



SAN FRANCISCO PLANNING DEPARTMENT

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

HISTORIC PLANNING COMMISSION HEARING DATE: SEPTEMBER 19, 2018

ADOPTION HEARING DATE: OCTOBER 4, 2018

Project Name: Obstructions in Required Setbacks, Yards, and Usable Open Space
Case Number: 2018-001876PCA
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Reviewed by: Aaron Starr, Manager of Legislative Affairs
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Recommendation: **Approve**

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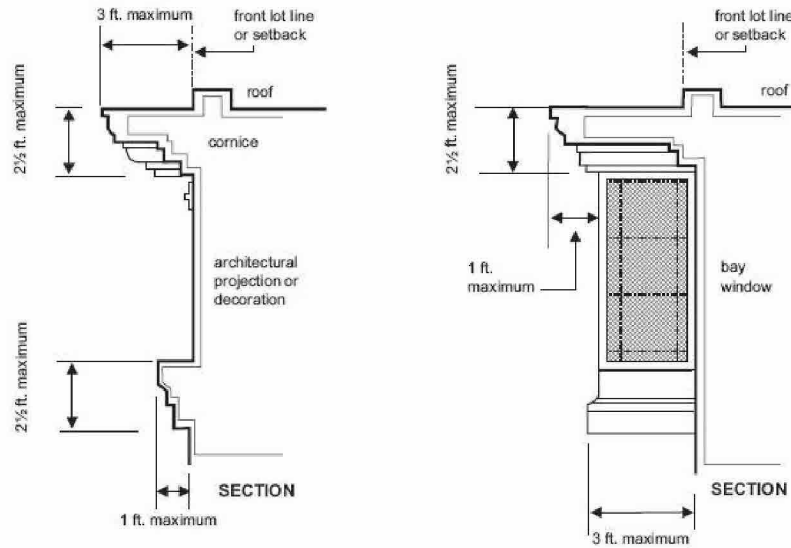
Planning
Information:
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PLANNING CODE AMENDMENT

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 belt courses)
 - 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 a four-foot maximum on the allowable dimensions
 - b. Four-foot stated maximum dimensions at roof level.
 - c. Four-foot maximum dimensions at all over levels
 - d. Four-foot 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 Waiver for partial or full relief.

BACKGROUND

Timeline



The proposed Ordinance was initiated by the Planning Commission on May, 24, 2018. At that time, several Commissioners and members of the public requested further analysis to be conducted by

Department staff. The requested analysis included consulting with the Historic Preservation Commission. Since the initiation of the Ordinance, staff has consulted with senior design staff and held community meetings. The result of this work is a refined set of numerical maximums for architectural projections. At the time of introduction, there was no stated maximum for architectural projections at any level. The proposed legislation now includes a stated maximum of no greater than four feet at any level, and over streets, alleyways, and setbacks.

The Historic Preservation Commission heard this item on September 19, 2018. After asking several questions about the proposed amendments Commissioner Black stated:

"I feel strongly that this is actually a really good thing. It's so difficult to develop zoning codes that serve architectural aesthetics . . . it's really important that there be some flexibility in how that occurs. I really support this , I don't see it as a square footage grab and I do see that it gives staff and the Zoning Administrator . . . some ability to put architecture first, over zoning controls but it doesn't take away someone's right to appeal . . . it streamlines the process which is always a good thing . . . I strongly support it . . . There's always pressure on city staff and commissions to approve Variances that physically make sense but don't actually meet the language of Variance approval. This helps preserve, also, the language of Variance approvals by removing the pressure to allow something that really makes architectural sense but doesn't really make Variance sense."

Commissioner Wolfram stated: *"From an architectural perspective it's helpful in terms of improving the architectural character of proposed buildings. "* The Historic Preservation Commission voted unanimously to recommend that the Board of Supervisors approve the Ordinance.

ISSUES AND CONSIDERATIONS

The Progress of Architectural Design

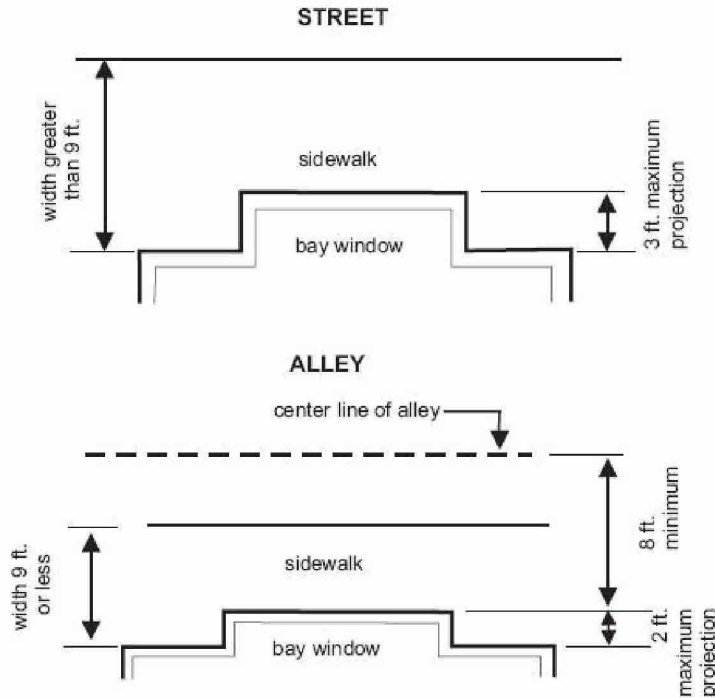
Over the last several years, