

1 [Planning Code - Mid-Block Alley and Rooftop Screening and Enclosure Controls]

2

3 **Ordinance amending the Planning Code to allow for greater flexibility in the screening**
4 **and enclosure of rooftop mechanical equipment, modify mid-block alley controls and**
5 **their applicability to the South Of Market Neighborhood Commercial Transit District,**
6 **Folsom Street Neighborhood Commercial Transit District, Regional Commercial District**
7 **and C-3 (Downtown Commercial) District; affirming the Planning Department’s**
8 **determination under the California Environmental Quality Act; and making findings of**
9 **consistency with the General Plan, and the eight priority policies of Planning Code,**
10 **Section 101.1, and findings of public convenience, necessity, and welfare under**
11 **Planning Code, Section 302.**

12 NOTE: Additions are *single-underline italics Times New Roman*;
13 deletions are ~~*strike-through italics Times New Roman*~~.
14 Board amendment additions are double-underlined;
15 Board amendment deletions are ~~strike through normal~~.
16 Asterisks (* * * *) indicate the omission of unchanged Code
17 subsections

16

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

18 Section 1. Findings.

19 (a) Environmental and General Plan Findings.

20 (1) The Planning Department has determined that the actions contemplated in
21 this ordinance comply with the California Environmental Quality Act (California Public
22 Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the
23 Board of Supervisors in File No. 160346 and is incorporated herein by reference. The Board
24 affirms this determination.

25

1 (2) On March 24, 2016, the Planning Commission, in Resolution No. 19599,
2 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
3 with the City's General Plan and eight priority policies of Planning Code Section 101.1(b). The
4 Board adopts these findings as its own. A copy of said resolution is on file with the Clerk of
5 the Board of Supervisors in File No.160346, and is incorporated herein by reference.

6 (3) Pursuant to Planning Code Section 302, the Board of Supervisors finds that
7 the proposed Planning Code amendments will serve the public necessity, convenience, and
8 welfare for the reasons set forth in Planning Commission Resolution No. 160346, and the
9 Board incorporates such reasons herein by reference.

10 (b) General Findings.

11 (1) The introduction of mid-block alleys in certain Planning Districts was
12 adopted in 2008 as part of the Eastern Neighborhoods Community Planning effort. This
13 design feature divides large industrial blocks into more walkable segments and transforms
14 historically industrial neighborhoods into urban, people-friendly places.

15 (2) Policy 3.2.7 of the East SoMa Area Plan states that pedestrian networks
16 should be strengthened by extending alleys to adjacent streets or alleys wherever possible, or
17 by providing new publicly accessible mid-block rights of way. Policy 3.2.7 was codified in
18 Planning Code Section 270.2.

19 (3) When enacted, Section 270.2 only applied to the Eastern Neighborhoods
20 Mixed Use Districts and DTR Districts, and required that mid-block alleys in Eastern
21 Neighborhoods Mixed Use Districts be at least 60 percent open to the sky.

22 (4) In 2010, the City enacted Ordinance No. 85-10 extending the mid-block alley
23 requirement to the South of Market Mixed-Use, C-M and South of Market C-3 Districts.
24 However, the "60 percent open to the sky" requirement was not similarly extended.
25

1 (5) To more consistently apply mid-block alley requirements throughout the
2 City, this ordinance requires that mid-block alleys, where required, will be at least 60 percent
3 open to the sky.

4 (6) Long street frontages can occur on alleys as well as streets, implicating the
5 special bulk requirements of Planning Code Sections 270.1 and 270.2.

6 (7) Planning Code Section 260(b)(1)(F) allows additional building volume to
7 screen certain rooftop features (e.g., mechanical equipment, elevator and stair penthouses,
8 etc.), as described in Section 260(b)(1)(A) and (B) in C-3, Eastern Neighborhoods, and South
9 of Market Mixed Use Zoning Districts. However, the allowable volume, as measured in cubic
10 feet, may not exceed $\frac{3}{4}$ of the horizontal area of all upper tower roof areas multiplied by 20,
11 which may preclude adequate screening of rooftop features.

12 (8) A building's terminus is a critical element of its design, as evidenced by
13 Planning Code provisions permitting exceptions to height limits for architectural elements to
14 add interest to the city skyline. Under current Code requirements, to take advantage of the
15 maximum permitted height of 20 feet for the rooftop screen, a permit applicant must provide a
16 setback at the building's terminus, which may not accomplish stated urban design goals of
17 improving the appearance of the sky-line when viewed from a distance.

