

1 [Height Limits: Exemption in C-3-G Zoning District.]

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3 **Ordinance amending the San Francisco Planning Code by amending subsection 260(b)**
4 **by adding subsection 260(b)(1)(A)(i) to allow mechanical equipment and screening**
5 **changes that do not exceed three additional feet in height and do not contain new**
6 **occupiable floor space in any C-3-G Zoning District; and adopting findings.**

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

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

11 Section 1. Findings. The Board of Supervisors of the City and County of San Francisco
12 (“Board”) hereby finds and determines:

13 (a) On _____ at a duly noticed public hearing, the Planning Commission, in
14 Resolution No. _____, found that the proposed Planning Code amendment contained in
15 this ordinance is consistent with the City’s General Plan and with Planning Code Section
16 101.1(b). In addition, the Planning Commission recommended that the Board of Supervisors
17 adopt the proposed Planning Code amendment. A copy of said Resolution is on file with the
18 Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by reference.
19 The Board finds that the proposed Planning Code amendment contained in this ordinance is
20 consistent with the City’s General Plan and with Planning Code Section 101.1(b) for the
21 reasons set forth in said Resolution.

22 (b) Pursuant to Planning Code Section 302, the Board finds that the proposed
23 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in
24 Planning Commission Resolution No. _____, which reasons are incorporated herein by
25 reference as though fully set forth.

1 (c) The Planning Department has determined that the action contemplated in this
2 Ordinance is in compliance with the California Environmental Quality Act (California Public
3 Resources Code section 21000 et seq.). Said determination is on file with the Clerk of the
4 Board of Supervisors in File No. _____ and is incorporated herein by reference.

5 Section 2. The San Francisco Planning Code is hereby amended by amending Section
6 260(b), to read as follows:

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

10 (1) The following features shall be exempt; provided the limitations indicated for each
11 are observed; provided further that the sum of the horizontal areas of all features listed in this
12 Paragraph (b)(1) shall not exceed 20 percent of the horizontal area of the roof above which
13 they are situated, or, in C-3 Districts, and in the Rincon Hill Downtown Residential District,
14 where the top of the building has been separated into a number of stepped elements to
15 reduce the bulk of the upper tower, of the total of all roof areas of the upper towers; and
16 provided further that in any R, RC-1, RC-2, RC-3 or RC-4 District the sum of the horizontal
17 areas of all such features located within the first 10 feet of depth of the building, as measured
18 from the front wall of the building, shall not exceed 20 percent of the horizontal area of the
19 roof in such first 10 feet of depth.

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

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

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

10 (i) Minor additions to non-conforming buildings in the C-3-G zoning district above the existing
11 height limit are permitted as of right to accommodate mechanical equipment and/or screening or
12 aesthetic changes provided that such changes do not exceed three (3) additional feet in height, 700
13 square feet in plan dimensions, as defined in Planning Code Section 102.21, at the base of the minor
14 addition and do not contain any new occupiable floor space. This amendment shall be effective for one
15 year from the effective date of this ordinance, and any alteration relying on this subsection
16 260(b)(1)(A)(i) shall have procured a valid building permit prior to the date that is one year from the
17 effective date of this ordinance.

18 (B) Elevator, stair and mechanical penthouses, fire towers, skylights and dormer
19 windows. This exemption shall be limited to the top 10 feet of such features where the height
20 limit is 65 feet or less, and the top 16 feet of such features where the height limit is more than
21 65 feet. However, for elevator penthouses, the exemption shall be limited to the top 16 feet
22 and limited to the footprint of the elevator shaft, regardless of the height limit of the building.
23 The design of all elevator penthouses in Residential Districts shall be consistent with the
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1 "Residential Design Guidelines" as adopted and periodically amended for specific areas or
2 conditions by the City Planning Commission.

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

9 (C) Stage and scenery lofts.

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

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

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

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

5 (H) In the Rincon Hill Downtown Residential District, enclosed space related to the
6 recreational use of the roof, not to exceed 16 feet in height.

7 (I) In the Rincon Hill Downtown Residential District, additional building volume used to
8 enclose or screen from view the features listed under Subsections (b)(1)(A) and (b)(1)(B)
9 above. The rooftop form created by the added volume shall not be subject to the percentage
10 coverage limitations otherwise applicable to this subsection but shall meet the requirements of
11 Section 141, shall not exceed 10 percent of the total height of any building taller than 105 feet,
12 shall have a horizontal area not more than 85 percent of the total area of the highest occupied
13 floor, and shall contain no space for human occupancy. The features described in (b)(1)(B)
14 shall not be limited to 16 feet for buildings taller than 160 feet, but shall be limited by the
15 permissible height of any additional rooftop volume allowed by this Subsection.

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

5 (L) In the Candlestick Point Special Use District, light standards for the purpose of the
6 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 and
2 antennae for transmission, reception, or relay of radio, television or other electronic signals,
3 where permitted as principal or conditional uses, subject to the limitations of Subsections
4 227(h) and (i) of this Code and limitations imposed by the City Planning Commission.

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

7 (K) Public monuments owned by government agencies.

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

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

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

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

21 (P) Enclosed recreational facilities up to a height of 10 feet above the otherwise
22 applicable height limit when located within both an SSO District and a 65-U Height and Bulk
23 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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7 APPROVED AS TO FORM:
8 DENNIS J. HERRERA, City Attorney

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By: _____
Kate Herrmann Stacy
Deputy City Attorney

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