

BOARD of SUPERVISORS



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October 13, 2016

File No. 161068

Lisa Gibson
Acting Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On October 4, 2016, Supervisor Peskin introduced the following proposed legislation:

File No. 161068

Ordinance amending the Planning Code to permit Terrace Infill on a noncomplying structure that is designated as a Significant Building under Planning Code, Article 11, and located in a C-3 Zoning District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in blue ink, appearing to read "Alisa Somera".

By: Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

1 [Planning Code - Terrace Infill for Noncomplying Structure Designated as a Significant
2 Building in C-3 Zoning District]

3 **Ordinance amending the Planning Code to permit Terrace Infill on a noncomplying**
4 **structure that is designated as a Significant Building under Planning Code, Article 11,**
5 **and located in a C-3 Zoning District; affirming the Planning Department's determination**
6 **under the California Environmental Quality Act; and making findings, including**
7 **findings of public necessity, convenience, and welfare under Planning Code, Section**
8 **302, and findings of consistency with the General Plan, and the eight priority policies of**
9 **Planning Code, Section 101.1.**

10 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
11 **Additions to Codes** are in *single-underline italics Times New Roman font*.
12 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
13 **Board amendment additions** are in double-underlined Arial font.
14 **Board amendment deletions** are in ~~strikethrough Arial font~~.
15 **Asterisks (* * * *)** indicate the omission of unchanged Code
16 subsections or parts of tables.

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

18 Section 1. Findings.

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

24 (b) On _____, the Planning Commission, in Resolution No. _____,
25 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

1 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
2 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, this Board finds that this Planning Code
4 amendment will serve the public necessity, convenience, and welfare for the reasons set forth
5 in Planning Commission Resolution No. _____ and the Board incorporates such reasons
6 herein by reference, as though fully set forth herein. A copy of Planning Commission
7 Resolution No. _____ is on file with the Clerk of the Board of Supervisors in File No.
8 _____.

9 Section 2. The Planning Code is hereby amended by revising Section 188, to read as
10 follows:

11 **SEC. 188. NONCOMPLYING STRUCTURES: ENLARGEMENTS, ALTERATIONS**
12 **AND RECONSTRUCTION.**

13 (a) Within the limitations of this Article 1.7, and especially Sections 172 and 180 hereof,
14 a noncomplying structure as defined in Section 180 may be enlarged, altered or relocated, or
15 undergo a change or intensification of use in conformity with the use limitations of this Code,
16 provided that with respect to such structure there is no increase in any discrepancy, or any
17 new discrepancy, at any level of the structure, between existing conditions on the lot and the
18 required standards for new construction set forth in this Code, and provided the remaining
19 requirements of this Code are met.

20 * * * *

21 (g) Notwithstanding subsection (a) of this Section 188, Terrace Infill, defined as floor area or
22 building volume located within an existing terrace that is already framed by no less than one wall, may
23 be permitted to be enclosed on a noncomplying structure, as defined in Planning Code Section 180,
24 notwithstanding otherwise applicable height, floor area ratio and bulk limits, where the noncomplying
25 structure is designated as a Significant Building under Article 11 of this Code and is located in a C-3

1 Zoning District. An application for Terrace Infill shall be considered a Major Alteration under Section
2 1111.1 of this Code and shall be subject to the applicable provisions of Article 11 of this Code,
3 including but not limited to the requirement to apply for and procure a Permit to Alter. As part of the
4 Historic Preservation Commission's consideration of such application, in addition to other
5 requirements set forth in this Code, the facts presented must establish that the Terrace Infill (1) would
6 not be visible from the primary building frontage, (2) would not have an adverse impact on any
7 character-defining features of the building, and (3) would not exceed 1,500 net new square feet per
8 building.

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

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

19
20 APPROVED AS TO FORM:
21 DENNIS J. HERRERA, City Attorney

22 By:


23 KATE H. STACY
24 Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code - Terrace Infill for Noncomplying Structure Designated as a Significant Building in C-3 Zoning District]

Ordinance amending the Planning Code to permit Terrace Infill on a noncomplying structure that is designated as a Significant Building under Planning Code, Article 11, and located in a C-3 Zoning District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

Existing structures that do not comply with the current restrictions set forth in the Planning Code generally may not be enlarged or intensified so as to increase any discrepancy, or create any new discrepancy, at any level of the structure, between existing conditions on the lot and the required standards for new construction set forth in the Planning Code. Certain enlargements and intensifications are permitted under certain conditions, as set forth in Planning Code Section 188.

Amendments to Current Law

The Amendment would amend Planning Code Section 188 to permit Terrace Infill, defined as floor area or building volume located within an existing terrace that is already framed by no less than one wall, to be enclosed on a noncomplying structure, where such structure is designated as a Significant Building under Article 11 of this Code and located in a C-3 Zoning District. An application for Terrace Infill§ would be considered a Major Alteration under Section 1111.1 of this Code and would be required to apply for a Permit to Alter. As part of the Historic Preservation Commission's consideration of the application, the facts must establish that the Terrace Infill (1) would not be visible from the primary building frontage, (2) would not have an adverse impact on any character-defining features of the building, and (3) would not exceed 1,500 net new square feet per building.

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