18 (9) Because rooftop screen controls are measured in terms of volume, projects
19 currently may provide a screen without a setback, but certain screens that are not set back
20 must be reduced by 25 percent of the maximum permitted height, or 15 feet, which may
21 prevent mechanical features from being adequately screened, especially considering that
22 many mechanical features reach a height of 16 feet.

23 (10) To help ensure a building's terminus is consistent with the rest of the
24 building's design, and to allow for more adequate screening of rooftop features, this ordinance
25 allows the volume of rooftop screens and/or enclosures to be modifiable, subject to design

1 review, in C-3 and Eastern Neighborhood Mixed Use Districts, allowing the screen to reach a
2 maximum volume equal to 100 percent of the horizontal area of all upper tower roof areas
3 multiplied by twenty.

4 Section 2. The Planning Code is hereby amended by revising Section 260, to read
5 as follows:

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

7 * * * *

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

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

21 As an alternative, the sum of the horizontal areas of all features listed in this subsection
22 ~~Paragraph~~ (b)(1) may be equal to but not exceed 20 percent of the horizontal area permitted
23 for buildings and structures under any bulk limitations in Section 270 of this Code applicable
24 to the subject 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
5 operation or maintenance of the building or structure itself, including chimneys, ventilators,
6 plumbing vent stacks, cooling towers, water tanks, panels or devices for the collection of solar
7 or wind energy and window-washing equipment, together with visual screening for any such
8 features. This exemption shall be limited to the top 10 feet of such features where the height
9 limit is 65 feet or less, and the top 16 feet of such features where the height limit is more than
10 65 feet.

11 (B) Elevator, stair and mechanical penthouses, fire towers, skylights and
12 dormer windows. This exemption shall be limited to the top 10 feet of such features where the
13 height limit is 65 feet or less, and the top 16 feet of such features where the height limit is
14 more than 65 feet. However, for elevator penthouses, the exemption shall be limited to the top
15 16 feet and limited to the footprint of the elevator shaft, regardless of the height limit of the
16 building. The design of all elevator penthouses in Residential Districts shall be consistent with
17 the "Residential Design Guidelines" as adopted and periodically amended for specific areas or
18 conditions by the City Planning Commission.

19 * * * *

20 (F) Rooftop enclosures and screening for features listed in subsections (b)(1)(A)
21 and (B) above that add additional building volume ~~in any C-3 District except as otherwise~~
22 ~~allowed in the S-2 Bulk district according to subsection (M) below, Eastern Neighborhoods~~
23 ~~Mixed Use Districts, or South of Market Mixed Use District.,~~ ~~additional building volume used to~~
24 ~~enclose or screen from view the features listed under Subsections (b)(1)(A) and (B) above. The rooftop~~
25 ~~form created by the added volume shall not be subject to the percentage coverage limitations otherwise~~

1 ~~applicable to this subsection but shall meet the requirements of Section 141 and shall not exceed 20 feet~~
2 ~~in height, measured as provided in Subsection (a) above, and may not exceed a total volume, including~~
3 ~~the volume of the features being enclosed, equal to 3/4 of the horizontal area of all upper tower roof~~
4 ~~areas of the building measured before the addition of any exempt features times 20. The rooftop~~
5 ~~enclosure or screen creating the added volume:~~

6 _____ (i) shall not be subject to the percentage coverage limitations otherwise
7 applicable to this Section 260(b) but shall meet the requirements of Section 141;

8 _____ (ii) shall not exceed 20 feet in height, measured as provided in subsection
9 (a) above;

10 _____ (iii) may have a volume, measured in cubic feet, not to exceed three-
11 fourths of the horizontal area of all upper tower roof areas multiplied by the maximum permitted height
12 of the enclosure or screen;

13 _____ (iv) shall not be permitted within the setbacks required by Sections 132.1,
14 132.2, and 132.3;

15 _____ (v) shall not be permitted within any setback required to meet the sun
16 access plane requirements of Section 146; and

17 _____ (vi) shall not be permitted within any setback required by Section 261.1.

18 * * * *

19
20 Section 3. The Planning Code is hereby amended by revising Section 270.1, to read
21 as follows:

22 **SEC. 270.1. SPECIAL BULK LIMITATIONS: HORIZONTAL MASS REDUCTIONS IN**
23 **LARGE LOTS IN THE EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.**

24 * * * *

1 (b) **Applicability.** This Section 270.1 applies to all buildings in the Eastern
2 Neighborhoods Mixed Use Districts *that have* street *or alley* frontage greater than 200 feet in
3 length, and that receive their first site or building permit after the effective date of this Section
4 270.1.

