor Vehicle Service Stations

Commercial establishments primarily engaged in the sale of fuel, or provision of electric vehicle charging, the servicing of motor vehicles and the provision of services to motorists including, but not limited to, the sale of vehicle parts and accessories, the performance of minor repairs and the sale of refreshments and sundry items.

3332. Night Clubs with Entertainment

Commercial establishments that provide food, drink, and entertainment, such as musical or comedic performances, but do not provide adult entertainment featuring sexually explicit behavior intended to arouse sexual excitement.

3433. Other Compatible Uses

Additional land uses may be allowed if the Community Development Director determines that the proposed use is consistent with the purpose of the district and compatible with other permitted land uses in the district.

3534. Parking Garages

Public and private facilities which provide designated spaces for temporary storage of operable and currently registered motor vehicles only within a multistory structure, including but not limited to the storage and retrieval of autonomous vehicles.

3635. Radio and Television Stations

Facilities primarily engaged in activities involving the production and transmission of radio and television programs to the public.

3736. Research and Development Facilities

Establishments engaged in study, testing, design, analysis, and experimental development of products, processes, or services, including incidental manufacturing of products or provision of services.

3837. Restaurants

Commercial establishments which primarily serve prepared food to the general public for immediate consumption on the premises. Restaurants may include a bar as defined in Section 6102.13.1.

3938. Server Farm

A collection of computers or servers, usually maintained to store data or supply server functionality beyond the capability of a single machine.

4039. Small Solid Waste Collection Facilities

Facilities, 500 sq. ft. or less in area, where discarded glass, paper or clothes or other recyclable materials are bought and/or collected including, but not limited to, containers, igloos, bins, groups of reverse vending machines and mobile units.

4140. Telephone Communication Facilities

Facilities primarily engaged in furnishing telephone communication services including, but not limited to, establishments providing paging and telephone services containing telephone equipment, relay stations and service facilities.

4241. Veterinary Hospitals for Small Animals

Establishments where cats, dogs and other domestic pets are treated by a person(s) trained and licensed to provide medical care for animals. Veterinary hospitals may hold animals overnight on a limited basis if necessary for their proper medical or surgical treatment.

4342. Wholesale Cleaning Establishments

Commercial establishments involving the washing, cleaning or dyeing of clothing, linens or other fabrics in large bulk, primarily for other businesses or institutions.

- c. Light Industrial Districts/Edison/North Fair Oaks (M-1/Edison/NFO) (Section 6277.2.6)

~~6. Child Care Centers (Institutional Day Care Facilities for Children)~~

~~Licensed facilities including infant centers, pre-schools, and extended day care facilities, which regularly provide non-medical care, protection, and supervision of children in a non-residential setting.~~

~~76. Civil Defense Operations~~

~~Facilities used for emergency supply, storage and shelter.~~

~~87. Construction and Maintenance Trade and Service Establishments~~

~~Business establishments consisting of offices, workshops and limited areas for storage of equipment and supplies that provide services which are primarily delivered off-site including, but not limited to, building contractors, janitorial services, or landscape maintenance services.~~

~~98. Distillation of Spirits and Wine and Brewing of Beer~~

~~Breweries, microbreweries, wineries and distilleries for the manufacture, blending, fermentation of beer, wine or spirits, which may include tasting rooms, tours, and temporary special events and food trucks, and which have a current and applicable California Alcohol Beverage Control license.~~

~~409. Dwelling, Multiple~~

~~A building or portion thereof containing more than one dwelling unit, including apartment houses, condominiums, and flats.~~

~~4410. Educational Facilities~~

~~Public or private educational facilities, or schools offering instruction, including academic, trade, vocational or other specialized instruction, to students, including conservatories for the instruction of music and the arts.~~

~~4211. Financial Institutions~~

~~Establishments accepting deposits and providing services relating to the exchange, protection or lending of money including, but not limited to, banks, savings and loan institutions, or credit unions.~~

~~4312. Indoor Exercise and Leisure Facilities~~

~~Enclosed facilities used for active recreation including exercise and athletic clubs, bowling alleys, skating rinks, billiard halls, dance halls and academies, or similar uses.~~

~~4413. Indoor Kennels~~

~~A place for the keeping, boarding or other handling of more than ten (10) dogs, or more than ten (10) dogs and cats per dwelling unit or per business establishment. Ancillary activities that may be conducted in association with the keeping of animals at a kennel include, but are not limited to, grooming, training, and sales of animals and supplies.~~



4514. Indoor Light Manufacturing

Manufacturing operations including fabricating, assembling, or processing products from previously manufactured or prepared materials (rather than from raw materials) that are conducted entirely within an enclosed, covered building. Indoor low to moderate impact manufacturing operations have a low to moderate impact on surrounding development with regard to noise, smoke, odor, fumes, vibration, heat and glare and visual impacts, and do not use acutely hazardous materials, as identified in the California Administrative Code. Indoor low to moderate impact manufacturing operations include, but are not limited to, cabinet making and woodworking, plastic and ceramic products manufacturing, metal working, machining and welding, electronic products and parts manufacturing, and textile manufacturing.

4615. Indoor Wholesale Establishments

Commercial establishments engaged in bulk sales of goods primarily to licensed merchants and members of consumer discount associations or clubs.

4716. Institutional Facilities

Schools, religious institutions (facilities or meeting places used for worship or religious instruction including, but not limited to, churches, synagogues, mosques, and temples), municipal buildings, hospitals, or permitted uses of a similar nature.

4817. Limited Keeping of Pets

The raising or maintaining of domestic birds or animals that are customarily kept as pets for amusement or companionship, excluding exotic animals, horses, livestock and poultry, and subject to the following limitations: (a) no more than two (2) dogs and two (2) cats, nor more than four (4) animals total of any type shall be kept per two-family dwelling unit, multiple-family dwelling unit, or lawfully permitted and occupied second unit or farm labor housing unit; or (b) per business establishment in commercial or industrial zoning districts.

4918. Live/Work Units

A single unit (e.g. studio, loft, or one bedroom) consisting of both a commercial/office and residential components that are occupied and operated by the same resident/business owner. The live/work unit shall be the primary dwelling of the occupant.

2019. Medical and Dental Offices

Establishments, only as part of a mixed use project, providing consultation, diagnosis, therapeutic, preventative or corrective personal treatment services by licensed doctors, dentists and similar practitioners of medical and healing arts for humans, and which may include medical and dental laboratories and associated prescription pharmacies.

2120. Mixed-Use Development

A development in which a mix of uses is located in close proximity to each other on the same parcel, usually within the same building. The land uses may be stacked on top of each other (vertical) or placed next to each other (horizontal). Mixed use development may include any combination of at least two of the following four land use categories: commercial (including retail sales and service, and personal services, but excluding motor-vehicle related uses), office (including professional services), residential (dwellings), and institutional uses.

2221. Other Compatible Uses

Additional land uses may be allowed if the Community Development Director determines that the proposed use is consistent with the purpose of the district and compatible with other permitted land uses in the district.

2322. Radio and Television Stations

Facilities primarily engaged in activities involving the production and transmission of radio and television programs to the public.

2423. Research and Development Facilities

Establishments engaged in study, testing, design, analysis, and experimental development of products, processes, or services, including incidental manufacturing of products or provision of services.

2524. Server Farm

A collection of computers or servers, usually maintained to store data or supply server functionality beyond the capability of a single machine.

2625. Telephone Communication Facilities

Facilities primarily engaged in furnishing telephone communication services including, but not limited to, establishments providing paging and telephone services containing telephone equipment, relay stations and service facilities.

2726. Veterinary Hospitals for Small Animals

Establishments where cats, dogs and other domestic pets are treated by a person(s) trained and licensed to provide medical care for animals. Veterinary hospitals may hold animals overnight on a limited basis if necessary for their proper medical or surgical treatment.

2827. Wholesale Cleaning Establishments

Commercial establishments involving the washing, cleaning or dyeing of clothing, linens or other fabrics in large bulk, primarily for other businesses or institutions.

- d. Institutional/North Fair Oaks District (I/NFO) (Section 6290.2.11)

~~41. Institutional Day Care Facilities for Children (Day Care Centers) (5.04.11)~~  
~~Licensed facilities including infant centers, pre-schools and extended day care facilities, located in buildings that do not contain a dwelling unit, which regularly provide non-medical care, protection, and supervision of children for a period of less than 24 hours a day while parents or guardians are away.~~

4211. Institutional Day Care Facilities for the Elderly (5.04.31)  
Licensed facilities in buildings that do not contain a dwelling unit(s), which provide non-medical care and supervision to elderly adults on less than a 24-hour a day basis.

4312. Institutional Full-Time Care Facilities for Adults (5.04.22)  
Licensed facilities which provide 24-hour a day non-medical care and supervision to seven (7) or more adults including, but not limited to, individuals who are physically handicapped, mentally impaired, abused or recovering from alcohol or drug addictions.

4413. Institutional Full-Time Care Facilities for Children (5.04.12)  
Licensed facilities which provide 24-hour a day non-medical care and supervision to seven (7) or more children, who may or may not have special needs or disabilities, in a structured environment.

4514. Institutional Shared Housing Facilities for the Elderly (5.04.32)  
Facilities for seven (7) or more elderly adults where varying levels of supportive services or non-medical care are provided on a 24-hour a day basis including, but not limited to, rest homes or retirement homes.

4615. Interpretive Centers (5.03.70)  
Facilities used for the education of the public with respect to natural, historical and cultural environments and legacies.

4716. Libraries (5.03.10)  
Facilities used for storage, exhibition and lending of various media including, but not limited to, books, periodicals, documents, audio and video tapes and visual art.

