



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Amendment Initiation INITIATION HEARING DATE: MAY 24, 2018

Project Name: Obstructions in Required Setbacks, Yards, and Usable Open Space
Case Number: 2018-001876PCA
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Recommendation: **Initiate and Schedule for Adoption on or After June 13, 2018**

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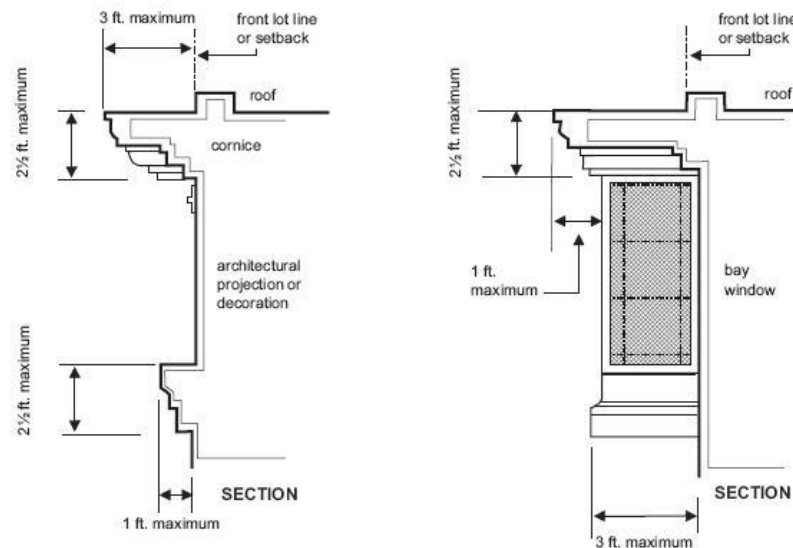
The action before this Commission is initiation of the code amendments described below. Initiation does not involve a decision on the substance of the amendments; it merely begins the required 20-day notice period, after which the Commission may hold a hearing and take action on the proposed Code amendments.

PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code to permit some obstructions in Section 136, and to allow bay windows that do not meet the standards of Section 136 to apply for a Zoning Administrator waiver. Section 136 outlines the types of obstructions that may be permitted over streets and alleys, in required setbacks, yards, and usable open spaces.

The Way It Is Now:

1. Section 136(c) describes the types of overhead projections that are allowed as a permitted obstruction. Currently, permitted overhead projections must be (*diagram on page 2*):
 - a. Horizontal in nature, with a vertical projection of no more than 2 ½ feet (such as cornices, sills, and beltcourses)
 - b. At roof level, extend no more than 3 feet over streets, alleys, or setbacks
 - c. At every other level, extend no more than 1 foot over streets, alleys, or setbacks
 - d. Extend no more than 3 feet into yards and usable open space, or no more than 1/6 of the required minimum dimensions of the open area (whichever is less)
 - e. May not increase the floor area ratio or volume of space enclosed by the building
 - f. Must have at least 7 ½ feet of headroom/clearance



2. Proposed bay windows that do not meet the standards of a permitted obstruction under Section 136 must seek a Variance.

The Way It Would Be:

1. Section 136(c) would be amended to create more flexibility in the types of overhead projections allowed as permitted obstructions. Specifically:
 - a. Projections may be horizontal, vertical or otherwise configured with no stated maximum on the allowable dimensions
 - b. No stated maximum dimensions at roof level.
 - c. No stated maximum dimensions at all over levels
 - d. No stated maximum dimensions into yards and usable open space
 - e. May not increase the floor area ratio or volume of space enclosed by the building
 - f. Must have at least 7 1/2 feet of headroom/clearance
2. Proposed bay windows that do not meet the standards of a permitted obstruction under Section 136 but otherwise meet the massing standards of permitted bay windows may seek a Zoning Administrator Letter for partial or full relief.

ISSUES AND CONSIDERATIONS

The Progress of Architectural Design

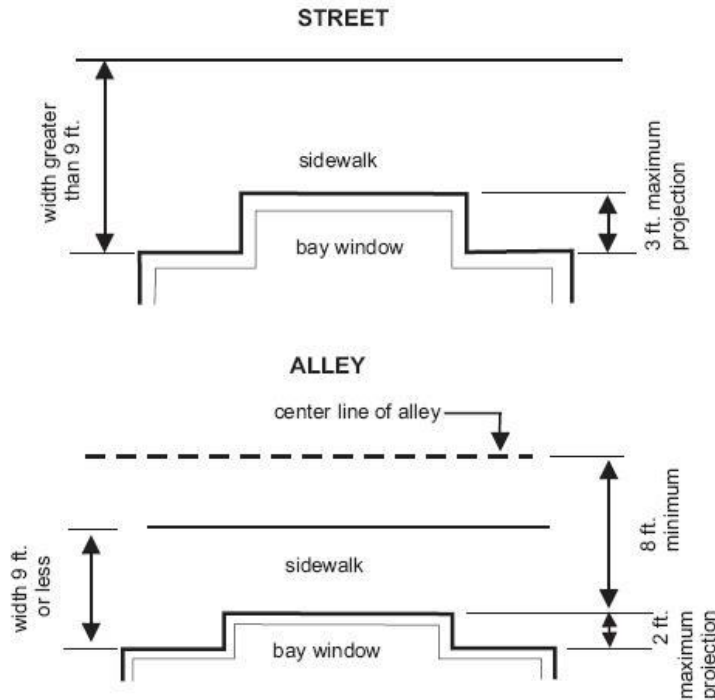
Over the last several years, Current Planning staff have encountered an increasing number of proposed architectural designs that are innovative and desirable; however, under the current Code, most of these architectural features are not allowed. The intention of this legislation is to allow for more flexibility in architectural projections that enhance a building's design. Any proposed obstruction would still be required to undergo all applicable design review processes and meet all required design standards.

Variance Requirement for Bay Windows

Under current Code, a proposed bay window must meet the following standards to qualify as a permitted obstruction under Sec. 136. Generally these standards include:

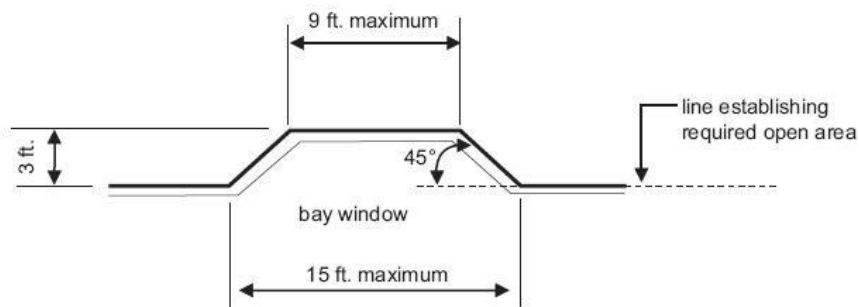
-Projection into the required open area is limited to 3 feet (2 feet over narrow sidewalks and alleys);

-Glass must cover at least 50% of the total bay and glass must be present on each of the bay's

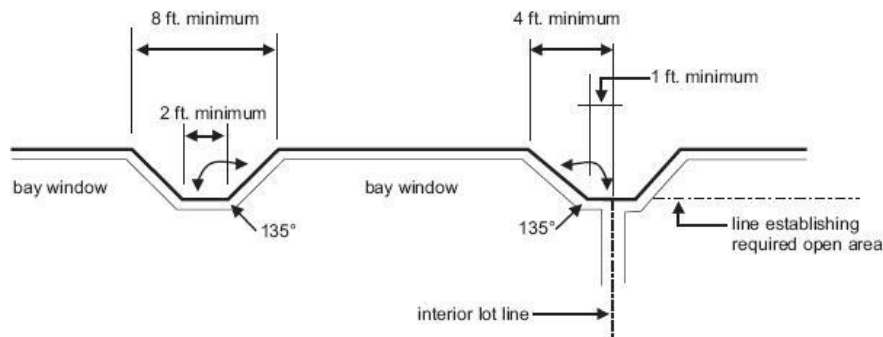


three sides;

