

1 [Planning Code - Castro Street Neighborhood Commercial District Use Size Limits]

2

3 **Ordinance amending the Planning Code, Sections 121.2 and 715.1, the Castro Street**
4 **Neighborhood Commercial District controls, to allow a neighborhood-serving nonprofit**
5 **institution to exceed the use size limits with a Conditional Use Authorization; making**
6 **environmental findings, Planning Code, Section 302, findings, and findings of**
7 **consistency with the General Plan and the Priority Policies of Planning Code, Section**
8 **101.1.**

9 NOTE: Additions are *single-underline italics Times New Roman*;
10 deletions are ~~*strike-through italics Times New Roman*~~.
11 Board amendment additions are double-underlined;
12 Board amendment deletions are ~~strike through normal~~;
13 Ellipses indicate text that is omitted but unchanged.

12

13 Be it ordained by the People of the City and County of San Francisco:

14 Section 1. Findings.

15 (a) The Planning Department has determined that the actions contemplated in this
16 Ordinance comply with the California Environmental Quality Act (California Public Resources
17 Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of
18 Supervisors in File No. _____ and is incorporated herein by reference.

19 (b) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
20 amendments will serve the public necessity, convenience, and welfare for the reasons set
21 forth in Planning Commission Resolution No. _____ and the Board incorporates such
22 reasons herein by reference. A copy of Planning Commission Resolution No. _____ is
23 on file with the Clerk of the Board of Supervisors in File No. _____.

24 (c) This Board finds that these Planning Code amendments are consistent with the
25 General Plan and with the Priority Policies of Planning Code Section 101.1 for the reasons set

1 forth in Planning Commission Resolution No. _____, and the Board hereby
 2 incorporates such reasons herein by reference.

3
 4 Section 2. The San Francisco Planning Code is hereby amended by amending
 5 Sections 121.2 and 715.1, to read as follows:

6 **SEC. 121.2. USE SIZE LIMITS (NON-RESIDENTIAL), NEIGHBORHOOD COMMERCIAL**
 7 **DISTRICTS.**

8 (a) In order to protect and maintain a scale of development appropriate to each district,
 9 nonresidential uses of the same size or larger than the square footage stated in the table
 10 below may be permitted only as conditional uses subject to the provisions set forth in Sections
 11 316 through 316.8 of this Code. The use area shall be measured as the gross floor area for
 12 each individual nonresidential use.

District	<u>Use Lot Size Limits</u>
North Beach	2,000 sq. ft.
Castro Street	
<i>Pacific Avenue</i>	
Inner Clement Street	2,500 sq. ft.
Inner Sunset	
Outer Clement Street	
Upper Fillmore Street	
Haight Street	
Polk Street	
Sacramento Street	
Union Street	
24th Street-Mission <i>NCT</i>	
24th Street-Noe Valley	

1	West Portal Avenue	
2	NC-1, NCT-1	3,000 sq. ft.
3	Broadway	
4	Hayes-Gough <u>NCT</u>	
5	<u>Upper Market Street</u>	
6	Upper Market Street <u>NCT</u>	
7	Valencia Street	
8	NC-2, NCT-2, SoMa <u>NCT</u> , Ocean Avenue, Glen Park <u>NCT</u>	4,000 sq. ft.
9	NC-3, NCT-3, Mission Street	6,000 sq. ft.
10	NC-S	

11 In addition to the criteria of Section 303(c) of this Code, the Commission shall consider
12 the extent to which the following criteria are met:

13 (1) The intensity of activity in the district is not such that allowing the larger use will be
14 likely to foreclose the location of other needed neighborhood-serving uses in the area.

15 (2) The proposed use will serve the neighborhood, in whole or in significant part, and
16 the nature of the use requires a larger size in order to function.

17 (3) The building in which the use is to be located is designed in discrete elements
18 which respect the scale of development in the district.

19 (b) In order to protect and maintain a scale of development appropriate to each district,
20 nonresidential uses which exceed the square footage stated in the table below shall not be
21 permitted, except that in the North Beach Neighborhood Commercial District this Subsection
22 121.2(b) shall not apply to a Movie Theater use as defined in Section 790.64 and except that in
23 the Castro Street Neighborhood Commercial District certain Large Institutions may by Conditional
24 Use Authorization exceed this Subsection 121.2(b) as described in the Specific Provisions for Section
25

1 715.21. The use area shall be measured as the gross floor area for each individual
 2 nonresidential use.

District	<u>Use Lot Size Limits</u>
West Portal Avenue	4,000 sq. ft.
North Beach	
Castro Street	

7 **SEC. 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

8 **ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Castro Street Controls
... COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
... 715.21	Use Size [Non-Residential]	§ 790.130 § 121.2 § 790.50	P to 1,999 sq. ft.; C# 2,000 sq. ft. <u>C 2,000 sq. ft.</u> to 3,999 sq. ft.; NP# 4,000 sq. ft. & above § 121.2

21 **SPECIFIC PROVISIONS FOR CASTRO NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
... § 715.21	§ 121.1	<u>Use Size shall generally not exceed 4,000 square feet except that an Institution, Other Large as defined in Section 790.50 that is operated</u>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

...		<p><u>by a non-profit and is neighborhood-serving may exceed 4,000 sq. ft.</u></p> <p><u>by Conditional Use Authorization.</u></p>
-----	--	--

Section 3. Effective Date. This Ordinance shall become effective 30 days from the date of passage.

Section 4. This section is uncodified. In enacting this Ordinance, the Board intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams, or any other constituent part of the Planning Code that are explicitly shown in this legislation as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the legislation.

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

By: _____
JUDITH A. BOYAJIAN
Deputy City Attorney

n:\legana\as2013\1300357\00835221.doc