

File No. 130263

Committee Item No. 2

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date June 24, 2013

Board of Supervisors Meeting Date _____

Cmte Board

- | | | |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

- | | | |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Categorical Exemption Stamp, dtd 3/25/13</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Planning Commission Resolution No. 18911</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Completed by: Alisa Miller Date June 21, 2013

Completed by: _____ Date _____

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 ~~strikethrough normal~~;
13 Ellipses indicate text that is omitted but unchanged.

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

15 Section 1. Findings.

16 (a) The Planning Department has determined that the actions contemplated in this
17 Ordinance comply with the California Environmental Quality Act (California Public Resources
18 Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of
19 Supervisors in File No. 130263 and is incorporated herein by reference.

20 (b) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
21 amendments will serve the public necessity, convenience, and welfare for the reasons set
22 forth in Planning Commission Resolution No. 18911 and the Board incorporates such reasons
23 herein by reference. A copy of Planning Commission Resolution No. 18911 is on file with the
24 Clerk of the Board of Supervisors in File No. 130263.

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

1 forth in Planning Commission Resolution No. 130263, and the Board hereby incorporates
2 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
...		<u>Use Size shall generally not exceed 4,000 square feet except that an</u>
§ 715.21	§ 121.1	<u>Institution, Other Large as defined in Section 790.50 that is operated</u>

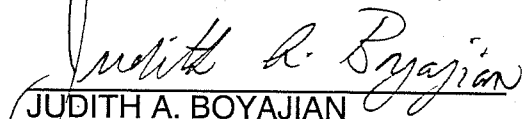
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

....		<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:\vegana\as2013\1300357\00835221.doc

LEGISLATIVE DIGEST

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

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

Existing Law

Planning Code Section 121.2 establishes a 2,000 square foot size limit for permitted uses in the Castro Street Neighborhood Commercial District. Section 715.21 allows a use size between 2,000 and 3,999 square feet by Conditional Use Authorization and prohibits use sizes 4,000 square feet and above.

Amendments to Current Law

Planning Code Sections 121.2 and 715.21 are amended to allow a large neighborhood-serving non-profit institution to exceed the 4,000 square foot limit through a Conditional Use Authorization.

Background Information

The intent of the amendments is to allow for carefully-vetted and community-supported larger institutional uses within the Neighborhood Commercial District in order to provide services closer to resident populations.

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

March 25, 2013

File No. 130263

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On March 19, 2013, Supervisor Wiener introduced the following proposed legislation:

File No. 130263

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

This legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Miller".

By: Alisa Miller, Committee Clerk
Land Use & Economic Development Committee

Attachment

c: Monica Pereira, Environmental Planning
Joy Navarrete, Environmental Planning

Non-Physical Exemption
CEQA Section 15060 (c)(2)
Joy Navarrete 3/25/13
JOY NAVARRETE



SAN FRANCISCO PLANNING DEPARTMENT

June 21, 2013

Ms. Angela Calvillo, Clerk
Honorable Supervisor Wiener
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Re: Transmittal of Planning Department Case Number 2013.0160T:
Castro Neighborhood Commercial District Use Size Limits
Board File No. 13-0263
Planning Commission Recommendation: Approval

Dear Ms. Calvillo and Supervisor Wiener,

On June 20, 2013, the San Francisco Planning Commission conducted a duly noticed public hearing at its regularly scheduled meeting to consider the proposed amendments to Planning Code Section 121.2 and to Section 715.21 to amend the use size restrictions in the Castro Street Neighborhood Commercial District. The amendments were introduced by Supervisor Scott Wiener. At the hearing, the Planning Commission recommended approval and adopted the attached Resolution No. 18911 to that effect.

The proposed amendments have been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2). Pursuant to San Francisco's Administrative Code Section 8.12.5 "Electronic Distribution of Multi-page Documents," the Department is sending electronic documents and one hard copy. Additional hard copies may be requested by contacting Jessica Look at 575-6812.

Please find attached documents relating to the action of the Planning Commission. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

AnMarie Rodgers
Manager of Legislative Affairs

SOPHIE HAYWARD for ANMARIE RODGERS

cc:

Supervisor Scott Wiener

Jon Givner, Deputy City Attorney

Judith Boyajian, Deputy City Attorney

Jason Elliot, Mayor's Director of Legislative & Government Affairs

Attachments (two hard copies of the following):

Planning Commission Resolution

Planning Department Executive Summary



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 18911

HEARING DATE JUNE 20, 2013

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Project Name: Amendments relating to the Castro NCD Use Size Limits

Case Number: 2013.0160T [Board File No. 13-0263]

Initiated by: Supervisor Weiner/ Introduced March 19, 2013

Staff Contact: Jessica Look, 415.575.6812

jessica.look@sfgov.org

Reviewed by: AnMarie Rodgers, Manager Legislative Affairs

anmarie.rodgers@sfgov.org, 415-558-6395

Recommendation: **Recommend Approval**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD INITIATE AMENDMENTS TO THE SAN FRANCISCO PLANNING CODE BY 1) AMENDING SECTION 121.2 TO PROVIDE FOR A USE SIZE EXCEPTION FOR NEIGHBORHOOD SERVING NONPROFIT INSTITUTIONS IN THE CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT WITH A CONDITIONAL USE AUTHORIZATION, AND 2) AMENDING SECTION 715.21 TO MAKE REFERENCE TO THIS USE SIZE EXCEPTION; AND 3) MAKING FINDINGS INCLUDING ENVIRONMENTAL FINDINGS, AND FINDINGS OF CONSISTENCY WITH PLANNING CODE, SECTION 302 AND SECTION 101.1 AND THE GENERAL PLAN.

WHEREAS, on March 19, 2013, Supervisors Weiner introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 13-0263, which would amend Sections 121.2 and 715.21 of the Planning Code regarding a use size exception for neighborhood serving nonprofit institutions in the Castro Street Neighborhood Commercial District with a Conditional Use Authorization.

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on June 20, 2013; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2); and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **approve with modifications** the proposed ordinance and adopts the attached Draft Resolution to that effect.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The continued, controlled expansion of neighborhood serving nonprofit institutions is important to the city in the provision of valuable and needed services to residents.
2. Nonprofit, neighborhood serving social services are already an existing and desired use in the Castro NCD and are consistent with the character of the Castro NCD.
3. Furthermore, the Castro NCD is a multi-purpose commercial district that provides not only goods and services to the immediate neighborhood, but to the outside of the district as well, therefore the District can accommodate this proposed use size
4. In addition, the proposed legislation will provide an opportunity for development of neighborhood supported social services that are necessary or desirable for, and compatible with, the local neighborhood and to the City of San Francisco.
5. This legislation will promote and support the accessibility of social services in the Castro.
6. Furthermore, the proposed legislation has the support of the Department, Supervisor Scott Wiener, Merchants of Upper Market (MUMC) and the San Francisco AIDS Foundation.
7. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

I. COMMERCE AND INDUSTRY ELEMENT

POLICY 1.1: Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

POLICY 4.2: Promote and attract those economic activities with potential benefit to the City.

OBJECTIVE 6: MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

POLICY 6.1: Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

OBJECTIVE 7: ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL AND REGIONAL CENTER FOR GOVERNMENTAL, HEALTH, AND EDUCATIONAL SERVICES

Policy 7.2: Encourage the extension of needed health and educational services, but manage expansion to avoid or minimize disruption of adjacent residential areas.

By allowing larger institutional uses/neighborhood serving nonprofits to exist in the Castro NCD, this would result in positive community and social benefit for residents and for those who come to the neighborhood to seek services. The proposed amendment does not cause adverse environmental and or negative economic effects and thus should be encouraged. The essential character of this neighborhood corridor will be maintained by encouraging and protecting uses which provide a necessary services to the area.

