



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Planning Code Text Amendment

HEARING DATE: MAY 18, 2017

*Project Name:* **Child Care Facilities**  
*Case Number:* **2016-011947CWP**  
*Initiated by:* **Planning Commission**  
*Staff Contact:* Sheila Nickolopoulos, Citywide Planning  
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*Reviewed by:* AnMarie Rodgers, Senior Policy Advisor  
*Recommendation:* **Recommend Approval**

### PLANNING CODE AMENDMENT

On May 4, 2017, the Commission initiated amendments to the Planning Code controls for child care facilities. At that hearing and pursuant to Planning Code Section 306.3, the Planning Commission authorized the Department to provide notice for a hearing to consider the Planning Code amendments contained in the draft Ordinance.

The proposed ordinance would amend the Planning Code to facilitate the entitlement of Child Care Facilities by

- 1) Allowing residential uses and Child Care Facility uses to share required open space
- 2) Removing a conditional use authorization requirement in certain residential zoning districts for Child Care Facilities for 15 or more children
- 3) Making Child Care Facilities principally permitted in the Downtown Commercial (Downtown Support) (C-3-S), and Public (P) zoning districts and conditionally permitted in the Production, Distribution, and Repair (General) (PDR-1-G), and Production, Distribution, and Repair (Light Industrial Buffer) (PDR-1-B) zoning district
- 4) Removing certain notice requirements for Child Care Facilities
- 5) Making other conforming changes to the definition of Child Care Facility
- 6) Affirming the Planning Department's determination under the California Environmental Quality Act
- 7) Making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

### The Way It Is Now:

**Definitions:** Child Care Facilities are defined in five different sections of the Planning Code.

1. Section 102 defines Child Care Facilities as "An Institutional Community Use defined in California Health and Safety Code Section 1596.750 that provides less than 24-hour care for

children by licensed personnel and meets the open-space and other requirements of the State of California and other authorities.”

2. Although Tables 209.1, 209.2, 209.3, and 209.4 refer to Section 102, Child Care Facilities in general, this use is further defined in Article 7 and Article 8 into two further categories: those with 14 or fewer children, and those with 15 or more children.
3. Section 790.50 defines a Child Care Facility as “A use which provides less than 24-hour care for 13 or more children by licensed personnel and which meets the requirements of the State of California and other authorities.” It is categorized as an Other Large Institution along with social services, educational services, religious facilities, and residential care.
4. Section 790.51 defines a Child Care Facility as “A use which provides less than 24-hour care for 12 or fewer children by licensed personnel and which meets the requirements of the State of California and other authorities” as part of Other Small Institutions. This also includes residential care.
5. Section 890.50 defines a Child Care Facility as “A use which provides less than 24-hour care for children by licensed personnel and which meets the requirements of the State of California and other authorities.” It is categorized as an Other Institution along with social services, educational services, religious facilities, residential care, and job training.

**Allowable Use:** Within San Francisco zoning districts, Child Care Facilities are principally permitted, conditional, or not permitted as follows.

- In Residential Districts, child care facilities serving 14 children or fewer are Permitted, and Child Care Facilities serving 15 children or more require Conditional Use.
- In Commercial Districts, Child Care Facilities are Permitted, except in C-3-S, where a Conditional Use is required.
- In PDR Districts, Child Care Facilities are only Permitted in PDR-1-D.
- In M Districts, Child Care Facilities are only Permitted in M-1.
- In P Districts, Child Care Facilities require Conditional Use.
- In Neighborhood Commercial Districts (Article 7), Child Care Facilities are generally Permitted on the first floor regardless of enrollment and Permitted on the second and third floor when serving 12 or fewer children. Conditional Use is generally required when operating a Child Care Facility on the second or third floor with 13 or more children.
- In Mixed Use Districts (Article 8), Child Care Facilities are Permitted except in RH-DTR (Rincon Hill DT Residential), SB-DTR (South Beach DT Residential), and SALI (Service/Arts/Light Industrial).

#### **Neighborhood Notification**

1. Section 311 requires neighborhood notification for all Child Care Facilities in Residential Districts.
2. Neighborhood notification requirements under Section 312 are required for change of use to both Other Large Institutions and Other Small Institutions, which currently includes Child Care Facilities under Section 790.50 and 790.51.

**Open Space Requirements:** Section 135 requires open space in mixed use developments to meet both

residential open space requirements, which vary by use district, and child care open space requirements, which per State regulations is currently 75 square feet per child user.

### **The Way It Would Be:**

**Definitions:** All references in the Planning Code to the definition of Child Care Facilities would refer to Section 102, which defines a Child Care Facility as “An Institutional Community Use defined in California Health and Safety Code Section 1596.750 that provides less than 24-hour care for children by licensed personnel and meets the open-space and other requirements of the State of California and other authorities.” This definition aligns the Planning Code with the California Department of Social Services’ Child Care Licensing Program. This change to the Code would remove conflicting definitions. For example, the State currently licenses family child care for up to 12 to 14 children, depending on age, but Article 7 of the Planning Code regulates Child Care Facilities based 12 or less and 13 or more.

**Allowable Use:** Child Care Facilities will be principally permitted in all zoning districts, except the following.

- PDR-1-B: Conditional Use
- PDR-1-G: Conditional Use
- PDR-2: Not Permitted
- M-1: Conditional Use
- M-2: Not Permitted

This simplification replaces the patchwork of permitted and conditional uses.

**Neighborhood Notification:** The proposed ordinance would eliminate 311 and 312 neighborhood notification requirements for Child Care Facilities.

**Open Space Requirements:** The ordinance would allow a residential development to use required residential open space to meet child care open space requirements during set hours (Monday-Friday, 8am-6pm). The space would still have to meet State licensing requirements and not more than 50% of the single common open space may be used by the Child Care Facility.

## **BACKGROUND**

### *Ordinance History*

In fall 2016, Planning Commissioner Christine Johnson requested that Planning staff look at a number of issues impacting the entitlement of child care. The goals of the proposed ordinance are to decrease the approval time for Child Care Facilities; decrease the uncertainty of the approvals process, which can be onerous for child care operators and the family who depend on them; and decrease the confusion for project sponsors that results from having Child Care Facilities permitted or conditional in a patchwork across the city. Given the significant dearth of Child Care Facilities in San Francisco, it is critical to allow Child Care Facilities in all appropriate zoning districts. Child Care Facilities still must comply with numerous health and safety requirements of other regulating agencies, so simplifying the Planning-related work of opening a new Child Care Facility will decrease the time and cost to providers without jeopardizing health and safety.

