



SAN FRANCISCO PLANNING DEPARTMENT

Memo to the Planning Commission

HEARING DATE: SEPTEMBER 28, 2017
Continued from the August 24, 2017 Hearing

Date: September 21, 2017
Case No.: **2017-001598CUA**
Project Address: **580 Green Street**
Zoning: North Beach NCD (Neighborhood Commercial District)
North Beach Limited Financial Special Use District (SUD);
North Beach SUD; Telegraph Hill—North Beach Residential SUD
40-X Height and Bulk District
Block/Lot: 0116/020A
Project Sponsor: Wyland Chu
North East Medical Services (NEMS)
1520 Stockton Street
San Francisco, CA 94133
Staff Contact: Nicholas Foster – (415) 575-9167
nicholas.foster@sfgov.org
Recommendation: **Approval with Conditions**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

BACKGROUND

The proposed project (“Project”) would permit a change of use of a nonconforming use and use size. The subject property is a one-story-plus-mezzanine-over-basement building that previously contained a bank (d.b.a. “Citibank”) (a Financial Services Use) and the proposed project would convert approximately 7,189 square feet of the existing 8,405 square foot commercial tenant space into a medical clinic (d.b.a. “North East Medical Services” or “NEMS”) (a Medical Service Use). NEMS proposes utilizing the basement and a portion of the first floor for its Imaging Department, with patient waiting areas on both the basement and first floors. In service of further activating the frontages along Green and Stockton Streets, NEMS proposed two (2) independent retail spaces totaling approximately 500 square feet, to be used as commercial retail uses (e.g. Retail Sales and Service Use or Personal Service Use). Because the existing Financial Services Use is nonconforming and exceeds the use size limits of the Code (4,000 square feet), the existing use and use size are both considered nonconforming. Even though the proposed Medical Service Use is a principally permitted use in the North Beach NCD, the change of use from the nonconforming use and use size requires Conditional Use Authorization. Minor interior and exterior tenant improvements are proposed as part of the project, with no expansion of the existing building envelope.

After closing public comment and holding a hearing on the item, the Planning Commission voted¹ to adopt a motion of intent to disapprove and continued the matter to the September 28, 2017 hearing date.

¹ The Commission’s vote on the Motion of Intent to Disapprove/Continuance was +4/-2 (Hillis, Richards against; Fong absent).

UPDATE

In response to the deliberations at the August 24th Planning Commission hearing, the Project Sponsor has accepted the Department's recommendation for allocating more space to be used by independent commercial retail uses. Specifically, the Project Sponsor is now proposing to provide: 1) an approximately 539 square-foot retail space located at the southwest corner of the building, with frontages along both Green and Stockton Streets; and 2) an approximately 226 square-foot space located towards the southeast corner of the building, along the Green Street frontage. These two retail spaces would function independently as commercial retail uses and would not function as Accessory Uses to the primary Health Service use. In total, of the three existing bays as viewed from Green Street, two would be devoted to independent, commercial retail uses, while the center bay would serve as the primary entrance to NEMS. This modified proposal satisfies Condition Number 11 ("Ground Floor Retail Space") of the original draft motion.

The Department supports the inclusion of independent retail spaces within the proposal; however, it is again worth noting for the Commission how this may impact the property in the future, as compared with the originally proposed accessory retail spaces. By approving independent, non-accessory retail uses, the existing, single large commercial use would be converted into two (or more) retail uses, inclusive of the proposed Health Service use. Once approved in this manner then, the Planning Code would not permit the future consolidation of uses back into a single use; such a proposal would require an expansion of the existing nonconforming use size, as well as require the merger of multiple storefronts.

Although the Commission voted at the last hearing to adopt a motion of intent to disapprove, the Department remains in support, and recommends approval of the modified proposal.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use Authorization to allow a change of use of a nonconforming use and nonconforming use size in the North Beach NCD Zoning District, pursuant to Planning Code Section 121.2, 178(e)(5), 303, and 722.

BASIS FOR RECOMMENDATION

- The Project would replace the previous, noncomplying use with a Health Service Use, a principally permitted use at the subject property.
- The Project Sponsor (NEMS) is a non-profit community healthcare center serving the medically underserved Asian population; the proposed Project would allow for the relocation of vital operations (Imaging Department from the 1520 Stockton Street Clinic), without disrupting service to its North Beach patients.
- The Project site is currently vacant and has been since December of 2015; the proposed use would activate the street frontage directly in front of the subject property.
- The Project proposes minimal exterior changes to the existing building, with no expansion of the building envelope.
- The Project site is well-served by public transit (MUNI lines 8, 30, 39, 45 are all within one block of the subject property).
- The Project has been found to be necessary and or desirable and compatible with the surrounding neighborhood.

- The Project meets all applicable requirements of the Planning Code.

RECOMMENDATION: Approval with Conditions

Attachments: Project Sponsor Letter to Planning Commission
Draft Disapproval Motion
Revised Draft Approval Motion
Revised Project Plans

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September 5, 2017

To: Rich Hillis
Commission President
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
richhillissf@gmail.com

Cc: Commissioner Dennis Richards dennis.richards@sfgov.org
Commissioner Rodney Fong planning@rodneyfong.com
Commissioner Christine D. Johnson christine.d.johnson@sfgov.org
Commissioner Joel Koppel joel.koppel@sfgov.org
Commissioner Myrna Melgar myrna.melgar@sfgov.org
Commissioner Kathrin Moore kathrin.moore@sfgov.org

Subject: North East Medical Center Imaging Center (NEMS)
580 Green Street, San Francisco

Dear President Hillis,

We greatly appreciate the opportunity to discuss this project again and sincerely hope that our proposed site revision can truly reenergize street frontage and provide a valuable service to the underserved community.

First of all, we want to emphasize medical service use in this district is *principally permitted*. All we are asking for from the Commission is to allow our client to use of existing square footage. The current proposal is the result of many neighborhood outreach meetings and program changes to gain community support.

We heard your feedback on bringing commercial front and center and we accept your suggestion on the need of “liner commercial” to camouflage the primary function based on the experience on the Sutter Health Valencia project. We propose expanding to 2 retail spaces totaling over 750 SF, with one space occupying the entire corner of Green and Stockton and the second space at the eastern end of the building. NEMS is committed to renting *exclusively* to independent commercial ventures and will encourage small and/or start-up businesses to lease. See attached revised floor plans showing this revised program.

As you consider our proposal please realize that the streets will be activated by the retail spaces as shown. Our new plan shows 104 linear feet of retail storefront and 26 linear feet of medical lobby space.

We have preserved the historic character of the existing building with keeping the 26-foot-wide bays and the 1970's vaulted ceiling, while still offering four times the retail frontage on the street. NEMS would inhabit one of the three bays for their lobby and waiting area, as they will utilize the basement, mezzanine, and back part of the main floor.

The plan will attract a wider range of possible commercial uses, but will also create a commercial presence that wraps around the corner thereby elevating both Green and Stockton Street and minimizing the presence of the medical facility. Neighborhood commercial districts need to provide all of the essential services for its residents.

NEMS is excited to help more patients achieve the proper care they deserve and is equally enthusiastic to provide job opportunities to the neighbors. This relationship would be mutually beneficial in maintaining a healthy and vibrant neighborhood. The scale and affordability of the commercial spaces provided by NEMS in the revised plan would be well-suited to local businesses that are relevant to the neighborhood.

The need to expand the current NEMS facility is paramount to the health and welfare of the residents of this area. The current NEMS facility nearby has exceeded its capacity to serve their patients satisfactory in radiology services, resulting in 80-day wait times for basic, essential and potentially life-saving medical tests and treatment. Additionally, the funds required to maintain a vacant building will only deprive a key demographic of elemental healthcare services.

I urge you, Commissioner Hillis, to re-visit your opinion of this project and persuade your fellow Commissioners to do the same.

Sincerely,

Ignatius Tsang, AIA, NCARB, LEED Green Associate

SGPA Architecture and Planning

Cc: File



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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Suite 400
San Francisco,
CA 94103-2479

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Planning Commission Draft Motion

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ADOPTING FINDINGS RELATING TO THE DISAPPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 121.2, 178(e)(5), 303, AND 722 OF THE PLANNING CODE TO ALLOW A CHANGE OF USE OF A NONCONFORMING USE AND NONCONFORMING USE SIZE WITHIN THE NORTH BEACH NCD (NEIGHBORHOOD COMMERCIAL) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On February 10, 2017, Bill Hung from SGPA Architecture and Planning, on behalf of North East Medical Services (NEMS) (“Project Sponsor”), submitted an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 121.2, 178(e)(5), 303, 722.20, and 722.51 to permit a change of use of a nonconforming use and nonconforming use size within the North Beach Neighborhood Commercial District (NCD) and 40-X Height and Bulk District.

The project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 categorical exemption.

On August 24, 2017 the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2017-

001598CUA. Staff recommended approval of the Conditional Use Authorization. Following testimony, the Commission indicated their intent to disapprove the proposal and continued the item to a regularly scheduled hearing on September 28, 2017.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby does not authorize the Conditional Use requested in Application No. 2017-001598CUA, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The approximately 3,209-square-foot project site (Assessors Block 0116, Lot 020A) is located on the block bounded by Green Street to the south, Union Street to the north, Grant Avenue to the east, and Stockton Street to the west. Columbus Avenue bisects the intersection of Green and Stockton Streets, abutting the western half of the subject lot. The Subject Property is located within the North Beach neighborhood, within the North Beach Neighborhood Commercial Zoning District. The subject lot contains approximately 80 feet of frontage along Green Street and approximately 40 feet of frontage along Stockton Street. The subject property is developed with a one-story-plus-mezzanine-over-basement building that previously contained a bank (d.b.a. "Citibank") (a Financial Services Use). Citibank discontinued their operations in 2015 and the building has been vacant since December of 2015.
3. **Surrounding Properties and Neighborhood.** The project site is located within the North Beach neighborhood, located just off Columbus Street, the neighborhood's principal commercial corridor. The neighborhood consists almost entirely of 2- to 4-story buildings, most of which fill their entire front lot lines and share a single stylistic orientation. Land uses in the surrounding area include a diverse mixture ground-floor retail uses including bars, restaurants, boutique retailers, grocery stores, personal service uses, and financial service uses. Residential uses are common on the floors above.
4. **Project Description.** The proposed project would permit a change of use of a nonconforming use and use size. The subject property is a one-story-plus-mezzanine-over-basement building that previously contained a bank (d.b.a. "Citibank") (a Financial Services Use) and the proposed project would convert approximately 7,189 square feet of the existing 8,405 square-foot commercial tenant space into a medical clinic (d.b.a. "North East Medical Services" or "NEMS") (a Health Service Use). NEMS proposes utilizing the basement and a portion of the first floor for its Imaging Department, with patient waiting areas on both the basement and first floors. In service of further activating the frontages along Green and Stockton Streets, NEMS proposes two (2) independent retail spaces totaling approximately 765 square feet, to be used as commercial retail uses (e.g. Retail Sales and Service Use or Personal Service Use). Because the existing

Financial Services Use is nonconforming and exceeds the use size limits of the Code (4,000 square feet), the existing use and use size are both considered nonconforming. Even though the proposed Health Service Use is a principally permitted use in the North Beach NCD, the change of use from the nonconforming use and use size requires Conditional Use Authorization. Minor interior and exterior tenant improvements are proposed as part of the project, with no expansion of the existing building envelope.

5. **Public Comment.** To date, the Department has received numerous letters of support of the Project. The Project Sponsor has secured 7,752 letters of support from individual community members, in addition to 30 letters of support from merchants and community organizations serving North Beach.
6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Use (Sections 102, 722).** The Project Site is located within the North Beach Neighborhood Commercial (NCD) Zoning District wherein Health Service Use is a principally permitted use.

