

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

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3 **Ordinance amending the Planning Code, Section 724.1, and related portions of Table**
4 **724, to permit a change of use from a business or professional service use to medical**
5 **service use on the first floor or below in the Sacramento Neighborhood Commercial**
6 **District; and making environmental findings, Planning Code, Section 101.1, findings,**
7 **and findings of consistency with the General Plan.**

8 NOTE: Additions are single-underline italics Times New Roman;
9 deletions are ~~strike-through italics Times New Roman~~.
10 Board amendment additions are double-underlined;
11 Board amendment deletions are ~~strikethrough-normal~~.

12 Be it ordained by the People of the City and County of San Francisco:

13 Section 1. The Board of Supervisors of the City and County of San Francisco hereby
14 finds and determines that:

15 (a) General Plan and Planning Code Findings.

16 (1) On February 21, 2013 at a duly noticed public hearing, the Planning
17 Commission in Resolution No. 18810 found that the proposed Planning Code amendments
18 contained in this ordinance were consistent with the City's General Plan and with Planning
19 Code Section 101.1(b) and recommended that the Board of Supervisors adopt the proposed
20 Planning Code amendments. A copy of said Resolution is on file with the Clerk of the Board of
21 Supervisors in File No. 130042 and is incorporated herein by reference. The Board finds that
22 the proposed Planning Code amendments contained in this ordinance are on balance
23 consistent with the City's General Plan and with Planning Code Section 101.1(b) for the
24 reasons set forth in said Resolution.

1 (2) Pursuant to Planning Code Section 302, the Board finds that the proposed
2 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in
3 Planning Commission Resolution No. 18810, which reasons are incorporated herein by
4 reference as though fully set forth.

5 (b) Environmental Findings. The Planning Department has determined that the
6 actions contemplated in this ordinance comply with the California Environmental Quality Act
7 (California Public Resources Code Section 21000 et seq.). Said determination is on file with
8 the Clerk of the Board of Supervisors in File No. 130042 and is incorporated herein by
9 reference.

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11 Section 2. The San Francisco Planning Code is hereby amended by amending Section
12 724.1, to read as follows:

13 **SEC. 724.1. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

14 Located in the Presidio Heights neighborhood in north-central San Francisco, the
15 Sacramento Street Neighborhood Commercial District functions as a small-scale linear
16 shopping area. It extends along Sacramento Street between Lyon and Spruce. Interspersed
17 among residential buildings and garages, the district's daytime-oriented retail stores provide a
18 limited array of convenience goods to the immediate neighborhood. Sacramento Street also
19 has many elegant clothing, accessory, and antique stores and services, such as hair salons,
20 which attract customers from a wider trade area. Its numerous medical and business offices
21 draw clients from throughout the City. Evening activity in the district is limited to one movie
22 theater, a few restaurants, and some stores near Presidio 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 offices are
5 prohibited at all stories except a change of use is permitted on the first story or below from a business
6 or professional service use to medical service office use under certain circumstances. Personal and
7 business services are restricted at the ground story and prohibited on upper stories. Limits on
8 new ground-story eating and drinking uses, as well as new entertainment and financial service
9 uses, are intended to minimize the environmental impacts generated by the growth of such
10 uses. The daytime orientation of the district is encouraged by prohibiting bars and restricting
11 late-night commercial activity. New hotels and parking facilities are limited in scale and
12 operation to minimize disruption to the neighborhood. Most new automobile and drive-up uses
13 are prohibited to promote continuous retail frontage.

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

17
18 Section 3. In enacting this ordinance, the Board intends to amend only those words,
19 phrases, paragraphs, subsections, sections, articles, numbers, punctuation, or any other
20 constituent part of Table 724 that are explicitly shown in this legislation as additions, deletions,
21 Board amendment additions, and Board amendment deletions in accordance with the "Note"
22 that appears under the official title of the legislation. Those portions of Table 724 not shown
23 here are not amended by this ordinance and remain in effect. The San Francisco Planning
24 Code is hereby amended by amending Section 724.51 of Table 724, to read as follows:
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1 **SEC. 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 2 **ZONING CONTROL TABLE**

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

11 Section 4. In enacting this ordinance, the Board intends to amend only those words,
 12 phrases, paragraphs, subsections, sections, articles, numbers, punctuation, or any other
 13 constituent part of Table 724 that are explicitly shown in this legislation as additions, deletions,
 14 Board amendment additions, and Board amendment deletions in accordance with the "Note"
 15 that appears under the official title of the legislation. Those portions of Table 724 not shown
 16 here are not amended by this ordinance and remain in effect. The San Francisco Planning
 17 Code is hereby amended by adding a new row at the end of the Specific Provisions For the
 18 Sacramento Street Neighborhood Commercial District portion of Table 724, to read as follows:

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

Article 7 Code Section	Other Code Section	Zoning Controls
<u>§ 724.51</u>	<u>§§ 145.1,</u> <u>145.1(2)(A), 790.88,</u> <u>790.108, 790.114</u>	<u>Boundaries: Sacramento Street Neighborhood</u> <u>Commercial District</u> <u>Controls: A business or professional service use may be</u>

		<i>converted to a medical service use on the first story or below if no residential use or active street frontage is lost.</i>
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Section 5. Other Uncodified Provisions.

(a) General Welfare. In adopting and implementing this ordinance, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(b) Conflict with State or Federal Law. This ordinance shall be construed so as not to conflict with applicable federal or State laws, rules or regulations. Nothing in this ordinance shall authorize any City agency or department to impose any duties or obligations in conflict with limitations on municipal authority established by State or federal law at the time such agency or department action is taken.


(c) Severability. If any of the provisions of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of those provisions, including the application of such part or provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this ordinance are severable.

(d) Scope of Ordinance. In enacting this ordinance, the Board intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams, tables, or any other constituent part of the Planning Code that are explicitly shown in this legislation as additions, deletions, Board amendment additions, and Board

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amendment deletions in accordance with the "Note" that appears under the official title of the legislation.

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

By: 
MARLENA G. BYRNE
Deputy City Attorney
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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 130042

Date Passed: April 02, 2013

Ordinance amending the Planning Code, Section 724.1, and related portions of Table 724, to permit a change of use from a business or professional service use to medical service use on the first floor or below in the Sacramento Neighborhood Commercial District; and making environmental findings, Planning Code, Section 101.1, findings, and findings of consistency with the General Plan.

March 18, 2013 Land Use and Economic Development Committee - AMENDED

March 18, 2013 Land Use and Economic Development Committee - RECOMMENDED AS AMENDED

March 26, 2013 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

April 02, 2013 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 130042

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 4/2/2013 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

4/10/13
Date Approved