



EUREKA VALLEY PROMOTION ASSOCIATION

serving the neighborhood since 1881

PO BOX 14137
SAN FRANCISCO, CA 94114

9/25/2007

Mr. Lawrence B. Badiner, Zoning Administrator
San Francisco Planning Department
1650 Mission St., Suite 400
San Francisco, CA 94103-2414

RE: UPPER MARKET and CASTRO NCDs at 20 YEARS

- Encl: (1) Proposed Changes to the San Francisco Planning Code §715, the Castro Neighborhood Commercial District (NCD)
(2) Castro NCD Summary with Proposed Changes
(3) Proposed Changes to the San Francisco Planning Code §721 for the Upper Market Neighborhood Commercial District (NCD)
(4) Upper Market NCD Summary with Proposed Changes

Dear Mr. Badiner,

As part of the "NCD at 20" review, the Eureka Valley Promotion Association (EVPA) has thoroughly studied and debated the applicable portions of the San Francisco Planning code that relate to the two NCDs which are at the heart of our neighborhood. After considerable due process within our organization, the EVPA presents our proposed changes to the Planning Code as provided in enclosures (1) through (4).

To provide a clear vision and direction for better neighborhood commercial districts which will continue to serve well residents of the Eureka Valley (The Castro) the merchants and business people of the neighborhood and the many visitors to the area, we feel that the few changes as proposed are necessary and should become effective with the next change to the code. Some of the changes are minor in nature and only reflect bringing the Planning Code into conformance with what currently exists within the NCDs and desirable to maintain in the foreseeable future. Some changes reflect the desire to provide for some additional office or small business uses so that residents of our neighborhood may work in offices or use services close to their homes.

There are two major changes proposed in our recommendations:

- (1) Most controversial of the proposed changes is the addition of the Castro NCD to the list of those areas where "formula retail uses" are not allowed. We feel that for all the same reasons listed in the "findings" as presented in Section 703.3(a) of the San Francisco Planning Code, that the unique neighborhood character of the Castro NCD can only be assured and preserved through this very important and time critical zoning change. If this issue were put to the ballot box test, we predict that the vote would be overwhelmingly in favor of a formula retail ban in the Castro NCD.

(2) The second significant change is for the allowance with conditional use of bars and full service restaurants within the Castro NCD, currently not allowed. We have proposed further controls of bars to include a cap on the total number allowed within the NCD and to provide for diverse ownership of new bars.

We have also proposed creating two new categories of uses and provided proposed definitions. Drug Store, currently included in §790.102(c) "Other Retail Sales and Service" and Real Estate Service, currently included in §790.108 "Business or Professional Service."

If you or your staff should have any further questions regarding this issue, please do not hesitate to contact me or the EVPA Point of Contact, Steve Clark Hall, chair of the EVPA Planning Committee. He can be reached at (415) 863-2593 or at steve@steveclarkhall.com. The EVPA is the neighborhood group serving Eureka Valley since 1881, the oldest continuous neighborhood group in San Francisco. Visit us at online <http://EVPA.org>.

Respectfully submitted,

/s/

Frank E. Weiss
President, Eureka Valley Promotion Association

cc under separate cover w/encls:

Scott Dowdee, San Francisco Planning Department
San Francisco Supervisor Bevan Dufty
Castro Area Planning + Action (Joe Curtin)
Castro Coalition (Adam Light)
Castro Community Benefits District (Herb Cohn)
Duboce Triangle Neighborhood Association (Dennis Richards)
Merchants of Upper Market and Castro (Steve Adams)
Upper Market Alliance (Alan Martinez)
Bay Area Reporter

EUREKA VALLEY PROMOTION ASSOCIATION

Proposed Changes to the San Francisco Planning Code for the Castro Neighborhood Commercial District (NCD)

Section 703.3 paragraph (e):

Add: "Castro Neighborhood Commercial District on Castro Street and on 18th Street between Hartford Street and Collingwood Street" to those areas where "Formula Retail Use" is prohibited.

Section 715 Castro NCD (Table Inset):

- §715.27 Hours of Operation. Change permitted hours of operation from "6 a.m. to 2 a.m." to "6 a.m. to 12 a.m." and change conditional hours of operation from "2 a.m. to 6 a.m." to "12 a.m. to 6 a.m."
- §715.40 Other Retail Sales and Services. Change referenced definition §790.102 to remove "pharmaceutical drugs" from §790.102(c) and create new definition "§790.75 Pharmaceutical Drug Store. A retail use which provides pharmaceutical drugs."
- §715.40a Pharmaceutical Drug Store. Add new category "Pharmaceutical Drug Store" referenced to new definition §790.75 with controls as follows: "1st floor: not allowed; 2nd floor: not allowed; 3rd floor: not allowed."
- §715.41 Bar. Change to "Allowed by Conditional Use on 1st floor. Additionally, no person, entity, partnership or corporation that owns more than 25% of any establishment in this category within the Castro NCD may have more than 25% ownership of a second establishment in this category. The maximum number of businesses in this category within the NCD shall be limited to thirteen (13)."
- §715.42 Full-Service Restaurant. Change to "Allow by Conditional Use on 1st floor."
- §715.43 Large Fast Food Restaurant. Delete "C" on 1st floor.
- §715.47 Adult Entertainment. Delete "C" on 1st floor.
- §715.49 Financial Service. Add Zoning Control that "a maximum of 4 businesses of this type allowed within the Castro NCD boundaries."

