

BOARD of SUPERVISORS



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MEMORANDUM

Date: June 14, 2024
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 240683
Interim Zoning Controls - Health Services and Social Services in Upper Market Street
NCT and Castro Street NCD

- California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - Ordinance / Resolution
 - Ballot Measure
- Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - General Plan Planning Code, Section 101.1 Planning Code, Section 302
- Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)
- General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- Historic Preservation Commission
 - Landmark (*Planning Code, Section 1004.3*)
 - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - Mills Act Contract (*Government Code, Section 50280*)
 - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.

1 [Interim Zoning Controls - Health Services and Social Services in Upper Market Street NCT
2 and Castro Street NCD]

3 **Resolution imposing interim zoning controls for an 18-month period for parcels in the**
4 **Upper Market Street Neighborhood Commercial Transit District (NCT) and the Castro**
5 **Street Neighborhood Commercial District (NCD), by requiring Conditional Use**
6 **Authorization for a change of use from a Health Services Use or a Social Services Use;**
7 **affirming the Planning Department’s determination under the California Environmental**
8 **Quality Act; and making findings of consistency with the eight priority policies of**
9 **Planning Code, Section 101.1.**

10
11 WHEREAS, Planning Code, Section 306.7, authorizes the Board of Supervisors to
12 impose interim zoning controls to allow time for the orderly completion of a planning study and
13 for the adoption of appropriate legislation, which are necessary to ensure that the legislative
14 scheme that may be ultimately adopted is not undermined during the planning and legislative
15 process by the approval or issuance of permits authorizing changes of use that could conflict
16 with that scheme; and

17 WHEREAS, The Upper Market Street Neighborhood Commercial Transit District and
18 the Castro Street Neighborhood Commercial District are home to the Castro neighborhood;
19 and

20 WHEREAS, the Castro neighborhood has been recognized worldwide for at least half a
21 century as a beacon of Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) liberty and
22 an enclave for LGBTQ people to find safety, acceptance, and chosen family, and is the home
23 to the Castro LGBTQ Cultural District, recognized in Administrative Code Section 107B, which
24 was established to preserve, sustain, and promote LGBTQ history and culture of the
25 neighborhood; highlight the structures and sites important to this history; foster racial, ethnic,

1 and cultural diversity among its residents and businesses; and create a safe, beautiful, and
2 inclusive space for LGBTQ and allied communities, for both residents and visitors; and

3 WHEREAS, The Castro was one of the first neighborhoods in the world to bear the full
4 brunt of the AIDS crisis in the 1980s, and one of the first neighborhoods in the world to
5 organize an effective and sex-positive response to the epidemic; and

6 WHEREAS, The Castro was also one of the first neighborhoods nationwide to identify
7 marijuana as a medicinal treatment for those living with HIV and cancer; the AIDS epidemic
8 inspired activist responses in the Castro in the 1980s and 1990s, led by groups such as
9 Citizens for Medical Justice, the AIDS Action Pledge, and ACT/UP San Francisco; the Castro
10 has been home to numerous pioneering HIV/AIDS healthcare, social services, prevention,
11 education, advocacy, and fundraising organizations that helped establish the world-renowned
12 San Francisco model of care that marshaled volunteer, nonprofit, foundation, and City
13 resources to respond to the epidemic; and

14 WHEREAS, Those critical health care and mental health services continue today, and
15 are of particular importance as an increasing number of queer youth nationwide flee
16 homophobia in their hometowns or family situations, and come to San Francisco looking for
17 safety and support; many end up homeless or at-risk of exploitation, with nearly half of San
18 Francisco's homeless youth identifying as members of the LGBTQ community, according to a
19 recent article in The California Sunday Magazine; additionally, as more and more survivors of
20 HIV/AIDS live longer, there is an increased need to address the loneliness, depression, and
21 isolation faced by seniors aging in place, particularly in the aftermath of the COVID-19
22 pandemic; and

23 WHEREAS, The LGBTQ community has a unique need for affordable, culturally
24 competent, and accessible mental, medical, and behavioral health services and faces
25 disparities in accessing them within close proximity to the Castro neighborhood and the

1 Castro LGBTQ Cultural District. Organizations and individuals providing mental and
2 behavioral health services, including non-profit mental health services in particular, have been
3 faced with the threat of eviction as landlords seek to dramatically raise rents coming out of the
4 pandemic; only a handful of queer-focused health facilities are left in the Castro, and those
5 that provide care at low to no cost are fewer still; and

6 WHEREAS, The interim controls established by this Resolution will allow time for the
7 orderly completion of a planning study and for the adoption of appropriate legislation that
8 supports the cultural and economic diversity of the Castro neighborhood in general, and
9 health and social services in particular; and

10 WHEREAS, The Board of Supervisors (Board) has considered the impact on the public
11 health, safety, peace, and general welfare if these interim controls are not imposed; and

12 WHEREAS, The Board has determined that the public interest will best be served by
13 imposition of these interim controls to ensure that the legislative scheme which may be
14 ultimately adopted is not undermined during the planning and legislative process for
15 permanent controls; and

16 WHEREAS, The Board finds that these interim controls are consistent with the Priority
17 Policies set forth in Planning Code, Section 101.1, because by requiring Conditional Use
18 authorization prior to a change in use or demolition of a Health Service or Social Service use,
19 these interim controls will preserve and enhance existing neighborhood-serving uses and will
20 conserve and protect the cultural and economic diversity of the Castro neighborhood; and

21 WHEREAS, The Planning Department has determined that the actions contemplated in
22 this Resolution comply with the California Environmental Quality Act (California Public
23 Resources Code Sections 21000 et seq.); said determination is on file with the Clerk of the
24 Board of Supervisors in File No. _____ and is incorporated herein by reference; the Board
25 affirms this determination; now, therefore, be it

1 RESOLVED, That, notwithstanding any provision of Article 2 of the Planning Code, a
2 change in use or demolition of a Health Services use or a Social Services use, as defined in
3 Planning Code, Section 102, shall require Conditional Use authorization pursuant to
4 Section 303 of the Planning Code; in acting on any application for Conditional Use
5 authorization for changes in use or demolition of a Health Services use or a Social Services
6 use, the Planning Commission shall consider the following criteria in addition to the criteria set
7 forth in Section 303(c) and (d):

8 (a) Whether comparable Health Services uses, Social Service uses, or other
9 community-based health organizations that are tailored to the queer population and that are
10 equally or more accessible to seniors, people with disabilities, people living with HIV/AIDS,
11 and other residents who need health services, are available at locations in the immediate
12 vicinity; and

13 (b) Whether the Conditional Use authorization and proposed change of use is
14 consistent with the health and wellness preservation priorities set forth in the Castro LGTBQ
15 Cultural District Cultural, History, Housing, and Economic Sustainability Strategy Report; and

16 (c) Whether the proposed change in use would serve the essential needs of lower-
17 income residents in need of affordable, accessible, and culturally competent mental,
18 behavioral, medical, and emotional health services, including sex-positive education and
19 therapy, substance abuse treatment, and STI/STD screenings and treatment; and

20 (d) Whether the proposed change in use maintains or increases the number of patients
21 who have been documented as seeking treatment tailored to the LGTBQ community in the
22 Castro neighborhood; and

23 (e) Whether the proposed change in use will make it harder for marginalized members
24 of the LGBTQ community to seek treatment; and, be it
25

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 legislation
3 that addresses substantially the same issues, whichever first occurs; and, be it

4 FURTHER RESOLVED, That the Planning Department shall provide reports to the
5 Board pursuant to Planning Code, Section 306.7(i).

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8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

10 By: /s/
11 AUDREY PEARSON
12 Deputy City Attorney

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