

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

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**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**

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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:

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**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.