



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: APRIL 13, 2017

Date: April 6, 2017
Case No.: 2016-009071CUA
Project Address: 1019-1033 Clement Street
Zoning: Inner Clement Street Neighborhood Commercial District
40-X Height and Bulk District
Block/Lot: 1443/040
Project Sponsor: Amy Bragg
MCG Architecture
250 Sutter Street, Suite 500
San Francisco, CA 94108
Staff Contact: Laura Ajello – (415) 575-9142
laura.ajello@sfgov.org
Recommendation: **Approval with Conditions**

1650 Mission St.
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Information:
415.558.6377

PROJECT DESCRIPTION

The project sponsor proposes to legalize a use size that exceeds 2,500 square feet of gross floor area with the merger of two commercial tenant spaces located at 1019 Clement Street (three stories including small mezzanine) and 1033 Clement Street (three stories) both currently occupied by a Medical Service use d.b.a. North East Medical Service. The two spaces will be joined via new interior connections on the ground floor. There is already a connection at the third floor. The Medical Service use occupies both entire buildings. No exterior changes are proposed. North East Medical Services (NEMS) is a federally funded, private, non-profit comprehensive health center servicing over 30,000 members throughout the Greater San Francisco Bay Area. NEMS is headquartered at 1520 Stockton Street with ten clinics throughout the Bay Area, including seven clinics in San Francisco.

Between the hours of 8:30 a.m. to noon and 1:00 p.m. to 5:00 p.m. Mondays through Fridays, NEMS offers comprehensive health care services and a pharmacy. Support services include: health education, nutrition, and social services. All of the staff are multi-lingual in several dialects of Chinese, English and several other Asian languages.

The proposed project creates an interior connection between the two existing commercial spaces, formerly used as two retail stores (d.b.a. Ace Hardware and Country Living). NEMS has occupied 1033 Clement Street and the third floor of 1019 Clement Street since 2012 and has occupied the rest of 1019 Clement Street since 2015. The merged tenant space totals 16,458 square feet of gross floor area over three stories. The health center provides health services for its primarily low income patients. The proposed interior connection will provide more convenient access for patients and staff to move between the medical clinic and pharmacy without having to leave the building.

SITE DESCRIPTION AND PRESENT USE

The project is located on the south side of Clement Street, between 11th and 12th Avenues, Block 1443, Lot 040. The subject property is located within the Inner Clement Street Neighborhood Commercial District ("NCD") and the 40-X Height and Bulk District. The property is developed with one three-story commercial building (1033 Clement Street) and one two-story building with a mezzanine (1019 Clement Street). Both buildings are currently fully occupied by NEMS. A pharmacy and medical clinic occupy the ground floor with accessory office space for accounting, billing and member services located on upper floors.

A September 9, 2008 Letter of Determination specified that the former non-conforming third floor retail use could be converted to office use, including medical office use. It was followed by Building Permit Application number 2008.11.03.5736 to convert the space to medical service use and alter the building facades. The permit was completed in 2011 and NEMS began operating at 1033 Clement in 2012 and later expanded into the space at 1019 Clement Street.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The area surrounding the project site is mixed-use in character. Lot widths vary. The subject block face consists of three wide lots; each of the adjacent blocks contains at least one wide lot with a single large residential or commercial building. A variety of commercial establishments are located within first story storefronts in the Inner Clement NCD, including restaurants, personal services, laundromats, grocery stores and various types of retailers. Buildings in the vicinity typically range from two- to four-stories in height. Upper floors of buildings are generally occupied by offices or residential units. The Inner Clement NCD is bounded by residential and mixed-uses in the surrounding RM-1 (Residential, Mixed) District. This district is in close proximity to another active linear commercial district on Geary Boulevard.

ENVIRONMENTAL REVIEW

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad*	20 days	March 23, 2017	March 1, 2017	42 days
Posted Notice	20 days	March 23, 2017	March 23, 2017	20 days
Mailed Notice	20 days	March 23, 2017	March 23, 2017	20 days

* The project was continued from the March 23 Planning Commission hearing.

PUBLIC COMMENT/COMMUNITY OUTREACH

- The Department received one letter in support of the proposal from the Clement Street Merchants Association. A copy of this letter has been included in the Commission packets.

ISSUES AND OTHER CONSIDERATIONS

- No commercial tenants will be displaced.
- The project is to legalize a use size that exceeds 2,500 square feet of gross floor area with the merger of two separate commercial tenant spaces located at 1019 Clement Street and 1033 Clement Street.
- The project site is well-served by public transit lines. Metered parking spaces are available on the streets. Two public parking lots run by SFMTA are also located within a quarter mile of the site.
- A September 9, 2008 Letter of Determination specified that the non-conforming third floor retail use could be converted to office use, including medical office use. It was followed by Building Permit Application number 2008.11.03.5736 to convert the ground floor at 1033 Clement Street and upper floors of both spaces to medical service use and alter the building facades.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to legalize a use size that exceeds 2,500 square feet within the Inner Clement Street NCD, pursuant to Planning Code Section 716.21.

BASIS FOR RECOMMENDATION

- The project promotes the continued operation of an established medical use that contributes to the viability of the overall Inner Clement Street NCD.
- The project would not displace an existing retail tenant.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.

RECOMMENDATION:	Approval with Conditions
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Attachments:

Block Book Map

Sanborn Map

Aerial Photographs

Letter of Determination dated September 9, 2008

Public Comment

Project Sponsor Submittal, including:

- Photographs
- Reduced Plans

Attachment Checklist

- | | |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input checked="" type="checkbox"/> Context Photos | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> RF Report |
| | <input type="checkbox"/> Community Meeting Notice |
| | <input type="checkbox"/> Housing Documents |
| | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |

Exhibits above marked with an "X" are included in this packet

LMA _____
Planner's Initials

KG: G:\Cases\2016-009071CUA - 1019 Clement\4-13 PC continuance\ExecutiveSummary.doc



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

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Planning Commission Draft Motion

HEARING DATE: APRIL 13, 2017

Date: April 6, 2017
Case No.: **2016-009071CUA**
Project Address: **1019-1033 CLEMENT STREET**
Zoning: Inner Clement Street Neighborhood Commercial District
40-X Height and Bulk District
Block/Lot: 1443/040
Project Sponsor: Amy Bragg
MCG Architecture
250 Sutter Street, Suite 500
San Francisco, CA 94108
Staff Contact: Laura Ajello – (415) 575-9142
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 716.21 OF THE PLANNING CODE TO LEGALIZE A USE SIZE THAT EXCEEDS 2,500 SQUARE FEET OF GROSS FLOOR AREA WITH THE MERGER OF TWO SEPARATE COMMERCIAL TENANT SPACES (CURRENTLY OCCUPIED BY A MEDICAL USE D.B.A. NORTH EAST MEDICAL SERVICES) LOCATED WITHIN THE INNER CLEMENT NEIGHBORHOOD COMMERCIAL DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On July 13, 2016 Young Wong (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section) 716.21 to legalize a use size that exceeds 2,500 square feet of gross floor area with the merger of two separate commercial tenant spaces (currently occupied by a Medical Use d.b.a. North East Medical Services) within the Inner Clement Street Neighborhood Commercial District and a 40-X Height and Bulk District.

On April 13, 2017, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2016-009071CUA.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.

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. **2016-009071CUA**, 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 project is located on the south side of Clement Street, between 11th and 12th Avenues, Block 1443, Lot 040. The subject property is located within the Inner Clement Street Neighborhood Commercial District ("NCD") and the 40-X Height and Bulk District. The property is developed with one three-story commercial building (1033 Clement Street) and one two-story building with a mezzanine (1019 Clement Street). Both buildings are currently fully occupied by NEMS. A pharmacy and medical clinic occupy the ground floor with accessory office space for accounting, billing and member services located on upper floors.

A September 9, 2008 Letter of Determination specified that the former non-conforming third floor retail use could be converted to office use, including medical office use. It was followed by Building Permit Application number 2008.11.03.5736 to convert the space to medical service use and alter the building facades. The permit was completed in 2011 and NEMS began operating at 1033 Clement in 2012 and later expanded into the space at 1019 Clement Street.

3. **Surrounding Properties and Neighborhood.** The area surrounding the project site is mixed-use in character. Lot widths vary. The subject block face consists of three wide lots; each of the adjacent blocks contains at least one wide lot with a single large residential or commercial building. A variety of commercial establishments are located within first story storefronts in the Inner Clement NCD, including restaurants, personal services, laundromats, grocery stores and various types of retailers. Buildings in the vicinity typically range from two- to four-stories in height. Upper floors of buildings are generally occupied by offices or residential units. The Inner Clement NCD is bounded by residential and mixed-uses in the surrounding RM-1 (Residential, Mixed) District. This district is in close proximity to another active linear commercial district on Geary Boulevard.
4. **Project Description** The project sponsor proposes to legalize a use size that exceeds 2,500 square feet of gross floor area with the merger of two commercial tenant spaces located at

1019 Clement Street (three stories including small mezzanine) and 1033 Clement Street (three stories) both currently occupied by a Medical Service use d.b.a. North East Medical Service. The two spaces will be joined via new interior connections on the ground floor. There is already a connection at the third floor. The Medical Service use occupies both entire buildings. No exterior changes are proposed. North East Medical Services (NEMS) is a federally funded, private, non-profit comprehensive health center servicing over 30,000 members throughout the Greater San Francisco Bay Area. NEMS is headquartered at 1520 Stockton Street with ten clinics throughout the Bay Area, including seven clinics in San Francisco.

Between the hours of 8:30 a.m. to noon and 1:00 p.m. to 5:00 p.m. Mondays through Fridays, NEMS offers comprehensive health care services and a pharmacy. Support services include: health education, nutrition, and social services. All of the staff are multi-lingual in several dialects of Chinese, English and several other Asian languages.

The proposed project creates an interior connection between the two existing commercial spaces, formerly used as two retail stores (d.b.a. Ace Hardware and Country Living). NEMS has occupied 1033 Clement Street and the third floor of 1019 Clement Street since 2012 and has occupied the rest of 1019 Clement Street since 2015. The merged tenant space totals 16,458 square feet of gross floor area over three stories. The health center provides health services for its primarily low income patients. The proposed interior connection will provide more convenient access for patients and staff to move between the medical clinic and pharmacy without having to leave the building.

5. **Public Comment.** The Department received one letter in support of the proposal from the Clement Street Merchants Association. A copy of this letter has been included in the Commission packets.
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 Size (non-residential).** Planning Code Section 716.21 states that a Conditional Use Authorization is required for uses 2,500 square feet and above, as defined by Planning Code Sections 121.1 and 790.56.

The proposal requires Conditional Use authorization under Planning Code Section 716.21 to legalize a use size that exceeds 2,500 square feet of floor area with the merger of commercial tenant spaces 1019 and 1033 Clement Street. Both buildings are currently in use by North East Medical Services. The proposed project will create internal connections between the two buildings on the ground floor. The total combined use size is 16,458 square feet of gross floor area.

- B. **Medical Service Use.** Planning Code Section 716.51 states that Medical Uses, as defined by Planning Code Section 790.114 are permitted on the ground floor, permitted with Conditional Use Authorization on the second floor and not permitted on the third floor.

C. *The use of the second and third floors for medical office use was determined to be permitted by the Zoning Administrator in a Letter of Determination dated September 9, 2008. This letter is included as Exhibit "C." Following the issuance of the Letter of Determination, Building Permit Applications were submitted and approved to convert the third floor of 1019 and the entire building at 1033 Clement Street from retail use to office use, including medical office use.*

D. **Hours of Operation.** Planning Code Section 716.27 states that commercial hours of operation from 6 a.m. to 2 a.m., are allowed as-of-right. Conditional Use Authorization is required for maintaining hours of operation from 2 a.m. to 6 a.m.

The current hours of operation for North East Medical Services (8:30AM to noon and 1:00 PM to 5:00PM Mondays through Fridays) are within permitted hours of operation.

E. **Parking.** Planning Section 151 of the Planning Code requires off-street parking for every 300 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square-feet.

The proposed Project contains approximately 12,848 square feet of occupied floor area, which would require 43 off-street parking spaces. The Project is eligible for a credit of 26 spaces, carried forward from the former retail uses that also did not provide parking, resulting in a total of 17 required off-street parking spaces. No off-street parking is proposed as the site does not allow for the addition of parking.

F. **Bicycle Parking.** Planning Section Pursuant to Planning Code Sections 155.1 and 155.4, the Project shall provide no fewer than three (3) Class 1 and two (2) Class 2 bicycle parking spaces.

A bicycle storage room with three Class 1 parking spaces will be added on the ground floor of the project site (see attached plans). Two Class 2 on-street bicycle parking racks (with space for four bicycles) were previously installed in the public right-of-way in front of the project site.

G. **Off-Street Parking Reduction.** Planning Code Section 307(i) allows a reduction in the parking requirement in NC districts if certain criteria are met. The Zoning Administrator shall consider the criteria set forth below and may reduce off-street parking requirements if they find that:

(a) The reduction in the parking requirement is justified by the reasonable anticipated auto usage by residents of and visitors to the Project.

The proposed project cannot accommodate off-street parking spaces. The subject buildings were built circa 1919, prior to the Planning Code requirement for off-street parking for commercial uses. Previously neither of the existing retail spaces, separately, had provided any off-street parking. There is adequate on-street parking in the neighborhood and two small public parking lots nearby. The proposed project is primarily intended to serve the immediate neighborhood.

(b) The reduction in the parking requirement will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity.

Eliminating the Project's parking requirement would not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity. There are many modes of transport available to residents other than private automobile, and eliminating the parking requirement will encourage residents to take advantage of these existing modes of transportation, such as public transit, biking, and walking. The area is well served by public transit. Several Muni Lines (1-California, 1BX-California, 2-Clement, 28-19th Avenue, 28R-19th Avenue, 38BX-Geary, 38R-Geary and 38R-Geary) are in close proximity to the Project Site.

- H. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

The subject commercial space has approximately 95 feet of frontage on Clement Street with approximately 73% is fenestrated with transparent windows and doorways allowing for visibility to the inside of the building. There are no changes proposed to the commercial frontage.

- I. **Loading.** Section 152 requires off-street freight loading for uses above a certain size. Medical and other uses up to 100,000 square feet in gross floor area are not required to provide off-street freight loading.

Loading spaces are typically not required for uses that are not primarily engaged in the handling of goods. The project is less than 100,000 square feet in gross floor area and is therefore not required to provide off-street freight loading.

- J. **Signage.** Signage is subject to the review and approval of the Planning Department per Article 6 of the Planning Code.

The existing medical use has signage that was subject to the review and approval of the Planning Department.

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.

The project is an existing medical use that occupies two buildings on one large lot and no exterior alterations or building expansion are proposed. Proposed interior connections between the two buildings will connect the two spaces.

The continuation of the medical service use is compatible with the surrounding commercial and residential uses. The project will allow NEMS to continue to serve the Inner Clement neighborhood, as well as the surrounding neighborhoods, which are readily accessible by transit. Additionally, the continued use is desirable because it provides much needed services for its primarily low income patients. Legalization of the use size will not affect or parking. The medical use is open to the general public, including walk-ins, and its primary care physician services will accept most public and private insurance plans.

- 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:

- i. 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. The existing buildings were previously modified with permits.

Continuation of the medical service use is compatible with the adjacent residential and commercial uses. The project will continue to provide health and welfare for persons residing in this neighborhood.

- ii. 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. Clement Street has traditionally served as a pedestrian-oriented shopping street providing retail goods and services to the Inner Richmond community. The project site is well-served by public transit and existing street parking. Several MUNI transit lines run directly in front of near the site. Transit lines serving the site area include the 1-California, 1BX-California, 2-Clement, 28-19th Avenue, 28R-19th Avenue, 38BX-Geary, 38R-Geary and 38R-Geary. The site has four Class 2 bicycle parking spaces on the public right-of-way.

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

The Project is an existing health center with a pharmacy and medical clinic, which will not produce noxious or offensive emissions related to noise, glare and dust.

- iv. 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. There are no plans to alter the existing signage.

- 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 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 Inner Clement NCD provides a wide selection of convenience goods and services for the residents of the Inner Richmond neighborhood. The project is consistent with the stated purpose of the Inner Clement NCD in that the use provides a compatible service use for the immediately surrounding neighborhoods during daytime hours.

- 8. **Planning Code Section 121.2 Use Size Limits** establishes additional 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 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-serving uses in the area.

The project is an existing medical use that occupies two buildings on one lot and no exterior alterations or building expansion are proposed. Proposed interior connections between the two buildings will not change the intensity of activity in the district or cause the foreclosure of other neighborhood-serving uses in the area.

- B. The 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 project is an existing medical use that operates a non-profit health center that currently serves the neighborhood from two adjacent but separate buildings. The proposed interior connection between the two buildings will help facilitate operations between these two services.

- C. The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

The two buildings at the project site appear to be one from the street and match the scale of the immediate neighborhood. The subject block consists of two additional wide lots developed with single buildings. Each of the adjacent surrounding blocks have one wide lot developed with a large building.

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

NEIGHBORHOOD COMMERCE

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 development would continue to provide desirable goods and services to the neighborhood and provides resident employment opportunities to those in the community. Legalization of the use size will not result in undesirable consequences. Further, the project site is located within a Neighborhood Commercial District that runs along a heavily trafficked thoroughfare and is thus consistent with activities in the commercial land use plan.

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 Project will retain an existing commercial activity and will enhance the diverse economic base of the City.

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.

10. **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 project will continue to provide the neighborhood with medical services, which include a clinic and pharmacy.

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 would have no effect on housing; no housing is removed for this Project.

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

No housing is removed for this Project.

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

The Project would not adversely affect public transit or place a burden on the existing supply of parking in the neighborhood. The site is well served by transit. Several MUNI transit lines run directly in front or near the site. Transit lines serving the site area include the 1-California, 1BX-California, 2-Clement, 28-19th Avenue, 28R-19th Avenue, 38BX-Geary, 38R-Geary and 38R-Geary.

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 Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site.

- 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. The Project does not have an impact on open spaces.

11. 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.
12. 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. 2016-009071CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated November 29, 2016, 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 April 13, 2017.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: April 13, 2017

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to legalize a use size that exceeds 2,500 square feet of floor area with the merger of two separate commercial buildings (d.b.a. North East Medical Services) located at 1019-1033 Clement Street, Assessor's Block 1443, and Lot 040 pursuant to Planning Code Sections 303 and 716.21 within the Inner Clement Street Neighborhood Commercial District and a 40-X Height and Bulk District; in general conformance with plans, dated **November 29, 2016**, and stamped "EXHIBIT B" included in the docket for Case No. **2016-009071CUA** and subject to conditions of approval reviewed and approved by the Commission on **April 13, 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 April 13, 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

PARKING

6. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1 and 155.4, the Project shall provide no fewer than three (3) Class 1 bicycle parking spaces.

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

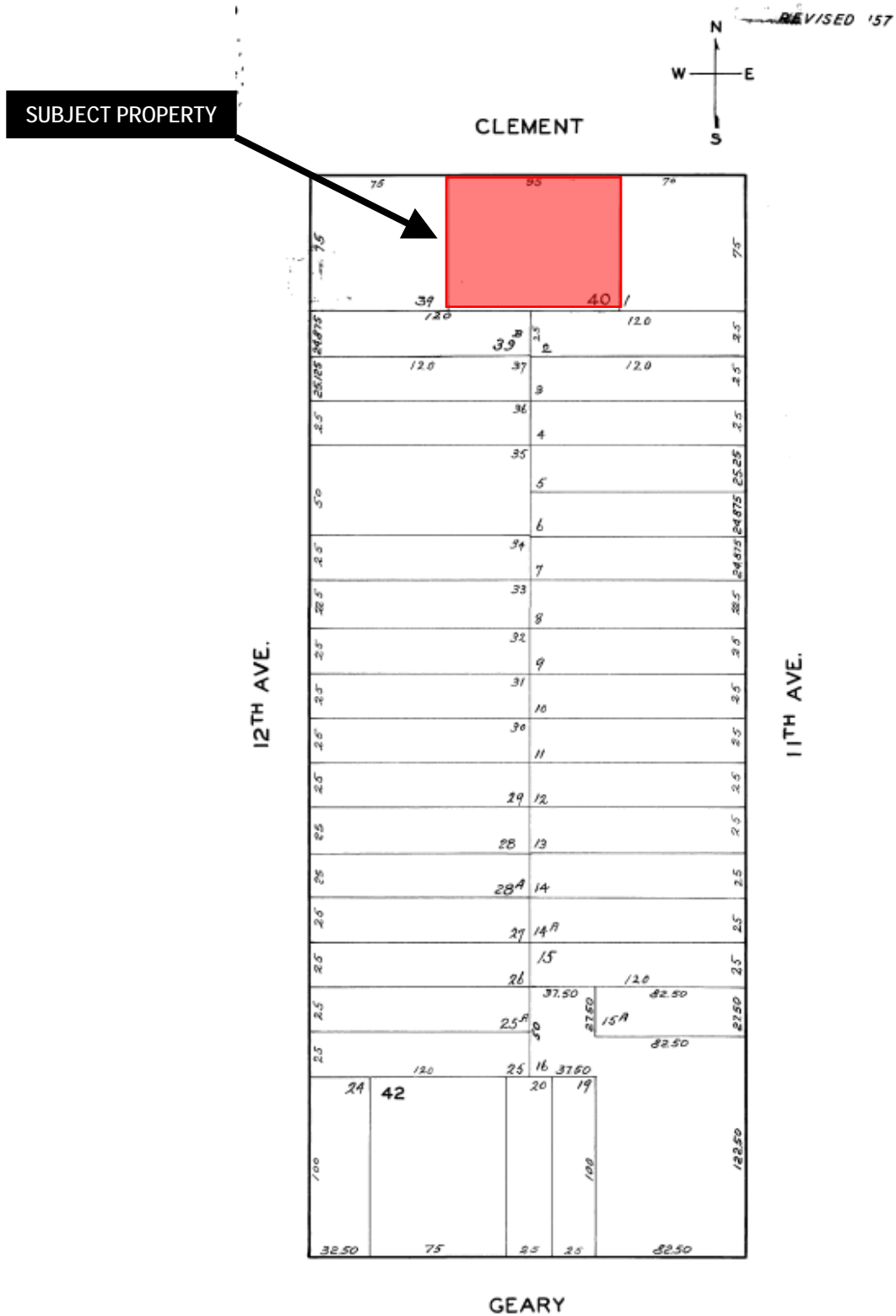
MONITORING - AFTER ENTITLEMENT

7. **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
8. **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

9. **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>
10. **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/>
11. **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

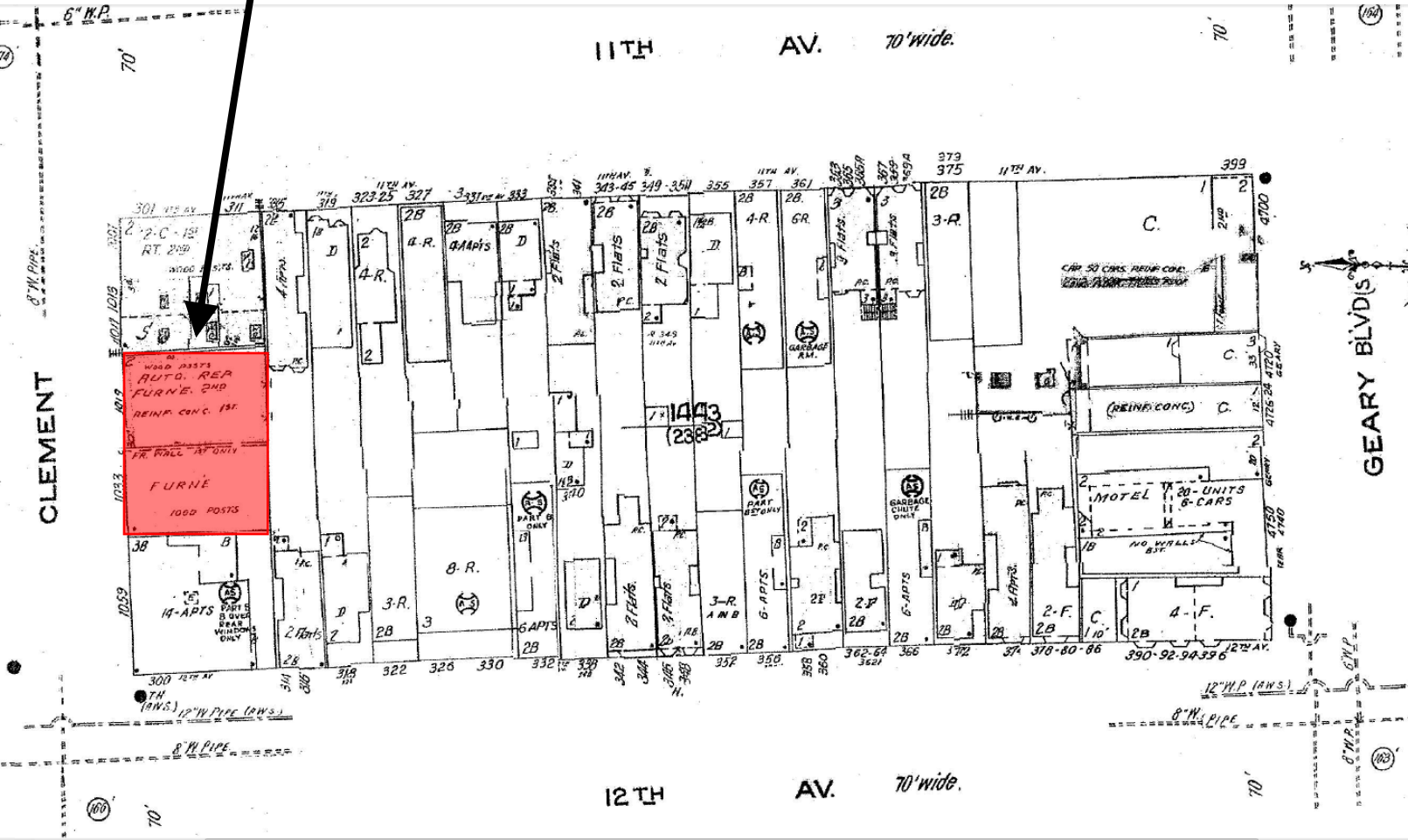
Parcel Map



Conditional Use Authorization Hearing
Case Number 2016-009071CUA
 NEMS – North East Medical Services
 1019-1033 Clement Street

Sanborn Map*

SUBJECT PROPERTY



*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Authorization Hearing
Case Number 2016-009071CUA
NEMS – North East Medical Services
1019-1033 Clement Street

Aerial Photo

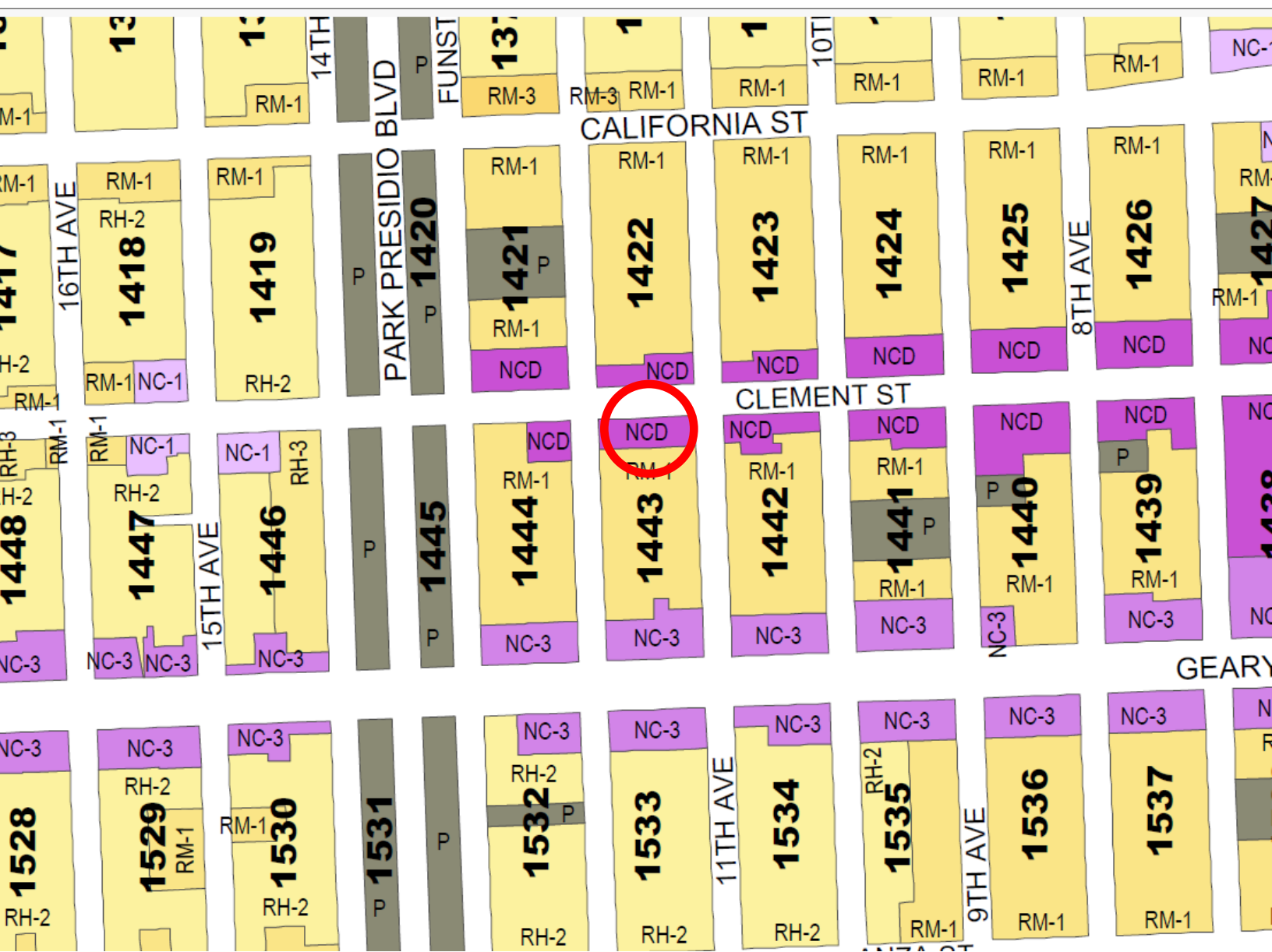


SUBJECT PROPERTY



Conditional Use Authorization Hearing
Case Number 2016-009071CUA
NEMS – North East Medical Services
1019-1033 Clement Street

Zoning Map



Conditional Use Authorization Hearing
 Case Number 2016-009071CUA
 NEMS – North East Medical Services
 1019-1033 Clement Street

Site Photo



Subject buildings at present

Site Photo 2



Subject buildings circa 2008, formerly retail use

Conditional Use Authorization Hearing
Case Number 2016-009071CUA
NEMS – North East Medical Services
1019-1033 Clement Street



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

September 9, 2008

Heston Chau,
Architect
1832 Buchanan Street, Suite 206
San Francisco CA 94115

RE: 1019-1033 Clement Street
Block: 1443 Lot: 040

Dear Mr. Chau,

This letter is in response to your request for a zoning letter of determination for the property at 1019-1033 Clement Street. This parcel is located in the Inner Clement Street Neighborhood Commercial District ("NCD") with a 40-X height and bulk limitation. The request is to confirm that the third story nonconforming retail use may be converted to office use.

Pursuant to Planning Code Section 182 "Nonconforming Uses: Changes of Use," nonconforming uses may be changed to uses that are more widely permitted by the use district. Therefore, the proposed change from retail to office listed as Medical Service, Personal Service and Business or Professional Service, defined in Sections 790.114, 790.116 and 790.108 on the second and third stories of the subject property is permitted.

If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Badiner", written over a horizontal line.

Lawrence B. Badiner
Zoning Administrator

cc: Jonas P. Ionin, Planner

N:\ZA\DETERMIN\2008\1019-1033 Clement Street

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

San Francisco Planning Department
1650 Mission Street
San Francisco, CA 94103

Re: North East Medical Services

Dear Planning Commissioner:

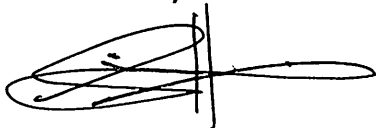
I am the president of the Clement Street Merchants Association. On January 26th at the monthly meeting of the Clement Street Merchants Association, Amy Bragg, Project Specialist at MCG Architecture, made a presentation concerning the proposed interior connection between North East Medical Services' existing pharmacy and clinic at 1019-1033 Clement Street.

As a current member of the Clement Street Merchants Association, NEMS has already been received as a very necessary service for the community. It became extremely obvious that their clinic and pharmacy services require an interior connection on the ground floor.

It was moved and seconded that the Clement Street Merchants Associations go on record of supporting their interior connection at 1019-1033 Clement Street and that their application for a Conditional Use Permit be granted. After a full and energetic discussion the motion was approved by our Board of Directors.

We as a community request that the conditional use permit be fully granted, making our neighborhood a more safe, healthy, and responsive community for all.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cynthia Huie', with a large, stylized flourish extending to the right.

Cynthia Huie, President
Clement Street Merchants Association
pcc: Amy Bragg, Project Specialist
MCG Architecture

NEMS - North East Medical Services

Between the hours of 8:30AM to 12:00PM and 1:00PM to 5:00 PM Mondays through Fridays, NEMS offers comprehensive health care and support services. The pharmacy is currently located at 1019 Clement Street and staffs 7 employees. Next door at 1033, the clinic and offices staff 71 employees. NEMS uses the second floor of 1033 for accounting and billing, and the third floor for Member Services, Hospital Information System (HIS), and storage. Joining these two buildings together is necessary and desirable for the health center to operate and function as a single unit.

NEMS currently operates ten clinics throughout the San Francisco Bay Area. At the Clement Street location, they originally moved into the second and third floor office spaces at 1033 in 2012. With a vacancy on the ground floor, they later opened the clinic. Before they opened the pharmacy, 1019 was a hardware store.

There are a variety of small doctor's offices near this location, however, most of them offer one specialty while NEMS has many providers who offer a range of medical specialties. NEMS also offers their services to a variety of patients with a majority of uninsured or low-income patients. The closest medical clinic that offers similar services is 2 miles away at the Fresenius Medical Care at VA San Francisco Medical Center at 4150 Clement Street, but you must be eligible to receive any services.

RECEIVED

NOV 29 2016

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
NEIGHBORHOOD PLANNING

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11TH AVENUE



12TH AVENUE

CLEMENT STREET LOOKING SOUTH

12TH AVENUE



11TH AVENUE

CLEMENT STREET LOOKING NORTH



東北醫療中心

CLEMENT STREET PHOTOGRAPHS

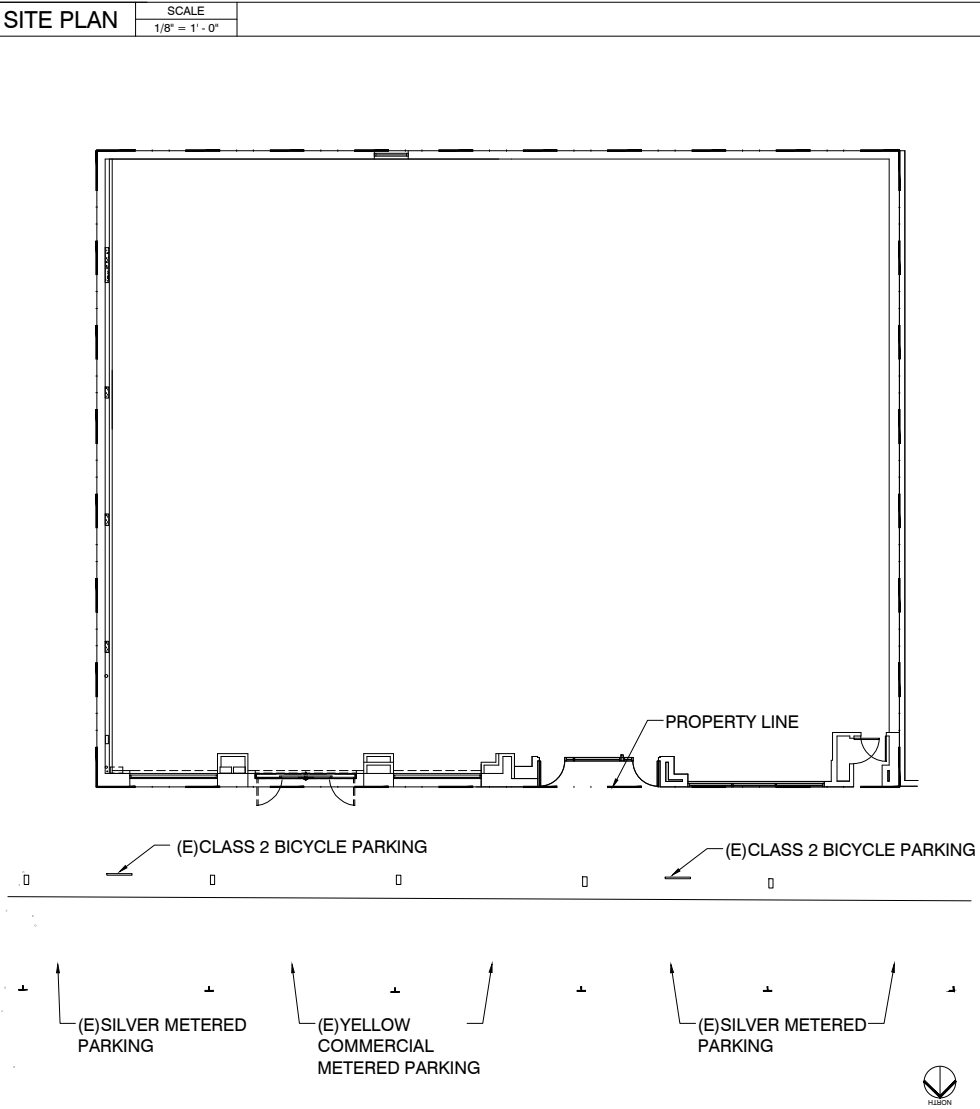
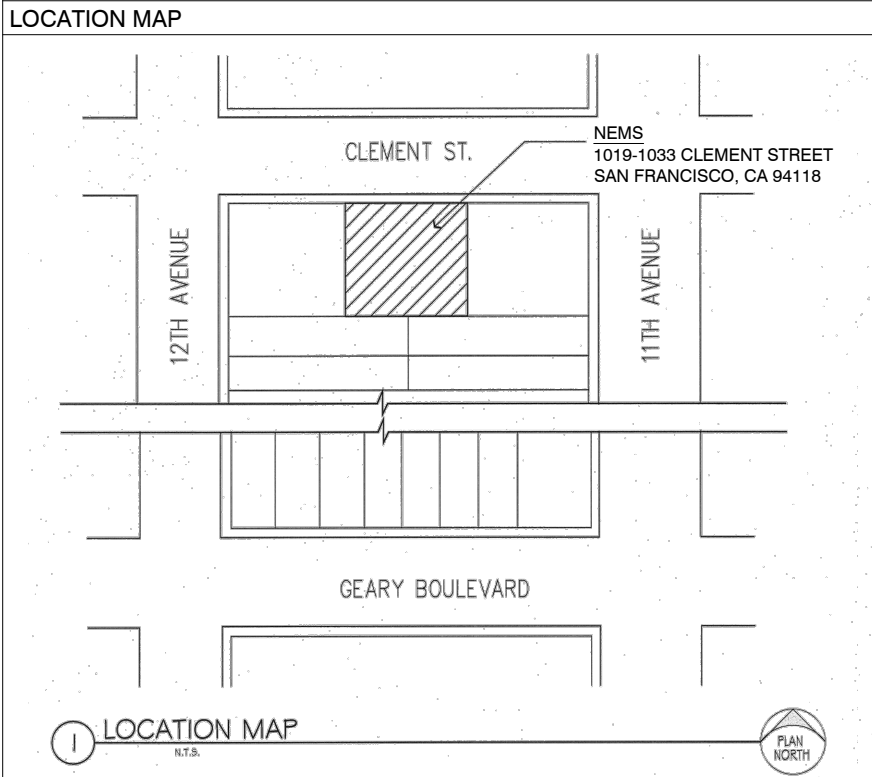
JULY 13, 2016

1019-1033 CLEMENT STREET
SAN FRANCISCO, CA 94118



mgs architecture

250 Sutter Street, Suite 500, San Francisco CA 94108
① 415.974.1002 ② 415.974.1000



DRAWING INDEX					
SHEET NAME					
TITLE SHEET					
FIRST FLOOR PLAN					
EXISTING SECOND FLOOR PLAN - FOR REFERENCE ONLY					
EXISTING THIRD FLOOR PLAN - FOR REFERENCE ONLY					
EXTERIOR ELEVATIONS - FOR REFERENCE ONLY					
BUILDING SECTION - FOR REFERENCE ONLY					

- SCOPE OF WORK:
1. NEW INTERIOR CONNECTIONS
 2. NEW CLASS 1 BICYCLE PARKING RACKS



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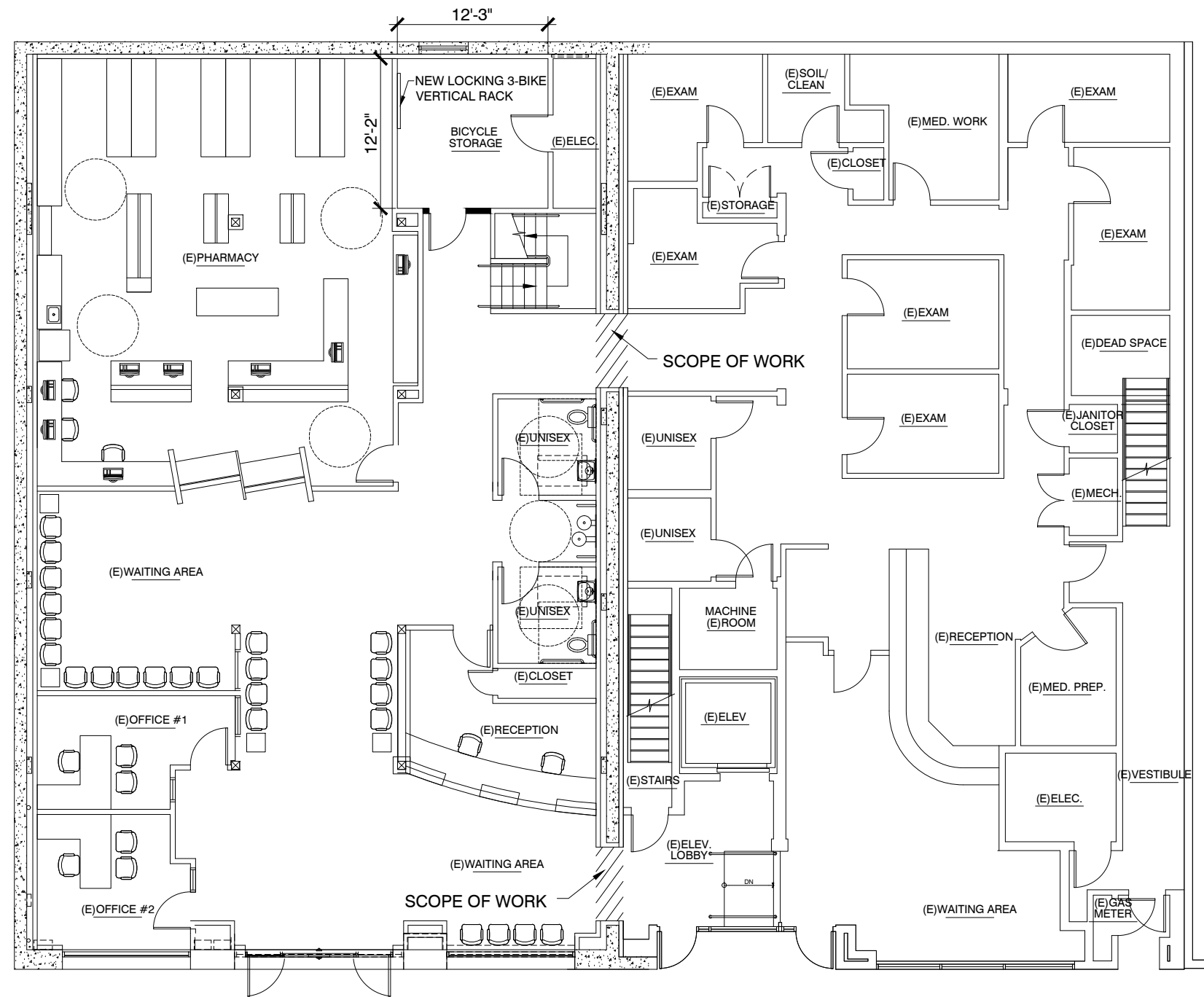
TITLE SHEET

1019 -1033 CLEMENT STREET
SAN FRANCISCO, CA 94118

NOVEMBER 23, 2016



mg architecture
250 Sutter Street, Suite 500, San Francisco CA 94108
© 415.974.6002 © 415.974.1556



Occupied Floor Area:	
Pharmacy	2,854 sq. ft.
Clinic	2,398 sq. ft.
<hr/>	
First Floor Total:	5,252 sq. ft.

FIRST FLOOR PLAN

Scale : 1/4" = 1'-0"

1019-1033 CLEMENT STREET
SAN FRANCISCO, CA 94118

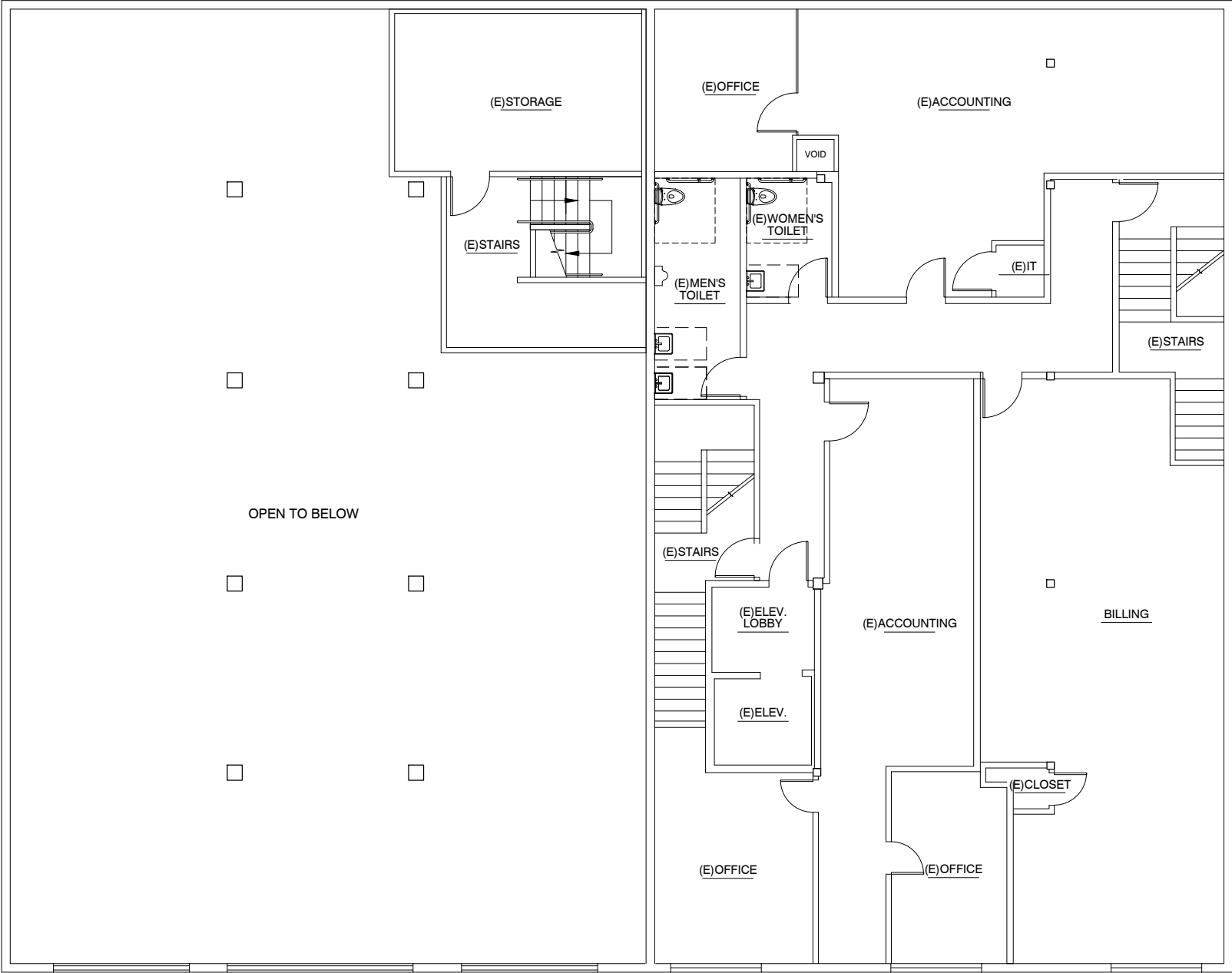
NOVEMBER 23, 2016



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Occupied Floor Area:
Second Floor 2,623 sq. ft



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EXISTING SECOND FLOOR PLAN - FOR REFERENCE ONLY

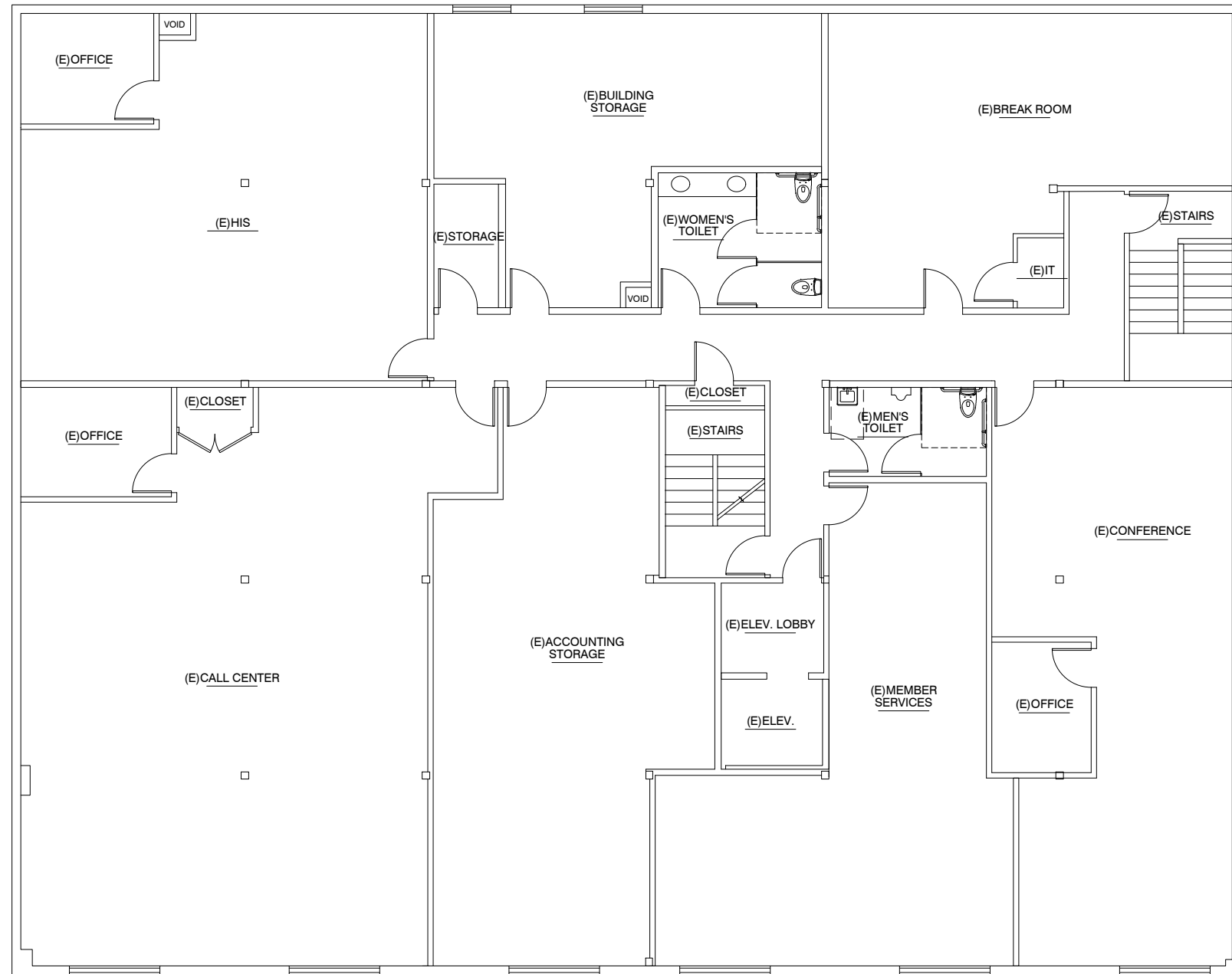
Scale : 1/4"=1'-0"

