

[Planning Code - Height Limit Exemption for Required Rooftop Restrooms]

**Ordinance amending the Planning Code to exempt the height of rooftop restrooms serving rooftop common-use areas from the calculation of a building's total height; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public convenience, necessity, and welfare under Planning Code, Section 302.**

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

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

Section 1. Findings.

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

(b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_, 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

1 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of  
2 the Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code  
4 amendments will serve the public necessity, convenience, and welfare for the reasons set  
5 forth in Planning Commission Resolution No. \_\_\_\_\_ and the Board incorporates such  
6 reasons herein by reference, as though fully set forth herein. A copy of Planning Commission  
7 Resolution No. \_\_\_\_\_ is on file with the Clerk of the Board of Supervisors in File No.  
8 \_\_\_\_\_.

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10 Section 2. Article 2.5 of the Planning Code is hereby amended by revising Section  
11 260, to read as follows:

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

13 \* \* \* \*

14 (b) **Exemptions.** In addition to other height exceptions permitted by this Code, the  
15 features listed in this subsection (b) shall be exempt from the height limits established by this  
16 Code, in an amount up to but not exceeding that which is specified.

17 (1) The following features shall be exempt provided the limitations indicated for  
18 each are observed; and provided further that the sum of the horizontal areas of all features  
19 listed in this subsection (b)(1) shall not exceed 30% of the horizontal area of the roof above  
20 which they are situated, or, in C-3 Districts and in the Rincon Hill Downtown Residential  
21 District, where the top of the building has been separated into a number of stepped elements  
22 to reduce the bulk of the upper tower, of the total of all roof areas of the upper towers; and  
23 provided further that in any R, RC-3, or RC-4 District the sum of the horizontal areas of all  
24 such features located within the first 10 feet of depth of the building, as measured from the  
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front wall of the building, shall not exceed 20% of the horizontal area of the roof in such first 10 feet of depth.

As an alternative, the sum of the horizontal areas of all features listed in this subsection (b)(1) may be equal to but not exceed 30% of the horizontal area permitted for buildings and structures under any bulk limitations in Section 270 of this Code applicable to the subject property.

Any such sum of 30% heretofore described may be increased to 40% by unroofed screening designed either to obscure the features listed under (A) and (B) below or to provide a more balanced and graceful silhouette for the top of the building or structure.

\* \* \* \*

(O) In the Van Ness & Market Residential Special Use District and only in the block/lot districts 85-X // 120/365-R-2, additional building volume used to enclose or screen from view the features listed in subsections (b)(1)(A) and (b)(1)(B) above. The rooftop form created by the added volume shall not be subject to the percentage coverage limitations otherwise applicable to the building, but shall meet the requirements of Section 141; shall not exceed 10 percent of the total height of any building taller than 200 feet; shall have a horizontal area not more than 100 percent of the total area of the highest occupied floor; and shall contain no space for human occupancy that is enclosed or otherwise not open to the sky. The features described in subsection (b)(1)(B) shall not be limited to 16 feet for buildings taller than 200 feet but shall be limited by the permissible height of any additional rooftop volume allowed by this subsection (O).

(P) Restrooms and other plumbing fixtures required by Section 422.0 of the Plumbing Code to serve rooftop common-use areas.

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1           Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
5 additions, and Board amendment deletions in accordance with the “Note” that appears under  
6 the official title of the ordinance.

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8           Section 4. Effective Date. This ordinance shall become effective on the 31st day after  
9 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
10 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
11 of Supervisors overrides the Mayor’s veto of the ordinance.

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13 APPROVED AS TO FORM:  
14 DAVID CHIU, City Attorney

15 By: /s/ Peter Miljanich  
16 PETER MILJANICH  
17 Deputy City Attorney

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