

File No. 160724

Committee Item No. _____

Board Item No. 78

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: June 28, 2016

Cmte Board

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input checked="" 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 and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input 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"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

- | | | |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Ordinance in File No. 160656</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Legislative Digest in File No 160656</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Prepared by: Brent Jalipa

Date: June 23, 2016

Prepared by: _____

Date: _____

1 [Approval of a 30-Day Extension for Planning Commission Review of Medical Service Use in
2 the Sacramento Street Neighborhood Commercial District (File No. 160656)]

3 **Resolution extending by 30 days the prescribed time within which the Planning**
4 **Commission may render its decision on an Ordinance (File No. 160656) amending the**
5 **Planning Code to prohibit a change of use from a business or professional service use**
6 **to a medical service use on the first floor or below in the Sacramento Street**
7 **Neighborhood Commercial District; affirming the Planning Department's determination**
8 **under the California Environmental Quality Act; and making findings of consistency**
9 **with the General Plan, Planning Code, Section 302, and the eight priority policies of**
10 **Planning Code, Section 101.1.**

11
12 WHEREAS, On May 31, 2016, Supervisor Farrell introduced legislation amending the
13 Planning Code to prohibit a change of use from a business or professional service use to a
14 medical service use on the first floor or below in the Sacramento Street Neighborhood
15 Commercial District; affirming the Planning Department's determination under the California
16 Environmental Quality Act; and making findings of consistency with the General Plan,
17 Planning Code, Section 302; and

18 WHEREAS, On or about June 7, 2016, the Clerk of the Board of Supervisors referred
19 the proposed ordinance to the Planning Commission; and

20 WHEREAS, The Planning Commission shall, in accordance with Planning Code
21 Section 306.4(d), render a decision on the proposed Ordinance within 90 days from the date
22 of referral of the proposed amendment or modification by the Board to the Commission; and

23 WHEREAS, Failure of the Commission to act within 90 days shall be deemed to
24 constitute disapproval; and

1 WHEREAS, The Board, in accordance with Planning Code Section 306.4(d) may, by
2 Resolution, extend the prescribed time within which the Planning Commission is to render its
3 decision on proposed amendments to the Planning Code that the Board of Supervisors
4 initiates; and

5 WHEREAS, Supervisor Farrell has requested additional time for the Planning
6 Commission to review the proposed Ordinance; and

7 WHEREAS, The Board deems it appropriate in this instance to grant to the Planning
8 Commission additional time to review the proposed Ordinance and render its decision; now,
9 therefore, be it

10 RESOLVED, That by this Resolution, the Board hereby extends the prescribed time
11 within which the Planning Commission may render its decision on the proposed Ordinance for
12 approximately 30 additional days, until October 5, 2016.

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1 [Planning Code - Medical Service Use - Sacramento Street Neighborhood Commercial
2 District]

3 **Ordinance amending the Planning Code to prohibit a change of use from a business or**
4 **professional service use to a medical service use on the first floor or below in the**
5 **Sacramento Street Neighborhood Commercial District; affirming the Planning**
6 **Department's determination under the California Environmental Quality Act; and**
7 **making findings of consistency with the General Plan, and the eight priority policies of**
8 **Planning Code, Section 101.1, and findings of public necessity, convenience, and**
9 **welfare under Planning 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. 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
23 this determination.

24 (b) On _____, the Planning Commission, in Resolution No. _____, adopted
25 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 Board

1 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
2 Board of Supervisors in File No. _____, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that
4 these Planning Code amendments will serve the public necessity, convenience, and welfare
5 for the reasons set forth in Planning Commission Resolution No. _____ and the Board
6 hereby incorporates such reasons herein by reference. A copy of said Resolution is on file
7 with the Clerk of the Board of Supervisors in File No. _____, and is incorporated herein by
8 reference.

9
10 Section 2. The Planning Code is hereby amended by revising Section 724, to read as
11 follows:

12 **SEC. 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

13 Located in the Presidio Heights neighborhood in north-central San Francisco, the
14 Sacramento Street Neighborhood Commercial District functions as a small-scale linear
15 shopping area. It extends along Sacramento Street between Lyon and Spruce *Streets*.
16 Interspersed among residential buildings and garages, the district's daytime-oriented retail
17 stores provide a limited array of convenience goods to the immediate neighborhood.
18 Sacramento Street also has many elegant clothing, accessory, and antique stores and
19 services, such as hair salons, which attract customers from a wider trade area. Its numerous
20 medical and business offices draw clients from throughout the City. Evening activity in the
21 district is limited to one movie theater, a few restaurants, and some stores near Presidio
22 Avenue.

23 The Sacramento Street District controls are designed to promote adequate growth
24 opportunities for development that is compatible with the surrounding low-density residential
25 neighborhood. The building standards monitor large-scale development and protect rear yards

1 at the grade level and above. Most new commercial development is permitted at the first
 2 story; general retail uses are permitted at the second story only if such use would not involve
 3 conversion of any existing housing units. Special controls are designed to protect existing
 4 neighborhood-serving ground-story retail uses. New medical service uses are prohibited at all
 5 stories *except a change of use is permitted on the first story or below from a business or professional*
 6 *service use to medical service use under certain circumstances.* Personal and business services are
 7 restricted at the ground story and prohibited on upper stories. Limits on new ground-story
 8 eating and drinking uses, as well as new entertainment and financial service uses, are
 9 intended to minimize the environmental impacts generated by the growth of such uses. The
 10 daytime orientation of the district is encouraged by prohibiting bars and restricting late-night
 11 commercial activity. New hotels and parking facilities are limited in scale and operation to
 12 minimize disruption to the neighborhood. Most new automobile and drive-up uses are
 13 prohibited to promote continuous retail frontage.

14 Housing development in new buildings is encouraged above the second story. Existing
 15 residential units are protected by limitations on demolitions and prohibitions of upper-story
 16 conversions.

17 **Table 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 18 **ZONING CONTROL TABLE**

19 * * * *

No.	Zoning Category	§ References	Sacramento Street Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
Retail Sales and Services					
* * * *					
724.51	Medical Service	§ 790.114	#		
* * * *					

**SPECIFIC PROVISIONS FOR THE SACRAMENTO STREET
NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
* * * *		
§ 724.51	§§ 145.1, 145.1(2)(A), 790.88, 790.108, 790.114	<i>Boundaries: Sacramento Street Neighborhood Commercial District Controls: A business or professional service use may be converted to a medical service use on the first story or below if no residential use or active street frontage is lost.</i>
* * * *		

Section 3. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

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

By: _____
JUDITH A. BOYAJIAN
Deputy City Attorney
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LEGISLATIVE DIGEST

[Planning Code - Medical Service Use - Sacramento Street Neighborhood Commercial District]

Ordinance amending the Planning Code to prohibit a change of use from a business or professional service use to a medical service use on the first floor or below in the Sacramento Street Neighborhood Commercial District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

Planning Code Section 724 establishes the Sacramento Street Neighborhood Commercial District. It prohibits new medical service uses at all stories, except that a business or professional service use may be converted to a medical service use on the first story or below if no residential use or active street frontage is lost.

Amendments to Current Law

Section 724 is amended to delete the exception that allows conversion of a business or professional service use to a medical service use on the first story or below.

Background Information

The limited exception that is proposed to be deleted was added to the Planning Code in 2013. Adoption of this ordinance will return Section 724 to its previous wording.

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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 []

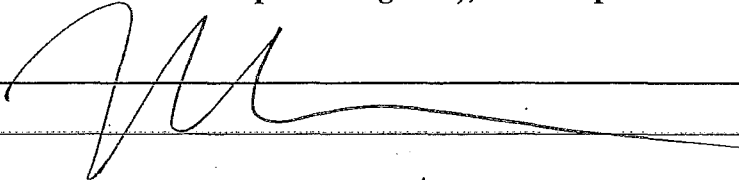
Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- 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):

Supervisor Mark Farrell



Subject:

Approval of a 30-Day Extension for Planning Commission Review for an Ordinance amending the Planning Code to prohibit a change of use from a business or professional service use to a medical service use on the first floor or below in the Sacramento Street Neighborhood Commercial District

The text is listed below or attached:

Resolution extending by 30 days the prescribed time within which the Planning Commission may render its decision on a Ordinance (File No. 160656) amending the San Francisco Planning Code to prohibit a change of use from a business or professional service use to a medical service use on the first floor or below in the Sacramento Street Neighborhood Commercial District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, Planning Code, Section 302, the eight priority policies of Planning Code, Section 101.1.

Signature of Sponsoring Supervisor: _____

For Clerk's Use Only: