

LEGISLATIVE DIGEST

[Planning Code - Residential Care Facilities]

Ordinance amending the Planning Code to allow Residential Care Facilities with seven or more persons as a principally permitted use in RH-3 (Residential House, Three-Family), RC (Residential Commercial), RM (Residential Mixed), and RTO (Residential Transit Oriented) Districts, in Neighborhood Commercial Districts, and in certain Mixed Use Districts; affirming the Planning Department’s determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.

Existing Law

Articles 2, 7 and 8 of the Planning Code contains Tables that set forth the controls that apply to defined uses in various zoning districts. Uses may be principally permitted (P), conditionally permitted (C), or not permitted (NP). In Neighborhood Commercial Districts, uses are further regulated by story – first story, second story, and third story and above. A Residential Care Facility is defined in Planning Code Section 102 as an “Institutional Healthcare Use providing lodging, board and care for a period of 24 hours or more to persons in need of specialized aid by personnel licensed by the State of California. Such facility shall display nothing on or near the facility that gives an outward indication of the nature of the occupancy except for a sign as permitted by Article 6 of this Code, shall not provide outpatient services, and shall be located in a structure which remains residential in character. Such facilities shall include, but not necessarily be limited to, a board and care home, family care home, long-term nursery, orphanage, rest home or home for the treatment of addictive, contagious or other diseases, or psychological disorders.”

In residentially-zoned areas – RH (Residential-House), RC (Residential-Commercial), RM (Residential-Mixed), and RTO (Residential-Transit Oriented) Districts – Residential Care Facilities are principally permitted for six or few persons but require a Conditional Use authorization for seven or more persons. In most Neighborhood Commercial Districts, Residential Care Facilities above the ground floor are principally permitted, but facilities for seven or more persons require a Conditional Use authorization. Residential Care Facilities are not permitted In RED (Residential Enclave Districts), but are conditionally permitted in DTR (Downtown Residential), MUG (Mixed Use-General), MUO (Mixed Use-Office), MUR (Mixed Use-Residential) , and WMUG (WSOMA Mixed Use-General) Districts.

Amendments to Current Law

Residential Care Facilities for seven or more persons will be principally permitted in RH-3 (Three-Family), RC, RM, RTO, DTR, MUG, MUO, MUR, RED and WMUG Districts, and above the ground floor in all Neighborhood Commercial Districts. This ordinance does not

change existing ground floor controls on Residential Care Facilities or the controls in RH-1 (One-Family) or RH-2 (Two Family) Districts.

Background Information

The Planning Code currently classifies Residential Care Facilities as a Non-Residential Institutional Use. Prior to the recent Planning Code reorganizations, Residential Care Facilities were not regulated as a separate use. Instead, facilities for six or fewer persons were grouped with Other Institutions - Small, while those for seven or more persons were grouped with Other Institutions - Large.

In 2016, San Francisco's Post-Acute Care Project recommended expanding opportunities for Residential Care in San Francisco neighborhoods, including Residential Care Facility for the Elderly (RCFE) facilities. However, because Residential Care Facilities are regulated as an Institutional Use, the current controls are an impediment. As an Institutional Use, they are subject to Floor Area Ratio limits in Residential, Neighborhood Commercial, and Mixed Use Districts, as well as to the Non-Residential Use Size limits in Neighborhood Commercial Districts. Conversion of an existing Residential Use to a Residential Care Facility either requires a Conditional Use authorization or is not permitted, depending on the zoning district and the floor of the building. The proposed amendments to the Zoning Control Tables will provide more opportunities to provide Residential Care Facilities in San Francisco.

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