

1 [Planning Code - Maximum Permitted Floor Area Ratio - Establishing the Cesar  
2 Chavez/Valencia Streets Medical Use Special Use District - California Pacific Medical Center:  
3 St. Luke's Campus]

4 **Ordinance amending the Planning Code, by adding Section 124(I), to allow a floor area**  
5 **ratio of 2.6 to 1 in the Cesar Chavez/Valencia Streets Medical Use Special Use District;**  
6 **adding Section 249.68 to establish the Cesar Chavez/Valencia Streets Medical Use**  
7 **Special Use District; and adopting findings, including environmental findings, Planning**  
8 **Code, Section 302, findings, and findings of consistency with the General Plan and the**  
9 **priority policies of Planning Code, Section 101.1.**

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

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

15 Section 1. Findings. The Board of Supervisors of the City and County of San Francisco  
16 hereby finds and determines that:

17 (a) On April 26, 2012, by Motion No. 18588, the Planning Commission certified as  
18 adequate, accurate and complete the Final Environmental Impact Report ("FEIR") for the  
19 California Pacific Medical Center Long Range Development Plan. On March 12, 2013, the  
20 Board of Supervisors, in Motion No. 13-042, affirmed the decision of the Planning  
21 Commission to certify the FEIR and rejected the appeal of the FEIR certification. Copies of  
22 Planning Commission Motion No. 18588 and Board of Supervisors Motion No. M13-042 are  
23 on file with the Clerk of the Board of Supervisors in File Nos. 120459 and 120550. In  
24 accordance with the actions contemplated herein, this Board has reviewed the FEIR, and the  
25 FEIR Addendum for the revised CPMC LRDP Project, and adopts and incorporates by

1 reference, as though fully set forth herein, the findings, including a statement of overriding  
2 considerations and the mitigation monitoring and reporting program, pursuant to the California  
3 Environmental Quality Act (California Public Resources Code Section 21000 et seq.), adopted  
4 by the Planning Commission on May 23, 2013, in Motion No. 18880. A copy of said motion is  
5 on file with the Clerk of the Board of Supervisors in File No. 120357.

6 (b) On May 23, 2013, the Planning Commission conducted a duly noticed public  
7 hearing on the proposed Planning Code amendments and, by Resolution No. 18884,  
8 recommended them for approval. The Planning Commission found that the proposed  
9 Planning Code amendments were, on balance, consistent with the City's General Plan, as it is  
10 proposed for amendment, and with Planning Code Section 101.1(b). A copy of said  
11 Resolution is on file with the Clerk of the Board of Supervisors in File No. 120358 and is  
12 incorporated herein by reference.

13 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning  
14 Code amendments will serve the public necessity, convenience, and welfare for the reasons  
15 set forth in Planning Commission Resolution No. 18884 and the Board incorporates such  
16 reasons herein by reference. A copy of Planning Commission Resolution No. 18884 is on file  
17 with the Clerk of the Board of Supervisors in File No. 120358.

18 (d) The Board finds that these Planning Code amendments are on balance  
19 consistent with the San Francisco General Plan, as it is proposed to be amended, and with  
20 the priority policies of Planning Code Section 101.1 for the reasons set forth in Planning  
21 Commission Resolution No. 18883 and the Board hereby incorporates such reasons herein  
22 by reference.

23  
24 Section 2. The San Francisco Planning Code is hereby amended by amending  
25 Planning Code Section 124, to read as follows:

1 (a) Except as provided in Subsections (b), (c), ~~(d)~~, and ~~(e)~~ and (l) of this Section, the  
2 basic floor area ratio limits specified in the following table shall apply to each building or  
3 development in the districts indicated.

4 [TABLE 124 omitted; no changes to table]

5 (b) In R, NC, and Mixed Use Districts, the above floor area ratio limits shall not  
6 apply to dwellings or to other residential uses. In Chinatown Mixed Use Districts, the above  
7 floor area ratio limits shall not apply to institutions, and mezzanine commercial space shall not  
8 be calculated as part of the floor area ratio.

9 (c) In a C-2 District the basic floor area ratio limit shall be 4.8 to 1 for a lot which is  
10 nearer to an RM-4 or RC-4 District than to any other R District, and 10.0 to 1 for a lot which is  
11 nearer to a C-3 District than to any R District. The distance to the nearest R District or C-3  
12 District shall be measured from the midpoint of the front line, or from a point directly across  
13 the street therefrom, whichever gives the greatest ratio.

14 (d) In the Van Ness Special Use District, as described in Section 243 of this Code,  
15 the basic floor area ratio limit shall be 7.0 to 1 where the height limit is 130 feet and 4.8 to 1  
16 where the height limit is 80 feet.

17 (e) In the Waterfront Special Use Districts, as described in Sections 240 through  
18 240.3 of this Code, the basic floor area ratio limit in any C District shall be 5.0 to 1.

