

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

3

4 **Ordinance amending the San Francisco Planning Code by: 1) amending Section 124 to**  
5 **allow a floor area ratio of 9:1 for a hospital and 7.5:1 for a medical office building within**  
6 **the Van Ness Special Use District, Medical Use Subdistrict; 2) amending Section 243 to**  
7 **include the establishment of the Van Ness Medical Use Subdistrict and associated**  
8 **controls; and 3) adopting findings, including environmental findings, Planning Code**  
9 **Section 302 findings, and findings of consistency with the General Plan and the priority**  
10 **policies of Planning Code Section 101.1.**

11

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

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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 \_\_\_\_\_, by Motion No. \_\_\_\_\_, the Planning  
19 Commission certified as adequate, accurate and complete the Final Environmental Impact  
20 Report ("FEIR") for the California Pacific Medical Center Long-Range Development Plan. A  
21 copy of Planning Commission Motion No. \_\_\_\_\_ is on file with the Clerk of the Board  
22 of Supervisors in File No. \_\_\_\_\_. In accordance with the actions contemplated  
23 herein, this Board has reviewed the FEIR, and adopts and incorporates by reference as  
24 though fully set forth herein the findings, including a statement of overriding considerations  
25 and mitigation monitoring and reporting program, pursuant to the California Environmental

1 Quality Act (California Public Resources Code section 21000 et seq.), adopted by the  
2 Planning Commission on \_\_\_\_\_ in Motion No. \_\_\_\_\_. Said  
3 Motion is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

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

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

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

21  
22 Section 2. The San Francisco Planning Code is hereby amended by amending Section  
23 124, to read as follows:  
24  
25

1 (a) Except as provided in Subsections (b), (c), and (e) of this Section, the basic floor  
2 area ratio limits specified in the following table shall apply to each building or development in  
3 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 4.5 to 1  
16 where the height limit is 80 feet. Within the Van Ness Medical Use Subdistrict, the basic floor area  
17 ratio limit shall be 9.0 to 1 for a hospital and 7.5 to 1 for a medical office building, subject to  
18 Conditional Use Authorization for a hospital, medical center or other medical institution.

19 (e) In the Waterfront Special Use Districts, as described in Sections 240 through  
20 240.3 of this Code, the basic floor area ratio limit in any C District shall be 5.0 to 1.

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

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

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

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

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

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

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

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

24                   (D)     "Household of low or moderate income" shall mean a household  
25 composed of one or more persons with a combined annual net income for all adult members

1 which does not exceed 150 percent of the qualifying limit for a median income family of a size  
2 equivalent to the number of persons residing in such household, as set forth for the County of  
3 San Francisco in California Administrative Code Section 6932.

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

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

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

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

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

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

12 SEC. 243. VAN NESS SPECIAL USE DISTRICT.

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

16 (b) Purposes. In order to implement the objectives and policies of the Van Ness  
17 Avenue Area Plan, a part of the General Plan, which includes (i) creation of a mix of  
18 residential and commercial uses on the boulevard, (ii) preservation and enhancement of the  
19 pedestrian environment, (iii) encouragement of the retention and appropriate alteration of  
20 architecturally and historically significant and contributory buildings, (iv) conservation of the  
21 existing housing stock, ~~and~~ (v) enhancement of the visual and urban design quality of the  
22 street, and (vi) the establishment of an area appropriate for a medical center use (the “Van Ness  
23 Medical Use Subdistrict”) to support citywide and regional health care at the transit nexus of Van Ness  
24 Avenue and Geary Boulevard; the following controls are imposed in the Van Ness Special Use  
25 District.

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

3 (1) **Basic Floor Area Ratio.** The basic floor area ratio limit shall be 7.0 to 1 in the  
4 130-foot height district and 4.8:1 in the 80-foot height district. These limits shall apply to  
5 dwellings notwithstanding Section 124(b) of this Code, including floor space used for  
6 nonaccessory off-street parking, driveways, and maneuvering areas. The floor area ratio may  
7 be increased to up to 9:1 for a hospital and up to 7.5:1 for a medical office building if located within  
8 the Van Ness Medical Use Subdistrict. For definitions of floor area ratio and gross floor area, see  
9 Sections 102.11 and 102.9, respectively. The provisions allowing a floor area premium set  
10 forth in Section 125(a) shall not apply in the Van Ness Special Use District.

