

BOARD of SUPERVISORS



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MEMORANDUM

Date: September 25, 2024
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 240903
Planning Code - Health Service Uses in West Portal Neighborhood Commercial District

- 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 [Planning Code - Health Service Uses in West Portal Neighborhood Commercial District]

2

3 **Ordinance amending the Planning Code to permit certain Health Service Uses up to**
 4 **5,000 gross square feet without a conditional use permit in the West Portal**
 5 **Neighborhood Commercial District; affirming the Planning Department's determination**
 6 **under the California Environmental Quality Act; making findings of consistency with**
 7 **the General Plan, and the eight priority policies of Planning Code, Section 101.1; and**
 8 **making findings of public necessity, convenience, and welfare pursuant to Planning**
 9 **Code, Section 302.**

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

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

18 Section 1. Environmental and Land Use 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, the Board finds that this Planning Code
4 amendment will serve the public necessity, convenience, and welfare for the reasons set forth
5 in Planning Commission Resolution No. _____, and the Board incorporates such
6 reasons herein by reference. A copy of said resolution is on file with the Clerk of the Board of
7 Supervisors in File No. _____.

8
9 Section 2. General Findings.

10 (a) As part of the 2023 Housing Element Update, the City studied its housing patterns
11 and planned for increasing the number of residents in the areas of the City where residential
12 construction has lagged over the last several decades.

13 (b) Increasing the numbers of residents in the western portion of the City, including in
14 the West Portal Neighborhood Commercial District, will cause an increase in the demand for
15 neighborhood-serving retail uses. This demand could be met by increasing the number of
16 locations or allowing larger sized locations for many uses, including health services uses.

17 (c) The West Portal Avenue Neighborhood Commercial District limits retail uses to
18 4,000 square feet. It is possible that in certain neighborhood commercial districts, this size
19 limitation could be an impediment to locating larger neighborhood-serving retail businesses in
20 districts to meet this anticipated increased demand.

21 (d) Recently, medical health service businesses have sought to open locations greater
22 than 4,000 square feet because with a larger area it is possible to provide more services on
23 site.

24 (e) In the West Portal neighborhood, there is an existing strong demand for health
25 services. It could be beneficial for the residents of West Portal and the surrounding areas to

1 have integrated medical services in the district. Larger spaces could enable existing and
2 future customers of the City’s west side to obtain integrated health services without going
3 downtown or other long distances, and make it easier for West Portal residents to access
4 health services without having to go outside of the neighborhood.

5 (f) The West Portal Avenue Neighborhood Commercial District (NCD) sets forth
6 controls for various uses within the NCD. It is reasonable to amend the code to avoid
7 unnecessary verbiage by deleting the entries in the Zoning Table that are duplicative of other
8 existing controls.

9

10 Section 3. Articles 1.2 and 7 of the Planning Code are hereby amended by revising
11 Sections 121.2 and 729, to read as follows:

12 **SEC. 121.2. NON-RESIDENTIAL USE SIZE LIMITS IN NEIGHBORHOOD COMMERCIAL**
13 **AND NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICTS.**

14 (a) In order to protect and maintain a scale of development appropriate to each
15 district, Non-Residential Uses of the same size or larger than the square footage stated in the
16 table below may be permitted only as Conditional Uses. The use area shall be measured as
17 the Gross Floor Area for each individual Non-Residential Use.

District	Use Size Limits
Castro Street	2,000 sq. ft.
North Beach	
Pacific Avenue	
Polk Street*	
24 th Street-Mission	2,500 sq. ft.

25

1	24 th Street-Noe Valley
2	Haight Street
3	Inner Clement Street
4	Inner Sunset
5	Japantown
6	Outer Clement Street
7	Sacramento Street
8	Union Street
9	Upper Fillmore Street
10	West Portal Avenue*
11	
12	
13	* * * *
14	

15 * Conditional Use not required for any Limited Restaurant use that relocates within the
 16 Polk Street NCD, and is designated as a Legacy Business as of the effective date of the
 17 ordinance in Board File No. 240411, or any Health Service use in the West Portal Avenue
 18 Neighborhood Commercial District located at Assessor's Parcel Block No. 2989, Lot 17.