The proposed Health Service Use (a Retail Sales and Service Use) is a principally permitted use in the North Beach Neighborhood Commercial (NCD) Zoning District. The proposed Project would convert approximately 7,189 square feet of the existing 8,405 square foot commercial tenant space into a medical clinic (Health Service Use). As the Project Site is located within the North Beach Limited Financial Special Use District (SUD), the previous use (Financial Service Use) is no longer permitted at the subject property, thereby making the previous use noncomplying. The Project would replace the previous use with a Health Service Use, a principally permitted use at the subject property. Therefore, the Project is in compliance with the Zoning Control Table of Planning Code Section 722.

While the proposed Health Service Use is principally permitted within the North Beach NCD, it should be noted that a Planning Code Amendment is pending before the Board of Supervisors, which could result in Health Service uses being prohibited at the first floor and below in the subject District. The Commission reviewed and heard public testimony on Case No. 2017-005179PCA (Board File 170419) at the July 20, 2017 Planning Commission hearing, and adopted a recommendation for approval. The Commission may still choose to authorize a Health Service Use at the ground floor as it is currently permitted; however, the Project would need to obtain an issued Building Permit Application prior to the effective date of any amendment which would cause the proposed use to not be permitted within the District, exclusive of any grandfathering provision that may be added.

- B. **Use Size (Sections 121.2, 178(e)(5), 722).** Within the North Beach Neighborhood Commercial (NCD) Zoning District, non-residential uses are principally permitted up to 1,999 square feet and a Conditional Use Authorization is required for uses between 2,000 and 4,000 square feet. Non-residential uses above 4,000 square feet are not permitted.

The proposed Project would convert approximately 7,189 square feet of the existing 8,405 square foot commercial tenant space into a medical clinic (Health Service Use), with no expansion of the building envelope, and no increase in the amount of gross floor area. As the existing use (Financial Service

Use) exceeds the use size limitations of the Code, the existing use size is considered noncomplying. Within the North Beach NCD, any use that exceeds the use size provisions of Section may be changed to a new use only upon approval of a new conditional use application. Given the proposed use (Health Service Use) is principally permitted within the North Beach NCD, the proposed Project would bring the subject property closer to compliance with the Code. For additional information, refer to the Section 303(c) findings, which, explicitly address the use size findings as required per Code Section 178(e)(5).

- C. **Floor Area Ratio (Sections 124, 722).** Within the North Beach Neighborhood Commercial (NCD) Zoning District, Floor Area Ratio (FAR) for non-residential uses are limited to 1.8:1.

The subject property is developed with an existing one-story-plus-mezzanine-over-basement building containing 8,405 square feet of gross floor area. The subject lot size is 3,209 square feet, resulting in a Floor Area Ratio (FAR) of approximately 2.6, which, exceeds the FAR limit of 1.8 to 1 for the North Beach Neighborhood Commercial District. The proposed Project would utilize the existing commercial tenant space as a medical clinic (Health Service Use), with no expansion of the building envelope, and no increase in the amount of gross floor area. While the proposed Project would utilize an existing tenant space that exceeds the FAR limits of the Code for the subject Zoning District, the proposed Project is neither altering, enlarging, nor intensifying the existing non-conforming use size. As such, the proposed Project will not increase the degree of non-conformity of use size with regard to Floor Area Ratio.

- D. **Parking (Section 151.1).** Planning Code does not require off-street parking for projects located within the North Beach Neighborhood Commercial (NCD) Zoning District.

No off-street parking is proposed as part of the proposed Project.

- E. **Loading (Section 152).** Planning Code requires off-street loading for non-residential uses exceeding 10,000 gsf.

The proposed Project contains approximately 7,189 gsf of Health Service Use and approximately 765 square feet of independent retail uses, which is below the threshold for off-street loading requirements (10,000 gsf). Therefore, the Project is in compliance with Code Section 152.

- F. **Hours of Operation (Section 722).** Planning Code states that the principally permitted hours during which any commercial establishment, not including automated teller machines, may be open for business is from 6:00 a.m. – 2:00 a.m. whereas a Conditional Use Authorization is required for maintaining hours of operation from 2 a.m. to 6 a.m.

The proposed hours of operation for the proposed Health Service Use are from 8:30 a.m. – 5:00 p.m.; therefore the Project is compliant with the Code. The independent retail uses would be limited to the hours of operation as stipulated in Code Section 722 and described above.

- G. **Street Frontages in Residential-Commercial Districts (Section 145.1).** Planning Code Section 145.1 exists to preserve, enhance, and promote attractive, clearly defined street frontages that are pedestrian-oriented, fine-grained, and which are appropriate and

compatible with the buildings and uses in certain commercial districts. Active uses, as defined by the Code, are required within the first 25 feet of the building depth at ground floor, and the ground floor ceiling height shall be at least 14 feet in height, as measure from grade.

The Project proposes a Health Service Use (a Retail Sales and Service Use) on the subject property, with a ground floor height of 14 feet, as required by Code. In addition, the Project proposes two independently-operated commercial retail spaces along the Green Street frontage, to help activate the street frontage. Therefore the Project is in compliance with Code Section 145.1.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does not comply with said criteria in that:
 - A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community. While the proposed use exceeds the non-residential use size limitations for the district in which the use is located, the proposed use is compliant with the Code, in that:
 - i. Intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-servicing uses in the area

The foreclosure of locations providing neighborhood-servicing uses in the area, as attributed to the proposed intensity of use at the subject property, is unlikely given that the subject property has been vacant since December of 2015. Rather, it is the closure of the existing use (Financial Service Use) at the subject property that has created unwanted blight within the North Beach Neighborhood Commercial District, thereby negatively affecting adjacent, neighborhood-servicing uses. The proposed Project would repurpose a vacant building, activate the commercial street frontages, and add a neighborhood-servicing use. Given the proposed Project is replacing a noncomplying use and replacing it with a principally permitted Health Service Use, the Project would bring the subject property closer to compliance with the Code.

At the hearing on August 24, the Planning Commission indicated an intent to disapprove the Conditional Use Authorization to allow a change of use of a noncomplying use and noncomplying use size at the subject property. After hearing public comment, the Commission deliberated and did not find the proposed new use (Health Service Use) to be an appropriate fit at the subject property given the greater need to activate the subject property with traditional commercial retail uses as opposed to Health Service Use. While Health Service Use is considered a Retail Sales and Service Use under the Planning Code, the Commission stated their desire for more traditional commercial retail uses at the subject property given that a Health Service Use at the subject property did not fully activate the two frontages (Green and Stockton Streets). While the proposed Health Service Use therefore may not directly lead to foreclosure of locations of other neighborhood-servicing uses, it does preclude such uses from locating in the subject building to an extent found desirable.

- ii. Proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function

The proposed project would replace a noncomplying use (Financial Service Use) with a principally permitted use (Health Service Use). As the Project Sponsor required additional commercial tenant space to accommodate their operational needs, the subject property was targeted as a suitable location to relocate the NEMS Imaging Department from the main NEMS clinic (located 1520 Stockton Street, approximately 50 feet away from the subject property), without disrupting service to its North Beach patients.

At the hearing on August 24, the Planning Commission indicated an intent to disapprove the Conditional Use Authorization to allow a change of use of a noncomplying use and noncomplying use size at the subject property. Members of the Planning Commission stated that a Health Service Use at the subject property was not preferred, and that traditional retail uses that are more active than a Health Service Use would be more compatible with the subject building, thereby better serving the neighborhood.

- iii. Building in which the use is to be located is designed in discrete elements which respect the scale of development in the district

The proposed scope of work, including minor exterior improvements (addition of a new door) and interior tenant improvements will not affect the building envelope, or the overall design of the existing structure.

At the hearing on August 24, the Planning Commission indicated an intent to disapprove the Conditional Use Authorization to allow a change of use of a noncomplying use and noncomplying use size at the subject property. Planning Commissioners stated their preference for more active retail uses to operate out of the subject building, as opposed to a Health Service Use.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- iv. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The size and shape of the site and the size, shape and arrangement of the building will not be altered as part of this project. The proposed work will not affect the building envelope.

- v. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Project will not affect public transit or overburden the existing supply of parking in the neighborhood. No off-street parking is included as part of the proposed Project and the area is already well-served by transit. The Project will attract patrons from both inside and outside of the neighborhood.

- vi. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The Project will not produce noxious or offensive emissions related to noise, glare and dust.

- vii. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

The Project would not alter the site's landscaping, open spaces, parking and loading areas, service areas or lighting. New signage will be required to comply with the requirements of the Planning Code.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code, however is not consistent with objectives and policies of the General Plan as detailed below.

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

The proposed Project is consistent with the stated purpose of the North Beach Neighborhood Commercial District in that the intended use will provide a new, non-Formula Retail Use to the North Beach neighborhood. However, while the proposed Health Service Use is principally permitted within the District, the Project does not result in greater activation of the space compared to what other basic neighborhood-serving retail uses may offer, suggesting that the proposed use may be more suited for upper floors within the District.

- 8. **General Plan Compliance.** The Project is, on balance, not consistent with the following Objectives and Policies of the General Plan:

COMMERICE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKINIG ENVIRONMENT.

Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The Project would help contribute to the vitality of the overall neighborhood by activating a highly-visible, ground floor commercial space located on a corner lot. Further, the Project Site is located within a Neighborhood Commercial District and the proposed use is consistent with activities in the underlying zoning district. However, while the proposed Health Service Use is principally permitted within the District, the Project does not result in greater activation of the space compared to what other basic neighborhood-serving retail uses may offer, suggesting that the proposed use may be more suited for upper floors within the District.

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

The proposal would active a previously vacant space that was originally designed to function as an active retail frontage. Therefore, the proposed Health Service Use would utilize the subject ground-floor space, helping to activate both street frontages (Green and Stockton Streets). However, by occupying a prominent ground floor, corner commercial location, the Project may also cause the City and North Beach neighborhood to have a harder time attracting new, neighborhood-serving retail uses into the immediate area.

OBJECTIVE 6:

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

No commercial tenant would be displaced and the Project will provide the neighborhood with a new, non-Formula Retail Use. However, as the proposed Project would occupy a prominent ground floor, corner commercial location, it may preclude other neighborhood-serving retail uses from locating in the building, which must then be retained in order to help assist the District in achieving its optimal diversity in the types of goods and services available in the neighborhood.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 4:

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENTAL TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 4.13:

Improve pedestrian areas by providing human scale and interest.

The Project would help contribute to the vitality of the overall neighborhood by activating a highly-visible, ground floor commercial space located on a corner lot; however, the proposed Health Service Use does not contain the same potential for activation as other basic, neighborhood-serving retail uses and therefore only modestly improves adjacent pedestrian areas.

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does not comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The proposed Project would not displace any existing neighborhood-serving retail as the subject tenant space is currently vacant. The Project will provide new employment opportunities for residents of the neighborhood; and will expand upon the existing service provided by the Project Sponsor (NEMS) to patients residing within and outside of the North Beach neighborhood. However, while the proposed Health Service Use is principally permitted within the District, the Project does not result in greater activation of the space compared to what other basic neighborhood-serving retail uses may offer, suggesting that the proposed use may be more suited for upper floors within the District.

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The Project should benefit the residents of the surrounding neighborhood by providing a new Health Service Use within the ground-floor of the subject building. As the project activates a vacant, ground-floor commercial space, the proposed Project will support the cultural and economic diversity of the neighborhood, although not to the same extent feasible which could be provided by other, basic neighborhood-serving retail uses.

- C. That the City's supply of affordable housing be preserved and enhanced,

The Project does not propose the elimination of any dwelling units; housing supply is unaffected.

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The proposed Project does not include any off-street parking as patrons are expected to arrive to the new Medical Service Use by foot or by taking transit. The project site is well-served by public transit (MUNI lines 8, 30, 39, 45 are all within one block of the subject property). Therefore, the Project will not significantly increase the amount of automobile traffic, overburden neighborhood parking, or impede MUNI transit service.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The proposed Project calls for minor, interior and exterior tenant improvements with no change to the building envelope. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

The subject building was constructed in 1963; and the Planning Department has listed the building as an "Category A" historic resource. While the Department has not determined if the subject building is an individual resource, or a contributor to an eligible district, the Department nonetheless evaluated the proposed scope of work as if the subject building were an historic resource. As such, the proposed tenant improvements, including minor exterior improvements (addition of a door), have been found to be consistent with the CEQA Checklist for Categorical Exemption (Class 1) Determinations.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

The project will have no negative impact on existing parks and open spaces.

10. The Project is inconsistent with and would not promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would not contribute to the character and stability of the neighborhood and would not constitute a beneficial development.

11. The Commission hereby finds that approval of the Conditional Use authorization would not promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **DISAPPROVES Conditional Use Application No. 2017-001598CUA.**

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on September 28, 2017.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: September 28, 2017

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SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Draft Motion

HEARING DATE: SEPTEMBER 28, 2017

Date: September 21, 2017
Case No.: **2017-001598CUA**
Project Address: **580 Green Street**
Zoning: North Beach NCD (Neighborhood Commercial District)
 North Beach Limited Financial Special Use District (SUD);
 North Beach SUD; Telegraph Hill—North Beach Residential SUD
 40-X Height and Bulk District
Block/Lot: 0116/020A
Project Sponsor: Wyland Chu
 North East Medical Services (NEMS)
 1520 Stockton Street
 San Francisco, CA 94133
Staff Contact: Nicholas Foster – (415) 575-9167
nicholas.foster@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 121.2, 178(e)(5), 303, AND 722 OF THE PLANNING CODE TO ALLOW A CHANGE OF USE OF A NONCONFORMING USE AND NONCONFORMING USE SIZE WITHIN THE NORTH BEACH NCD (NEIGHBORHOOD COMMERCIAL) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On February 10, 2017, Bill Hung from SGPA Architecture and Planning, on behalf of North East Medical Services (NEMS) (“Project Sponsor”), submitted an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 121.2, 178(e)(5), 303, 722.20, and 722.51 to permit a change of use of a nonconforming use and nonconforming use size within the North Beach Neighborhood Commercial District (NCD) and 40-X Height and Bulk District.

The project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 categorical exemption.

On August 24, 2017 the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2017-

001598CUA. Staff recommended approval of the Conditional Use Authorization. Following testimony, the Commission indicated their intent to disapprove the proposal and continued the item to a regularly scheduled hearing on September 28, 2017.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2017-001598CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The approximately 3,209-square-foot project site (Assessors Block 0116, Lot 020A) is located on the block bounded by Green Street to the south, Union Street to the north, Grant Avenue to the east, and Stockton Street to the west. Columbus Avenue bisects the intersection of Green and Stockton Streets, abutting the western half of the subject lot. The Subject Property is located within the North Beach neighborhood, within the North Beach Neighborhood Commercial Zoning District. The subject lot contains approximately 80 feet of frontage along Green Street and approximately 40 feet of frontage along Stockton Street. The subject property is developed with a one-story-plus-mezzanine-over-basement building that previously contained a bank (d.b.a. "Citibank") (a Financial Services Use). Citibank discontinued their operations in 2015 and the building has been vacant since December of 2015.
3. **Surrounding Properties and Neighborhood.** The project site is located within the North Beach neighborhood, located just off Columbus Street, the neighborhood's principal commercial corridor. The neighborhood consists almost entirely of 2- to 4-story buildings, most of which fill their entire front lot lines and share a single stylistic orientation. Land uses in the surrounding area include a diverse mixture ground-floor retail uses including bars, restaurants, boutique retailers, grocery stores, personal service uses, and financial service uses. Residential uses are common on the floors above.
4. **Project Description.** The proposed project ("Project") would permit a change of use of a nonconforming use and use size. The subject property is a one-story-plus-mezzanine-over-basement building that previously contained a bank (d.b.a. "Citibank") (a Financial Services Use) and the proposed project would convert approximately 7,189 square feet of the existing 8,405 square-foot commercial tenant space into a medical clinic (d.b.a. "North East Medical Services" or "NEMS") (a Health Service Use). NEMS proposes utilizing the basement and a portion of the first floor for its Imaging Department, with patient waiting areas on both the basement and first floors. In service of further activating the frontages along Green and Stockton Streets, NEMS proposed two (2) independent retail spaces totaling approximately 765 square feet, to be used as

commercial retail uses (e.g. Retail Sales and Service Use or Personal Service Use). Because the existing Financial Services Use is nonconforming and exceeds the use size limits of the Code (4,000 square feet), the existing use and use size are both considered nonconforming. Even though the proposed Health Service Use is a principally permitted use in the North Beach NCD, the change of use from the nonconforming use and use size requires Conditional Use Authorization. Minor interior and exterior tenant improvements are proposed as part of the project, with no expansion of the existing building envelope.

5. **Public Comment.** To date, the Department has received numerous letters of support of the Project. The Project Sponsor has secured 7,752 letters of support from individual community members, in addition to 30 letters of support from merchants and community organizations serving North Beach.
6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Use (Sections 102, 722).** The Project Site is located within the North Beach Neighborhood Commercial (NCD) Zoning District wherein Health Service Use is a principally permitted use.

The proposed Health Service Use (a Retail Sales and Service Use) is a principally permitted use in the North Beach Neighborhood Commercial (NCD) Zoning District. The proposed Project would convert approximately 7,189 square feet of the existing 8,405 square foot commercial tenant space into a medical clinic (Health Service Use). As the Project Site is located within the North Beach Limited Financial Special Use District (SUD), the previous use (Financial Service Use) is no longer permitted at the subject property, thereby making the previous use noncomplying. The Project would replace the previous use with a Health Service Use, a principally permitted use at the subject property; therefore, the Project is in compliance with the Zoning Control Table of Planning Code Section 722.

While the proposed Health Service Use is principally permitted within the North Beach NCD, it should be noted that a Planning Code Amendment is pending before the Board of Supervisors, which could result in Health Service uses being prohibited at the first floor and below in the subject District. The Commission reviewed and heard public testimony on Case No. 2017-005179PCA (Board File 170419) at the July 20, 2017 Planning Commission hearing, and adopted a recommendation for approval. The Commission may still choose to authorize a Health Service Use at the ground floor as it is currently permitted; however, the Project would need to obtain an issued Building Permit Application prior to the effective date of any amendment which would cause the proposed use to not be permitted within the District, exclusive of any grandfathering provision that may be added.

- B. **Use Size (Sections 121.2, 178(e)(5), 722).** Within the North Beach Neighborhood Commercial (NCD) Zoning District, non-residential uses are principally permitted up to 1,999 square feet and a Conditional Use Authorization is required for uses between 2,000 and 4,000 square feet. Non-residential uses above 4,000 square feet are not permitted.

The proposed Project would convert approximately 7,189 square feet of the existing 8,405 square foot commercial tenant space into a medical clinic (Health Service Use), with no expansion of the building

envelope, and no increase in the amount of gross floor area. As the existing use (Financial Service Use) exceeds the use size limitations of the Code, the existing use size is considered noncomplying. Within the North Beach NCD, any use that exceeds the use size provisions of Section may be changed to a new use only upon approval of a new conditional use application. Given the proposed use (Health Service Use) is principally permitted within the North Beach NCD, the proposed Project would bring the subject property closer to compliance with the Code. For additional information, refer to the Section 303(c) findings, which, explicitly address the use size findings as required per Code Section 178(e)(5).

- C. **Floor Area Ratio (Sections 124, 722).** Within the North Beach Neighborhood Commercial (NCD) Zoning District, Floor Area Ratio (FAR) for non-residential uses are limited to 1.8:1.

The subject property is developed with an existing one-story-plus-mezzanine-over-basement building containing 8,405 square feet of gross floor area. The subject lot size is 3,209 square feet, resulting in a Floor Area Ratio (FAR) of approximately 2.6, which, exceeds the FAR limit of 1.8 to 1 for the North Beach Neighborhood Commercial District. The proposed Project would utilize the existing commercial tenant space as a medical clinic (Health Service Use), with no expansion of the building envelope, and no increase in the amount of gross floor area. While the proposed Project would utilize an existing tenant space that exceeds the FAR limits of the Code for the subject Zoning District, the proposed Project is neither altering, enlarging, nor intensifying the existing non-conforming use size. As such, the proposed Project will not increase the degree of non-conformity of use size with regard to Floor Area Ratio.

- D. **Parking (Section 151.1).** Planning Code does not require off-street parking for projects located within the North Beach Neighborhood Commercial (NCD) Zoning District.

No off-street parking is proposed as part of the proposed Project.

- E. **Loading (Section 152).** Planning Code requires off-street loading for non-residential uses exceeding 10,000 gsf.

The proposed Project contains approximately 7,189 gsf of Health Service Use and approximately 765 square feet of independent retail uses, which is below the threshold for off-street loading requirements (10,000 gsf). Therefore, the Project is in compliance with Code Section 152.

- F. **Hours of Operation (Section 722).** Planning Code states that the principally permitted hours during which any commercial establishment, not including automated teller machines, may be open for business is from 6:00 a.m. – 2:00 a.m. whereas a Conditional Use Authorization is required for maintaining hours of operation from 2 a.m. to 6 a.m.

The proposed hours of operation for the proposed Health Service Use are from 8:30 a.m. – 5:00 p.m.; therefore the Project is compliant with the Code. The independent retail uses would be limited to the hours of operation as stipulated in Code Section 722 and described above.

- G. **Street Frontages in Residential-Commercial Districts (Section 145.1).** Planning Code Section 145.1 exists to preserve, enhance, and promote attractive, clearly defined street

frontages that are pedestrian-oriented, fine-grained, and which are appropriate and compatible with the buildings and uses in certain commercial districts. Active uses, as defined by the Code, are required within the first 25 feet of the building depth at ground floor, and the ground floor ceiling height shall be at least 14 feet in height, as measure from grade.

The Project proposes a Health Service Use (a Retail Sales and Service Use) on the subject property, with a ground floor height of 14 feet, as required by Code. In addition, the Project proposes two independently-operated commercial retail spaces along the Green Street frontage, to help activate the street frontage. Therefore the Project is in compliance with Code Section 145.1.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community. While the proposed use exceeds the non-residential use size limitations for the district in which the use is located, the proposed use is compliant with the Code, in that:

i. Intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-servicing uses in the area

The foreclosure of locations providing neighborhood-servicing uses in the area, as attributed to the proposed intensity of use at the subject property, is unlikely given that the subject property has been vacant since December of 2015. Rather, it is the closure of the existing use (Financial Service Use) at the subject property that has created unwanted blight within the North Beach Neighborhood Commercial District, thereby negatively affecting adjacent, neighborhood-servicing uses. The proposed Project would repurpose a vacant building, activate the commercial street frontages, and add a neighborhood-servicing use. Given the proposed Project is replacing a noncomplying use and replacing it with a principally permitted, Health Service Use, the Project would bring the subject property closer to compliance with the Code.

ii. Proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function

The proposed project would replace a noncomplying use (Financial Service Use) with a principally permitted use (Health Service Use). As the Project Sponsor required additional commercial tenant space to accommodate their operational needs, the subject property was targeted as a suitable location to relocate the NEMS Imaging Department from the main NEMS clinic (located 1520 Stockton Street, approximately 50 feet away from the subject property), without disrupting service to its North Beach patients.

iii. Building in which the use is to be located is designed in discrete elements which respect the scale of development in the district

The proposed scope of work, including minor exterior improvements (addition of a new door) and interior tenant improvements will not affect the building envelope, or the overall design of the existing structure.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- iv. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The size and shape of the site and the size, shape and arrangement of the building will not be altered as part of this project. The proposed work will not affect the building envelope.

- v. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Project will not affect public transit or overburden the existing supply of parking in the neighborhood. No off-street parking is included as part of the proposed Project and the area is already well-served by transit. The Project will attract patrons from both inside and outside of the neighborhood.

- vi. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The Project will not produce noxious or offensive emissions related to noise, glare and dust.

- vii. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

The Project would not alter the site's landscaping, open spaces, parking and loading areas, service areas or lighting. New signage will be required to comply with the requirements of the Planning Code.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan.

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

The proposed Project is consistent with the stated purpose of the North Beach Neighborhood Commercial District in that the intended use will provide a new, non-Formula Retail Use to the North

Beach neighborhood, which will also be neighborhood-serving and help to activate the subject storefront, adjacent sidewalk and surrounding neighborhood.

8. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The Project would help contribute to the vitality of the overall neighborhood by activating a highly-visible, ground floor commercial space located on a corner lot. Further, the Project Site is located within a Neighborhood Commercial District and the proposed use is consistent with activities in the underlying zoning district.

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

The proposal would activate a previously vacant space that was originally designed to function as an active retail frontage. Therefore, the proposed Health Service Use would utilize the subject ground-floor space, and additionally contains two independent retail spaces wrapping the Health Service Use, further helping to activate both street frontages (Green and Stockton Streets).

OBJECTIVE 6:

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

No commercial tenant would be displaced and the Project would not prevent the District from achieving optimal diversity in the types of goods and services available in the neighborhood. The proposal will provide the neighborhood with a new, non-Formula Retail Use.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 4:

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENTAL TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 4.13:

Improve pedestrian areas by providing human scale and interest.

The Project would help contribute to the vitality of the overall neighborhood by activating a highly-visible, ground floor commercial space located on a corner lot.

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The proposed Project would not displace any existing neighborhood-serving retail as the subject tenant space is currently vacant. The Project will provide new employment opportunities for residents of the neighborhood; and will expand upon the existing service provided by the Project Sponsor (NEMS) to patients residing within and outside of the North Beach neighborhood.

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The Project should benefit the residents of the surrounding neighborhood by providing a new Health Service Use within the ground-floor of the subject building. As the project activates a vacant, ground-floor commercial space, the proposed Project will support the cultural and economic diversity of the neighborhood.

- C. That the City's supply of affordable housing be preserved and enhanced,

The Project does not propose the elimination of any dwelling units; housing supply is unaffected.

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The proposed Project does not include any off-street parking as patrons are expected to arrive to the new Medical Service Use by foot or by taking transit. The project site is well-served by public transit (MUNI lines 8, 30, 39, 45 are all within one block of the subject property). Therefore, the Project will not significantly increase the amount of automobile traffic, overburden neighborhood parking, or impede MUNI transit service.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The proposed Project calls for minor, interior and exterior tenant improvements with no change to the building envelope. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

The subject building was constructed in 1963; and the Planning Department has listed the building as an "Category A" historic resource. While the Department has not determined if the subject building is an individual resource, or a contributor to an eligible district, the Department nonetheless evaluated the proposed scope of work as if the subject building were an historic resource. As such, the proposed tenant improvements, including minor exterior improvements (addition of a door), have been found to be consistent with the CEQA Checklist for Categorical Exemption (Class 1) Determinations.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

The project will have no negative impact on existing parks and open spaces.

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2017-001598CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated September 05, 2017, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 28, 2017.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: September 28, 2017

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a change of use of a nonconforming use and nonconforming use size within an existing building located at 580 Green Street, Lot 020A in Assessor's Block 0116, pursuant to Planning Code Sections 121.2, 178(e)(5), 180(c), 303, and 722, within the North Beach NCD Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated September 05, 2017, and stamped "EXHIBIT B" included in the docket for Case No. 2017-001598CUA and subject to conditions of approval reviewed and approved by the Commission on September 28, 2017 under Motion No. XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on September 28, 2017 under Motion No. XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXXX shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN – COMPLIANCE AT PLAN STAGE

6. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
7. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
8. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
9. **Noise.** Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
10. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
11. **Ground Floor Retail Space.** In order to support an active commercial storefront at the subject property, a ground floor space devoted to an active commercial retail use is required. The size of the commercial retail space shall be no less than 500 square feet in size, and the location of the commercial retail space shall be at the southwest corner of the building, with frontages along both Green and Stockton Streets.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

PARKING AND TRAFFIC

12. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

13. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
14. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

15. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>
16. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>
17. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of

the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org

For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org

For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, www.sf-police.org

18. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), www.baaqmd.gov and Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

19. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

20. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

21. **Hours of Operation.** The subject establishment is limited to the following hours of operation: 6:00 a.m. – 2:00 a.m. daily.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org



NORTH EAST MEDICAL SERVICES

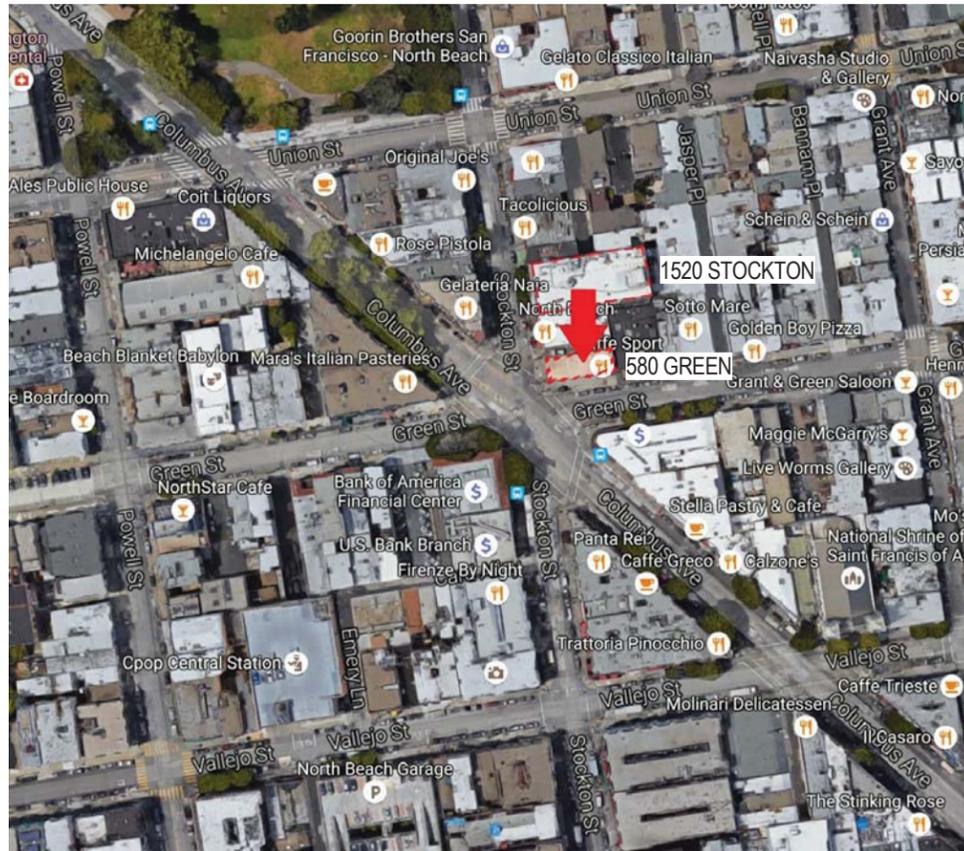
東北醫療中心

A non-profit healthcare provider, North East Medical Services (NEMS), is one of the largest community health center provider in the United States since 1968. In the North Beach/Chinatown neighborhoods of San Francisco, 15 percent of the population is living below the poverty line and more than 50 percent are underinsured and Asian. NEMS provides comprehensive health care services to a large population but offers services mainly utilized by those who are considered low-income or are uninsured. With a mission to "provide affordable, comprehensive, compassionate and quality health care services... to improve the health and well-being of our community" combined with strong values in accessibility and affordability by "providing health care and support services," North East Medical Services is seeking a place to house their Imaging Center.

Currently, NEMS exists at 1520 Stockton Street, just around the corner of the proposed building of expansion, at 580 Green Street. The project building is currently zoned under conditional use as a financial service and has been vacant since December of 2015. Considering there are existing 12 financial institutions within a two-block vicinity, a conditional use for a health service would prove not only a desirable choice to better the neighborhood, but also contribute to the creation of a healthier neighborhood and encourage more vibrant communities. Being at the hub of dense neighborhood supports the proposal of the NEMS expansion in the area, highly accessible by foot and different modes of transportation, including 11 Muni lines. The current growth of outpatient services require additional space, and locating the Imaging Center just around the block would increase accessibility and convenience. The proposed Imaging Center would provide a space for radiology, mammography, and ultrasonography services.

The proposal conforms to structural and seismic requirements of the San Francisco Building Code. While there would be renovations and improvements to the building interior, all changes meet latest SF Green Building Code and OSHPD 3 requirements and would have minimal impact on the neighborhood. A new elevator and a set of code compliant stairs connecting all levels would be included to increase accessibility. New mechanical and lighting systems would also be added to further enhance accessibility, offering improved and more energy efficient environments. The iconic vaulted ceilings of the building interior would also be preserved. No parking was provided previously and this will remain unchanged as most patients visit the clinic by foot or public transportation. No changes would be made to the building exterior, so the iconic landmark and thriving urban fabric would be kept intact.

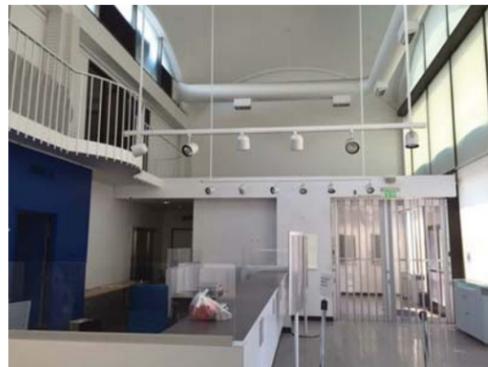
The allowance of the NEMS expansion to include an Imaging Center would not only enhance the livability of the area but would also create more job opportunities. This addition would increase neighborhood attractiveness while enhancing and supporting the Master Plan of the neighborhood and City of San Francisco. In addition to providing the neighborhood with additional health care services, this project would also propose a new parklet to activate the street and extend the sense of community from within the clinic outward to the sidewalk. Providing the neighborhood with additional space for health care services would not only preserve but improve the city's supply of affordable housing while building a more resilient community that promotes and welcomes.



