Interim Zoning Controls - Conditional Use Authorization for Conversion of Child Care Facilities to Other Uses]
Resolution imposing interim zoning controls for 18 months to require a Conditional Use authorization and specified findings for a proposed change of use from a Child Care Facility to another use; affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

WHEREAS, Planning Code, Section 306.7 authorizes the Planning Commission or the Board of Supervisors to impose interim zoning controls to allow time for the orderly completion of a planning study and the adoption of appropriate legislation, and to ensure that the legislative scheme which may be ultimately adopted is not undermined during the planning and legislative process by changes of use or approval actions which will conflict with that scheme; and

WHEREAS, The Planning Department, the Office of Early Care and Education, and the Mayor’s Office of Housing and Community Development are actively working to identify solutions to sustain child care facilities in existing spaces and to encourage the creation of child care facilities in new developments, and are considering potential zoning amendments or policy approaches to address these issues; and

WHEREAS, It is necessary for the City and County of San Francisco (“City”) to further study and assess the long-term stabilization of child care facilities as a critical component of the City’s future development; and

WHEREAS, The City is home to many families with young children, including over 23,000 infants and toddlers and nearly 20,000 preschoolers according to the San Francisco
WHEREAS, Availability and access to high quality early care and education is a critical concern for families with young children in San Francisco, and

WHEREAS, The CPAC Needs Assessment found an unmet need for licensed care of nearly 50% for children ages 0-5 and 85% for children ages 0-2; and

WHEREAS, The City recognizes the importance of early care and education through its investment in and creation of the Preschool for All program, the establishment of the Office of Early Care and Education, the passage of the voter-approved Universal Child care for San Francisco Families Initiative (Proposition C) in June 2018, and the establishment of the Early Care and Education for All Initiative in September 2018; and

WHEREAS, The preservation and expansion of child care facilities are essential to continue serving the existing population of young children and to accommodate the expected increase in unmet needs; and

WHEREAS, Due in part to the demand for new housing and other uses, child care facilities are at risk of displacement; and

WHEREAS, The City is committed to the sustainability of child care facilities, as demonstrated by the creation of the Child Care Facilities Fund in 1998 that offers capital investments for both center-based and family child care providers; and

WHEREAS, The Board of Supervisors ("Board") has considered the impact on the public health, safety, and general welfare if these proposed interim zoning controls are not imposed; and

WHEREAS, The Board has determined that the public interest will best be served by imposition of these interim zoning controls at this time, to ensure that any legislative scheme that may ultimately be adopted to regulate conversion of Child Care Facility Uses will not be
undermined during the planning and legislative process; and

WHEREAS, The Board finds that these interim controls are consistent with San Francisco's General Plan, in that they satisfy Objective 3 to "assure that neighborhood residents have access to needed services and a focus for neighborhood activities" and Objective 12 to "balance housing growth with adequate infrastructure that serves the City's growing population," which includes child care as an important element to "maintaining and enhancing the quality of life in San Francisco and should be encouraged and supported," and that they do not conflict with any other aspects of the General Plan; and

WHEREAS, The Board finds that these interim zoning controls advance Planning Code, Section 101.1's Priority Policy No. 1, "That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods," and Priority Policy No. 5, "That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced," in that these interim zoning controls seek to control the conversion of Child Care Facility Uses, which are crucial to allowing families with young children to continue to reside in San Francisco, thus preserving the diversity of the City's neighborhoods, and which are also part of San Francisco's service sector; the Board also finds that these interim zoning controls do not have an effect on and therefore are consistent with Priority Policy Nos. 2, 3, 4, 6, 7, and 8 of Planning Code, Section 101.1; and

WHEREAS, The Planning Department has determined that the actions contemplated in this resolution comply with the California Environmental Quality Act (Pub. Res. Code § 21000 et seq.), which determination is on file with the Clerk of the Board in File No. 190230 and is incorporated herein by reference, and the Board affirms this determination; now, therefore, be it
RESOLVED, That any proposed change of use from a Child Care Facility, as defined in Section 102 of the Planning Code, shall require Conditional Use Authorization while these Interim Zoning Controls are in effect; and be it

FURTHER RESOLVED, That, in addition to the findings required pursuant to Planning Code Section 303, any consideration of a Conditional Use Authorization for a change of use from a Child Care Facility to another use shall take into account the following factors:

1) Any findings by the Office of Early Care and Education regarding the capacity of the existing Child Care Facility Use, the population served, and the nature and quality of services provided;

2) The impact of the change of use on the neighborhood and community;

3) Whether there are sufficient licensed child care slots available within a one-mile radius of the site; and

4) Whether the Child Care Facility Use to be converted will be relocated or replaced;

and be it

FURTHER RESOLVED, That these interim zoning controls shall remain in effect for a period of 18 months from the date of imposition, unless they are extended or otherwise amended in accordance with the provisions of Planning Code Section 306.7, or until the adoption of permanent legislation regulating conversions from a Child Care Facilities Use to a different use, whichever first occurs.

APPROVED AS TO FORM:

DENNIS J. HERRERA
City Attorney

By

VICTORIA WONG
Deputy City Attorney

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April 08, 2019 Land Use and Transportation Committee - RECOMMENDED

April 16, 2019 Board of Supervisors - ADOPTED
Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

File No. 190230

I hereby certify that the foregoing Resolution was ADOPTED on 4/16/2019 by the Board of Supervisors of the City and County of San Francisco.

[Signature]
Angela Calvillo
Clerk of the Board

[Signature]
London N. Breed
Mayor

4/26/19
Date Approved