

1 [Planning Code - Maximum Floor Area Ratios - Establishing the Van Ness Medical Use
2 Subdistrict Within the Van Ness Special Use District - California Pacific Medical Center:
3 Cathedral Hill Campus]

4 **Ordinance amending the Planning Code, Section 124, to allow a floor area ratio of 7.5:1**
5 **for a medical office building within the Van Ness Special Use District, Medical Use**
6 **Subdistrict; amending Section 243 to include the establishment of the Van Ness**
7 **Medical Use Subdistrict and associated controls; and adopting findings, including**
8 **environmental findings, Planning Code, Section 302, findings, and findings of**
9 **consistency with the General Plan and the priority policies of Planning Code, Section**
10 **101.1.**

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

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

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

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

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

7 (b) On May 23, 2013, the Planning Commission conducted a duly noticed public
8 hearing on the proposed Planning Code amendments and, by Resolution No. 18888,
9 recommended them for approval. The Planning Commission found that the proposed
10 Planning Code amendments were, on balance, consistent with the City's General Plan, as it is
11 proposed for amendment, and with Planning Code Section 101.1(b). A copy of said
12 Resolution is on file with the Clerk of the Board of Supervisors in File No. 120357 and is
13 incorporated herein by reference.

14 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning
15 Code amendments will serve the public necessity, convenience, and welfare for the reasons
16 set forth in Planning Commission Resolution No. 18888 and the Board incorporates such
17 reasons herein by reference. A copy of Planning Commission Resolution No. 18888 is on file
18 with the Clerk of the Board of Supervisors in File No. 120357.

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

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

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

6 [TABLE 124 omitted; no changes to table]

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

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

16 (d) In the Van Ness Special Use District, as described in Section 243 of this Code,
17 the basic floor area ratio limit shall be 7.0 to 1 where the height limit is 130 feet and *at the*
18 *hospital site within the Van Ness Medical Use Subdistrict, and* 4.8 to 1 where the height limit is 80
19 feet. Within the Van Ness Medical Use Subdistrict, the basic floor area ratio limit shall be 7.5 to 1 for
20 a medical office building, subject to Conditional Use Authorization for a hospital, medical center or
21 other medical institution.

22 (e) In the Waterfront Special Use Districts, as described in Sections 240 through
23 240.3 of this Code, the basic floor area ratio limit in any C District shall be 5.0 to 1.

24 (f) For buildings in C-3-G and C-3-S Districts other than those designated as
25 Significant or Contributory pursuant to Article 11 of this Code, additional square footage above

1 that permitted by the base floor area ratio limits set forth above may be approved for
2 construction of dwellings on the site of the building affordable for 20 years to households
3 whose incomes are within 150 percent of the median income as defined herein, in accordance
4 with the conditional use procedures and criteria as provided in Section 303 of this Code. For
5 buildings in the C-3-G District designated as Significant or Contributory pursuant to Article 11
6 of this Code, additional square footage above that permitted by the base floor area ratio limits
7 set forth above up to the gross floor area of the existing building may be approved, in
8 accordance with the conditional use procedures and criteria as provided in Section 303 of this
9 Code, where: (i) TDRs (as defined by Section 128(a)(5)) were transferred from the lot
10 containing the Significant or Contributory building prior to the effective date of the amendment
11 to Section 124(f) adding this paragraph when the floor area transferred was occupied by a
12 non-profit corporation or institution meeting the requirements for exclusion from gross floor
13 area calculation under Section 102.9(b)(15) of this Code; (ii) the additional square footage
14 includes only the amount necessary to accommodate dwelling units and/or group housing
15 units that are affordable for not less than 50 years to households whose incomes are within 60
16 percent of the median income as defined herein together with any social, educational, and
17 health service space accessory to such units; and (iii) the proposed change in use to dwelling
18 units and accessory space and any construction associated therewith, if it requires any
19 alternation to the exterior or other character defining features of the Significant or Contributory
20 Building, is undertaken pursuant to the duly approved Permit to Alter, pursuant to Section
21 1110; provided, however, that the procedures otherwise required for a Major Alteration as set
22 forth in sections 1111.2 - 1111.6 shall be deemed applicable to any such Permit to Alter.

23 (1) Any dwelling approved for construction under this provision shall be
24 deemed a "designated unit" as defined below. Prior to the issuance by the Director of the
25 Department of Building Inspection ("Director of Building Inspection") of a site or building

1 permit to construct any designated unit subject to this Section, the permit applicant shall notify
2 the Director of Planning and the Director of Property in writing whether the unit will be an
3 owned or rental unit as defined in Section 401 of this Code.

4 (2) Within 60 days after the issuance by the Director of Building Inspection of
5 a site or building permit for construction of any unit intended to be an owned unit, the Director
6 of Planning shall notify the City Engineer in writing identifying the intended owned unit, and
7 the Director of Property shall appraise the fair market value of such unit as of the date of the
8 appraisal, applying accepted valuation methods, and deliver a written appraisal of the unit to
9 the Director of Planning and the permit applicant. The permit applicant shall supply all
10 information to the Director of Property necessary to appraise the unit, including all plans and
11 specifications.

12 (3) Each designated unit shall be subject to the provisions of Section 413 of
13 this Code. For purposes of this Subsection and the application of Section 413 of this Code to
14 designated units constructed pursuant to this Subsection, the definitions set forth in Section
15 401 of this Code shall apply, with the exception of the following definitions, which shall
16 supersede the definitions of the terms set forth in Section 401:

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

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

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

4 (D) "Household of low or moderate income" shall mean a household
5 composed of one or more persons with a combined annual net income for all adult members
6 which does not exceed 150 percent of the qualifying limit for a median income family of a size
7 equivalent to the number of persons residing in such household, as set forth for the County of
8 San Francisco in California Administrative Code Section 6932.

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

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

17 (h) In calculating the permitted floor area of a new structure in a C-3 District, the lot
18 on which an existing structure is located may not be included unless the existing structure and
19 the new structure are made part of a single development complex, the existing structure is or
20 is made architecturally compatible with the new structure, and, if the existing structure is in a
21 Conservation District, the existing structure meets or is made to meet the standards of Section
22 1109(c), and the existing structure meets or is reinforced to meet the standards for seismic
23 loads and forces of the 1975 Building Code. Determinations under this Paragraph shall be
24 made in accordance with the provisions of Section 309.

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

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

7 (1) Considering all dwelling units and all live/work units on the lot, existing
8 and to be constructed, there shall be no more than one live/work unit and/or dwelling unit per
9 200 square feet of lot area, except that, for projects in the RSD District which will exceed 40
10 feet in height, and therefore are required to obtain conditional use approval, the allowable
11 density for dwelling units and live/work units shall be established as part of the conditional use
12 determination; and

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

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

21 Section 3. The San Francisco Planning Code is hereby amended by amending
22 Section 243, to read as follows:

23 SEC. 243. VAN NESS SPECIAL USE DISTRICT.
24
25

1 (a) General. A Special Use District entitled the Van Ness Special Use District,
2 the boundaries of which are shown on Sectional Map No. ~~2SU~~ SU02 of the Zoning Map, is
3 hereby established for the purposes set forth below.

4 (b) Purposes. In order to implement the objectives and policies of the Van Ness
5 Avenue Area Plan, a part of the General Plan, which includes (i) creation of a mix of
6 residential and commercial uses on the boulevard, (ii) preservation and enhancement of the
7 pedestrian environment, (iii) encouragement of the retention and appropriate alteration of
8 architecturally and historically significant and contributory buildings, (iv) conservation of the
9 existing housing stock, ~~and~~ (v) enhancement of the visual and urban design quality of the
10 street, and (vi) the establishment of an area appropriate for a medical center use (the "Van Ness
11 Medical Use Subdistrict") to support citywide and regional health care at the transit nexus of Van Ness
12 Avenue and Geary Boulevard; the following controls are imposed in the Van Ness Special Use
13 District.

14 (c) Controls. All provisions of the City Planning Code applicable to an RC-4 District
15 shall apply except as otherwise provided in this Section.

16 (1) **Basic Floor Area Ratio.** The basic floor area ratio limit shall be 7.0 to 1 in the
17 130-foot height district and at the hospital site within the Van Ness Medical Use Subdistrict, and
18 4.8:1 in the 80-foot height district. These limits shall apply to dwellings notwithstanding
19 Section 124(b) of this Code, including floor space used for nonaccessory off-street parking,
20 driveways, and maneuvering areas. The floor area ratio may be increased to up to 7.5:1 for a
21 medical office building if located within the Van Ness Medical Use Subdistrict. For definitions of
22 floor area ratio and gross floor area, see Sections 102.11 and 102.9, respectively. The
23 provisions allowing a floor area premium set forth in Section 125(a) shall not apply in the Van
24 Ness Special Use District.