Proposed Changes to the San Francisco Planning Code
for the Castro Neighborhood Commercial District (NCD) (cont'd)

- §715.53 Business or Professional Service. Change referenced definition §790.108 by removing “real estate brokerage” from this definition and create new definition “§790.82 Real Estate Service. A retail use which provides to the general public, general business of professional services including but not limited to real estate brokerage, title insurance company, and mortgage broker other than full service financial institutions defined in Section 790.110 of this code.”
- §715.53a Real Estate Service. Add new category referenced to new definition §790.82 with controls as follows: “1st floor: not allowed; 2nd floor: C; 3rd floor: C.”
- §715..56 Automotive Parking. Change controls on 2nd and 3rd floors to “not allowed.” Additionally, add control that “mechanized parking accessed from the 1st floor is allowed if such parking does not exceed the structure height.” There currently is no 2nd or 3rd floor automotive parking in the Castro NCD, thus no structures will be “grandfathered” by this change. The EVPA feels that the light and air available to development on upper floors should be reserved for residential and small office/business use. Nothing in this change would preclude parking below grade.
- §715.62 Animal Hospital. Add “C” on 2nd floor.
- §715.70 Administrative Service. Add “P” on 2nd floor.
- §715.84 Medical Cannabis Dispensary. Change “P” to “C” on 1st floor.
- §715.90 Residential Use: Change “P” to “C” on 1st floor. The EVPA feels that ground floor development should be reserved for neighborhood serving businesses and not residential.
- 715.95 Community Residential Parking: Change controls on 2nd and 3rd floors to “not allowed.” Additionally, add control that “mechanized parking accessed from the 1st floor is allowed if such parking does not exceed the structure height.” There currently is no 2nd or 3rd floor automotive parking in the Castro NCD, thus no structures will be “grandfathered” by this change. The EVPA feels that the light and air available to development on upper floors should be reserved for residential and small office/business use. Nothing in this change would preclude parking below grade.

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Proposed Changes to the San Francisco Planning Code for the Upper Market Neighborhood Commercial District (NCD)

Section 721 Upper Market NCD (Table Inset):

- §721.27 Hours of Operation. Change permitted hours of operation from “6 a.m. to 2 a.m.” to “6 a.m. to 12 a.m.” and change conditional hours of operation from “2 a.m. to 6 a.m.” to “12 a.m. to 6 a.m.”
- §721.40 Other Retail Sales and Services. Change referenced definition §790.102 to remove “pharmaceutical drugs” from §790.102(c) and create new definition “§790.75 Pharmaceutical Drug Store. A retail use which provides pharmaceutical drugs.”
- §721.40a Pharmaceutical Drug Store. Add new category “Pharmaceutical Drug Store” referenced to new definition §790.75 with controls as follows: “1st floor: C; 2nd floor: C; 3rd floor: not allowed.”
- §721.42 Full-Service Restaurant. Change to “Allow by Conditional Use on 2nd floor.”
- §721.53 Business or Professional Service. Change referenced definition §790.108 by removing “real estate brokerage” from this definition and create new definition “§790.82 Real Estate Service. A retail use which provides to the general public, general business of professional services including but not limited to real estate brokerage, title insurance company, and mortgage broker other than full service financial institutions defined in Section 790.110 of this code.”
- §721.53a Real Estate Service. Add new category referenced to new definition §790.82. Controls as follows: “1st floor: C; 2nd floor: P; 3rd floor: not allowed.”
- §721..56 Automotive Parking. Add control that “parking other than parking entrance on 1st, 2nd and 3rd floors shall not front the street of the NCD. Portions of the building visible from the NCD street shall be residential or other business uses allowed by this section of the code.” Additionally, add control that “mechanized parking accessed from the 1st floor is allowed if such parking does not exceed the structure height.” The EVPA feels that the light and air available to development on upper floors should be reserved for residential and small office/business use. Nothing in this change would preclude parking below grade.
- §721.62 Animal Hospital. Add “C” on 2nd floor.
- §721.64 Mortuary. Add “C” on 1st and 2nd floors.
- §721.70 Administrative Service. Add “P” on 2nd floor.

Proposed Changes to the San Francisco Planning Code
for the Upper Market Neighborhood Commercial District (NCD)

- §721.84 Medical Cannabis Dispensary. Change “P” to “C” on 1st floor.
- §721.90 Residential Use. Change “P” to “C” on 1st floor. The EVPA feels that ground floor development should be reserved for neighborhood serving businesses and not residential.
- §721.95 Community Residential Parking: Add control that “parking other than parking entrance on 1st, 2nd and 3rd floors shall not front the street of the NCD. Portions of the building visible from the NCD street shall be residential or other business uses allowed by this section of the code.” Additionally, add control that “mechanized parking accessed from the 1st floor is allowed if such parking does not exceed the structure height.” The EVPA feels that the light and air available to development on upper floors should be reserved for residential and small office/business use. Nothing in this change would preclude parking below grade.