

LEGISLATIVE DIGEST

[Planning Code - Measurement of Rooftop Appurtenances and Infill Spaces for Noncomplying Structures in C-3 Zoning Districts]

Ordinance amending the Planning Code, by adding a new Subsection 188(g), to modify the measurement methodology for rooftop appurtenances and create a process to authorize certain types of infill floor area in existing structures, located in a C-3 Zoning District, which exceed the current height limit; affirming the Planning Department's California Environmental Quality Act determination, and making findings of consistency with the General Plan, Planning Code, Section 302 and the eight priority policies of Planning Code, Section 101.1.

Existing Law

A noncomplying structure may not be enlarged, if there would be an increase in any discrepancy, or any new discrepancy, at any level of the structure, between existing conditions on the lot and the required standards for new construction set forth in the Planning Code. In determining whether rooftop appurtenances would be permitted, the height measurement is taken at the current height limit of the zoning district, and not the actual height of the existing non-complying structure. Building Infill would not be permitted above the height limit of the zoning district.

Amendments to Current Law

The ordinance would allow a legal non-complying structure with respect to height, located in the C-3 zoning district, to use as its datum for the vertical measurement of the features listed in Planning Code Section 260(b) the height of the existing, finished roof of the building located immediately below such feature, rather than the height limit set forth in the Planning Code. A legal non-complying structure with respect to height, located in the C-3 zoning district, could also apply to add Building Infill, defined as floor area or building volume that is (i) located above the applicable height limit and (ii) entirely covered by an existing ceiling, roof, or other overhang, under the provisions of Planning Code Section 309(b), or Articles 10 or 11 if the structure is a City landmark or a significant or contributory building, and provided that certain findings could be made.

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