File No. 190454 Committee Item No. 2
Board Item No. 10

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee **Date** February 24, 2020

Board of Supervisors Meeting **Date** March 10, 2020

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☒	X	Legislative Digest
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☒	X	PLN Executive Summary 100418
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Completed by: Erica Major **Date** February 19, 2020
Completed by: Erica Major **Date** 2/26/20

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

Ordinance amending the Planning Code to allow, in required setbacks, yards, and usable open space, all projections of an architectural nature if they meet the specified requirements and to allow bay windows that do not meet the specified requirements to apply for a Zoning Administrator waiver; 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 adopting findings of public necessity, convenience, and general 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 ~~strikethrough 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. Environmental and Land Use 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. 190454 and is incorporated herein by reference. The Board affirms this determination.

(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.

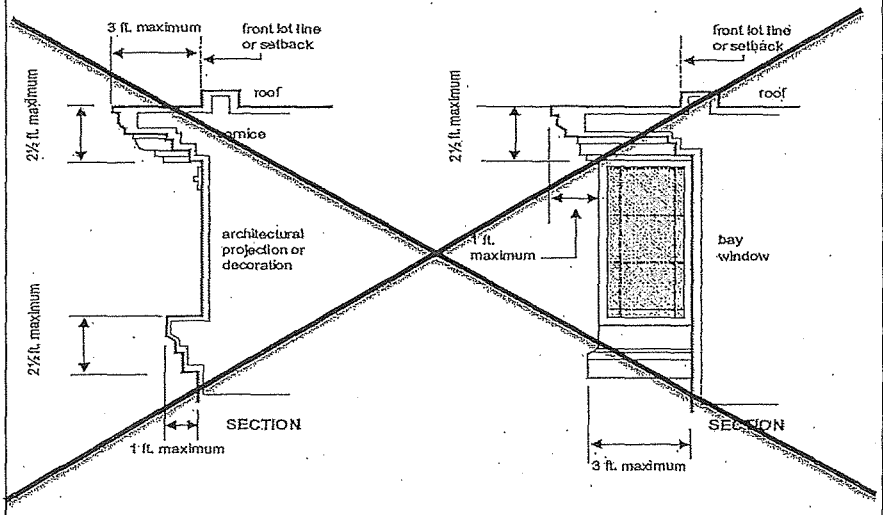
Streets and Alleys	Set-backs	Yards	Usable Open Space	
				(a) The following obstructions shall be permitted, in the manner specified, as indicated by the symbol "X" in the columns at the left, within the required open areas listed herein: (1) Projections from a building or structure extending over a ~~s~~Street or ~~a~~Alley as defined *in Section 102 of* this Code. Every portion of such projections over a ~~s~~Street or ~~a~~Alley shall provide a minimum of 7½ 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 ~~s~~Street or ~~a~~Alley is erected over public property shall not be construed to create any perpetual right but is a revocable license; (2) Obstructions within legislated setback lines and front setback areas, as required by Sections 131 and 132 of this Code; (3) Obstructions within side yards and rear yards, as required by Sections 133 and 134 of this Code; (4) Obstructions within usable open space, as required by Section 135 of this Code. (b) No obstruction shall be constructed, placed, or maintained in any such required open area except as specified in this Section *136*. (c) The permitted obstructions shall be as follows: (1) ~~*Overhead horizontal p*~~Projections *of an architectural nature that leave* ~~*(leaving*~~ at least 7½ feet of ~~*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,* such as cornices, eaves, sills, ~~*and*~~ belt courses, *sunshades, fins, and brise soleils,* ~~*with a vertical*~~
x	x	x	x	

~~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;~~

* * * *

* * * *

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

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

* * * *

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

(1) **Applicability.**

* * * *

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

(i) ~~*That*~~ the ~~r~~R*r*esidential ~~u~~U*u*se, whether ~~d~~D*d*welling ~~u~~U*u*nits, ~~g~~G*g*roup ~~h~~H*h*ousing, or SRO units, are ~~p~~P*p*rincipally ~~p~~P*p*ermitted in the district or districts in which the project is located;

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

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

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

*(F) **Bay Windows.** Bay windows that maintain the same massing as those allowed as a permitted obstruction in Planning Code Section 136, but do not otherwise meet the requirements of Section 136, may be provided complete or partial relief with the advice of the Planning Director that said windows otherwise meet all applicable design guidelines.*

* * * *

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

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

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

By: Judith A. Boyajian
JUDITH A. BOYAJIAN
Deputy City Attorney
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FILE NO. 190454

LEGISLATIVE DIGEST

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

Ordinance amending the Planning Code to allow, in required setbacks, yards, and usable open space, all projections of an architectural nature if they meet the specified requirements and to allow bay windows that do not meet the specified requirements to apply for a Zoning Administrator waiver; 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 adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.

Existing Law

Planning Code Section 136 lists the obstructions allowed in streets and alleys, setbacks, yards, and usable open space. Overhead horizontal projections are allowed if they are of a purely architectural or decorative character and (1) leave at least 7½ feet of headroom, (2) have a vertical dimension of no more than 2 feet 6 inches, (3) do not increase the floor area or the volume of space enclosed by the building, and (4) meet specified projection requirements at the roof and other levels and into yards and usable open space. Section 307(h) authorizes the Zoning Administrator to grant relief from Code requirements under specified conditions; it does not now allow the Zoning Administrator to grant relief from Section 136 requirements.

Amendments to Current Law

Section 136 is amended to allow all projections of an architectural nature that leave 7½ feet of headroom and do not (1) increase the floor area or the volume of space enclosed by the building, (2) project more than four feet over streets and alleys, or (3) project more than four feet into setbacks, yards, and usable open space. Section 307(h) is amended to allow the Zoning Administrator to grant full or partial relief from the requirements of Section 136 for bay windows that maintain the same massing as those allowed as a permitted obstruction if the windows otherwise meet all applicable design guidelines.

Background Information

Over the past several years, Planning staff have encountered an increasing number of proposed architectural designs that are innovative and desirable; however, under the current Code, most of these architectural features are not allowed. This legislation will allow more flexibility for architectural projections that enhance a building's design. Any proposed obstruction would still be required to undergo all applicable design review processes and meet all required design standards.

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Executive Summary
Planning Code Text Amendment
INITIATION HEARING DATE: MAY 24, 2018
HISTORIC PLANNING COMMISSION HEARING DATE: SEPTEMBER 19, 2018
ADOPTION HEARING DATE: OCTOBER 4, 2018

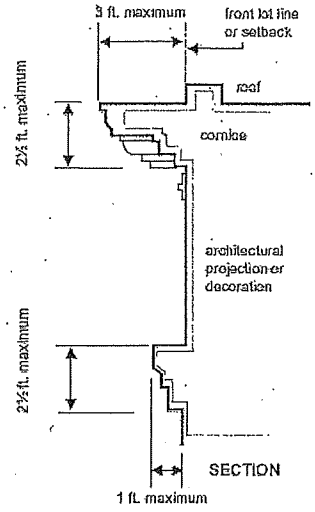
Project Name:	Obstructions in Required Setbacks, Yards, and Usable Open Space
Case Number:	2018-001876PCA
Staff Contact:	Audrey Butkus, Legislative Affairs audrey.butkus@sfgov.org, (415) 575-9129
Reviewed by:	Aaron Starr, Manager of Legislative Affairs aaron.starr@sfgov.org, 415-558-6362
Recommendation:	Approve

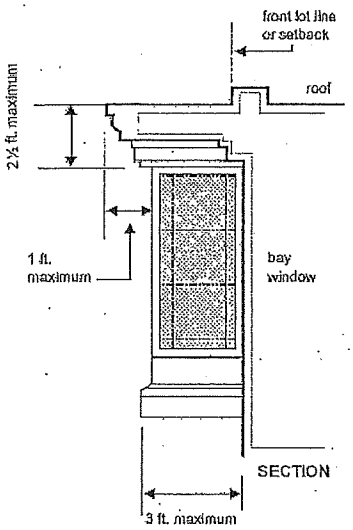
PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code to permit some obstructions in Section 136, and to allow bay windows that do not meet the standards of Section 136 to apply for a Zoning Administrator waiver. Section 136 outlines the types of obstructions that may be permitted over streets and alleys, in required setbacks, yards, and usable open spaces.

The Way It Is Now:

1. Section 136(c) describes the types of overhead projections that are allowed as a permitted obstruction. Currently, permitted overhead projections must be (*diagram on page 2*):
    a. Horizontal in nature, with a vertical projection of no more than 2 ½ feet (such as cornices, sills, and belt courses)
    b. At roof level, extend no more than 3 feet over streets, alleys, or setbacks
    c. At every other level, extend no more than 1 foot over streets, alleys, or setbacks
    d. Extend no more than 3 feet into yards and usable open space, or no more than 1/6 of the required minimum dimensions of the open area (whichever is less)
    e. May not increase the floor area ratio or volume of space enclosed by the building
    f. Must have at least 7 ½ feet of headroom/clearance





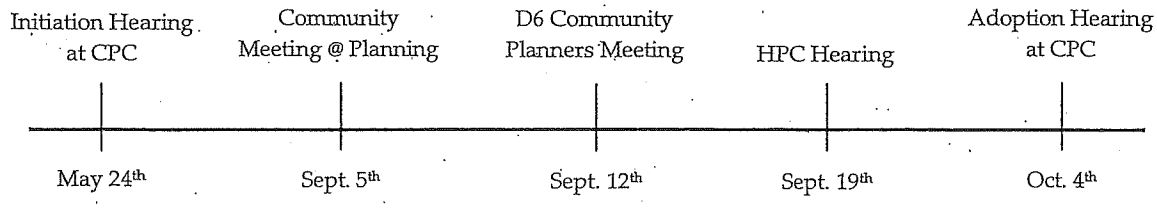
2. Proposed bay windows that do not meet the standards of a permitted obstruction under Section 136 must seek a Variance.

The Way It Would Be:

1. Section 136(c) would be amended to create more flexibility in the types of overhead projections allowed as permitted obstructions. Specifically:
    a. Projections may be horizontal, vertical or otherwise configured with a four-foot maximum on the allowable dimensions
    b. Four-foot stated maximum dimensions at roof level.
    c. Four-foot maximum dimensions at all over levels
    d. Four-foot maximum dimensions into yards and usable open space
    e. May not increase the floor area ratio or volume of space enclosed by the building
    f. Must have at least 7 ½ feet of headroom/clearance
2. Proposed bay windows that do not meet the standards of a permitted obstruction under Section 136 but otherwise meet the massing standards of permitted bay windows may seek a Zoning Administrator Waiver for partial or full relief.

BACKGROUND

Timeline



The proposed Ordinance was initiated by the Planning Commission on May, 24, 2018. At that time, several Commissioners and members of the public requested further analysis to be conducted by

Department staff. The requested analysis included consulting with the Historic Preservation Commission. Since the initiation of the Ordinance, staff has consulted with senior design staff and held community meetings. The result of this work is a refined set of numerical maximums for architectural projections. At the time of introduction, there was no stated maximum for architectural projections at any level. The proposed legislation now includes a stated maximum of no greater than four feet at any level, and over streets, alleyways, and setbacks.

The Historic Preservation Commission heard this item on September 19, 2018. After asking several questions about the proposed amendments Commissioner Black stated:

> *"I feel strongly that this is actually a really good thing. It's so difficult to develop zoning codes that serve architectural aesthetics . . . it's really important that there be some flexibility in how that occurs. I really support this , I don't see it as a square footage grab and I do see that it gives staff and the Zoning Administrator . . . some ability to put architecture first, over zoning controls but it doesn't take away someone's right to appeal . . . it streamlines the process which is always a good thing . . . I strongly support it . . . There's always pressure on city staff and commissions to approve Variances that physically make sense but don't actually meet the language of Variance approval. This helps preserve, also, the language of Variance approvals by removing the pressure to allow something that really makes architectural sense but doesn't really make Variance sense."*

Commissioner Wolfram stated: *"From an architectural perspective it's helpful in terms of improving the architectural character of proposed buildings. "*. The Historic Preservation Commission voted unanimously to recommend that the Board of Supervisors approve the Ordinance.

ISSUES AND CONSIDERATIONS

The Progress of Architectural Design

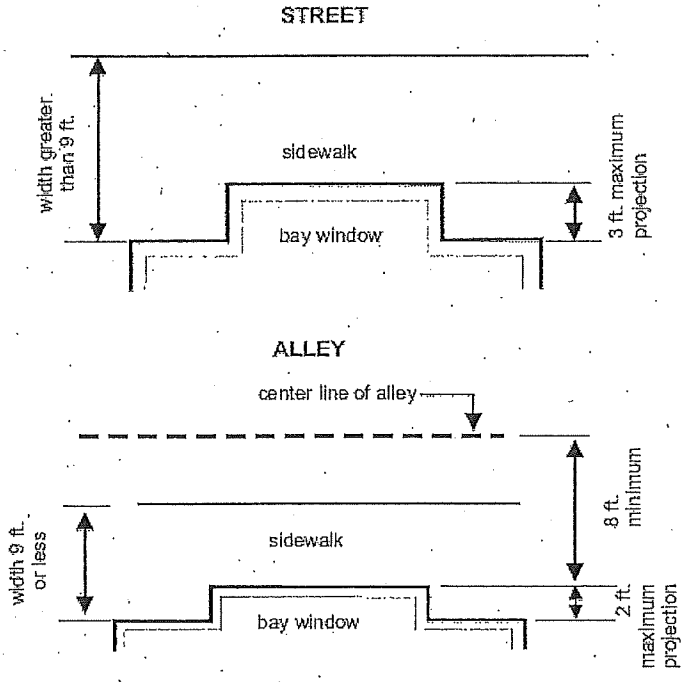
Over the last several years, Current Planning staff have encountered an increasing number of proposed architectural designs that are innovative and desirable; however, under the current Code, most of these architectural features are not allowed. The intention of this legislation is to allow for more flexibility in architectural projections that enhance a building's design. Any proposed obstruction would still be required to undergo all applicable design review processes and meet all required design standards.

Variance Requirement for Bay Windows

Under current Code, a proposed bay window must meet the following standards to qualify as a permitted obstruction under Sec. 136. Generally these standards include:

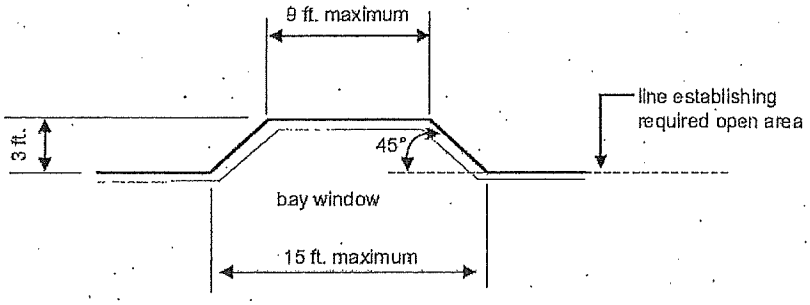
-Projection into the required open area is limited to 3 feet (2 feet over narrow sidewalks and alleys);

-Glass must cover at least 50% of the total bay and glass must be present on each of the bay's

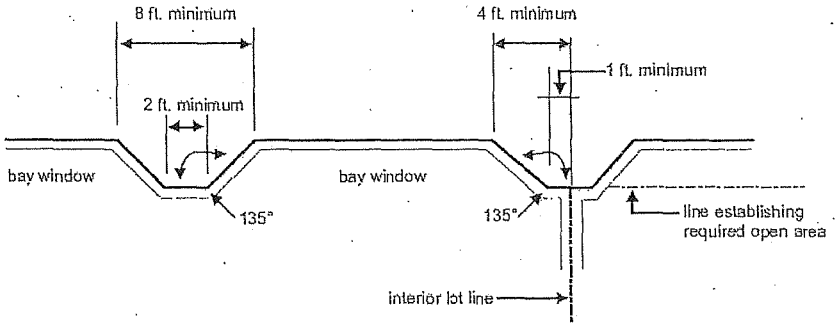


three sides;

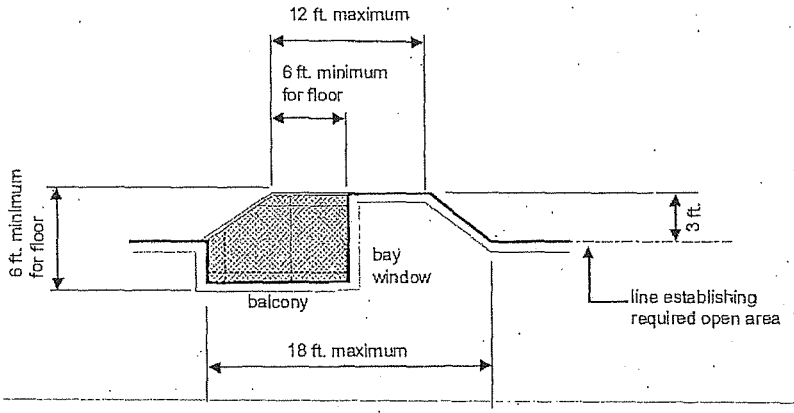
-The maximum length of each bay window shall generally be no more than 15 feet long at the building wall, tapering to 9 feet at the end of the 3 foot projection;



-There shall be a minimum of 2 feet between each bay window from the beginning of one side panel to the beginning of the adjacent window's side panel;



- 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.



If a proposed bay window's design does not fit within the limitations outlined in Section 136, the applicant's only other option, besides redesigning the project, is to seek a Variance from Section 136. Planning Code Section 305(c) outlines the five criteria that must be met in order for the Zoning Administrator to grant a variance. The Section 305(c) criteria are as follows:

1. That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district;

2. That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;

3. That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district;

4. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity; and

5. That the granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the Master Plan.

The required findings for a Variance are difficult to meet for bay windows seeking an exception from one or more of the standards in Sec. 136. Generally, a bay window's unique design is not the result of an exceptional or extraordinary circumstance applying to the property, but rather a product of architectural design. The Zoning Administrator has expressed a desire to develop an alternative to Variances for bay window designs that do not meet the standards of Sec. 136, but *are* considered desirable due to their high caliber design.

Zoning Administrative Review

Section 307(h) provides an administrative channel through which certain standards (identified within the Section), can seek administrative review from the Zoning Administrator. The Zoning Administrator may grant partial or complete relieve from the standard being appealed so long as the partial or complete relief of said standard would continue to accomplish the overall goals of the section. Under the proposed legislation, this administrative process would allow proposed bay windows that do not meet a standard of Sec. 136, but still meet the massing requirements to be evaluated on its architectural integrity. Additionally, this administrative review process would require any proposed bay window design seeking the waiver, to meet all applicable Department design standards. The Zoning Administrative waiver is filed in conjunction with a Building Permit application. To oppose a proposed bay window that has been granted a Zoning Administrative waiver from Section 136, an appellant would file an appeal on the Building Permit. All appeals would be heard by the Board of Appeals.

RECOMMENDATION

The Department recommends that the Commission approve the Ordinance.

BASIS FOR RECOMMENDATION

The Department recommends that the Commission approve Ordinance because it will create an opportunity for innovate, and original architectural features to exist in San Francisco. Many of these designs additionally assist in increasing the environmental sustainability of buildings (as is the case with sunshades and some projecting fins). The design review process and all Department design guidelines will continue to be enforced. Further, amendments to the bay window requirements would need to be reviewed by the Zoning Administrator. The design review process and the ZA review for bay windows will continue to ensure that only projections and bay windows of the highest caliber design will be allowed. This ordinance will help to advance interesting architectural design in the city, further enhancing the City's physical surroundings.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

IMPLEMENTATION

The Department determined that this Ordinance will not impact our current implementation procedures.

ENVIRONMENTAL REVIEW

The proposed Ordinance is not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

PUBLIC COMMENT

As of the date of this report, the Planning Department has received public comment during the Planning Commission's initiation hearing on May 24th, 2018, and at several community meetings. The tenor of comments received at the May 24th hearing focused on concerns over the lack of a numeric maximum on architectural projections, questions on why the proposed Ordinance was not part of a more comprehensive Planning effort, and support for the Ordinance due to the additional freedom it will grant architects to design high caliber buildings. The first community meeting was held on September 5th, 2018 and hosted by the Department. The tenor of comments received at the meeting revolved around ensuring there would still be an appeal avenue under the new process for allowing bay windows that do not meet the standards of Section 136. The second community meeting was held on September 12th at the District 6 Community Planners meeting. After the conclusion of the meeting, staff received a letter from the Board Chair, Marvis J. Phillips. The letter stated:

> *"The Board of the District 6 Community Planners is in support of the Proposed update to "Planning Code 136", we feel that streamlining these codes will help to simplify the adherence to this piece of the code. And we stand is support as you go before both the Historic Preservation Commission next week and the Planning Commission in October. Maintaining the Historical values of San Francisco design while keeping in context the seismic restraint's is essential to maintaining the diversity of design this city is famous for, and these code changes will help to achieve that balance. Again the District 6 Community Planners are in support of the proposed update to Planning Code 136."*

RECOMMENDATION:	Approval

Attachments:

Exhibit A:	Draft Planning Commission Resolution
Exhibit B:	Presentation for October 4, 2018 Planning Commission Hearing
Exhibit C:	Letter from District 6 Community Planners
Exhibit D:	Historic Preservation Commission Resolution No. 977
Exhibit E:	Board of Supervisors File No. TBD

Exhibit A

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Planning Commission Draft Resolution

HEARING DATE: OCTOBER 4, 2018

Project Name:	**Obstructions in Required Setbacks, Yards, and Usable Open Space**
Case Number:	**2018-001876PCA**
Staff Contact:	Audrey Butkus, Legislative Affairs audrey.butkus@sfgov.org, (415) 575-9129
Reviewed by:	Aaron Starr, Manager of Legislative Affairs aaron.starr@sfgov.org, 415-558-6362
Recommendation:	**Approve**

THE PLANNING COMMISSION HEREBY APPROVES A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO ALLOW IN REQUIRED SETBACKS, YARDS, AND USABLE OPEN SPACE ALL PROJECTIONS OF AN ARCHITECTURAL NATURE IF THEY MEET THE SPECIFIED REQUIREMENTS AND TO ALLOW BAY WINDOWS THAT DO NOT MEET THE SPECIFIED REQUIREMENTS TO APPLY FOR A ZONNING ADMINISTRATOR WAIVER; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider initiation of the proposed Ordinance on September 19, 2018; and,

WHEREAS, the proposed amendments would amend the Planning Code to allow in required setbacks, yards, and usable open space all projections of an architectural nature if they meet the specified requirements and to allow bay windows that do not meet the specified requirements to apply for a Zoning Administrator waiver; and

WHEREAS, the proposed Ordinance is not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment; and

WHEREAS, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby **approves** the proposed Ordinance.

I hereby certify that the foregoing Resolution was adopted by the Planning Commission at its meeting on October 4, 2018.

Jonas P. Ionin
Commission Secretary

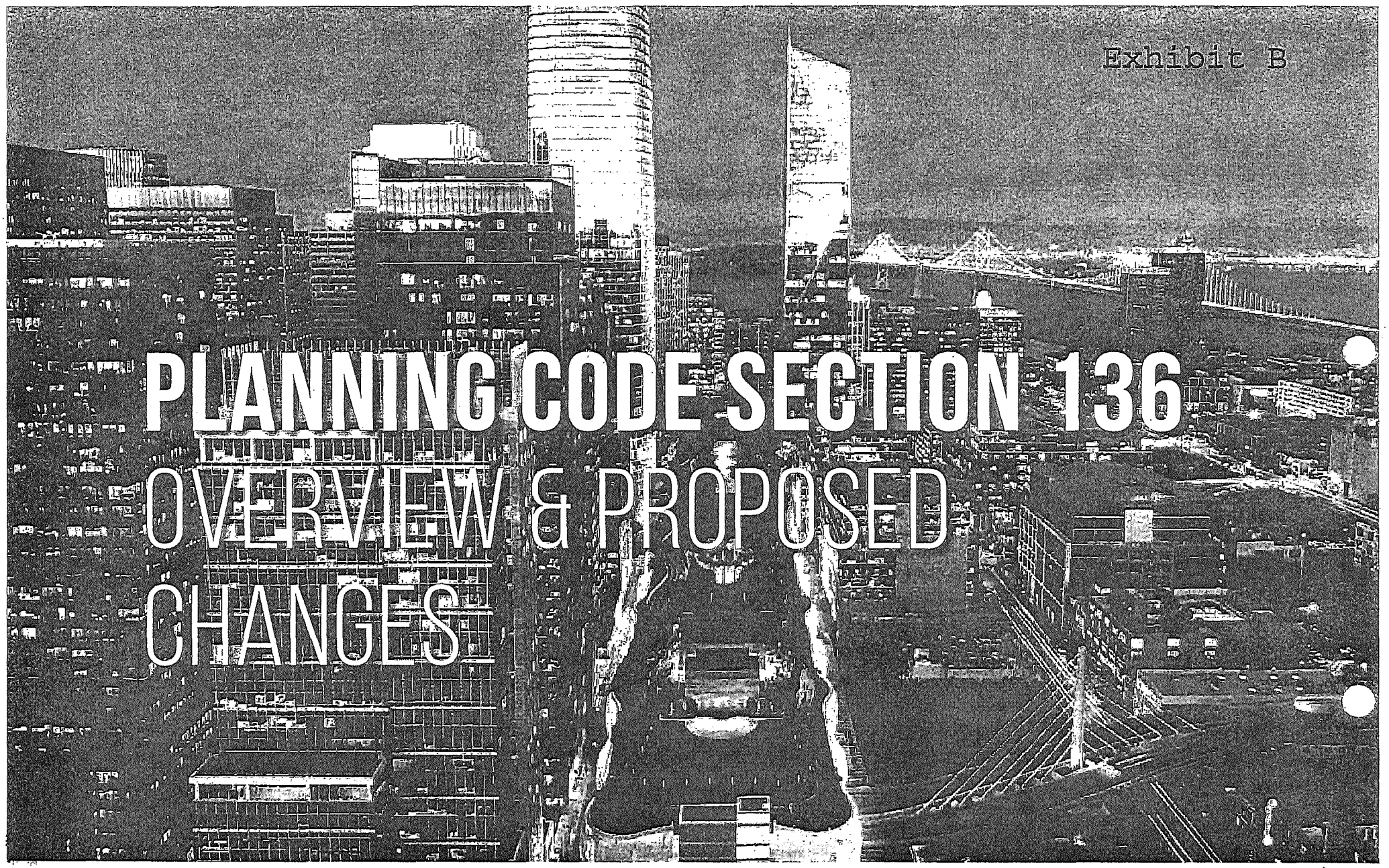
AYES:

NAYS:

ABSENT:

ADOPTED: October 4, 2018

Exhibit B



PLANNING CODE SECTION 136

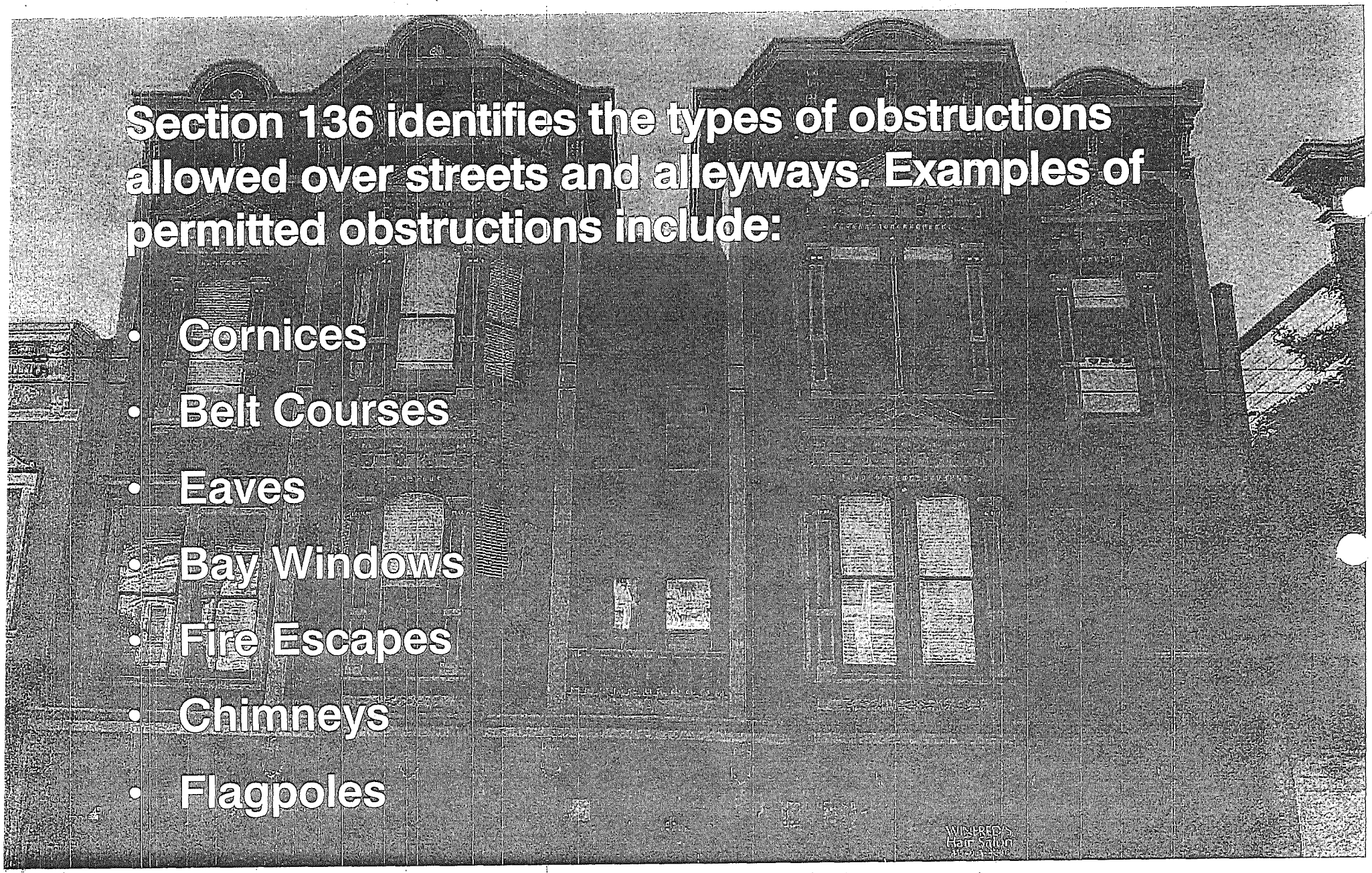
OVERVIEW & PROPOSED CHANGES

Maia Small, Liz Watty & Audrey Butkus, Planning Department Staff

Sec. 136 Presentation / October 4, 2018/ Planning Commission

San Francisco Planning

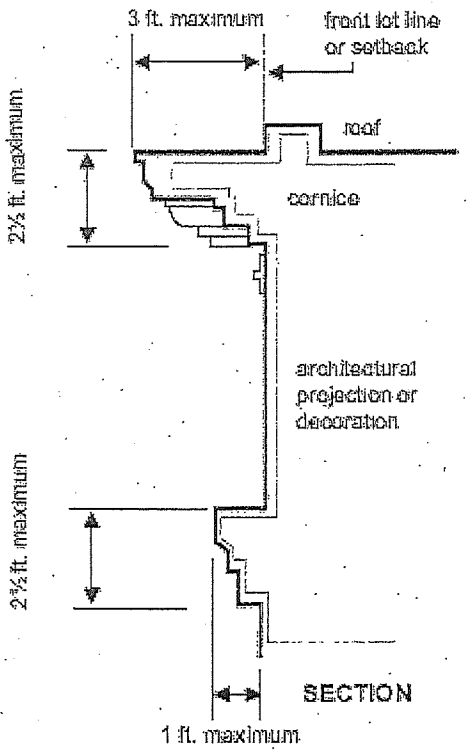
What is Planning Code Section 136?

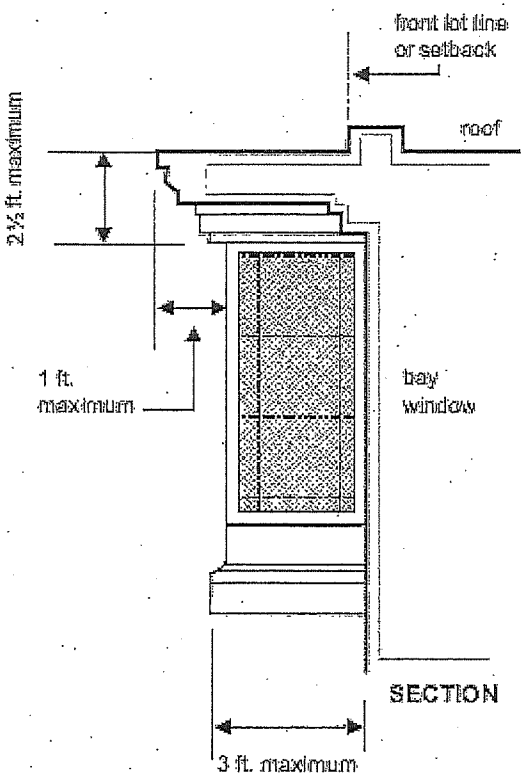


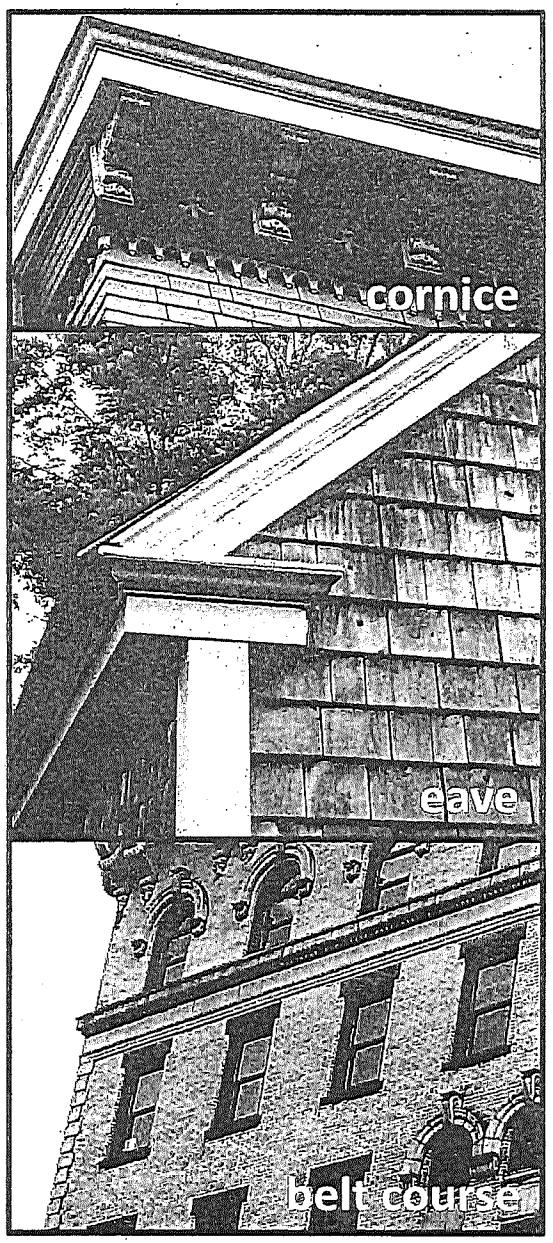
Section 136 identifies the types of obstructions allowed over streets and alleyways. Examples of permitted obstructions include:

- Cornices
- Belt Courses
- Eaves
- Bay Windows
- Fire Escapes
- Chimneys
- Flagpoles

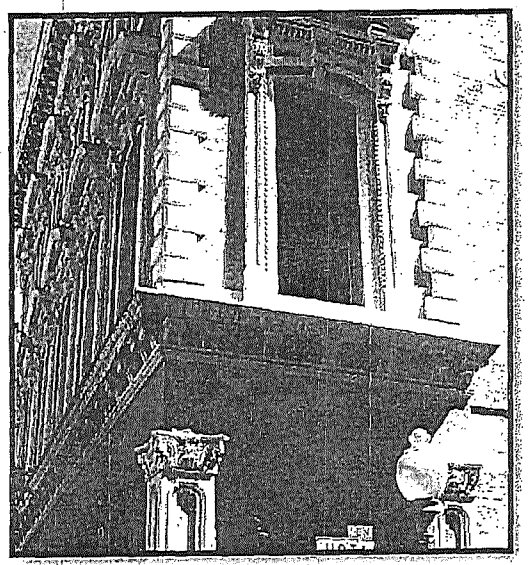
Examples of Permitted Obstructions: Architectural Projections

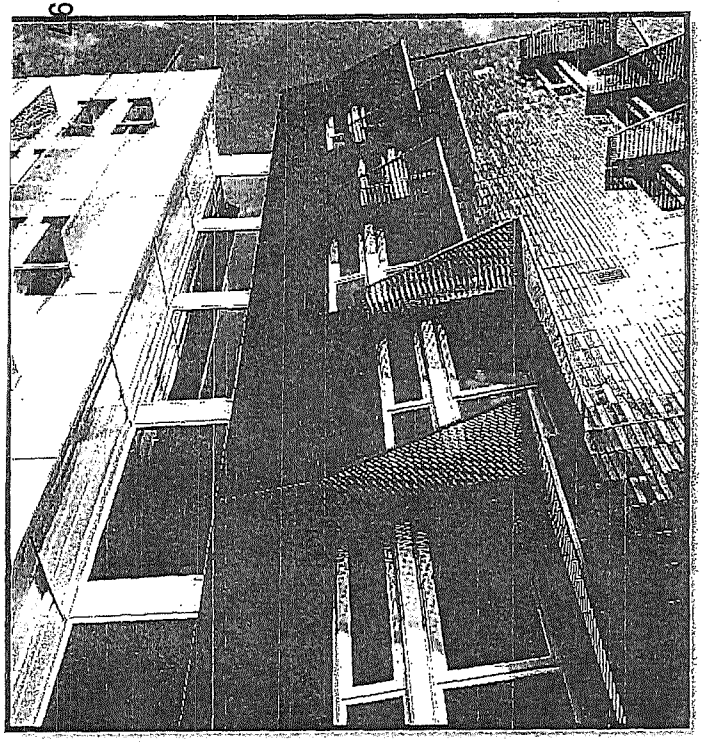






Examples of Obstructions NOT Permitted: Architectural Decorations





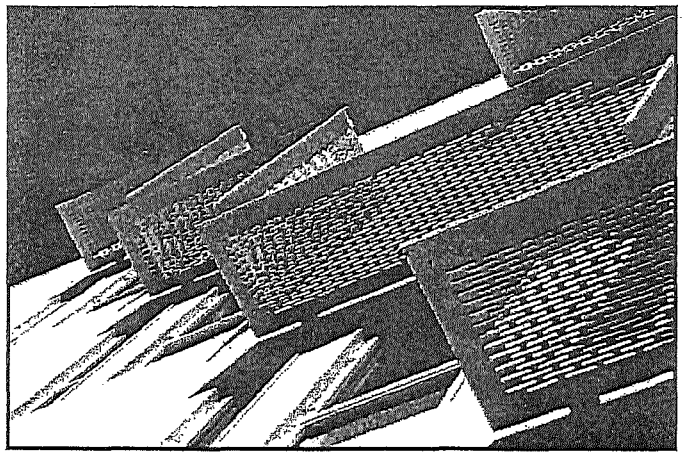
Why the Change? Architectural Projections

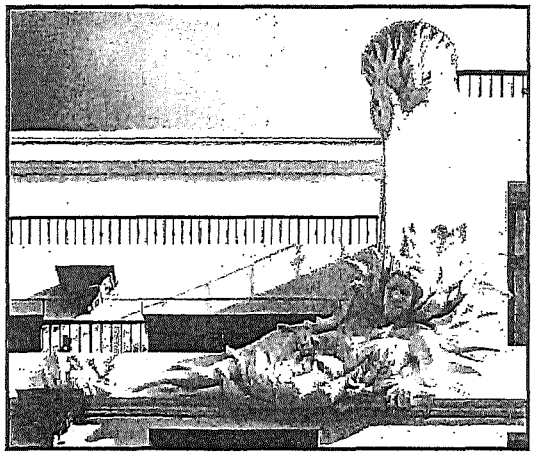
This has **historically been a challenge** for architectural designs that are innovative and desirable.

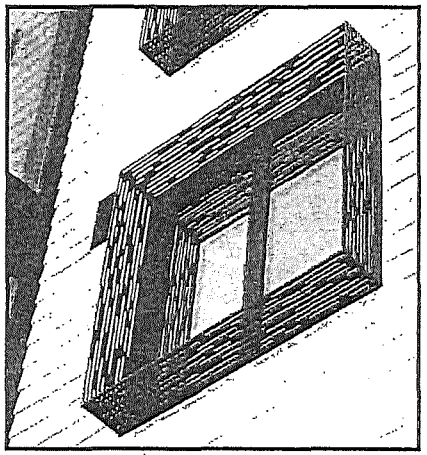
Changes in the energy code prompt the use of sunshades which can also positively animate a building façade.

This legislation is would allow for **more flexibility** in architectural projections that enhance a building's design.

Passing **design review and design guidelines continued to be required** for any proposed obstruction.



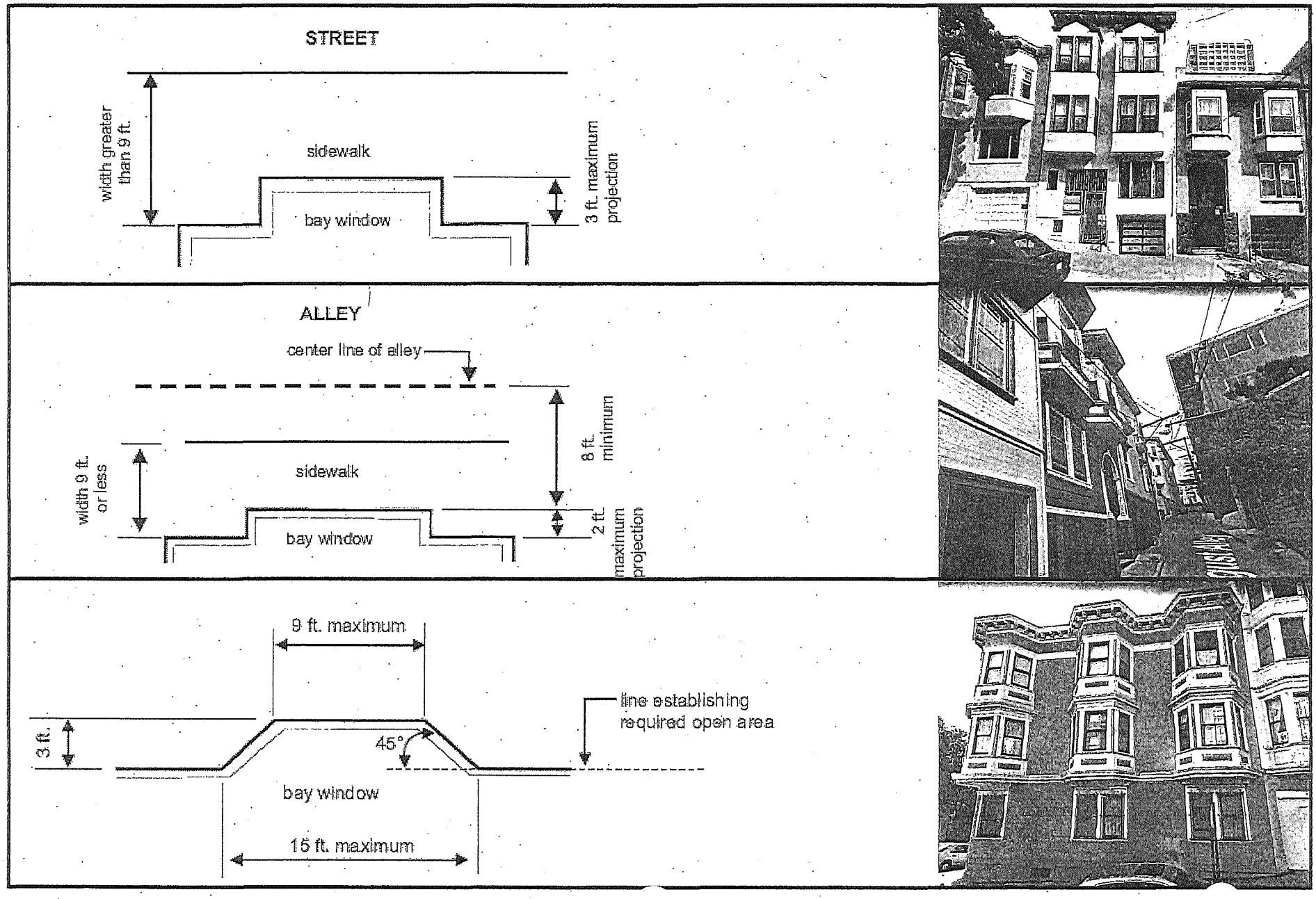




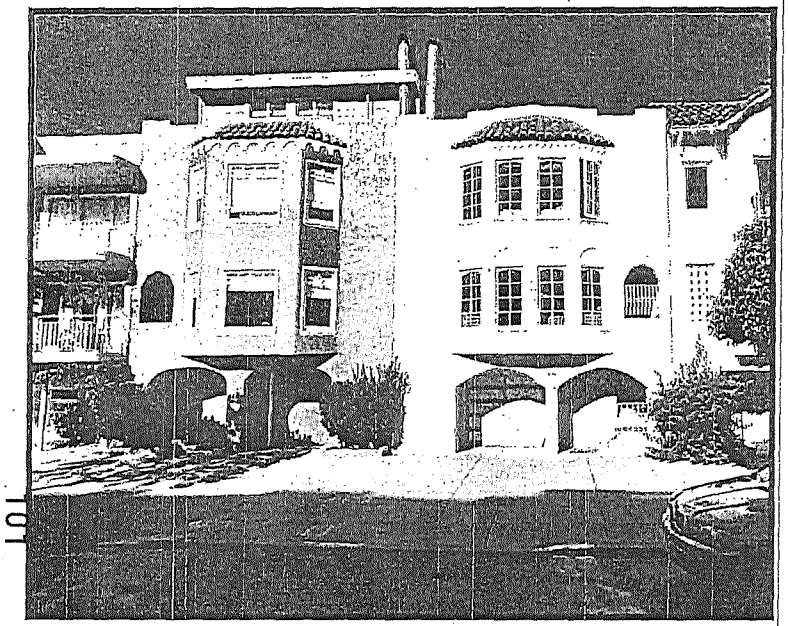
Proposed Changes to Section 136: Architectural Projections

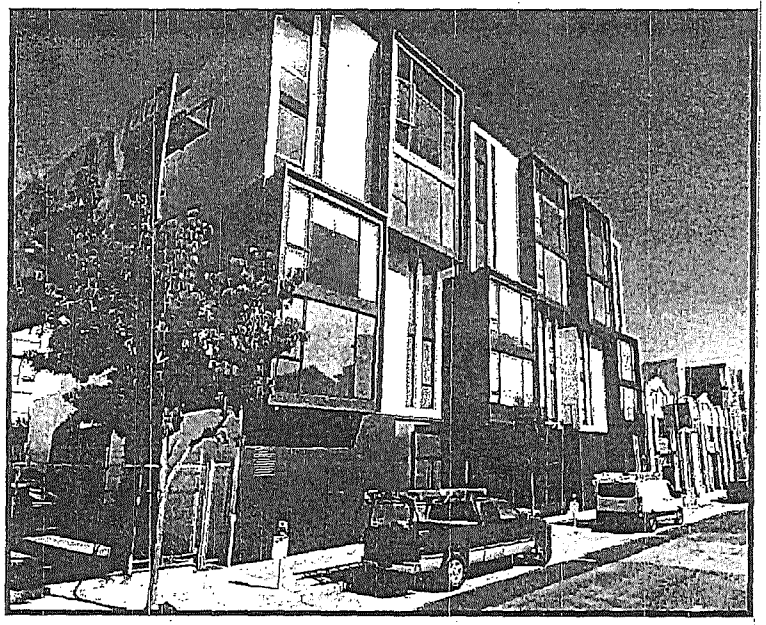
The Way It Is Now:	The Way It Would Be:
(1) Overhead **horizontal** projections (leaving at least 7½ feet of headroom) of a purely architectural or decorative character such as cornices, eaves, sills and belt courses, with a vertical dimension of no more than two feet six inches, not increasing the floor area or the volume of space enclosed by the building, and not projecting more than:	(1) Overhead ~~**horizontal**~~ projections (leaving at least 7½ 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,	(A) At roof level, **four 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	(B) At every other level, **four feet** 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.	(C) **Four feet** into yards and usable open space, or 1/6 of the required minimum dimensions (when specified) of such open areas, whichever is less.

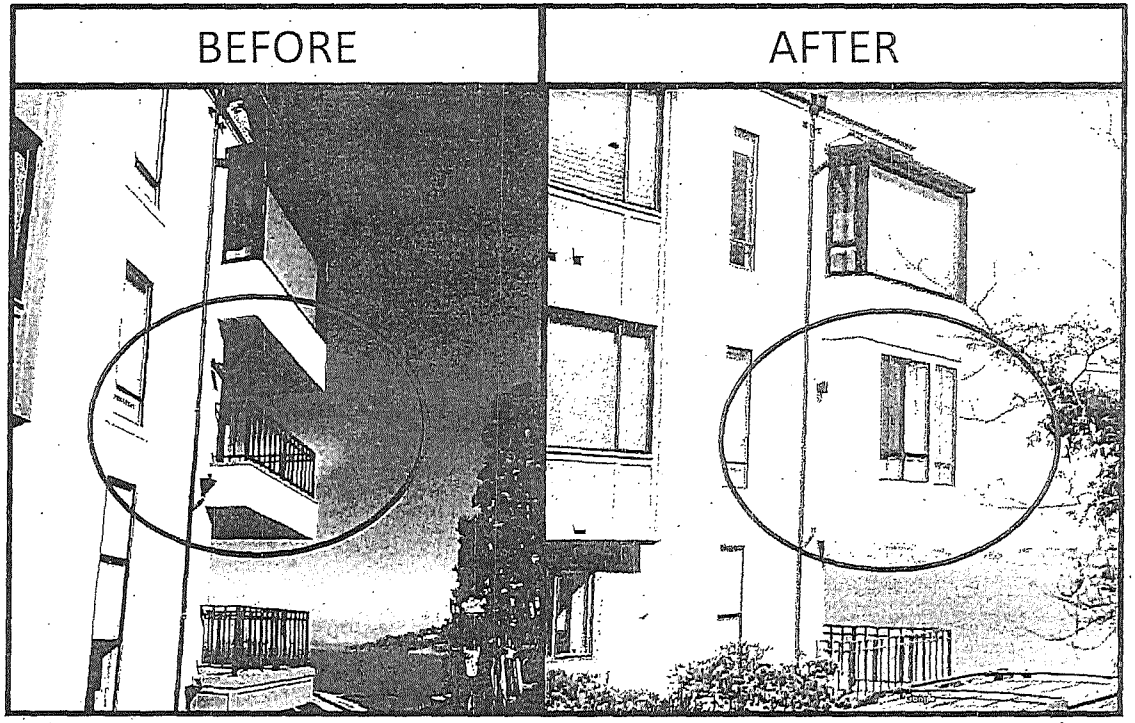
Examples of Permitted Obstructions: Bay Windows



Examples of Obstructions NOT Permitted: Bay Windows







Why the Change? Bay Windows

1. The required findings for a Variance are difficult to meet for bay windows seeking an exception from one or more of the standards in Sec. 136.

2. Generally, a bay window's unique design is not the result of an exceptional or extraordinary circumstance applying to the property, but rather a product of architectural design.

Under the proposed legislation, this administrative process would allow proposed bay windows that do not meet a standard of Sec. 136, but still meet the massing requirements to be evaluated on its architectural integrity, rather than if the design is the result of an exceptional or extraordinary circumstance.

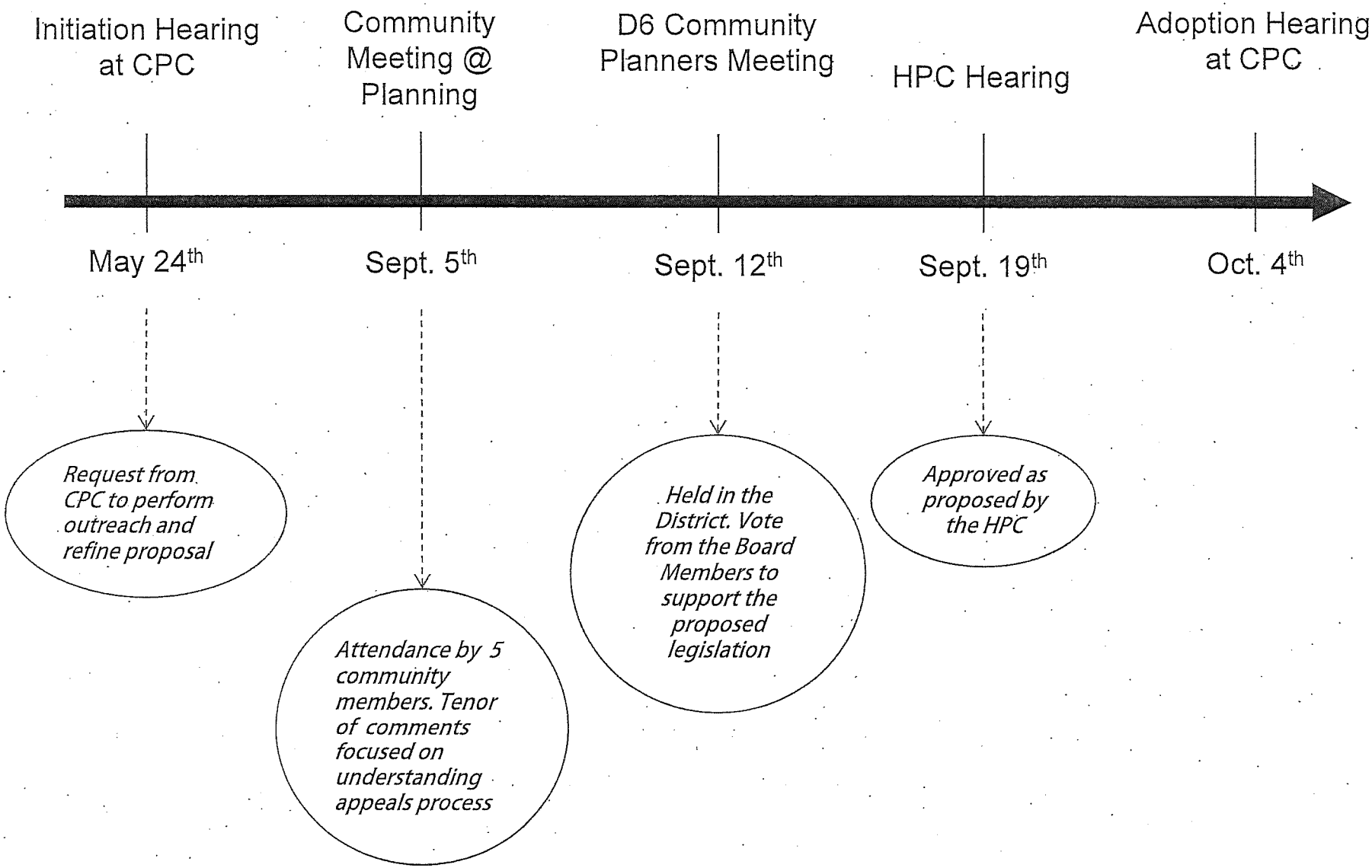
This administrative review process would require any proposed bay window design to seeking the waiver, to meet all applicable Department design standards.