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Occupied Floor Area:
Third Floor 4,973 sq. ft



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EXISTING THIRD FLOOR PLAN - FOR REFERENCE ONLY

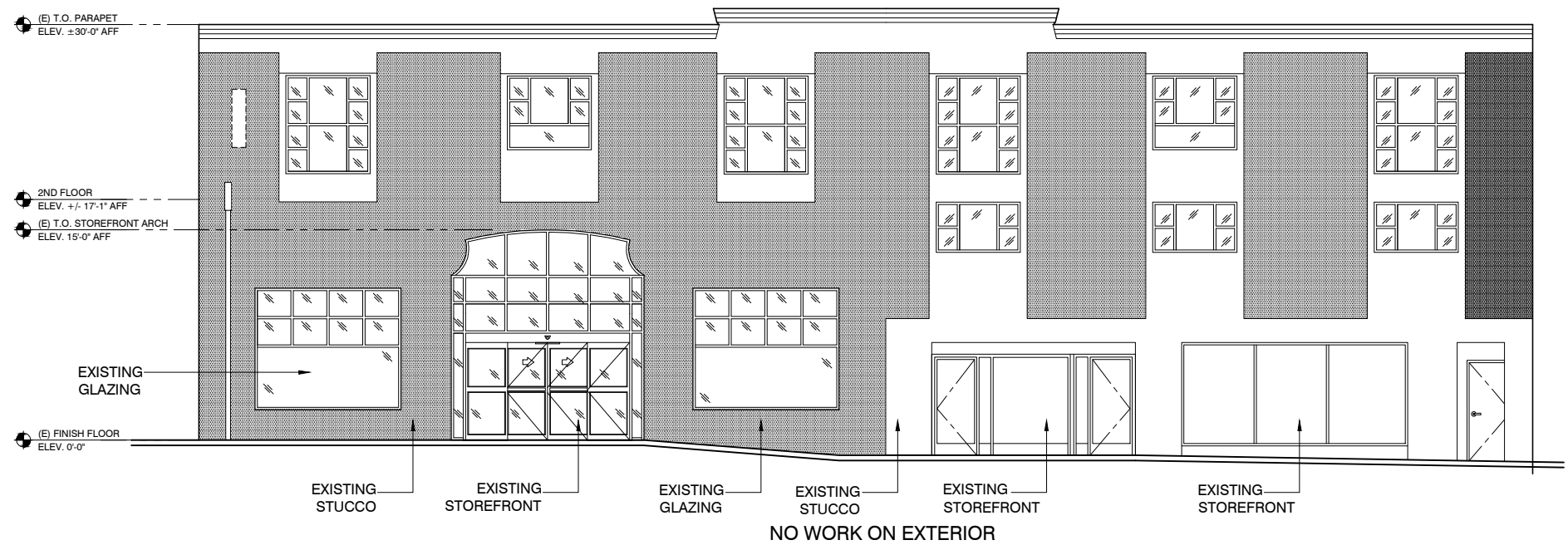
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EXTERIOR ELEVATION - FOR REFERENCE ONLY

Scale : 1/4"=1'-0"

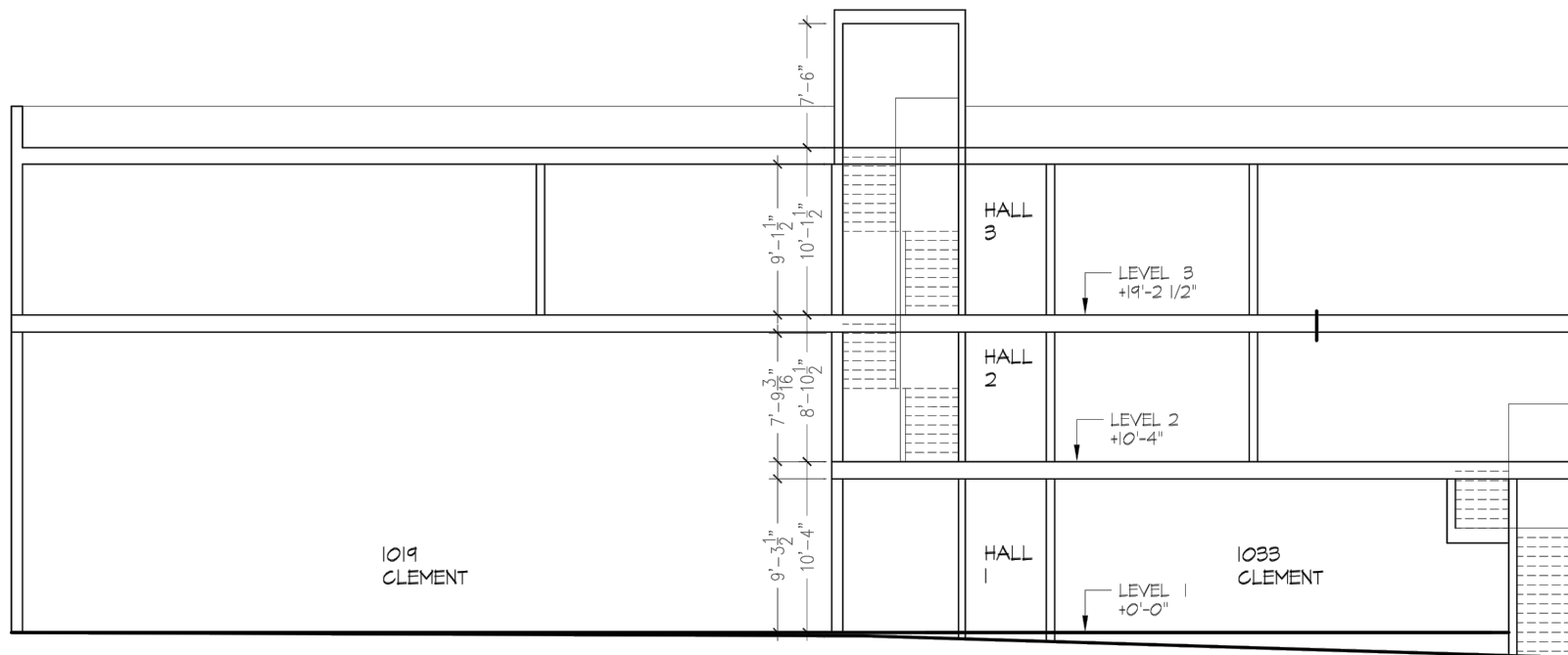
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NOVEMBER 23, 2016



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BUILDING SECTION - FOR REFERENCE ONLY

Scale : 1/4"=1'-0"

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NOVEMBER 23, 2016



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