

1 [Planning Code - Obstructions in Required Setbacks, Yards, and Usable Open Space]

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3 **Ordinance amending the Planning Code to allow, in required setbacks, yards, and**
 4 **usable open space, all projections of an architectural nature if they meet the specified**
 5 **requirements and to allow bay windows that do not meet the specified requirements to**
 6 **apply for a Zoning Administrator waiver; affirming the Planning Department's**
 7 **determination under the California Environmental Quality Act; making findings of**
 8 **consistency with the General Plan, and the eight priority policies of Planning Code,**
 9 **Section 101.1; and adopting findings of public necessity, convenience, and general**
 10 **welfare under Planning Code, Section 302.**

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

16

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

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19 Section 1. Environmental and Land Use Findings.

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21 (a) The Planning Department has determined that the actions contemplated in this
 22 ordinance comply with the California Environmental Quality Act (California Public Resources
 23 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
 24 Supervisors in File No. 190454 and is incorporated herein by reference. The Board affirms
 25 this determination.

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(b) On October 4, 2018, the Planning Commission, in Resolution No. 20298, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 190454, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, the Board finds that this Planning Code amendment will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 20298, and the Board incorporates such reasons herein by reference.

Section 2. The Planning Code is hereby amended by revising Sections 136 and 307, to read as follows:

SEC. 136. OBSTRUCTIONS OVER STREETS AND ALLEYS AND IN REQUIRED SETBACKS, YARDS, AND USABLE OPEN SPACE.

Streets and Alleys	Set-backs	Yards	Usable Open Space	
				<p>(a) The following obstructions shall be permitted, in the manner specified, as indicated by the symbol "X" in the columns at the left, within the required open areas listed herein:</p> <p>(1) Projections from a building or structure extending over a sStreet or aAlley as defined <i>in Section 102 of</i> this Code. Every portion of such projections over a sStreet or aAlley shall provide a minimum of 7½ feet of vertical</p>

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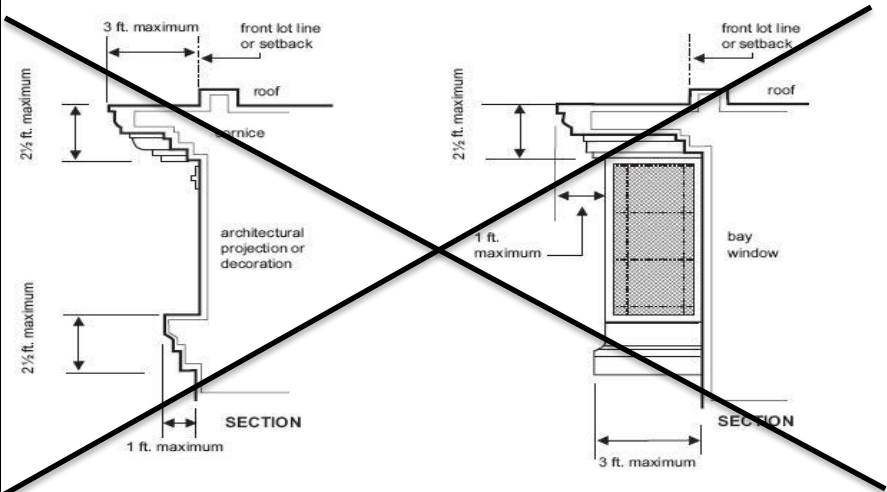
				<p>clearance from the sidewalk or other surface above which it is situated, or such greater vertical clearance as may be required by the San Francisco Building Code, unless the contrary is stated below. The permit under which any such projection over a sStreet or aAlley is erected over public property shall not be construed to create any perpetual right but is a revocable license;</p> <p>(2) Obstructions within legislated setback lines and front setback areas, as required by Sections 131 and 132 of this Code;</p> <p>(3) Obstructions within side yards and rear yards, as required by Sections 133 and 134 of this Code;</p> <p>(4) Obstructions within usable open space, as required by Section 135 of this Code.</p> <p>(b) No obstruction shall be constructed, placed, or maintained in any such required open area except as specified in this Section <u>136</u>.</p> <p>(c) The permitted obstructions shall be as follows:</p> <p>(1) Overhead horizontal p<u>Projections of an architectural nature that leave (leaving</u> at least 7½ feet of <u>headroom) of a purely architectural or decorative character clearance and do not increase the floor area or the volume of space enclosed by the building,</u> such as cornices, eaves, sills, and belt courses, <u>sunshades, fins, and brise soleils;</u> with a vertical</p>
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dimension of no more than two feet six inches, not increasing the floor area or the volume of space enclosed by the building, and not projecting more than four feet over streets and alleys or more than four feet into setbacks, yards, and usable open space. ÷

(A) At roof level, three feet over streets and alleys and into setbacks, or to a perimeter in such required open areas parallel to and one foot outside the surfaces of bay windows immediately below such features, whichever is the greater projection;

(B) At every other level, one foot over streets and alleys and into setbacks, and



(C) Three feet into yards and usable open space, or 1/6 of the required minimum dimensions (when specified) of such open areas, whichever is less;

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1 **SEC. 307. OTHER POWERS AND DUTIES OF THE ZONING ADMINISTRATOR.**

2 In addition to those specified in Sections 302 through 306 of this Code, the
3 Zoning Administrator shall have the following powers and duties in administration and
4 enforcement of this Code.

5 * * * *

6 (h) **Exceptions from Certain Specific Code Standards through Administrative**
7 **Review.** The Zoning Administrator may allow complete or partial relief from certain standards
8 specifically identified below, in Section 161, or elsewhere in this Code when modification of
9 the standard would result in a project fulfilling the criteria set forth below and in the applicable
10 section.

11 (1) **Applicability.**

12 * * * *

13 (D) **Conversion of Non-conforming Uses to Residential Uses.** The
14 Zoning Administrator may modify or waive dwelling unit exposure requirements, rear yard
15 requirements, open space requirements for inner courts, and the substitution of off-site
16 publicly accessible open space for required residential open space, provided *that*:

17 (i) ~~That~~ the ~~r~~Residential ~~u~~Use, whether ~~d~~Dwelling ~~u~~Units,
18 ~~g~~Group ~~h~~Housing, or SRO units, are ~~p~~Principally ~~p~~Permitted in the district or districts in which
19 the project is located;

20 (ii) ~~That~~ the nonconforming use is eliminated by such
21 conversion, provided further that the structure is not enlarged, extended, or moved to another
22 location; and

23 (iii) ~~That~~ the requirements of the Building Code, the Housing
24 Code, and other applicable portions of the Municipal Code are met.

1 (E) **Better Roofs; Living Roof Alternative.** For projects subject to
2 Section 149, the Zoning Administrator may waive portions of the applicable requirements as
3 provided in Section 149(e).

4 (F) **Bay Windows.** *The Zoning Administrator may allow complete or partial*
5 *relief from the requirements of Section 136 of this Code for bay windows that maintain the same*
6 *massing as those allowed as a permitted obstruction in Section 136 and otherwise meet all applicable*
7 *design guidelines.*

8 * * * *

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

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15 Section 4 Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
16 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
17 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
18 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
19 additions, and Board amendment deletions in accordance with the “Note” that appears under
20 the official title of the ordinance.

21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By: _____
24 JUDITH A. BOYAJIAN
25 Deputy City Attorney

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