



SAN FRANCISCO PLANNING DEPARTMENT

November 14, 2014

Supervisor David Chiu
Ms. Angela Calvillo, Clerk
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

**Re: Transmittal of Planning Department Case Number 2014.1167T
Hospital Height Exemptions
Planning Commission Recommendation: Approval**

Dear Supervisor Chiu and Ms. Calvillo,

On November 13, 2014, the Planning Commission conducted a duly noticed public hearing at regularly scheduled meeting to consider the proposed Ordinance, introduced by the Saint Francis Memorial Hospital, which would amend the height exemptions to allow hospitals to add rooftop mechanical equipment above the height limit. The Commission voted to recommend that Board of Supervisors **approve** the proposed Ordinance.

The proposed Ordinance was determined not to be a project per State CEQA Guidelines, Section 15060(c)(2) and 15378.

Please find the attached documents relating to the actions of the Commission. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Starr".

Aaron Starr
Manager of Legislative Affairs

cc:
Andrea Ruiz-Esquide
Andrea Ausberry, Office of the Clerk of the Board
Judson True, Aide to Supervisor Chiu

Attachments

Planning Commission Resolution 19275
Planning Commission Executive Summary
Signed Ordinance

1650 Mission St.
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San Francisco,
CA 94103-2479

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SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No 19275

HEARING DATE: NOVEMBER 13, 2014

Project Name: **Hospital Height Exemptions**
Case Number: **2014.1167T**
Initiated By: Saint Francis Memorial Hospital
Timothy Kirsch – 415-710-7932
Timothy.Kirsch@DignityHealth.org
Staff Contact: Kanishka Burns, Planner
kanishka.burns@sfgov.org, 415-575-9112
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Recommendation: **Adoption**

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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO ALLOW EXEMPTIONS ABOVE THE HEIGHT LIMIT FOR HOSPITAL MECHANICAL EQUIPMENT IN HOSPITALS THAT ARE LEGAL NON-COMPLIANT STRUCTURES WITH REGARD TO HEIGHT. ; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.

PREAMBLE

WHEREAS, the Height and Bulk District regulates height limits for all properties within the City and County of San Francisco; and

WHEREAS, the Planning Code exempts certain features from the height limit with a cap on allowable rooftop coverage of such features and permits other features without a cap, subject to additional limitations; and

WHEREAS, some structures were constructed before Height and Bulk Districts went into effect and are above the permitted height limit and are considered legal noncomplying structures with regard to height; and

WHEREAS, noncomplying structures with regard to height, including hospitals, are unable to add new rooftop features; and

WHEREAS, hospitals are subject to continuing building upgrades regulated by the Office of State Health Planning and Development and the California Department of Public Health to provide medical best practices, which can require the addition of new rooftop equipment; and

WHEREAS, Saint Francis Memorial Hospital is the sole critical care burn treatment center in the Northern Bay Area and is a noncomplying structure with regard to height that requires HVAC upgrades resulting in the additional of mechanical equipment to their roof to maintain this status; and

WHEREAS, while the proposed Planning Code amendment is targeted to a specific project, it sets appropriate bounds and considerations for other hospitals should similar height exceptions be considered in the future.

WHEREAS, the proposed legislation is intended to resolve the aforementioned issues; and

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider initiation of the proposed Ordinance on October 9, 2014; and

WHEREAS, pursuant to Planning Code Section 302 the Planning Commission adopted Resolution No. 19256 initiating amendments to the Planning Code on October 9, 2014 and announcing their intent to consider adoption of the draft Ordinance on or after November 13, 2014; and

WHEREAS, pursuant to Planning Code Section 306.3, the Planning Department has provided appropriate notice for a potential public hearing to consider adoption on or after November 13, 2014; and

Whereas, the proposed Ordinance is not a defined as a project under CEQA Guidelines Section 15378 and 15060(C)(2) because it does not result in a physical change in the environment; and

WHEREAS, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, the all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Commission has reviewed the proposed Ordinance:

MOVED, that the Commission hereby adopts this Resolution to recommend approval of the draft Ordinance to the Board of Supervisors; and

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. **Issues related to Hospital Height Exemptions.** The Commission finds that:
 - a) The value of the proposed project merits consideration of a limited Planning Code amendment. The proposed Planning Code text amendment would allow the Bothin Burn

Center, which is one of the few critical care burn centers in the Bay Area, to upgrade its treatment facilities and comply with State regulations as well as medical best practices.

