

BOARD of SUPERVISORS



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September 10, 2019

File No. 190908

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On September 3, 2019, Supervisor Mandelman submitted the proposed legislation:

File No. 190908

Resolution imposing interim zoning controls for 18 months to require a Conditional Use authorization and specified findings for a proposed change of use from a Residential Care Facility; 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.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

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

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

1 [Interim Zoning Controls - Conditional Use Authorization for Conversion of Residential Care
2 Facilities to Other Uses]

3 **Resolution imposing interim zoning controls for 18 months to require a Conditional**
4 **Use authorization and specified findings for a proposed change of use from a**
5 **Residential Care Facility; affirming the Planning Department's determination under the**
6 **California Environmental Quality Act; and making findings of consistency with the**
7 **General Plan, and the eight priority policies of Planning Code, Section 101.1.**

8
9 WHEREAS, Planning Code, Section 306.7 authorizes the Board of Supervisors to
10 impose interim zoning controls to provide time for the orderly completion of a planning study
11 and the adoption of appropriate legislation, and to ensure that the legislative scheme which
12 may be ultimately adopted is not undermined during the planning and legislative process by
13 changes of use or approval actions which will conflict with that scheme; and

14 WHEREAS, Residential Care Facilities, as defined in Planning Code, Sections 102 and
15 890.50(e), provide lodging, board, and care for 24 hours or more to persons in need of
16 specialized aid by State-licensed personnel, and include board and care homes, family care
17 homes, long-term nurseries, orphanages, rest homes or homes for the treatment of addictive,
18 contagious or other diseases, or psychological disorders; and

19 WHEREAS, The Department of Public Health, the Human Services Agency, the
20 Department of Aging and Adult Services, and the San Francisco Long-Term Care
21 Coordinating Council are actively assessing the current availability of Residential Care
22 Facilities in San Francisco for aging populations and those in need of long-term mental health
23 care; developing strategies to establish additional, economically sustainable Residential Care
24 Facilities for City residents; and considering potential zoning amendments as one of the policy
25 approaches to address these issues; and

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

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

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

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

- 15 • There are 101 assisted living facilities with a total of 2,518 assisted living beds
16 and since 2012, the City has lost 43 assisted living facilities which had provided
17 243 assisted living facility beds;
- 18 • The number of assisted living facilities in the City has decreased, and the
19 decrease has primarily occurred through the closure of small facilities,
20 particularly the board and care homes with six or fewer beds, that are generally
21 more affordable; and
- 22 • Assisted living facilities in the City face economic challenges, such as slim profit
23 margins and difficulty in finding employees that make it difficult for them to
24 continue to operate;

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

4 WHEREAS, The Board of Supervisors (“Board”) has considered the impact on the
5 public health, safety, and general welfare if the interim zoning controls proposed in this
6 resolution are not imposed; and

7 WHEREAS, The Board has determined that the public interest will best be served by
8 imposition of these interim zoning controls at this time, to ensure that any legislative scheme
9 that may ultimately be adopted to regulate conversion of Residential Care Facility Uses will
10 not be undermined during the planning and legislative process; and

11 WHEREAS, The Board finds that these interim controls are consistent with the General
12 Plan, in that they satisfy Objective 4 to “foster a housing stock that meets the needs of all
13 residents across lifecycles” and that they do not conflict with any other aspects of the General
14 Plan; and

15 WHEREAS, The Board finds that these interim zoning controls advance Planning
16 Code, Section 101.1(b)’s Priority Policy No. 2, “That existing housing and neighborhood
17 character be conserved and protected in order to preserve the cultural and economic diversity
18 of our neighborhoods,” and Priority Policy No. 3, “That the City’s supply of affordable housing
19 be preserved and enhanced,” in that these interim zoning controls seek to control the
20 conversion of Residential Care Facility Uses, which would provide City policy-makers with the
21 opportunity to develop legislative proposals that would allow seniors and other populations
22 with needs to find affordable housing options in San Francisco, thus preserving the cultural
23 and economic diversity of the City’s neighborhoods; and the Board also finds that these
24 interim zoning controls do not have an effect on and therefore are consistent with Priority
25 Policy Nos. 1, 4, 5, 6, 7, and 8 of Planning Code, Section 101.1; and

1 WHEREAS, The Planning Department has determined that the actions contemplated in
2 this resolution comply with the California Environmental Quality Act (Pub. Res. Code,
3 Sections 21000 *et seq.*), which determination is on file with the Clerk of the Board in File No.
4 _____ and is incorporated herein by reference, and the Board affirms this determination;
5 now, therefore, be it

6 RESOLVED, That any proposed change of use from a Residential Care Facility, as
7 defined in Section 102 of the Planning Code, shall require Conditional Use Authorization while
8 these interim zoning controls are in effect; and be it

9 FURTHER RESOLVED, That, in addition to the findings required pursuant to Planning
10 Code, Section 303, any consideration of a Conditional Use Authorization for a change of use
11 from a Residential Care Facility to another use shall take into account the following factors:

- 12 1) Any findings by the Department of Public Health, the Human Services Agency,
13 the Department of Aging and Adult Services, or the San Francisco Long-Term Care
14 Coordinating Council regarding the capacity of the existing Residential Care Facility Use, the
15 population served, and the nature and quality of services provided;
- 16 2) The impact of the change of use on the neighborhood and community;
- 17 3) Whether there are sufficient available beds at a licensed Residential Care
18 Facility within a one-mile radius of the site; and
- 19 4) Whether the Residential Care Facility Use to be converted will be relocated or
20 replaced with another Residential Care Facility Use; and be it

21 FURTHER RESOLVED, That these interim controls shall remain in effect for 18
22 months from the effective date of this Resolution, or until the adoption of permanent
23 legislation, whichever first occurs; and be it

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

4 APPROVED AS TO FORM:

5 DENNIS J. HERRERA
6 City Attorney

7 By 
8 ANDREW SHEN
9 Deputy City Attorney

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