5 * * * *

6
7 Section 4. The Planning Code is hereby amended by revising Section 270.2, to read
8 as follows:

9 **SEC. 270.2. SPECIAL BULK AND OPEN SPACE REQUIREMENT: MID-BLOCK**
10 **ALLEYS IN LARGE LOT DEVELOPMENT IN THE EASTERN NEIGHBORHOODS MIXED**
11 **USE DISTRICTS, SOUTH OF MARKET NEIGHBORHOOD COMMERCIAL TRANSIT**
12 **DISTRICT, FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT,**
13 **REGIONAL COMMERCIAL DISTRICT, SOUTH OF MARKET MIXED USE DISTRICT, C-3**
14 **DISTRICT, ~~C-M~~, AND DTR DISTRICTS.**

15 * * * *

16 (c) **Applicability.** This Section 270.2 applies to all new construction on parcels that
17 have one or more street *or alley* frontages of over 200 linear feet on a block face longer than
18 400 feet between intersections, and are in the C-3 Districts, *if located south of Market Street*, ~~C-~~
19 ~~M~~ Districts, *or in the* South of Market Mixed Use Districts, *South of Market Neighborhood*
20 *Commercial Transit District, Folsom Street Neighborhood Commercial Transit District, Regional*
21 *Commercial District*, Eastern Neighborhoods Mixed Use Districts, or DTR Districts, except for
22 parcels in the RH DTR District, which are subject to Section 827.

23 * * * *

24 (e) **Design and Performance Standards.** The alleys provided per subsections (a)
25 and (b) above shall meet the following standards:

1 (1) Generally be located as close to the middle portion of the subject block face
2 as possible, perpendicular to the subject frontage and connect to existing adjacent streets and
3 alleys;

4 (2) Provide pedestrian access;

5 (3) Provide no, limited, or full vehicular access, as specific conditions warrant;

6 (4) Have a minimum width of 20 feet ~~from building face to building face~~, exclusive
7 of those obstructions allowed within setbacks pursuant to Section 136, ~~and a minimum clearance~~
8 ~~height from grade of 15 feet at all points~~. In RED, RED-MX, WMUG, WMUO, and SALI Districts,
9 the minimum width shall be 30 feet;

10 (5) Have a minimum clear walking width of 10 feet free of any obstructions in
11 the case of a pedestrian-only right-of-way, and dual sidewalks each of not less than ~~6~~six feet
12 in width with not less than ~~4~~four feet minimum clear walking width in the case of an alley with
13 vehicular access;

14 (6) Have at least 60 percent of the area of the alley or pathway open to the sky.
15 Obstructions permitted within setbacks pursuant to Section 136 may be located within the portion of the
16 alley or pathway that is required to be open to the sky. All portions of the alley or pathway not open to
17 the sky shall have a minimum clearance height from grade of 15 feet at all points; ~~In the Eastern~~
18 ~~Neighborhoods Mixed Use Districts, be at least 60% open to the sky, including those encroachments~~
19 ~~permitted in front setbacks by Section 136 of this Code;~~

20 (7) Provide such ingress and egress as will make the area easily accessible to
21 the general public;

22 (8) Be protected from uncomfortable wind, as called for elsewhere in this Code;

23 (9) Be ungated and publicly accessible 24 hours per day, as defined elsewhere
24 in this Section 270.2;

1 (10) Be provided with appropriate paving, furniture, and other amenities that
2 encourage pedestrian use, and be landscaped to greatest extent feasible;

3 (11) Be provided with ample pedestrian lighting to ensure pedestrian comfort
4 and safety;

5 (12) Be free of any changes in grade or steps not required by the underlying
6 natural topography and average grade; and

7 (13) Be fronted by active ground floor uses, as defined in Section 145.1, to the
8 extent feasible.

9 (14) New buildings abutting mid-block alleys provided pursuant to this Section
10 270.2 shall feature upper story setbacks according to the provisions of Section 261.1.

11 * * * *

12
13 Section 5. The Planning Code is hereby amended by revising Section 309, to read as
14 follows:

15 **SEC. 309. PERMIT REVIEW IN C-3 DISTRICTS.**

16 * * * *

17 (a) **Exceptions.** Exceptions to the following provisions of this Code may be granted as
18 provided in the code sections referred to below:

19 * * * *

20 (6) Exceptions to the freight loading and service vehicle space requirements as
21 permitted in Section 161(~~h~~);

22 * * * *

23 (10) Exceptions to the volumetric limitations for roof enclosures and screens as
24 prescribed in Section 260(b)(1)(F). For existing buildings, exceptions to the volumetric limitations for

1 roof enclosures and screens shall be granted only if all rooftop equipment that is unused or
2 permanently out of operation is removed from the building;

3 (101) Exceptions to the height limits for vertical extensions as permitted in
4 Section 260 (b)(1)(G) and for upper tower extensions as permitted in Section 263.9;

5 (112) Exceptions to the height limits in the 80-130F and 80-130X Height and Bulk
6 Districts as permitted in Section 263.8 and in the 200-400S Height and Bulk District as
7 permitted in Section 263.10;

8 (123) Exceptions to the bulk requirements as permitted in Sections 270 and 272.

9 * * * *

10
11 Section 6. The Planning Code is hereby amended by revising Section 329, to read as
12 follows:

13 **SEC. 329. LARGE PROJECT AUTHORIZATION IN EASTERN NEIGHBORHOODS**
14 **MIXED USE DISTRICTS.**

15 * * * *

16 (c) **Planning Commission Design Review.** As set forth in Subsection (e), below, the
17 Planning Commission shall review and evaluate all physical aspects of a proposed project at
18 a public hearing. At such hearing, the Director of Planning shall present any recommended
19 project modifications or conditions to the Planning Commission, including those which may be
20 in response to any unique or unusual locational, environmental, topographical or other
21 relevant factors. The Commission may subsequently require these or other modifications or
22 conditions, or disapprove a project, in order to achieve the objectives and policies of the
23 General Plan or the purposes of this Code. This review shall address physical design issues
24 including but not limited to the following:

25 * * * *

1 (5) The provision of mid-block alleys and pathways on frontages between 200
2 and 300 linear feet per the criteria of Section 270, and the design of mid-block alleys and
3 pathways as required by and pursuant to the criteria set forth in Section 270.2;

4 * * * *

5 (d) **Exceptions.** As a component of the review process under this Section 329,
6 projects may seek specific exceptions to the provisions of this Code as provided for below:

7 (1) Exceeding the principally permitted accessory residential parking ratio
8 described in Section 151.1 and pursuant to the criteria therein;

9 (2) Exception from residential usable open space requirements. In
10 circumstances where such exception is granted, a fee shall be required pursuant to the
11 standards in Section 427.

12 (3) Modification of the horizontal massing breaks required by Section 270.1 in
13 light of any equivalent reduction of horizontal scale, equivalent volume of reduction, and
14 unique and superior architectural design, pursuant to the criteria of Section 270.1(d).

15 (4) Exception from satisfaction of loading requirements per
16 Section 152.1 pursuant to the criteria contained therein.

17 (5) Exception to height limits for vertical non-habitable architectural elements
18 described in Section 263.21 and pursuant to the criteria therein;

19 (6) Exception to volumetric limitations for roof enclosures and screens pursuant to
20 Section 260(b)(1)(F). For existing buildings, exceptions to the volumetric limitations for roof
21 enclosures and screens shall be granted only if all rooftop equipment that is unused or permanently out
22 of operation is removed from the building;

23 _____ (7) ~~(6)~~ Provision of the required minimum dwelling unit mix, as set forth in
24 Section 207.6;

25 _____ (8) ~~(7)~~ Exception for rear yards, pursuant to the requirements of Section 134(f);

1 ~~(9)~~(8) The number of Designated Office Stories for projects which are subject to
2 vertical office controls pursuant to ~~Section 210.3C219.1~~ or Section 803.9(h) and contain more
3 than one building on the project site, so long as

4 (A) an increase in the number of Designated Office Stories would result
5 in a total square footage of office space no greater than that which would otherwise be
6 permitted by the project.

7 (B) Office Uses are consolidated within a lesser number of buildings than
8 would otherwise be the case, and

9 (C) the resulting location and mix of uses increases the project's
10 consistency with nearby land uses.

