

1 [Interim Zoning - Requiring Conditional Use Authorization for Change in Use or Reduction of
2 Child Care Facilities]

3 **Resolution imposing interim zoning controls establishing a requirement for conditional**
4 **use authorization for a change in use or reduction in size of any child care facility that**
5 **serves more than 13 children, for an eighteen (18) month period and making a**
6 **determination of consistency with the priority policies of Planning Code Section 101.1.**
7

8 WHEREAS, Planning Code Section 306.7 provides for the imposition of interim zoning
9 controls to accomplish several objectives, including preservation of the existing character of
10 neighborhoods; and development and conservation of the commerce and industry of the City
11 in order to provide its citizens with jobs and business opportunities, and to maintain adequate
12 services for its residents, visitors, businesses and institutions; and,

13 WHEREAS, San Franciscans with young children depend on childcare facilities so that
14 they may work during the day while their children are cared for in professional, licensed
15 settings; and,

16 WHEREAS, The loss of childcare facilities will mean additional demand on an already
17 strained system, driving additional families out of San Francisco; and,

18 WHEREAS, These controls are intended and designed to deal with and ameliorate the
19 problems and conditions associated with the change in use or reduction in size of child care
20 facilities that serve 13 children or more to another use during the next eighteen (18) months;
21 and,

22 WHEREAS, This Board has considered the impact on the public health, safety, peace,
23 and general welfare, including, but not limited to adverse impacts on the existing character of
24 neighborhoods; and development and conservation of the commerce and industry of the City
25

1 in order to maintain adequate services for its residents, visitors, businesses and institutions;
2 and,

3 WHEREAS, This Board has determined that the public interest will be best served by
4 imposition of these interim controls at this time in order to ensure that the legislative scheme
5 which may be ultimately adopted is not undermined during the planning and legislative
6 process for permanent controls; now, therefore, be it

7 RESOLVED, Pursuant to Planning Code Section 306.7, the Board of Supervisors, by
8 this resolution, hereby requires conditional use authorization prior to a change in use or
9 reduction in size of childcare facilities serving more than 13 children; and, be it

10 FURTHER RESOLVED, That for purposes of these interim controls "childcare facility,"
11 shall include uses defined under Planning Code Sections 209.3(f), 217.3(e) and 890.50(b);
12 and, be it

13 FURTHER RESOLVED, That for purposes of these interim controls "conditional use"
14 shall have the meaning given to such terms in Planning Code Section 303; and, be it

15 FURTHER RESOLVED, That for purposes of these interim controls, the Planning
16 Commission, as part of its decision on a conditional use application for any use subject to
17 these controls, shall consider the criteria for a conditional use articulated in Planning Code
18 Section 303, and shall also consider whether (a) the existing children being served by the
19 childcare facility in question can be absorbed into another nearby childcare provider, (b) the
20 neighborhood's population of children compared to the number of available childcare slots in
21 that neighborhood and (c) the quality of the services provided at the location; and, be it

22 FURTHER RESOLVED, That if replacement childcare space is provided on- or off-site,
23 the Planning Commission shall consider the extent to which such childcare space is of like-
24 kind to that lost or replaced; and, be it

1 FURTHER RESOLVED, That for purposes of these interim controls, any project that
2 includes as part of the project, a one-for-one like-kind replacement of each square foot of child
3 care space reduced with new childcare space on- or off-site, shall not require a conditional
4 use authorization for purposes of this Resolution, unless a conditional use is otherwise
5 required for the project; and be it

6 FURTHER RESOLVED, That these interim controls shall remain in effect for eighteen
7 (18) months or until the adoption of permanent legislation regulating change in use or
8 reduction of child care facilities, whichever first occurs; and, be it

9 FURTHER RESOLVED, That these interim controls advance and are consistent with
10 Priority Policy 2 of the Planning Code section 101.1 in that they attempt to preserve the
11 character and quality of our neighborhoods. With respect to Priority Policies 1, 3, 4, 5, 6, and
12 7, and 8 the Board finds that the interim zoning controls will have no effect upon these
13 policies, and thus, will not conflict with said policies.

14
15 APPROVED AS TO FORM:

16 DENNIS J. HERRERA, City Attorney

17
18 By:



19 Susan Cleveland-Knowles
20 Deputy City Attorney
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25



City and County of San Francisco

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Tails
Resolution

File Number: 100804

Date Passed: July 27, 2010

Resolution imposing interim zoning controls establishing a requirement for conditional use authorization for a change in use or reduction in size of any child care facility that serves more than 13 children, for an 18 month period and making a determination of consistency with the priority policies of Planning Code Section 101.1.

July 27, 2010 Board of Supervisors - ADOPTED

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell and Mirkarimi

Noes: 2 - Chu and Elsbernd

File No. 100804

I hereby certify that the foregoing Resolution was
ADOPTED on 7/27/2010 by the Board of
Supervisors of the City and County of San
Francisco.

Angela Calvillo
Clerk of the Board

RETURNED UNSIGNED

Mayor Gavin Newsom

AUGUST 6, 2010

Date Approved

Date: August 6, 2010

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.

Angela Calvillo
Clerk of the Board

File No.
100804