VICINITY MAP



LOBBY INTERIOR VIEW - WEST



LOBBY INTERIOR VIEW - EAST



BASEMENT INTERIOR VIEW - WEST

NEMS IMAGING CENTER 580 GREEN STREET, SAN FRANCISCO

COVER SHEET

NORTH EAST MEDICAL CENTER

PROJECT NO: 21664-P-01

09/05/2017

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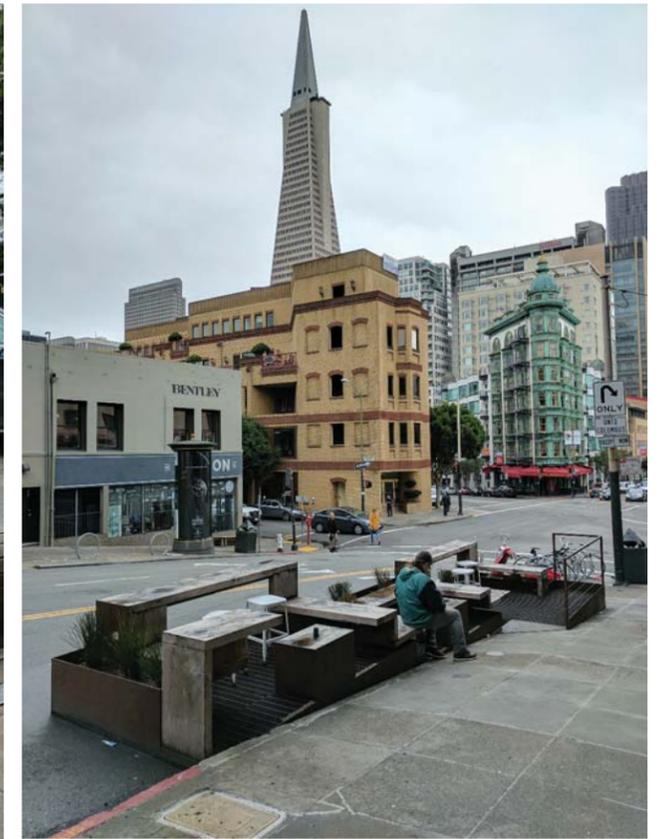
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DIAGRAM



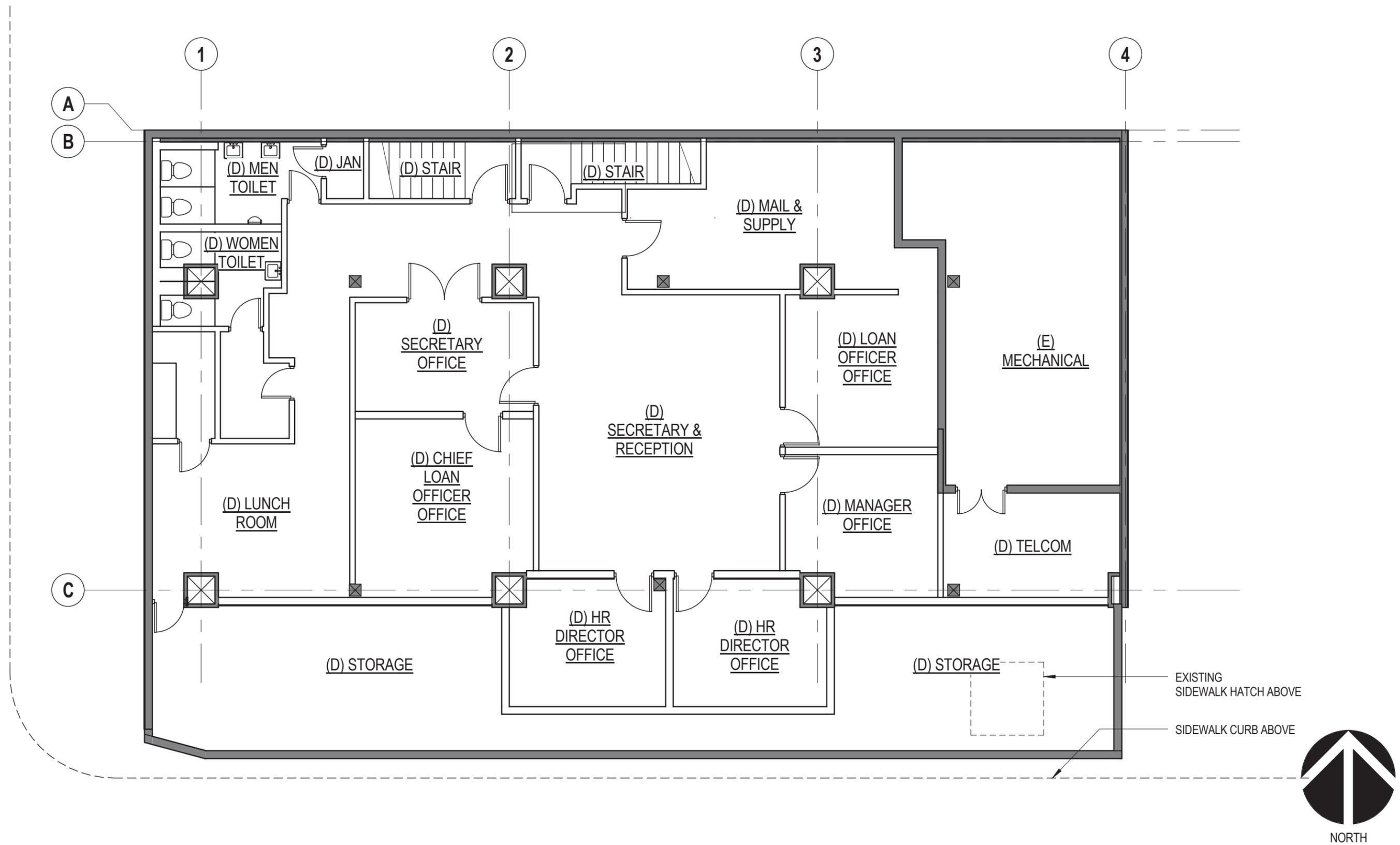
NEIGHBORHOOD PARKLETS (FOR REFERENCE ONLY)



PANORAMIC VIEW OF INTERSECTION

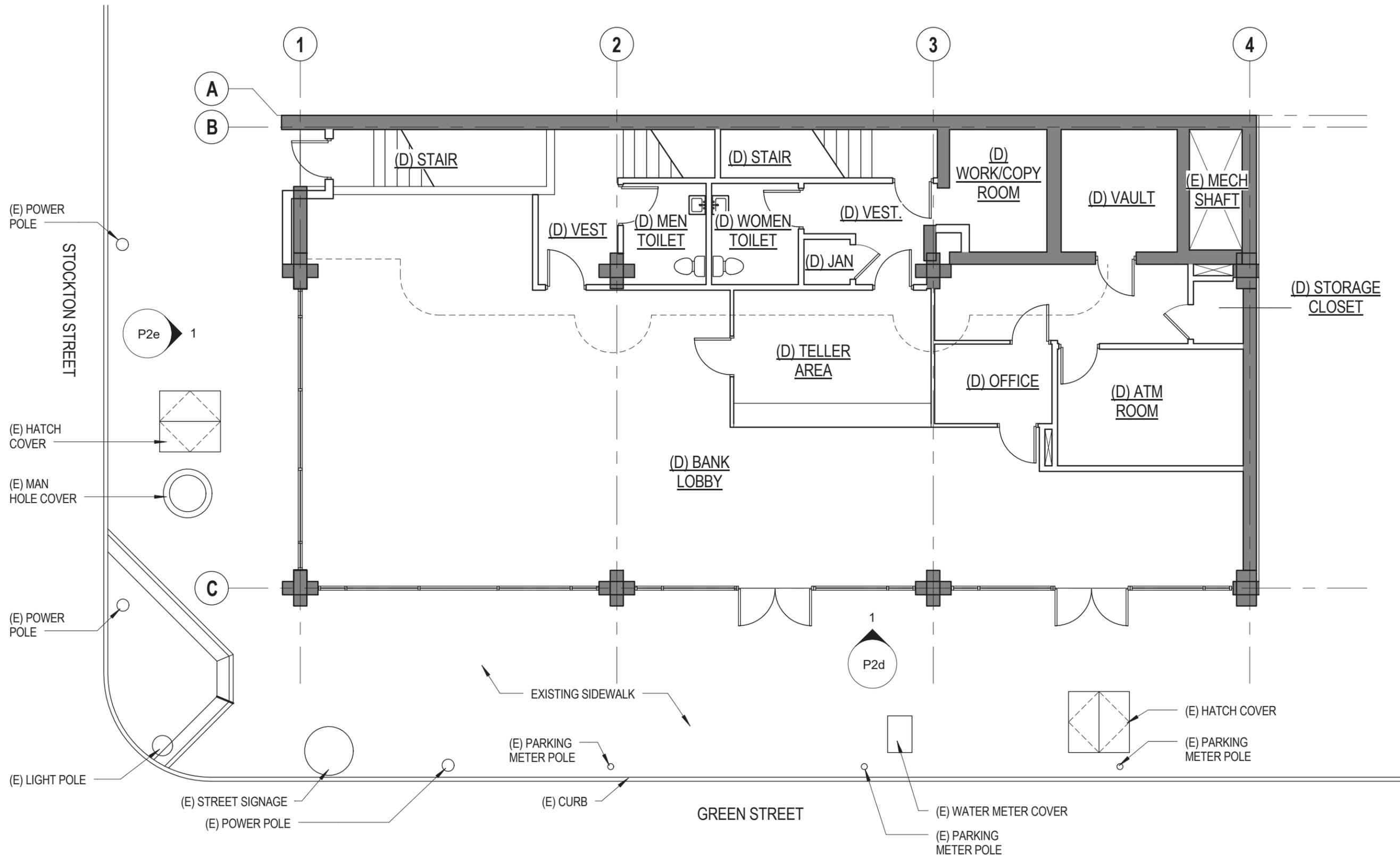
NEMS IMAGING CENTER 580 GREEN STREET, SAN FRANCISCO

PHOTOS



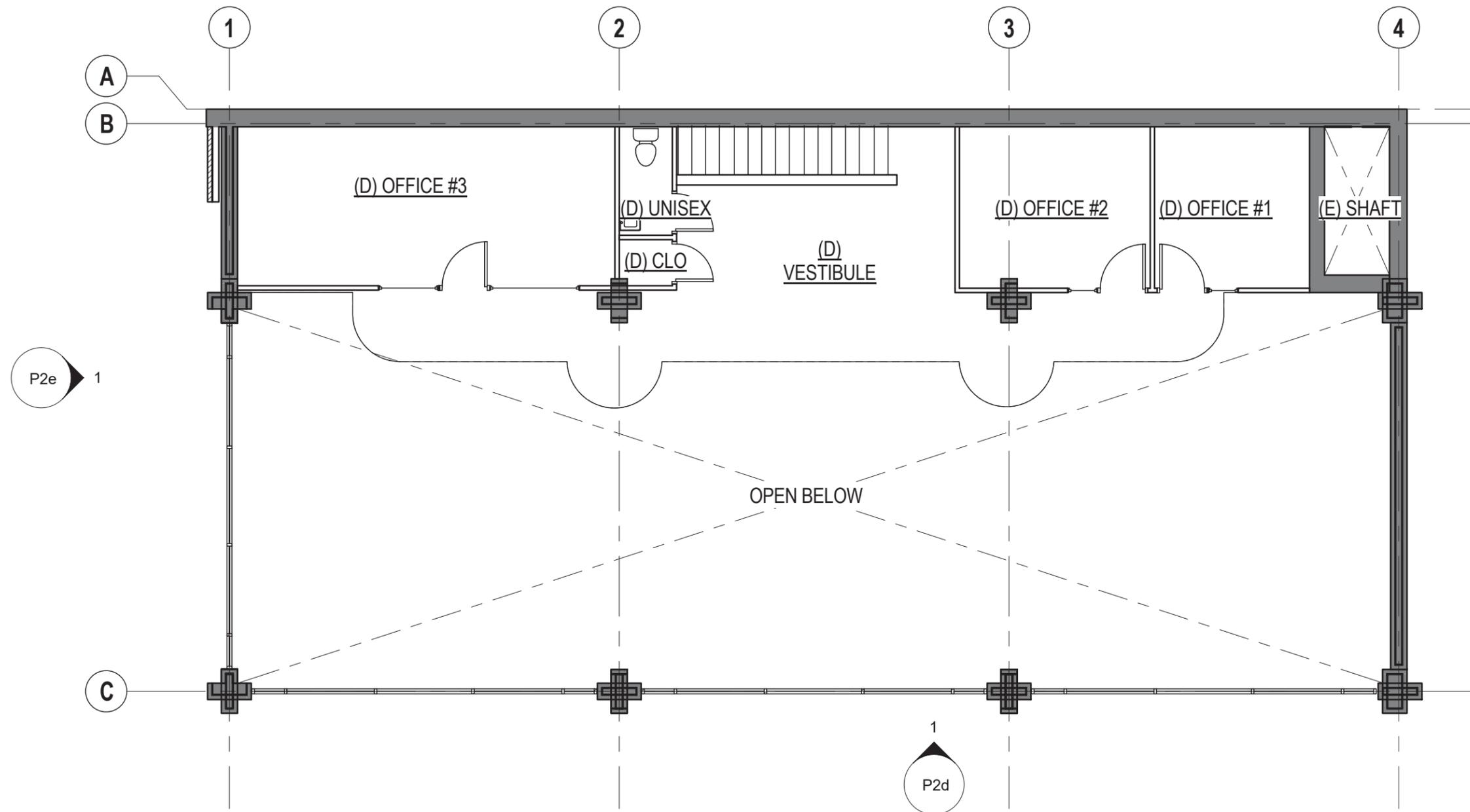
NEMS IMAGING CENTER 580 GREEN STREET, SAN FRANCISCO

EXISTING BASEMENT FLOOR PLAN



NEMS IMAGING CENTER 580 GREEN STREET, SAN FRANCISCO

EXISTING FIRST FLOOR PLAN



SCALE: 1/8" = 1'-0" NORTH

NEMS IMAGING CENTER 580 GREEN STREET, SAN FRANCISCO

EXISTING MEZZANINE FLOOR PLAN

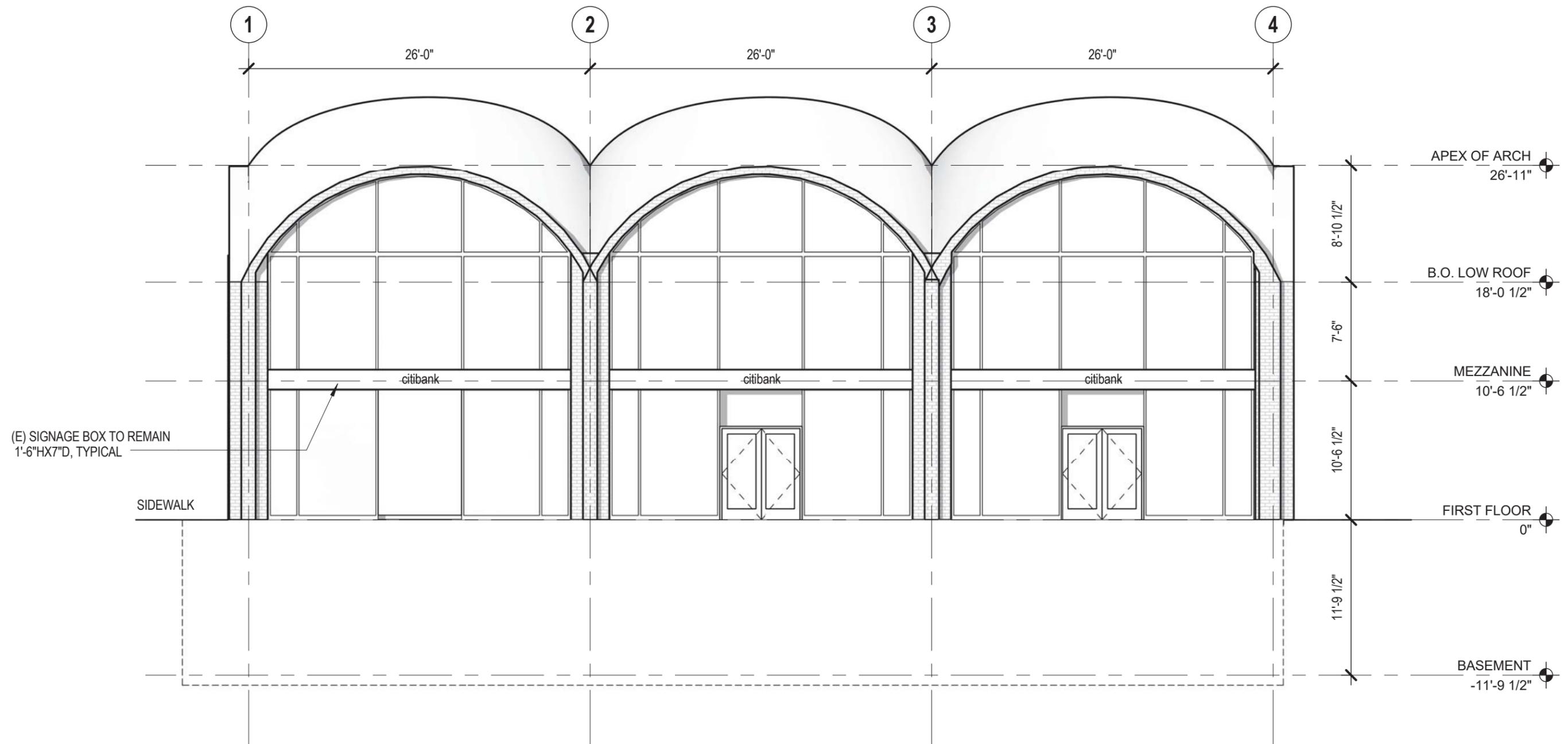
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EXISTING SOUTH ELEV AT GREEN ST

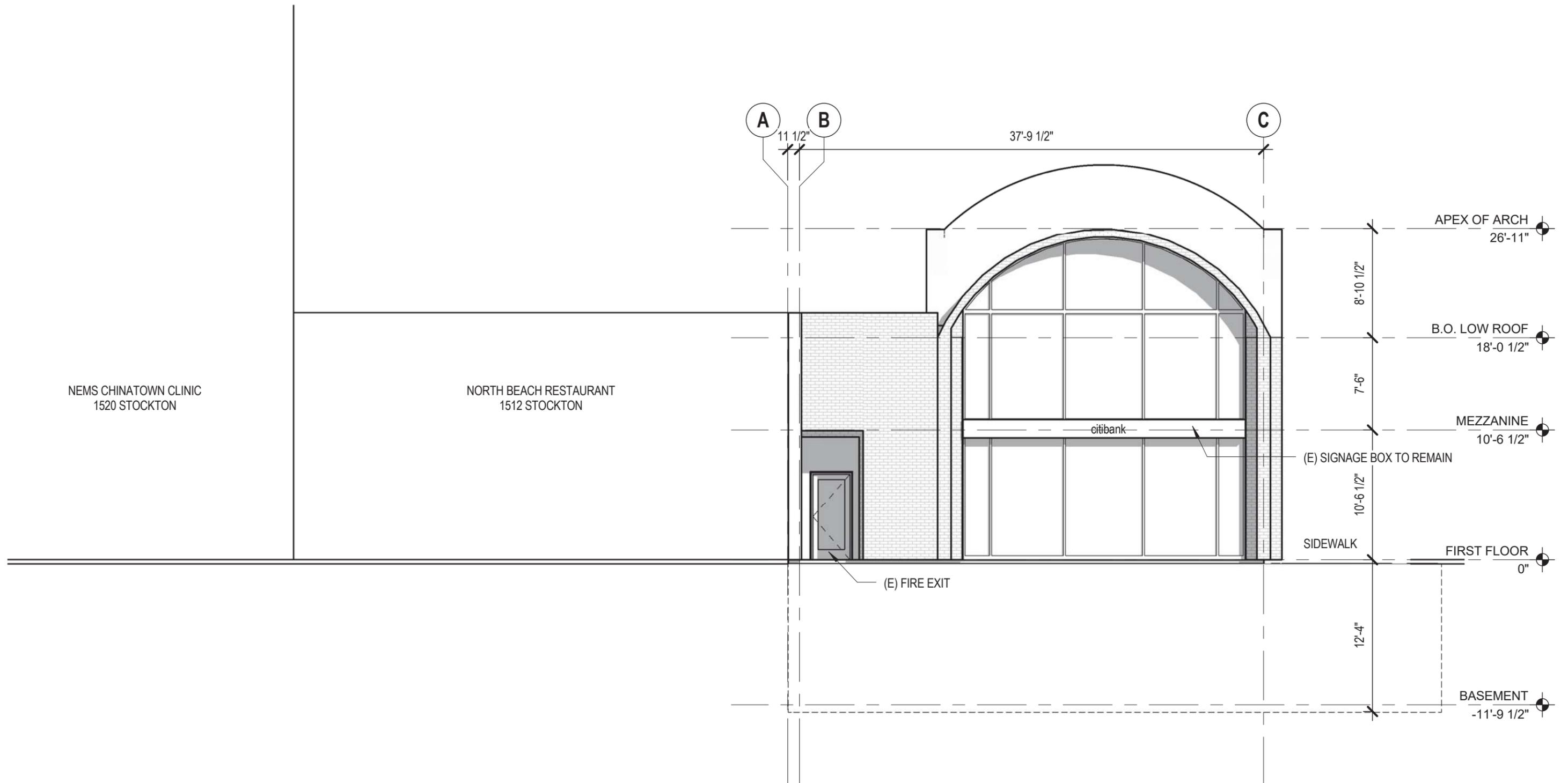
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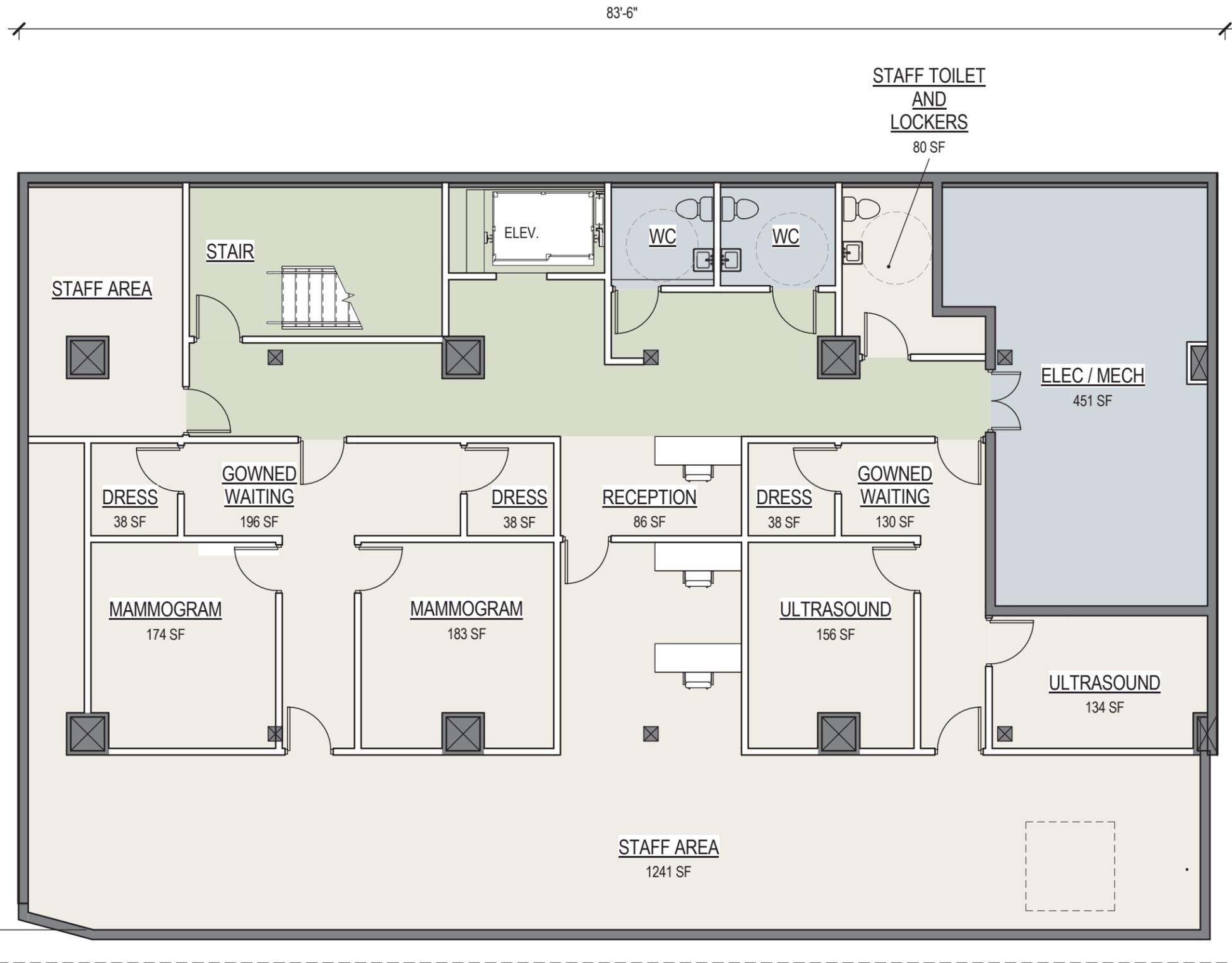
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NEMS IMAGING CENTER 580 GREEN STREET, SAN FRANCISCO **EXISTING WEST ELEV AT STOCKTON ST**