II. COMMUNITY FACILITIES ELEMENT

OBJECTIVE 3: ASSURE THAT NEIGHBORHOOD RESIDENTS HAVE ACCESS TO NEEDED SERVICES AND A FOCUS FOR NEIGHBORHOOD ACTIVITIES.

One component contributing to the quality of the living environment is the availability of community services and facilities designed to meet the cultural, social and health needs of neighborhood residents. This proposed legislation would promote the development of providing needed and desired services to the community.

8. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed amendments will not have a negative impact on neighborhood serving retail uses and will not impact opportunities for resident employment in and ownership of neighborhood-serving retail. It would in fact enhance future opportunities for residential employment and current institutional businesses.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed amendments will help preserve existing housing and neighborhood character by promoting institutional and social service needs that are desired by the community. The amendments will not impact existing housing.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed amendments will have no adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed amendments will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed amendments would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed Ordinance would not affect the preparedness against injury and loss of life in an earthquake is unaffected.

7. That the landmarks and historic buildings be preserved;

Landmarks and historic buildings would not be negatively impacted by the proposed amendments.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed amendments. Any development that is proposed would need to receive Conditional Use authorization, at which point impacts on sunlight access, to public or private property, would be reviewed.

- 8. Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance as described in this Resolution and in the proposed Ordinance.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on June 20, 2013.

Jonas Ionin
Acting Commission Secretary

AYES: Commissioners Antonini, Borden, Fong, Hillis, Moore, Sugaya, and Wu.

NOES: None.

ABSENT: None.

ADOPTED: June 20, 2103



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Change HEARING DATE: JUNE 20, 2013

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Project Name: Castro NCD Use Size Limits
Case Number: 2013.0160T [Board File No. 13-0263]
Initiated by: Supervisor Weiner / Introduced March 19, 2013
Staff Contact: Jessica Look, 415.575.6812
jessica.look@sfgov.org
Reviewed by: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395
Recommendation: **Recommend Approval**

PLANNING CODE AMENDMENT

The proposed Ordinance would initiate amendments to the San Francisco Planning Code by 1) amending Section 121.2 to provide for a use size exception for neighborhood serving nonprofit institutions in the Castro Street Neighborhood Commercial District (hereinafter "Castro NCD") with a Conditional Use Authorization, and 2) amending Section 715.21 to make reference to this use size exception; and 3) making findings including environmental findings, and findings of consistency with Planning Code, Section 302 and Section 101.1 and the General Plan.

The Way It Is Now:

The Castro NCD prohibits any non-residential use of 4,000 sq.ft. and above, including uses such as neighborhood serving nonprofits institutions.

The Way It Would Be:

The proposed ordinance would allow a neighborhood-serving nonprofit institution with a use size over 4,000 sq.ft. to apply for a Conditional Use Authorization in the Castro NCD. There would be no numerical cap or a sunset clause; rather it would permit these uses to be approved by the Planning Commission on a case-by-case basis. The regular CU criteria and processes apply. The Castro NCD runs roughly along Castro Street between Market St and 19th St. and on 18th between Diamond St. and Noe St.

ISSUES AND CONSIDERATIONS

The intent of the amendments is to allow for a carefully vetted and community supported larger institutional uses to operate within the Castro NCD. Due to current non-residential use size limits, nonprofits, such as the San Francisco AIDS Foundation (SFAF), are unable to expand their services to meet the current and future demand of their clients.

SFAF currently operates in the Castro District at three separate social service facilities; Magnet¹, Stonewall Project² and Stop Aids³. These separate facilities total to approximately 7,000 square feet. SFAF wishes to consolidate these three existing social service facilities into an existing leased single location at 470 - 474 Castro Street totaling approximately 10,000 square feet – with the potential to add a floor for an approximate total of 15,000 square feet. Currently, there is no off-street vehicular parking or loading, and none is proposed. This consolidation will allow for a more visible presence, greater efficiencies in service delivery and expansion of the range of services offered. To allow for this consolidation, the proposed zoning text change will need to be enacted and the project will proceed to obtain a Conditional Use Authorization and any other necessary entitlements, under Section 303, Section 121.2 and Section 715.21 to allow an institutional use to exceed 4,000 square feet in the Castro NCD.