19 * * * *

20 (b) In order to protect and maintain a scale of development appropriate to each
 21 district, Non-Residential uses that exceed the square footage stated in the table below shall
 22 not be permitted, except in the following circumstances:

23 (1) In the Castro Street Neighborhood Commercial District, a Child Care
 24 Facility, School, Post-Secondary Educational Institution, Religious Institution, Social Service
 25 or Philanthropic Facility, Community Facility, or a Residential Care Facility as defined in

1 Section 102 of this Code that is operated by a non-profit and is neighborhood-serving may
2 exceed this ~~§~~subsection 121.2(b) with Conditional Use authorization.

3 (2) In the Regional Commercial District, Schools and Childcare Facilities as
4 defined in Section 102 may exceed this ~~§~~subsection 121.2(b) with Conditional Use
5 authorization.

6 (3) In the Polk Street Neighborhood Commercial District, this subsection
7 121.2(b) shall not apply to a Movie Theater use, or the expansion of an existing General
8 Grocery Use, as defined in Section 102 of this Code, and pursuant to the controls of Section
9 723.

10 (4) In the West Portal Neighborhood Commercial District, Health Services Uses
11 located at Assessor's Parcel Block No. 2989, Lot 17 may exceed the limit in the table below, but shall
12 not have a Gross Floor Area great than 5,000 square feet.

13 The use area shall be measured as the Gross Floor Area for each individual Non-
14 Residential use.

District	Use Size Limits
West Portal Avenue	4,000 square feet
North Beach	
Castro Street	
Polk Street	
Pacific Avenue	
Regional Commercial District	25,000 square feet

24 * * * *

1 **SEC. 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 * * * *

3 **Table 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT**
 4 **ZONING CONTROL TABLE**

		West Portal Avenue NCD		
Zoning Category	§ References	Controls		
* * * *				
NON-RESIDENTIAL STANDARDS AND USES				
Development Standards				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
Retail Sales and Service Uses*	§ § 102, <u>121.2</u> , 202.2(a), 202.3	P	P	NP
* * * *				
<i>Animal Hospital</i>	§ 102	<i>P</i>	<i>P</i>	<i>NP</i>
* * * *				
<i>Restaurant</i>	§ § 102, 202.2(a)	<i>P</i>	<i>P</i>	<i>NP</i>
<i>Restaurant, Limited</i>	§ § 102, 202.2(a)	<i>P</i>	<i>P</i>	<i>NP</i>

1	* * * *			
2	Services, Health	§ 102	P	NP
3	* * * *			

4 * * * *

5 Section 4. Effective Date. This ordinance shall become effective 30 days after
6 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
7 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
8 of Supervisors overrides the Mayor’s veto of the ordinance.

9
10 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
11 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
12 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
13 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
14 additions, and Board amendment deletions in accordance with the “Note” that appears under
15 the official title of the ordinance.

16
17 APPROVED AS TO FORM:
18 DAVID CHIU, City Attorney

19 By: /s/
20 AUSTIN M. Yang
21 Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code - Health Service Uses in West Portal Neighborhood Commercial District]

Ordinance amending the Planning Code to permit certain Health Service Uses up to 5,000 gross square feet without a conditional use permit in the West Portal Neighborhood Commercial District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302

Existing Law

The West Portal Avenue Neighborhood Commercial District (NCD) does not permit uses greater than 2,5000 square feet without a conditional use authorization. The NCD also does not permit any uses to be larger than 4,000 square feet.

Amendments to Current Law

This ordinance would create an exception from the conditional use authorization requirement and size limitation for certain Health Service Uses.

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Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



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

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor inquires..."
- 5. City Attorney Request
- 6. Call File No. from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: