

File No. 140902

Committee Item No. _____

Board Item No. 29

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee _____

Date _____

Board of Supervisors Meeting

Date September 2, 2014

Cmte Board

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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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OTHER (Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
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Completed by: Joy Lamug

Date August 27, 2014

Completed by: _____

Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

1 [Zoning - Report on Interim Moratorium on Change of Institutional Use in a Portion of the
2 University Mound Neighborhood]

3 **Motion adopting the Planning Department's report on the interim zoning moratorium on**
4 **changes of institutional use in a portion of the University Mound neighborhood**
5 **bounded by Highway 280 on the north, Wayland Street on the south, University Street**
6 **on the east, and Cambridge Street on the west.**

7
8 WHEREAS, On July 22, 2014, the Board of Supervisors adopted Ordinance No. 175-
9 14 imposing a 45-day moratorium on the issuance of an approval or authorization for any
10 change to an institutional use in the University Mound neighborhood bounded by Highway 280
11 on the north, Wayland Street on the south, University Street on the east, and Cambridge
12 Street on the west; a copy of this Ordinance is on file with the Clerk of the Board of
13 Supervisors in File No. 140809; and

14 WHEREAS, This Ordinance and the State law on the adoption of interim moratoria,
15 California Government Code, Sections 65858 et seq., require the Board of Supervisors, prior
16 to expiration of the initial 45-day moratorium period, to adopt a written report describing the
17 measures taken to alleviate the conditions that led to the adoption of the Ordinance; and

18 WHEREAS, The Planning Department prepared such a report and submitted it to the
19 Clerk of the Board of Supervisors for the Board's consideration, a copy of said report is on file
20 with the Clerk of the Board of Supervisors in File No. 140902 and is incorporated herein by
21 reference; now, therefore, be it

22 MOVED, That the Board of Supervisors adopts the Planning Department report on the
23 University Mound interim moratorium as its own.

24 n:\legana\as2014\1500039\00952212.doc
25



SAN FRANCISCO PLANNING DEPARTMENT

August 14, 2014

Ms. Angela Calvillo, Clerk
Supervisor David Campos
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

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415.558.6409

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Information:
415.558.6377

Re: Transmittal of Board File No. 140809
Planning Case No. 2014.1217U
Planning Department Report: Interim Controls for the University Mound Neighborhood

Dear Ms. Calvillo and Supervisor Campos;

On August 1, 2014, the San Francisco Board of Supervisors (hereinafter "Board") passed an Ordinance (BF 140809) that established interim controls that prohibit the approval of any new Institutional Use within the University Mound Neighborhood for 45 days. The Ordinance directs the Planning Department to submit a written report to the Clerk of the Board within 25 days of the Board's approval of the Ordinance describing the measures taken to alleviate the conditions that led to the adoption of the Ordinance. Attached, please find the required report.

Upon receipt of the report, the Ordinance directs the Clerk of the Board to calendar a motion for the full Board to consider and approve this report. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron D. Starr", with a long horizontal line extending to the right.

Aaron D. Starr
Acting Manager of Legislative Affairs

cc: Andrea Ausberry, Assistant Clerk
Laura Lane, Aide to Supervisor Campos
John Malamut, Deputy City Attorney

Attachments [one copy of each of the following]
Planning Department Report: Interim Controls for the University Mound Neighborhood



SAN FRANCISCO PLANNING DEPARTMENT

Planning Department Report

Date: August 14, 2014
Report Name: Interim Controls for Institutions in the University Mound Neighborhood
Case No.: 2014.1217U
Initiated by: Supervisor David Campos [Board File 140809]
Staff Contact: Aaron Starr, Acting Manager, Legislative Affairs
(415) 558-6362 aaron.starr@sfgov.org
Reviewed by: AnMarie Rodgers, Senior Policy Advisor
AnMarie.Rodgers@sfgov.org

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STATEMENT OF PURPOSE

This report was prepared in response to an Ordinance (BF 140809), introduced by Supervisor Campos on July 16, 2014 and passed into law on August 1, 2014 (Enactment No. 175-14). This Ordinance established interim controls that prohibit the approval of any new Institutional Use within the University Mound Neighborhood bounded by Highway 280 on the north, Wayland Street on the south, University Street on the east, and Cambridge Street on the west (see Exhibit A), for 45 days. The Ordinance directs the Planning Department to submit a written report to the Clerk of the Board within 25 days of the Board's approval of the Ordinance describing the measures taken to alleviate the conditions that led to the adoption of the ordinance. Upon receipt of the report, the Ordinance directs the Clerk of the Board to calendar a motion for the full Board of Supervisors (Board) to consider and approve this report.

BACKGROUND

This Ordinance was introduced in response to the closure and proposed sale of the University Mound Ladies Home (UMLH). In 1884, James Lick established the UMLH with an endowment of \$100,000 to construct a facility in San Francisco for "the aged and needy ladies who are unable to support themselves and who have no resources of their own." This has been translated into UMLH's mission to provide a facility for individuals of modest means. UMLH also has strong ties to the community with substantial interactions between the residents and local neighbors. However, in recent years, the UMLH experienced a financial crisis and is no longer able to operate the facility. Consequently, the UMLH residents have been forced to relocate elsewhere.

The University Mound neighborhood contains various institutional uses, including a concentration of private and public schools that offer elementary, middle, and high school education. Given the stability of the neighborhood and the concentration of schools and other institutional uses, changes to this character and the balance of uses in the neighborhood can be very disruptive. As a result, the Ordinance places a temporary moratorium on changes to Institutional Uses in the neighborhood in order to provide time for the City to determine if

permanent zoning changes could be formulated that minimize the disruption associated with such changes of use.

During the 45-day moratorium, neither the Planning Department nor the Planning Commission can issue an approval or authorization for any change to an institutional use in the University Mound neighborhood. These controls apply to changes in use from an existing Institutional Use, as defined in Planning Code Section 209.3, to another Institutional Use or from an Institutional Use to any other permissible use in the RH-1 Zoning District.

REQUIRED BOARD ACTION

The Board may approve or disapprove this report.

ENVIRONMENTAL REVIEW

This Report was determined not to be a project per State CEQA Guidelines, Section 15060(c)(2).

RECOMMENDATION

The Department is recommending three possible ways to address the issues outlined in the Ordinance. The first recommendation addresses the primary purpose of the moratorium, neighborhood stability and character, while recommendations two and three address a City-wide issue, which is the loss of affordable Residential Care Facilities in the City.

1. Enact permanent controls that place a moratorium on new schools in the University Mount Neighborhood.
2. Modify the Health Services Master Plan to include Residential Care Facilities.
3. Require Conditional Use authorization and create new Conditional Use criteria for uses that displace existing Residential Care Facilities.

BASIS FOR RECOMMENDATION

In reviewing this interim moratorium, the Department determined that there were two significant issues of concern. The first is the character and stability in the University Mound neighborhood and the second one is the loss of a Residential Care Facility that serves low-income seniors in the City. The first issue is fairly easy to address by adding new land use restrictions specific to this neighborhood, while the latter issue would require a broader policy discussion and more extensive land use controls.

Recommendation 1: Enact permanent controls that place a moratorium on new schools in the University Mount Neighborhood.

This recommendation gets at the heart of the issues described in the temporary moratorium; the balance of uses in the neighborhood. There appears to be a significant concentration of schools in the neighborhood, which if allowed to expand could have a detrimental impact on the neighborhood's character. Other institutional uses don't seem to have as much or any presence in the neighborhood. If the Board's primary concern is over the stability and character of the neighborhood, the simplest way to address this issue would be to enact a moratorium on any new schools within the University Mound Neighborhood. This would likely have to be done by adopting a Special Use District (SUD), which requires both a Planning Code and Zoning Map

amendment. The moratorium could impact the ability for existing schools to expand, so if the desire is only to prohibit new schools, this should be taken into account when drafting the SUD.

Recommendation 2: Modify the Health Services Master Plan to include Residential Care Facilities.

The Health Care Services Master Plan (HCSMP) was adopted in 2013 in an effort to provide the City with critical information about the provision of health care services so that adequate and equitable health care is available. The HCSMP provides extensive community health data; identifies the current and projected needs for health care services in San Francisco; and makes recommendations on how to achieve and maintain an appropriate distribution of health care services in the city. The HCSMP is used by the Planning Commission and Board of Supervisors to guide land use decisions for health care related development projects. When reviewing permits for certain medical uses projects, the Planning Department is required to determine whether they align with the HCSMP by making a "Consistency Determination." If a project is not found to be consistent with the HCSMP, then the Planning Commission can deny the project, or make findings of overriding considerations to allow the project to move forward.

Currently, Residential Care Facilities are not considered medical uses in the health service master plan. However, if the Board's primary concern is the loss of Residential Care Facilities in the City, amending the HCSMP to include this use is one way to address this issue. The Department of Public Health and Planning Department are required to update the HCSMP every three years, but may also update the HCSMP at any time if either department believes an update is necessary. The HCSMP would have to be amended to include Residential Care Facility, and it would also have to be amended to include the loss of these facilities since currently only new projects are evaluated against the HCSMP for consistency. Moreover, the HCSMP was developed by a 41 member task force and took over three years to complete. During those deliberations the task force made a conscious decision to not include Residential Care Facilities in the HCSMP. Reopening the issue of what should and should not be included in the HCSMP could be a significant undertaking.

