

- I. Adopt Ordinance 1619 Amending San Carlos Municipal Code Title 18 – Zoning, Section 18.04.020 (Land Use Regulations) to Allow Childcare Facilities within Certain Existing Buildings within the RS-3 (Single-family, Low Density), RS-6 (Single-family), and RM-20 (Multi-family 20 units/acre) Zoning Districts.



## CITY COUNCIL STAFF REPORT

**MEETING DATE:** September 9, 2024

**ITEM TITLE:** Adopt Ordinance 1619 Amending San Carlos Municipal Code Title 18 – Zoning, Section 18.04.020 (Land Use Regulations) to Allow Childcare Facilities within Certain Existing Buildings within the RS-3 (Single-family, Low Density), RS-6 (Single-family), and RM-20 (Multi-family 20 units/acre) Zoning Districts.

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### RECOMMENDATION:

Staff recommends the City Council adopt Ordinance 1619 to allow childcare facilities within certain existing buildings within the RS-3 (Single-family, Low Density), RS-6 (Single-family), and RM-20 (Multi-family 20 units/acre) zoning districts.

### FISCAL IMPLICATIONS:

There is no fiscal impact associated with this action and no additional appropriation is needed at this time.

### BACKGROUND:

The Planning and Transportation Commission (PTC), at its June 3, 2024 meeting, approved Resolution PTC2024-12 (3 in favor, 2 absent) recommending that the City Council adopt the proposed Zoning Code amendments.

The City Council, at its August 12, 2024 meeting, introduced Ordinance 1619 (4 in favor, 1 recused) to allow childcare facilities within certain existing buildings within the RS-3 (Single-family, Low Density), RS-6 (Single-family), and RM-20 (Multi-family 20 units/acre) zoning districts.

### ANALYSIS:

Ordinance 1619 amends San Carlos Municipal Code Title 18 – Zoning: Section 18.04.020 (Land Use Regulations) allowing day care centers to be a permitted use in the RS-3, RS-6, and RM-20 zoning districts if they are to be established in an existing building that was built for and/or previously operated as a legally established Public or Semi-public use. This allows for the re-use of existing buildings within these zoning districts while increasing the available locations for day care centers in San Carlos. This action meets the strategic goal of “encouraging and supporting the creation, operation, and access to childcare facilities and reduce barriers to creation and expansion.”

**Environmental Determination.** This project has been determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3),

the general exemption for projects with no potential for a significant effect in the environment. As a text amendment, it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment.

**Next Steps.** Should the City Council adopt Ordinance 1619 at its September 9, 2024, regular meeting, the proposed amendments would become effective on October 9, 2024.

ALTERNATIVES:

The alternatives available to the City Council include:

1. Adopt Ordinance 1619 to amend San Carlos Municipal Code Title 18 – Zoning: Section 18.04.020 (Land Use Regulations); or
2. Do not adopt Ordinance 1619; or
3. Provide staff with alternative direction.

Respectfully submitted by:

Al Savay, Community Development Director

Approved for submission by:



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Jeff Maltbie, City Manager

ATTACHMENT(S):

1. Ordinance 1619  
Exhibit A to Ordinance - Amendments to Title 18 - Childcare

## ORDINANCE NO. 1619

### **AN ORDINANCE OF THE CITY OF SAN CARLOS AMENDING SAN CARLOS MUNICIPAL CODE TITLE 18 - ZONING, SECTION 18.04.020 (LAND USE REGULATIONS) TO ALLOW CHILDCARE FACILITIES WITHIN CERTAIN EXISTING BUILDINGS WITHIN THE RS-3 (SINGLE-FAMILY, LOW DENSITY), RS-6 (SINGLE-FAMILY), AND RM-20 (MULTI-FAMILY 20 UNITS/ACRE) ZONING DISTRICTS.**

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**SECTION 1:** The City Council of the City of San Carlos does hereby ordain as follows:

**WHEREAS**, through the strategic plan process, the City Council identified the creation, operation and access to childcare as a top priority for the City; and

**WHEREAS**, on March 11, 2024, the City Council formally adopted its 2024 Strategic Plan and memorialized childcare as a top priority with the inclusion of the strategic goal that “The City of San Carlos will encourage and support the creation, operation, and access to childcare facilities and reduce barriers to creation and expansion”; and

**WHEREAS**, as part of this goal, the strategic plan incorporates an objective to consider zoning/co-location options for childcare sites which included the consideration of a zoning update to allow childcare centers in single-family residential districts on sites that were previously schools, religious facilities, or community centers; and

**WHEREAS**, the City currently does not allow day care centers within the RS-3 (Single-family, Low Density), RS-6 (Single-family), and RM-20 (Multi-family 20 units/acre) zoning districts; and

