

1 [Planning Code, Zoning Map - San Francisco Conservatory of Music Project - 200-214 Van
2 Ness Avenue]

3 **Ordinance amending the Planning Code to authorize a height limit exception for the**
4 **San Francisco Conservatory of Music Project at 200-214 Van Ness Avenue for an**
5 **additional building envelope that will be used to enclose or screen specified features**
6 **from view, allow increased roof height for performance and common space, and**
7 **provide additional visual interest to the roof of the structure; amending the Zoning Map**
8 **to change the height designation of Assessor's Parcel Block No. 811, Lot Nos. 10**
9 **and 12, from 96-X to 120-X; affirming the Planning Commission's determination under**
10 **the California Environmental Quality Act; making findings of consistency with the**
11 **General Plan, and the eight priority policies of Planning Code, Section 101.1; and**
12 **adopting findings of public necessity, convenience, and welfare under Planning Code,**
13 **Section 302.**

14 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
15 **Additions to Codes** are in *single-underline italics Times New Roman font*.
16 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
17 **Board amendment additions** are in double-underlined Arial font.
18 **Board amendment deletions** are in ~~strikethrough Arial font~~.
19 **Asterisks (* * * *)** indicate the omission of unchanged Code
20 subsections or parts of tables.

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

22 Section 1. Findings.

23 (a) At its hearing on February 8, 2018, and prior to its action recommending to the
24 Board of Supervisors the proposed Planning Code and Zoning Map amendments set forth in
25 this ordinance, the Planning Commission (by ~~Motion No. 20107~~ Resolution No. 20105)
approved a Mitigated Negative Declaration ("MND") for the San Francisco Conservatory of

1 Music project at 200-214 Van Ness Avenue (“Project”) pursuant to the California
2 Environmental Quality Act (California Public Resources Code Sections 21000 et seq.), the
3 CEQA Guidelines (14 California Code of Regulations, Sections 15000 et seq.), and Chapter
4 31 of the Administrative Code. A copy of Planning Commission ~~Motion No. 20107~~Resolution
5 No. 20105 is on file with the Clerk of the Board of Supervisors in File No. 180151 and is
6 incorporated herein by reference. The Board of Supervisors has reviewed the MND in
7 connection with the actions contemplated herein and concurs with its conclusions, affirms the
8 Planning Commission’s approval of the MND, and finds that the actions contemplated in this
9 ordinance are within the scope of the Project described and analyzed in the MND.

10 (b) On February 8, 2018, in Resolution No. 20105, the Planning Commission found
11 that the actions contemplated in this ordinance are consistent, on balance, with the City’s
12 General Plan, as it is proposed to be amended, and with the eight priority policies of Planning
13 Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution
14 is on file with the Clerk of the Board of Supervisors in File No. 180114, and is incorporated
15 herein by reference.

16 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
17 ordinance will serve the public necessity, convenience, and welfare for the reasons stated in
18 Planning Commission Resolution No. 20105.

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20 Section 2. The Planning Code is hereby amended by revising Section 260, to read as
21 follows:

22 **SEC. 260. HEIGHT LIMITS: MEASUREMENT.**

23 * * * *

1 (b) **Exemptions.** In addition to other height exceptions permitted by this Code, the
2 features listed in this subsection (b) shall be exempt from the height limits established by this
3 Code, in an amount up to but not exceeding that which is specified.

4 (1) The following features shall be exempt; provided the limitations indicated
5 for each are observed; *and* provided further that the sum of the horizontal areas of all features
6 listed in this subsection (b)(1) shall not exceed ~~20% percent~~ of the horizontal area of the roof
7 above which they are situated, or, in C-3 Districts; and in the Rincon Hill Downtown
8 Residential District, where the top of the building has been separated into a number of
9 stepped elements to reduce the bulk of the upper tower, of the total of all roof areas of the
10 upper towers; and provided further that in any R, RC-3, or RC-4 District the sum of the
11 horizontal areas of all such features located within the first 10 feet of depth of the building, as
12 measured from the front wall of the building, shall not exceed ~~20% percent~~ of the horizontal
13 area of the roof in such first 10 feet of depth.