### *Process*

The proposed changes to the Planning Code that are included in this ordinance were vetted with San Francisco's Office of Early Care and Education, as well as the Child Care Facilities Interagency group, which includes the Office of Early Care and Education, the Mayor's Office of Housing and Community Development, and the Low Income Investment Fund, a community development financial institution (CDFI) that administers the City's child care funds.

In addition, Planning Commissioner Johnson discussed the proposed changes with Parents for Public Schools, Children's Council, and the Parent PAC. She also met with Supervisors Tang, Kim, and Yee.

### *The Importance of Child Care*

Child care helps families thrive. When parents are able to find child care that meets their needs, they can maintain employment or enrollment in school, improve their ability to support their families, and advance economically.

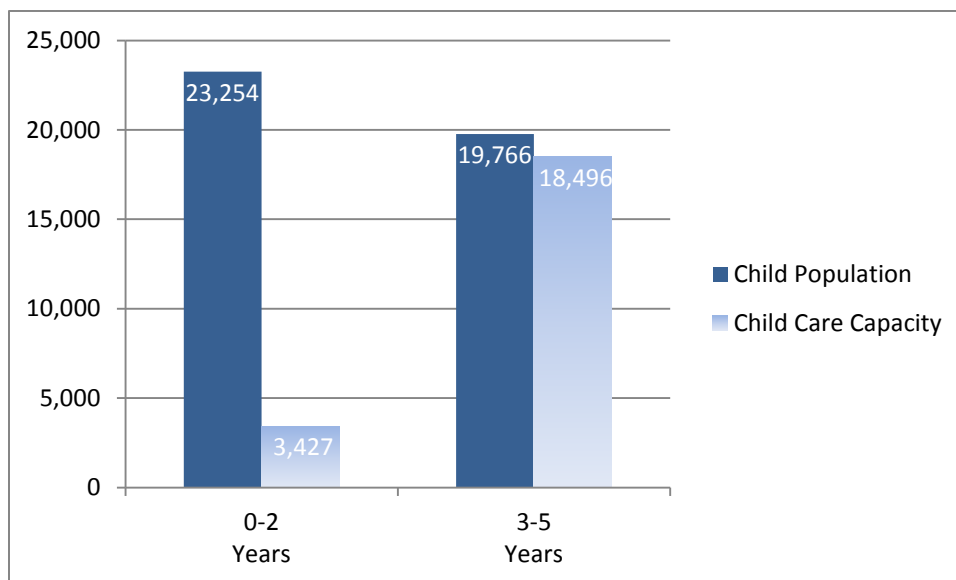
Quality child care also means more success down the road. A child's brain develops most significantly during the first five years of life—and the quality of child care in these early years can make a difference between a healthy start and falling behind. Substantial research demonstrates that accessible high quality early care and education positively affects childhood growth, physical development, health, cognitive, behavioral and school related outcomes.

### *Child Care Options in San Francisco Today*

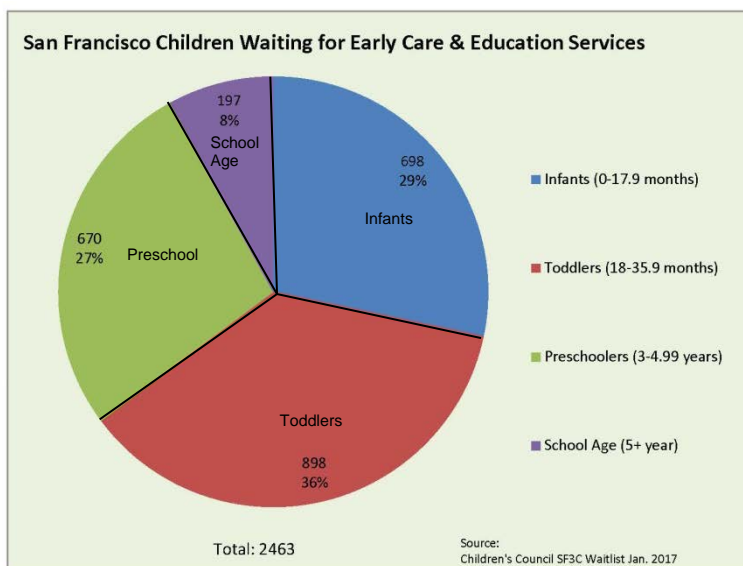
Broadly speaking, there are four types of child care available to families with children between the ages of zero and five: parents and relatives; nannies; licensed family child care (in-home care for up to 14 children); and child care facilities (facilities for 15 and more children). Family child care and child care facilities are licensed by the California Department of Social Services' Child Care Licensing Program. In addition to meeting State licensing requirements, these two types of Child Care Facilities are subject to the Planning Code, Building Code, and Fire Code.

San Francisco has a severe shortage of child care spots in family child care and facilities for all age levels between 0 and 5 years old, but the lack of facilities is particularly acute for infants: in 2014-16, San Francisco had 1,414 spots for an infant population of 23,254 (see attachment B:2). Throughout San Francisco, there are 21,991 child care spots for 43,020 children (51% of the City's child population), but the majority (at least 64%) of those spots are for preschoolers. San Francisco offers far fewer child care spots than what are needed, creating a significant burden for families.

Child Care in San Francisco (2014-16)



These numbers convey the limited number of spots, but they don't paint the full picture of how hard it is to match child care to families' needs. Location, daily hours of operation, seasonal closures, price, and program structure are all factors that make securing child care even more difficult for families. Commutes to child care can be difficult because child care is not necessarily located where children live, and waitlists are very long--as of January 2017, San Francisco child care facilities had wait lists totally 2,463 children.



## ISSUES AND CONSIDERATIONS

The current process for expanding and opening new Child Care Facilities is too cumbersome and complex. Conditional Use and neighborhood notification requirements can add 8 to 18 months to the approvals process. The additional costs for fees associated with these requirements are a minimum of approximately \$2,000. Child care providers must also bear the costs of leasing vacant space while they wait for approvals. In addition, the uncertainty of timing makes it difficult for child care providers to commit to families trying to plan for child care.

Neighborhood concerns about child care primarily focus on two issues: traffic at drop-off and pick-up, and noise.

For traffic concerns, the Planning Department currently requires Child Care Facilities with enrollment of 20 or more children to complete a school drop-off and pick-up management plan as part of the Environmental Review Application. This plan must include information relevant to school/ child care circulation, such as driveways, off-street parking, bicycle parking, and loading; vehicular, bicycle, and pedestrian access to the site; bus stops near the site (within 150 feet); sidewalk widths; and curbside loading (white zones) where drop-off and pick-up would occur. Plans would highlight existing conditions and proposed project-related changes to or near the site. In addition, the project sponsor may be required by Planning Department staff to provide supplemental data or studies to determine if there are any potential transportation-related impacts resulting from the proposed project.