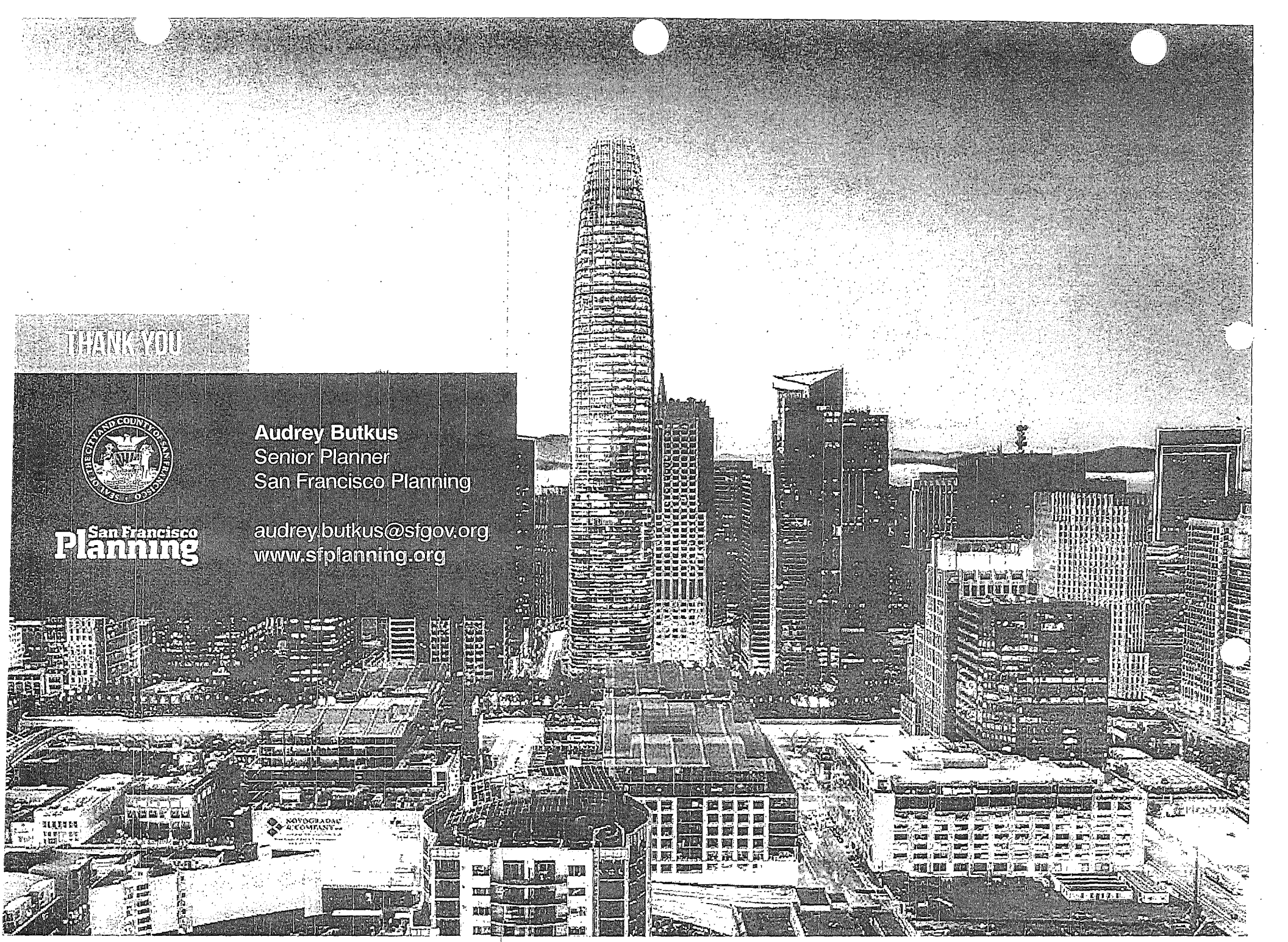
Photo credit.

Proposed Changes to Section 136: Bay Windows

The Way It Is Now:	The Way It Would Be:
If a proposed bay window's design does **not** fit within the limitations outlined in Section 136, the applicant's only other option, besides redesigning the project, is to seek a Variance from Section 136. In order for the Zoning Administrator to grant a variance the following must be met: 1. There are exceptional or extraordinary circumstances applying to the property that do not apply to other properties in the district; 2. Due to these circumstances the enforcement of the Code would result in practical difficulty or unnecessary hardship not created by the applicant or owner of the property; 3. The variance is necessary for the preservation and enjoyment of the subject property; 4. The granting of such variance will not be detrimental to the public welfare; 5. That the granting of such variance will be in harmony with the general purpose and intent of The Code and will not adversely affect the Master Plan.	Proposed bay windows that do not meet the standards of a permitted obstruction under Section 136 but otherwise meet the massing standards of permitted bay windows may seek a Zoning Administrator Waiver for partial or full relief. **Zoning Administrative Review** Section 307(h) provides an administrative channel through which certain standards can seek administrative review from the Zoning Administrator. The Zoning Administrator may grant partial or complete relieve from the standard being appealed so long as the partial or complete relief of said standard would continue to accomplish the overall goals of the section.

Timeline of Proposed Changes:




THANK YOU
Audrey Butkus
Senior Planner
San Francisco Planning
audrey.butkus@sfgov.org
www.sfplanning.org
San Francisco
Planning

From:	Marvis Phillips
To:	Butkus, Audrey (CPC)
Subject:	Support for updating "Planning Code 136"
Date:	Friday, September 14, 2018 1:38:10 AM

Dear Audrey,

The Board of the District 6 Community Planners is in support of the Proposed update to "Planning Code 136" , we feel that streamlining these codes will help to simplify the adherence to this piece of the code. And we stand is support as you go before both the Historic Preservation Commission next week and the Planning Commission in October.

Maintaining the Historical values of San Francisco design while keeping in context the seismic restraint's is essential to maintaining the diversity of design this city is famous for, and these code changes will help to achieve that balance.

Again the District 6 Community Planners are in support of the proposed update to Planning Code 136.

Sincerely,

Marvis J. Phillips
Board Chair
District 6 Community Planners
--
Marvis J. Phillips
Board Chair
District 6 Community Planners

Exhibit D

SAN FRANCISCO
PLANNING DEPARTMENT

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Historic Preservation Commission
Resolution No. 977
HEARING DATE: SEPTEMBER 19, 2018

Project Name:	Obstructions in Required Setbacks, Yards, and Usable Open Space
Case Number:	2018-001876PCA
Staff Contact:	Audrey Butkus, Legislative Affairs audrey.butkus@sfgov.org, (415) 575-9129
Reviewed by:	Aaron Starr, Manager of Legislative Affairs aaron.starr@sfgov.org, 415-558-6362

THE HISTORIC PRESERVATION COMMISSION HEREBY RECCOMMENDS TO APPROVE A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO ALLOW IN REQUIRED SETBACKS, YARDS, AND USABLE OPEN SPACE ALL PROJECTIONS OF AN ARCHITECTURAL NATURE IF THEY MEET THE SPECIFIED REQUIREMENTS AND TO ALLOW BAY WINDOWS THAT DO NOT MEET THE SPECIFIED REQUIREMENTS TO APPLY FOR A ZONNING ADMINISTRATOR WAIVER; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, The Historic Preservation Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider initiation of the proposed Ordinance on September 19, 2018; and,

WHEREAS, the proposed amendments would amend the Planning Code to allow in required setbacks, yards, and usable open space all projections of an architectural nature if they meet the specified requirements and to allow bay windows that do not meet the specified requirements to apply for a Zoning Administrator waiver; and

WHEREAS, the proposed Ordinance is not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment; and

WHEREAS, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Historic Preservation Commission hereby recommends to **approve** the proposed Ordinance.

I hereby certify that the foregoing Resolution was adopted by the Historic Preservation Commission at its meeting on September 19, 2018.

Jonas P. Ionin
Commission Secretary

AYES: Wolfram, Hyland, Black, Johnck, Matsuda, Pearlman

NAYS: None

ABSENT: Johns

ADOPTED: September 19, 2018

FILE NO. ORDINANCE NO.

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

Ordinance amending the Planning Code to allow in required setbacks, yards, and usable open space all projections of an architectural nature if they meet the specified requirements and to allow bay windows that do not meet the specified requirements to apply for a Zoning Administrator waiver; 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 adopting findings of public necessity, convenience, and general 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 ~~strikethrough 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. Environmental and Land Use 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 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. _____, 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._____, 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.

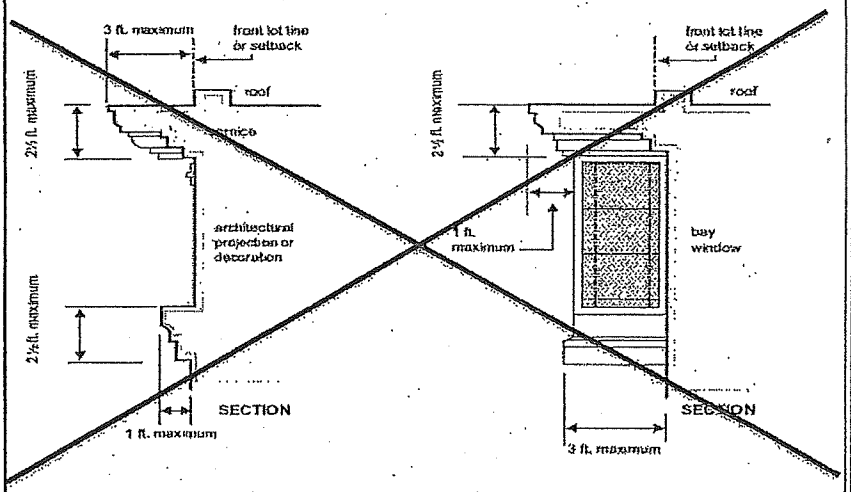
Streets and Alleys	Set-backs	Yards	Usable Open Space	
				(a) The following obstructions shall be permitted, in the manner specified, as indicated by the symbol "X" in the columns at the left, within the required open areas listed herein: (1) Projections from a building or structure extending over a ~~s~~Street or ~~a~~Alley as defined *in Section 102 of* this Code. Every portion of such projections over a ~~s~~Street or ~~a~~Alley shall provide a minimum of 7½ 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 ~~s~~Street or ~~a~~Alley is erected over public property shall not be construed to create any perpetual right but is a revocable license; (2) Obstructions within legislated setback lines and front setback areas, as required by Sections 131 and 132 of this Code; (3) Obstructions within side yards and rear yards, as required by Sections 133 and 134 of this Code; (4) Obstructions within usable open space, as required by Section 135 of this Code.
	x	x	x	x	(b) No obstruction shall be constructed, placed, or maintained in any such required open area except as specified in this Section *136*. (c) The permitted obstructions shall be as follows: (1) ~~*Overhead horizontal p*~~Projections *of an architectural nature that leave* ~~*(leaving*~~ at least 7½ feet of ~~*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,* such as cornices, eaves, sills, ~~*and*~~ belt courses, *sunshades, fins, and brise soleils,* ~~*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 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;*~~

* * * *

* * * *

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

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

* * * *

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

(1) **Applicability.**

* * * *

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

(i) ~~*That*~~ the ~~r~~*R*esidential ~~u~~*U*se, whether ~~d~~*D*welling ~~u~~*U*nits, ~~g~~*G*roup ~~h~~*H*ousing, or SRO units, are ~~p~~*P*rincipally ~~p~~*P*ermitted in the district or districts in which the project is located;

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

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

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

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

* * * *

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

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

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

By: Judith A. Boyajian
JUDITH A. BOYAJIAN
Deputy City Attorney
n:\legana\as2018\1800558\01303652.docx

SAN FRANCISCO
PLANNING DEPARTMENT

1650 Mission St.
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Information:
415.558.6377

Planning Commission Resolution No. 20298

HEARING DATE: OCTOBER 4, 2018

Project Name:	Obstructions in Required Setbacks, Yards, and Usable Open Space
Case Number:	2018-001876PCA
Staff Contact:	Audrey Butkus, Legislative Affairs audrey.butkus@sfgov.org, (415) 575-9129
Reviewed by:	Aaron Starr, Manager of Legislative Affairs aaron.starr@sfgov.org, 415-558-6362

THE PLANNING COMMISSION HEREBY APPROVES A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO ALLOW IN REQUIRED SETBACKS, YARDS, AND USABLE OPEN SPACE ALL PROJECTIONS OF AN ARCHITECTURAL NATURE IF THEY MEET THE SPECIFIED REQUIREMENTS AND TO ALLOW BAY WINDOWS THAT DO NOT MEET THE SPECIFIED REQUIREMENTS TO APPLY FOR A ZONNING ADMINISTRATOR WAIVER; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider initiation of the proposed Ordinance on September 19, 2018; and,

WHEREAS, the proposed amendments would amend the Planning Code to allow in required setbacks, yards, and usable open space all projections of an architectural nature if they meet the specified requirements and to allow bay windows that do not meet the specified requirements to apply for a Zoning Administrator waiver; and

WHEREAS, the proposed Ordinance is not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment; and

WHEREAS, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby **approves** the proposed Ordinance.

I hereby certify that the foregoing Resolution was adopted by the Planning Commission at its meeting on October 4, 2018.

Jonas P. Ionin
Commission Secretary

AYES: Hillis, Johnson, Koppel, Melgar, Moore, Richards

NAYS: None

ABSENT: Fong

ADOPTED: October 4, 2018

SAN FRANCISCO
PLANNING DEPARTMENT

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
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Information:
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Historic Preservation Commission
Resolution No. 977
HEARING DATE: SEPTEMBER 19, 2018

Project Name:	Obstructions in Required Setbacks, Yards, and Usable Open Space
Case Number:	2018-001876PCA
Staff Contact:	Audrey Butkus, Legislative Affairs audrey.butkus@sfgov.org, (415) 575-9129
Reviewed by:	Aaron Starr, Manager of Legislative Affairs aaron.starr@sfgov.org, 415-558-6362

THE HISTORIC PRESERVATION COMMISSION HEREBY RECCOMMENDS TO APPROVE A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO ALLOW IN REQUIRED SETBACKS, YARDS, AND USABLE OPEN SPACE ALL PROJECTIONS OF AN ARCHITECTURAL NATURE IF THEY MEET THE SPECIFIED REQUIREMENTS AND TO ALLOW BAY WINDOWS THAT DO NOT MEET THE SPECIFIED REQUIREMENTS TO APPLY FOR A ZONNING ADMINISTRATOR WAIVER; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, The Historic Preservation Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider initiation of the proposed Ordinance on September 19, 2018; and,

WHEREAS, the proposed amendments would amend the Planning Code to allow in required setbacks, yards, and usable open space all projections of an architectural nature if they meet the specified requirements and to allow bay windows that do not meet the specified requirements to apply for a Zoning Administrator waiver; and

WHEREAS, the proposed Ordinance is not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment; and

WHEREAS, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Historic Preservation Commission hereby recommends to **approve** the proposed Ordinance.

I hereby certify that the foregoing Resolution was adopted by the Historic Preservation Commission at its meeting on September 19, 2018.

Jonas P. Ionin
Commission Secretary

AYES: Wolfram, Hyland, Black, Johnck, Matsuda, Pearlman

NAYS: None

ABSENT: Johns

ADOPTED: September 19, 2018

SAN FRANCISCO
PLANNING DEPARTMENT

Planning Commission Resolution No. 20210

HEARING DATE: MAY 24, 2018

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Project Name:	Obstructions in Required Setbacks, Yards, and Usable Open Space
Case Number:	2018-001876PCA [Board File No. TBD]
Initiated by:	Planning Commission
Staff Contact:	Audrey Butkus, Legislative Affairs audrey.butkus@sfgov.org, 415-575-9129
Reviewed by:	Aaron D Starr, Manager of Legislative Affairs aaron.starr@sfgov.org, 415-558-6362

INITIATING AMENDMENTS TO THE PLANNING CODE TO ALLOW IN REQUIRED SETBACKS, YARDS, AND USABLE OPEN SPACE ALL PROJECTIONS OF AN ARCHITECTURAL NATURE IF THEY MEET THE SPECIFIED REQUIREMENTS AND TO ALLOW BAY WINDOWS THAT DO NOT MEET THE SPECIFIED REQUIREMENTS TO APPLY FOR A ZONNING ADMINISTRATOR WAIVER; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider initiation of the proposed Ordinance on May 24, 2018; and,

WHEREAS, the proposed amendments would amend the Planning Code to allow in required setbacks, yards, and usable open space all projections of an architectural nature if they meet the specified requirements and to allow bay windows that do not meet the specified requirements to apply for a Zoning Administrator waiver; and

WHEREAS, the Environmental Review will be completed prior to the Commission taking action on this Ordinance; and

WHEREAS, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Commission has reviewed the proposed Ordinance; and

MOVED, that pursuant to Planning Code Section 302(b), the Commission adopts a Resolution to initiate amendments to the Planning Code;

AND BE IT FURTHER RESOLVED, that pursuant to Planning Code Section 306.3, the Commission authorizes the Department to provide appropriate notice for a public hearing to consider the above referenced Planning Code amendments contained in the draft ordinance, approved as to form by the City Attorney in Exhibit A, to be considered at a publicly noticed hearing on or after **July 12, 2018.**

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on May 24, 2018.

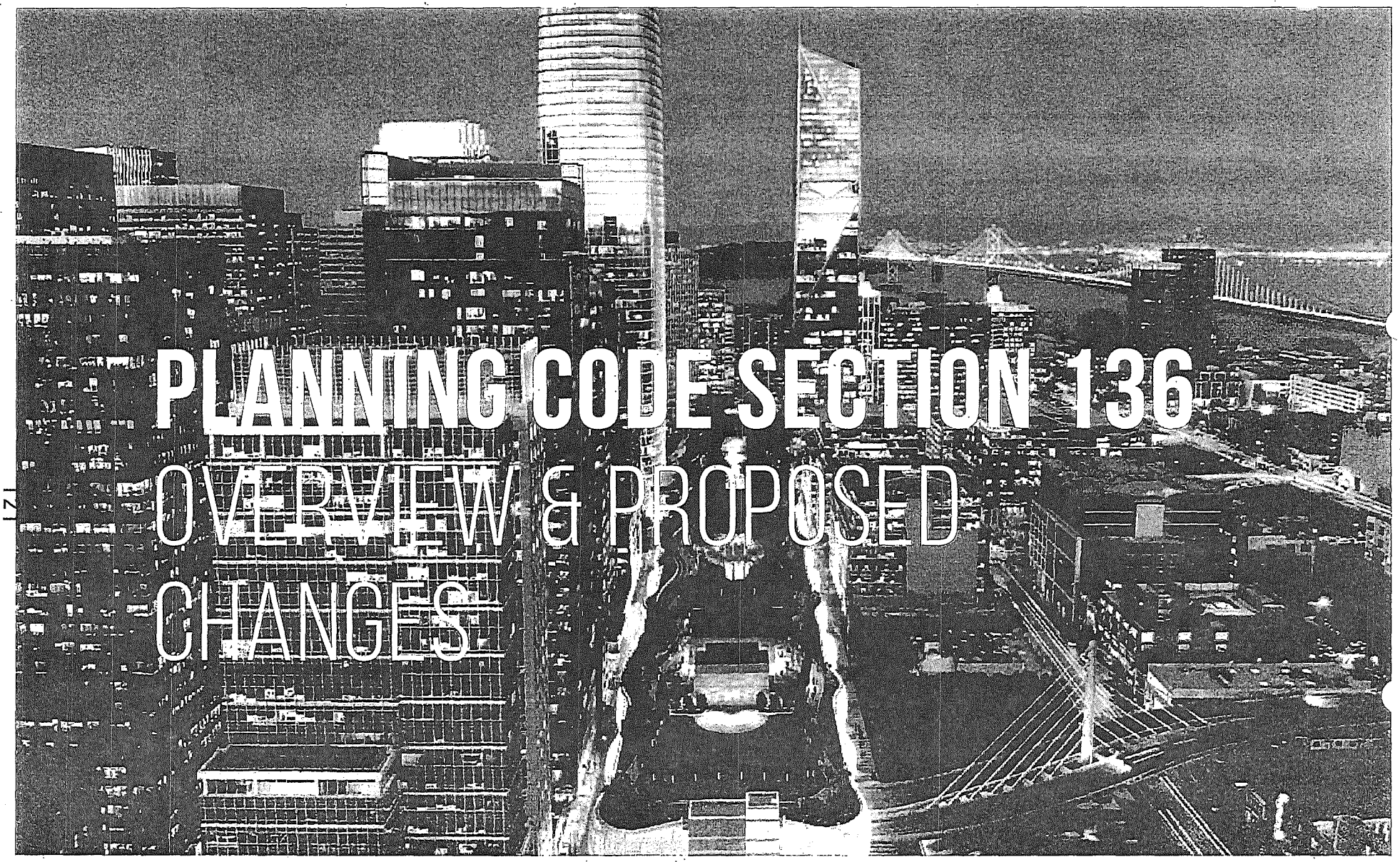
Jonas P. Ionin
Commission Secretary

AYES: Hillis, Fong, Koppel, Melgar, Johnson

NOES: Moore

ABSENT: Richards

ADOPTED: May 24, 2018



PLANNING CODE SECTION 136 OVERVIEW & PROPOSED CHANGES

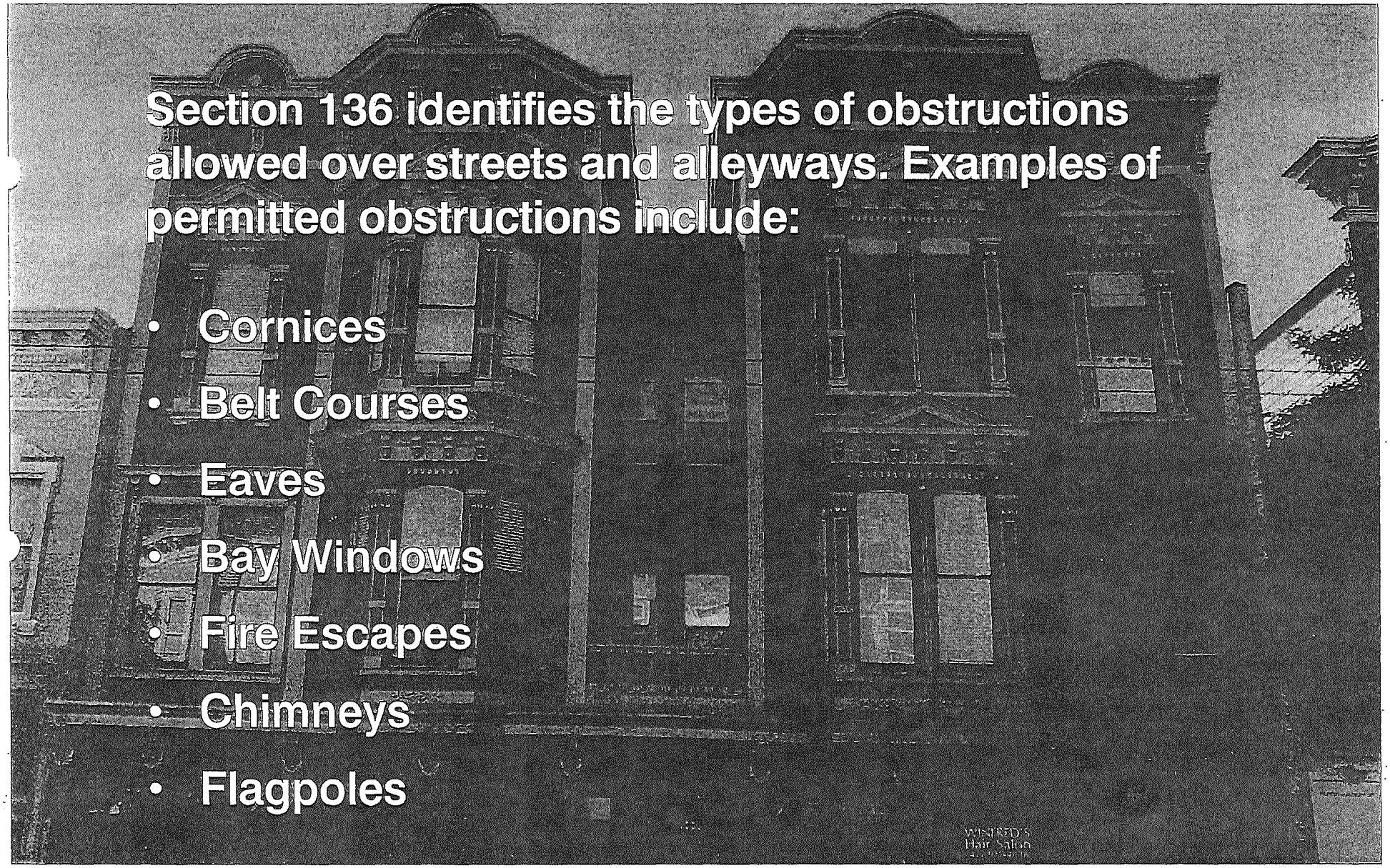
Maia Small & Audrey Merlone, Planning Department Staff

Sec. 136 Presentation / February 24, 2020 / Land Use & Transportation Committee

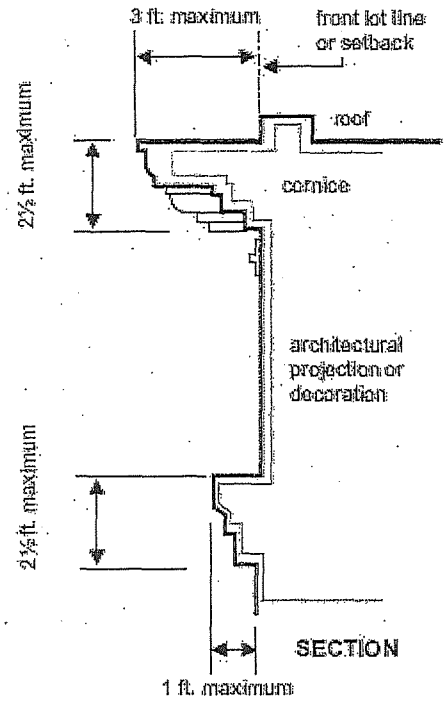
San Francisco Planning

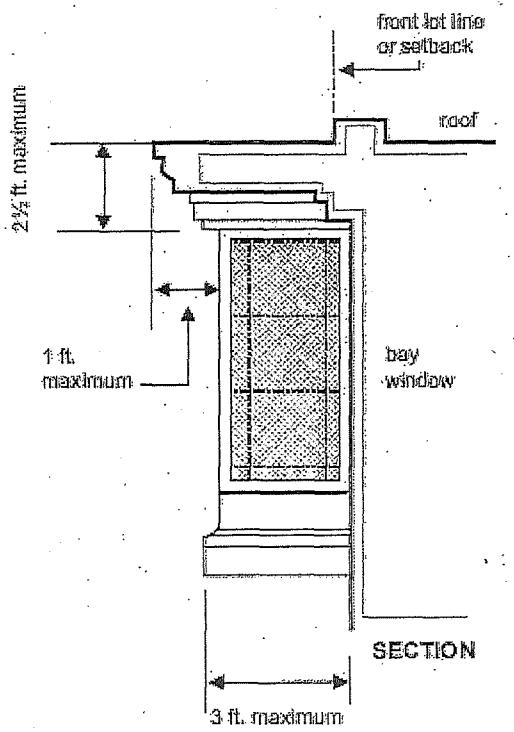
Applicable in Downtown Districts

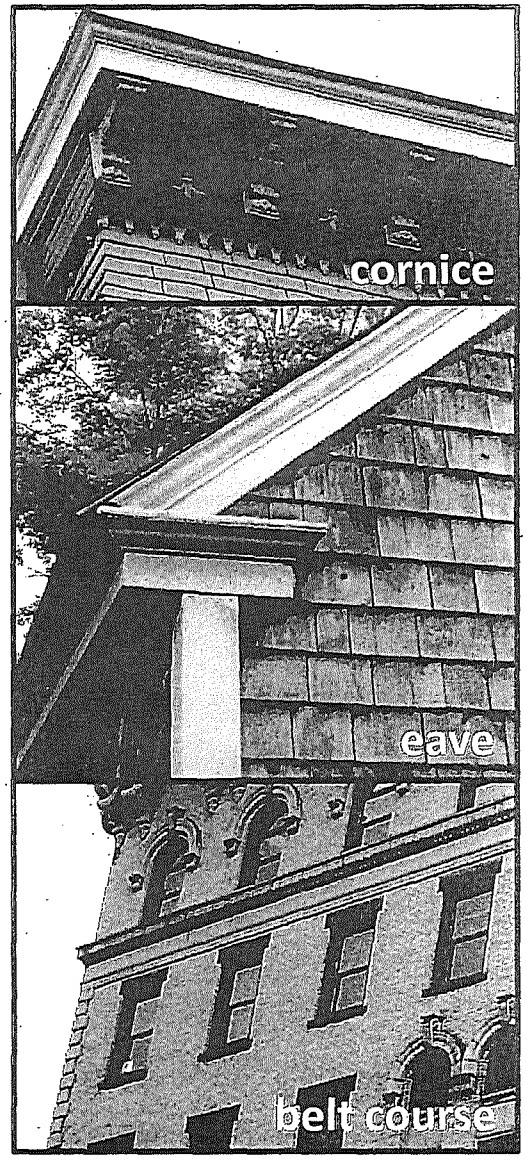
What is Planning Code Section 136?