- b) Most trauma centers in the Bay Area can stabilize burn victims and treat minor burns, however, only a few can treat severely burned patients who require acute care. In recent years, several burn centers in the Bay Area have closed. The remaining critical care burn units in the Greater Bay Area and Sacramento are located in Santa Clara, San Jose, Davis and Sacramento. The Bothin Burn Center at Saint Francis Memorial Hospital serves as the North Bay regional critical care burn unit and the proposed amendment would allow it to maintain this status and provide vital medical services to the community.
 - c) While the proposed Planning Code Amendment is targeted to a specific project, it sets appropriate bounds and considerations for other hospitals should similar height exceptions be considered in the future. The amendment requires any new mechanical equipment that is over the height limit to be necessary to the function of the building where no feasible alternatives exist, and that the equipment has minimal visual impact and maximum architectural integration. These requirements will ensure that only vital equipment is added and that it is done with minimal visual impact.
2. **General Plan Compliance.** This Resolution is consistent with the following Objectives and Policies of the General Plan:

I. COMMUNITY FACILITIES ELEMENT

OBJECTIVE 7

DISTRIBUTION THROUGHOUT THE CITY OF DISTRICT PUBLIC HEALTH CENTERS TO MAKE THE EDUCATIONAL AND PREVENTIVE SERVICES OF THE DEPARTMENT OF PUBLIC HEALTH CONVENIENT TO THE PEOPLE, THEREBY HELPING TO ACHIEVE THE GOALS OF THE PUBLIC HEALTH PROGRAM IN SAN FRANCISCO.

PRINCIPLE 4

The design of public health centers should be functional and flexible to suit present needs and to be adaptable to the potential activities of the Department of Public Health.

OBJECTIVE 9

ASSURE THAT INSTITUTIONAL USES ARE LOCATED IN A MANNER THAT WILL ENHANCE THEIR EFFICIENT AND EFFECTIVE USE.

POLICY 9.1

Locate institutional uses according to the Institutional Facilities Plan.

The proposed Planning Code text amendment will allow Saint Francis Memorial Hospital to improve functionality to meet present needs and be adaptable to future activities with minimal visual impact. Hospitals are subject to an Institutional Master Plan and must be located in a manner that will enhance their efficient and effective use, as Saint Francis Memorial Hospital is.

3. The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.
4. This Resolution is consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced.

The proposed Ordinance will have no effect on existing neighborhood-serving retail uses as it is narrowly focused on hospitals.

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The proposed Ordinance will have no adverse effect on existing housing and neighborhood character as it will allow the continuation of a hospital burn unit.

- C) The City's supply of affordable housing will be preserved and enhanced.

The proposed Ordinance will have no adverse effect on the City's supply of affordable housing.

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking.

The proposed Ordinance will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced.

The proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

Preparedness against injury and loss of life in an earthquake would be improved by the proposed amendment as any building alterations would be held to current building safety standards.

- G) That landmark and historic buildings will be preserved.

Saint Francis Memorial Hospital, located 900 Hyde Street is not a historic resource under CEQA. Landmarks and historic buildings would be unaffected by the proposed amendment. Should a proposed height exemption be located within a landmark or historic building, such site would be evaluated under typical Planning Code provisions and comprehensive Planning Department policies.

- H) Parks and open space and their access to sunlight and vistas will be protected from development.

The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed amendments. The proposed amendment allows for greater rooftop coverage but also require that additions be of minimal visual impact and that obsolete equipment be removed. There are no parks within a quarter mile of Saint Francis Memorial Hospital.

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Planning Commission on November 13, 2014.

Jonas P. Ionin
Commission Secretary

AYES: Commissioners Antonini, Fong, Hillis, Johnson, Moore, Richards, Wu

NOES: None

ABSENT: None

ADOPTED: November 13, 2014



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Proposed Planning Code Amendment of Hospital Height Exemptions

HEARING DATE: NOVEMBER 13, 2014

Project Name: Hospital Height Exemptions
Case Number: 2014.1167T
Initiated By: Saint Francis Memorial Hospital
Timothy Kirsch – 415-710-7932
Timothy.Kirsch@DignityHealth.org
Staff Contact: Kanishka Burns, Planner
kanishka.burns@sfgov.org, 415-575-9112
Reviewed by: Aaron Starr, Acting Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Recommendation: **Recommend Approval**

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PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code to allow hospitals that have legal non-complying structures with regard to height to add new rooftop mechanical equipment so long as the new mechanical equipment does the following: 1) is no higher than the highest point of the existing rooftop enclosure, excluding antennas; 2) has minimal visual impact and maximum architectural integration; 3) is necessary for the function of the building; and 4) no other feasible alternatives exist. Since the initiation hearing, the Ordinance has been amended to require any existing rooftop equipment that is out of serve or otherwise abandoned to be removed prior to the installation of new rooftop equipment.

The Way It Is Now:

The Planning Code allows a number of exceptions to the height limit regulated by the Height and Bulk District. Certain exemptions are limited to occupying 20 percent of the horizontal area of the roof and may be increased to 30 percent by unroofed screening designed to either obscure the exempted features or create a more balanced and graceful silhouette for the top of the building or structure. Exemptions that are limited by horizontal area include mechanical equipment and appurtenances necessary to the operation or maintenance of the building. This exemption applies to the top 10 feet of the features where the height limit is 65 feet or less and the top 16 feet of the features where the height limit is more than 65 feet.

A number of additional exemptions from the height limit are not limited by horizontal area but rather by limitations specific to the exemption. For example, railings, parapets and catwalks are permitted above the height limit with a maximum height of four feet.

The Saint Francis Memorial Hospital structure at 900 Hyde Street is approximately 175 feet tall in an 80-A Height and Bulk District. The building has an existing mechanical room that covers approximately 51 percent of the rooftop, in excess of the 30 percent allowable horizontal area coverage. The required

mechanical equipment to upgrade the Burn Unit would increase the coverage by approximately two percent and is not permitted under the current Planning Code.

The Way It Would Be:

An exemption that is not limited by horizontal area would be available to hospitals that have noncomplying structures, with regard to height. The exemption would be specific to mechanical equipment as long as the new equipment meets the following conditions:

1. It is not higher than the highest point of the existing rooftop enclosure, excluding antennas;
2. It has minimal visual impact and maximum architectural integration;
3. It is necessary for the function of the building; and
4. No other feasible alternatives exist.

Any existing rooftop equipment that is out of service or otherwise abandoned must be removed prior to the installation of new rooftop equipment.

ISSUES AND CONSIDERATIONS

On October 9, 2014 the Commission initiated amendments to the Planning Code height exemptions for hospitals that are legal nonconforming structures with regard to height. At that hearing and pursuant to Planning Code Section 306.3, the Planning Commission authorized the Department to provide notice for a hearing to consider the Planning Code amendments contained in the draft Ordinance and with additional modifications to revise height exemptions.

The proposed amendment would allow Saint Francis Memorial Hospital to upgrade its Burn Unit, known as the Bothin Burn Center, with a new air handler, exhaust fans and associated ductwork. The Saint Francis Memorial Hospital building located at 900 Hyde Street is approximately 175 feet tall in an 80 foot Height and Bulk district. The existing building is a noncomplying structure with regard to height and would not be permitted to add any new rooftop mechanical equipment. Hospital permits are granted by the Office of State Health Planning and Development (OSHPD) which looks to local governments for zoning approvals and clearances. The proposed upgrades to the Burn Unit have been reviewed by OSHPD and would be approved pending Commission approval of this Planning Code amendment.

REQUIRED COMMISSION ACTIONS

The proposed Ordinance is before the Commission so that it may approve or disapprove the proposed Planning Code Amendments.