Noise concerns related to child care facilities are also addressed through environmental review. For larger child care facilities with outdoor play areas, the Planning Department would require a noise study through the environmental review process. Typical measures to reduce noise from these projects may include fences, walls, and vegetation.

If the proposed Ordinance were to be adopted, these CEQA processes related to traffic and noise review would continue. The proposed Ordinance would not impact the requirement to produce a school drop-off and pick-up management plan for facilities with more than 20 children. Similarly, noise studies would be required for larger child care facilities. Given the urgent need for child care in San Francisco, staff feels these existing review mechanisms are sufficient to address neighborhood concerns.

## RECOMMENDATION

The Department recommends that the Commission recommend *approval* of the proposed Ordinance and adopt the attached Resolution to that effect.

## BASIS FOR RECOMMENDATION

The legislation will simplify the process of expanding and opening new Child Care Facilities in a number of ways:

- The current patchwork of definitions, as well as permitted and conditional uses, have made it difficult for Child Care Facilities to navigate the permitting process, sometimes adding months to

the process. Simplifying the code will smooth the process for project sponsors.

- Neighbors' primary concerns about Child Care Facilities are noise and traffic. Both of these concerns are appropriately addressed through existing review mechanisms that would remain in place.
- Allowing residential developments to meet residential open space requirements and child care open space requirements within the same open space will provide more opportunities for child care facilities to operate in mixed use buildings. Child care facilities will still be required to meet all the safety and egress requirements for open spaces, as determined by the California Child Care Licensing Program, the Fire Department, and other relevant agencies with jurisdiction over health and safety regulations.

### **REQUIRED COMMISSION ACTION**

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

### **IMPLEMENTATION**

The Department determined that this ordinance will impact our current implementation procedures in the following ways:

- This ordinance would reduce the amount of time required to review applications for child care facilities.

### **ENVIRONMENTAL REVIEW**

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment.

### **PUBLIC COMMENT**

As of the date of the publication of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

<b>RECOMMENDATION:</b>	<b>Recommendation of Approval</b>
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### **Attachments:**

- Exhibit A: Draft Planning Commission Resolution  
Exhibit C: Draft Ordinance [Board of Supervisors File No. pending]



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Draft Resolution

HEARING DATE MAY 18, 2017

*Project Name:* Amendments Relating to Child Care Facilities in the Planning Code  
*Case Number:* 2016.011947 [Board File No. TBD]  
*Initiated by:* Planning Commission  
*Staff Contact:* Sheila Nickolopoulos,  
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*Reviewed by:* AnMarie Rogers, Senior Policy Advisor  
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**RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD 1) AMEND SECTION 135 TO ALLOW RESIDENTIAL AND CHILD CARE FACILITIES TO SHARE REQUIRED OPEN SPACE; 2) AMEND TABLES 209.1, 209.2, 209.3, AND 209.4 TO REMOVE NOTE NUMBER 2; 3) AMEND TABLES 210.2 AND 210.3 TO MAKE CHILD CARE PRINCIPALLY PERMITTED IN C-3-S, AND CONDITIONALLY PERMITTED IN PDR-1-G AND PDR-1-B; 4) AMEND SECTION 211.2 TO REMOVE CHILD CARE FACILITIES FROM USES REQUIRING CONDITIONAL USE; 5) AMEND SECTION 311 TO MAKE CHILD CARE NOT SUBJECT TO 311(C)(2); 6) AMEND SECTION 312 MAKE CHILD CARE NOT SUBJECT TO NOTIFICATION REQUIREMENTS; 7) AMEND ARTICLE 7 TO DEFINE CHILD CARE IN REFERENCE TO SECTION 102; 8) AMEND SECTIONS 790.50 AND 790.51 TO REMOVE CHILD CARE FROM THE DEFINITION OF INSTITUTIONS, OTHER LARGE, AND INSTITUTIONS, OTHER SMALL; 9) AMEND ARTICLE 8 TO DEFINE CHILD CARE IN REFERENCE TO SECTION 102; 10) AMEND SECTION 890.5 TO REMOVE CHILD CARE FACILITIES FROM THE DEFINITION OF INSTITUTIONS, OTHER; AND; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.**

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider initiation of the proposed Ordinance on May 4, 2017; and

WHEREAS, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on May 18, 2017; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c) and 15378 because they do not result in a physical change in the environment; and



WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors approve the proposed ordinance.

## **FINDINGS**

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. There is a significant dearth of child care facilities throughout San Francisco. Child care facilities are a necessary and desirable service that benefit parents, children, and our communities. A number of local and State agencies regulate child care facilities. The existing Planning Code regulations prolong the entitlement process and exacerbate the challenges of opening and operating child care facilities in San Francisco. The primary objections to child care facilities are noise and traffic, both of which can be identified and addressed through other Planning processes and requirements.
2. The Planning Commission finds that the legislation will simplify the process of opening new Child Care Facilities in a number of ways:
  - The current the patchwork of definitions, as well as permitted and conditional uses, have made it difficult for Child Care Facilities to navigate the permitting process, sometimes adding months to the process. Simplifying the code will smooth the process for project sponsors.
  - Neighbors' primary concerns about Child Care Facilities are noise and traffic. Both of these concerns are adequately addressed through other existing review mechanisms (discussed in detailed in the Issue and Considerations section).
  - Allowing residential developments to meet residential open space requirements and child care open space requirements within the same open space will provide more opportunities for child care facilities to operate in mixed use buildings. Child care facilities will still be required to meet all the safety and egress requirements for open spaces, as determined by the California Child Care Licensing Program, the Fire Department, and other relevant agencies with jurisdiction over health and safety regulations.

3. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

## COMMERCE AND INDUSTRY ELEMENT

### OBJECTIVE 2

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

**Policy 2.3:** *Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.*

An important factor in choosing to locate in San Francisco or to remain once here is the attractiveness of the city as a place to live, work and pursue recreational interests. Recognition must be given to the importance of public efforts to improve the environmental quality in residential neighborhoods, provide recreational and cultural opportunities, and to improve the quality of the schools, and create and protect other amenities. Those aspects of the city have direct economic value. Desirability as a place to live and as an area in which to enjoy cultural and recreational activities are particularly important factors in determining location for the types of activities for which San Francisco enjoys a comparative advantage. If the city is to maintain its economically vital areas, it must assure that these social, cultural and environmental factors remain strong assets.

