

FILE NO. 050496

ORDINANCE NO.

1 [Increasing height exemption for elevator penthouses from 10 feet to 16 feet.]

2  
3 **Ordinance amending the San Francisco Planning Code by amending Section 260**  
4 **to increase the height exemption for elevator penthouses from 10 feet to 16 feet so long**  
5 **as the penthouse is limited to the footprint of the elevator shaft, to require that the design of all**  
6 **elevator penthouses in Residential districts be consistent with the “Residential Design**  
7 **Guidelines.” to allow the Zoning Administrator to, after a public hearing, grant further**  
8 **exemptions for buildings with height limits of more than 65 feet where such an**  
9 **exemption is required to meet state or federal laws or regulations, and after providing**  
10 **neighborhood notice, and making findings of consistency with the priority policies of**  
11 **Planning Code Section 101.1 and the General Plan.**

12 Note: Additions are single-underline italics Times New Roman;  
13 deletions are ~~strikethrough italics Times New Roman~~.  
14 Board amendment additions are double underlined.  
15 Board amendment deletions are ~~strikethrough normal~~.

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

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

19 (a) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this  
20 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in  
21 Planning Commission Resolution No. 17074 recommending approval of this Planning Code  
22 Amendment, and incorporates such reasons by this reference thereto. A copy of said  
23 resolution is on file with the Clerk of the Board of Supervisors in File No. 050496.

24 (b) Pursuant to Planning Code Section 101.1, this Board of Supervisors finds that this  
25 ordinance is consistent with the Priority Policies of Section 101.1(b) of the Planning Code and

1 with the General Plan and hereby adopts the findings of the Planning Commission, as set  
2 forth in Planning Commission Resolution No. 17074, and incorporates said findings by this  
3 reference thereto.

4 (c) This Board of Supervisors further finds that this ordinance, by making it easier to  
5 construct elevators which are able to serve rooftops, will help ensure compliance with the  
6 accessibility provisions of the San Francisco Building Code which, for instance, require that  
7 common-use areas in multi-family dwellings and recreational facilities in publicly funded  
8 housing be accessible to persons with disabilities.

9

10 Section 2. The San Francisco Planning Code is hereby amended by amending  
11 Section 260, to read as follows:

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

13 (a) Method of Measurement. The limits upon the height of buildings and structures  
14 shall be as specified on the Zoning Map. In the measurement of height for purposes of such  
15 limits, the following rules shall be applicable:

16 (1) The point above which such measurements shall be taken shall be as specified  
17 in the definition of "height" in this Code.

18 (2) The upper point to which such measurement shall be taken shall be the highest  
19 point on the finished roof in the case of a flat roof, and the average height of the rise in the  
20 case of a pitched or stepped roof, or similarly sculptured roof form, or any higher point of a  
21 feature not exempted under Subsection (b) below.

22 (3) In cases where the height limit is 65 feet or less and a street from which height  
23 measurements are made slopes laterally along the lot, or the ground slopes laterally on a lot  
24 that also slopes upward from the street, there shall be a maximum width for the portion of the  
25 building or structure that may be measured from a single point at curb or ground level,

1 according to the definition of “height,” as specified in the following table. These requirements  
 2 shall not apply to any property to which the bulk limitations in Section 270 of this Code are  
 3 applicable.

4 TABLE 260

5 HEIGHT MEASUREMENT ON LATERAL SLOPES WHERE HEIGHT LIMIT IS 65  
 6 FEET OR LESS

7 Average Slope of Curb or Ground From Which Height is Measured Maximum Width for  
 8 Portion of Building that May Be Measured from a Single Point

9	5 percent or less	No requirement
10	More than 5 percent but no more than 15 percent	65 feet
11	More than 15 percent but no more than 20 percent	55 feet
12	More than 20 percent but no more than 25 percent	45 feet
13	More than 25 percent	35 feet

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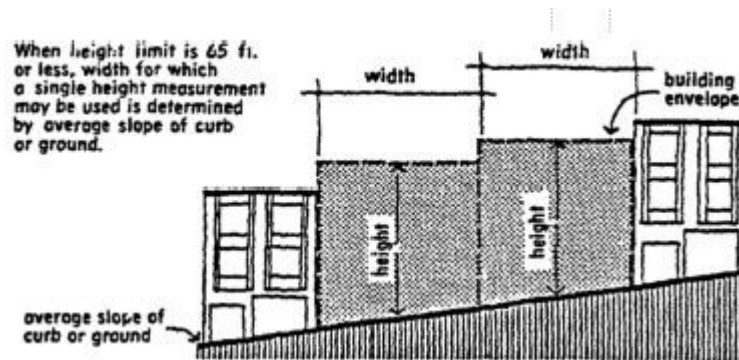
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21 (b) Exemptions. In addition to other height exceptions permitted by this Code, the  
 22 features listed in this Subsection shall be exempt from the height limits established by this  
 23 Code, in an amount up to but not exceeding that which is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

24 (1) The following features shall be exempt; provided the limitations indicated for  
 25 each are observed; provided further that the sum of the horizontal areas of all features listed

1 in this Paragraph (b)(1) shall not exceed 20 percent of the horizontal area of the roof above  
2 which they are situated, or, in C-3 Districts, and in the Rincon Hill Special Use District, where  
3 the top of the building has been separated into a number of stepped elements to reduce the  
4 bulk of the upper tower, of the total of all roof areas of the upper towers; and provided further  
5 that in any R, RC-1, RC-2, RC-3 or RC-4 District the sum of the horizontal areas of all such  
6 features located within the first 10 feet of depth of the building, as measured from the front  
7 wall of the building, shall not exceed 20 percent of the horizontal area of the roof in such first  
8 10 feet of depth.

9 As an alternative, the sum of the horizontal areas of all features listed in this Paragraph  
10 (b)(1) may be equal but not exceed 20 percent of the horizontal area permitted for buildings  
11 and structures under any bulk limitations in Section 270 of this Code applicable to the subject  
12 property.

13 Any such sum of 20 percent heretofore described may be increased to 30 percent by  
14 unroofed screening designed either to obscure the features listed under (A) and (B) below or  
15 to provide a more balanced and graceful silhouette for the top of the building or structure.

16 (A) Mechanical equipment and appurtenances necessary to the operation or  
17 maintenance of the building or structure itself, including chimneys, ventilators, plumbing vent  
18 stacks, cooling towers, water tanks, panels or devices for the collection of solar or wind  
19 energy and window-washing equipment, together with visual screening for any such features.  
20 This exemption shall be limited to the top 10 feet of such features where the height limit is 65  
21 feet or less, and the top 16 feet of such features where the height limit is more than 65 feet.

22 (B) Elevator, stair and mechanical penthouses, fire towers, skylights and dormer  
23 windows. This exemption shall be limited to the top 10 feet of such features where the height  
24 limit is 65 feet or less, and the top 16 feet of such features where the height limit is more than  
25 65 feet. However, for elevator penthouses, the exemption shall be limited to the top 16 feet

1 ~~regardless of the height limit of the building, and limited to the footprint of the elevator shaft,~~  
2 regardless of the height limit of the building. The design of all elevator penthouses in  
3 Residential districts shall be consistent with the “Residential Design Guidelines” as adopted  
4 and periodically amended for specific areas or conditions by the City Planning Commission.

5 *The Zoning Administrator may, after conducting a public hearing, grant a further height*  
6 *exemption for an elevator penthouse for a building with a height limit of more than 65 feet but only to*  
7 *the extent that the Zoning Administrator determines that such an exemption is required to meet state or*  
8 *federal laws or regulations.* All requests for height exemptions for elevator penthouses located  
9 in Residential or Neighborhood Commercial districts shall be subject to the neighborhood  
10 notification requirements of Sections 311 and 312 of this Code.

11 (C) Stage and scenery lofts.

12 (D) Ornamental and symbolic features of public and religious buildings and  
13 structures, including towers, spires, cupolas, belfries and domes, where such features are not  
14 used for human occupancy.

15 (E) In any C-3 District, enclosed space related to the recreational use of the roof,  
16 not to exceed 16 feet in height.

17 (F) In any C-3 or South of Market District, additional building volume used to  
18 enclose or screen from view the features listed under Subsections (b)(1)(A) and (B) above.  
19 The rooftop form created by the added volume shall not be subject to the percentage  
20 coverage limitations otherwise applicable to this subsection but shall meet the requirements of  
21 Section 141 and shall not exceed 20 feet in height, measured as provided in Subsection (a)  
22 above, and may not exceed a total volume, including the volume of the features being  
23 enclosed, equal to  $\frac{3}{4}$  of the horizontal area of all upper tower roof areas of the building  
24 measured before the addition of any exempt features times 20.

1 (G) In any C-3 District, vertical extensions to buildings, such as spires, which  
2 enhance the visual appearance of the structure and are not used for human occupancy may  
3 be allowed, pursuant to the provisions of Section 309, up to 75 feet above the height  
4 otherwise allowed. The extension shall not be subject to the percentage coverage limitations  
5 otherwise applicable to this subsection, provided that the extension is less than 100 square  
6 feet in cross-section and 18 feet in diagonal dimension.

7 (H) In the Rincon Hill Special Use District, enclosed space related to the recreational  
8 use of the roof, not to exceed 16 feet in height.

9 (I) In the Rincon Hill Special Use District, additional building volume used to  
10 enclose or screen from view the features listed under Subsections (b)(1)(A) and (b)(1)(B)  
11 above. The rooftop form created by the added volume shall not be subject to the percentage  
12 coverage limitations otherwise applicable to this subsection but shall meet the requirements of  
13 Section 141 and shall not exceed 20 feet in height, measured as provided in Subsection (a)  
14 above, and may not exceed a total volume, including the volume of the features being  
15 enclosed, equal to  $\frac{3}{4}$  of the horizontal area of all upper tower roof areas of the building  
16 measured times 20.

17 (J) In the Van Ness Special Use District, additional building volume used to enclose  
18 or screen from view the features listed under Subsections (b)(1)(A) and (b)(1)(B) above and  
19 to provide additional visual interest to the roof of the structure. The rooftop form created by the  
20 added volume shall not be subject to the percentage coverage limitations otherwise applicable  
21 to this Subsection, but shall meet the requirements of Section 141 and shall not exceed 10  
22 feet in height where the height limit is 65 feet or less or 16 feet where the height limit is more  
23 than 65 feet, measured as provided in Subsection (a) above, and may not exceed a total  
24 volume, including the volume of the features being enclosed, equal to  $\frac{3}{4}$  of the horizontal area  
25 of all upper tower roof areas of the building measured before the addition of any exempt

1 features times 10 where the height limit is 65 feet or less or times 16 where the height limit is  
2 more than 65 feet.

3 (K) In the Northeast China Basin Special Use District, light standards for the  
4 purpose of lighting the ballpark.

5 (L) In the Candlestick Point Special Use District, light standards for the purpose of  
6 the lighting the stadium, scoreboards associated with the stadium, and flagpoles and other  
7 ornamentation associated with the stadium.

8 (2) The following features shall be exempt, without regard to their horizontal area,  
9 provided the limitations indicated for each are observed:

10 (A) Railings, parapets and catwalks, with a maximum height of four feet.

11 (B) Open railings, catwalks and fire escapes required by law, wherever situated.

12 (C) Unroofed recreation facilities with open fencing, including tennis and basketball  
13 courts at roof level, swimming pools with a maximum height of four feet and play equipment  
14 with a maximum height of 10 feet.

15 (D) Unenclosed seating areas limited to tables, chairs and benches, and related  
16 windscreens, lattices and sunshades with a maximum height of 10 feet.

17 (E) Landscaping, with a maximum height of four feet for all features other than plant  
18 materials.

19 (F) Short-term parking of passenger automobiles, without additional structures or  
20 equipment other than trellises or similar overhead screening for such automobiles with a  
21 maximum height of eight feet.

22 (G) Amusement parks, carnivals and circuses, where otherwise permitted as  
23 temporary uses.

24 (H) Flagpoles and flags, clothes poles and clotheslines, and weathervanes.  
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1 (I) Radio and television antennae where permitted as accessory uses and towers  
2 and antennae for transmission, reception, or relay of radio, television or other electronic  
3 signals, where permitted as principal or conditional uses, subject to the limitations of  
4 Subsections 227(h) and (i) of this Code and limitations imposed by the City Planning  
5 Commission.

6 (J) Warning and navigation signals and beacons, light standards and similar  
7 devices, not including any sign regulated by this Code.

8 (K) Public monuments owned by government agencies.

9 (L) Cranes, scaffolding and batch plants erected temporarily at active construction  
10 sites.

11 (M) Structures and equipment necessary for the operation of industrial plants,  
12 transportation facilities, public utilities and government installations, where otherwise  
13 permitted by this Code and where such structures and equipment do not contain separate  
14 floors, not including towers and antennae for transmission, reception, or relay of radio,  
15 television, or other electronic signals where permitted as principal or conditional uses by this  
16 Code.

17 (N) Buildings, structures and equipment of the San Francisco Port Commission,  
18 where not subject to this Code due to provisions of the San Francisco Charter or State law.

19 (O) Additional building height, up to a height of five feet above the otherwise  
20 applicable height limit, where the uppermost floor of the building is to be occupied solely by  
21 live/work units located within a South of Market District.

22 (P) Enclosed recreational facilities up to a height of 10 feet above the otherwise  
23 applicable height limit when located within both an SSO District and a 65-U height and bulk  
24 district and when authorized by the City Planning Commission as a conditional use pursuant  
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1 to Sections 303 and 316 of this Code, provided that the project is designed in such a way as  
2 to reduce the apparent mass of the structure above a base 50 foot building height.

3 (Q) Historic signs within an historic sign district permitted pursuant to Sections 302,  
4 303 and 608.14 of this Code.

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9 Section 3. The Planning Department concluded environmental review of this ordinance  
10 pursuant to the California Environmental Quality Act. Documentation of that review is on file  
11 with the Clerk of the Board of Supervisors in File No. 050496.

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

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15 By: \_\_\_\_\_  
16 Sarah Ellen Owsowitz  
16 Deputy City Attorney

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