

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: Rich Hillis, Director, Planning Department

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: February 17, 2021

SUBJECT: HEARING MATTER INTRODUCED

---

The Board of Supervisors' Land Use and Transportation Committee has received the following hearing request, introduced by Supervisor Mandelman on February 9, 2021:

**File No. 210155**

**Hearing to receive the six-month report on Interim Zoning Controls Requiring Conditional Use Authorization to Remove a Residential Care Facility, pursuant to Planning Code, Section 306.7(i); and requesting the Planning Department to report.**

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

cc: Corey Teague, Planning Department  
Dan Sider, Planning Department  
Laura Lynch, Planning Department  
Scott Sanchez, Planning Department  
Lisa Gibson, Planning Department  
Devyani Jain, Planning Department  
Adam Varat, Planning Department  
AnMarie Rodgers, Planning Department  
Aaron Starr, Planning Department

# Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only



# PLANNING DEPARTMENT REPORT

## INTERIM ZONING CONTROLS

*To:* Angela Calvillo, Clerk of the Board  
*From:* Aaron Starr, Manager of Legislative Affairs  
*Date:* January 29, 2021  
*Regarding:* Six-month Report for the Interim Zoning Controls -  
CU Authorization to Remove Residential Care Facility  
*Reporting Date:* June 22, 2019  
*Expiration Date:* April 11, 2021  
*Case Number:* Board File No. 190908/ Enactment Number 430-19

### STATEMENT OF PURPOSE

Per Planning Code Section 306.7(i), the Planning Department is required to conduct a study of the zoning proposal(s) contemplated in interim controls enacted by the Board of Supervisors and propose permanent legislation. For any control that is placed in effect for more than six months, a report to the Board of Supervisors is required six months from the date of the imposition of the controls and at least every six months thereafter. This report is intended to satisfy that requirement.

### BACKGROUND

This report was prepared in response to Resolution 430-19, introduced by Supervisor Mandelman on September 3, 2019, and passed into law on October 11, 2019. This Resolution imposed, for 18 months, interim zoning controls requiring Conditional Use authorization for the conversion of a Residential Care Facility to another use.

### REQUIRED ANALYSIS

Per Planning Code Section 306.7, this report is required to address the interim controls; any required study; and an estimate the timeline needed to create permanent controls.

(1) **Status of Interim Controls:**

The proposed Interim Controls were adopted by the Board on October 1, 2019 and became effective on October 11, 2019 for 18 months. The 18-month period will expire on April 11, 2021.

**Summary of Interim Controls**

The interim controls require Conditional Use authorization for changing the use from a Residential Care Facility to

another use. In addition to the standard CU findings the Commission must also consider the following findings:

- a. 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 Coordinating Council regarding the capacity of the existing Residential Care Facility Use, the population served, and the nature and quality of services provided;
- b. The impact of the change of use on the neighborhood and community;
- c. Whether there are sufficient available beds at a licensed Residential Care Facility within a one-mile radius of the site; and
- d. Whether the Residential Care Facility Use to be converted will be relocated or replaced with another Residential Care Facility Use.

**(2) Findings and Recommendations To Date:**

**Residential Care Facility Conversions To Date**

Since the interim controls became effective, there have not been any Conditional Use applications considered by the Planning Commission for the removal of a Residential Care Facility. There is one application pending before the Commission that is subject to the interim controls (628 Shotwell Street). This project would convert an existing Residential Care Facility to two Dwelling Units. The item has been calendared at the Planning Commission but recently continued due to community concerns.

During this same period, there have also been two applications approved to create new Residential Care Facilities (1535 Van Dyke Ave and 5500 Mission St.), and two applications approved to increase the capacity of existing Residential Care Facilities (1301 Bacon Street and 658 Shotwell St.) for a total increase in 107 beds. There was also one application to convert a small Residential Care Facility into a single-family home (801 38<sup>th</sup> Ave.), but the application was withdrawn.

The Department is also aware of three sites that wish to delicense out of residential care and operate as group housing facilities. The sites are Leland House (Catholic Charities) at 141 Leland Avenue, Assisted Care (Larkin Street Youth Services) at 129 Hyde Street, and Richard M. Cohen House (Dolores Street Community Services) at 220 Dolores Street.

The sites are tied together through the Mayor's Office of Housing Community Development and are HIV/AIDS related care facilities. Because of treatment advancement in HIV/AIDS, the residents of these sites no longer need the in-house medical care that was required in the early days of the epidemic. MOHCD's intent is to have these sites delicensed and converted to group housing before the next fiscal year. This conversion will help lower the operational costs of the facilities by removing the licensing fees and related costs running a Residential Care Facility.

**Existing Controls for Residential Care Facilities**

Residential Care Facilities are categorized as an Institutional Use and permitted in most zoning districts. However,

they currently require Conditional Use authorization RH-1 or RH-2 Districts if the facility serves seven or more persons; they are not permitted in PDR zoning, which is intended to protect the city's small amount of industrial land; they are not permitted on the ground floor in North Beach, Folsom Street and Regional Commercial Districts, and require CU on the upper floors in those districts; and they require a CU in the Pacific Avenue NC District.

#### **Estimated Completion Time of Study**

Because there haven't been any projects to date that have gone before the Planning Commission under the interim controls it is difficult to assess their effectiveness. The controls will be effective for about two and half more months, in which time we will likely only see one application (628 Shotwell) go before the Planning Commission. To get a more complete understanding of how the interim controls are working and their effectiveness, a six-month extension is likely needed.

### **REQUIRED BOARD ACTION**

This Report is required to be considered in a public hearing duly noticed in accordance with the basic rules of the Board. The Board has the option of accepting or rejecting this report.