

FILE NO. 020493

ORDINANCE NO. 219-02

1 [Ordinance to Require Twenty Percent of a Required Setback To Remain Unpaved and
2 Devoted to Plant Material and to Prohibit Parking in Required Setbacks.]

3 **Ordinance amending Sections 132 and 136 of the Planning Code to require that twenty**
4 **percent of required setback areas remain unpaved and devoted to plant material, and**
5 **to prohibit parking from obstructing required setbacks, and making findings of**
6 **consistency with the priority policies of Planning Code Section 101.1 and the General**
7 **Plan.**

8 Note: Additions are *single-underline italics Times New Roman*;
9 deletions are *strikethrough italics Times New Roman*.
10 Board amendment additions are double underlined.
11 Board amendment deletions are ~~strikethrough normal~~.

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

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

15 (a) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
16 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in
17 Planning Commission Resolution No. 16450 recommending approval of this Planning Code
18 Amendment, and incorporates such reasons by this reference thereto. A copy of said
19 resolution is on file with the Clerk of the Board of Supervisors in File No. 020493.

20 (b) Pursuant to Planning Code Section 101.1, this Board of Supervisors finds that this
21 ordinance is in consistent with the Priority Policies of Section 101.1(b) of the Planning Code
22 and, when effective, with the General Plan as proposed to be amended and hereby adopts
23 the findings of the Planning Commission, as set forth in Planning Commission Resolution No.
24 16450, and incorporates said findings by this reference thereto.

1 Section 2. The San Francisco Planning Code is hereby amended by amending Section
2 132, to read as follows:

3 **Section 132. FRONT SETBACK AREAS, RH AND RM DISTRICTS.**

4 The following requirements for minimum front setback areas shall apply to every
5 building in all RH and RM Districts, in order to relate the setbacks provided to the existing
6 front setbacks of adjacent buildings.

7 (a) Basic Requirement. Where one or both of the buildings adjacent to the
8 subject property have front setbacks along a street or alley, any building or addition
9 constructed, reconstructed or relocated on the subject property shall be set back to the
10 average of the two adjacent front setbacks. If only one of the adjacent buildings has a
11 front setback, or if there is only one adjacent building, then the required setback for the
12 subject property shall be equal to one-half the front setback of such adjacent building.
13 In any case in which the lot constituting the subject property is separated from the lot
14 containing the nearest building by an undeveloped lot or lots for a distance of 50 feet or
15 less parallel to the street or alley, such nearest building shall be deemed to be an
16 "adjacent building," but a building on a lot so separated for a greater distance shall not
17 be deemed to be an "adjacent building."

18 (b) Alternative Method of Averaging. If, under the rules stated in Subsection
19 (a) above, an averaging is required between two adjacent front setbacks, or between
20 one adjacent setback and another adjacent building with no setback, the required
21 setback on the subject property may alternatively be averaged in an irregular manner
22 within the depth between the set-backs of the two adjacent buildings, provided that the
23 area of the resulting setback shall be at least equal to the product of the width of the
24 subject property along the street or alley times the setback depth required by
25 Subsections (a) and (c) of this Section; and provided further, that all portions of the

1 resulting setback area on the subject property shall be directly exposed laterally to the
2 setback area of the adjacent building having the greater setback. In any case in which
3 this alternative method of averaging has been used for the subject property, the extent
4 of the front setback on the subject property for purposes of Subsection (c) below
5 relating to subsequent development on an adjacent site shall be considered to be as
6 required by Subsection (a) above, in the form of a single line parallel to the street or
7 alley.

8 (c) Method of Measurement. The extent of the front setback of each adjacent
9 building shall be taken as the horizontal distance from the property line along the street or
10 alley to the building wall closest to such property line, excluding all projections from such wall,
11 all decks and garage structures and extensions, and all other obstructions.

12 (d) Applicability to Special Lot Situations.

13 (1) Corner Lots and Lots at Alley Intersections. On a corner lot as defined by
14 this Code, or a lot at the intersection of a street and an alley or two alleys, a front setback area
15 shall be required only along the street or alley elected by the owner as the front of the
16 property. Along such street or alley, the required setback for the subject lot shall be equal to $\frac{1}{2}$
17 the front setback of the adjacent building.

18 (2) Lots Abutting Properties That Front on Another Street or Alley. In the
19 case of any lot that abuts along its side lot line upon a lot that fronts on another street or alley,
20 the lot on which it so abuts shall be disregarded, and the required setback for the subject lot
21 shall be equal to the front setback of the adjacent building on its opposite side.

22 (3) Lots Abutting RC, C, M and P Districts. In the case of any lot that abuts
23 property in an RC, C, M or P District, any property in such district shall be disregarded, and
24 the required setback for the subject lot shall be equal to the front setback of the adjacent
25 building in the RH or RM District.

1 (e) Maximum Requirements. The maximum required front setback in any of
2 the cases described in this Section 132 shall be 15 feet from the property line along the street
3 or alley, or 15 percent of the average depth of the lot from such street or alley, whichever
4 results in the lesser requirement. The required setback for lots located within the Bernal
5 Heights Special Use District is set forth in Section 242 of this Code.

6 (f) Permitted Obstructions. Only those obstructions specified in Section 136
7 of this Code shall be permitted in a required front setback area, and no other obstruction shall
8 be constructed, placed or maintained within any such area. No motor vehicle, trailer, boat or
9 other vehicle shall be parked or stored within any such area, except as specified in Section
10 136.

11 (g) Landscaping. All front setback areas required by this Section 132 shall be
12 appropriately landscaped, and in every case not less than 20 percent of the required setback
13 area shall be and remain unpaved and devoted to plant material, including the use of
14 native/drought resistant plant material.

15 (h) Relationship to Legislated Setback Lines. In case of any conflict between
16 the requirements of this Section 132 for front setback areas and a legislated setback line as
17 described in Section 131 of this Code, the more restrictive requirements shall prevail.

18 Section 2. The San Francisco Planning Code is hereby amended by amending Section
19 136, to read as follows:

20 **Section 136. OBSTRUCTIONS OVER STREETS AND ALLEYS AND IN REQUIRED**
21 **SETBACKS, YARDS AND USABLE OPEN SPACE**

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Streets and	Setbacks	Yards	Useable Open	
				<p>SEC. 136. OBSTRUCTIONS OVER STREETS AND ALLEYS AND IN REQUIRED SETBACKS, YARDS AND USABLE OPEN SPACE.</p> <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 street or alley as defined by this Code. Every portion of such projections over a street or alley shall provide a minimum of 7-½ feet of vertical 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 street or alley 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>

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Streets and	Setbacks	Yards	Useable Open	
				(4) Obstructions within usable open space, as required by Section 135 of this Code.
				(b) No obstructions shall be constructed, placed or maintained in any such required open area except as specified in this Section.
				(c) The permitted obstructions shall be as follows:
X	X	X	X	(1) Overhead horizontal projections (leaving at least 7-½ feet of headroom) of a purely architectural or decorative character such as cornices, eaves, sills and belt courses, with a vertical 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:
				(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

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Streets and	Setbacks	Yards	Useable Open	
				(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;
X	X	X	X	(2) Bay (projecting) windows, balconies (other than balconies used for primary access to two or more dwelling units or two or more bedrooms in group housing), and similar features that increase either the floor area of the building or the volume of space enclosed by the building above grade, when limited as specified herein. With respect to obstructions within yards and usable open space, the bay windows and balconies specified in Paragraph (c)(3) below shall be permitted as an alternative to those specified in this Paragraph (c)(2).
				(A) The minimum headroom shall be 7-½ feet.
				(B) Projection into the required open area shall be limited to three feet, provided that projection over streets and alleys shall be further limited to two feet where the sidewalk width is nine feet or less, and the projection shall in no case be closer than eight feet to the centerline of any alley.

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Streets and	Setbacks	Yards	Useable Open	
				<p>(C) The glass areas of each bay window, and the open portions of each balcony, shall be not less than 50 percent of the sum of the areas of the vertical surfaces of such bay window or balcony above the required open area. At least 1/3 of such required glass area of such bay window, and open portions of such balcony, shall be on one or more vertical surfaces situated at an angle of not less than 30 degrees to the line establishing the required open area. In addition, at least 1/3 of such required glass area or open portions shall be on the vertical surface parallel to, or most nearly parallel to, the line establishing each open area over which the bay window or balcony projects.</p>
				<p>(D) The maximum length of each bay window or balcony shall be 15 feet at the line establishing the required open area, and shall be reduced in proportion to the distance from such line by means of 45 degree angles drawn inward from the ends of such 15-foot dimension, reaching a maximum of nine feet along a line parallel to and at a distance of three feet from the line establishing the required open area.</p>

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Streets and	Setbacks	Yards	Useable Open	
				<p>(E) Where a bay window and a balcony are located immediately adjacent to one another, and the floor of such balcony in its entirety has a minimum horizontal dimension of six feet, the limitations of Subparagraph (c)(2)(D) above shall be increased to a maximum length of 18 feet at the line establishing the required open area, and a maximum of 12 feet along a line parallel to and at a distance of three feet from the line establishing the required open area.</p>
				<p>(F) The minimum horizontal separation between bay windows, between balconies, and between bay windows and balconies (except where a bay window and a balcony are located immediately adjacent to one another, as provided for in Subparagraph (c)(2)(E) above), shall be two feet at the line establishing the required open area, and shall be increased in proportion to the distance from such line by means of 135-degree angles drawn outward from the ends of such two-foot dimension, reaching a minimum of eight feet along a line parallel to and at a distance of three feet from the line establishing the required open area.</p>

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Streets and	Setbacks	Yards	Useable Open	
				<p>(G) Each bay window or balcony over a street or alley, setback or rear yard shall also be horizontally separated from interior lot lines (except where the wall of a building on the adjoining lot is flush to the interior lot line immediately adjacent to the projecting portions of such bay window or balcony) by not less than one foot at the line establishing the required open area, with such separation increased in proportion to the distance from such line by means of a 135-degree angle drawn outward from such one-foot dimension, reaching a minimum of four feet along a line parallel to and at a distance of three feet from the line establishing the required open area;</p>
				<p>(3) Bay (projecting) windows, balconies (other than balconies used for primary access to two or more dwelling units or two or more bedrooms in group housing), and similar features that increase either the floor area of the building or the volume of space enclosed by the building above grade, when limited as specified herein. With respect to obstructions within yards and usable open space, the bay windows and balconies specified in Paragraph (c)(2) above shall be permitted as an alternative to those specified in this Paragraph (c)(3).</p>

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Streets and	Setbacks	Yards	Useable Open	
				(A) The minimum headroom shall be 7-1/2 feet.
				(B) Projection into the required open area shall be limited to three feet, or 1/6 of the required minimum dimension (when specified) of the open area, whichever is less.
				(C) In the case of bay windows, the maximum length of each bay window shall be 10 feet, and the minimum horizontal separation between bay windows shall be five feet, above all parts of the required open area.
				(D) The aggregate length of all bay windows and balconies projecting into the required open area shall be no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the length of all open areas along the buildable length of an interior side lot line; in the case of yards, these limits on aggregate length shall apply to the aggregate of all bay windows, balconies, fire escapes and chimneys.

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Streets and	Setbacks	Yards	Useable Open	
X	X	X	X	<p>(4) Fire escapes, leaving at least 7-1/2 feet of headroom exclusive of drop ladders to grade, and not projecting more than necessary for safety or in any case more than four feet six inches into the required open area. In the case of yards, the aggregate length of all bay windows, balconies, fire escapes and chimneys that extend into the required open area shall be no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the buildable length of an interior side lot line;</p>
			X	<p>(5) Overhead horizontal projections other than those listed in Paragraphs (c)(1), (2), (3) and (4) above, leaving at least 7-1/2 feet of headroom, where the depth of any such projection is no greater than the headroom it leaves, and in no case is greater than 10 feet; and provided that, in the case of common usable open space at ground level, the open space under the projection directly adjoins uncovered usable open space that is at least 10 feet in depth and 15 feet in width;</p>

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Streets and	Setbacks	Yards	Useable Open	
		X		(6) Chimneys not extending more than three feet into the required open area or 1/6 of the required minimum dimension (when specified) of the open area, whichever is less; provided, that the aggregate length of all bay windows, balconies, fire escapes and chimneys that extend into the required open area is no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the buildable length of an interior side lot line;
X				(7) Temporary occupancy of street and alley areas during construction and alteration of buildings and structures, as regulated by the Building Code and other portions of the Municipal Code;
X				(8) Space below grade, as regulated by the Building Code and other portions of the Municipal Code;
X	X			(9) Building curbs and buffer blocks at ground level, not exceeding a height of nine inches above grade or extending more than nine inches into the required open area;
X	X			(10) Signs as regulated by Article 6 of this Code, at locations and to the extent permitted therein;

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Streets and	Setbacks	Yards	Useable Open	
X	X			(11) Flagpoles for projecting flags permitted by Article 6 of this Code;
X	X			(12) Marquees, awnings and canopies in P, NC, C, M, and RSD, SPD, SLR, SLI and SSO districts, as regulated by the Building Code, and as further limited in Section 136.1 and other provisions of this Code;
	X	X	X	(13) Retaining walls that are necessary to maintain approximately the grade existing at the time of construction of a building. Other retaining walls and the grade maintained by them shall be subject to the same regulations as decks (see Paragraphs (c)(24) and (c)(25) below);

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Streets and	Setbacks	Yards	Useable Open	
	X	X	X	(14) Steps of any type not more than three feet above grade, and uncovered stairways and landings not extending higher than the floor level of the adjacent first floor of occupancy above the ground story, and, in the case of yards and usable open space, extending no more than six feet into the required open area for any portion that is more than three feet above grade, provided that all such stairways and landings shall occupy no more than 2/3 the buildable width of the lot along a front or rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the length of all open areas along the buildable length of an interior side lot line;
X	X	X	X	(15) Railings no more than three feet six inches in height above any permitted step, stairway, landing, fire escape, deck, porch or balcony, or above the surface of any other structure permitted in the required open area.
	X	X	X	(16) Decorative railings and decorative grille work, other than wire mesh, at least 75 percent open to perpendicular view and no more than six feet in height above grade;
	X	X	X	(17) Fences no more than three feet in height above grade;

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Streets and	Setbacks	Yards	Useable Open	
		X	X	(18) Fences and wind screens no more than six feet in height above grade;
		X		(19) Fences and wind screens no more than 10 feet in height above grade;
		X	X	(20) Normal outdoor recreational and household features such as play equipment and drying lines;
	X	X	X	(21) Landscaping and garden furniture;
		X	X	(22) Garden structures enclosed by walls on no more than 50 percent of their perimeter, such as gazebos and sunshades, if no more than eight feet in height above grade and covering no more than 60 square feet of land;
		X		(23) Other structures commonly used in gardening activities, such as greenhouses and sheds for storage of garden tools, if no more than eight feet in height above grade and covering no more than 100 square feet of land;
		X		(24) Decks, whether attached to a building or not, at or below the adjacent first floor of occupancy, if developed as usable open space and meeting the following requirements:

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Streets and	Setbacks	Yards	Useable Open	
				<p>(A) Slope of 15 percent or less. The floor of the deck shall not exceed a height of three feet above grade at any point in the required open area, nor shall such floor penetrate a plane made by a vertical angle 45 degrees above horizontal with its vertex three feet above grade at any lot line bordering the required open area,</p>
				<p>(B) Slope of more than 15 percent and no more than 70 percent. The floor of the deck shall not exceed a height of three feet above grade at any point along any lot line bordering the required open area, nor shall such floor penetrate a plane made by a vertical angle 45 degrees above horizontal with its vertex three feet above grade at any lot line bordering the required open area, except that when two or more lots are developed with adjacent decks whose floor levels differ by not more than three feet, whether or not the lots will remain in the same ownership, each deck may come all the way to the lot line adjacent to the other deck. In addition, the vertical distance measured up from grade to the floor of the deck shall not exceed seven feet at any point in the required open area,</p>

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Streets and	Setbacks	Yards	Useable Open	
				(C) Slope of more than 70 percent. Because in these cases the normal usability of the required open area is seriously impaired by the slope, a deck covering not more than 1/3 the area of the required open area may be built exceeding the heights specified above, provided that the light, air, view, and privacy of adjacent lots are not seriously affected. Each such case shall be considered on its individual merits. However, the following points shall be considered guidelines in these cases:
				(i) The deck shall be designed to provide the minimum obstruction to light, air, view and privacy.
				(ii) The deck shall be at least two feet inside all side lot lines.
				(iii) On downhill slopes, a horizontal angle of 30 degrees drawn inward from each side lot line at each corner of the rear building line shall be maintained clear, and the deck shall be kept at least 10 feet inside the rear lot line;
		X		(25) Except in required side yards, decks, and enclosed and unenclosed extensions of buildings, when limited as specified herein:

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Streets and	Setbacks	Yards	Useable Open	
				(A) The structure shall extend no more than 12 feet into the required open area; and shall not occupy any space within the rear 25 percent of the total depth of the lot, or within the rear 15 feet of the depth of the lot, whichever is greater,
				(B) Within all parts of the required open area, the structure shall be limited in height to either:
				(i) 10 feet above grade, or
	X			(ii) A height not exceeding the floor level of the second floor of occupancy, excluding the ground story, at the rear of the building on the subject property, in which case the structure shall be no closer than five feet to any interior side lot line,
				(C) Any fence or wind screen extending above the height specified in Subparagraph (c)(25)(B) shall be limited to six feet above such height; shall be no closer to any interior side lot line than one foot for each foot above such height; and shall have not less than 80 percent of its surfaces above such height composed of transparent or translucent materials;