1 (2) **Housing Density.** The restrictions on density set forth in Sections 207, 207.1,
2 208, 209.1 and 209.2 of this Code shall not apply.

3 (3) **Height and Bulk Restrictions.** See Height and Bulk Map No. 2H HT02. See
4 Section 270 of this Code for bulk limits. However, medical centers within the Van Ness Medical
5 Use Subdistrict subject to otherwise applicable standards for bulk limits per Section 270 and 271(C)(2)
6 shall be permitted to exceed such standards to allow for unique massing and volume required for
7 medical facilities, if authorized as a Conditional Use pursuant to Section 303 of this Code, in lieu of
8 findings otherwise required under Section 271 of this Code.

9 (4) Awnings, canopies and marquees. Awnings, canopies and marquees, as
10 defined in Sections 790.20, 790.26 and 790.58 of this Code, and further regulated by the
11 Building Code and Sections 243(c)(~~56~~), 136.2 and 607.3 of this Code, are permitted. However,
12 medical centers within the Van Ness Medical Use Subdistrict subject to otherwise applicable standards
13 for awnings per Section 136.1 of this Code shall be permitted to exceed such standards to allow for
14 coverage of patient drop-off and entry areas.

15 (5) Medical Centers within the Van Ness Medical Use Subdistrict subject to otherwise
16 applicable standards for obstructions over streets or alleys per section 136(c)(1)(B) of this Code shall
17 be permitted to exceed such standards for vertical dimensions and horizontal projections for
18 architectural features to provide visual interest, achieve appropriate articulation of building facades,
19 and reduce pedestrian level wind currents.

20 (~~5~~)(6) Signs.

21 (A) Signs located within the Van Ness Special Use District, with the exception of
22 the Civic Center Special Sign District as described in Section 608.3 of this Code and as
23 shown in Sectional Map SSD, shall be regulated as provided in Article 6, including Section
24 607.3 which governs signs located in the Van Ness Special Sign District.

1 (B) Signs on structures designated as landmarks under the provisions of Section
2 1004 shall be regulated as provided in Section 607.3(d).

3 ~~(6)~~(7) Rear Yards. The requirements of this Code applicable to rear yards may be
4 modified or waived by the Zoning Administrator pursuant to Section 307(g) if all of the
5 following conditions are met:

6 (A) The interior block open space formed by the rear yards of abutting properties
7 will not be adversely affected; and

8 (B) A comparable amount of usable open space is provided elsewhere on the lot
9 or within the development where it is more accessible to residents; and

10 (C) The access of light and air to abutting properties will not be significantly
11 impeded.

12 This provision shall be administered pursuant to the procedures which are
13 applicable to variances, as set forth in Sections 306.1 through 306.5 and 308.2 of this Code.

14 ~~(7)~~(8) Required Setbacks. Setbacks for buildings exceeding a height of 50 feet
15 shall be regulated as provided in Section 253.2 of this Code.

16 ~~(8)~~(9) Limitation of Nonresidential Uses.

17 (A) Residential Uses; Ratio Established. In newly constructed structures,
18 nonresidential uses shall only be permitted if the ratio between the amount of net additional
19 occupied floor area for residential uses, as defined in this paragraph below, to the amount of
20 occupied floor area for nonresidential uses in excess of the occupied floor area of structures
21 existing on the site at the time the project is approved is 3 to 1 or greater. In additions to
22 existing structures which exceed 20 percent of the gross floor area of the existing structure,
23 nonresidential uses shall be permitted in the addition in excess of 20 percent only if the ratio
24 between the amount of occupied floor area for residential use, as defined in this paragraph
25 below, to the area of occupied floor area for nonresidential use is 3 to 1 or greater. This

1 residential use ratio shall not apply to development sites in the Van Ness Special Use District
2 which have less than 60 feet of street frontage on Van Ness Avenue and have no street
3 frontage other than the Van Ness Avenue frontage. For purposes of this
4 Section, “nonresidential uses” shall mean those uses described in Sections 209.2(d) and (e)
5 (hotel, inn, hostel), 209.3(a) (hospital, medical center or other medical institution with in-
6 patient care facilities), 209.4 (community facilities), 209.6 (public facilities and utilities), 209.7
7 (vehicle storage and access) and 209.8 (commercial establishments); in the Automotive
8 Special Use District nonresidential uses include automotive uses as described in Section
9 237; “residential use” shall mean those uses described in Sections 209.1 and 209.2(a), (b)
10 and (c) (dwelling units and group housing).

11 (B) Reduction of Ratio of Residential Uses for Affordable Housing. The Planning
12 Commission may modify the Van Ness Special Use District residential to nonresidential use
13 ratio between Golden Gate Avenue and California Street as a conditional use in one of the
14 following ways:

15 (i) In-Lieu Fee. By conditional use, the developer may elect to fulfill the obligation
16 to build housing by paying an in-lieu fee to the Affordable Housing Fund as provided in
17 Section 413 of this Code. No more than a 50 percent reduction of the required housing for a
18 specific project can be fulfilled by paying an in-lieu fee. Use of these funds shall provide
19 affordable housing within 2,000 feet of the Van Ness Special Use District. The in-lieu fee shall
20 be determined by the following formula:

- 21 (1) $(\text{Lot Area} \times \text{FAR}) / 4 \times 3 = \text{Residential SQ. FT Requirement}$
22 (2) $\text{Residential SQ. FT Requirement} - \text{Residential SQ. FT Developed} = \text{LOSS}$
23 (3) $\text{LOSS} \times \$15 = \text{In-Lieu Fee}$

24 (ii) Providing Affordable Housing. By conditional use, the developer may reduce
25 up to 50 percent of the required amount of on-site housing by maintaining a portion of that

1 housing as permanently affordable for the life of the project. Affordable units shall be
2 managed by a nonprofit housing agency through a duly executed agreement between the
3 project sponsor, the nonprofit agency and the Planning Department. The mix of affordable
4 units retained in the project shall conform to the overall dwelling unit size mix of the project.
5 The portion of retained residential which shall be affordable will be determined by calculating
6 the number of market rate units which could be subsidized by the amount of "in-lieu fee"
7 calculated in Paragraph (i) above. The number of square feet of affordable housing shall be
8 calculated in the following manner:

9 (1) In-Lieu Fee / \$30/square foot subsidy = Square Feet of Affordable Housing
10 Retained in the Project

11 (iii) Annual Reporting, Evaluation and Adjustments to Affordability and Fee
12 Calculations. The Department shall report annually to the Planning Commission on the activity
13 and utilization of Section 243(d)(8)(B). Based on an evaluation of this report, the Planning
14 Commission may initiate a modification or deletion of Section 243(d)(8)(B).

15 The dollar amounts used in the calculation for Paragraphs (i) and (ii) of this
16 Subsection shall be subject to annual adjustments in accord with Section 413.6(1) of this
17 Code. Affordability shall be defined by rents or sale prices affordable by households with no
18 more than 80 percent of median income standards developed by HUD.

19 (iv) If the Commission finds that taking into consideration projects constructed
20 since the effective date of the Van Ness Special Use District and the housing development
21 potential remaining in the District the overall objective of adding a substantial increment of
22 new housing on Van Ness Avenue will not be significantly compromised, the Commission may
23 by conditional use modify the 3:1 housing ratio or may modify the rules regarding the timing
24 and location of linked projects if in addition to Section 303(c) standards of this Code it finds
25 that:

1 (1) The project is to provide space for expansion of an established business from
2 an adjacent site (for this purpose two sites separated by an alley shall be deemed to be
3 adjacent) or,

4 (2) The project is to provide space for an institutional, hotel, medical, cultural or
5 social service use meeting an important public need which cannot reasonably be met
6 elsewhere in the area, and

7 (3) Housing cannot reasonably be included in the project referred to in (1) and (2)
8 above.

9 The Commission shall consider the feasibility of requiring the project to be
10 constructed in such a manner that it can support the addition of housing at some later time.

11 (C) Off-Site Provision of Required Residential Space. For the purpose of
12 calculating the 3 to 1 ratio between residential and nonresidential use, two or more projects
13 for new construction within the Van Ness Special Use District may be considered and
14 approved together as linked projects. The requirements of Paragraph (A) above may be
15 satisfied if the aggregate amount of occupied floor area for residential use in two or more
16 linked projects is at least three times greater than the aggregate amount of occupied floor
17 area for nonresidential use.