4817. Limited Institutional Intermediate Care Facilities (5.05.22)  
Licensed facilities in buildings that do not contain a dwelling unit which provide 24-hour a day care to six (6) or fewer inpatients who have recurring need for skilled nursing supervision and supportive care, but who do not require availability of continuous skilled nursing care.

4918. Limited Institutional Skilled Nursing Facilities (5.05.32)  
Licensed facilities in buildings that do not contain a dwelling unit which provide 24-hour a day skilled nursing care and supportive care to only six (6) or fewer inpatients whose primary need is for availability of skilled nursing care on an extended basis.

2019. Museums (5.03.20)

Facilities used for the storage, exhibition, preservation or study of culturally, historically or scientifically valued works and phenomena.

2120. Other Compatible Uses (10.01.10)

Additional land uses may be allowed if the Planning Director determines that the proposed use is consistent with the purpose of the district and compatible with other permitted land uses in the district.

2221. Parking Lots and Garages (2.08.10)

Public and private facilities which provide designated spaces for temporary storage of operable and currently registered motor vehicles either in an open area or within a structure.

2322. Performing Arts Centers (5.03.40)

Facilities used for the presentation of live musical, dance, dramatic or other artistic performances.

2423. Police Stations (5.07.10)

Facilities used for the administration of law enforcement services, usually with limited space for holding lawfully detained persons.

2524. Religious Facilities (5.02.10)

Facilities or meeting places used for worship or religious instruction including churches, synagogues, mosques and temples.

2625. Small Solid Waste Collection Facilities (4.01.41)

Facilities, 500 sq. ft. or less in area, where discarded glass, paper or clothes or other recyclable materials are bought and/or collected including, but not limited to, containers, igloos, bins, groups of reverse vending machines and mobile units.

e. Planned Colma District (Sections 6373.25)

~~25. Institutional Day Care Facilities for Children (Day Care Centers) (5.04.11)~~

~~Licensed facilities including infant centers, preschools and extended day care facilities, located in buildings that do not contain a dwelling unit, which regularly provide non-medical care, protection, and supervision of children for a period of less than 24 hours a day while parents or guardians are away.~~

2625. Intermodal Transportation Facilities (8.01.14)

Facilities where passengers can transfer from one type of transportation to another while traveling along an established transit route including, but not boarding public transit.

2726. Kiss-N-Ride Area

Designated curbside areas for passenger drop-off and pick-up.

~~28~~27. Libraries (5.03.10)

Facilities used for storage, exhibition and lending of various media including, but not limited to, books, periodicals, documents, audio and video tapes and visual art.

~~29~~28. Limited Keeping of Pets (9.01.20)

The raising or maintaining of domestic birds or animals that are customarily kept as pets for amusement or companionship, excluding exotic animals, horses, livestock and poultry, and subject to the following limitations: (a) no more than two (2) dogs and two (2) cats, nor more than four (4) animals total of any type shall be kept per two-family dwelling unit, multiple-family dwelling unit, or lawfully permitted and occupied second unit or farm labor housing unit; or (b) per business establishment in commercial or industrial zoning districts.

~~30~~29. Linear Parks and Trails (7.03.30)

Linear strips of land established for the purposes of walking, hiking, bicycling, horseback riding and boating, and comprising a natural or man-made linear resource such as stream drainage, bluff line, ridge, utility right-of-way, or service road.

~~31~~30. Long-Term Bicycle Parking Facilities

A space that includes lockers, and/or racks or other devices used to secure and park bicycles all day.

~~32~~31. Medical and Dental Offices (2.06.20)

Establishments providing consultation, diagnosis, therapeutic, preventative or corrective personal treatment services by licensed doctors, dentists and similar practitioners of medical and healing arts for humans, and which may include medical and dental laboratories and associated prescription pharmacies.

~~33~~32. Mobilehomes/Manufactured Homes (1.09.10)

Transportable structures constructed on a permanent chassis, designed to be used as dwelling units. Each structure may or may not be on a permanent foundation.

~~34~~33. Multiple-Family Dwellings (1.04.10)

Buildings containing three or more dwelling units on a single parcel which are intended for use by three or more separate households.

~~35~~34. Multiple-Family Dwellings - Mixed Use (1.04.20)

Single or multiple-dwelling units located above the first floor of the main building on the parcel. The floor area of the dwelling units shall not exceed the floor area of the commercial uses occupying the building.

~~36~~35. Night Clubs with Entertainment (7.01.40)

Commercial establishments that primarily provide entertainment such as musical or comedic performances but do not provide adult entertainment featuring sexually explicit behavior intended to arouse sexual excitement. Night clubs with entertainment may serve drinks and food.

~~37~~36. One-Family Dwellings (1.01.10)

Buildings, one per parcel, containing a single-dwelling unit which is intended for use by one household.

~~38~~37. Other Compatible Uses (10.01.10)

Additional land uses may be allowed if the Planning Director determines that the proposed use is consistent with the purpose of the district and compatible with other permitted land uses in the district.

~~39~~38. Outdoor Retail Sales, Rental or Repair Establishments (2.05.20)

Commercial establishments which serve the general public that are engaged in the sale, rental and/or repair of goods, merchandise and equipment with all or some storage of such items outside a fully enclosed, covered building.

~~40~~39. Parks (7.02.70)

Spacious areas of scenic and natural character where outdoor active recreation opportunities and facilities may be provided for public convenience and enjoyment, and within which special natural areas, geologic exhibits or historic places can be set aside.

~~41~~40. Personal Convenience Service Establishments (2.06.40)

Commercial establishments providing services related to personal convenience where customers are typically served on the premises including, but not limited to, beauty salons, barber shops, massage parlors, pet grooming and escort services.

~~42~~41. Podium Apartment Building

A multiple-story building containing multiple-family dwellings with shared entrances over subsurface or ground floor parking.

~~43~~42. Pool Houses and Cabanas (1.06.11)

Detached accessory structures which are not intended for sleeping, but may be used for private dressing, bathing or recreational activities. Pool houses and cabanas may not include kitchen facilities.

~~44~~43. Rail Transit Facilities and Rail Lines (8.01.12)

Facilities located on a railroad line where trains make regular, scheduled stops to load and unload passengers or freight.

~~4544~~. Recreation Area (7.02.80)

Outdoor areas used for a variety of outdoor recreational purposes, including areas that will provide for public use of natural and man-made water features, as well as for special recreation activities.

~~4645~~. Religious Facilities (5.02.10)

Facilities or meeting places used for worship or religious instruction including churches, synagogues, mosques and temples.

~~4746~~. Residential Day Care Facilities for Adults/Elderly (1.08.21)

Licensed facilities in a building containing a dwelling unit(s) in which non-medical care and supervision are provided on less than a 24-hour basis to adults or elderly adults who may have special needs or disabilities including, but not limited to, individuals who are physically, developmentally or mentally disabled, or recovering from alcohol or drug addictions. Includes small adult day care facilities (one to six adults) and large day care facilities (seven to twelve adults).

f. Neighborhood Mixed-Use District (NMU) (Section 6392.4)

~~4. Child Care Centers (Institutional Day Care Facilities for Children)~~

~~Licensed facilities including infant centers, pre-schools, and extended day care facilities, which regularly provide non-medical care, protection, and supervision of children in a non-residential setting.~~

~~54~~. Dwelling, Multiple

A building or portion thereof containing more than one dwelling unit, including apartment houses, condominiums, and flats.

~~65~~. Educational Facilities

Public or private educational facilities, or schools offering instruction, including academic or specialized instruction, to students, including conservatories for the instruction of music and the arts.

~~76~~. Farmers Markets

An outdoor market at a fixed location, open to the public, operated by a government agency, a nonprofit corporation, or one or more Producers, in accordance with the San Mateo County Farmer's Market Guidelines, at which (a) at least 75 percent of the vendors sell Farm Products or Value-added Farm Products and (b) at least 75 percent of the vendors who regularly participate during the market's hours of operation are Producers, or family members or employees of Producers.

Farm Products - Fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey, or other bee products, flowers, nursery stock, livestock food products (including meat, milk, cheese, and other dairy products), and fish.

Producer - A person or entity that raises or produces Farm Products on land that the person or entity farms and owns, rents, or leases.

Value-added Farm Product - Any product processed by a Producer from a Farm Product, such as baked goods, jams, and jellies.

87. Financial Institutions

Establishments accepting deposits and providing services relating to the exchange, protection or lending of money including, but not limited to, banks, savings and loan institutions, or credit unions.

98. Food and Beverage Stores

Commercial establishments engaged in the retail sale primarily of various fresh and packaged foods and beverages for home preparation and consumption including, but not limited to, grocery stores, produce markets, bakeries and delicatessens, not including drive-through restaurants, wholesale bakeries or other large-scale food production or processing establishments.

109. Food Establishments Specializing in Take-Out Service

Commercial establishments engaged in the provision of prepared food to the general public primarily for consumption off the premises, which may include limited seating, walk up or take-out service, but not including drive-through restaurants or businesses engaged exclusively in catering.

110. Home Occupations

Accessory businesses conducted in a dwelling solely by its occupants in a manner incidental to the residential use of the dwelling, in accordance with the provisions of the County's Home Occupation Regulations (Section 6102.46).

121. Indoor Retail Sales, Rental or Repair Establishments

Commercial establishments which serve the general public that are engaged in the sale, rental and/or repair of goods, merchandise and equipment with all storage of such items within a fully enclosed, covered building.

1312. Limited Keeping of Pets

The raising or maintaining of domestic birds or animals that are customarily kept as pets for amusement or companionship, excluding exotic animals, horses, livestock, and poultry, subject to the following limitations: (a) no more than two (2) dogs and two (2) cats, nor more than four (4) animals total of any type shall be kept per dwelling unit, or lawfully permitted and occupied second unit, or per business establishment. This use does not include "pet sitting" or "doggie day care" establishments where care and supervision is provided to pets that do not belong to the occupants of the dwelling unit or business establishment.