11 (2) **Housing Density.** The restrictions on density set forth in Sections 207, 207.1,  
12 208, 209.1 and 209.2 of this Code shall not apply.

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

19 (4) **Awnings, canopies and marquees.** Awnings, canopies and marquees, as  
20 defined in Sections 790.20, 790.26 and 790.58 of this Code, and further regulated by the  
21 Building Code and Sections 243(c)(5), 136.2 and 607.3 of this Code, are permitted. However,  
22 medical centers within the Van Ness Medical Use Subdistrict subject to otherwise applicable standards  
23 for awnings per Section 136.1 of this Code shall be permitted to exceed such standards to allow for  
24 coverage of patient drop-off and entry areas.



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

6            ~~(5)~~(6) Signs.

7            (A) Signs located within the Van Ness Special Use District, with the exception of  
8 the Civic Center Special Sign District as described in Section 608.3 of this Code and as  
9 shown in Sectional Map SSD, shall be regulated as provided in Article 6, including Section  
10 607.3 which governs signs located in the Van Ness Special Sign District.

11            (B) Signs on structures designated as landmarks under the provisions of Section  
12 1004 shall be regulated as provided in Section 607.3(d).

13            ~~(6)~~(7) Rear Yards. The requirements of this Code applicable to rear yards may be  
14 modified or waived by the Zoning Administrator pursuant to Section 307(g) if all of the  
15 following conditions are met:

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

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

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

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

24            ~~(7)~~(8) Required Setbacks. Setbacks for buildings exceeding a height of 50 feet  
25 shall be regulated as provided in Section 253.2 of this Code.

1           ~~(8)~~(9)    Limitation of Nonresidential Uses.

2           (A)    Residential Uses; Ratio Established. In newly constructed structures,  
3 nonresidential uses shall only be permitted if the ratio between the amount of net additional  
4 occupied floor area for residential uses, as defined in this paragraph below, to the amount of  
5 occupied floor area for nonresidential uses in excess of the occupied floor area of structures  
6 existing on the site at the time the project is approved is 3 to 1 or greater. In additions to  
7 existing structures which exceed 20 percent of the gross floor area of the existing structure,  
8 nonresidential uses shall be permitted in the addition in excess of 20 percent only if the ratio  
9 between the amount of occupied floor area for residential use, as defined in this paragraph  
10 below, to the area of occupied floor area for nonresidential use is 3 to 1 or greater. This  
11 residential use ratio shall not apply to development sites in the Van Ness Special Use District  
12 which have less than 60 feet of street frontage on Van Ness Avenue and have no street  
13 frontage other than the Van Ness Avenue frontage. For purposes of this  
14 Section, "nonresidential uses" shall mean those uses described in Sections 209.2(d) and (e)  
15 (hotel, inn, hostel), 209.3(a) (hospital, medical center or other medical institution with in-  
16 patient care facilities), 209.4 (community facilities), 209.6 (public facilities and utilities), 209.7  
17 (vehicle storage and access) and 209.8 (commercial establishments); in the Automotive  
18 Special Use District nonresidential uses include automotive uses as described in Section  
19 237; "residential use" shall mean those uses described in Sections 209.1 and 209.2(a), (b)  
20 and (c) (dwelling units and group housing).