*Reliable, quality Child Care enables parents and guardians to pursue education, job training, and employment opportunities. Increasing the number and variety of child care facilities throughout San Francisco will give parents more options, as well as provide children with the play and early learning that is the foundation for a successful school experience.*

## COMMUNITY FACILITIES ELEMENT

### Background Perspective

Community services and facilities to meet social, cultural, educational, recreational and civic needs contribute significantly to the quality of community life. Traditional public facilities such as libraries, schools, recreation centers and public health clinics have long been recognized as meeting many of those needs. In addition, many neighborhoods are served by private non-profit community centers that are often available to the general public and provide services at no cost or low to moderate fees. These neighborhood centers, such as those connected with the YM/YWCA's or Golden Gate Neighborhood Centers Association, often provide recreational and cultural programs, child-care services, senior citizen programs, health screening, and various counseling and referral services.

In many instances, however, citizens are deprived of ready access to the foregoing services because neighborhoods lack adequate facilities to house needed services. In other cases, the inability of facilities to meet code requirements, such as open space standards for child care or kitchen health standards for meals programs, precludes provision of services. Furthermore, existing services are often inaccessible to many people they ought to serve.

For these reasons, many San Franciscans do not have adequate access to needed human services, and therefore a commitment should be made to develop a network of neighborhood centers that will provide a focus for neighborhood activities and services. These centers would provide new and better locations for existing services that are inadequately housed, and would have space for new services or expanded existing services to meet the needs of a particular neighborhood. In addition to providing services directly, the neighborhood centers can be used to refer residents to other locations in a citywide network of services.

#### Fundamental Assumptions

1. The quality of community life is enhanced when services and facilities that meet diverse human needs are readily available.

A socially responsive society maintains an awareness of the needs of its citizens, and is particularly sensitive to basic life-sustaining needs such as requirements for health services, neighborhoods also need a focus for community life and opportunities for informal activities and programs related to the recreation, education and civic concerns of all age groups. Neighborhood center facilities can provide the physical setting for fulfilling these needs.

2. Expanding community responsiveness to meeting social needs and enriching human life requires the development of adequate and flexible facilities to house needed services.

Increasing national awareness of the needs of many people including the economically disadvantaged, elderly, underemployed and single parent households has resulted in substantial expansion of both private and public efforts to meet the basic service needs of these groups. Also, interest in civic and community activities on a neighborhood level has increased in recent years.

The expansion of social services and increased participation in neighborhood activities have resulted in an acute awareness of the inadequacy of existing facilities, both public and private, to meet needed spatial and functional requirements. If needed services are to be provided and neighborhood awareness encouraged, adequate and flexible community centers are necessary.

*As a core component of a successful neighborhood center facility, child care helps meet the social, cultural, educational, recreational and civic needs and contributes significantly to the quality of community life.*

## MISSION AREA PLAN

### OBJECTIVE 7.1

#### PROVIDE ESSENTIAL COMMUNITY SERVICES AND FACILITIES

The Mission is an economically and demographically diverse community. There is a significant amount of housing in the Mission and it is expected to increase with the implementation of new zoning controls. For both the existing and new residents, community resources will be a priority to ensure the area's livability and to provide a full range of services and amenities. Existing facilities should be maintained and strengthened, while new facilities can enhance the

neighborhood and fill existing gaps in service. New residents will increase the need to add new facilities and to maintain and expand existing ones.

Community facilities are necessary for many kinds of households, but particularly for families - improved schooling, upgraded libraries, improved and expanded parks, and increased child care facilities, including programming, are critical to maintaining an acceptable quality of life for San Francisco's families. Schools provide an anchor for families even beyond education: providing a safe local environment, facilitating social connections, and facilitating child growth and development.

Child care facilities, like schools, can be strong neighborhood and community anchors. Locating child care in schools, near residential areas, on-site in new residential complexes, near transit facilities, or near employment centers, supports families by reducing the time spent by parents going to and from daycare. This may also contribute to other plan goals such as traffic reduction, and increased transit ridership. Sufficient care facilities for the neighborhood's working families are critical if the Eastern Neighborhoods are to not only continue, but grow their role as a place for families.

Therefore, the city should facilitate the careful location and expansion of essential neighborhood services, while limiting the concentration of such activities within any one neighborhood. New development can also help fund such additional new services and amenities in proportion to the need generated by new development. Additionally, maintenance is an important, though often neglected, aspect of community facilities. Proper maintenance of existing (and new) facilities is equally important to the creation of new facilities. The influx of residents will further increase the usage of existing facilities, potentially increasing their staffing and maintenance costs. Even if no new facilities are built in Mission, existing facilities need to be adequately staffed and maintained and methods for meeting the increased costs must be considered.

The policies to provide essential community facilities and services are as follows:

POLICY 7.1.1: Support the siting of new facilities to meet the needs of a growing community and to provide opportunities for residents of all age levels.

POLICY 7.1.2: Recognize the value of existing facilities, including recreational and cultural facilities, and support their expansion and continued use.

POLICY 7.1.3: Ensure childcare services are located where they will best serve neighborhood workers and residents.

*The proposed Ordinance eases the process of expanding and creating new child care facilities in neighborhoods like the Mission.*

## **BAYVIEW HUNTERS POINT AREA PLAN**

### **OBJECTIVE 15**

COMBINE SOCIAL REVITALIZATION WITH PHYSICAL AND ECONOMIC REVITALIZATION EFFORTS.

There is an increasing need for physical facilities for more specialized community services, particularly child care centers and senior housing related facilities. Although the Bayview has one of the highest female-headed household and child populations in the city, it has only two

subsidized child care centers. As large scale new development occurs it will be important to also require provision of child care facilities as a part of the development. The need for even more specialized services has come with the increase in babies born into addiction due to drug usage by their mothers during pregnancy. The effort to stimulate construction of more senior housing in the district should include measures to assure that the housing is properly designed to meet the social and health needs of the residents on a project specific basis.

*The proposed Ordinance eases the process of expanding and creating new child care facilities in neighborhoods like the Bayview Hunters Point. Child Care Facilities provide care for children, which enables parents and caregivers to pursue school and work, as well important support services and networks for the families.*

4. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

*The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.*

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

*The proposed Ordinance would not have a negative effect on housing or neighborhood character.*

3. That the City's supply of affordable housing be preserved and enhanced;

*The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

*The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.*

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

*The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.*

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an

earthquake;

*The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.*

7. That the landmarks and historic buildings be preserved;

*The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.*

8. That our parks and open space and their access to sunlight and vistas be protected from development;

*The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.*

5. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on May 18, 2017.