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Streets and	Setbacks	Yards	Useable Open	
		X		(26) Garages which are underground, or under decks conforming to the requirements of Paragraph (c)(24) or (c)(25) above, if their top surfaces are developed as usable open space, provided that no such garage shall occupy any area within the rear 15 feet of the depth of the lot;
	X			(27) Garages, where the average slope of the required open area ascends from the street lot line to the line at the setback and exceeds 50 percent, provided the height of the garage is limited to 10 feet above grade, or the floor level of the adjacent first floor of occupancy on the subject property, whichever height is less;
	X			(28) Garages, where both adjoining lots (or the one adjoining lot where the subject property is a corner lot) contain a garage structure within the required setback line or front setback area on the same street or alley frontage, provided the garage on the subject property does not exceed the average of the two adjacent garage structures (or the one adjacent garage structure where the subject property is a corner lot) in either height above grade or extension into the required setback;

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Streets and	Setbacks	Yards	Useable Open	
		X		(29) Garages, where the subject property is a through lot having both its front and its rear lot line along streets, alleys, or a street and an alley, and both adjoining lots (or the one adjoining lot where the subject property is also a corner lot) contain a garage structure adjacent to the required rear yard on the subject property, provided the garage on the subject property does not exceed the average of the two adjacent garage structures (or the one adjacent garage structure where the subject property is a corner lot) in either height above grade or encroachment upon the required rear yard;
X	X	X		(30) Driveways, for use only to provide necessary access to required or permitted parking <i>that is located in the buildable area of</i> on the subject property other than in a required open area, and where such driveway has only the minimum width needed for such access, <u>and in no case shall parking be allowed in the setback;</u>
		X	X	(31) In the Outer Clement Street Neighborhood Commercial District, outdoor activity area if used in connection with a commercial use on a contiguous lot and which existed in 1978 and has remained in said use since 1978.


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Streets and	Setbacks	Yards	Useable Open	
				(d) Notwithstanding the limitations of Subsection (c) of this Section, the following provisions shall apply in C-3 districts:
				(1) Decorative Architectural Features. Decorative architectural features not increasing the interior floor area or volume of the space enclosed by the building are permitted over streets and alleys and into setbacks within the maximum vertical and horizontal dimensions described as follows:
				(A) At roof level, decorative features such as cornices, eaves, and brackets may project four feet with a maximum vertical dimension no greater than six feet.
				(B) At all levels above the area of minimum vertical clearance required in Subsection (a)(1) above, decorative features, such as belt courses, entablatures, and bosses, may project two feet, with a maximum vertical dimension of four feet.
				(C) At all levels above the area of minimum vertical clearance required by Subsection (a)(1) above, vertical decorative features, such as pilasters, columns, and window frames (including pediment and sills), with a cross-sectional area of not more than three square feet at midpoint, may project one foot horizontally.

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Streets and	Setbacks	Yards	Useable Open	
				<p>(2) Bay Windows. Notwithstanding the provisions of Subsections (c)(2)(D) and (F) of this Section, bay windows on nonresidential floors of a structure are permitted only if the width of the bay is at least two times its depth, the total width of all bays on a facade plane does not exceed ½ of the width of the facade plane, and the maximum horizontal (plan) dimensions of the bay fit within the dimensions set forth in the diagram below.</p>

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

By: 
SARAH ELLEN OWSOWITZ
Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 020493

Date Passed:

Ordinance amending Sections 132 and 136 of the Planning Code to require that twenty percent of required setback areas remain unpaved and devoted to plant material, and to prohibit parking from obstructing required setbacks, and making findings of consistency with the priority policies of the Planning Code Section 101.1 and the General Plan.

October 21, 2002 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval, Yee

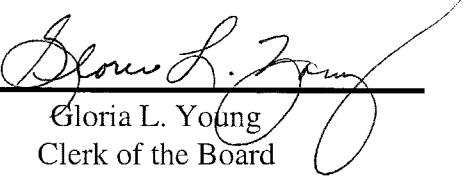
October 28, 2002 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,
Newsom, Sandoval, Yee

Absent: 1 - Peskin

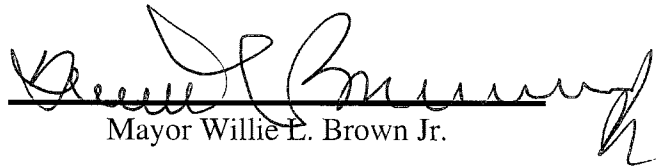
File No. 020493

I hereby certify that the foregoing Ordinance
was FINALLY PASSED on October 28, 2002
by the Board of Supervisors of the City and
County of San Francisco.


Gloria L. Young
Clerk of the Board

NOV 08 2002

Date Approved


Mayor Willie L. Brown Jr.