NEMS IMAGING CENTER 580 GREEN STREET, SAN FRANCISCO

PROPOSED BASEMENT PLAN

NORTH EAST
MEDICAL
CENTER

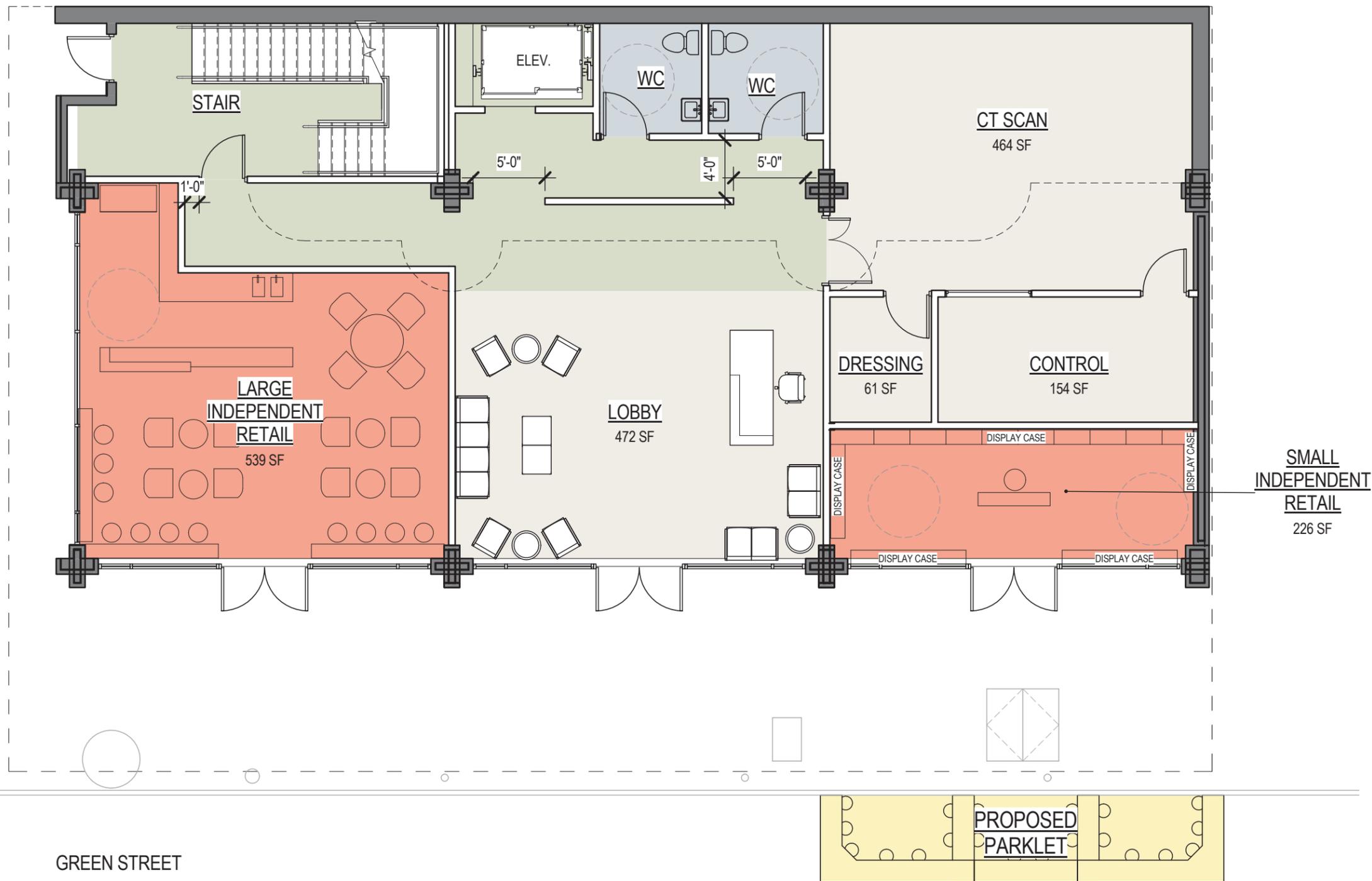
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STOCKTON STREET



GREEN STREET



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PROPOSED FIRST FLOOR PLAN

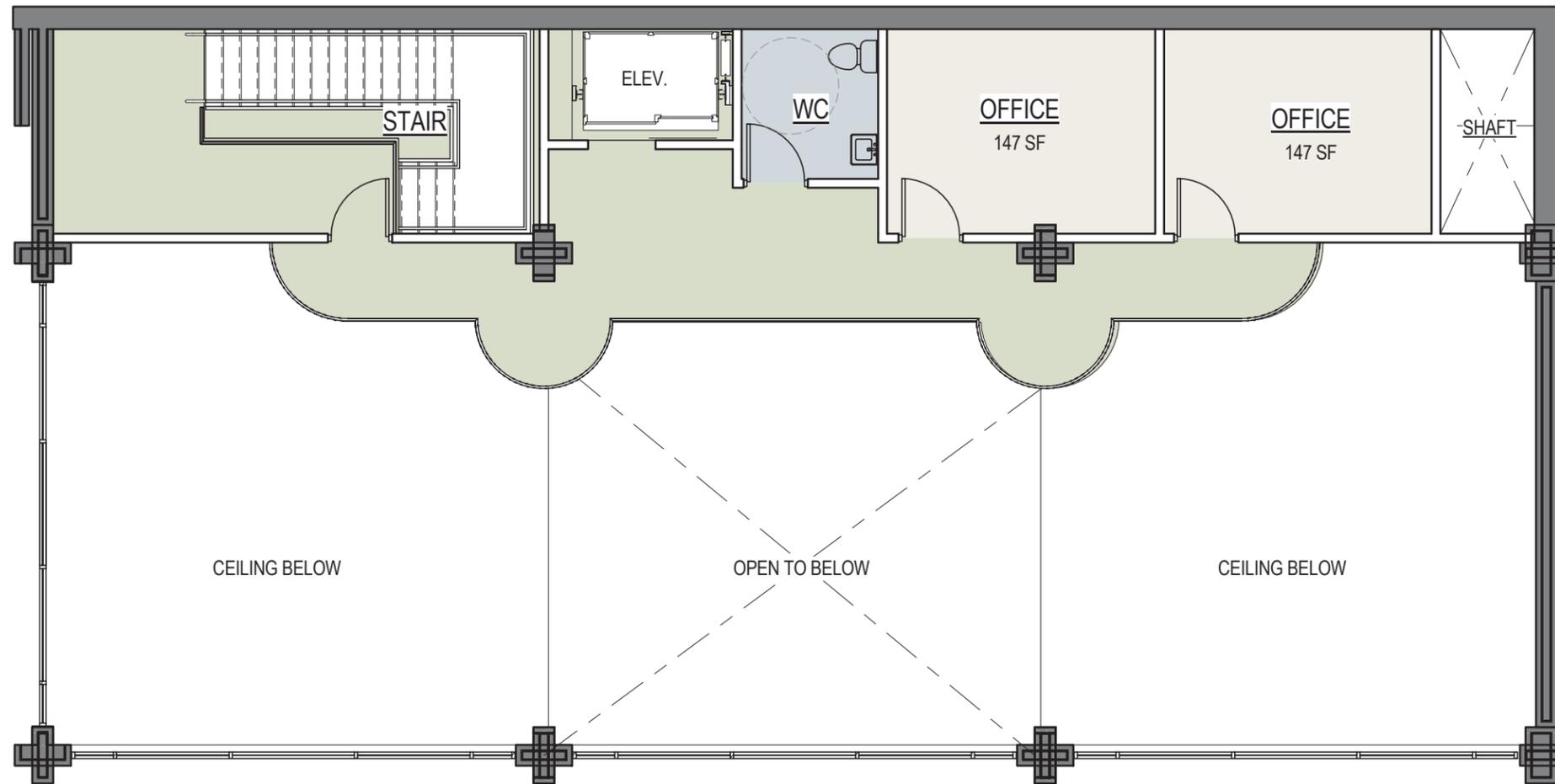
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SCALE: 1/8" = 1'-0" NORTH

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PROPOSED MEZZANINE FLOOR PLAN

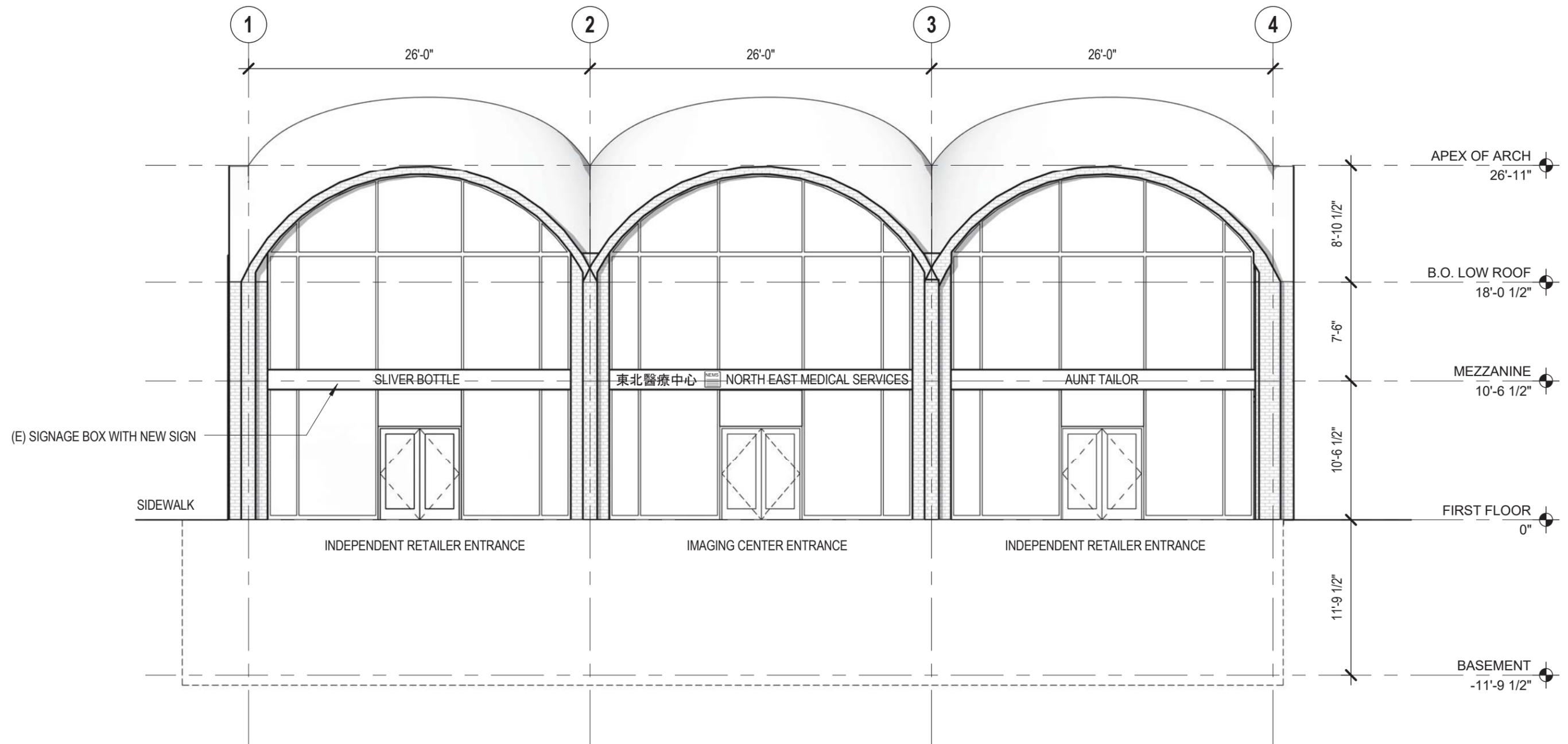
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SOUTH ELEVATION AT GREEN STREET