Jonas P. Ionin  
Commission Secretary

AYES: List commissioners in alphabetical order

NOES: see above, or put: None

ABSENT: see above or put: None

ADOPTED: XXXXXX XX, 20XX

[Planning Code - Child Care Facilities]

Ordinance amending the Planning Code to allow residential uses and Child Care Facility uses to share required open space; make Child Care Facilities principally permitted in all zoning districts except the Production, Distribution, and Repair (Light Industrial Buffer) (PDR-1-B), Production, Distribution, and Repair (General) (PDR-1-G) and Industrial (Light Industrial) (M-1) zoning districts, where they would be conditionally permitted, and in the Production, Distribution, and Repair (Core Production, Distribution, and Repair) (PDR-2) and Industrial (Heavy Industrial) (M-2) zoning districts, where they would not be permitted; remove certain notice requirements for Child Care Facilities; and make other conforming changes to references to the definition of Child Care Facility; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

NOTE: Unchanged Code text and uncodified text are in plain Arial font.  
Additions to Codes are in single-underline italics Times New Roman font.  
Deletions to Codes are in ~~strikethrough italics Times New Roman font~~.  
Board amendment additions are in double-underlined Arial font.  
Board amendment deletions are in ~~strikethrough Arial font~~.  
Asterisks (\* \* \* \*) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Findings

1 (a) The Planning Department has determined that the actions contemplated in this  
2 ordinance comply with the California Environmental Quality Act (California Public Resources  
3 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
4 Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference. The Board  
5 affirms this determination.

6 (b) On May 18, 2017, the Planning Commission, in Resolution No. \_\_\_\_\_,  
7 adopted findings that the actions contemplated in this ordinance are consistent, on balance,  
8 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The  
9 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of  
10 the Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

11 (c) Pursuant to Planning Code Section 302, this Board finds that this Planning Code  
12 Amendment will serve the public necessity, convenience, and welfare for the reasons set forth  
13 in Planning Commission Resolution No. \_\_\_\_\_, and the Board incorporates such  
14 reasons herein by reference.

15  
16 Section 2. The Planning Code is hereby amended by revising Sections 135, 209.1,  
17 209.2, 209.3, 209.4, 210.2, 210.3, 211.2, 311, 312, 710, 711, 712, 713, 714, 715, 716, 717,  
18 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 733A, 734,  
19 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 790.50, 790.51, 813,  
20 814, 815, 816, 817, 818, 827, 829, 840, 841, 842, 843, 844, 845, 846, 847, and 890.50, to  
21 read as follows:

22  
23 **SEC. 135. USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP**  
24 **HOUSING, R, NC, MIXED USE, C, AND M DISTRICTS.**  
25



Except as provided in Sections 134.1, 172 and 188 of this Code, usable open space shall be provided for each dwelling and each group housing structure in R, NC, C, Mixed Use, and M Districts according to the standards set forth in this Section unless otherwise specified in specific district controls elsewhere in this Code.

\* \* \* \*

(c) **Permitted Obstructions.** In the calculation of either private or common usable open space, those obstructions listed in Sections 136 and 136.1 of this Code for usable open space shall be permitted. Additionally, required common useable open space may be partially used for the provision of open space associated with an on-site Child Care Facility as follows:

(1) The open space shall meet all state licensing requirements;

(2) Not more than 50% of a single common open space may be used by the Child Care Facility; and

(3) The hours of use of the common open space by the Child Care Facility are limited to Monday through Friday, 9 am to 6 pm.

\* \* \* \*

**Table 209.1**

**Zoning Control Table for RH Districts**

Zoning Category	§ References	RH-1(D)	RH-1	RH-1(S)	RH-2	RH-3
* * * *						
<b>Institutional Use Category</b>						
<b>Institutional Uses*</b>	§ 102	NP	NP	NP	NP	NP
Child Care Facility	§ 102	P (2)	P (2)	P (2)	P (2)	P (2)
* * * *						

\* \* \* \*

(2) ~~C required for 15 or more children~~ [Note Deleted]

\* \* \* \*

Table 209.2

Zoning Control Table for RM Districts

Zoning Category	§ References	RM-1	RM-2	RM-3	RM-4
* * * *					
Institutional Use Category					
Institutional Uses*	§ 102	NP	NP	NP	NP
Child Care Facility	§ 102	P (2)	P (2)	P (2)	P (2)
* * * *					

\* \* \* \*

(2) ~~C required for 15 or more children~~ [Note Deleted]

\* \* \* \*

Table 209.3

Zoning Control Table for Residential-Commercial Districts

Zoning Category	§ References	RC-3	RC-4
* * * *			
Institutional Use Category			
Institutional Uses*	§ 102	C	C
Child Care Facility	§ 102	P(2)	P(2)
* * * *			

\* \* \* \*

(2) ~~C required for 15 or more children~~ [Note Deleted]

\* \* \* \*

Table 209.4

Zoning Control Table for RTO Districts

Zoning Category	§ References	RTO	RTO-M
* * * *			
Institutional Use Category			
Institutional Uses*	§ 102	NP	NP
Child Care Facility	§ 102	P <del>(2)</del>	P <del>(2)</del>
* * * *			

\* \* \* \*

(2) ~~C required for 15 or more children~~ [Note Deleted]

\* \* \* \*

Table 210.2

Zoning Control Table for C-3 Districts

Zoning Category	§ References	C-3-O	C-3-O (SD)	C-3-R	C-3-G	C-3-S
* * * *						
Institutional Use Category						
Institutional Uses*	§§ 102, 202.2(e)					
Child Care Facility	§ 102	P	P	P	P	<del>C</del> <u>P</u>
* * * *						

Table 210.3

Zoning Control Table for PDR Districts

Zoning Category	§ References	PDR-1-B	PDR-1-D	PDR-1-G	PDR-2
* * * *					
<b>Institutional Use Category</b>					
Child Care Facility	§ 102	<del>NP-C</del>	P	<del>NP-C</del>	NP
* * * *					

\* \* \* \*

#### SEC. 211.2. CONDITIONAL USES, P DISTRICTS.

The following uses shall require Conditional Use authorization from the Planning Commission, as provided in Section 303 of this Code, unless otherwise permitted under Section 211.1 of this Code:

(a) For any P District, Social Service and Philanthropic Facility, ~~Child Care Facility~~, School, Post-Secondary Educational Institution, Religious Institution, Community Facility, Open Recreation Area, Passive Outdoor Recreation and Neighborhood Agriculture as defined in Section 102 of this Code. Additionally, Neighborhood Agriculture, as defined in Section 102 of this Code, if it does not comply with the performance and operational standards contained in Section 202.2(c), and a Wireless Telecommunications Services Facility, as defined in Section 102 of this Code, if used for commercial communication systems.