18 (i) Those building permit applicants who wish to link two or more projects for the
19 purpose of meeting the 3 to 1 residential to nonresidential ratio shall file with the Planning
20 Department a statement of intent identifying the applications covering the projects that are to
21 be considered and approved together;

22 (ii) When the Planning Department approves an application for a project
23 containing only nonresidential use and the project is linked to one or more other projects
24 pursuant to the statement of intent filed with the Department, it shall include as a condition of
25 approval a requirement prohibiting the project sponsor from commencing any work on the site

1 until the Zoning Administrator issues a written determination that such work may proceed. The
2 Zoning Administrator shall not issue such a determination until those permits authorizing the
3 projects containing residential use have been issued and foundations have been completed at
4 each such site;

5 (iii) If a permit for a project containing nonresidential use expires because of
6 delays in the completion of foundations for linked projects containing residential uses, new
7 permits may be approved for the nonresidential project within three years of such expiration
8 without regard to the 3 to 1 residential ratio requirement if a Temporary Certificate of
9 Occupancy or a Permit of Occupancy has been issued for each project containing residential
10 use;

11 (iv) No building or portion of a building approved as a linked project that contains
12 residential use required to meet the 3 to 1 residential to nonresidential ratio requirement shall
13 be used for any nonresidential purposes; provided, however, that this restriction shall no
14 longer apply if 50 percent or more of the non-residential occupied floor area in the linked
15 projects has been converted to residential use, or has been demolished, or has been
16 destroyed by fire or other act of God;

17 (v) The Zoning Administrator shall impose as a condition of approval of a permit
18 authorizing the residential uses of linked projects the requirement that the owner record in the
19 land records of the property a notice of restrictions, approved as to form by the Zoning
20 Administrator, placed on the use of the property by this Section.

21 (D) Nonconforming Uses. A use which existed lawfully at the effective date of this
22 Section and which fails to conform to the use limitation of Section 243(d)(8)(A) above, shall be
23 considered a nonconforming use and subject to the provisions of Sections 180 through 188 of
24 this Code, including the provisions of Section 182 regarding change of use, except as follows:
25

1 (i) In calculating the cost of structural alterations pursuant to Section 181(b)(4),
2 the cost of reinforcing the building to meet the standards for seismic loads and forces of the
3 1975 Building Code shall not be included; and

4 (ii) Notwithstanding the provisions of Section 181(b), the structure occupied by
5 the nonconforming use may be enlarged by an amount equal to 20 percent of the gross floor
6 area of the existing structure.

7 (E) Demolitions. All demolitions of buildings containing residential use and all
8 conversions from residential uses to nonresidential uses above the ground floor shall be
9 permitted only if authorized as a conditional use under Section 303 of this Code, unless the
10 Director of the Department of Building Inspection or the Chief of the Bureau of Fire Prevention
11 and Public Safety determines that the building is unsafe or dangerous and that demolition is
12 the only feasible means to secure the public safety. When considering whether to grant a
13 conditional use permit for the demolition or conversion, in lieu of the criteria set forth in
14 Planning Code Section 303, consideration shall be given to the adverse impact on the public
15 health, safety and general welfare of the loss of housing stock in the district and to any
16 unreasonable hardship to the applicant if the permit is denied. The definition of residential use
17 shall be as set forth in Section 243(d)(8)(A), but shall not include any guest room in a building
18 classified as a residential hotel subject to the Residential Hotel Unit Conversion and
19 Demolition Ordinance.

20 A conditional use permit shall not be required if the demolition permit is sought in
21 order to comply with a court order directing or permitting the owner to demolish a building
22 because it is unsafe. No person shall be permitted to construct anything on the site of a
23 demolished building subject to such an order for a period of two years unless (a) the proposal
24 is for at least the same number and size of dwelling units and guest rooms and the same
25 amount of nonresidential floor area as that which was demolished or (b) the applicant

1 requests and is granted an exemption from this requirement on the ground that the applicant
2 has demonstrated that (1) the need for demolition did not arise because of the deliberate or
3 unreasonable neglect of the maintenance of the building, or that (2) the restrictions would
4 cause undue hardship to the property owner or that (3) the restrictions would leave the
5 property without any substantial remaining market value or reasonable use.

6 (F) Residential Parking. Pursuant to Table 151 in Article 1.5 of this Code, the
7 residential parking requirement shall be one space for each dwelling unit; provided, however,
8 that the Zoning Administrator may reduce the parking requirement to not less than one space
9 for each four dwelling units pursuant to the procedures and criteria of Sections 307(g) and (i)
10 of this Code.

11 (G) Medical Center Parking. Notwithstanding any contrary provision of this Code, the
12 maximum parking provisions for the Van Ness Medical Use Subdistrict shall not exceed the lesser of
13 990 spaces or 125% of the minimum number of spaces required by Code in the aggregate for the
14 Cathedral Hill Campus which, for purposes of this subsection, shall be the Van Ness Medical Use
15 District and Assessor's Block 0690, Lot 016, located at 1375 Sutter Street. Any parking sought up to
16 this maximum but that exceeds the parking provisions outlined elsewhere in this Code may only be
17 granted by the Planning Commission as a Conditional Use Authorization.

