
SENATE COMMITTEE ON HUMAN SERVICES
Senator Arreguín, Chair
2025 - 2026 Regular

Bill No: SB 299
Author: Cabaldon
Version: January 5, 2026
Urgency: No
Consultant: Diana Dominguez

Hearing Date: January 12, 2026
Fiscal: Yes

Subject: California Environmental Quality Act: exemption: day care center: zoning

SUMMARY

This bill would provide that a day care center is exempt from the California Environmental Quality Act (CEQA) if the center is not located on a parcel of land zoned exclusively for residential use. This bill would additionally exempt a project consisting exclusively of a family daycare home from CEQA.

ABSTRACT

Existing Law:

- 1) Establishes the California Child Day Care Facilities Act to create a separate licensing category for child day care centers and family day care homes within the existing licensing structure at the California Department of Social Services (CDSS). (*Health and Safety Code (HSC) 1596.70 et seq.*)
- 2) Defines “child day care facility” to mean a facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Child day care facilities include day care centers, employer-sponsored child care centers, and family day care homes. (*HSC 1596.750*)
- 3) Defines “day care center” as a child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and schoolage child care centers, and includes child care centers with a single license. (*HSC 1596.76*)
- 4) Defines “family day care home” as a facility that regularly provides care, protection, and supervision for 14 or fewer children, in the provider’s own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home, as defined. (*HSC 1596.78*)

- 5) Prohibits any person or entity operating a child day care facility from providing care or supervision without a valid license from CDSS. (*22 California Code of Regulations 101156(a)*)
- 6) Declares that the state building code, fire code, and regulations promulgated pursuant to those provisions, shall preempt local laws, regulations, and rules governing the use and occupancy of family day care homes. Provides that local laws, regulations, or rules shall not directly or indirectly prohibit or restrict the use of a facility as a family daycare home, including, but not limited to, precluding the operation of a family daycare home. (*HSC 1597.40*)
- 7) Provides that a family daycare home shall not be subject to CEQA. (*HSC 1597.45(d)*)
- 8) Provides that a city, county, other local public entity, or local ordinance shall not be precluded from placing specified restrictions on a family daycare center, as long as those restrictions are identical to those applied to all other residences with the same zoning designation as the family daycare home. Provides that this section does not prohibit or restrict the abatement of nuisances by a city, county, or city and county; however, ordinances or nuisance abatement measures shall not distinguish a family daycare center from other homes with the same zoning designation, except as otherwise provided. (*HSC 1597.45(e)*)
- 9) Establishes CEQA, which governs environmental review processes for public and private projects in California and outlines requirements and procedures for assessing and mitigating environmental impacts. (*Public Resources Code (PRC) 21000 et seq.*)
- 10) Provides that a project that consists exclusively of a day care center that is not located in a residential area shall be exempt from CEQA. (*PRC 21080.69(a)(1)*)

This Bill:

- 1) Provides that a project that consists exclusively of a day care center that is not located on a parcel of land zoned exclusively for residential use shall be exempt from CEQA.
- 2) Provides that a project that consists exclusively of a family day care home shall be exempt from CEQA.

FISCAL IMPACT

This bill as written has not yet been analyzed by a fiscal committee.

BACKGROUND AND DISCUSSION**Purpose of the Bill:**

According to the author, “Last year, the Legislature enacted CEQA reform intended to streamline approval of child care facilities. In practice, the language has limited the effectiveness

of that exemption, particularly for facilities not located on parcels zoned exclusively for residential use.

“SB 299 provides that child care facilities are not subject to CEQA delay where no meaningful environmental impacts are at issue. Most CEQA challenges to child care projects in residential areas are unrelated to air, water, or natural resource protection and instead reflect local opposition to neighborhood-serving uses. SB 299 ensures families can access child care close to home, consistent with both environmental values and community needs.”

Subsidized Child Care in California

California’s subsidized child care system is designed to provide assistance for income eligible parents and guardians who are working, in training, seeking employment, incapacitated, or in need of respite. Subsidized child care is available through a number of programs, which are provided at either a licensed family child care home, a licensed child care center, or at a license-exempt provider’s home.

Families are considered income eligible for subsidized child care programs if the family’s adjusted monthly income is at or below 85 percent of the State Median Income, adjusted for family size, as calculated by the Department of Finance. However, the number of income eligible children exceeds the amount of funding available for subsidized care. According to the Legislative Analyst’s Office¹, the 2023–24 state budget provided \$8 billion for child care programs and \$2.5 billion for State Preschool. According to the California Budget and Policy Center², only 11 percent of children eligible for subsidized child care received services in 2022.

Child Care Facilities

A family child care home is a child care business that is operated in the licensee’s own home. Families might choose family child care because the family child care home is close to where they live or because they prefer a home-like setting. Small family child care homes may care for up to eight children, and large family child care homes may care for up to 14 children.

Statute defines a child care center as a child care facility other than a family child care home. Child care centers are usually located in commercial buildings. Child care centers may have multiple classrooms, enabling them to serve more children than family child care homes. Families who choose center-based care might do so because the center is close to where they live or work. State licensing regulations require child care centers to adhere to teacher-child ratios, which set a maximum number of children who may be served.