\* \* \* \*

#### SEC. 311. RESIDENTIAL PERMIT REVIEW PROCEDURES FOR RH, RM, AND RTO DISTRICTS.

1 (a) Purpose. The purpose of this Section is to establish procedures for reviewing  
2 building permit applications for lots in R Districts in order to determine compatibility of the  
3 proposal with the neighborhood and for providing notice to property owners and residents on  
4 the site and neighboring the site of the proposed project and to interested neighborhood  
5 organizations, so that concerns about a project may be identified and resolved during the  
6 review of the permit.

7 (b) Applicability. Except as indicated herein, all building permit applications for  
8 demolition and/or new construction, and/or alteration of residential buildings, including the  
9 removal of an authorized or unauthorized residential unit, in RH, RM, and RTO Districts shall  
10 be subject to the notification and review procedures required by this Section. Subsection  
11 311(e) regarding demolition permits and approval of replacement structures shall apply to all  
12 R Districts.

13 (1) For the purposes of this Section, an alteration in RH and RM Districts shall  
14 be defined as any change in use, removal of more than 75 percent of a residential building's  
15 existing interior wall framing or the removal of more than 75 percent of the area of the existing  
16 framing, or an increase to the exterior dimensions of a residential building except those  
17 features listed in Section 136(c)(1) through 136(c)(24) and 136(c)(26). Notwithstanding the  
18 foregoing or any other requirement of this Section 311, a change of use to a Child Care Facility, as  
19 defined in Section 102, shall not be subject to the notification requirements of this Section 311.

20 (2) For the purposes of this Section, an alteration in RTO Districts shall be defined as  
21 a change of use described in Section 312(c), removal of more than 75 percent of a building's  
22 existing interior wall framing or the removal of more than 75 percent of the area of the existing  
23 framing, or an increase to the exterior dimensions of a building except those features listed in  
24 Section 136(c)(1) through 136(c)(24) and 136(c)(26). Notwithstanding the foregoing or any other  
25

1 requirement of this Section 311, a change of use to a Child Care Facility, as defined in Section 102,  
2 shall not be subject to the notification requirements of this Section 311.

3 \* \* \* \*

4 **SEC. 312. PERMIT REVIEW PROCEDURES FOR ALL NC AND EASTERN**  
5 **NEIGHBORHOODS MIXED USE DISTRICTS.**

6 (a) Purpose. The purpose of this Section is to establish procedures for reviewing  
7 building permit applications for lots in NC and Eastern Neighborhoods Mixed Use Districts in  
8 order to determine compatibility of the proposal with the neighborhood and for providing notice  
9 to property owners, occupants and residents on the site and neighboring the site of the  
10 proposed project and to interested neighborhood organizations, so that concerns about a  
11 project may be identified and resolved during the review of the permit.

12 (b) Applicability. Except as indicated herein, all building permit applications for  
13 demolition, new construction, the removal of an authorized or unauthorized residential unit,  
14 changes in use to a formula retail use as defined in Section 303.1 of this Code or alterations  
15 which expand the exterior dimensions of a building shall be subject to the notification and  
16 review procedures required by Subsection 312(d). Subsection 312(f) regarding demolition  
17 permits and approval of replacement structures shall apply to all NC and Eastern  
18 Neighborhoods Mixed Use Districts. For the purposes of this Section, addition to a building of  
19 the features listed in Section 136(c)(1) through 136(c)(24) and 136(c)(26) shall not be subject  
20 to notification under this Section.

21 (c) Changes of Use. In NC Districts, all building permit applications for a change of  
22 use to a Bar as defined in Sections 102 and 790.22, a Liquor Store as defined in Sections 102  
23 and 790.55, Other Large Institutions as defined in Section 790.50, Other Small Institutions as  
24 defined in Section 790.51, a Limited Restaurant as defined in Sections 102 and 790.90, a  
25 Restaurant as defined in Sections 102 and 790.91, a Massage Establishment as defined in

Sections 102 and 790.60, an Outdoor Activity Area as defined in Section 790.70, an Adult or Other Entertainment use as defined in Sections 790.36 and 790.38, a Fringe Financial Service use as defined in Sections 102 and 790.111, Tobacco Paraphernalia Establishments as defined in Sections 102 and 790.123, or Group Housing as defined in Sections 102 and 790.88(b) shall be subject to the provisions of Subsection 312(d); provided, however, that a change of use from a Restaurant to a Limited-Restaurant shall not be subject to the provisions of Subsection 312(d). In all Eastern Neighborhoods Mixed Use Districts all building permit applications for a change of use from any one land use category to another land use category shall be subject to the provisions of Subsection 312(d). In addition, any accessory massage use in the Ocean Avenue Neighborhood Commercial Transit District shall be subject to the provisions of Subsection 312(d). Notwithstanding the foregoing or any other requirement of this Section 312, a change of use to a Child Care Facility, as defined in Section 102, shall not be subject to the notification requirements of this Section 312.

\* \* \* \*

**Table 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1**

**ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	NC-1 Controls by Story		
			1st	2nd	3rd+
* * * *					
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *					
<u>710.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2**

**ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	NC-2 Controls by Story		
			1st	2nd	3rd+
* * * *					
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *					
<u>711.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-3**

**ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	NC-3 Controls by Story		
			1st	2nd	3rd+
* * * *					
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *					
<u>712.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT NC-S**

**ZONING CONTROL TABLE**

* * * *			
No.	Zoning Category	§ References	NC-S Controls by Story



			1st	2nd	3rd+
* * * *					
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *					
<u>713.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT**  
**ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	Broadway Controls by Story		
			1st	2nd	3rd+
* * * *					
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *					
<u>714.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT**  
**ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	Castro Street Controls by Story		
			1st	2nd	3rd+
* * * *					
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *					
<u>715.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**  
**ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	Inner Clement Street Controls by Story		
			1st	2nd	3rd+
* * * *					
Institutions and Non-Retail Sales and Services					
* * * *					
<u>716.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**  
**ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	Outer Clement Street Controls by Story		
			1st	2nd	3rd+
* * * *					
Institutions and Non-Retail Sales and Services					
* * * *					
<u>717.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT**  
**ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	Upper Fillmore Street Controls by Story		
			1st	2nd	3rd+
* * * *					
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *					
<u>718.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**  
**ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	Haight Street Controls by Story		
			1st	2nd	3rd+
* * * *					
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *					
<u>719.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 720. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

**ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	Hayes-Gough Transit Controls by Story		
			1st	2nd	3rd+
* * * *					
Institutions and Non-Retail Sales and Services					
* * * *					
<u>720.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 721. UPPER MARKET STREET COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	Upper Market Street Controls by Story		
			1st	2nd	3rd+
* * * *					
Institutions and Non-Retail Sales and Services					
* * * *					
<u>721.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 722. NORTH BEACH COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	North Beach Controls by Story		
			1st	2nd	3rd+
* * * *					
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *					
<u>722.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	Polk Street Controls by Story		
			1st	2nd	3rd+
* * * *					
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *					
<u>723.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	Sacramento Street Controls by Story		
			1st	2nd	3rd+
* * * *					
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *					
<u>724.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT**  
**ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	Union Street Controls by Story		
			1st	2nd	3rd+
* * * *					
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *					
<u>725.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**  
**ZONING CONTROL TABLE**