**WHEREAS**, the proposed amendment would allow day care centers within the RS-3, RS-6, and RM-20 by right if they are to be established in an existing building that was built for and/or previously operated as a legally established Public or Semi-public use; and

**WHEREAS**, pursuant to Government Code Section 65853 and 65850 and San Carlos Municipal Code Chapter 18.35, when a change in the Zoning Ordinance (Title 18 of the San Carlos Municipal Code) is found necessary, the Planning and Transportation Commission shall hold a public hearing to consider such change and render its recommendation to the City Council; and

**WHEREAS**, pursuant to San Carlos Municipal Code Chapter 18.35.050 and California Government Code Section 65090 and 650901, a Public Hearing Notice was Published on May 23, 2024, for the draft San Carlos Municipal Code Zoning Amendments in the newspaper, and distributed to interested parties; and

**WHEREAS**, the proposed amendments to the San Carlos Municipal Code as mentioned above are exempt from the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), the general exemption for projects with no potential for a significant effect in the environment. As a text amendment, it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment; and

**WHEREAS**, the Planning and Transportation Commission conducted a public hearing to hear and consider all comments of all persons interested in or concerned with the proposed amendments of the City of San Carlos Municipal Code on June 3, 2024 in consideration of a recommendation to the City Council regarding adoption of an Ordinance; and

**WHEREAS**, at this meeting, the Planning and Transportation Commission recommended that the City Council introduce this ordinance (Resolution PTC2024-12), based on the required findings; and

**WHEREAS**, the City Council finds the desired outcome of the Ordinance update is to increase access to day care centers throughout the City by reducing the regulatory and financial barriers to the creation and expansion of childcare facilities in San Carlos.

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of San Carlos as follows:

**SECTION 2:** The City Council makes the following findings:

**A. The proposed ordinance amendments are consistent with the General Plan.**

The recently updated 2023-2031 Housing Element includes the following goal:

- Goal HOU-7 which states: “Increase Access to Child Care” Policy HOU-7.1 States “Access to Childcare. Increase access to childcare by including childcare facility siting opportunities and reducing regulatory and financial barriers to the creation an expansion of childcare facilities in San Carlos.”

*Basis for Finding:* The proposed ordinance amendments would increase access to day care centers throughout the city by allowing them in additional zoning districts. This would also allow providers more options in where to locate their centers. Further, allowing day care centers by-right, when located in an existing building that was built for and/or previously operated as a legally established Public or Semi-public use, would reduce the regulatory and financial barriers to the creation and expansion of childcare facilities in San Carlos.

**B. The ordinance amendment is consistent with the purpose of the zoning title to promote the growth of the City in an orderly manner and to promote and protect the public health, safety, peace, comfort and general welfare.**

*Basis for Finding:* The proposed ordinance amendment would promote further growth of childcare facilities in the city and would reduce the regulatory and financial barriers to the creation and expansion of childcare facilities in San Carlos by making additional properties available for this use.

**SECTION 3:** The City Council hereby approves the Municipal Code Ordinance amendment attached as Exhibit A.

**SECTION 4: Replacement of Code.** San Carlos Municipal Code Section 18.04.020 (Land Use Regulations) is hereby replaced with the language in Exhibit A.

**SECTION 5: California Environmental Quality Act Determination.** The City Council hereby finds that this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), the general exemption for projects with no potential for a significant effect in the environment. As a text amendment, it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment.

**SECTION 6: Severability.** That the City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions of this Ordinance are severable and, if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

**SECTION 7: Publication and Effective Date.** This Ordinance shall be published and posted according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

\* \* \* \*

I, City Clerk Crystal Mui, hereby certify that the foregoing Ordinance was introduced on the 12<sup>th</sup> day of August, 2024 and passed and adopted as an Ordinance of the City Council of the City of San Carlos at a regular meeting thereof held on the 9<sup>th</sup> day of September, 2024 by the following vote:

**AYES, COUNCILMEMBERS:** \_\_\_\_\_

**NOES, COUNCILMEMBERS:** \_\_\_\_\_

**ABSENT, COUNCILMEMBERS:** \_\_\_\_\_

\_\_\_\_\_  
**CITY CLERK** of the City of San Carlos

APPROVED:

\_\_\_\_\_  
**MAYOR** of the City of San Carlos

Exhibit A: Changes to San Carlos Municipal Code 18.04.020 - Land Use Regulations

# EXHIBIT A

## 18.04.020 Land use regulations.

Table 18.04.020 prescribes the land use regulations for residential districts. The regulations for each district are established by letter designations as follows:

“P” designates permitted uses.