1413. Liquor Stores

A retail establishment primarily engaged in selling beer, wine, and other alcoholic beverages.



4514. Medical and Dental Offices

Establishments providing consultation, diagnosis, therapeutic, preventative or corrective personal treatment services by licensed doctors, dentists and similar practitioners of medical and healing arts for humans, and which may include medical and dental laboratories, acupuncturists, chiropractors, and associated prescription pharmacies.

4615. Mixed-Use Development

A development in which a mix of uses is located in close proximity to each other on the same parcel, usually within the same building. The land uses may be stacked on top of each other (vertical) or placed next to each other (horizontal). Mixed use development may include any combination of at least two of the following four land use categories: commercial (including retail sales and service, and personal services, but excluding motor-vehicle related uses), office (including professional services), residential (dwellings), and institutional uses.

4716. Non-Chartered Financial Institution

A use, other than a State or Federally chartered bank, credit union, mortgage lender, savings and loan association or industrial loan company, that offers deferred deposit transaction services or check cashing services and loans for payment of a percentage fee. The term “non-chartered financial institution” shall include, but is not limited to, deferred deposit transaction (payday loan) businesses that make loans upon assignment of wages received, check cashing businesses that charge a percentage fee for cashing a check or negotiable instrument, and motor vehicle title lenders who offer a short-term loan secured by the title to a motor vehicle. Non-profit financial institutions are not encompassed by the term “non-chartered financial institution”.

4817. Other Compatible Uses

Additional land uses that may be allowed if the Community Development Director determines that the proposed use is consistent with the purpose of the district and compatible with other permitted land uses in the district.

4918. Outdoor Retail Sales, Rental or Repair Establishments

Commercial establishments which serve the general public that are engaged in the sale, rental and/or repair of goods, merchandise and equipment with all or some storage of such items outside a fully enclosed, covered building.

2019. Parking Lots and Garages

Public and private facilities which provide designated spaces for parking of operable and currently registered motor vehicles either in an open area or within a structure.

2120. Personal Convenience Service Establishments

Commercial establishments providing services related to personal convenience where customers are typically served on the premises including, but not limited to, beauty salons, and barber shops.

2221. Pet Sales and/or Grooming Establishments

Establishments for the retail sale of pet animals, pet food and supplies, with all storage of such items within a fully enclosed, covered building. Pet sales and/or grooming establishments may offer pet bathing, grooming and obedience training conducted within a fully enclosed, covered building. Other than the animals held as inventory until sold, there shall be no boarding of animals overnight for compensation.

2322. Religious Facilities

Facilities or meeting places used for worship or religious instruction including, but not limited to, churches, synagogues, mosques, and temples.

2423. Restaurants

Establishments with the primary purpose of serving food to the public for immediate consumption on the premises. A restaurant must have a working kitchen, able to prepare full meals from basic ingredients. The kitchen must be in operation and the restaurant must be serving the majority of its full menu during the entire hours of operation. Persons under 21 must be legally allowed on the premises during the entire hours of operation. Establishments which close the kitchen during some hours of operation and cease serving food, but remain open serving alcoholic beverages, are classified as bars and are subject to bar permitting requirements.

2524. Retail Cleaning Establishments

Commercial establishments engaged in the washing or cleaning of clothing, linens and other fabrics including, but not limited to, dry cleaning pick up stores with limited equipment, except dry cleaners using hazardous materials, such as perchloroethylene or other hazardous materials, and laundromats where coin-operated washers and dryers are provided for self-service to the public.

2625. Small Collection Facilities for Recyclable Materials

A small collection facility occupies an area of not more than 500 square feet, is intended for the collection of recyclable materials, and may include kiosks, igloos, bins, trailers, or bulk reverse vending machines. These facilities are generally temporary and must be accessory to a primary use on the same parcel.

2726. Small Indoor Exercise and Leisure Facilities

Facilities of 2,000 square feet or less located within a fully enclosed building providing leisure and recreation opportunities primarily for use by neighborhood residents, including but not limited to, exercise facilities, dance academies and martial arts studios.

2827. Veterinary Hospitals for Small Animals

Establishments where cats, dogs and other domestic animals generally of the same size or smaller are treated by a person(s) trained and licensed to provide medical care for animals. Veterinary hospitals may hold animals overnight on a limited basis if necessary, for their proper medical or surgical treatment.

2928. Walking Distance

For purposes of off-site or shared parking, walking distance is defined as the total distance traveled by foot along the shortest feasible route between the parking and the primary use. For the purposes of this Section, walking distance shall be measured from the primary entrance of the primary use served, along a connection that meets Americans with Disabilities Act (ADA) requirements.

g. Commercial Mixed Use-1 District (CMU-1) (Section 6567.2.6)

~~6. Child Care Centers (Institutional Day Care Facilities for Children)~~

~~Licensed facilities including infant centers, pre-schools, and extended day care facilities, which regularly provide non-medical care, protection, and supervision of children in a non-residential setting.~~

76. Dwelling, Multiple

A building or portion thereof containing more than one dwelling unit, including apartment houses, condominiums, and flats.

87. Educational Facilities

Public or private educational facilities, or schools offering instruction, including academic or specialized instruction, to students, including conservatories for the instruction of music and the arts.

98. Farmers Markets

An outdoor market at a fixed location, open to the public, operated by a government agency, a nonprofit corporation, or one or more Producers, in accordance with the San Mateo County Farmer's Market Guidelines, at which (a) at least 75 percent of the vendors sell Farm Products or Value-added Farm Products and (b) at least 75 percent of the vendors who regularly participate during the market's hours of operation are Producers, or family members or employees of Producers.

Farm Products - Fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey, or other bee products, flowers, nursery stock, livestock food products (including meat, milk, cheese, and other dairy products), and fish.

Producer - A person or entity that raises or produces Farm Products on land that the person or entity farms and owns, rents, or leases.

Value-added Farm Product - Any product processed by a Producer from a Farm Product, such as baked goods, jams, and jellies.

#### 409. Financial Institutions

Establishments accepting deposits and providing services relating to the exchange, protection or lending of money including, but not limited to, banks, savings and loan institutions, or credit unions.

#### 4110. Food and Beverage Stores

Commercial establishments engaged in the retail sale primarily of various fresh and packaged foods and beverages for home preparation and consumption including, but not limited to, grocery stores, produce markets, bakeries and delicatessens, not including drive-through restaurants, wholesale bakeries or other large-scale food production or processing establishments.

#### 4211. Food Establishments Specializing in Take-Out Service

Commercial establishments engaged in the provision of prepared food to the general public primarily for consumption off the premises, which may include limited seating, walk up or take-out service, but not including drive-through restaurants or businesses engaged exclusively in catering.

#### 4312. Home Occupations

Accessory businesses conducted in a dwelling solely by its occupants in a manner incidental to the residential use of the dwelling, in accordance with the provisions of the County's Home Occupation Regulations (Section 6102.46).

#### 4413. Hotels

Any building or portion thereof containing six (6) or more guest rooms used, designed, or intended to be used, let or hired out to be occupied.

#### 4514. Indoor Retail Sales, Rental or Repair Establishments

Commercial establishments which serve the general public that are engaged in the sale, rental and/or repair of goods, merchandise and equipment with all storage of such items within a fully enclosed, covered building.

#### 4615. Limited Keeping of Pets

The raising or maintaining of domestic birds or animals that are customarily kept as pets for amusement or companionship, excluding exotic animals, horses, livestock, and poultry, subject to the following limitations: (a) no more than two (2) dogs and two (2) cats, nor more than four (4) animals total of any type shall be kept per dwelling unit, or lawfully permitted and occupied second unit, or per business establishment. This use does not include "pet sitting" or "doggy day care" establishments where care and supervision is provided to

pets that do not belong to the occupants of the dwelling unit or business establishment.

4716. Liquor Stores

A retail establishment primarily engaged in selling beer, wine, and other alcoholic beverages.

4817. Massage Businesses

Massage or massage therapy, means and refers to any method of treating the external parts of the body for remedial, health, or hygienic purposes for any form of compensation by means of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, or stimulating the external parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances; or with or without supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice; or by baths, including but not limited to Turkish, Russian, Swedish, Japanese, vapor, shower, electric tub, sponge, mineral, fomentation, or any other type of bath. "Massage business" means any business that offers massage therapy in exchange for compensation, whether at a fixed place of business or at a location designated by the customer or client through outcall massage services. Any business that offers any combination of massage therapy and bath facilities - including, but not limited to, showers, baths, wet and dry heat rooms, pools and hot tubs - shall be deemed a massage business under this chapter. The term "massage business" includes a certified massage practitioner who is the sole owner, operator and employee of a massage business operating as a sole proprietorship.

4918. Medical and Dental Offices

Establishments providing consultation, diagnosis, therapeutic, preventative or corrective personal treatment services by licensed doctors, dentists and similar practitioners of medical and healing arts for humans, and which may include medical and dental laboratories, acupuncturists, chiropractors, and associated prescription pharmacies.

2019. Mixed-Use Development

A development in which a mix of uses is located in close proximity to each other on the same parcel, usually within the same building. The land uses may be stacked on top of each other (vertical) or placed next to each other (horizontal). Mixed use development may include any combination of at least two of the following four land use categories: commercial (including retail sales and service, and personal services, but excluding motor-vehicle related uses), office (including professional services), residential (dwellings), and institutional uses.

2120. Mobile Vending/Food Carts

Any vehicle, wagon, or pushcart that is self-propelled or can be pushed/pulled down a street or sidewalk that is regularly located on site, on which food is displayed, prepared, or processed for the purpose of selling food to a consumer, as defined in San Mateo County Ordinance Code, Chapter 5.52.

2221. Non-Chartered Financial Institution

A use, other than a State or Federally chartered bank, credit union, mortgage lender, savings and loan association or industrial loan company, that offers deferred deposit transaction services or check cashing services and loans for payment of a percentage fee. The term “non-chartered financial institution” shall include, but is not limited to, deferred deposit transaction (payday loan) businesses that make loans upon assignment of wages received, check cashing businesses that charge a percentage fee for cashing a check or negotiable instrument, and motor vehicle title lenders who offer a short-term loan secured by the title to a motor vehicle. Non-profit financial institutions are not encompassed by the term “non-chartered financial institution”.

2322. Other Compatible Uses

Additional land uses that may be allowed if the Community Development Director determines that the proposed use is consistent with the purpose of the district and compatible with other permitted land uses in the district.

2423. Parking Lots and Garages

Public and private facilities which provide designated spaces for parking of operable and currently registered motor vehicles either in an open area or within a structure.

2524. Personal Convenience Service Establishments

Commercial establishments providing services related to personal convenience where customers are typically served on the premises including, but not limited to, beauty salons, and barber shops.

2625. Pet Sales and/or Grooming Establishments

Establishments for the retail sale of pet animals, pet food and supplies, with all storage of such items within a fully enclosed, covered building. Pet sales and/or grooming establishments may offer pet bathing, grooming and obedience training conducted within a fully enclosed, covered building. Other than the animals held as inventory until sold, there shall be no boarding of animals overnight for compensation.

2726. Religious Facilities

Facilities or meeting places used for worship or religious instruction including, but not limited to, churches, synagogues, mosques, and temples.

2827. Restaurants

Establishments with the primary purpose of serving food to the public for immediate consumption on the premises. A restaurant must have a working kitchen, able to prepare full meals from basic ingredients. The kitchen must be in operation and the restaurant must be serving the majority of its full menu during the entire hours of operation. Persons under 21 must be legally allowed on the premises during the entire hours of operation. Establishments which close the kitchen during some hours of operation and cease serving food, but remain open serving alcoholic beverages, are classified as bars and are subject to bar permitting requirements.

2928. Retail Cleaning Establishments

Commercial establishments engaged in the washing or cleaning of clothing, linens and other fabrics including, but not limited to, dry cleaning pick up stores with limited equipment, except dry cleaners using hazardous materials, such as perchloroethylene or other hazardous materials, and laundromats where coin-operated washers and dryers are provided for self-service to the public.

3029. Small Collection Facilities for Recyclable Materials

A small collection facility occupies an area of not more than 500 square feet, is intended for the collection of recyclable materials, and may include kiosks, igloos, bins, trailers, or bulk reverse vending machines. These facilities are generally temporary, and must be accessory to a primary use on the same parcel.

3430. Indoor Exercise and Leisure Facilities: Small

Facilities of 2,000 square feet or less located within a fully enclosed building providing leisure and recreation opportunities primarily for use by neighborhood residents, including but not limited to exercise facilities, dance academies and martial arts studios.

3231. Indoor Exercise and Leisure Facilities: Large

Facilities greater than 2,000 square located within a fully enclosed building providing leisure and recreation opportunities primarily for use by neighborhood residents, including but not limited to gyms, swimming pools, martial arts studios, and other exercise and recreational facilities.

3332. Theaters

Enclosed facilities used for the presentation of motion pictures, plays or other dramatic performances except adult motion pictures and live performances featuring sexually explicit behavior intended to arouse sexual excitement.

~~34~~33. Veterinary Hospitals for Small Animals

Establishments where cats, dogs and other domestic animals generally of the same size or smaller are treated by a person(s) trained and licensed to provide medical care for animals. Veterinary hospitals may hold animals overnight on a limited basis if necessary for their proper medical or surgical treatment.

~~35~~34. Walking Distance

For purposes of off-site or shared parking, walking distance is defined as the total distance traveled by foot along the shortest feasible route between the parking and the primary use. For the purposes of this Section, walking distance shall be measured from the primary entrance of the primary use served, along a connection that meets Americans with Disabilities Act (ADA) requirements.

h. Commercial Mixed Use-1 District (CMU-3) (Section 6570.3.6)

~~6. Child Care Centers (Institutional Day Care Facilities for Children)~~

~~Licensed facilities, including infant centers, pre-schools, and extended day care facilities, which regularly provide non-medical care, protection, and supervision of children in a non-residential setting.~~

~~7~~6. Dwelling, Multiple

A building or portion thereof containing more than one dwelling unit, including apartment houses, condominiums, and flats.

~~8~~7. Educational Facilities

Public or private educational facilities, or schools offering instruction, including academic or specialized instruction, to students, including conservatories for the instruction of music and the arts.

~~9~~8. Financial Institutions

Establishments accepting deposits and providing services relating to the exchange, protection or lending of money including, but not limited to, banks, savings and loan institutions, or credit unions.

~~10~~9. Food and Beverage Stores

Commercial establishments engaged in the retail sale primarily of various fresh and packaged foods and beverages for home preparation and consumption including, but not limited to, grocery stores, produce markets, bakeries and delicatessens, not including drive-through restaurants, wholesale bakeries or other large-scale food production or processing establishments.



4110. Food Establishments Specializing in Take-Out Service

Commercial establishments engaged in the provision of prepared food to the general public primarily for consumption off the premises, which may include limited seating, walk up or take-out service, but not including drive-through restaurants or businesses engaged exclusively in catering.

4211. Home Occupations

Accessory businesses conducted in a dwelling solely by its occupants in a manner incidental to the residential use of the dwelling, in accordance with the provisions of the County's Home Occupation Regulations (Section 6102.46).

4312. Hotels

Any building or portion thereof containing six (6) or more guest rooms used, designed, or intended to be used, let or hired out to be occupied.

4413. Indoor Exercise and Leisure Facilities: Small

Facilities of 2,000 square feet or less located within a fully enclosed building providing leisure and recreation opportunities primarily for use by neighborhood residents, including but not limited to exercise facilities, dance academies and martial arts studios.

4514. Indoor Exercise and Leisure Facilities: Large

Facilities greater than 2,000 square feet located within a fully enclosed building providing leisure and recreation opportunities primarily for use by neighborhood residents, including but not limited to gyms, swimming pools, martial arts studios, and other exercise and recreational facilities.

4615. Indoor Retail Sales, Rental or Repair Establishments

Commercial establishments which serve the general public that are engaged in the sale, rental and/or repair of goods, merchandise and equipment with all storage of such items within a fully enclosed, covered building.

4716. Light Industrial and Production, Distribution and Repair (PDR)

Establishments which provide for wholesale and warehousing uses as well as those industrial uses that include fabrication, manufacturing, assembly or processing of materials that are in refined form and that do not in their transformation create smoke, gas, odor, dust, noise, vibration of earth, soot or lighting to a degree that is offensive when measured at the property line of subject property, nor create impacts on adjacent residential, commercial, or other uses. Light industrial and Production, Distribution and Repair uses include those uses defined in Zoning Regulation Section 6277.2.10, "Indoor Low to Moderate Impact Manufacturing" which do not substantially impact surrounding properties.

4817. Limited Keeping of Pets

The raising or maintaining of domestic birds or animals that are customarily kept as pets for amusement or companionship, excluding exotic animals, horses, livestock, and poultry, subject to the following limitations: (a) no more

than two (2) dogs and two (2) cats, nor more than four (4) animals total of any type shall be kept per dwelling unit, or lawfully permitted and occupied second unit, or per business establishment. This use does not include “pet sitting” or “doggie day care” establishments where care and supervision is provided to pets that do not belong to the occupants of the dwelling unit or business establishment.

1918. Liquor Stores

A retail establishment primarily engaged in selling beer, wine, and other alcoholic beverages.

2019. Massage Businesses

Massage or massage therapy businesses as defined in Zoning Regulations Section 6567.2.~~18~~17.

2420. Medical and Dental Offices

Establishments providing consultation, diagnosis, therapeutic, preventative or corrective personal treatment services by licensed doctors, dentists and similar practitioners of medical and healing arts for humans, and which may include medical and dental laboratories, acupuncturists, chiropractors, and associated prescription pharmacies.

2221. Mixed-Use Development

A development in which a mix of uses is located in close proximity to each other on the same parcel, usually within the same building. The land uses may be stacked on top of each other (vertical) or placed next to each other (horizontal). Mixed use development may include any combination of at least two of the following four land use categories: commercial (including retail sales and service, and personal services, but excluding motor-vehicle related uses), office (including professional services), residential (dwellings), and institutional uses.

2322. Mobile Vending/Food Carts

Any vehicle, wagon, or pushcart that is self-propelled or can be pushed/pulled down a street or sidewalk that is regularly located on site, on which food is displayed, prepared, or processed for the purpose of selling food to a consumer, as defined in San Mateo County Ordinance Code, Chapter 5.52.

2423. Non-Chartered Financial Institution

Non-Chartered Financial Institutions as defined in Zoning Regulations Section 6567.2.~~22~~21.

2524. Other Compatible Uses

Additional land uses that may be allowed if the Community Development Director determines that the proposed use is consistent with the purpose of the district and compatible with other permitted land uses in the district.

2625. Performing Arts Centers

Facilities used for the presentation of live musical, dance, dramatic or other artistic performances.

2726. Parking Garages

Public and private facilities which provide designated spaces for parking of operable and currently registered motor vehicles within a structure.

2827. Personal Convenience Service Establishments

Commercial establishments providing services related to personal convenience where customers are typically served on the premises including, but not limited to, beauty salons, and barber shops.

