

File No. 100804

Committee Item No. 5

Board Item No. 26

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

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

Board of Supervisors Meeting Date July 27, 2010

#### Cmte Board

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input checked="" 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                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

(Use back side if additional space is needed)

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

Completed by: [Signature] Date July 27, 2010

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

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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.

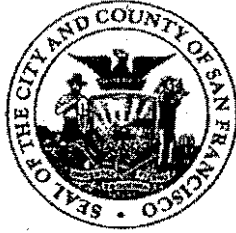
Sincerely,

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

SMALL BUSINESS ASSISTANCE CENTER/ SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, ROOM 110 SAN FRANCISCO, CALIFORNIA 94102-4681  
(415) 554-6481

BOARD of SUPERVISORS



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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, 4<sup>th</sup> 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

A handwritten signature in cursive script that reads "Alisa Somera".

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  
rev. as per CEQA  
Guidelines Section  
15060(c)(2). Not a project.  
Nannie R. Turrell  
June 18, 2010*