

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Regina Dick-Endrizzi, Director  
Small Business Commission, City Hall, Room 448

FROM: Andrea Ausberry, Assistant Clerk  
Land Use and Transportation Committee

DATE: June 7, 2016

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS  
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

**File No. 160656**

**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.**

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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RESPONSE FROM SMALL BUSINESS COMMISSION - Date: \_\_\_\_\_

No Comment

Recommendation Attached

\_\_\_\_\_  
Chairperson, Small Business Commission

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		
		§ 790.118	1st	2nd	3rd+
<b>Retail Sales and Services</b>					
* * * *					
724.51	Medical Service	§ 790.114	#		
* * * *					

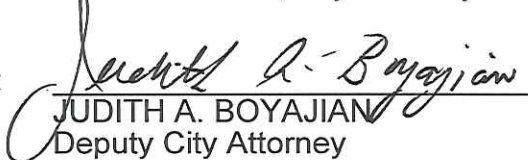
**SPECIFIC PROVISIONS FOR THE SACRAMENTO STREET  
NEIGHBORHOOD COMMERCIAL DISTRICT**

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</i> <i>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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