

BOARD of SUPERVISORS



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May 16, 2018

Planning Commission  
Attn: Jonas Ionin  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Commissioners:

On May 8, 2018, Supervisor Yee introduced the following legislation:

**File No. 180483**

**Ordinance amending the Planning Code to provide that in the Ocean Avenue Neighborhood Commercial Transit District a Health Service Use, whether Principal or Accessory, requires a Conditional Use authorization on the ground story and is permitted above the ground story; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight 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 and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk  
Land Use and Transportation Committee

c: John Rahaim, Director of Planning  
Aaron Starr, Acting Manager of Legislative Affairs  
Scott Sanchez, Zoning Administrator  
Lisa Gibson, Environmental Review Officer  
AnMarie Rodgers, Director of Citywide Planning  
Laura Lynch, Environmental Planning  
Joy Navarrete, Environmental Planning

1 [Planning Code - Health Services - Ocean Avenue Neighborhood Commercial Transit District]

2

3 **Ordinance amending the Planning Code to provide that in the Ocean Avenue**  
4 **Neighborhood Commercial Transit District a Health Service Use, whether Principal or**  
5 **Accessory, requires a Conditional Use authorization on the ground story and is**  
6 **permitted above the ground story; affirming the Planning Department’s determination**  
7 **under the California Environmental Quality Act; and making findings of consistency**  
8 **with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
11 **Deletions to Codes** are in *strikethrough-italics Times New Roman font*.  
12 **Board amendment additions** are in double-underlined Arial font.  
13 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
14 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
15 subsections or parts of tables.

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

17

18 Section 1. Environmental and Planning Code Findings.

19 (a) The Planning Department has determined that the actions contemplated in this  
20 ordinance comply with the California Environmental Quality Act (California Public Resources  
21 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
22 Supervisors in File No. \_\_\_ and is incorporated herein by reference. The Board affirms this  
23 determination.

24 (b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_,  
25 adopted findings that the actions contemplated in this ordinance are consistent, on balance,  
with the City’s General Plan and eight priority policies of Planning Code Section 101.1. The

1 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of  
2 the Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that these  
4 Planning Code amendments will serve the public necessity, convenience, and welfare for the  
5 reasons set forth in Planning Commission Resolution No. \_\_\_\_\_ and the Board of  
6 Supervisors hereby incorporates such reasons herein by reference.

7  
8 Section 2. The Planning Code is hereby amended by revising Section 755, to read as  
9 follows:

10 **SEC. 755. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT**  
11 **DISTRICT.**

12 The Ocean Avenue Neighborhood Commercial Transit District is located on Ocean  
13 Avenue from Howth Street to Manor Drive. Ocean Avenue is a multi-purpose transit-oriented  
14 small-scale commercial district that is modeled on the NCT-2 District. Ocean Avenue was  
15 developed as a streetcar-oriented commercial district in the 1920s and continues to serve this  
16 function, with the K-line streetcar on Ocean Avenue. Numerous other bus lines serve the  
17 area, especially the eastern end, where the Phelan Loop serves as a major bus terminus.  
18 The eastern end of the district is anchored by the main City College campus and direct  
19 linkages to the Balboa Park BART/MUNI rail station a couple blocks to the east, which serves  
20 as the southernmost San Francisco station for BART and the terminus of the J, K, and M  
21 streetcar lines. Because of the immediate proximity of the BART/MUNI station the district has  
22 quick and easy transit access to downtown.

23 The Ocean Avenue NCT District is mixed use, transitioning from a predominantly one-  
24 and two-story retail district to include neighborhood-serving commercial uses on lower floors  
25 and housing above. Housing density is limited not by lot area, but by the regulations on the

1 built envelope of buildings, including height, bulk, setbacks, and lot coverage, and standards  
2 for residential uses, including open space and exposure, and urban design guidelines.  
3 Access (i.e. driveways, garage entries) to off-street parking and loading is generally prohibited  
4 on Ocean Avenue to preserve and enhance the pedestrian-oriented character and transit  
5 function of the street. Residential and commercial parking are not required.

