

1 [Ordinance to require the City Planning Commission's review of new structures casting shade  
2 or shadow upon the site of public or private elementary or secondary schools.]

3 **Ordinance adding Section 296 to the Planning Code to require that the City Planning**  
4 **Commission review all building permit applications for new structures which will cast**  
5 **shade or shadow upon the site of a public or private elementary or secondary school.**

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

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

11 Section 1. The San Francisco Planning Code is hereby amended by adding Section  
12 296, to read as follows:

13 **Sec. 296. Height restrictions on structures shadowing elementary and secondary school sites.**

14 (a) No building permit authorizing the construction of any structure that will cast  
15 any shade or shadow upon the site of a public or private elementary or secondary school may be issued  
16 except upon prior action of the City Planning Commission pursuant to the provisions of this Section;  
17 provided, however, that the provisions of this Section shall not apply to building permits authorizing:

18 (1) Structures which do not exceed 40 feet in height;

19 (2) Structures which cast a shade or shadow upon the site of a public or private  
20 elementary or secondary school only during the first hour after sunrise and/or the last hour before  
21 sunset;

22 (3) Structures to be constructed by the San Francisco Unified School District or  
23 structures to be constructed by a private elementary or secondary school for educational and  
24 education-related purposes;

25 (4) Structures for which a building permit has been issued as of April 15, 2002;

1                   **(b) The City Planning Commission shall conduct a hearing and shall disapprove the**  
2 **issuance of any building permit governed by the provisions of this Section if it finds that the proposed**  
3 **project will have any adverse impact on the site of a public or private elementary or secondary school**  
4 **because of the shading or shadowing that it will cause, unless it is determined that the impact would be**  
5 **insignificant. The City Planning Commission shall not make the determination required by the**  
6 **provisions of this Subsection until either the Superintendent of the San Francisco Unified School**  
7 **District in consultation with the Board of Education has had an opportunity to review and comment to**  
8 **the City Planning Commission upon the proposed project which may impact the site of a public**  
9 **elementary or secondary school, or until the designated representative of a private elementary or**  
10 **secondary school, whose elementary or secondary school site may be impacted, has had an opportunity**  
11 **to review and comment to the City Planning Commission upon the proposed project.**

12                   **(c) The City Planning Commission shall adopt criteria for the implementation of the**  
13 **provisions of this Section.**

14                   **(d) The Zoning Administrator shall determine which applications for building**  
15 **permits propose structures which will cast a shade or shadow upon the site of a public or private**  
16 **elementary or secondary school. As used in this Section, "site of public or private elementary or**  
17 **secondary school" shall mean the assessor's block, or lot within the assessor's block, that the public or**  
18 **private elementary or secondary school structure stands on, and "private elementary or secondary**  
19 **school" shall mean any school required to file a private school affidavit pursuant to California**  
20 **Education Code Section 33190.**

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22                   **Section 2. Severability**

23                   **If any provision of this ordinance or the application thereof to any person or circumstances is**  
24 **held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions**  
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1 or applications or this ordinance which can be given effect without the invalid or unconstitutional  
2 provision or application. To this end, the provisions of this ordinance shall be deemed severable.

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APPROVED AS TO FORM:  
LOUISE H. RENNE, City Attorney

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