As of June 2025, there were 29,693 licensed family child care homes in California with a total capacity to serve 318,845 children; and 9,205 licensed child care centers with a total capacity to serve 550,768.³ According to CDSS⁴, the state gained 1,854 licensed child care facilities between August 2024 and August 2025, with the capacity to serve 16,438 additional children.

¹ <https://lao.ca.gov/Publications/Report/4817>

² <https://calbudgetcenter.org/resources/californias-child-care-system-serves-only-a-fraction-of-eligible-children/>

³ <https://cdss.ca.gov/Portals/9/CCLD/CCLD-Facility-and-Capacity-Data-2017-25.pdf>

⁴ https://cdss.ca.gov/Portals/9/CCLD/CCLD%20Data/Heat%20Maps%20and%20Language%20for%20Internet%20%20-%20doc%20for%20posting.pdf?ver=Ln_Tmsi0s-KrBrpPvZ5nJg%3d%3d

Le Petit Elephant Nursery and Preschool

Le Petit Elephant Nursery and Preschool is the largest child care facility in Napa County, with about 130 children enrolled. In 2023, Milli Pintacsi, owner of Le Petit Elephant, was awarded \$2.8 million in federal and state grants as part of child care industry recovery after the COVID-19 pandemic⁵. Pintacsi sought to use her grant funding to increase her licensed capacity to serve more children. In 2024, Pintacsi initiated the purchase of a vacant church which she planned to convert into 18 infant and toddler care rooms and a multipurpose room that could be rented out.

Residents neighboring the church opposed the renovation project, citing the potential for increased noise and traffic. After rejected appeals to the planning commission and city council, the neighborhood group filed three CEQA lawsuits⁶. CEQA requires public agencies to consider the environmental consequences of proposed activities to prevent significant, avoidable environmental damage. The lawsuits suggested the Le Petit Elephant project would negatively impact neighborhood traffic, air quality, and safety. The involved parties reached a settlement in March 2025, which included an agreement to gradually increase enrollment from 200 in its first year to 225 in its second year and 250 in its third year and ongoing. The settlement also placed limitations on parking, types of events the rental space may be used for, and the days and times children's activities may occur. According to Pintacsi, the lawsuits caused a financial burden and delayed renovations, which delayed Le Petit Elephant's capacity to serve more children. In addition to federal and state funding, Le Petit Elephant has received over \$1.3 million in loans from Napa County to open the new location⁷.

A CEQA reform bill passed in 2025 exempted day care centers not located in a “residential area” from CEQA. This bill would clarify that a day care center not located on land zoned exclusively for residential use is exempt from CEQA. According to the author, this would extend the day care center exemption to include mixed-use areas, such as where the site of the new Le Petit Elephant is located. This bill would additionally make a project consisting exclusively of a family day care center exempt from CEQA.

Related/Prior Legislation:

AB 752 (Ávila Farías, Chapter 164, Statutes of 2025) provided that a daycare center that is collocated with multifamily housing shall be considered a residential use of property and a use by right.

SB 131 (Committee on Budget and Fiscal Review, Chapter 24, Statutes of 2025), a budget trailer bill, exempted projects that consist exclusively of a daycare center that are not located in a residential area from CEQA.

⁵ <https://www.kqed.org/news/12011579/lawsuit-from-napa-neighbors-could-block-much-needed-child-care-expansion>

⁶ <https://www.pressdemocrat.com/2025/03/28/napa-day-care-expansion-to-move-forward-after-neighbors-decide-to-drop-lawsuit-2/>

⁷ https://napavalleyregister.com/news/napa-child-care-le-petit-elephant-loan-alta-heights-board-supervisors/article_c02b4ea4-572f-49e1-83a0-a558dbb0bc4a.html

SB 234 (Skinner, Chapter 244, Statutes of 2019) required a large family daycare home to be treated as a residential use of property for purposes of all local ordinances, among other things.

AB 131 (Committee on Budget, Chapter 116, Statutes of 2021), a budget trailer bill, established the Child Care and Development Infrastructure Grant Program at CDSS to expand access to child care and preschool opportunities for children up to five years of age by providing resources to build new facilities or retrofit, renovate, repair, or expand existing facilities. AB 131 also established a timeline to phase in 200,000 new slots to the state's subsidized child care system.

COMMENTS

This bill seeks to build upon recent CEQA reform to clarify the CEQA exemption for child care facilities. This clarification would prevent lawsuits when a proposed day care center project is located in an area that is not exclusively zoned for residential use. This bill would also provide that family day care homes are exempt from CEQA. California has more children eligible for subsidized child care than it has the capacity to serve. This bill seeks to ensure that the project approval process does not contribute to delays in expanding access to child care services.

Double Referral: This bill has been double referred. Should this bill pass out of this Committee, it will be referred to the Senate Committee on Environmental Quality.

PRIOR VOTES

This bill was gutted and amended on January 5, 2026, while pending on the Senate Floor. All prior votes are based on the bill prior to being gutted and amended.

POSITIONS

Support:

American Planning Association, California Chapter
Build Up California - Early Learning and Care Facilities
California State Association of Counties (CSAC)
Community Resources for Children
Le Petit Elephant
League of California Cities
Low Income Investment Fund
Napa County Supervisor Anne Cottrell
Napa County Supervisor Liz Alessio
Rural County Representatives of California (RCRC)
Urban Counties of California (UCC)

Oppose:

None Received

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