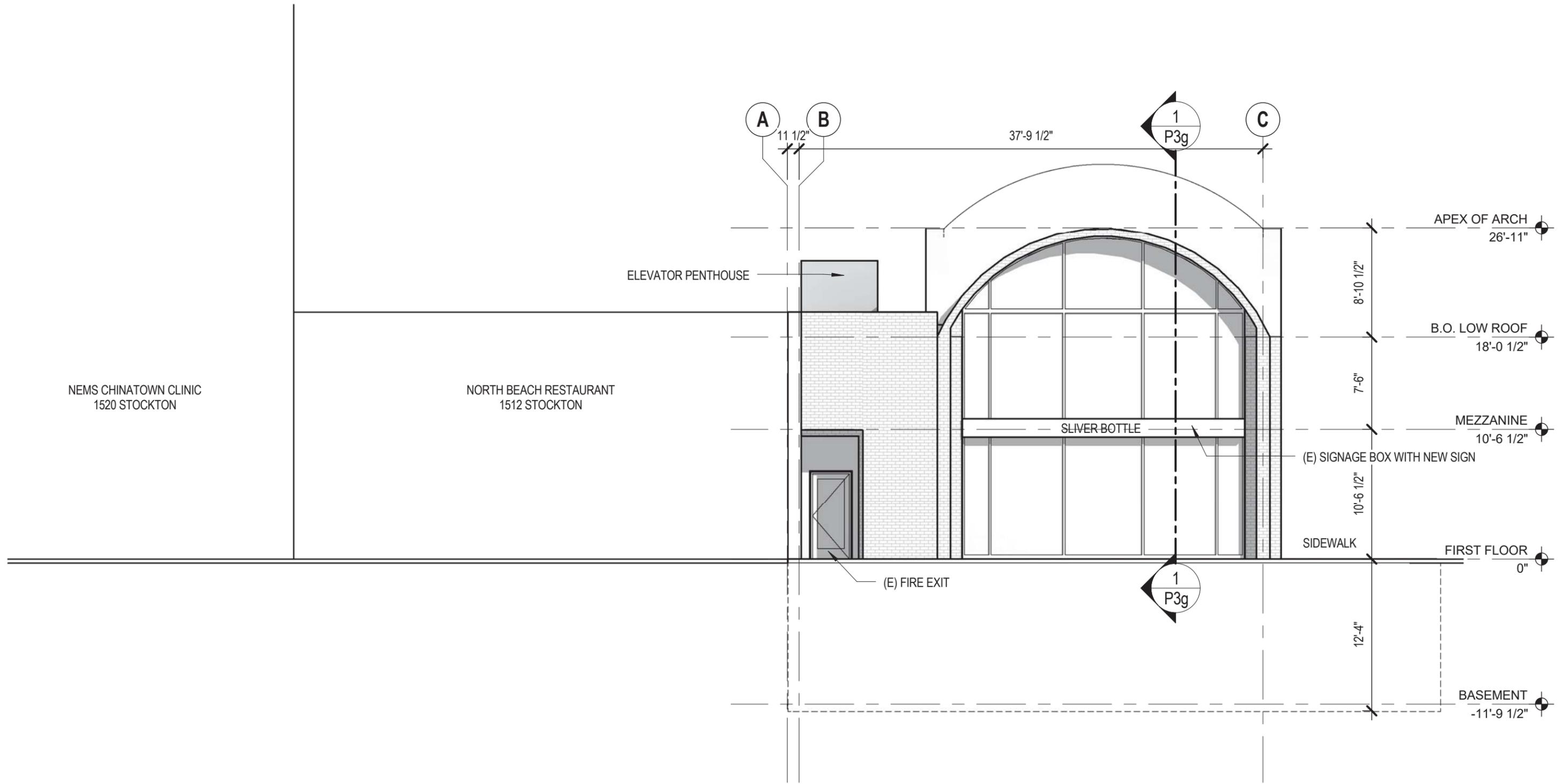
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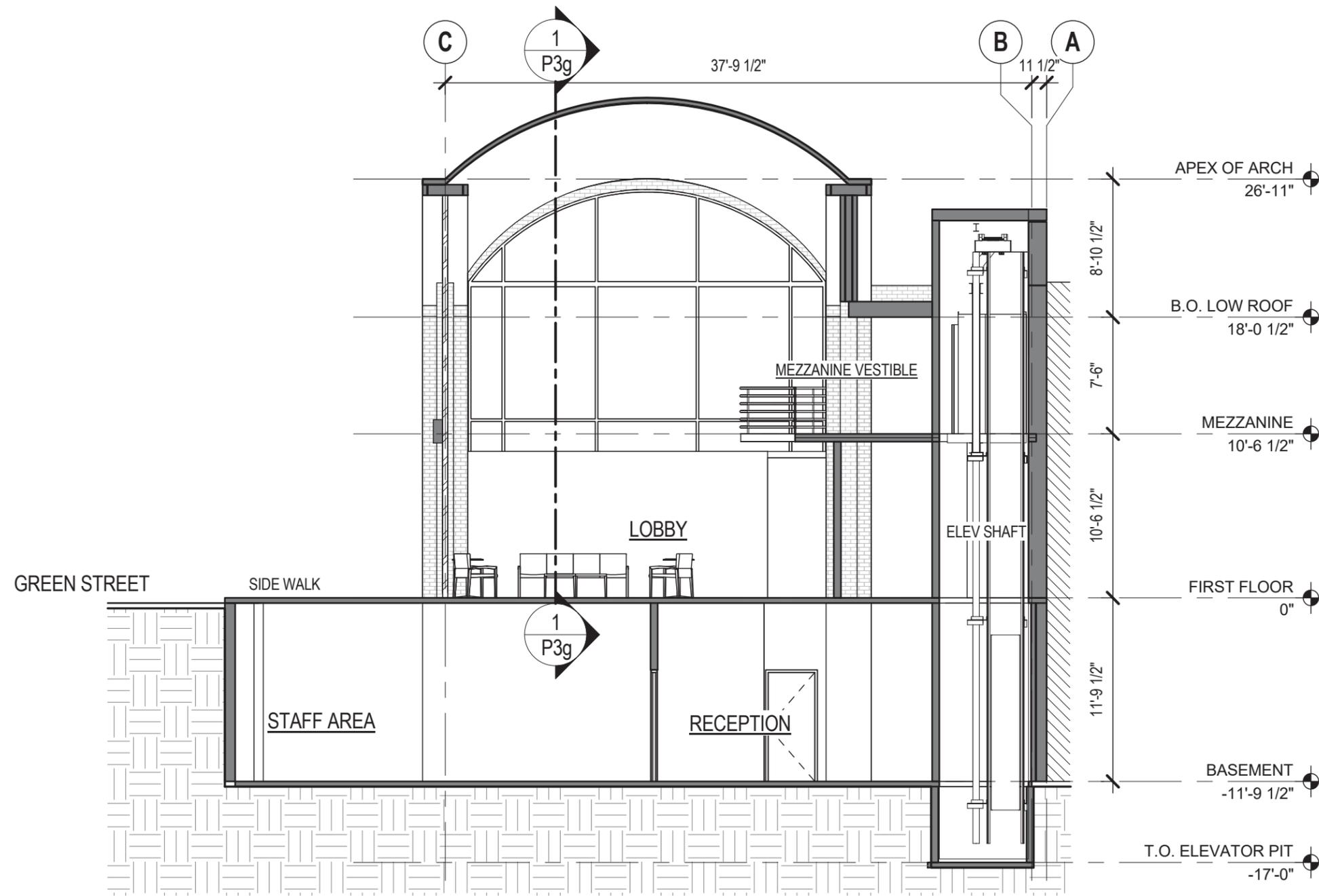
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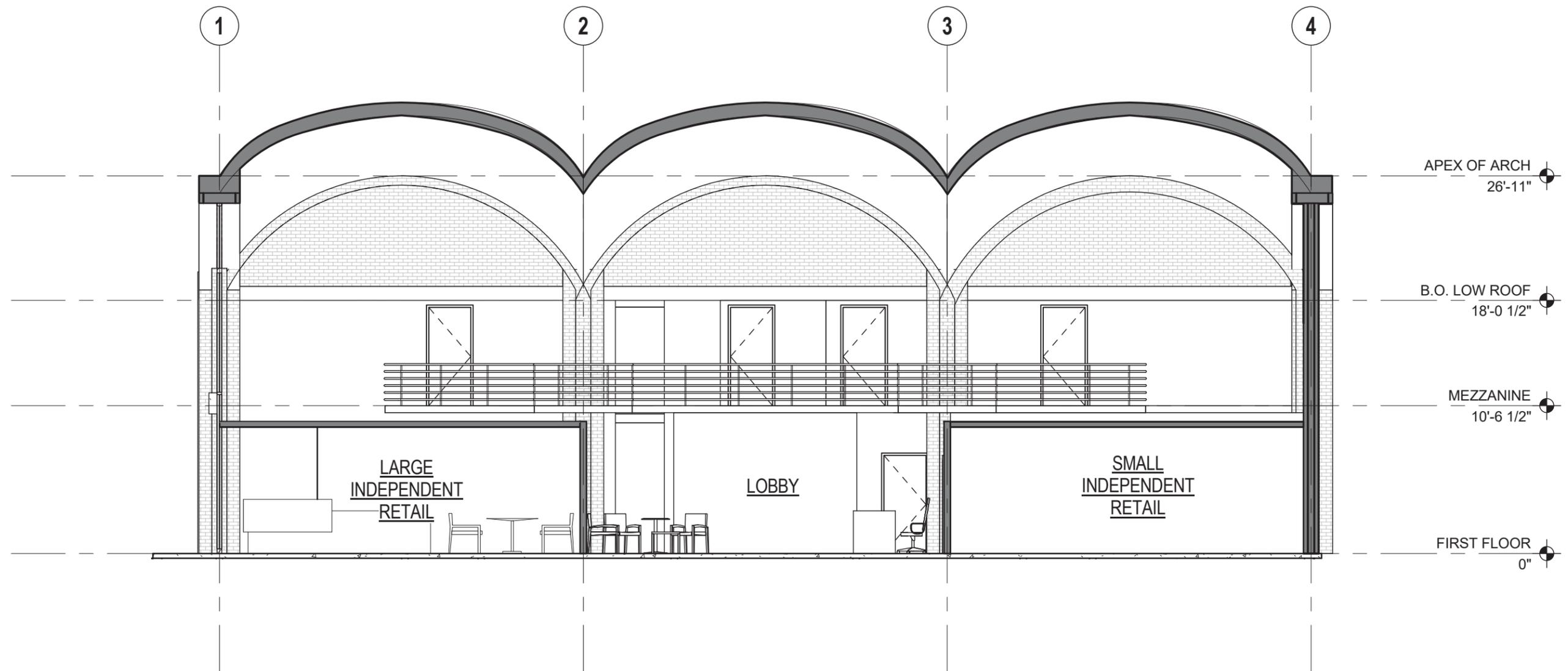


NEMS IMAGING CENTER 580 GREEN STREET, SAN FRANCISCO WEST ELEVATION AT STOCKTON STREET



NEMS IMAGING CENTER 580 GREEN STREET, SAN FRANCISCO

BUILDING SECTION



NEMS IMAGING CENTER 580 GREEN STREET, SAN FRANCISCO

BUILDING SECTION

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