Typically, the Department brings Planning Code test amendments to hearing with the associated entitlement requests; however, since the physical project is still being developed at this time, the project sponsor (SFAF) has requested that the entitlement and zoning text change hearings be presented to the Planning Commission separately. The project sponsor, along with support of Supervisor Wiener's office is also working actively to ensure that the Board of Supervisors will have the opportunity to consider the proposed ordinance before the Board's summer recess during the month of August. Proceeding with the rezoning in advance of the project entitlement is intended to minimize additional costs for this community based nonprofit.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

RECOMMENDATION

The Department recommends that the Commission recommend *approval* of the proposed Ordinance and adopt the attached Draft Resolution to that effect.

BASIS FOR RECOMMENDATION

The continued, controlled expansion of neighborhood serving nonprofit institutions is important to the city in the provision of valuable and needed services to residents. Nonprofit, neighborhood serving social

¹ Magnet provides free HIV and STD/STI testing as well as Hepatitis A & B vaccinations.

² The Stonewall Project is a family of programs dedicated to providing harm reduction-based counseling, treatment, and support services to gay men, transmen who have sex with men, and other men who have sex with men who are having issues with drugs and/or alcohol.

³ The Stop AIDS Project was founded in 1984 by community members, this tradition of community-based and volunteer-driven health promotion continues to drive the Stop AIDS programming today.

services are already an existing and desired use in the Castro NCD and are consistent with the neighborhood character. Furthermore, the Castro NCD is a multi-purpose commercial district that provides not only goods and services to the immediate neighborhood, but to the outside of the district as well, therefore the District can accommodate this proposed use size. The Castro neighborhood is recognized both nationally and internationally as a prominent symbol of lesbian, gay, bisexual, and transgender (hereinafter "LGBT") activism and community. As such, this neighborhood serves as a regional mecca for the LGBT community. In addition, the proposed legislation will provide an opportunity for development of neighborhood supported social services that are necessary or desirable for, and compatible with, the local neighborhood and to the City of San Francisco. Finally, this legislation will promote and support the accessibility of social services in the Castro in that the larger use size would only be permitted by Conditional Use authorization when the Planning Commission determines that the proposed use is 1) either necessary or desirable; 2) compatible with the community; 3) meets the definition of "other large institution" as defined by Section 790.50 of the Planning Code; and 4) is operated by a nonprofit neighborhood-serving use.

The Department finds that the proposed legislation would be consistent with the City's General Plan policies and Section 101.1. Furthermore, the proposed legislation has the support of the Planning Department, Supervisor Scott Wiener, Castro Community Benefit District (Castro CBD), Merchants of Upper Market (MUMC), Castro/Eureka Valley Neighborhood Association (EVNA) and the San Francisco AIDS Foundation. In addition, the San Francisco AIDS Foundation has outreached to MUMC, Eureka Valley Neighborhood Association, Castro CBD and the Collingwood Neighbors Group. Finally, on May 20, 2013, the Small Business Commission voted 7-0 to recommend approval of this ordinance. Their recommendation is included in Exhibit C.

ENVIRONMENTAL REVIEW

The proposal to amend Planning Code Sections 121.2 (Use Size Limits (Non-Residential), Neighborhood Commercial Districts), and 715.1 (Castro Street Neighborhood Commercial District Zoning Control Table) in the Castro NCD would result in no physical impact on the environment. The proposed amendment is exempt from environmental review under Section 15060(c)(2) of the CEQA Guidelines.

PUBLIC COMMENT

As of the date of this report, the Planning Department has received four letters of support in regards to the proposed Ordinance from the Castro Community Benefit District (Castro CBD), Merchants of Upper Market & Castro (MUMC), Castro/Eureka Valley Neighborhood Association (EVNA) and a Castro homeowner.