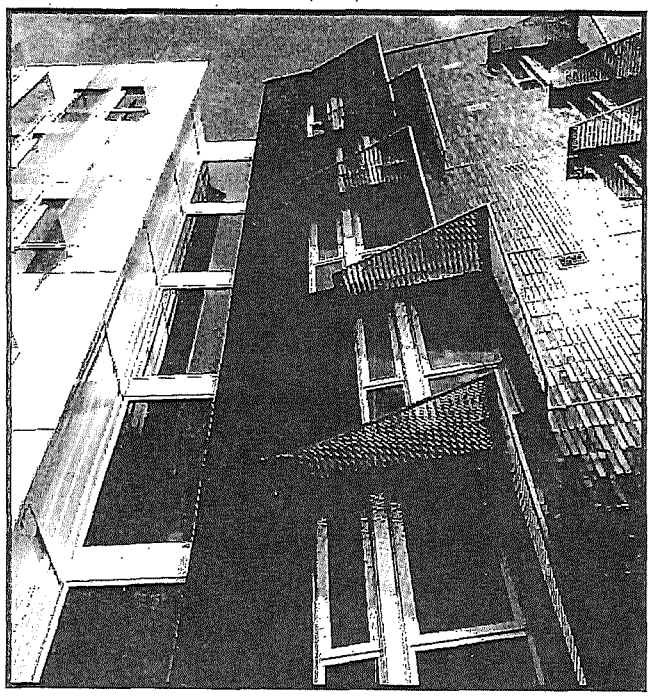
Examples of Permitted Obstructions: Architectural Projections

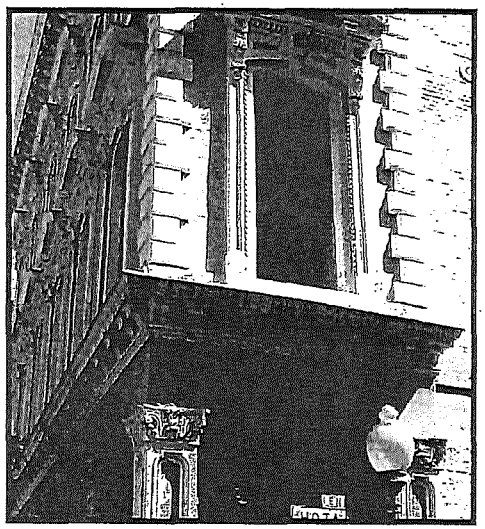


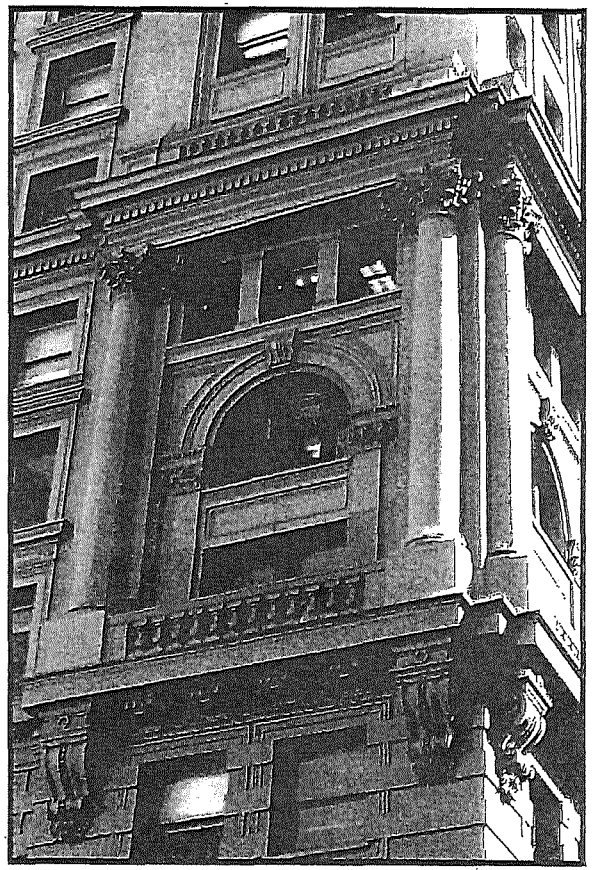




Examples of Obstructions NOT Permitted: Architectural Decorations







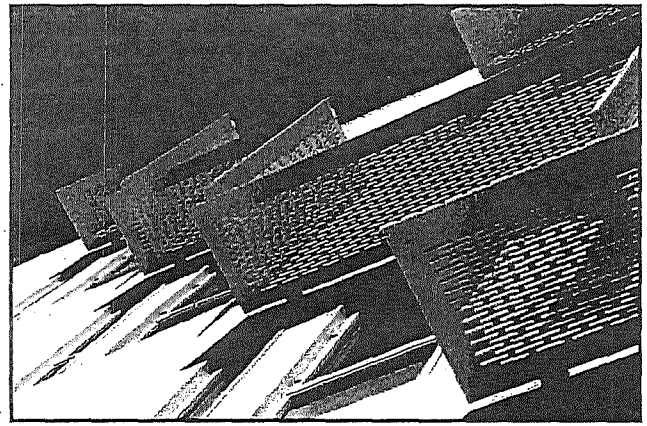
Why the Change? Architectural Projections

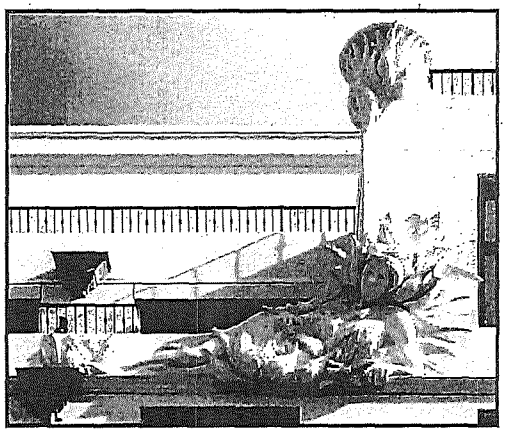
This has **historically been a challenge** for architectural designs that are innovative and desirable.

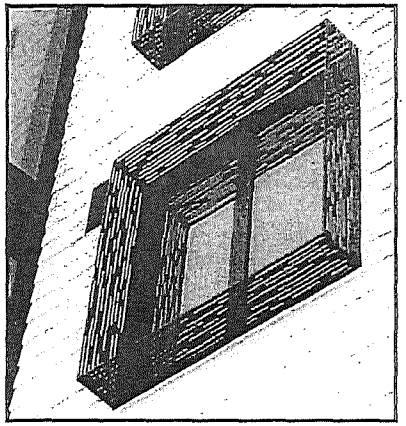
Changes in the energy code prompt the use of sunshades which can also positively animate a building façade.

This legislation is would allow for **more flexibility** in architectural projections that enhance a building's design.

Passing **design review and design guidelines continued to be required** for any proposed obstruction.



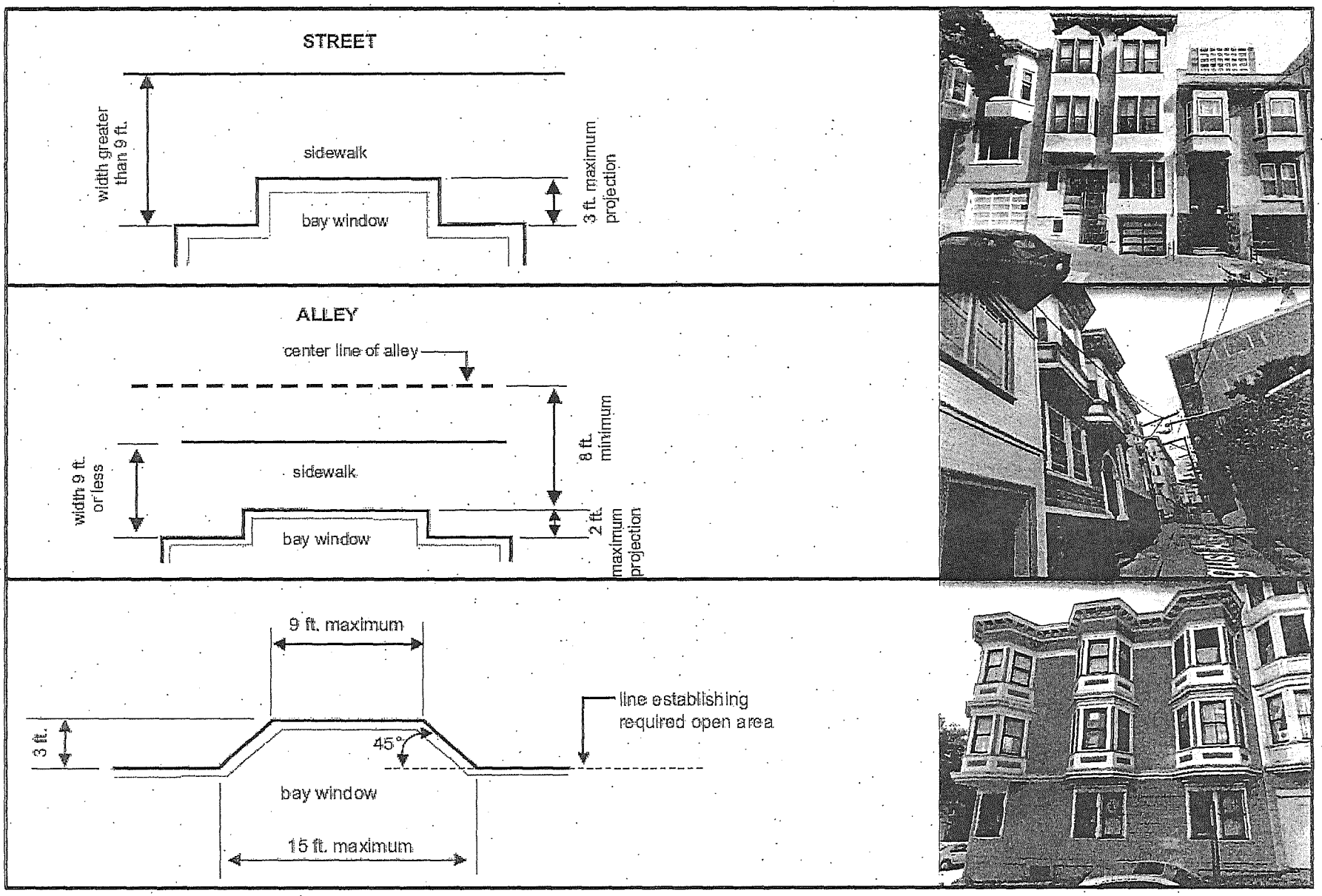




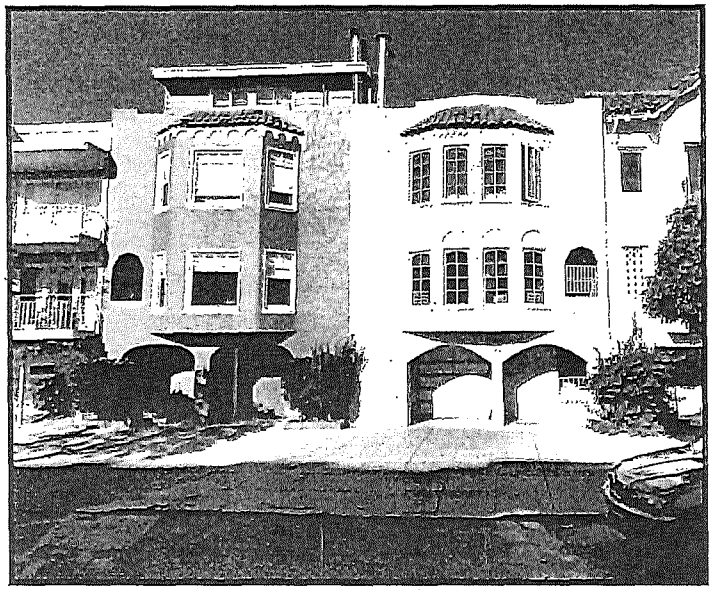
Proposed Changes to Section 136: Architectural Projections

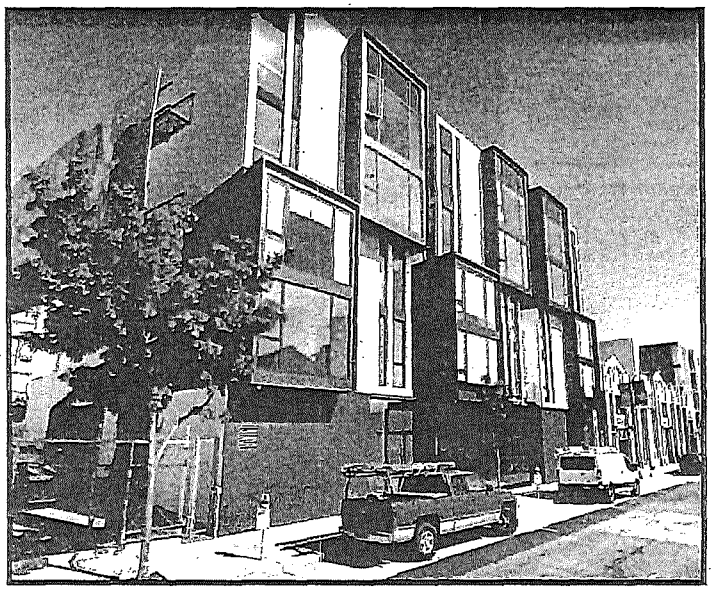
The Way It Is Now:	The Way It Would Be:
(1) Overhead **horizontal** projections (leaving at least 7½ feet of headroom) of a purely architectural or decorative character such as cornices, eaves, sills and belt courses, with a vertical dimension of no more than two feet six inches, not increasing the floor area or the volume of space enclosed by the building, and not projecting more than:	(1) Overhead ~~**horizontal**~~ projections (leaving at least 7½ 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,	(A) At roof level, **four 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	(B) At every other level, **four feet** 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.	(C) **Four feet** into yards and usable open space, or 1/6 of the required minimum dimensions (when specified) of such open areas, whichever is less.