* * * *
---------

No.	Zoning Category	§ References	Valencia Street Transit Controls by Story		
			1st	2nd	3rd+
* * * *					
Institutions and Non-Retail Sales and Services					
* * * *					
<u>726.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 727. 24TH – MISSION NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**  
**ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	24th Street – Mission Transit Controls by Story		
			1st	2nd	3rd+
* * * *					
Institutions and Non-Retail Sales and Services					
* * * *					
<u>727.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 728. 24TH – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT**  
**ZONING CONTROL TABLE**

* * * *					
---------	--	--	--	--	--

No.	Zoning Category	§ References	24th Street – Noe Valley Controls by Story		
			1st	2nd	3rd+
* * * *					
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *					
<u>728.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	West Portal Avenue Controls by Story		
			1st	2nd	3rd+
* * * *					
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *					
<u>729.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE**

* * * *					
---------	--	--	--	--	--



No.	Zoning Category	§ References	Inner Sunset Controls by Story		
			1st	2nd	3rd+
* * * *					
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *					
<u>730.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT**  
**ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	Inner Sunset Controls by Story		
			1st	2nd	3rd+
* * * *					
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *					
<u>730.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 731. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**  
**NCT-3**

**ZONING CONTROL TABLE**

* * * *			
No.	Zoning Category	§ References	NCT-3 Controls by Story

			1st	2nd	3rd+
* * * *					
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *					
<u>731.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 732. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	Pacific Avenue Controls by Story		
			1st	2nd	3rd+
* * * *					
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *					
<u>732.84</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 733. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT**

**DISTRICT**

**ZONING CONTROL TABLE**

* * * *			
No.	Zoning Category	§ References	Upper Market Street Transit Controls by Story

			1st	2nd	3rd+
* * * *					
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *					
<u>733.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 733A. NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT NCT-1  
ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	NCT-1 Controls by Story		
			1st	2nd	3rd+
* * * *					
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *					
<u>733A.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 734. SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT NCT-2  
ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	NCT-2 Controls by Story		
			1st	2nd	3rd+
* * * *					

Institutions and Non-Retail Sales and Services					
* * * *					
<u>734.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 735. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT  
ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	SoMa Transit Controls by Story		
			1st	2nd	3rd+
* * * *					
Institutions and Non-Retail Sales and Services					
* * * *					
<u>735.86</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 736. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT  
ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	Mission Street Transit Controls by Story		
			1st	2nd	3rd+
* * * *					
Institutions and Non-Retail Sales and Services					

* * * *					
<u>736.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 737. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT  
ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	Ocean Avenue Transit Controls by Story		
			1st	2nd	3rd+
* * * *					
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *					
<u>737.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 738. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT  
ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	Glen Park Transit Controls by Story		
			1st	2nd	3rd+
* * * *					
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *					

<u>738.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 739. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	Noriega Street Controls by Story		
			1st	2nd	3rd+
* * * *					
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *					
<u>739.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 740. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Irving Street Controls by Story		
			1st	2nd	3rd+
* * * *					
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *					
<u>740.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

\* \* \* \*

**Table 741. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	Taraval Street Controls by Story		
			1st	2nd	3rd+
* * * *					
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *					
<u>741.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

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**Table 742. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	Judah Street Controls by Story		
			1st	2nd	3rd+
* * * *					
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *					
<u>742.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

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**Table 743. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**  
**ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	Folsom Street Controls by Story		
			1st	2nd	3rd+
* * * *					
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *					
743.82a	Child Care <i>Facility</i>	<del>§ § 790.50(b),</del> <del>790.51 (a) §</del> <u>102</u>	P	P	<u>P</u>
* * * *					

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**Table 744. REGIONAL COMMERCIAL DISTRICT**  
**ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	Regional Commercial Controls by Story		
			1st	2nd	3rd+
* * * *					
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *					



744.82a	Child Care <u>Facility</u>	<del>§ § 790.50(b),</del> <del>790.51 (a) §</del> <u>102</u>	<del>P for 12</del> <del>children</del> <del>or fewer.</del> <del>C for 13</del> <del>children</del> <del>or more</del>	<del>P for 12</del> <del>children or</del> <del>fewer. C for</del> <del>13 children</del> <del>or more</del>	<u>P</u>
* * * *					

\* \* \* \*

**Table 745. EXCELSIOR OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	Excelsior Outer Mission Street Controls by Story		
			1st	2nd	3rd+
* * * *					
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *					
<u>745.85</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

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**Table 746. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE**

* * * *			
No.	Zoning Category	§ References	Divisadero Street Controls by Story

			1st	2nd	3rd+
* * * *					
<b>Institutions and Non-Retail Sales and Services</b>					
* * * *					
<u>746.86</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

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**Table 747. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT  
ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	Fillmore Street Transit Controls by Story		
			1st	2nd	3rd+
* * * *					
Institutions and Non-Retail Sales and Services					
* * * *					
<u>747.86</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *					

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**Table 748. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE**

* * * *					
No.	Zoning Category	§ References	Japantown Controls by Story		
			1st	2nd	3rd+

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## Institutions and Non-Retail Sales and Services

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<u>748.86</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
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### SEC. 790.50. INSTITUTIONS, OTHER LARGE.

A public or private, nonprofit or profit-making use, excluding hospitals and medical centers, which provides services to the community and meets the applicable provisions of Section 304.5 of this Code concerning institutional master plans, including but not limited to the following:

(a) Assembly and Social Service. A use which provides social, fraternal, counseling or recreational gathering services to the community. It includes a private noncommercial club house, lodge, meeting hall, recreation building, or community facility not publicly owned. It also includes an unenclosed recreation area.

(b) ~~Child Care. A use which provides less than 24-hour care for 13 or more children by licensed personnel and which meets the requirements of the State of California and other authorities.~~ [Definition Deleted]

(c) Educational Service. A use certified by the Western Association of Schools and Colleges which provides educational services, such as a school, college or university. It may include, on the same premises, employee or student dormitories and other housing operated by and affiliated with the institution.

(d) Religious Facility. A use which provides religious services to the community, such as a church, temple or synagogue. It may include on the same lot, the housing of persons who engage in supportive activity for the institution.

