



SAN FRANCISCO PLANNING DEPARTMENT

New Planning Code Summary:

Child Care Facilities

Amended Sections:	135, 209.1, 209.2, 209.3, 209.4, 210.2, 210.3, 211.2, 311, 312, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 733A, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 790.50, 790.51, 813, 814, 815, 816, 817, 818, 827, 829, 840, 841, 842, 843, 844, 845, 846, 847, and 890.50.
Case Number:	2016.011947CWP
Board File/Enactment #:	170693
Initiated by:	Supervisors Yee; Tang, Ronen, Farrell, Safai, Kim, Sheehy, Cohen, Breed, Fewer, Peskin
Effective Date:	October 15, 2017

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The Ordinance amended the Planning Code to allow residential uses and Child Care Facility uses to share required open space; makes Child Care Facilities principally permitted in all zoning districts except PDR-1-B, PDR-1-G and M-1 zoning districts, where they are conditionally permitted, and in the PDR-2 and M-2 zoning districts, where they are not permitted; removes certain notice requirements for Child Care Facilities; and makes other conforming changes to the definition of Child Care Facility.

The Way It Was:

1. The Planning Code contained several definitions of "Child Care Facilities." Across the City, Child Care Facilities were principally permitted, conditionally permitted, or not permitted, depending on the zoning district in which they are located. Specifically,
 - In residential districts, child care facilities serving 14 children or fewer were permitted, and Child Care Facilities serving 15 children or more required conditional use authorization.
 - In commercial districts (C-2 and C-3), Child Care Facilities were permitted, except in C-3-S, where a Conditional Use authorization was required.
 - In Production, Distribution, and Repair (PDR) Districts, Child Care Facilities were only permitted in PDR-1-G.
 - In Industrial (M) Districts, Child Care Facilities were only permitted in M-1.
 - In Public (P) Districts, Child Care Facilities required Conditional Use authorization.
 - In Neighborhood Commercial Districts, Child Care Facilities were generally permitted on the first floor regardless of enrollment, permitted on the second and third floor when serving 12 or fewer children. Conditional Use

authorization was generally required when operating a Child Care Facility on the second or third floor with 13 or more children.

- In Mixed Use Districts, Child Care Facilities were permitted except in Rincon Hill Downtown Residential (RH-DTR), South Beach Downtown Residential (SB-DTR) (, and Service/Arts/Light Industrial (SALI)() Districts.
2. Neighborhood notification was required for all Child Care Facilities in residential districts, and in other districts, neighborhood notice was required for changes of use to both Other Large Institutions and Other Small Institutions, which included Child Care Facilities under Planning Code Sections 790.50 and 790.51.
 3. Mixed-use projects that included a Child Care Facility were required to meet both local residential open space requirements, which vary by zoning district, and in addition, State child care open space requirements.

The Way It Is Now:

1. The legislation amends the Planning Code to provide only one definition of “Child Care Facility,” in Planning Code Section 102. Child Care Facilities are principally permitted in all zoning districts, except the following, which are subject to the listed use controls.
 - PDR-1-B: Conditional Use
 - PDR-1-G: Conditional Use
 - PDR-2: Not Permitted
 - M-1: Conditional Use
 - M-2: Not Permitted
2. The legislation eliminates neighborhood notice requirements for Child Care Facilities.
3. The legislation allows a residential development to use required residential open space to meet child care open space requirements during weekday business hours (M-F, 9am-6pm). The space must meet State child care licensing requirements, and not more than 50% of a single common open space may be used by the Child Care Facility.

Link to Signed Legislation:

<https://sfgov.legistar.com/LegislationDetail.aspx?ID=3066206&GUID=5B95BA82-9095-4575-BE0F-0F9415246C33>