2928. Pet Sales, Supplies, and/or Grooming Establishments

Establishments for the retail sale of pet animals, pet food and supplies, with all storage of such items within a fully enclosed, covered building. Pet sales and/or grooming establishments may offer pet bathing, grooming and obedience training conducted within a fully enclosed, covered building. Other than the animals held as inventory until sold, there shall be no boarding of animals overnight for compensation.

3029. Podium Parking

Surface level parking that is sheltered under an elevated building, often entirely enclosed.

3130. Religious Facilities

Facilities or meeting places used for worship or religious instruction including, but not limited to, churches, synagogues, mosques, and temples.

3231. Restaurants

Establishments with the primary purpose of serving food to the public for immediate consumption on the premises. A restaurant must have a working kitchen, able to prepare full meals from basic ingredients. The kitchen must be in operation and the restaurant must be serving the majority of its full menu during the entire hours of operation. Persons under 21 must be legally allowed on the premises during the entire hours of operation. Establishments which close the kitchen during some hours of operation and cease serving food, but remain open serving alcoholic beverages, are classified as bars and are subject to bar permitting requirements.

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Commercial establishments engaged in the washing or cleaning of clothing, linens and other fabrics including, but not limited to, dry cleaning pick up stores with limited equipment, except dry cleaners using hazardous materials, such as perchloroethylene or other hazardous materials, and laundromats where coin-operated washers and dryers are provided for self-service to the public.

3433. Small Collection Facilities for Recyclable Materials

A small collection facility occupies an area of not more than 500 square feet, is intended for the collection of recyclable materials, and may include kiosks, igloos, bins, trailers, or bulk reverse vending machines. These facilities are generally temporary, and must be accessory to a primary use on the same parcel.

3534. Theaters

Enclosed facilities used for the presentation of motion pictures, plays or other dramatic performances except adult motion pictures and live performances featuring sexually explicit behavior intended to arouse sexual excitement.

3635. Veterinary Hospitals for Small Animals

Establishments where cats, dogs and other domestic animals generally of the same size or smaller are treated by a person(s) trained and licensed to provide medical care for animals. Veterinary hospitals may hold animals overnight on a limited basis if necessary for their proper medical or surgical treatment.

3736. Walking Distance

For purposes of off-site or shared parking, walking distance is defined as the total distance traveled by foot along the shortest feasible route between the parking and the primary use. For the purposes of this Section, walking distance shall be measured from the primary entrance of the primary use served, along a connection that meets Americans with Disabilities Act (ADA) requirements.

i. RH (Section 6801.29)

~~29. Institutional Day Care Facilities for Children (Day Care Centers) (5.4.11)~~

~~Facilities not in a dwelling unit, including infant centers, preschools and extended day care facilities, which regularly provide non-medical care, protection, and supervision of children for a period of less than 24 hours per day while parents and guardians are away.~~

3028. Institutional Full-Time Care Facilities for Children (5.4.12)

Facilities not in a dwelling unit which provide 24-hour a day non-medical care and supervision to children, who may or may not have special needs or disabilities, in a structured environment with services provided at least in part by employed staff of a licensee.

3129. Skilled Nursing Facilities (5.5.21)

Facilities providing 24-hour a day intensive nursing care and supportive health care to inpatients requiring care over a prolonged period of time.

3230. Intermediate Care Facilities (5.5.22)

Facilities providing basic health care to inpatients who have intermittent, though not continuous, need for skilled nursing care but need continuous 24-hour a day supportive health care and skilled nursing supervision.

3331. Fire Stations (5.7.20)

Facilities used for fire fighting services, sometimes including associated paramedic services.

3432. Cemeteries (5.8.10)

Facilities used for the burial of human and pet remains, usually outside.

## **PARK MODULE**

3533. Parks (7.2.70)

Spacious areas of scenic and natural character where outdoor active recreation opportunities and facilities may be provided for public convenience and enjoyment, and within which special natural areas, geologic exhibits or historic places can be set aside.

3634. Linear Parks and Trails (7.3.30)

Linear strips of land established for the purposes of walking, hiking, bicycling, horseback riding and boating, and comprising a natural or man-made linear resource such as stream drainage, bluff line, ridge, utility right-of-way, or service road.

## **OUTDOOR SPORTS AND GOLF FACILITIES MODULE**

3735. Outdoor Sports Facilities (7.2.10)

Outdoor facilities, associated grounds and accessory structures used for active recreation including swimming clubs, tennis clubs, playing fields or similar uses.

3836. Golf Courses and Clubs (7.2.31)

Facilities comprising large tracts of land and associated accessory structures laid out for the game of golf including incidental driving range facilities.

## **NEIGHBORHOOD SOLID WASTE RECYCLING FACILITIES MODULE**

3937. Small Solid Waste Collection Facilities (4.1.41)

Facilities, 500 sq. ft. or less in area, where discarded glass, paper or clothes or other recyclable materials are bought and/or collected including, but not limited to, containers, igloos, bins, groups of reverse vending machines and mobile units.

**3. Revise the following sections of the Zoning Regulations to remove Use Permit requirements for Child Care Centers:**

- j. CMU-1, CMU-2, and Neighborhood Mixed Use District, El Camino Real - 5th Avenue, North Fair Oaks (NMU-ECR) (Section 6567.3.4.a)

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT
<b>4. INSTITUTIONAL USE CLASSIFICATION</b>	
<b>A. NEIGHBORHOOD INSTITUTIONAL FACILITIES</b>	
<del>2. Child Care Centers</del>	Use Permit
<del>32. Religious Facilities Use Permit</del>	Use Permit
<del>43. Educational Facilities</del>	Use Permit

- k. NMU (Section 6393.4.a.2)

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT
<b>4. INSTITUTIONAL USE CLASSIFICATION</b>	
<b>A. NEIGHBORHOOD INSTITUTIONAL FACILITIES</b>	
<del>2. Child Care Centers</del>	Use Permit
<del>32. Religious Facilities Use Permit</del>	Use Permit
<del>43. Educational Facilities</del>	Use Permit

- l. M-1/NFO (Section 6276.3.Q.2)

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT
<b>Q. INSTITUTIONAL USE CLASSIFICATION</b>	
<del>2. Child Care Centers</del>	Use Permit
<del>32. Religious Facilities Use Permit</del>	Use Permit
<del>43. Educational Facilities, Trade and Vocational Schools</del>	Use Permit

- m. M-1/Edison/NFO (Section 6277.3.M.2)

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT
<b>M. INSTITUTIONAL USE CLASSIFICATION</b>	
<del>2.</del> Child Care Centers	Use Permit
<del>3</del> 2. Religious Facilities	Use Permit
<del>4</del> 3. Educational Facilities, Trade and Vocational Schools	Use Permit

- n. Community Open Space Conservation Districts (COSC) in La Honda (Section 6227(b).4.b)

(b) The following uses shall be permitted in the Community Open Space Conservation District subject to the securing of a use permit in each case:

4. Institutional Facilities, including but not limited to the following:

- ~~b.~~ Day care centers
- ~~e~~b. Interpretive centers

- o. PC Colma (reference in High Density Residential in Section 6380.K)

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT
<del>In areas shown designated High Density Residential Day Care:</del>	
<del><b>K. INSTUTIONAL DAY CARE FACILITIES FOR CHILDREN (INT-16)</b></del>	
<del>Institutional Day Care Facilities for Children (Day Care Centers) (5.04.11)</del>	Use Permit

**4. Revise the following sections of the Zoning Regulations to remove parking requirements for Child Care Centers:**

- p. Light Industrial Districts/North Fair Oaks (M-1/NFO) – Parking requirement of 1 space per 500 sq. ft. in Section 6276.7, Table 1, Section F.2

<b>TABLE 1 REQUIRED PARKING</b>		
<b>USE</b>	<b>PARKING SPACES REQUIRED</b>	
<b>F. PROFESSIONAL SERVICES, COMMERCIAL/OFFICE</b>		
2. Child Care Center	1 space per 500 sq. ft.	
32. Medical and Dental Offices	1 space per 250 sq. ft.	
43. Financial Institutions	1 space per 400 sq. ft.	
54. Trade and Vocational Schools	1 space per 200 sq. ft.	
65. Private Bicycle Parking, All Professional Services and Commercial/Office	1 space per 1,000 sq. ft. (consistent with Design Guidelines)	
76. Public Bicycle Parking, All Professional Services and Commercial/Office	Each 35 feet of street frontage	2 (consistent with Design Guidelines)
87. Electric Vehicle Charging	Per Project	1 minimum and 10 percent of required parking over 10 spaces

**SECTION 4. California Environmental Quality Act.** Approval of the County’s proposal is considered a “Project” as that term is defined under the California Environmental Quality Act (“CEQA”) Guidelines. The County prepared an Initial Study and Negative Declaration for this project, consistent with the requirements of the California Environmental Quality Act, and determined that the proposed zoning text amendments would not have a significant effect on the environment because all potential impacts of the project would be below established CEQA thresholds of significance.

**SECTION 5. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Ordinance.



**SECTION 6. Publication.** The Clerk shall publish this Ordinance in accordance with applicable law.

**SECTION 7. Effective Date.** This Ordinance shall be effective thirty (30) days from the passage date thereof, except in the County's Coastal Zone, where it shall be effective immediately upon certification by the California Coastal Commission.