(e) Residential Care. A medical use which provides lodging, board, and care 24 hours or more to seven or more persons in need of specialized aid by personnel licensed by the State of California and which provides no outpatient services; including but not limited to, a board and care home, rest home, or home for the treatment of the addictive, contagious, or other diseases or physiological disorders.

**SEC. 790.51. INSTITUTIONS, OTHER SMALL.**

A public or private, nonprofit or profit-making use which provides services to the community and limited to the following:

~~(a) Child Care. A use which provides less than 24-hour care for 12 or fewer children by licensed personnel and which meets the requirements of the State of California and other authorities. [Definition Deleted]~~

(b) Residential Care. A medical use which provides lodging, board and care 24 hours or more to six or fewer persons in need of specialized aid by personnel licensed by the State of California and which provides no outpatient services, including but not limited to, a board and care home, rest home, or home for the treatment of the addictive, contagious, or other diseases or physiological disorders.

\* \* \* \*

**Table 813**

**RED – RESIDENTIAL ENCLAVE DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Residential Enclave Controls
* * * *			
<b>Institutions</b>			
* * * *			
813.22	Child Care <i>Facility</i>	<del>§ 102 § 890.50 (b)</del>	P
* * * *			

\* \* \* \*

Table 814

SPD – SOUTH PARK DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	South Park District Controls
* * * *			
<b>Institutions</b>			
* * * *			
814.22	Child Care <i>Facility</i>	<u>§ 102</u> <del>§ 890.50 (b)</del>	P
* * * *			

\* \* \* \*

Table 815

RSD – RESIDENTIAL/SERVICE MIXED USE DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Residential/Service Mixed Use District Controls
* * * *			
<b>Institutions</b>			
* * * *			
815.22	Child Care <i>Facility</i>	<u>§ 102</u> <del>§ 890.50 (b)</del>	P
* * * *			

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Table 816

SLR – SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USED DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Residential/Service Mixed Use District Controls
* * * *			
<b>Institutions</b>			
* * * *			
816.22	Child Care <i>Facility</i>	<del>§ 102 § 890.50 (b)</del>	P
* * * *			

\* \* \* \*

**Table 817**

**SLI – SERVICE/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Service/Light Industrial District Controls
* * * *			
<b>Institutions</b>			
* * * *			
817.22	Child Care <i>Facility</i>	<del>§ 102 § 890.50 (b)</del>	P
* * * *			

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**Table 818**

**SSO – SERVICE/SECONDARY OFFICE DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Service/Secondary Office District Controls
* * * *			
<b>Institutions</b>			

* * * *			
818.22	Child Care <i>Facility</i>	<u>§ 102</u> <del>§ 890.50 (b)</del>	P
* * * *			

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**Table 827**

**RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT ZONING CONTROL  
TABLE**

No.	Zoning Category	§ References	Rincon Hill Downtown Residential Mixed Use District Zoning Controls
* * * *			
<b>Non-Residential Standards and Uses</b>			
* * * *			
<u>.45b</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>
* * * *			

\* \* \* \*

**Table 829**

**SOUTH BEACH DOWNTOWN RESIDENTIAL DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	South Beach Downtown Residential District Zoning Controls
* * * *			
<b>Non-Residential Standards and Uses</b>			
* * * *			

<u>.45a</u>	<u>Child Care Facility</u>	<u>§ 102</u>	<u>P</u>
* * * *			

\* \* \* \*

**Table 840**

**MUG – MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Mixed Use-General District Controls
* * * *			
<b>Institutions</b>			
* * * *			
840.35	Child Care <u>Facility</u>	<u>§ 102</u> <del>§ 890.50 (b)</del>	P
* * * *			

\* \* \* \*

**Table 841**

**MUR – MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Mixed Use-Residential District Controls
* * * *			
<b>Institutions</b>			
* * * *			
841.35	Child Care <u>Facility</u>	<u>§ 102</u> <del>§ 890.50 (b)</del>	P
* * * *			

\* \* \* \*

**Table 842**



**MUO – MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Mixed Use-Office District Controls
* * * *			
<b>Institutions</b>			
* * * *			
842.35	Child Care <i>Facility</i>	<u>§ 102</u> <del>§ 890.50 (b)</del>	P
* * * *			

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**Table 843**

**UMU – URBAN MIXED USE DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Urban Mixed Use District Controls
* * * *			
<b>Institutions</b>			
* * * *			
843.35	Child Care <i>Facility</i>	<u>§ 102</u> <del>§ 890.50 (b)</del>	P
* * * *			

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**Table 844**

**WMUG – WSOMA MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	WSoMa Mixed Use-General District Controls
* * * *			

<b>Institutions</b>			
* * * *			
844.35	Child Care <i>Facility</i>	<u>§ 102</u> <del>§ 890.50 (b)</del>	P
* * * *			

\* \* \* \*

**Table 845**

**WMUO – WSOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	WSoMa Mixed Use-Office District Controls
* * * *			
<b>Institutions</b>			
* * * *			
845.35	Child Care <i>Facility</i>	<u>§ 102</u> <del>§ 890.50 (b)</del>	P
* * * *			

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**Table 846**

**SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	SALI District Controls
* * * *			
<b>Institutions</b>			
* * * *			
846.35	Child Care <i>Facility</i>	<u>§ 102</u> <del>§ 890.50 (b)</del>	<u>P</u> <del>€</del>
* * * *			

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Table 847

RED-MX – RESIDENTIAL ENCLAVE-MIXED DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Residential Enclave-Mixed District Controls
* * * *			
<b>Institutions</b>			
* * * *			
847.22	Child Care <i>Facility</i>	<u>§ 102</u> <del>§ 890.50 (b)</del>	P
* * * *			

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**SEC. 890.50. INSTITUTIONS, OTHER.**

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(b) ~~Child Care. A use which provides less than 24-hour care for children by licensed personnel and which meets the requirements of the State of California and other authorities. [Definition Deleted]~~

(c) Educational Service. A use certified by the Western Association of Schools and Colleges which provides educational services such as a school, college or university. It may include, on the same premises, employee or student dormitories and other housing operated by and affiliated with the institution.

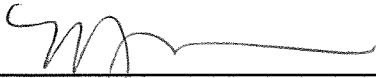
1           \* \* \* \*

2           Section 3. Effective Date. This ordinance shall become effective 30 days after  
3 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
4 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
5 of Supervisors overrides the Mayor's veto of the ordinance.

6  
7           Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
8 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
9 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
10 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
11 additions, and Board amendment deletions in accordance with the "Note" that appears under  
12 the official title of the ordinance.

13  
14  
15 APPROVED AS TO FORM:  
16 DENNIS J. HERRERA, City Attorney

17 By:

18   
MARLENA BYRNE  
Deputy City Attorney

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