14 As an alternative, the sum of the horizontal areas of all features listed in this subsection
15 (b)(1) may be equal to but not exceed ~~20% percent~~ of the horizontal area permitted for
16 buildings and structures under any bulk limitations in Section 270 of this Code applicable to
17 the subject property.

18 Any such sum of ~~20% percent~~ heretofore described may be increased to ~~30% percent~~ by
19 unroofed screening designed either to obscure the features listed under (A) and (B) below or
20 to provide a more balanced and graceful silhouette for the top of the building or structure.

21 (A) Mechanical equipment and appurtenances necessary to the
22 operation or maintenance of the building or structure itself, including chimneys, ventilators,
23 plumbing vent stacks, cooling towers, water tanks, panels or devices for the collection of solar
24 or wind energy, and window-washing equipment, together with visual screening for any such
25 features. This exemption shall be limited to the top 10 feet of such features where the height

1 limit is 65 feet or less, and the top 16 feet of such features where the height limit is more than
2 65 feet.

3 (B) Elevator, stair and mechanical penthouses, fire towers, skylights, and
4 dormer windows. This exemption shall be limited to the top 10 feet of such features where the
5 height limit is 65 feet or less, and the top 16 feet of such features where the height limit is
6 more than 65 feet. However, for elevator penthouses, the exemption shall be limited to the top
7 16 feet and limited to the footprint of the elevator shaft, regardless of the height limit of the
8 building. The design of all elevator penthouses in Residential Districts shall be consistent with
9 the "Residential Design Guidelines" as adopted and periodically amended for specific areas or
10 conditions by the City Planning Commission.

11 The Zoning Administrator may, after conducting a public hearing, grant a further height
12 exemption for an elevator penthouse for a building with a height limit of more than 65 feet but
13 only to the extent that the Zoning Administrator determines that such an exemption is required
14 to meet state or federal laws or regulations. All requests for height exemptions for elevator
15 penthouses located in Residential or Neighborhood Commercial Districts shall be subject to
16 the neighborhood notification requirements of Sections 311 and 312 of this Code.

17 * * * *

18 (L) ~~{Reserved.}~~ In the C-3-G District, on sites fronting on Van Ness Avenue in
19 the 120-X height district, additional building volume used to enclose or screen from view the features
20 listed under subsections (b)(1)(A) and (b)(1)(B) above, to allow increased roof height for performance
21 and common space, and to provide additional visual interest to the roof of the structure. The rooftop
22 form created by the added volume shall not be subject to the percentage coverage limitations otherwise
23 applicable to this subsection (b)(1)(L), but shall meet the requirements of Section 141 and shall not
24 exceed 16 feet in height, measured as provided in subsection (a) above. Buildings that are eligible for

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1 this exemption are also eligible for exceptions to any quantitative standards set forth in Article 1.2 of
2 this Code through Section 309 of this Code.

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4 Section 3. The Zoning Map is hereby amended by revising Sectional Map HT-2 as
5 follows:

<u>Description of Property</u>	<u>Height District to be Superseded</u>	<u>Height District hereby Approved</u>
Assessor's Block 811, Lots 10 and 12	96-X	120-X

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11 Section 4. Effective and Operative Dates.

12 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
13 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
14 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
15 Mayor's veto of the ordinance.

16 (b) This ordinance shall become operative on, and no rights or duties effected until,
17 the later of (1) its effective date or (2) the date that the ordinance approving the Development
18 Agreement for the Project and the ordinance approving amendments to the General Plan for
19 the Project have both become effective. Copies of said ordinances are on file with the Clerk of
20 the Board of Supervisors in File No. 180115 and 180121.

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22 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
23 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
24 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
25 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

1 additions, and Board amendment deletions, in accordance with the "Note" that appears under
2 the official title of the ordinance.

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

6 By: _____
7 JUDITH A. BOYAJIAN
8 Deputy City Attorney
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