

[Planning Code - Transfer of Child Care Facility Oversight to Office of Early Care and Education]

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**Ordinance amending the Planning Code to transfer proposed child care facility oversight from the Department of Children, Youth and Their Families to the Office of Early Care and Education; and making environmental findings.**

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. The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 130864 and is incorporated herein by reference.

Section 2. The San Francisco Planning Code is hereby amended by revision Section 410.10, to read as follows:

**SEC. 410.10. COMPLIANCE BY ENTERING INTO AN ARRANGEMENT WITH A NON-PROFIT ORGANIZATION.**

The sponsor of a development project subject to this Section may elect to satisfy its child-care requirement by entering into an arrangement pursuant to which a nonprofit organization will provide a child-care facility at a site within the City. The sponsor shall, prior to the issuance of the first certificate of occupancy by the Director of DBI for the development project, provide proof to the Director of Planning that:

1 (a) A space for a child-care facility has been provided by the nonprofit  
2 organization, either for its own use if the organization will provide child-care services, or to a  
3 nonprofit child-care provider without charge for rent, utilities, property taxes, building services,  
4 repairs, or any other charges of any nature, as evidenced by a lease or sublease and an  
5 operating agreement between the nonprofit organization and the provider with minimum terms  
6 of three years;

7 (b) The child-care facility is a licensed child-care facility;

8 (c) The child-care facility has a minimum gross floor area of 3,000 square feet  
9 or an area determined according to the following formula, whichever is greater:

10 
$$\text{Net add. gross sq. ft. office or hotel space} \times .01 = \text{sq. ft. of child-care facility}$$

11 In the event that the net addition of gross square feet of office or hotel space is  
12 less than 300,000 square feet, the child-care facility may have a minimum gross floor of 2,000  
13 square feet or the area determined according to the above formula, whichever is greater;

14 (d) The nonprofit organization has executed and recorded a binding written  
15 agreement, with a term of 20 years from the date of issuance of the first certificate of  
16 occupancy for the development project, pursuant to which the nonprofit organization  
17 guarantees that it will operate a child-care facility or it will lease or sublease a child-care  
18 facility to one or more nonprofit child-care providers for as long as there is a demonstrated  
19 need under Section 414.12, and that it will comply with all of the requirements imposed on the  
20 nonprofit organization under Section 414.10 and imposed on a sponsor under Sections 414.4.

21 (e) To support the provision of a child-care facility in accordance with the  
22 foregoing requirements, the sponsor has paid to the nonprofit organization a sum which  
23 equals or exceeds the amount of the in-lieu fee which would have been applicable to the  
24 project under Section 414.8.  
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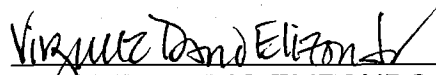
1 (f) The *Department of Children, Youth and Their Families Office of Early Care and*  
2 *Education, or any successor entity* has determined that the proposed child-care facility will help  
3 meet the needs identified in the San Francisco Child Care Needs Assessment and will be  
4 consistent with the *City Wide Child Care Plan San Francisco Citywide Plan for Early Care and*  
5 *Education and Out of School Time*; provided, however, that this Paragraph (f) shall not apply to  
6 any office or hotel development project approved by the Planning Commission prior to  
7 December 31, 1999.

8 Upon compliance with the requirements of this Section, the nonprofit organization shall  
9 enjoy all of the rights and be subject to all of the obligations of the sponsor, and the sponsor  
10 shall have no further rights or obligations under Section 414.1 et seq.

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

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

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

23 By:   
24 VIRGINIA DARIO ELIZONDO  
25 Deputy City Attorney

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**City and County of San Francisco**  
**Tails**  
**Ordinance**

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 130864

**Date Passed:** January 28, 2014

Ordinance amending the Planning Code to transfer proposed child care facility oversight from the Department of Children, Youth and Their Families to the Office of Early Care and Education; and making environmental findings.

January 06, 2014 Land Use and Economic Development Committee - RECOMMENDED

January 14, 2014 Board of Supervisors - PASSED, ON FIRST READING

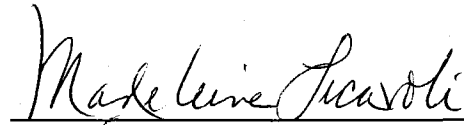
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

January 28, 2014 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 130864

**I hereby certify that the foregoing Ordinance was FINALLY PASSED on 1/28/2014 by the Board of Supervisors of the City and County of San Francisco.**

  
for Angela Calvillo  
Clerk of the Board

  
Mayor

  
Date Approved