11 ~~(109)~~ Relief from dwelling unit exposure requirements for buildings which are
12 designated landmark buildings or contributory buildings within designated historic districts
13 under Article 10 of this Code, and/or buildings recorded with the State Historic Preservation
14 Office as eligible for the California Register, when the following criteria are met:

15 (A) literal enforcement of Section 140 would result in the material
16 impairment of the historic resource; and

17 (B) the project complies with the Secretary of the Interior's Standards,
18 (36 C.F.R. § 67.7 (2001)) and/or Section 1006 and any related Article 10 appendices of this
19 Code.

20 ~~(110)~~ Flexible Units: Modification of the accessory use provisions of Section
21 803.3(b)(1)(c) for Dwelling Units. Dwelling Units modified under this Subsection shall continue
22 to be considered Dwelling Units for the purposes of this Code and shall be subject to all such
23 applicable controls and fees. Additionally, any building that receives a modification pursuant to
24 this Subsection shall (i) have appropriately designed street frontages to accommodate both
25 residential and modified accessory uses and (ii) obtain comment on the proposed modification

1 from other relevant agencies prior to the Planning Commission hearing, including the Fire
 2 Department and Department of Building Inspection. Modifications are subject to the following:

3 (A) A modification may only be granted for the ground floor portion of
 4 Dwelling Units that front on a street with a width equal to or greater than 40 feet.

5 (B) The accessory use may only include those uses permitted as of right
 6 at the subject property. However, uses permitted in any unit obtaining an accessory use
 7 modification may be further limited by the Planning Commission.

8 (C) The Planning Commission may grant exceptions to the size of the
 9 accessory use, type and number of employees, and signage restrictions of the applicable
 10 accessory use controls.

11 (~~12H~~) Where not specified elsewhere in this Subsection (d), modification of
 12 other Code requirements which could otherwise be modified as a Planned Unit Development
 13 (as set forth in Section 304), irrespective of the zoning district in which the property is located.

14
 15 Section 7. The Planning Code is hereby amended by revising Sections 735, 743 and
 16 744, to read as follows:

17 **SEC. 735. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

18 * * * *

19 **Table 735. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
 20 **ZONING CONTROL TABLE**

No.	Zoning Category	§ References	SoMa <u>SoMa</u> Transit Controls <u>Controls</u>
BUILDING STANDARDS			
735.10	Height and Bulk Limit	§§ 102.12, 105, 106,250- 252, 260, 261.1, 270, <u>270.2</u> , 271	See Zoning Map. Height Sculpting on Alleys: § 261.1

1 * * * *

2
3 **SEC. 743. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
4 **DISTRICT.**

5 * * * *

6 **Table 743. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
7 **ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Folsom Street Controls
BUILDING STANDARDS			
743.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250-252, 260, 270, <u>270.2</u> , 271	65-X to 75-X. See Sectional Zoning Maps 1 and 7. Height sculpting required on narrow streets, § 261.1

13 * * * *

14
15
16 **SEC. 744. REGIONAL COMMERCIAL DISTRICT.**

17 * * * *

18 **Table 744. REGIONAL COMMERCIAL DISTRICT**
19 **ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Regional Commercial Controls
BUILDING STANDARDS			
744.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250-252, 260, 261.1, 263.18, 270, <u>270.2</u> , 271	55-X, 65-X. See Sectional Zoning Maps 1 and 7. Height sculpting required on narrow streets, § 261.1

1 * * * *

2

3 Section 8. The Planning Code is hereby amended by revising Section 803.9, to read
4 as follows:

5 **SEC. 803.9. COMMERCIAL USES IN MIXED USE DISTRICTS.**

6 * * * *

7 (h) Vertical Controls for Office Uses.

8 * * * *

9 (4) Controls.

10 * * * *

11 (E) For projects in MUG and UMU Districts with multiple buildings,
12 consolidation of permitted office stories may be permitted, pursuant to the controls set forth in
13 Section 329(d)(98).

14 * * * *

15

16 Section 9. Effective Date. This ordinance shall become effective 30 days after
17 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
18 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
19 of Supervisors overrides the Mayor's veto of the ordinance.

20

21 Section 10. In enacting this ordinance, the Board of Supervisors intends to amend only
22 those words, phrases, paragraphs, subsections, sections, articles, numbers, letters,
23 punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that
24 are explicitly shown in this ordinance as additions, deletions, Board amendment additions,

25

1 and Board amendment deletions in accordance with the "Note" that appears under the official
2 title of the ordinance.

3
4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By: _____
7 VICTORIA WONG
8 Deputy City Attorney

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