

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. 190908, 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;

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

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

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

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

WHEREAS, The Board finds that these interim zoning controls advance Planning Code, Section 101.1(b)’s Priority Policy No. 2, “That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods,” and Priority Policy No. 3, “That the City’s supply of affordable housing be preserved and enhanced,” in that these interim zoning controls seek to control the conversion of Residential Care Facility Uses, which would provide City policy-makers with the opportunity to develop legislative proposals that would allow seniors and other populations with needs to find affordable housing options in San Francisco, thus preserving the cultural and economic diversity of the City’s neighborhoods; and the Board also finds that these interim zoning controls do not have an effect on and therefore are consistent with Priority 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 190908 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.  
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5 APPROVED AS TO FORM:

6 DENNIS J. HERRERA  
7 City Attorney

8 By \_\_\_\_\_  
9 ANDREW SHEN  
Deputy City Attorney

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