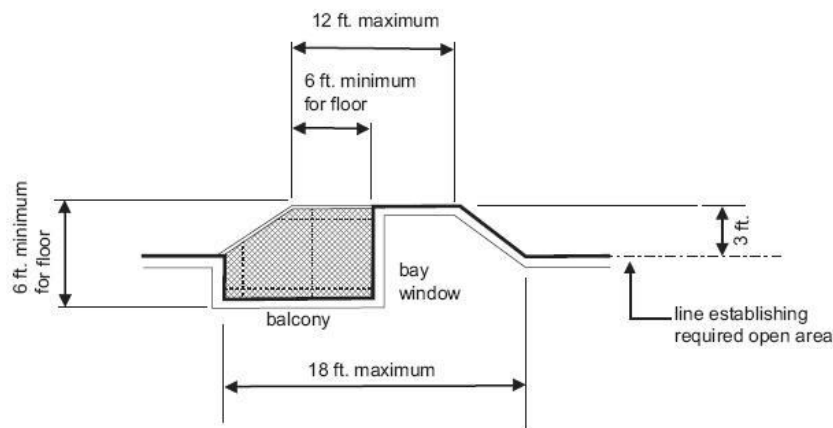
-The maximum length of each bay window shall generally be no more than 15 feet long at the building wall, tapering to 9 feet at the end of the 3 foot projection;



-There shall be a minimum of 2 feet between each bay window from the beginning of one side panel to the beginning of the adjacent window's side panel;



- The aggregate length of all bay windows and balconies projecting into the required open area shall be no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the length of all open areas along the buildable length of an interior side lot line.



If a proposed bay window's design does not fit within the limitations outlined in Section 136, the applicant's only other option, besides redesigning the project, is to seek a Variance from Section 136. Planning Code Section 305(c) outlines the five criteria that must be met in order for the Zoning Administrator to grant a variance. The Section 305(c) criteria are as follows:

1. That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district;
2. That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;
3. That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district;
4. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity; and

5. That the granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the Master Plan.

The required findings for a Variance are difficult to meet for bay windows seeking an exception from one or more of the standards in Sec. 136. Generally, a bay window's unique design is not the result of an exceptional or extraordinary circumstance applying to the property, but rather a product of architectural design. The Zoning Administrator has expressed a desire to develop an alternative to Variances for bay window designs that do not meet the standards of Sec. 136, but *are* considered desirable due to their high caliber design.

Zoning Administrative Review

Section 307(h) provides an administrative channel through which certain standards (identified within the Section), can seek administrative review from the Zoning Administrator. The Zoning Administrator may grant partial or complete relieve from the standard being appealed so long as the partial or complete relief of said standard would continue to accomplish the overall goals of the section. Under the proposed legislation, this administrative process would allow proposed bay windows that do not meet a standard of Sec. 136, but still meet the massing requirements to be evaluated on its architectural integrity, rather than if the design is the result of an exceptional or extraordinary circumstance. Additionally, this administrative review process would require any proposed bay window design to seeking the waiver, to meet all applicable Department design standards.

RECOMMENDATION

The Department recommends that the Commission approve the resolution to initiate the Planning Code amendments on or after June 13, 2018.

BASIS FOR RECOMMENDATION

The Department recommends that the Commission initiate the proposed ordinance because it will create an opportunity for innovate, and original architectural features to exist in San Francisco. Many of these designs additionally assist in increasing the environmental sustainability of buildings (as is the case with sunshades and some projecting fins). The design review process and all Department design guidelines will continue to be enforced, ensuring that only projections and bay windows of the highest caliber design will be allowed. This ordinance will help to advance interesting architectural design in the city, further enhancing the City's physical surroundings.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may initiate the proposed Ordinance and schedule a time for the ordinance to be heard for adoption.

IMPLEMENTATION

The Department determined that this Ordinance will not impact our current implementation procedures.

ENVIRONMENTAL REVIEW

Staff anticipates that the proposed ordinance will not be considered a project under CEQA. A formal CEQA determination will be conducted prior to the Commission's final action.

PUBLIC COMMENT

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

RECOMMENDATION: Initiate and Consider Adoption on or after June 13, 2018
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Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. TBD