Recommendation 3: Require Conditional Use authorization and create new Conditional Use criteria for uses that displace existing Residential Care Facilities.

Another way to address the loss of Residential Care Facilities in the City is by evaluating projects that displace existing Residential Care Facilities with more specific criteria through the Conditional Use (CU) process. Most Institutional uses, including Residential Care Facilities, already require CU authorization from the Planning Commission; however the criteria used for these CU approvals do not consider the use that the proposed project is displacing. Further, not all uses that could replace an existing Residential Care Facility would be required to obtain CU authorization, such as a single-family home or general retail use. Requiring a CU for the removal of a Residential Care Facility would address these issues.

Specific criteria for project that displaces a Residential Care Facilities would need to be developed. The criteria could be written to guide the Commission as to when a project would be expected to replace the Residential Care Facility or, alternatively, when the project would provide sufficient public benefits such that the project would be desirable even without the replacement of the Residential Care Facility. This process would empower decision makers to directly consider the loss and replacement of services, and issues around affordability and access to long term care for seniors.

The CU process is generally used to determine if a proposed new use is necessary or desirable; however the Planning Code does have precedent for using the CU process to evaluate projects that remove a particular use. The removal of a General Grocery Store with a floor area greater than 5,000 square feet, and the demolition or change in use of a Movie Theater both require CU approval; however the Planning Code does not outline any specific criteria or findings for these CUs, and instead relies on the standard criteria Section 303. The closest comparison to this situation is in Planning Code Section 228, Conversion of Automotive Service Stations, which requires CU for the removal of an Automotive Service Station and provides criteria that the Commission should consider for the removal of an Automotive Service Station instead of the standard criteria outlined in Section 303.

As an example, the criteria outlined in Section 228(d) are as follows:

Criteria for Planning Commission Conditional Use Authorization. In acting on any application for conditional use authorization for conversion, the Commission shall consider the following criteria in lieu of the criteria set forth in Section 303(c) of this Code.

(1) The Planning Commission shall approve the application and authorize the service station conversion if it determines from the facts presented that the reduction in availability of automotive goods and services resulting from the service station conversion would not be unduly detrimental to the public because either:

(A) Comparable automotive goods and services are available at other reasonably accessible locations; or

(B) The benefits to the public of the service station conversion would outweigh any reduction in automotive goods and services availability because the proposed new use is more necessary or desirable for the neighborhood or community than continued service station use.

(2) In making determinations under Subsection (1)(A), the Planning Commission shall consider the following factors:

(A) The types of services offered by the service station sought to be converted and the hours and days during which such goods and services are available;

(B) The volume of gasoline and other motor fuel sold and the number of vehicles serviced at such service station during each of the 24 months preceding the filing of the conditional use authorization application;

(C) Whether the volume of gasoline and other motor fuel sold and the number of vehicles serviced each month has increased or decreased during the 24-month period immediately preceding the conditional use authorization;

(D) The accessibility of comparable automotive goods and services offered by other service stations and repair garages which serve the same geographic area and population segments (e.g., neighborhood residents, in-town or out-of-town commuters, tourists) as the service station sought to be converted.

(3) In making determinations under Subsection (1)(B), the Planning Commission shall consider the following factors:

(A) If the proposed use is a residential use, the total number of units to be provided and the number of those units that are affordable units;

(B) If the proposed new use is a commercial use, the types of goods and services to be offered and the availability of comparable products and services in the vicinity;

- (C) The importance of the street on which the service station fronts to walking, cycling, and public transit, and the impact of automobile access and egress to the service station and of the proposed new uses and structures on the safety and comfort of pedestrians, cyclists, and transit riders;
- (D) The relative environmental dangers posed by the current and proposed uses, including but not limited to the quality and character of waste generated, noxious or offensive emissions, fire and explosion hazards and noise, and whether the service station conversion would facilitate the cleanup of existing contamination at the property;
- (E) The relative employment opportunities offered by the service station and the proposed new use;
- (F) The relative amount of taxes or other revenues to be received by the City or other governmental bodies from service station use and the proposed new use;
- (G) The compatibility of the existing service station and of the proposed new use or structure with the General Plan and area plan urban design policies and the street frontage standards of this Code;
- (H) Whether the service station use and the proposed use are permitted principal uses, conditional uses or nonconforming uses.

RECOMMENDATION: Adopt Report
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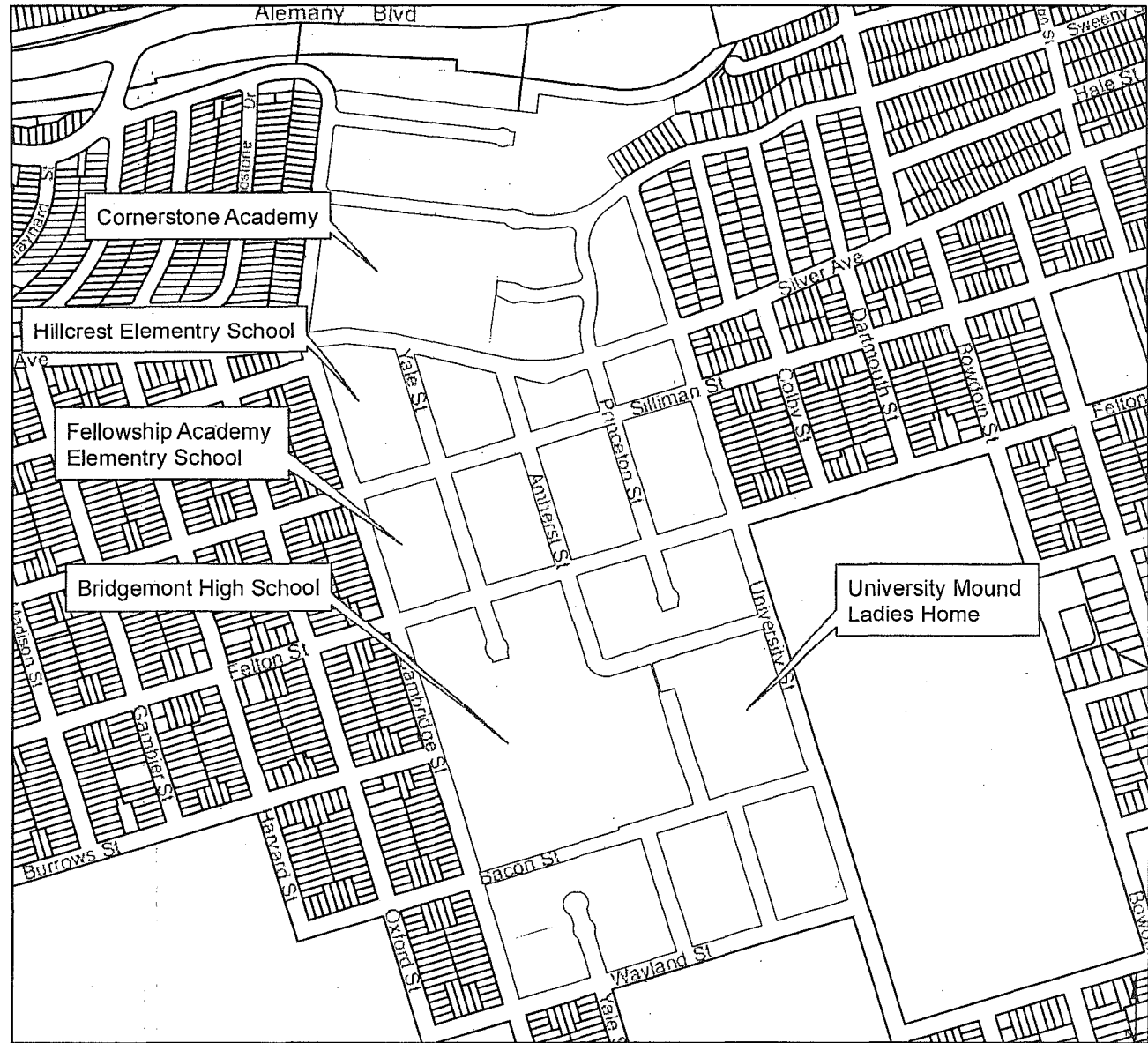
ATTACHMENTS AND EXHIBITS

Exhibit A: Map of University Mound Neighborhood.

Exhibit A University Mound Neighborhood Interim Controls

Legend

Area Subject to Interim Controls



1079

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

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

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

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

Sponsor(s):


Clerk of the Board

Subject:

Zoning - Report on Interim Moratorium on Change of Institutional Use in a Portion of the University Mound Neighborhood

The text is listed below or attached:

Motion adopting the Planning Department's report on the interim zoning moratorium on changes of institutional use in a portion of the University Mound neighborhood bounded by Highway 280 on the north, Wayland Street on the south, University Street on the east, and Cambridge Street on the west.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: