



PLANNING DEPARTMENT REPORT

INTERIM ZONING CONTROLS

To: Angela Calvillo, Clerk of the Board
From: Aaron Starr, Manager of Legislative Affairs
Date: January 29, 2021
Regarding: Six-month Report for the Interim Zoning Controls -
CU Authorization to Remove Residential Care Facility
Reporting Date: June 22, 2019
Expiration Date: April 11, 2021
Case Number: Board File No. 190908/ Enactment Number 430-19

STATEMENT OF PURPOSE

Per Planning Code Section 306.7(i), the Planning Department is required to conduct a study of the zoning proposal(s) contemplated in interim controls enacted by the Board of Supervisors and propose permanent legislation. For any control that is placed in effect for more than six months, a report to the Board of Supervisors is required six months from the date of the imposition of the controls and at least every six months thereafter. This report is intended to satisfy that requirement.

BACKGROUND

This report was prepared in response to Resolution 430-19, introduced by Supervisor Mandelman on September 3, 2019, and passed into law on October 11, 2019. This Resolution imposed, for 18 months, interim zoning controls requiring Conditional Use authorization for the conversion of a Residential Care Facility to another use.

REQUIRED ANALYSIS

Per Planning Code Section 306.7, this report is required to address the interim controls; any required study; and an estimate the timeline needed to create permanent controls.

(1) Status of Interim Controls:

The proposed Interim Controls were adopted by the Board on October 1, 2019 and became effective on October 11, 2019 for 18 months. The 18-month period will expire on April 11, 2021.

Summary of Interim Controls

The interim controls require Conditional Use authorization for changing the use from a Residential Care Facility to

another use. In addition to the standard CU findings the Commission must also consider the following findings:

- a. Any findings by the Department of Public Health, the Human Services Agency, the Department of Aging and Adult Services, or the San Francisco Long-Term Care Coordinating Council regarding the capacity of the existing Residential Care Facility Use, the population served, and the nature and quality of services provided;
- b. The impact of the change of use on the neighborhood and community;
- c. Whether there are sufficient available beds at a licensed Residential Care Facility within a one-mile radius of the site; and
- d. Whether the Residential Care Facility Use to be converted will be relocated or replaced with another Residential Care Facility Use.

(2) Findings and Recommendations To Date:

Residential Care Facility Conversions To Date

Since the interim controls became effective, there have not been any Conditional Use applications considered by the Planning Commission for the removal of a Residential Care Facility. There is one application pending before the Commission that is subject to the interim controls (628 Shotwell Street). This project would convert an existing Residential Care Facility to two Dwelling Units. The item has been calendared at the Planning Commission but recently continued due to community concerns.

During this same period, there have also been two applications approved to create new Residential Care Facilities (1535 Van Dyke Ave and 5500 Mission St.), and two applications approved to increase the capacity of existing Residential Care Facilities (1301 Bacon Street and 658 Shotwell St.) for a total increase in 107 beds. There was also one application to convert a small Residential Care Facility into a single-family home (801 38th Ave.), but the application was withdrawn.

The Department is also aware of three sites that wish to delicense out of residential care and operate as group housing facilities. The sites are Leland House (Catholic Charities) at 141 Leland Avenue, Assisted Care (Larkin Street Youth Services) at 129 Hyde Street, and Richard M. Cohen House (Dolores Street Community Services) at 220 Dolores Street.

The sites are tied together through the Mayor's Office of Housing Community Development and are HIV/AIDS related care facilities. Because of treatment advancement in HIV/AIDS, the residents of these sites no longer need the in-house medical care that was required in the early days of the epidemic. MOHCD's intent is to have these sites delicensed and converted to group housing before the next fiscal year. This conversion will help lower the operational costs of the facilities by removing the licensing fees and related costs running a Residential Care Facility.

Existing Controls for Residential Care Facilities

Residential Care Facilities are categorized as an Institutional Use and permitted in most zoning districts. However,

they currently require Conditional Use authorization RH-1 or RH-2 Districts if the facility serves seven or more persons; they are not permitted in PDR zoning, which is intended to protect the city's small amount of industrial land; they are not permitted on the ground floor in North Beach, Folsom Street and Regional Commercial Districts, and require CU on the upper floors in those districts; and they require a CU in the Pacific Avenue NC District.

Estimated Completion Time of Study

Because there haven't been any projects to date that have gone before the Planning Commission under the interim controls it is difficult to assess their effectiveness. The controls will be effective for about two and half more months, in which time we will likely only see one application (628 Shotwell) go before the Planning Commission. To get a more complete understanding of how the interim controls are working and their effectiveness, a six-month extension is likely needed.

REQUIRED BOARD ACTION

This Report is required to be considered in a public hearing duly noticed in accordance with the basic rules of the Board. The Board has the option of accepting or rejecting this report.