

File No. 100804

Committee Item No. 5

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date July 19, 2010

Board of Supervisors Meeting Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
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| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
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OTHER

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| <input type="checkbox"/> | <input type="checkbox"/> | <u>Small Business Commission Recommendation</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | <u>Environmental Review Determination</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Completed by: Alisa Somera Date July 16, 2010

Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

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
21
22
23
24
25

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.



SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO
GAVIN NEWSOM, MAYOR

July 13, 2010

Ms. Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall room 244
1 Carlton B. Goodlett Place
San Francisco, CA 94102-4694

RE: File No. 100804 [Interim Zoning - Requiring Conditional Use Authorization for Change in Use or Reduction of Child Care Facilities]

Small Business Commission Recommendation: **Approval**

Dear Ms. Calvillo:

On July 12, 2010, the Small Business Commission heard and recommended approval to the Board of Supervisors for File No. 100804.

Sincerely,

A handwritten signature in cursive script, reading "Regina Dick-Endrizzi".

Regina Dick-Endrizzi
Director, Office of Small Business

cc. Supervisor Alioto-Pier
Starr Terrell, Mayors Office
Alisa Somera, Clerk of the Land Use and Economic Development Committee

BOARD of SUPERVISORS



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

June 17, 2010

File No. 100804

Bill Wycko
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Mr. Wycko:

On June 15, 2010, Supervisor Alioto-Pier introduced the following proposed legislation:

File No. 100804

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.

The legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

Handwritten signature of Alisa Somera in cursive.

By: Alisa Somera, Committee Clerk
Land Use & Economic Development Committee

Attachment

cc: John Rahaim, Director of Planning
AnMarie Rodgers, Legislative Affairs
Tara Sullivan, Legislative Affairs
Brett Bollinger, Major Environmental Analysis
Kate Stacy, Deputy City Attorney
Nannie Turrell, Major Environmental Analysis

*Exempt from environmental
review per CEQA
Guidelines Section
15060(e)(2). Not a project.
Yvonne R. Lurrell
June 18, 2010*