21           (B)    Reduction of Ratio of Residential Uses for Affordable Housing. The Planning  
22 Commission may modify the Van Ness Special Use District residential to nonresidential use  
23 ratio between Golden Gate Avenue and California Street as a conditional use in one of the  
24 following ways:  
25

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

7 (1)  $(\text{Lot Area} \times \text{FAR}) / 4 \times 3 = \text{Residential SQ. FT Requirement}$

8 (2)  $\text{Residential SQ. FT Requirement} - \text{Residential SQ. FT Developed} = \text{LOSS}$

9 (3)  $\text{LOSS} \times \$15 = \text{In-Lieu Fee}$

10 (ii) Providing Affordable Housing. By conditional use, the developer may reduce  
11 up to 50 percent of the required amount of on-site housing by maintaining a portion of that  
12 housing as permanently affordable for the life of the project. Affordable units shall be  
13 managed by a nonprofit housing agency through a duly executed agreement between the  
14 project sponsor, the nonprofit agency and the Planning Department. The mix of affordable  
15 units retained in the project shall conform to the overall dwelling unit size mix of the project.  
16 The portion of retained residential which shall be affordable will be determined by calculating  
17 the number of market rate units which could be subsidized by the amount of "in-lieu fee"  
18 calculated in Paragraph (i) above. The number of square feet of affordable housing shall be  
19 calculated in the following manner:

20 (1)  $\text{In-Lieu Fee} / \$30/\text{square foot subsidy} = \text{Square Feet of Affordable Housing}$   
21  $\text{Retained in the Project}$

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

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

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

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

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

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

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

22           (C) Off-Site Provision of Required Residential Space. For the purpose of  
23 calculating the 3 to 1 ratio between residential and nonresidential use, two or more projects  
24 for new construction within the Van Ness Special Use District may be considered and  
25 approved together as linked projects. The requirements of Paragraph (A) above may be

1 satisfied if the aggregate amount of occupied floor area for residential use in two or more  
2 linked projects is at least three times greater than the aggregate amount of occupied floor  
3 area for nonresidential use.

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

8 (ii) When the Planning Department approves an application for a project  
9 containing only nonresidential use and the project is linked to one or more other projects  
10 pursuant to the statement of intent filed with the Department, it shall include as a condition of  
11 approval a requirement prohibiting the project sponsor from commencing any work on the site  
12 until the Zoning Administrator issues a written determination that such work may proceed. The  
13 Zoning Administrator shall not issue such a determination until those permits authorizing the  
14 projects containing residential use have been issued and foundations have been completed at  
15 each such site;

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

22 (iv) No building or portion of a building approved as a linked project that contains  
23 residential use required to meet the 3 to 1 residential to nonresidential ratio requirement shall  
24 be used for any nonresidential purposes; provided, however, that this restriction shall no  
25 longer apply if 50 percent or more of the non-residential occupied floor area in the linked

1 projects has been converted to residential use, or has been demolished, or has been  
2 destroyed by fire or other act of God;

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

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

12 (i) In calculating the cost of structural alterations pursuant to Section 181(b)(4),  
13 the cost of reinforcing the building to meet the standards for seismic loads and forces of the  
14 1975 Building Code shall not be included; and

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

18 (E) Demolitions. All demolitions of buildings containing residential use and all  
19 conversions from residential uses to nonresidential uses above the ground floor shall be  
20 permitted only if authorized as a conditional use under Section 303 of this Code, unless the  
21 Director of the Department of Building Inspection or the Chief of the Bureau of Fire Prevention  
22 and Public Safety determines that the building is unsafe or dangerous and that demolition is  
23 the only feasible means to secure the public safety. When considering whether to grant a  
24 conditional use permit for the demolition or conversion, in lieu of the criteria set forth in  
25 Planning Code Section 303, consideration shall be given to the adverse impact on the public

1 health, safety and general welfare of the loss of housing stock in the district and to any  
2 unreasonable hardship to the applicant if the permit is denied. The definition of residential use  
3 shall be as set forth in Section 243(c)(8)(A), but shall not include any guest room in a building  
4 classified as a residential hotel subject to the Residential Hotel Unit Conversion and  
5 Demolition Ordinance.

6 A conditional use permit shall not be required if the demolition permit is sought in  
7 order to comply with a court order directing or permitting the owner to demolish a building  
8 because it is unsafe. No person shall be permitted to construct anything on the site of a  
9 demolished building subject to such an order for a period of two years unless (a) the proposal  
10 is for at least the same number and size of dwelling units and guest rooms and the same  
11 amount of nonresidential floor area as that which was demolished or (b) the applicant  
12 requests and is granted an exemption from this requirement on the ground that the applicant  
13 has demonstrated that (1) the need for demolition did not arise because of the deliberate or  
14 unreasonable neglect of the maintenance of the building, or that (2) the restrictions would  
15 cause undue hardship to the property owner or that (3) the restrictions would leave the  
16 property without any substantial remaining market value or reasonable use.

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

22 (G) Medical Center Parking. Notwithstanding any contrary provision of this Code, the  
23 maximum parking provisions for the Van Ness Medical Use Subdistrict shall be either 150% of one  
24 parking space for each 8 beds excluding bassinets, or, 150% of one parking space for each 2,400  
25 square feet of gross floor area devoted to sleeping rooms, whichever results in the greater amount of

1 permissible parking. Any parking sought up to this maximum but that exceeds the parking provisions  
2 outlined elsewhere in this Code may only be granted by the Planning Commission as a Conditional Use  
3 Authorization.

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

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

10 ~~(H)~~(J) Other Entertainment Uses. Other Entertainment Uses as defined in Section  
11 790.38 of this Code shall require notification as set forth in Section 312 of this Code.

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

15 (L) Medical Center Street Frontages. If authorized as a Conditional Use under Section  
16 303 of this Code, a medical center within the Van Ness Medical Use Subdistrict may deviate from the  
17 street frontage requirements of Section 145.1 of this Code, so long as the Planning Commission finds  
18 that the proposed street frontages otherwise achieve the intended purposes of Section 145.1 to  
19 “preserve, enhance and promote attractive, clearly defined street frontages that are pedestrian-  
20 oriented, fine-grained, and which are appropriate and compatible with the buildings and uses” in the  
21 surrounding areas.

22 ~~(9)~~(10) Reduction of Ground Level Wind Currents.

23 (A) New buildings and additions to existing buildings shall be shaped, or other  
24 wind baffling measures shall be adopted, so that the development will not cause year-round  
25 ground level wind currents to exceed, more than 10 percent of the time, between 7:00 a.m.



1 and 6:00 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of pedestrian use  
2 and seven m.p.h. equivalent wind speed in public seating areas. When pre-existing ambient  
3 wind speeds exceed the comfort levels specified above, the building shall be designed to  
4 reduce the ambient wind speeds in efforts to meet the goals of this requirement.

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

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

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

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

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

22 (1) The “Van Ness Medical Use Subdistrict” shall be defined as the area shown on  
23 Sectional Map SU02, to provide medical services by a licensed medical provider. The purpose of the  
24 Subdistrict is to allow for the development of a seismically compliant medical facility with unique  
25 design requirements not otherwise permitted within the Van Ness Special Use District. To the extent

1 provided in section 243, deviations from the controls of Section 243 shall be permitted in the  
2 Subdistrict relating to bulk, FAR, parking, loading, projections and obstructions over streets and  
3 alleys, and street frontage due to the unique requirements of new medical centers.

4 Section 4. This section is uncodified. Effective Date and Operative Date. This  
5 ordinance shall become effective 30 days from the date of passage. This Ordinance shall  
6 become operative only on (and no rights or duties are affected until) the later of (a) 30 days  
7 from the date of its passage, or (b) the date that Ordinance \_\_\_\_\_, and Ordinance  
8 \_\_\_\_\_ have both become effective. Copies of said Ordinances are on file with the  
9 Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

10 Section 5. This section is uncodified. In enacting this Ordinance, the Board intends to  
11 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,  
12 punctuation, charts, diagrams, or any other constituent part of the Planning Code that are  
13 explicitly shown in this legislation as additions, deletions, Board amendment additions, and  
14 Board amendment deletions in accordance with the "Note" that appears under the official title  
15 of the legislation.

16 APPROVED AS TO FORM:  
17 DENNIS J. HERRERA, City Attorney

18 By: \_\_\_\_\_  
19 Audrey Williams Pearson  
20 Deputy City Attorney

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