19 (f) For buildings in C-3-G and C-3-S Districts other than those designated as  
20 Significant or Contributory pursuant to Article 11 of this Code, additional square footage above  
21 that permitted by the base floor area ratio limits set forth above may be approved for  
22 construction of dwellings on the site of the building affordable for 20 years to households  
23 whose incomes are within 150 percent of the median income as defined herein, in accordance  
24 with the conditional use procedures and criteria as provided in Section 303 of this Code. For  
25 buildings in the C-3-G District designated as Significant or Contributory pursuant to Article 11

1 of this Code, additional square footage above that permitted by the base floor area ratio limits  
2 set forth above up to the gross floor area of the existing building may be approved, in  
3 accordance with the conditional use procedures and criteria as provided in Section 303 of this  
4 Code, where: (i) TDRs (as defined by Section 128(a)(5)) were transferred from the lot  
5 containing the Significant or Contributory building prior to the effective date of the amendment  
6 to Section 124(f) adding this paragraph when the floor area transferred was occupied by a  
7 non-profit corporation or institution meeting the requirements for exclusion from gross floor  
8 area calculation under Section 102.9(b)(15) of this Code; (ii) the additional square footage  
9 includes only the amount necessary to accommodate dwelling units and/or group housing  
10 units that are affordable for not less than 50 years to households whose incomes are within 60  
11 percent of the median income as defined herein together with any social, educational, and  
12 health service space accessory to such units; and (iii) the proposed change in use to dwelling  
13 units and accessory space and any construction associated therewith, if it requires any  
14 alternation to the exterior or other character defining features of the Significant or Contributory  
15 Building, is undertaken pursuant to the duly approved Permit to Alter, pursuant to Section  
16 1110; provided, however, that the procedures otherwise required for a Major Alteration as set  
17 forth in sections 1111.2 - 1111.6 shall be deemed applicable to any such Permit to Alter.

18 (1) Any dwelling approved for construction under this provision shall be  
19 deemed a "designated unit" as defined below. Prior to the issuance by the Director of the  
20 Department of Building Inspection ("Director of Building Inspection") of a site or building  
21 permit to construct any designated unit subject to this Section, the permit applicant shall notify  
22 the Director of Planning and the Director of Property in writing whether the unit will be an  
23 owned or rental unit as defined in Section 401 of this Code.

24 (2) Within 60 days after the issuance by the Director of Building Inspection of  
25 a site or building permit for construction of any unit intended to be an owned unit, the Director

1 of Planning shall notify the City Engineer in writing identifying the intended owned unit, and  
2 the Director of Property shall appraise the fair market value of such unit as of the date of the  
3 appraisal, applying accepted valuation methods, and deliver a written appraisal of the unit to  
4 the Director of Planning and the permit applicant. The permit applicant shall supply all  
5 information to the Director of Property necessary to appraise the unit, including all plans and  
6 specifications.

7 (3) Each designated unit shall be subject to the provisions of Section 413 of  
8 this Code. For purposes of this Subsection and the application of Section 413 of this Code to  
9 designated units constructed pursuant to this Subsection, the definitions set forth in Section  
10 401 of this Code shall apply, with the exception of the following definitions, which shall  
11 supersede the definitions of the terms set forth in Section 401:

12 (A) "Base price" shall mean 3.25 times the median income for a family  
13 of four persons for the County of San Francisco as set forth in California Administrative Code  
14 Section 6932 on the date on which a housing unit is sold.

15 (B) "Base rent" shall mean .45 times the median income for the  
16 County of San Francisco as set forth in California Administrative Code Section 6932 for a  
17 family of a size equivalent to the number of persons residing in a household renting a  
18 designated unit.

19 (C) "Designated unit" shall mean a housing unit identified and reported  
20 to the Director by the sponsor of an office development project subject to this Subsection as a  
21 unit that shall be affordable to households of low or moderate income for 20 years.

22 (D) "Household of low or moderate income" shall mean a household  
23 composed of one or more persons with a combined annual net income for all adult members  
24 which does not exceed 150 percent of the qualifying limit for a median income family of a size  
25

1 equivalent to the number of persons residing in such household, as set forth for the County of  
2 San Francisco in California Administrative Code Section 6932.

3 (E) "Sponsor" shall mean an applicant seeking approval for  
4 construction of a project subject to this Subsection and such applicants' successors and  
5 assigns.

6 (g) The allowable gross floor area on a lot which is the site of an unlawfully  
7 demolished building that is governed by the provisions of Article 11 shall be the gross floor  
8 area of the demolished building for the period of time set forth in, and in accordance with the  
9 provisions of, Section 1114 of this Code, but not to exceed the basic floor area permitted by  
10 this Section.

11 (h) In calculating the permitted floor area of a new structure in a C-3 District, the lot  
12 on which an existing structure is located may not be included unless the existing structure and  
13 the new structure are made part of a single development complex, the existing structure is or  
14 is made architecturally compatible with the new structure, and, if the existing structure is in a  
15 Conservation District, the existing structure meets or is made to meet the standards of Section  
16 1109(c), and the existing structure meets or is reinforced to meet the standards for seismic  
17 loads and forces of the 1975 Building Code. Determinations under this Paragraph shall be  
18 made in accordance with the provisions of Section 309.

19 (i) In calculating allowable gross floor area on a preservation lot from which any  
20 TDRs have been transferred pursuant to Section 128, the amount allowed herein shall be  
21 decreased by the amount of gross floor area transferred.

22 (j) Within any RSD, SPD, SLR, SLI or SSO District, live/work units constructed  
23 above the floor area ratio limit pursuant to Section 102.9(b)(19) of this Code shall be subject  
24 to the following conditions and standards:  
25

1           (1)     Considering all dwelling units and all live/work units on the lot, existing  
2 and to be constructed, there shall be no more than one live/work unit and/or dwelling unit per  
3 200 square feet of lot area, except that, for projects in the RSD District which will exceed 40  
4 feet in height, and therefore are required to obtain conditional use approval, the allowable  
5 density for dwelling units and live/work units shall be established as part of the conditional use  
6 determination; and

7           (2)     The parking requirement for live/work units subject to this subsection  
8 shall be equal to that required for dwelling units within the subject district.

9           (k)     For buildings in C-3-G and C-3-S Districts that are not designated as Significant  
10 or Contributory pursuant to Article 11 of this Code, additional square footage above that  
11 permitted by the base floor area ratio limits set forth above may be approved for construction  
12 of a project, or portion thereof, that constitutes a Student Housing project, as defined in  
13 Section 102.36 of this Code. Such approval shall be subject to the conditional use  
14 procedures and criteria in Section 303 of this Code.

15           (l)     In the Cesar Chavez/Valencia Streets Medical Use Special Use District, as described in  
16 Section 249.68 of this Code, the basic floor area ratio limit shall be 2.6 to 1, subject to Conditional Use  
17 Authorization of a hospital, medical center or other medical institution.

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19           Section 3.     The San Francisco Planning Code is hereby amended by adding  
20 Planning Code Section 249.68, to read as follows:

21  
22           SEC. 249. 68 – CESAR CHAVEZ/ VALENCIA STREETS MEDICAL USE SPECIAL USE  
23 DISTRICT

1           (a) General. A Special Use District entitled the Cesar Chavez/Valencia Streets Medical Use  
2 Special Use District, the boundaries of which are shown on Sectional Map No. SU07 of the Zoning  
3 Map, is hereby established for the purposes set forth below.

4           (b) Purposes. To provide the floor area ratio necessary to develop an improved and  
5 expanded medical center – including medical office building – on the site that has been long occupied  
6 by the existing St. Luke’s Hospital and Medical Center and to allow compliance with State of  
7 California mandates for seismically safe hospitals at the current St. Luke’s site, there shall be a Cesar  
8 Chavez/Valencia Streets Medical Use Special Use District consisting of Assessor’s Block 6576, Lot  
9 021, Assessor’s Block 6575, Lots 001 and 002, and the portion of San Jose Avenue located between  
10 Cesar Chavez Street and 27th Street, and their successor Blocks and Lots, bounded to the south by  
11 Duncan Street, San Jose Avenue, and 27<sup>th</sup> Street; to the north by Cesar Chavez Street; to the east by  
12 Valencia Street; and to the west by residential parcels adjacent to Guerrero Street, as designated on  
13 Section Map SU07 of the Zoning Map of the City and County of San Francisco.

14           (c) Controls. All the applicable provisions of the Planning Code for the RH-2 Districts shall  
15 apply within this Special Use District except for the following:

16           (1) Floor Area Ratio. A floor area ratio of up to 2.6:1.0 shall be permitted by Conditional  
17 Use Authorization, if such Conditional Use Authorization is part of a hospital, medical center –  
18 including a medical office building – or other medical institution.

19           Section 4. This section is uncodified. Effective Date and Operative Date. This  
20 ordinance shall become effective 30 days from the date of passage. This Ordinance shall  
21 become operative only on (and no rights or duties are affected until) the later of (a) 30 days  
22 from the date of its passage, or (b) the date that Ordinance \_\_\_\_\_ becomes effective.  
23 A copy of said Ordinance is on file with the Clerk of the Board of Supervisors in File No.  
24 130510.  
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1           Section 5. This section is uncodified. In enacting this Ordinance, the Board intends to  
2 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,  
3 punctuation, charts, diagrams, or any other constituent part of the Planning Code that are  
4 explicitly shown in this legislation as additions, deletions, Board amendment additions, and  
5 Board amendment deletions in accordance with the "Note" that appears under the official title  
6 of the legislation.

7  
8 APPROVED AS TO FORM:  
9 DENNIS J. HERRERA, City Attorney

10 By: \_\_\_\_\_  
11       AUDREY W. PEARSON  
12       Deputy City Attorney

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