\* \* \* \* \*

Regularly passed and adopted this 4<sup>th</sup> day of May, 2021

*AYES and in favor of said ordinance:*

Supervisors: DAVE PINE

CAROLE GROOM

DON HORSLEY

WARREN SLOCUM

DAVID J. CANEPA

*NOES and against said ordinance:*

Supervisors: NONE

\_\_\_\_\_  
President, Board of Supervisors  
County of San Mateo  
State of California

Certificate of Delivery

*I certify that a copy of the original ordinance filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.*

\_\_\_\_\_  
Assistant Clerk of the Board of Supervisors

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT  
455 MARKET STREET, SUITE 300  
SAN FRANCISCO, CA 94105  
PHONE: (415) 904-5260  
FAX: (415) 904-5400  
WEB: WWW.COASTAL.CA.GOV



# F8b

**Prepared September 23, 2022 for October 14, 2022 Hearing**

**To:** Commissioners and Interested Persons

**From:** Stephanie Rexing, North Central Coast District Manager  
Erik Martinez, Coastal Planner

**Subject: San Mateo County LCP Amendment Number LCP-2-SMC-22-0004-1  
(Child Care Centers)**

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## SUMMARY OF STAFF RECOMMENDATION

San Mateo County proposes to amend its Local Coastal Program (LCP) Implementation Plan (IP) to create a new Chapter 22.2 ("Child Care Centers"), and to eliminate Section 6401.2 in IP Chapter 22 (General Provisions Relating to Large Family Day Care Homes). In addition, the County proposes IP text amendments to other chapters that contain outdated permit requirements for both Small and Large Day Care Homes, separate definitions for child care facility types including centers, and separate permit requirements for child care centers. The amendment also proposes to add related text amendments to the IP in order to streamline approvals for such child care facilities, including to help ease restrictions on and incentivize child care services within the County. In effect, the proposed changes would establish specific permitting requirements for child care centers and regulate their use in the unincorporated areas of San Mateo County.

As indicated, and at a broad level, the County proposal aims to address the acute County need for more child care facilities by reducing permitting requirements and costs for child care providers within the unincorporated areas of the County. The proposed amendment would: establish specific permitting requirements for child care centers, where specific requirements currently only apply to Large Family Day Care Homes<sup>1</sup> (per Section 6401.2); ease restrictions for a child care center to locate within an existing building of similar use in terms of purpose, intensity, and parking needs (such as commercial and institutional buildings) or compatibility of uses (such as single- and multiple-family residential); allow for expansion of such buildings according to environmental and locational criteria; and allow child care centers to operate with a ministerial permit when located: 1) within existing buildings, allowing for limited expansion, in areas zoned or designated by the General Plan for Commercial or Institutional, or Commercial/Residential Mixed Use land uses; 2) within converted single-family residences on parcels of conforming size which are zoned for Single-

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<sup>1</sup> 'Large Family Day Care Homes' (referred to as Large Family Child Care Homes in the proposal) are State-licensed, residence-based care facilities for up to 14 children.

Family Residential land uses within the coastal zone that must be 10,000 square feet or larger; and 3) within existing or expanded institutional buildings or public facilities as defined by the amendment. The amendment would also create an amnesty program for existing, unpermitted child care centers that have been in continuous operation at a specified location for a minimum of 3 years prior to the effective date of this ordinance, as confirmed by State license documentation.

The proposed amendment includes additional criteria required for ministerial permit approval to include compliance with parking requirements and for child care centers located within a converted single-family residence in a residential zoning district to minimize impacts to public parking access to the coast by assuring parking is accommodated. Similarly, conversion of an existing institutional, commercial (excluding visitor-serving commercial use), or public facility building to a child care center may be considered ministerially provided criteria consistent with the coastal development permit (CDP) exemption criteria are met in order to reduce urban sprawl. New construction, replacement, or reconstruction of a building to accommodate a child care center is subject to full coastal development permitting processes to ensure coastal resource protections and adequate water and sewer services are available to serve the new development. Child care centers that do not meet the ministerial permit criteria of the proposed amendment require a Use Permit and CDP, subject to compliance with applicable policies of the LCP in order to ensure that new development is sited and designed to prevent coastal resource impacts, including to ensure there are adequate services and utilities.

As proposed, the amendment would allow the complete conversion of a single-family residence in a residential zoning district to a child care center without a CDP, and the public noticing and hearing process that comes along with that permit process. However, converting a single-family residence to a child care center is development that requires a CDP, both because it constitutes an intensification of use of land and a change in allowable use. Although child care providers and children occupying houses as part of an in-home facility, is not unlike residential use (including as directed by the legislature), that argument doesn't apply when only the child care use itself occupies that same space as a commercial business disconnected from 'normal' residential use patterns. In that case, the result is a change from residential use to something else, and often a change in the intensity of use as well, which constitutes development under the Coastal Act for which a CDP is required. Therefore, **Suggested Modifications 1 and 2** are necessary to update the permitting requirements table for these types of uses to clearly state that a complete conversion of a single-family residence constitutes an intensification of use and requires a CDP. With those changes, the existing policies in the LCP would continue to protect all relevant coastal resources where these uses would be allowed, assuring consistency with the LCP provisions that require protection of coastal resources such as environmentally sensitive habitat areas (ESHAs), public views, and minimization of the potential for adverse impacts from hazards on new development.

To incentivize the creation of new child care centers in the unincorporated County, the amendment also proposes two new incentive programs, and references incentives provided by the State, including through State density bonus law provisions. However,

the County's proposed density bonus provisions LCP amendment has not been formally submitted for certification, and thus it is premature to apply its provisions to these cases without understanding the ways in which the two proposed LCP amendments interact. **Suggested Modification 3** thus clarifies that such State density bonus law provisions will only apply to once that amendment is certified, and provided it applies to such development.

In conclusion, the proposed amendment if modified as suggested will adequately regulate child care uses in the County without detriment to the coastal resources that require protection by the County's LCP. The amendment with suggested modifications thus strikes an appropriate balance that will encourage and streamline child care centers in the coastal zone while protecting coastal resources, consistent with the County's certified LUP. Accordingly, the proposed IP amendment as modified is consistent with and adequate to carry out the LUP. Therefore, staff recommends that the Commission approve the proposed amendment with the suggested modifications, and County staff is in agreement with the staff recommendation. The required motions and resolutions are found on page 5 below.

**Staff Note: LCP Amendment Action Deadline**

This proposed LCP amendment was filed as complete on August 25, 2022. The proposed amendment affects the LCP's IP, and the 60-working-day action deadline is October 25, 2022. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until October 25, 2022 to take a final action on this LCP amendment.

Therefore, if the Commission fails to take a final action in this case (e.g., if the Commission instead chooses to postpone/continue LCP amendment consideration), then staff recommends that, as part of such non-final action, the Commission extend the deadline for final Commission action on the proposed amendment by one year. To do so, staff recommends a YES vote on the motion below. Passage of the motion will result in a new deadline for final Commission action on the proposed LCP amendment. The motion passes only by an affirmative vote of a majority of the Commissioners present.

*Motion: I move that the Commission extend the time limit to act on San Mateo County Local Coastal Program Amendment Number LCP-2-SMC-22-0004-1 to October 25, 2023, and I recommend a yes vote.*

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**EXHIBITS**

Exhibit 1: Proposed IP Amendment

## 1. MOTIONS AND RESOLUTIONS

Staff recommends that the Commission, after public hearing, approve the proposed LCP amendment with suggested modifications. The Commission needs to make two motions on the LCP amendment in order to act on this recommendation. First the IP amendment needs to be denied as submitted, and then the IP amendment needs to be approved as modified, to complete the staff recommendation.

### **A. Deny the IP Amendment as Submitted**

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in rejection of the County's proposed LCP Implementation Plan amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

***Motion:*** *I move that the Commission reject LCP Implementation Plan Amendment LCP-2-SMC-22-0004-1 as submitted by San Mateo County, and I recommend a yes vote.*

***Resolution to Deny:*** *The Commission hereby denies certification of LCP Amendment LCP-2-SMC-22-0004-1 as submitted by San Mateo County and adopts the findings set forth below on grounds that the Amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified LCP Land Use Plan. Certification of the Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Amendment as submitted.*

### **B. Certify the IP Amendment with Suggested Modifications**

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the LCP Implementation Plan amendment with suggested modifications and the adoption of the following resolution and findings. The motion to certify with suggested modifications passes only by an affirmative vote of a majority of the Commissioners present:

***Motion:*** *I move that the Commission certify LCP Implementation Plan Amendment LCP-2-SMC-22-0004-1 as submitted by San Mateo County if it is modified as suggested in this staff report, and I recommend a yes vote.*

***Resolution to Certify:*** *The Commission hereby certifies LCP Implementation Plan Amendment LCP-2-SMC-22-0004-1, if modified as suggested, and adopts the findings set forth below on grounds that the Amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified LCP Land Use Plan. Certification of the Amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Amendment on the environment, or 2) there are no further feasible alternatives and mitigation*

*measures that would substantially lessen any significant adverse impacts on the environment.*

## 2. SUGGESTED MODIFICATIONS

The Commission hereby suggests the following modifications to the proposed LCP Implementation Plan amendment, which are necessary to make the requisite Land Use Plan consistency findings. If San Mateo County accepts the suggested modifications within six months of Commission action (i.e., by April 14, 2023), by formal resolution of the Board of Supervisors, the modified amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished. Where applicable, text in single cross-out and single underline format denotes proposed text to be deleted/added by the County. Text in ~~double cross-out~~ and double underline denotes text to be deleted/added by the Commission.

