

1 [Interim Zoning Controls - Conditional Use Authorization for Conversion of Child 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 Child**  
5 **Care Facility to another use; affirming the Planning Department’s determination under**  
6 **the 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 Planning Commission or the  
10 Board of Supervisors to impose interim zoning controls to allow time for the orderly completion  
11 of a planning study and the adoption of appropriate legislation, and to ensure that the  
12 legislative scheme which may be ultimately adopted is not undermined during the planning  
13 and legislative process by changes of use or approval actions which will conflict with that  
14 scheme; and

15 WHEREAS, The Planning Department, the Office of Early Care and Education, and the  
16 Mayor’s Office of Housing and Community Development are actively working to identify  
17 solutions to sustain child care facilities in existing spaces and to encourage the creation of  
18 child care facilities in new developments, and are considering potential zoning amendments or  
19 policy approaches to address these issues; and

20 WHEREAS, It is necessary for the City and County of San Francisco (“City”) to further  
21 study and assess the long-term stabilization of child care facilities as a critical component of  
22 the City’s future development; and

23 WHEREAS, The City is home to many families with young children, including over  
24 23,000 infants and toddlers and nearly 20,000 preschoolers according to the San Francisco  
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1 Child Care Planning & Advisory Council’s 2017 Early Care and Education Needs Assessment  
2 (“CPAC Needs Assessment”); and

3 WHEREAS, Availability and access to high quality early care and education is a critical  
4 concern for families with young children in San Francisco, and

5 WHEREAS, The CPAC Needs Assessment found an unmet need for licensed care of  
6 nearly 50% for children ages 0-5 and 85% for children ages 0-2; and

7 WHEREAS, The City recognizes the importance of early care and education through its  
8 investment in and creation of the Preschool for All program, the establishment of the Office of  
9 Early Care and Education, the passage of the voter-approved Universal Child care for San  
10 Francisco Families Initiative (Proposition C) in June 2018, and the establishment of the Early  
11 Care and Education for All Initiative in September 2018; and

12 WHEREAS, The preservation and expansion of child care facilities are essential to  
13 continue serving the existing population of young children and to accommodate the expected  
14 increase in unmet needs; and

15 WHEREAS, Due in part to the demand for new housing and other uses, child care  
16 facilities are at risk of displacement; and

17 WHEREAS, The City is committed to the sustainability of child care facilities, as  
18 demonstrated by the creation of the Child Care Facilities Fund in 1998 that offers capital  
19 investments for both center-based and family child care providers; and

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

23 WHEREAS, The Board has determined that the public interest will best be served by  
24 imposition of these interim zoning controls at this time, to ensure that any legislative scheme  
25 that may ultimately be adopted to regulate conversion of Child Care Facility Uses will not be

1 undermined during the planning and legislative process; and

2 WHEREAS, The Board finds that these interim controls are consistent with San  
3 Francisco’s General Plan, in that they satisfy Objective 3 to “assure that neighborhood  
4 residents have access to needed services and a focus for neighborhood activities” and  
5 Objective 12 to “balance housing growth with adequate infrastructure that serves the City’s  
6 growing population,” which includes child care as an important element to “maintaining and  
7 enhancing the quality of life in San Francisco and should be encouraged and supported,” and  
8 that they do not conflict with any other aspects of the General Plan; and

9 WHEREAS, The Board finds that these interim zoning controls advance Planning  
10 Code, Section 101.1’s Priority Policy No. 1, “That existing housing and neighborhood  
11 character be conserved and protected in order to preserve the cultural and economic diversity  
12 of our neighborhoods,” and Priority Policy No. 5, “That a diverse economic base be  
13 maintained by protecting our industrial and service sectors from displacement due to  
14 commercial office development, and that future opportunities for resident employment and  
15 ownership in these sectors be enhanced,” in that these interim zoning controls seek to control  
16 the conversion of Child Care Facility Uses, which are crucial to allowing families with young  
17 children to continue to reside in San Francisco, thus preserving the diversity of the City’s  
18 neighborhoods, and which are also part of San Francisco’s service sector; the Board also  
19 finds that these interim zoning controls do not have an effect on and therefore are consistent  
20 with Priority Policy Nos. 2, 3, 4, 6, 7, and 8 of Planning Code, Section 101.1; and

21 WHEREAS, The Planning Department has determined that the actions contemplated in  
22 this resolution comply with the California Environmental Quality Act (Pub. Res. Code § 21000  
23 *et seq.*), which determination is on file with the Clerk of the Board in File No. 190230 and is  
24 incorporated herein by reference, and the Board affirms this determination; now, therefore, be  
25 it

1 RESOLVED, That any proposed change of use from a Child Care Facility, as defined in  
2 Section 102 of the Planning Code, shall require Conditional Use Authorization while these  
3 Interim Zoning Controls are in effect; and be it

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

7 1) Any findings by the Office of Early Care and Education regarding the capacity of the  
8 existing Child Care Facility Use, the population served, and the nature and quality of services  
9 provided;

10 2) The impact of the change of use on the neighborhood and community;

11 3) Whether there are sufficient licensed child care slots available within a one-mile  
12 radius of the site; and

13 4) Whether the Child Care Facility Use to be converted will be relocated or replaced;  
14 and be it

15 FURTHER RESOLVED, That these interim zoning controls shall remain in effect for a  
16 period of 18 months from the date of imposition, unless they are extended or otherwise  
17 amended in accordance with the provisions of Planning Code, Section 306.7, or until the  
18 adoption of permanent legislation regulating conversions from a Child Care Facilities Use to a  
19 different use, whichever first occurs.

20 APPROVED AS TO FORM:

21 DENNIS J. HERRERA  
22 City Attorney

23 By \_\_\_\_\_

24 VICTORIA WONG  
25 Deputy City Attorney

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