

1 [Planning Code - Terrace Infill for Noncomplying Structure Designated a Significant Building  
2 on Assessor's Block Number 0316]

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 on Assessor's Block No. 0316 in a C-3 Zoning District; affirming the**  
6 **Planning Department's determination under the California Environmental Quality Act;**  
7 **and making findings, including findings of public necessity, convenience, and welfare**  
8 **under Planning Code, Section 302, and findings of consistency with the General Plan,**  
9 **and the eight priority policies of 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. 161068 and is incorporated herein by reference. The Board affirms  
23 this determination.

24 (b) On December 8, 2016, the Planning Commission, in Resolution No. 19809,  
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. 161068, 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. 19809 and the Board incorporates such reasons  
6 herein by reference, as though fully set forth herein. A copy of Planning Commission  
7 Resolution No. 19809 is on file with the Clerk of the Board of Supervisors in File No. 161068.

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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 on

1 Assessor's Block 0316 in a C-3 Zoning District. An application for Terrace Infill shall be  
2 considered a Major Alteration under Section 1111.1 of this Code and shall be subject to the applicable  
3 provisions of Article 11 of this Code, including but not limited to the requirement to apply for and  
4 procure a Permit to Alter. As part of the Historic Preservation Commission's consideration of such  
5 application, in addition to other requirements set forth in this Code, the facts presented must establish  
6 that the Terrace Infill (1) would not be visible from the primary building frontage, (2) would not have  
7 an adverse impact on any character-defining features of the building, and (3-2) would not exceed  
8 1,500 net new square feet per building. Unless the Board of Supervisors adopts an ordinance  
9 extending the term of this Subsection 188(g), it shall expire by operation of law on January 31,  
10 2019. After that date, the City Attorney shall cause this Subsection 188(g) to be removed  
11 from the Planning Code.

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

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

23 //

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1 the official title of the ordinance.

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

5 By: \_\_\_\_\_  
6 KATE H. STACY  
7 Deputy City Attorney

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