

LEGISLATIVE DIGEST

[Planning Code - Conditional Use Authorization Requirements Regarding Residential Care Facilities]

Ordinance amending the Planning Code to eliminate the requirement of Conditional Use Authorization for Residential Care Facilities for seven or more people in Residential, House (RH) Districts; require Conditional Use Authorization for a change of use or demolition of a Residential Care Facility, and consideration of certain factors in determining whether to grant Conditional Use Authorization; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience, and general welfare findings pursuant to Planning Code, Section 302.

Existing Law

Planning Code Section 209.1 currently requires conditional use authorization for Residential Care Facilities in Residential, House (RH) Districts for seven or more persons.

The Planning Code does not currently require conditional use authorization for a change of use or demolition of a Residential Care Facility.

Amendments to Current Law

This ordinance would amend Section 209.1 to eliminate the requirement of conditional use authorization for Residential Care Facilities in Residential, House (RH) Districts for seven or more persons.

This ordinance would add Section 202.11 to require conditional use authorization for a change in use or demolition of a Residential Care Facility, and would also amend Section 303 to require consideration of the following factors when considering conditional use authorization:

(1) Information provided by the Department of Public Health, the Human Services Agency, the Department of Disability and Aging Services, the Golden Gate Regional Center, and/or the San Francisco Long-Term Care Coordinating Council with regard to the population served, nature and quality of services provided, and capacity of the existing Residential Care Facility;

(2) Data on available beds at licensed Residential Care Facilities within a one-mile radius of the site, and assessment from any of the above agencies regarding whether these available beds are sufficient to serve the need for residential care beds in the neighborhoods

served by the Residential Care Facility proposed for a change of use or demolition, and in San Francisco;

(3) Whether the Residential Care Facility proposed for a change of use or demolition will be relocated or its capacity will be replaced at another Residential Care Facility Use, and whether such relocation or replacement is practically feasible; and

(4) Whether the continued operation of the existing Residential Care Facility by the current operator is practically feasible and whether any other licensed operator or any of the above agencies has been contacted by the applicant seeking the change of use or demolition, or has expressed interest in continuing to operate the facility.

Background Information

In October 2019, the City adopted Resolution No. 430-19 to impose interim controls for a change of use of Residential Care Facilities. In December 2019, the City adopted Resolution 539-19 to modify those interim controls. In March 2021, the City adopted Resolution No. 139-21 to extend and further modify those interim controls.

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