1. Update text in Table 2 of IP Section 6420.4.2 to check the box denoting a Use Permit and CDP are required next to #2. "Conversion of Single-Family Residence on Parcel > 10,000 sq. ft. in a Residential Zoning District to a CCC including expansion" and update text after as follows:

~~2. Conversion of Single-Family Residence on Parcel >~~

~~10,000 sq. ft. in a Residential Zoning District to a~~

~~CCC, including expansion~~

~~Parking Requirement Met: One on-site parking space~~

~~per six children enrolled~~

~~X~~

~~Parcel size is 10,000 sf or larger and in a Residential~~

~~Zoning District~~

~~X~~

~~Design Review District: Development must comply with~~

~~design review standards and permitting requirements~~

~~pertaining to residences.~~

~~X~~

~~Located in Single-Family Residence Categorical~~

~~Exclusion Area (SFEX)~~

~~X~~

~~Located outside of SFEX and involving expansion of~~

~~construction of water wells or septic systems~~

~~X~~

~~Located outside of SFEX and in CCC APJ or Scenic~~

~~Corridor, involving: a) Expansion of 10% or more of~~

~~existing internal floor area; b) additional stories/loft, or~~

~~e) construction or installation of significant nonattached~~

~~structure(s) (excluding play structures and~~

~~fences)~~

~~X~~

~~Located within a sensitive habitat or buffer zone~~



✕

**2. Delete Footnote 1 in Table 2 of IP Section 6420.4.2.**

**3. Modify IP Section 6420.5 as follows:**

A. State Density Bonus Provisions for CCCs in Effect at the Time of Application:

When an applicant proposes a project that meets the requirements of the State Density Bonus Law, the County shall follow the provisions of State law to determine the applicable density bonus and additional concession(s) or incentive(s). Examples of projects that qualify under State Law include, but are not limited to: (1) a housing development including a child care facility (Government Code Section 65915(h)) and (2) a minimum 50,000 sq. ft. commercial or industrial development including a child care facility (Section 65917.5). Within the coastal zone only: State Density Bonus Law Provisions associated with LCP Section 6440 shall only apply to child care center development if (1) Section 6440 is updated and certified by California Coastal Commission after October 14, 2022; and (2) the so certified Section 6440 allows for its application to child care center development.

**3. FINDINGS AND DECLARATIONS**

**A. Description of Proposed LCP Amendment**

The proposed LCP amendment would create a new Implementation Plan (IP) Chapter 22.2 (“Child Care Centers”) and would eliminate IP Chapter 22 Section 6401.2 (General Provisions Relating to Large Family Day Care Homes). In addition, the amendments propose IP text amendments to other chapters that contain outdated permit requirements for Small and Large Day Care Homes, separate definitions for child care facility types including centers, and separate permit requirements for child care centers. The amendment would add related text amendments to the IP in order streamline approvals for such child care facilities, including as a means to ease restrictions on and incentivize child care services within the County. In effect, the amendments propose to establish specific permitting requirements for child care centers and to regulate their use in the unincorporated areas of San Mateo County.

The proposed amendment defines various child care uses as follows: small family child care home is a State-licensed, residence-based care facility for up to 8 children, in which less than 24-hour per day, non-medical care and supervision are provided to children in a group setting, operated at the residence of the license holder. Pursuant to State law, a small family child care home is considered a residential use of property for the purposes of all County ordinances. Large family child care home is a State-licensed, residence-based care facility for up to 14 children, in which less than 24-hour per day, non-medical care and supervision are provided to children in a group setting, operated at the residence of the license holder and is considered a residential use of property for the purposes of all County ordinances pursuant to State Law. Child care centers are State-licensed care facilities of any capacity, other than a Small or Large Family Child Care Home, in which less than 24-hour per day, non-medical care and supervision are provided to children in a group setting, including but not limited to, infant centers,

preschools, and school-age child care centers. Currently in the IP, child care centers are defined as licensed facilities including infant centers, pre-schools, and extended day care facilities, which regularly provide non-medical care, protection, and supervision of children in a non-residential setting.

In 2017, the San Mateo County Office of Education conducted a county-wide child care needs assessment that identified a significant shortage of child care services in the County. Permitting requirements and associated costs were identified by child care operators, child care planning organizations, and advocacy groups as barriers to expanding and establishing new child care centers. The County's proposed Child Care Facilities Ordinance amendment aims to address these issues by reducing the permitting requirements and costs for child care providers within the unincorporated areas of the County. The proposed amendment would: establish new permitting requirements for child care centers, where the LCP currently only contains permitting requirements for Large Family Day Care Homes<sup>2</sup> (Section 6401.2); ease restrictions for a child care center to locate within an existing building of similar use in terms of purpose, intensity, and parking needs (such as commercial and institutional buildings) or compatible use (such as single- and multiple-family residential); allow for expansion of such buildings according to environmental and locational criteria; and allow child care centers to operate with a ministerial permit when located: 1) within existing buildings, allowing for limited expansion, in areas zoned or designated by the General Plan for Commercial or Institutional, or Commercial/Residential Mixed Use land uses; 2) within converted single-family residences on parcels of conforming size which are zoned for Single-Family Residential Land uses within the coastal zone that must be 10,000 square feet or larger; and 3) within existing or expanded institutional buildings or public facilities as defined by the amendment.

Under the County's existing regulations, a use permit and CDP are required for most child care uses (pursuant to the regulations for each zoning district and Section 6161(k)1 of the IP). The amendment would also create an amnesty program for existing, unpermitted child care centers that have been in continuous operation at a specified location for a minimum of 3 years prior to the effective date of the ordinance, as confirmed by State license documentation, and it would provide developers a floor area ratio (FAR) bonus and a parking waiver as incentives to incorporate a child care center as a part of an employment center (those employing 50 or more employees and meeting additional criteria) or transit-oriented development (TOD) located within 1/4-mile radius of a transit center, as defined by the ordinance.

In terms of ministerial permits, if a child care facility meets the County's established CDP exemption criteria<sup>3</sup> (which are consistent with the Coastal Act and the Commission's regulations (in CCR Sections 13250 and 13253)), it could be granted such a ministerial permit; however, the amendments establish that if the creation of the child care facility does not meet exemption criteria a Use Permit and CDP would be

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<sup>2</sup> Large Family Day Care Homes (referred to as Large Family Child Care Homes in the Ordinance) are State-licensed, residence-based care facilities for up to 14 children.

<sup>3</sup> IP Section 6328.5 (Exemptions) and Categorical Exclusion Order E-81-1 (refer to substantive file documents).

required. Consistent with the exemption criteria, building expansion for child care centers within a scenic corridor or within the Coastal Commission appeals jurisdiction, including areas within 300 feet of a beach or within 100 feet of a creek or wetland, are restricted to expansion of less than 10% in existing floor area and no additional stories/lofts. Any proposed expansion not fitting these criteria would require a use permit and CDP. Any child care use proposing the following is not eligible for a ministerial permit in the proposed amendment and would require a Use Permit and CDP: conversion of a visitor-serving commercial use to a child care center, locating a child care center within a sensitive habitat or buffer zone, any child care center not meeting parking requirements, and any child care center that involves intensification of use in a flood hazard zone. Finally, per the County's proposed amendments, a conversion of a single-family residential use to a child care center could be authorized solely by a ministerial permit without a CDP, as the County reasons such a conversion does not constitute an intensification of use of land, in other words does not constitute development.

Please see **Exhibit 1** for the proposed IP amendment text.

## **B. Evaluation of Proposed IP Amendment**

### **1. Standard of Review**

The proposed LCP amendment affects the Implementation Plan of the San Mateo County LCP only. For the proposed IP changes, the standard of review is whether the IP, as amended, would be in conformance with, and adequate to carry out, the provisions of the LUP.

### **2. *Applicable Land Use Plan Provisions***

San Mateo County's certified LUP requires that new development be located in areas with adequate public services able to accommodate it and where it will not have significant adverse impacts on coastal resources. It also requires that new development be concentrated in urban areas and rural service centers in order to discourage urban sprawl, minimize energy consumption and vehicles miles traveled. These policies include:

#### ***LUP Policy 1.18. Location of New Development***

*a. Direct new development to existing urban areas and rural service centers in order to: (1) discourage urban sprawl, (2) maximize the efficiency of public facilities, services, and utilities, (3) minimize energy consumption, (4) encourage the orderly formation and development of local governmental agencies, (5) protect and enhance the natural environment, and (6) revitalize existing developed areas.*

*b. Concentrate new development in urban areas and rural service centers by requiring the "infilling" of existing residential subdivisions and commercial areas.*

*c. Allow some future growth to develop at relatively high densities for affordable housing in areas where public facilities and services are or will be adequate and where coastal resources will not be endangered.*

San Mateo County's certified LUP also has specific policy directives requiring protection for coastal resources, including for environmentally sensitive habitat areas (ESHAs), scenic and visual qualities, and minimization of the potential for adverse impacts from hazards on new development. These provisions include:

***LUP Policy 7.3. Protection of Sensitive Habitats.*** (a) *Prohibit any land use or development which would have significant adverse impact on sensitive habitat areas. (b) Development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the sensitive habitats. All uses shall be compatible with the maintenance of biologic productivity of the habitats.*

***LUP Policy 8.6. Streams, Wetlands and Estuaries.*** (a) *Set back development from the edge of streams and other natural waterways a sufficient distance to preserve the visual character of the waterway. (b) Prohibit structural development which will adversely affect the visual quality of perennial streams and associated riparian habitat, except for those permitted by Sensitive Habitats Component Policies. (c) Retain the open natural visual appearance of estuaries and their surrounding beaches. (d) Retain wetlands intact except for public accessways designed to respect the visual and ecological fragility of the area and adjacent land, in accordance with the Sensitive Habitats Component policies.*