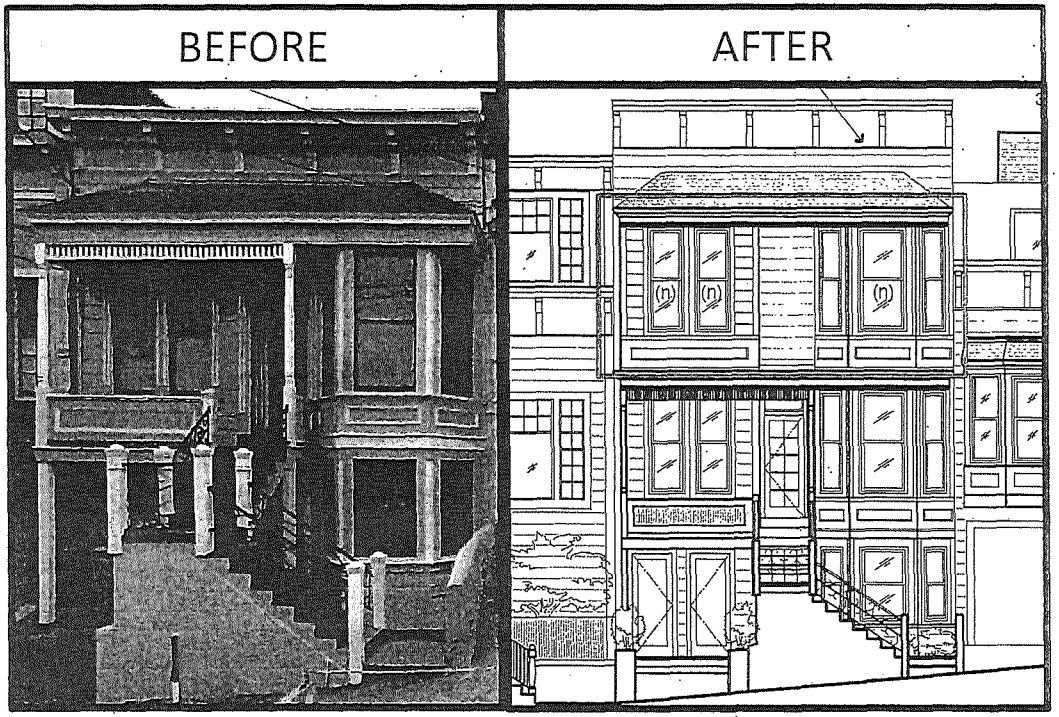
Examples of Permitted Obstructions: Bay Windows



Examples of Obstructions NOT Permitted: Bay Windows







Why the Change? Bay Windows

1. The required findings for a Variance are difficult to meet for bay windows seeking an exception from one or more of the standards in Sec. 136.

2. Generally, a bay window's unique design is not the result of an exceptional or extraordinary circumstance applying to the property, but rather a product of architectural design.

Under the proposed legislation, this administrative process would allow proposed bay windows that do not meet a standard of Sec. 136, but still meet the massing requirements to be evaluated on its architectural integrity, rather than if the design is the result of an exceptional or extraordinary circumstance.

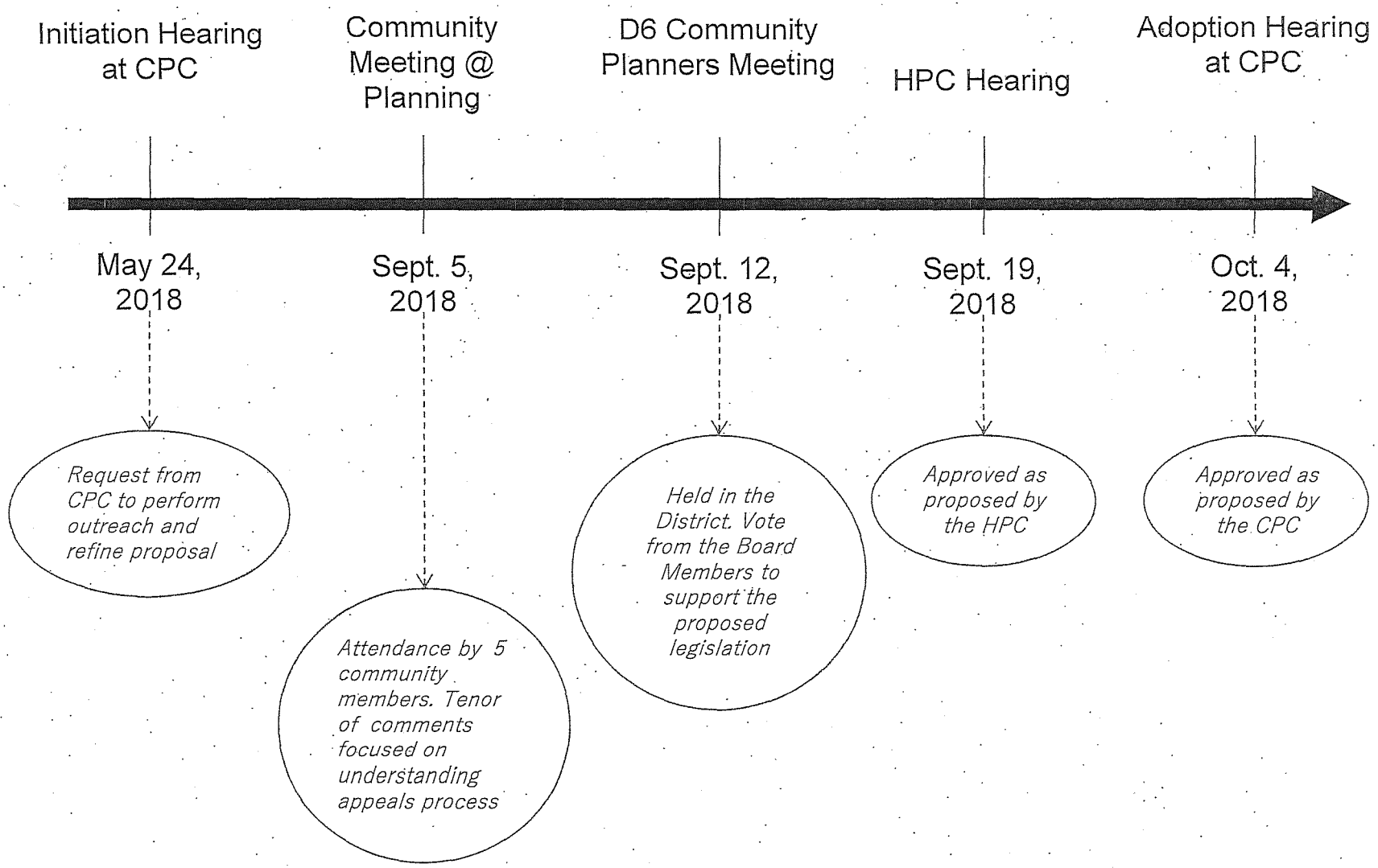
This administrative review process would require any proposed bay window design to seeking the waiver, to meet all applicable Department design standards.

Photo credit.

Proposed Changes to Section 136: Bay Windows

The Way It Is Now:	The Way It Would Be:
If a proposed bay window's design does **not** fit within the limitations outlined in Section 136, the applicant's only other option, besides redesigning the project, is to seek a Variance from Section 136. In order for the Zoning Administrator to grant a variance the following must be met: 1. There are exceptional or extraordinary circumstances applying to the property that do not apply to other properties in the district; 2. Due to these circumstances the enforcement of the Code would result in practical difficulty or unnecessary hardship not created by the applicant or owner of the property; 3. The variance is necessary for the preservation and enjoyment of the subject property; 4. The granting of such variance will not be detrimental to the public welfare; 5. That the granting of such variance will be in harmony with the general purpose and intent of The Code and will not adversely affect the Master Plan.	Proposed bay windows that do not meet the standards of a permitted obstruction under Section 136 but otherwise meet the massing standards of permitted bay windows may seek a Zoning Administrator Waiver for partial or full relief. **Zoning Administrative Review** Section 307(h) provides an administrative channel through which certain standards can seek administrative review from the Zoning Administrator. The Zoning Administrator may grant partial or complete relieve from the standard being appealed so long as the partial or complete relief of said standard would continue to accomplish the overall goals of the section.

Timeline of Proposed Changes:

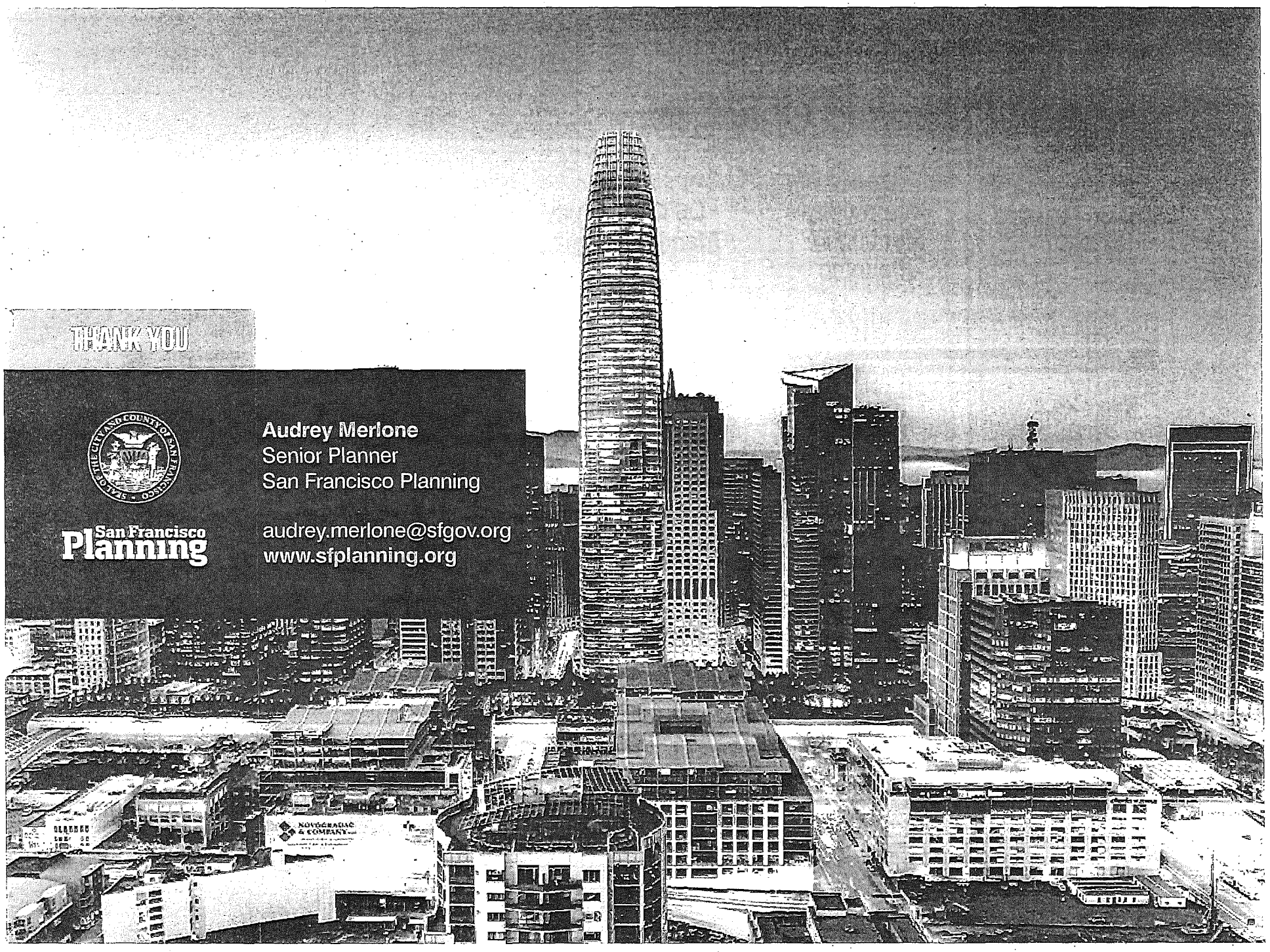


THANK YOU

Audrey Merlone
Senior Planner
San Francisco Planning

audrey.merlone@sfgov.org
www.sfplanning.org

San Francisco Planning



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PLANNING DEPARTMENT

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Fax:
415.558.6409

Planning
Information:
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April 22, 2019

Ms. Angela Calvillo, Clerk
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: **Transmittal of Planning Department Case Number 2018-001876PCA: Obstructions in Required Setbacks, Yards, and Usable Open Space**
Board File No. TBD
Planning Commission Recommendation: *Approval*

Dear Ms. Calvillo,

On October 4, 2018, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance would amend Planning Code to permit some obstructions in Section 136, and to allow bay windows that do not meet the standards of Section 136 to apply for a Zoning Administrator waiver. At the hearing the Planning Commission recommended approval.

On September 19, 2018, the Historic Preservation Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance. At the hearing the Historic Preservation Commission recommended approval.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Please find attached documents relating to the actions of the Commissions. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

Aaron D. Starr
Manager of Legislative Affairs

cc:
Judy Boyajian, Deputy City Attorney
Erica Major, Office of the Clerk of the Board

Attachments:
Planning Commission Resolution

Historic Preservation Commission Resolution
Planning Department Executive Summary