



# SAN FRANCISCO PLANNING DEPARTMENT

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October 21, 2020

Ms. Angela Calvillo, Clerk  
Honorable Supervisor Yee  
Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

**Re: Transmittal of Planning Department Case Number 2019-003580PCA  
6-Month Report for *Interim Controls for Child Care Conversions*  
Board File No. 190230**

Dear Ms. Calvillo and Supervisor Yee

Attached, please find the 6-month report for Board File 190230: *Interim Controls for Child Care Conversions*. The subject resolution, introduced by Supervisors Yee, Mar, Fewer, and Ronen on February 26, 2019 requires Conditional Use authorization and specified findings for a proposed change of use from a Child Care Facility to another use. The resolution also directs the Planning Department to submit a written report to the Clerk of the Board six months after the resolutions effective date. This transmittal is intended to satisfy that requirement.

If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron D. Starr".

Aaron D. Starr  
Manager of Legislative Affairs

cc:

Victoria Wong, Deputy City Attorney  
Jen Low, Aide to Supervisor Yee  
Daisy Quan, Aide to Supervisor Mar  
Erica Major, Office of the Clerk of the Board

Attachments :  
Six-Month Report

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Planning  
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## Planning Department Report

*Date:* October 21, 2020  
*Report Name:* Interim controls for child care conversion  
*Case Number:* 2019-003580PCA  
*Initiated by:* Supervisors Yee, Mar, Fewer, Ronan / Board File 190230  
*Staff Contact:* Veronica Flores, Legislative Affairs  
Veronica.Flores@sfgov.org, 628-652-7525  
*Reviewed by:* Aaron Starr, Manager of Legislative Affairs  
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### STATEMENT OF PURPOSE

This report was prepared in response to a resolution (BF 190230) introduced by Supervisors Norman Yee, Gordon Mar, Sandra Lee Fewer, and Hillary Ronan on February 26, 2019 and enacted into law on April 26, 2019 (enactment number 183-19). This resolution imposes interim zoning controls for 18 months to require a Conditional Use Authorization (CUA) and specified findings for a proposed change of use from a Child Care Facility to another use. These interim controls will be in effect until October 26, 2020, at which point they may be extended for an additional six months, or until the adoption of permanent controls regulating conversions of Child Care Facilities to other uses, whichever first occurs.

The resolution directs the Planning Department to submit a written report to the Clerk of the Board six months after the effective date, and every six months thereafter the resolution is in effect. The report should describe the measures taken to alleviate the conditions that led to the adoption of resolution 183-19. Upon receipt of the report, the resolution directs the Clerk of the Board to calendar a motion for the full Board of Supervisors (Board) to consider and approve this report. The first report was submitted in October 2019 and covered the first six months that this resolution had been effective. This report covers the past year that the resolution has been in effect since all report deadlines were suspended earlier this year due to COVID-19.

### BACKGROUND

This resolution was introduced to retain existing child care facilities in San Francisco. Availability and access to high quality early care and education is a critical concern for families with young children in the city. 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.

Since the last report, the Planning Department assessed the child care facility data available with the Supervisors' Offices. Planning Department's data typically only includes new child care facilities, and does not accurately reflect the full inventory of existing child care facilities or when any of these facilities close. Since the interim controls have been put in place, the Parkside School child care facility closed and was replaced with a new operator. The Department only learned about the closure after the new operator was already set in place. In this case, there was a seamless transition and a child care facility continues to be available at this site, but there is still concern regarding the potential loss of child care facilities overall.

The primary question is still finding a better way to access the most current child care facility data in order to retain these businesses when possible. The Planning Department reached out to the Office of Early Care and Education (OECE) to better understand how they track child care facilities. Currently, OECE only tracks child care facilities that are enrolled in the Early Learning Scholarship (ELS) or Preschool for All Programs (PFA). One idea is that all new child care facilities, regardless of enrollment in ELS or PFA, should be required to provide annual State licenses updates to OECE, and when the State licenses expire. This information can be used to track which child care facilities are still open. However, this would still be difficult to track for those existing child care facilities that are not currently enrolled in the ELS or PFA programs since the City does not have a complete list at this time.

One potential way to better understand the existing child care facilities is by reviewing active state licenses in San Francisco. The State's Department of Social Services has licensing information for child care centers and large Family Child Care on their Community Care Licensing (CCL) website. (Small Family Child Care information is not included on the website due confidentiality.) This database is a good foundation, but still requires a manual search. Additionally, the State acknowledges that programs may close without informing the CCL, which is the same issue we are concerned with given our current resources.

Ideally, all existing child care facilities would provide such updates to OECE so that the City understands the full stock in San Francisco. If during one of the updates a child care facility shares that they may not be stay open through the next year, then OECE, the City, and/or community can assist with identifying another provider. Having this information as early as possible will help create a more seamless transition and ensure child care amenities continue in the neighborhood.

Like these interim controls, the Planning Code requires a CUA to change certain uses (such as a movie theater or a large general grocery) to another use. The Planning Department has cautioned that this has not always been the most effective tool in retaining such uses and has sometimes led to vacancies. However, without more reliable child care facility data or another method of tracking this information, the City might not be aware of when a child care facility closes until it is too late. Additionally, requiring a CUA to change a child care facility to another use does not prevent the child care facility to close if the business is not operational anymore. That said, the Planning Department is continuing to work with the Supervisors' Offices to determine other ways to support existing child care facilities or to assist these businesses opening up sooner.

## **REQUIRED BOARD ACTION**

The Board may approve or disapprove this report.

## **ENVIRONMENTAL REVIEW**

This Report was determined not to be a project per State CEQA Guidelines, Sections 15378 and 15060(c)(2), because it does not result in a physical change to the environment.

## **RECOMMENDATION**

The Planning Department is recommending that the Board accept this report, and that the issues outlined in the subject resolution be further analyzed to determine better ways to retain child care facilities in San Francisco.

## **BASIS FOR RECOMMENDATION**

The Planning Department is working with the Supervisors' Offices to better track existing child care facilities and when they are potentially closing. Since the effective date of this resolution, no applications for conversions of Child Care Facilities to other uses have been submitted. The Planning Department will coordinate with OECE on these tracking efforts and provide updates as needed.