



# 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