

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.**

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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) and established with or without the benefit of any permits required under City law,
16 provide lodging, board, and care for 24 hours or more to persons in need of specialized aid by
17 State-licensed personnel, and include board and care homes, family care homes, long-term
18 nurseries, orphanages, rest homes or homes for the treatment of addictive, contagious or
19 other diseases, or psychological disorders; and

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

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

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

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

13 WHEREAS, In January 2019, the San Francisco Long-Term Care Coordinating
14 Council's Assisted Living Workgroup issued a report regarding affordable assisted living in the
15 City, which is on file with the Clerk of the Board of Supervisors in File No. 190908, and which
16 found:

- 17 • There are 101 assisted living facilities with a total of 2,518 assisted living beds
18 and since 2012, the City has lost 43 assisted living facilities which had provided
19 243 assisted living facility beds;
- 20 • The number of assisted living facilities in the City has decreased, and the
21 decrease has primarily occurred through the closure of small facilities,
22 particularly the board and care homes with six or fewer beds, that are generally
23 more affordable;

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- 1 • Assisted living facilities in the City face economic challenges, such as slim profit
2 margins and difficulty in finding employees that make it difficult for them to
3 continue to operate; and
- 4 • There is unmet need for affordable assisted living facility placements, and that
5 as of January 2019, available waitlist data indicates that at least 103 persons
6 require such placements; and

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

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

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

18 WHEREAS, The Board finds that these interim zoning controls advance Planning
19 Code, Section 101.1(b)’s Priority Policy No. 2, “That existing housing and neighborhood
20 character be conserved and protected in order to preserve the cultural and economic diversity
21 of our neighborhoods,” and Priority Policy No. 3, “That the City’s supply of affordable housing
22 be preserved and enhanced,” in that these interim zoning controls seek to control the
23 conversion of Residential Care Facility Uses, which would provide City policy-makers with the
24 opportunity to develop legislative proposals that would allow seniors and other populations
25 with needs to find affordable housing options in San Francisco, thus preserving the cultural

1 and economic diversity of the City's neighborhoods; and the Board also finds that these
2 interim zoning controls do not have an effect on and therefore are consistent with Priority
3 Policy Nos. 1, 4, 5, 6, 7, and 8 of Planning Code, Section 101.1; and

4 WHEREAS, The Planning Department has determined that the actions contemplated in
5 this resolution comply with the California Environmental Quality Act (Pub. Res. Code Sections
6 21000 *et seq.*), which determination is on file with the Clerk of the Board in File No. 190908
7 and is incorporated herein by reference, and the Board affirms this determination; now,
8 therefore, be it

9 RESOLVED, That any proposed change of use from a Residential Care Facility, as
10 defined in Sections 102 and 890.50(e) of the Planning Code, shall require Conditional Use
11 Authorization while these interim zoning controls are in effect; and be it

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

15 1) Any findings by the Department of Public Health, the Human Services Agency,
16 the Department of Aging and Adult Services, or the San Francisco Long-Term Care
17 Coordinating Council regarding the capacity of the existing Residential Care Facility Use, the
18 population served, and the nature and quality of services provided;

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

20 3) Whether there are sufficient available beds at a licensed Residential Care
21 Facility within a one-mile radius of the site; and

22 4) Whether the Residential Care Facility Use to be converted will be relocated or
23 replaced with another Residential Care Facility Use; and be it

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

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

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8 APPROVED AS TO FORM:

9 DENNIS J. HERRERA
10 City Attorney

11 By _____
12 ANDREW SHEN
Deputy City Attorney

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