“M” designates use classifications that are permitted after review and approval of a minor use permit by the Zoning Administrator.

“C” designates use classifications that are permitted after review and approval of a conditional use permit by the Planning and Transportation Commission.

“(#)” numbers in parentheses refer to specific limitations listed at the end of the table.

“-” designates uses that are not permitted.

Use classifications are defined in Chapter [18.40](#), Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. The table also notes additional use regulations that apply to various uses. Section numbers in the right-hand column refer to other sections of this title.

**TABLE 18.04.020: LAND USE REGULATIONS—RESIDENTIAL DISTRICTS**

Use Classification	RS-3	RS-6	RM-20	RM-59	RM-100	Additional Regulations
Residential Uses						
Residential Housing Types	See subclassifications below					
Single-Unit Dwelling	P	P	-	-	-	See Section <a href="#">18.04.100</a> , Small lot

**TABLE 18.04.020: LAND USE REGULATIONS—RESIDENTIAL DISTRICTS**

Use Classification	RS-3	RS-6	RM-20	RM-59	RM-100	Additional Regulations
Small Lot Single-Unit Subdivision Development	C (1)	C (1)	P	C (2)	C (2)	subdivision standards See Section <a href="#">18.04.070</a> , Residential development types
Accessory Dwelling Unit	P	P	P	P	P	See Section <a href="#">18.04.080</a> , Duplex standards See Section <a href="#">18.04.090</a> , Townhouse standards
Junior Accessory Dwelling Unit	P	P	-	-	-	*For townhouse development in RM districts, Development Standards of RM District shall apply
Duplex	P	P	P	-	-	
Urban Infill Units	P	P	-	-	-	
Townhouse Development	-	C	P*	P*	P*	
Multi-Unit Residential	-	-	P	P	P	
Elderly and Long-Term Care	-	-	-	C	C	
Family Day Care	See subclassifications below					
Small	P	P	P	P	P	
Large	P	P	P	P	P	
Group Residential	-	-	-	P	P	
Residential Care Facilities	See subclassifications below					
General	-	-	M	M	M	See Section <a href="#">18.23.200</a> , Residential care facilities
Limited	P	P	P	P	P	
Senior	-	-	M	M	M	See Section <a href="#">18.23.200</a> , Residential care facilities



**TABLE 18.04.020: LAND USE REGULATIONS—RESIDENTIAL DISTRICTS**

[illegible]

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Use Classification	RS-3	RS-6	RM-20	RM-59	RM-100	Additional Regulations
Eating and Drinking Establishments, Convenience	-	C(3)	-	-	-	See Section <a href="#">18.23.140</a> , Outdoor dining
Retail Sales, Convenience Markets	-	C(3)	-	-	-	
Transportation, Communication, and Utilities Uses						
Communication Facilities	See Chapter <a href="#">18.24</a> , Wireless Telecommunications Facilities					
Utilities, Minor	P	P	P	P	P	
Other Applicable Types						
Accessory Uses and Structures	See Sections <a href="#">18.15.020</a> , Accessory buildings and structures, and <a href="#">18.23.030</a> , Accessory uses					
Home Occupations	P	P	P	P	P	See Section <a href="#">18.23.120</a> , Home occupations
Nonconforming Use	Chapter <a href="#">18.19</a> , Nonconforming Uses, Structures, and Lots					
Temporary Use	See Section <a href="#">18.23.240</a> , Temporary uses					

Specific Limitations:

1. In addition to standard use permit findings, the Planning and Transportation Commission must find that the development is designed with massing and height that is sensitive to the building pattern of the area and adjacent properties.
2. In addition to standard use permit findings, the Planning and Transportation Commission must find that specific site conditions exist such that the proposed development type is equal to or better than multi-unit residential or townhouse development types with regard to design and achievable density and the project is designed with massing and height that is sensitive to the building pattern of the area and adjacent properties.
3. Subject to the following limitations:

- a. Limited to cafes, coffee shops, delis, and neighborhood markets. Full service restaurants are not allowed.
- b. Limited to one thousand five hundred (1,500) square feet of sales area.
- c. Hours of operation are limited to between seven (7) a.m. and nine (9) p.m.
- d. Must be located within a two (2) story building.
- e. Must be located on a corner lot with frontage on an arterial a minimum of one-half (1/2) mile from the MU-DC-100, MU-D-100 and MU-D-120 districts and other existing neighborhood-serving retail.
- f. In addition to the findings required for all use permits, the Planning and Transportation Commission must find that the proposed use promotes community health, interaction, and socialization of the neighborhood; complements the residential character of the surrounding neighborhood; and will not adversely impact adjacent properties.