

Date of Hearing: June 22, 2026

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

SB 299 (Cabaldon) – As Amended January 14, 2026

SENATE VOTE: 39-0

SUBJECT: California Environmental Quality Act: exemption: day care center: family daycare home: zoning

SUMMARY: Reiterates and expands existing California Environmental Quality Act (CEQA) exemptions for day care centers and family daycare homes in residential zones, while excluding projects located within 3,200 feet of a facility that actively extracts or refines oil or natural gas and projects located on natural and protected lands, as defined.

EXISTING LAW:

- 1) CEQA requires lead agencies with the principal responsibility for carrying out or approving a proposed project to prepare a negative declaration, mitigated negative declaration, or environmental impact report (EIR) for this action. (Public Resources Code (PRC) 21000 *et seq.*)
- 2) CEQA applies to discretionary projects proposed to be carried out or approved by public agencies, including the enactment and amendment of zoning ordinances, the issuance of zoning variances, the issuance of conditional use permits, and the approval of tentative subdivision maps, unless the project is exempt from CEQA. CEQA does not apply to ministerial projects proposed to be carried out or approved by public agencies. (PRC 21080)
- 3) The CEQA Guidelines (Title 14, Division 6, Chapter 3 of the California Code of Regulations) include categorical exemptions that include certain day care projects, including:
 - a) Section 15301(p) for use of a single-family residence as a small family daycare home (up to eight children).
 - b) Section 15303 for new construction or conversion of small structures, including:
 - i) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.
 - ii) A duplex or similar multi-family residential structure, totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six dwelling units.
 - iii) A store, motel, office, restaurant or similar structure not exceeding 2500 square feet in floor area.
 - c) Section 15332 for larger, infill development projects, as follows:

- i) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;
 - ii) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
 - iii) The project site has no value as habitat for endangered, rare, or threatened species;
 - iv) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and,
 - v) The site can be adequately served by all required utilities and public services.
- 4) Requires a day care center colocated with multifamily housing to be considered a residential use of property and a use by right, meaning that a local government's review of a daycare center may not require a conditional use permit, planned unit development permit, or any other discretionary local government review or approval that would constitute a project for purposes of CEQA. (Health and Safety Code (HSC) 1597.22)
 - 5) Exempts from CEQA a family daycare home, which provides in-home care for up to 14 children. (HSC 1597.45)
 - 6) Exempts from CEQA a project that consists exclusively of a day care center that is not located in a residential area. (PRC 21080.69)
 - 7) Defines natural and protected lands as sites located within any of the following locations:
 - a) The state park system.
 - b) A wilderness area.
 - c) A marine protected area.
 - d) The national park system.
 - e) A national recreation area.
 - f) A national monument.
 - g) The national wild and scenic rivers system.
 - h) Any ecological reserve or wildlife management area acquired and managed by the Department of Fish and Wildlife.
 - i) A hazardous waste site that has not been cleared for the use proposed by the project, as specified.
 - j) Within a regulatory floodway as determined by the Federal Emergency Management Agency unless the development has received a no-rise certification.

- k) Lands under conservation easement.
- l) On, or within a 300-foot radius of, a wetland, as defined in the United States Fish and Wildlife Service Manual.
- m) An environmentally sensitive area within the coastal zone.
- n) Lands identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.
- o) Within a very high fire hazard severity zone or within the state responsibility area unless the site has adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development, as specified.
- p) Either prime farmland or farmland of statewide importance, as specified, or land zoned or designated for agricultural protection or preservation by a local ballot measure.

(PRC 21067.5)

- 8) 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. (HSC 1596.76)
- 9) Defines “family daycare 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. (HSC 1596.78)

THIS BILL:

- 1) Exempts from CEQA a project that consists exclusively of a day care center or a family daycare home that is located on a parcel of land zoned exclusively for residential use.
- 2) Provides that the exemption does not apply to a project located within 3,200 feet of a facility that actively extracts or refines oil or natural gas or to a project located on natural and protected lands.

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

COMMENTS:

- 1) **Where’s the gap?** This bill duplicates existing CEQA exemptions for in-home daycares, while adding more restrictive conditions. The same “family daycare homes” included in this bill are already broadly exempt from CEQA, regardless of zoning or proximity to other uses. The author did not offer a reason for including another exemption for family daycare homes, with additional conditions. *The author and the committee may wish to consider striking the duplicative exemption for family daycare homes.*

The primary effect of the bill is to exempt stand-alone day care center projects located in residential areas, which are not clearly covered by the several existing CEQA exemptions, and were excluded for no apparent reason from the hastily-drafted exemption added last year

by SB 131. This bill's exemption includes larger preschool and school daycare projects that may not be considered a residential use by the city or county reviewing the project. While the bill provides a CEQA exemption for such projects, it does not override local zoning.

The proposed day care center in Napa that gave rise to this bill is located in a 20,000 square foot former church in a residential area and is planned to accommodate 250 children.

2) Author's statement:

Last year, the Legislature enacted CEQA reform intended to streamline approval of childcare facilities. In practice, the language has limited the effectiveness of that exemption, particularly for facilities located on parcels zoned exclusively for residential use.

SB 299 provides that childcare facilities are not subject to CEQA delay where no meaningful environmental impacts are at issue. Most CEQA challenges to childcare 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 childcare close to home, consistent with both environmental values and community needs.

3) Related legislation. SB 954 (Blakespear), pending in this committee, includes a similar exemption for a day care center or a family daycare home that is not located in an area zoned for industrial use.

REGISTERED SUPPORT / OPPOSITION:

Support

American Planning Association California Chapter
 Bay Area Council
 Build Up California - Early Learning and Care Facilities
 California Chamber of Commerce
 California Federation Business and Professional Women
 California State Association of Counties
 Child Action
 Children Now
 Community Resources for Children
 County of Monterey
 County of Riverside
 First 5 Association of California
 Housing Action Coalition
 Le Petit Elephant
 League of California Cities
 Low Income Investment Fund
 Monterey County
 Napa County Supervisor Anne Cottrell
 Napa County Supervisor Liz Alessio
 Rural County Representatives of California
 Urban Counties of California

Opposition

None on file

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