

1 [Moderate-Scale Neighborhood Commercial District]
2 AMENDING PART II, CHAPTER II OF THE SAN FRANCISCO MUNICIPAL CODE
3 (PLANNING CODE) BY ADDING A SPECIAL PROVISION TO SECTION 712.38 THEREOF
4 AND AMENDING THE ASSOCIATED CHART SET FORTH IN SECTION 712 TO
5 AUTHORIZE THE CHANGE IN OCCUPANCY OF A VACANT RESIDENTIAL USE TO AN
6 OTHER INSTITUTION, LARGE, USE OPERATED BY A NON-PROFIT CORPORATION ON
7 THE THIRD FLOOR AND ABOVE OF BUILDINGS IN THE MODERATE-SCALE
8 NEIGHBORHOOD COMMERCIAL DISTRICT AS A CONDITIONAL USE UNDER CERTAIN
9 SPECIFIED CIRCUMSTANCES; ADOPTING FINDINGS PURSUANT TO SECTION 101.1.

10 Note: Additions are underlined; deletions are in ((double parentheses)).

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

12 Section 1. Part II, Chapter II of the San Francisco Municipal Code (Planning Code)
13 is hereby amended by amending Section 712.38, to read as follows:

14 Section 1. FINDINGS.

15 (a) The Board of Supervisors hereby finds and declares that the following
16 conditions exist which create a need to amend Section 712 and 712.38 of the Planning Code:

17 (1) The General Plan encourages a wide variety of commercial and institutional
18 uses, including those serving a City-wide base, to locate in Moderate-Scale Neighborhood
19 Commercial (NC-3) Districts. Planning Code 712.1 states that in NC-3 districts a wide variety
20 of commercial uses (including institutional uses) are permitted, and building standards permit
21 moderately large commercial uses and buildings.

22 (2) Institutional uses operated by non-profit corporations offer important benefits
23 to the citizens of the City and County of San Francisco, and it is sometimes beneficial for
24 such non-profit institutional uses to be located in NC-3 districts.

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SUPERVISOR, KATZ, LENO, AMMIANO, BIERMAN, YAKI, NEWSOM, KAUFMAN
BOARD OF SUPERVISORS

1 (3) There is an anomaly in the Planning Code for NC-3 districts in that although
2 the demolition of dwelling units on the third story and above is permitted with conditional use
3 approval, conversion of vacant dwelling units on the third story and above to permitted non-
4 profit institutional uses is prohibited. This anomaly may encourage the demolition, rather than
5 the adaptive reuse, of sound structures that are architecturally or historically significant in
6 order to permit their sites to be used for a permitted non-profit institutional use.

7 (4) By requiring conditional use approval for the conversion of existing dwelling
8 units on the third story and above, by limiting such conversions to vacant units only, and by
9 limiting the new use to large institutional uses operated by a non-profit corporation in an NC-3
10 district, this legislation will enable the Planning Commission to balance the public benefits of
11 any proposed conversation against the loss of one or more dwelling units, and limit such
12 conversions only to those that, on balance, will advance the public interest.

13 (b) Priority Policy Findings. This legislation is consistent with the Priority
14 Policies set forth in Planning Code Section 101.1(b) as follows:

15 (1) This legislation is consistent with Priority Policy 1 in that it will not affect
16 existing neighborhood-serving retail uses.

17 (2) This legislation is consistent with Priority Policy 2 in that existing housing
18 and neighborhood character are preserved by permitting existing structures eligible for listing
19 in the National Register of Historic Places that contain one or more dwelling units on the third
20 story and above to be converted to a non-profit large institutional use in only a narrow class of
21 cases.

22 (3) This legislation is consistent with Priority Policy 3 in that no dwelling units on
23 the third story and above in which tenants currently reside will be allowed to be converted to a
24 non-profit institutional use.

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SUPERVISOR KATZ
BOARD OF SUPERVISORS

1 (4) This legislation is consistent with Priority Policy 4 in that it will not affect
2 commuter traffic, MUNI transit service or neighborhood parking.

3 (5) This legislation is consistent with Priority Policy 5 in that it will not affect the
4 industrial and service sector.

5 (6) This legislation is consistent with Priority Policy 6 by encouraging existing
6 historic structures to be seismically upgraded during any conversion to a large institutional
7 use.

8 (7) This legislation is consistent with Priority Policy 7 by encouraging the
9 adaptive reuse, rather than the demolition, of structures eligible for listing in the National
10 Register of Historic Places because the Planning Code currently permits the demolition of
11 such residential uses but not their conversion to institutional uses.

12 (8) This legislation is consistent with Priority Policy 8 in that it will not affect our
13 parks and open space and their access to sunlight and vistas.

14 Section 2. Part II, Chapter II of the San Francisco Municipal Code (Planning Code)
15 is hereby amended by adding the letter "C" and the "pound" symbol in the "3rd" [floor] column
16 of Section 712.38 in the NC-3 Zoning Control Table to read as follows:

			NC-3		
No.	Zoning Category	§ References	Controls		
			Controls by Story		
			1st	2nd	3rd +
712.38	Residential Conversion	§ 790.84	P	C	<u>C#</u>

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23 Section 3. Part II, Chapter II of the San Francisco Municipal Code (Planning Code)
24 is hereby amended by adding language (with no section number) to the SPECIFIC

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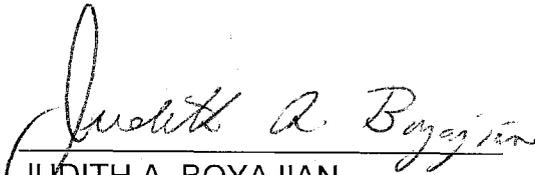
1 PROVISIONS FOR NC-3 DISTRICTS chart at the end of the NC-3 Zoning Control Table
2 which constitutes Sections 712.10 through Section 712.95 to read as follows:

	Other	Zoning
Article 7	Code Section	Controls
Code Section		
712.38	790.84	<p data-bbox="1106 585 1576 691">Boundaries: Applicable to NC-3 districts.</p> <p data-bbox="1106 712 1576 1649"><u>Controls: A residential use may be converted to an Other Institution, Large, use, as defined by Section 790.50 of this Code, as a conditional use on the 3rd story and above if in addition to the criteria set forth in § 303, the Commission finds that:</u></p> <p data-bbox="1106 1287 1576 1649">(1) <u>The structure in which the residential use is to be converted has been found eligible for listing on the National Register of Historic Places.</u></p> <p data-bbox="1106 1670 1576 1840">(2) <u>The proposed Other Institution, Large, use is to be operated by a non-profit</u></p>

public benefit corporation;
and
(3) No legally residing
residential tenants will be
displaced.

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9 APPROVED AS TO FORM:
10 LOUISE H. RENNE, City Attorney

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13 By:


14 JUDITH A. BOYAJIAN
15 Deputy City Attorney
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SUPERVISOR KATZ
BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
September 22, 1998	§	September 28, 1998
Ayes: Supervisors Ammiano Brown	§	Ayes: Supervisors Ammiano Brown
Katz Kaufman Leno Medina Newsom	§	Katz Leno Medina Newsom Teng Yaki
Teng Yaki Yee	§	Yee
Absent: Supervisor Bierman	§	Absent: Supervisors Bierman Kaufman

I hereby certify that the foregoing ordinance
was finally passed by the Board of Supervisors
of the City and County of San Francisco

File No.
98-0702

OCT - 9 1998

Date Approved


Clerk


Mayor