***LUP Policy 8.5.a. Location of Development. On rural lands and urban parcels larger than 20,000 sq. ft. Require that new development be located on a portion of a parcel where the development: (1) is least visible from State and County Scenic Roads; (2) is least likely to significantly impact views from public viewpoints; (3) and is consistent with all other LCP requirements, best preserves the visual and open space qualities of the parcel overall. Where conflicts in complying with this requirement occur, resolve them in a manner which, on balance, most protects significant coastal resources on the parcel, consistent with Coastal Act Section 30007.5. Public viewpoints include, but are not limited to, coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches. This provision does not apply to enlargement of existing structures, provided that the size of the structure after enlargement does not exceed 150% of the pre-existing floor area, or 2,000 sq. ft., whichever is greater. This provision does not apply to agricultural development to the extent that application of the provision would impair any agricultural use or operation on the parcel. In such cases, agricultural development shall use appropriate building materials, colors, landscaping and screening to eliminate or minimize the visual impact of the development.***

### **Consistency Analysis**

The San Mateo County LCP requires that allowable uses in zones meet all the development standards set out in the LUP, comply with all other policies in the LUP, and prohibits development that would have significant impacts on sensitive habitat areas. The LCP also contains policies that define when development is exempt from the requirement to obtain a CDP. As discussed above, the proposed IP amendment would encourage the provision of child care centers at appropriate sites by creating a

ministerial permit process that does not require a CDP for many types of child care facilities (either child care centers or large or small family day cares). In most cases, the proposed IP amendment is consistent with LCP CDP exemption criteria. Consistent with the exemption criteria, building expansion for child care centers within a scenic corridor or within the Coastal Commission's appeals jurisdiction, including areas within 300 feet of a beach or within 100 feet of a creek or wetland, would be limited to expansion of less than 10% in existing floor area and would not be allowed to add additional stories/lofts. Such limited expansion, if fit those criteria, would still qualify for a ministerial permit.

The proposed amendment includes additional exemption criteria required for ministerial permit approval of child care centers including: parking requirements and child care centers must be located within a converted single-family residence in a residential zoning district on properties 10,000 sq. ft. or larger (which minimizes impacts to public parking access to the coast by assuring parking is accommodated onsite as required by LUP Policy 8.5). Similarly, conversion of an existing institutional, commercial (excluding visitor-serving commercial use), or public facility building to a child care center may be approved ministerially and without a CDP, provided identified criteria consistent with the LCP's coastal development exemption criteria are satisfied. This encourages child care centers to be located within existing commercial areas which helps concentrate development in urban areas and rural service centers, and reduces urban sprawl, consistent with LUP Policy 1.18.

New construction, replacement, or reconstruction of a building to accommodate a child care center would require a CDP to ensure coastal resource protections, including that proof of adequate water and sewer services are available to serve the new development would be required. Furthermore, the proposed amendment requires child care centers to be located outside of sensitive habitats and required buffer zones to be eligible for a ministerial permit. If a child care center is proposed in a sensitive habitat or buffer zone, a Use Permit and CDP would be required. The amendment does not eliminate, reduce, or modify any of the definitions, designations, or standards incorporated in the Sensitive Habitats Component (Section 7) of the County's IP (which defines sensitive habitats, establishes standards for protection, and defines permitted uses) and any prohibition or restriction on development established in this section continues to apply.

Child care centers that do not meet the ministerial permit criteria of the proposed amendment require a Use Permit and CDP, subject to compliance with applicable policies of the LCP in order to ensure that new development is sited and designed to prevent significant adverse impacts on sensitive habitat areas as required by LUP Policies 7.3, 8.5 and 8.6. To further ensure consistency with LUP policies that maximize the efficiency of public facilities, services, and utilities and ensure that adequate infrastructure is available to serve the facility, all child care centers must obtain building permits for construction assuring consistency with LUP policies that require public services to be adequately available as required by LUP Policy 1.18. Therefore, the proposed LCPA is generally consistent with LCP and Coastal Act definitions of development that is exempt from the requirement to obtain a CDP.

However, as proposed, the amendment would allow the complete conversion of a single-family residence in a residential zoning district to a child care center without a

CDP, and the public noticing and hearing process that comes along with that permit process. The County asserts, and the ordinance states, that the conversion of a single-family residence to a child care center is not an “intensification of use” that qualifies as development requiring a CDP. However, converting a single-family residence into a “child care center” (or any other type of complete conversion to a child care use) would constitute a change in use, and an intensification of use of land, because a child care center is likely to have more people on site than a single-family home, requiring additional parking and potentially more impacts on coastal resources. Using a home as a place to look after children is not unlike a ‘normal’ residential use, as recognized by the legislature in adopting the most recent child care regulations at the State level. However, when only the child care use itself occupies that same space, with hours of operation and the trappings of commercial use applied in a way that is now disconnected from ‘normal’ residential use patterns (e.g., open for business from 6am to 6pm, but employees essentially ‘clock out’ after that time until the following morning, etc.), the similarities to residential use start to diminish. The result is a change from residential use to something else, and often a change in the intensity of use as well, which constitutes development under the Coastal Act for which a CDP is required. Thus, it is important to make that distinction in the LCP. To be clear, it is not that the change is prohibited or otherwise not allowed. On the contrary, the coastal permit review process allows a ‘check’ of sorts to ensure that such development is LCP consistent, including in terms of priorities of use and other sorts of coastal resource protections. Therefore, **Suggested Modifications 1 and 2** are necessary to clarify that a conversion of a single-family residence to a child care center requires a CDP.

On the other hand, as opposed to new child care centers, when and if a new small or large family day care use is proposed within existing residential or commercial zones, by definition such uses would be incidental to an existing residential use and would not involve conversion of a residential use to a different use (such as commercial). In such instances, the existing residence in which the new family daycare is proposed likely would have been permitted as an allowable use in the zone through a CDP, which assures that existing residence complies with relevant resource protection standards in the LCP, including policies that protect wetlands, sensitive habitat areas, and coastal bluffs. In addition, a new small or large family daycare within an existing residence is unlikely to result in an intensification of use of the residence because it is considered a residential use and allowed within any residence under State Law SB 234. Therefore, the ordinance appropriately does not require a CDP for new small or large day care uses within certain existing permitted uses. However, when a complete conversion of a residence to a child care center is proposed, **Suggested Modifications 1 and 2** are necessary to ensure that this change in use and change in intensity of use accounts for the necessary resource protections by requiring a CDP for such a change, assuring consistency with the LUP provisions that require protection of coastal resources such as environmentally sensitive habitat areas (ESHAs), scenic and visual qualities, and minimization of the potential for adverse impacts from hazards on new development.

Lastly, to incentivize the creation of new child care centers in the unincorporated County, the Ordinance would create two new incentive programs and would reference incentives provided by the State, including the State density bonus law provisions. To receive incentives, the amended IP would require decision-making authority for the child

care center to determine whether the tests are adequately met and, if so, would grant the applicable bonus, concession, or incentive at the time the permit is approved. In 2020, the County submitted a request to amend their certified LCP with relevant updates that flow from State density bonus law provisions. The County and Commission staff coordinated on ways to make that LCP amendment more Coastal Act consistent, at which time the County decided to withdraw the LCP amendment request to bring an updated ordinance back through the local process. It is Commission staff's understanding that the State density bonus law provisions LCP amendment is a low priority item at the moment for County staff and will be resubmitted at a later date. Therefore, the current State density bonus law provisions have not yet been incorporated into the County's certified LCP. As such, the density bonus incentives proposed as part of this LCP amendment should not apply in the coastal zone until they are certified, and provided the certified version is allowed to cover child care centers as Coastal Act consistent. Therefore, **Suggested Modification 3** is required in order to clarify that State density bonus law provisions will only apply outside of the coastal zone unless and until the provisions are certified as a par to the LCP.

In conclusion, the proposed amendment if modified as suggested will adequately regulate child care uses in the relevant zoning districts of the County without detriment to the coastal resources that require protection in the County's LCP. Furthermore, impacts from specific projects emanating from the expanded allowable uses in these zones will be addressed during the County's CDP review process, ensuring consistency with all applicable LCP provisions. The amendment with **Suggested Modifications** thus strikes an appropriate balance that will encourage and streamline child care centers in the coastal zone while protecting coastal resources, consistent with the County's certified LUP. Accordingly, the proposed IP amendment as modified is consistent with and adequate to carry out the LUP.

#### **D. California Environmental Quality Act (CEQA)**

CEQA Section 21080.5(d)(2)(A) prohibits a proposed LCP or LCP amendment from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the LCP or LCP amendment may have on the environment. Although local governments are not required to satisfy CEQA in terms of local preparation and adoption of LCPs and LCP amendments, many local governments use the CEQA process to develop information about proposed LCPs and LCP amendments, including to help facilitate Coastal Act review. In this case, the County prepared an Initial Study and Negative Declaration for its Child Care Facilities Ordinance, consistent with the requirements of CEQA, and determined that the proposed zoning text amendments would not have a significant effect on the environment because all potential impacts of the project would be below established CEQA thresholds of significance.

The Coastal Commission is not exempt from CEQA with respect to LCPs and LCP amendments, but the Commission's LCP/LCP amendment review, approval, and certification process has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal, has addressed all

comments received, and has concluded that the proposed LCP amendment is expected to result in significant environmental effects, including as those terms are understood in CEQA, if it is not modified to address the coastal resource issues identified herein. Accordingly, it is necessary for the Commission to suggest modifications to the proposed LCP amendment to ensure that it does not result in significant adverse environmental effects. If modified as recommended by Commission staff, the proposed LCP amendment as modified will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

### 3. APPENDICES

#### **A. Substantive File Documents<sup>4</sup>**

- San Mateo County Adopted Ordinance No. 4844
- San Mateo County Local Coastal Program Consistency Analysis
- IP Section 6328.5 (Exemptions)
- Categorical Exclusion Order No. E-81-1

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<sup>4</sup> These documents are available for review from the Commission's North Central Coast District office.