

LEGISLATIVE DIGEST

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

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 eighteen (18) month period and making a determination of consistency with the priority policies of Planning Code Section 101.1.

Existing Law

There is currently no requirement in the Planning Code requiring a conditional use authorization for the change in use or reduction in size of a child care facility.

Amendments to Current Law

The proposed legislation would require a conditional use authorization for the change in use or reduction in size of a child care facility that serves more than 13 children. In addition to the general conditional use criteria in Planning Code Section 303, the Planning Commission shall also consider: (a) whether the existing children being served by the childcare facility in question can be absorbed into another nearby childcare provider, (b) the neighborhood's population of children compared to the number of available childcare slots in that neighborhood and (c) the quality of the services provided at the location. If replacement childcare space is provided on- or off-site, the Planning Commission shall consider the extent to which such childcare space is of like-kind to that lost or replaced. Any project that includes as part of the project, a one-for-one like-kind replacement of each square foot of child care space reduced with new childcare space on- or off-site, shall not require a conditional use authorization, unless a conditional use is otherwise required for the project. The interim controls will be in effect for 18 months or until permanent legislation is adopted, whichever is shorter.

Background

The City Charter establishes City policy that San Francisco shall provide all children four years of age the opportunity to attend preschool. Reasonable zoning controls will prevent a contraction of available facilities for this and other childcare uses by requiring the Planning Commission to grant conditional use authorization when this use is reduced or eliminated.