18 (H) Medical Center Loading. Loading standards for medical centers within the Van Ness
19 Medical Use Subdistrict applicable under Section 154(b) may be reduced from the required minimum
20 dimensions through a Conditional Use Authorization, provided that the dimensions provided will be
21 sufficient to meet the reasonably foreseeable loading demands associated with the proposed facility.

22 ~~(G)~~(I) Adult Entertainment Enterprises. The uses described in Section 221(k) of this
23 Code are not permitted.

24 ~~(H)~~(J) Other Entertainment Uses. Other Entertainment Uses as defined in Section
25 790.38 of this Code shall require notification as set forth in Section 312 of this Code.

1 ~~(H)~~(K) Formula Retail Uses. Formula Retail uses, as defined in Section 303(i) of
2 this Code, shall be permitted, subject to a Conditional Use Authorization, in parcels zoned
3 RC-3 or RC-4 that are within the Van Ness SUD.

4 (L) Medical Center Street Frontages. If authorized as a Conditional Use under Section 303
5 of this Code, a medical center within the Van Ness Medical Use Subdistrict may deviate from the street
6 frontage requirements of Section 145.1 of this Code, so long as the Planning Commission finds that the
7 proposed street frontages otherwise achieve the intended purposes of Section 145.1 to “preserve,
8 enhance and promote attractive, clearly defined street frontages that are pedestrian-oriented, fine-
9 grained, and which are appropriate and compatible with the buildings and uses” in the surrounding
10 areas.

11 ~~(9)~~(10) Reduction of Ground Level Wind Currents.

12 (A) New buildings and additions to existing buildings shall be shaped, or other
13 wind baffling measures shall be adopted, so that the development will not cause year-round
14 ground level wind currents to exceed, more than 10 percent of the time, between 7:00 a.m.
15 and 6:00 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of pedestrian use
16 and seven m.p.h. equivalent wind speed in public seating areas. When pre-existing ambient
17 wind speeds exceed the comfort levels specified above, the building shall be designed to
18 reduce the ambient wind speeds in efforts to meet the goals of this requirement.

19 (B) An exception to this requirement may be permitted but only if and to the
20 extent that the project sponsor demonstrates that the building or addition cannot be shaped or
21 wind baffling measures cannot be adopted without unduly restricting the development
22 potential of the building site in question.

23 (i) The exception may permit the building or addition to increase the time that the
24 comfort level is exceeded, but only to the extent necessary to avoid undue restriction of the
25 development potential of the site.

1 (ii) Notwithstanding the above, no exception shall be allowed and no building or
2 addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard
3 level of 26 m.p.h. for a single hour of the year.

4 For the purposes of this Section, the term “equivalent wind speed” shall mean an
5 hourly wind speed adjusted to incorporate the effects of gustiness or turbulence on
6 pedestrians.

7 (d) Van Ness Medical Use Subdistrict – Conditional Use for Medical Center. Within the
8 Van Ness Medical Use Subdistrict, the boundaries of which are shown on Sectional Map No. SU02 of
9 the Zoning Map, medical facilities affiliated with the same institution, separated only by a street or
10 alley, shall be considered a single medical center for purposes of this section.

11 (1) The “Van Ness Medical Use Subdistrict” shall be defined as the area shown on
12 Sectional Map SU02, to provide medical services by a licensed medical provider. The purpose of the
13 Subdistrict is to allow for the development of a seismically compliant medical facility with unique
14 design requirements not otherwise permitted within the Van Ness Special Use District. To the extent
15 provided in section 243, deviations from the controls of Section 243 shall be permitted in the
16 Subdistrict relating to bulk, FAR, parking, loading, projections and obstructions over streets and
17 alleys, and street frontage due to the unique requirements of new medical centers.

18 Section 4. This section is uncodified. Effective Date and Operative Date. This
19 ordinance shall become effective 30 days from the date of passage. This Ordinance shall
20 become operative only on (and no rights or duties are affected until) the later of (a) 30 days
21 from the date of its passage, or (b) the date that Ordinance _____, and Ordinance
22 _____ have both become effective. Copies of said Ordinances are on file with the
23 Clerk of the Board of Supervisors in File Nos. 130508 and 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.

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

11 By: _____
12 Audrey W. Pearson
13 Deputy City Attorney

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