6 The Ocean Avenue NCT District is intended to provide convenience goods and  
7 services to the surrounding neighborhoods as well as limited comparison shopping goods for  
8 a wider market. The range of comparison goods and services offered is varied and often  
9 includes specialty retail stores, restaurants, and neighborhood-serving offices. Buildings may  
10 range in height, with height limits generally allowing up to four or five stories. Lots are  
11 generally small to medium in size and lot consolidation is prohibited to preserve the fine grain  
12 character of the district, unless the consolidation creates a corner parcel that enables off-  
13 street parking to be accessed from a side street.

14 Rear yard requirements above the ground story and at residential levels preserve open  
15 space corridors of interior blocks.

16 Commercial uses are required at the ground level and permitted at the second story.

17 Housing development in new buildings is encouraged above the ground story. Existing  
18 residential units are protected by limitations on demolition and upper-story conversions.  
19 Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of  
20 this Code.

21  
22 **Table 755. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**  
23 **ZONING CONTROL TABLE**

24 \* \* \* \*

25

|  |  |                         |
|--|--|-------------------------|
|  |  | <b>Ocean Avenue NCT</b> |
|--|--|-------------------------|

|   |                     |                 |
|---|---------------------|-----------------|
| <b>Zoning Category</b>                    | <b>§ References</b> | <b>Controls</b> |
| * * * *                                   | * * * *             |                 |
| <b>NON-RESIDENTIAL STANDARDS AND USES</b> |                     |                 |
| * * * *                                   |                     |                 |

|                                       |              | <b>Controls by Story</b> |          |          |
|---------------------------------------|--------------|--------------------------|----------|----------|
|                                       |              | 1st                      | 2nd      | 3rd+     |
| * * * *                               |              |                          |          |          |
| <b>Sales and Service Use Category</b> |              |                          |          |          |
| * * * *                               | * * * *      | * * * *                  | * * * *  | * * * *  |
| Services, Fringe Financial            | § 102        | NP                       | NP       | NP       |
| <i>Services, Health</i>               | <i>§ 102</i> | <i>C(5)</i>              | <i>P</i> | <i>P</i> |
| Services, Limited Financial           | § 102        | P                        | NP       | NP       |
| * * * *                               | * * * *      | * * * *                  | * * * *  | * * * *  |

(1) C required for ground floor ~~R~~Residential ~~U~~Use when street frontage is listed in 145.4(b)

(2) [Note deleted.]

(3) C required for seven or more persons.

(4) C if a Macro WTS Facility; P if a Micro WTS Facility.


(5) *A Health Service Use requires a Conditional Use authorization on the ground story whether it is Principal or Accessory.*

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Section 3. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor’s veto of the ordinance.

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the “Note” that appears under the official title of the ordinance.

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

By:   
\_\_\_\_\_  
ANDREW SHEN  
Deputy City Attorney

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**LEGISLATIVE DIGEST**

[Planning Code - Health Services - Ocean Avenue Neighborhood Commercial Transit District]

**Ordinance amending the Planning Code to provide that in the Ocean Avenue Neighborhood Commercial Transit District a Health Service Use, whether Principal or Accessory, requires a Conditional Use authorization on the ground story and is permitted above the ground story; affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

Existing Law

The Ocean Avenue Neighborhood Commercial Transit (“NCT”) District is located on Ocean Avenue from Howth Street to Manor Drive. The Ocean Avenue NCT District is mixed use, consisting of a predominantly one- and two-story retail district that includes neighborhood-serving commercial uses on lower floors and housing above.

Within the Ocean Avenue NCT, Health Service uses are permitted on the ground floor. A Health Service use includes services provided by physicians, surgeons, dentists, podiatrists, psychologists, psychiatrists, acupuncturists, chiropractors, or other health-care professionals. S.F. Planning Code § 102.

Amendments to Current Law

The proposed ordinance would no longer permit Health Service uses on the ground floor in the Ocean Avenue NCT District, and would instead require a conditional use authorization.

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