RECOMMENDATION

The Department recommends that the Commission recommend *approval* of the proposed Ordinance and adopt the attached Draft Resolution to that effect.

BASIS FOR RECOMMENDATION

The value of the proposed project merits consideration of a limited Planning Code amendment. The proposed Planning Code text amendment would allow the Bothin Burn Center, which is one of the few critical care burn centers in the Bay Area, to upgrade its treatment facilities and comply with State regulations as well as medical best practices. Most trauma centers in the Bay Area can stabilize burn victims and treat minor burns, however, only a few can treat severely burned patients who require acute care. In recent years, several burn centers in the Bay Area have closed. The remaining critical care burn units in the Greater Bay Area and Sacramento are located in Santa Clara, San Jose, Davis and Sacramento. The Bothin Burn Center at Saint Francis Memorial Hospital serves as the North Bay regional critical care burn unit and the proposed amendment would allow it to maintain this status and provide vital medical services to the community.

While the proposed Planning Code amendment is targeted to a specific project, it sets appropriate bounds and considerations for other hospitals should similar height exceptions be considered in the future. The amendment requires any new mechanical equipment that is over the height limit to be necessary to the function of the building where no feasible alternatives exist, and that the equipment has minimal visual impact and maximum architectural integration. These requirements will ensure that only vital equipment is added and that it is done with minimal visual impact. The proposed amendment will allow hospitals to provide necessary upgrades to their buildings without restricting the provision of critical care.

ENVIRONMENTAL REVIEW

The proposal to amend the Planning Code is not defined as a project under CEQA Guidelines Section 15378 and 15060(C)(2) because it does not result in a physical change in the environment.

PUBLIC COMMENT

As of the date of this report, the Planning Department has received no letters regarding this proposal.

RECOMMENDATION: Recommendation of Approval
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Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Proposed Ordinance

1 [Planning Code – Height Exemptions for Hospitals]

2
3 **Ordinance amending the Planning Code to allow exemptions above the height limit for**
4 **hospital mechanical equipment in hospitals that are legal non-compliant structures**
5 **with regard to height; making environmental findings and findings of consistency with**
6 **the General Plan and the eight priority policies of Planning Code Section 101.1.**

7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.
9 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
10 **Board amendment additions** are in double-underlined Arial font.
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.
12 **Asterisks (* * * *)** indicate the omission of unchanged Code
13 subsections or parts of tables.

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

15 Section 1. Findings

16 (a) The Planning Department has determined that the actions contemplated in this
17 ordinance comply with the California Environmental Quality Act (California Public Resources
18 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
19 Supervisors in File No. ____ and is incorporated herein by reference.

20 (b) On _____, the Planning Commission, in Resolution No. _____, adopted
21 findings that the actions contemplated in this ordinance are consistent, on balance, with the
22 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board
23 adopts these findings [OR, this determination] as its own. A copy of said Resolution is on file
24 with the Clerk of the Board of Supervisors in File No. _____, and is incorporated herein by
25 reference.

(c) Pursuant to Planning Code Section 302, this Board finds that this Planning Code
Amendment will serve the public necessity, convenience, and welfare for the reasons set forth

1 in Planning Commission Resolution No. _____ and the Board incorporates such reasons
2 herein by reference.

3 Section 2. The Planning Code is hereby amended by adding new Subsection
4 260(b)(2)(S), to read as follows:

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

6 * * * *

7 (S) Hospitals, as defined in this Code, that are legal non-complying structures with regard to
8 height, may add additional mechanical equipment so long as the new mechanical equipment 1) is not
9 higher than the highest point of the existing rooftop enclosure, excluding antennas; 2) has minimal
10 visual impact and maximum architectural integration; 3) is necessary for the function of the building;
11 and 4) no other feasible alternatives exist.

12 Section 3. Effective Date. This ordinance shall become effective 30 days after
13 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
14 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
15 of Supervisors overrides the Mayor's veto of the ordinance.

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

19 By: 
20 ANDREA RUIZ-ESQUIDE
21 Deputy City Attorney

22 n:\land\as2014\9690392\00958622.doc