Resolution modifying interim zoning controls established in Resolution No. 430-19, which require a Conditional Use authorization for Residential Care Facilities, to clarify that those interim zoning controls apply to certain Residential Care Facilities, including facilities lacking required permits; 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, In Resolution No. 430-19, the Board of Supervisors approved interim controls regarding Residential Care Facilities for 18 months, to require a Conditional Use authorization and specified findings for any proposed change of use from a Residential Care Facility; and

WHEREAS, Planning Code, Section 306.7, authorizes the Board of Supervisors to impose interim zoning controls to provide 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, Residential Care Facilities, as defined in Planning Code, Sections 102 and 890.50(e) and established with or without the benefit of any permits required under City law, provide lodging, board, and care for 24 hours or more to persons in need of specialized aid by State-licensed personnel, and include board and care homes, family care homes, long-term nurseries, orphanages, rest homes or homes for the treatment of addictive, contagious or other diseases, or psychological disorders; and
WHEREAS, The Department of Public Health, the Human Services Agency, the Department of Aging and Adult Services, and the San Francisco Long-Term Care Coordinating Council are actively assessing the current availability of Residential Care Facilities in San Francisco for aging populations and those in need of long-term mental health care; developing strategies to establish additional, economically sustainable Residential Care Facilities for City residents; and considering potential zoning amendments as one of the policy approaches to address these issues; and

WHEREAS, It is necessary for the City to further study and assess the establishment and sustainability of Residential Care Facilities as a critical component of the City’s ability to serve populations with additional, long-term needs, as part of the City’s future development; and

WHEREAS, San Francisco has the highest percentage of seniors and adults with disabilities of any urban area in California, and the number of seniors is steadily increasing, especially those over the age of 85; and

WHEREAS, Over 40% of San Francisco's seniors live without adequate support networks, in part because their families cannot find affordable housing in the City or because they do not have children; and

WHEREAS, In January 2019, the San Francisco Long-Term Care Coordinating Council's Assisted Living Workgroup issued a report regarding affordable assisted living in the City, which is on file with the Clerk of the Board of Supervisors in File No. 190908, and which found:

- There are 101 assisted living facilities with a total of 2,518 assisted living beds and since 2012, the City has lost 43 assisted living facilities which had provided 243 assisted living facility beds;
The number of assisted living facilities in the City has decreased, and the decrease has primarily occurred through the closure of small facilities, particularly the board and care homes with six or fewer beds, that are generally more affordable;

Assisted living facilities in the City face economic challenges, such as slim profit margins and difficulty in finding employees that make it difficult for them to continue to operate; and

There is unmet need for affordable assisted living facility placements, and that as of January 2019, available waitlist data indicates that at least 103 persons require such placements; and

WHEREAS, The Board of Supervisors ("Board") has considered the impact on the public health, safety, and general welfare if the interim zoning controls proposed in this resolution 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 Residential 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 the General Plan, in that they satisfy Objective 4 to "foster a housing stock that meets the needs of all residents across lifecycles" 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(b)'s Priority Policy No. 2, "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. 3, "That the City's supply of affordable housing
be preserved and enhanced,” in that these interim zoning controls seek to control the conversion of Residential Care Facility Uses, which would provide City policy-makers with the opportunity to develop legislative proposals that would allow seniors and other populations with needs to find affordable housing options in San Francisco, thus preserving the cultural and economic diversity of the City’s neighborhoods; and the Board also finds that these interim zoning controls do not have an effect on and therefore are consistent with Priority Policy Nos. 1, 4, 5, 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 Sections 21000 et seq.), which determination is on file with the Clerk of the Board in File No. 191085 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 Residential Care Facility, as defined in Sections 102 and 890.50(e) of the Planning Code, shall require Conditional Use Authorization while these interim zoning controls are in effect, if the Residential Care Facility (a) is properly licensed by the State of California, (b) provides services using personnel that are properly licensed by the State of California, (c) is or has been licensed to provide care for six or more people within the three years immediately prior to submitting any application to change the use, and (d) was established with or without the benefit of any permits required under City law; 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 Residential Care Facility to another use shall take into account the following factors:

1) Any findings by the Department of Public Health, the Human Services Agency, the Department of Aging and Adult Services, or the San Francisco Long-Term Care

Supervisors Mandelman; Safai, Ronen
BOARD OF SUPERVISORS
Coordinating Council regarding the capacity of the existing Residential 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 available beds at a licensed Residential Care
Facility within a one-mile radius of the site; and

4) Whether the Residential Care Facility Use to be converted will be relocated or
replaced with another Residential Care Facility Use; and be it

FURTHER RESOLVED, That these interim controls shall remain in effect for 18
months from the effective date of Resolution No. 430-19, or until the adoption of permanent
legislation, whichever first occurs; and be it

FURTHER RESOLVED, That these interim zoning controls become effective when the
Mayor signs this resolution, the Mayor returns the resolution unsigned, or the Board overrides
the Mayor's veto of the resolution.

APPROVED AS TO FORM:

DENNIS J. HERRERA
City Attorney

By ANDREW SHEN
Deputy City Attorney
Resolution modifying interim zoning controls established in Resolution No. 430-19, which require a Conditional Use authorization for Residential Care Facilities, to clarify that those interim zoning controls apply to certain Residential Care Facilities, including facilities lacking required permits; 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.

December 09, 2019 Land Use and Transportation Committee - RECOMMENDED AS COMMITTEE REPORT

December 10, 2019 Board of Supervisors - ADOPTED
Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

I hereby certify that the foregoing Resolution was ADOPTED on 12/10/2019 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

Date Approved: 12/20/19