RECOMMENDATION:	Recommendation of Approval
------------------------	-----------------------------------

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 ~~strikethrough normal~~;
13 Ellipses indicate text that is omitted but unchanged.

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

15 Section 1. Findings.

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

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

25 (c) This Board finds that these Planning Code amendments are consistent with the
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	
<u>Pacific Avenue</u>	
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	Use Lot Size Limits
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 <i>[Non-Residential]</i>	§ 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**

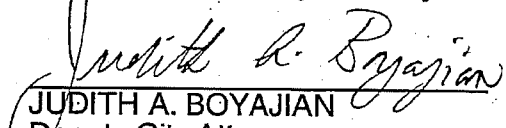
Article 7 Code Section	Other Code Section	Zoning Controls
§ 715.21	§ 121.1	<i>Use Size shall generally not exceed 4,000 square feet except that an Institution, Other Large as defined in Section 790.50 that is operated</i>

...		<p><i>by a non-profit and is neighborhood-serving may exceed 4,000 sq. ft.</i></p> <p><i>by Conditional Use Authorization.</i></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:\egana\as2013\1300357\00835221.doc

LEGISLATIVE DIGEST

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

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

Existing Law

Planning Code Section 121.2 establishes a 2,000 square foot size limit for permitted uses in the Castro Street Neighborhood Commercial District. Section 715.21 allows a use size between 2,000 and 3,999 square feet by Conditional Use Authorization and prohibits use sizes 4,000 square feet and above.

Amendments to Current Law

Planning Code Sections 121.2 and 715.21 are amended to allow a large neighborhood-serving non-profit institution to exceed the 4,000 square foot limit through a Conditional Use Authorization.

Background Information

The intent of the amendments is to allow for carefully-vetted and community-supported larger institutional uses within the Neighborhood Commercial District in order to provide services closer to resident populations.

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

March 25, 2013

File No. 130263

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On March 19, 2013, Supervisor Wiener introduced the following proposed legislation:

File No. 130263

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

This legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Miller".

By: Alisa Miller, Committee Clerk
Land Use & Economic Development Committee

Attachment

c: Monica Pereira, Environmental Planning
Joy Navarrete, Environmental Planning

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

March 25, 2013

Planning Commission
Attn: Jonas Ionin
1660 Mission Street, 5th Floor
San Francisco, CA 94103

Dear Commissioners:

On March 19, 2013, Supervisor Wiener introduced the following proposed legislation:

File No. 130263

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

The proposed ordinance is being transmitted pursuant to Planning Code Section 302(b) for public hearing and recommendation. The ordinance is pending before the Land Use & Economic Development Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Miller".

By: Alisa Miller, Committee Clerk
Land Use & Economic Development Committee

c: John Rahaim, Director of Planning
Scott Sanchez, Zoning Administrator
Sarah Jones, Chief, Major Environmental Analysis
AnMarie Rodgers, Legislative Affairs
Monica Pereira, Environmental Planning
Joy Navarrete, Environmental Planning

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Chris Schulman, Commission Secretary
Small Business Commission, City Hall, Room 448

FROM: Alisa Miller, Clerk, Land Use and Economic Development Committee
Board of Supervisors

DATE: March 25, 2013

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use & Economic Development Committee

The Board of Supervisors' Land Use and Economic Development Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 130263

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

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

_____ No Comment
_____ Recommendation Attached

Chairperson, Small Business Commission

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative

Sponsor(s):

Wiener

Subject:

Planning Code – Castro Street Neighborhood Commercial District Use Size Limits

The text is listed below or attached:

Ordinance amending the San Francisco Planning Code by amending the Castro Street Neighborhood Commercial District controls to allow a neighborhood-serving nonprofit institution to exceed the use size limits with a Conditional Use Authorization; making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Signature of Sponsoring Supervisor: _____

For Clerk's Use Only:

130263 ✓