

BOARD of SUPERVISORS



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MEMORANDUM

TO: John Rahaim, Director, Planning Department
Barbara Garcia, Director, Department of Public Health

FROM:  Alisa Somera, Assistant Clerk, Board of Supervisors

DATE: February 12, 2016

SUBJECT: INTRODUCED LEGISLATION

On February 9, 2016, Supervisor Wiener introduced the following proposed legislation:

File No. 160122

Resolution imposing interim zoning controls for an 18-month period requiring Conditional Use authorization within the Upper Market Neighborhood Commercial Transit District for any new or expanded use of a Medical Service or Institutional and Non-Retail Sales and Services use, or the establishment or expansion of an Institutional Medical Facility (as defined) after February 9, 2016, where on-site services are provided to a targeted population at a single San Francisco location through a contract entered into with a governmental agency; and affirming the Planning Department's determination under the California Environmental Quality Act.

This matter is being referred to you since it may affect your department.

If you have any comments or reports to be considered with the proposed legislation, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email: alisa.somera@sfgov.org.

c: Scott Sanchez, Planning Department
Sarah Jones, Planning Department
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department
Joy Navarrete, Planning Department
Jeanie Poling, Planning Department
Greg Wagner, Department of Public Health
Colleen Chawla, Department of Public Health

1 [Interim Zoning Controls - Upper Market Street Neighborhood Commercial Transit District]

2
3 **Resolution imposing interim zoning controls for an 18-month period requiring**
4 **Conditional Use authorization within the Upper Market Neighborhood Commercial**
5 **Transit District for any new or expanded use of a Medical Service or Institutional and**
6 **Non-Retail Sales and Services use, or the establishment or expansion of an**
7 **Institutional Medical Facility (as defined) after February 9, 2016, where on-site services**
8 **are provided to a targeted population at a single San Francisco location through a**
9 **contract entered into with a governmental agency; and affirming the Planning**
10 **Department’s determination under the California Environmental Quality Act.**

11
12 WHEREAS, Planning Code, Section 306.7, provides for the imposition of interim
13 zoning controls that promote the public interest, including but not limited to preservation of
14 neighborhoods and areas of mixed residential and commercial uses in order to preserve the
15 existing character of such neighborhoods and areas; and

16 WHEREAS, Maximizing active ground floor building street frontages and dynamic,
17 pedestrian-friendly neighborhood commercial corridors is a recognized public purpose and
18 promotes the public interest of the City and County of San Francisco; and

19 WHEREAS, Active retail uses are one of the best ways to activate and support
20 dynamic pedestrian-friendly neighborhood commercial corridors; and

21 WHEREAS, The ground floor retail spaces in the Upper Market Street Neighborhood
22 Commercial Transit District already contain an over-concentration of financial and business
23 services, medical services, and other non-retail services; and

24 WHEREAS, The area where the interim controls are imposed is currently regulated by
25 Planning Code, Section 733, and the Zoning Control Table in Section 733. Section 733.51 of

1 the Zoning Control Table allows Medical Services, as defined by Planning Code Section
2 790.115, only on the ground floor and second floor as a principally permitted use and on third
3 floor and above as a conditional use and Section 733.81 allows Other Institutions, Large uses,
4 as defined by Planning Code Section 790.50, as a principally permitted use on the ground
5 floor and as a conditional use on the second story and above; and

6 WHEREAS, These interim controls will allow time for the orderly completion of a
7 planning study and for the adoption of appropriate legislation; and

8 WHEREAS, This Board of Supervisors ("Board") has considered the impact on the
9 public health, safety, peace and general welfare if the interim controls proposed herein are not
10 imposed; and

11 WHEREAS, The Board has determined that the public interest will best be served by
12 imposition of these interim controls in order to ensure that the legislative scheme which may
13 be ultimately adopted is not undermined during the planning and legislative process for
14 permanent controls; and

15 WHEREAS, The Board makes the following findings of consistency with the Priority
16 Policies set forth in Planning Code, Section 101.1: By requiring Conditional Use authorization
17 for any new or expanded Medical Service use; any new or expanded Other Institutions, Large
18 use; the establishment or expansion of an Institutional Medical Facility after February 9, 2016,
19 where an Institutional Medical Facility is defined as any Medical Service that includes on-site
20 services provided to a targeted population at a single San Francisco location through a
21 contract entered into with a governmental agency, these interim controls advance Priority
22 Policy 1 that existing neighborhood-serving retail uses be preserved and enhanced and
23 Priority Policy 2 that existing housing and neighborhood character be conserved and
24 protected in order to preserve the cultural and economic diversity of our neighborhoods; these
25 interim controls do not conflict with the other Priority Policies of Section 101.1; and

1 WHEREAS, The Planning Department has determined that the actions contemplated in
2 this Resolution are in compliance with the California Environmental Quality Act (California
3 Public Resources Code, Sections 21000, et seq.); and

4 WHEREAS, Said determination is on file with the Clerk of the Board of Supervisors in
5 File No. _____ and is incorporated herein by reference; now, therefore, be it

6 RESOLVED, That pursuant to Planning Code, Section 306.7, the Board hereby
7 requires that for all parcels zoned Upper Market Street Neighborhood Commercial Transit
8 District, a Conditional Use authorization pursuant to Planning Code, Section 303, is required
9 for (1) any new or expanded Medical Service use, as defined in Planning Code, Section
10 790.114, on the first or second story; and (2) any new or expanded Other Institutions, Large
11 use, as defined in Planning Code, Section 790.50; and (3) the establishment or expansion of
12 an Institutional Medical Facility after February 9, 2016, where an Institutional Medical Facility
13 is defined as any Medical Service that includes on-site services provided to a targeted
14 population at a single San Francisco location through a contract entered into with a
15 governmental agency; and, be it

16 FURTHER RESOLVED, That upon imposition of these interim controls, the Planning
17 Department shall conduct a study of the contemplated zoning proposal and propose
18 permanent legislation to address the issues posed by medical and service uses along a
19 commercial corridor; and, be it

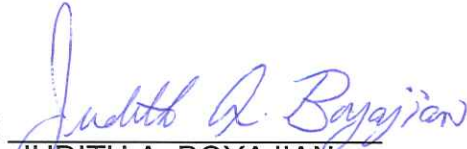
20 FURTHER RESOLVED, That these interim controls shall apply to (1) any new or
21 expanded Medical Service use, as defined in Planning Code, Section 790.114, on the first or
22 second story; and (2) any new or expanded Other Institutions, Large use, as defined in
23 Planning Code, Section 790.50; and (3) the establishment or expansion of an Institutional
24 Medical Facility after February 9, 2016; and, be it

1 FURTHER RESOLVED, An Institutional Medical Facility is defined as any Medical
2 Service that includes on-site services provided to a targeted population at a single San
3 Francisco location through a contract entered into with a governmental agency; and, be it

4 FURTHER RESOLVED, That these interim controls shall remain in effect for a period
5 of eighteen (18) months unless extended in accordance with Planning Code, Section 306.7(h)
6 or until permanent controls are adopted; and, be it

7 FURTHER RESOLVED, That the Planning Department shall provide reports to the
8 Board pursuant to Planning Code, Section 306.7(i).

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

12
13 By: 
14 JUDITH A. BOYAJIAN
Deputy City Attorney
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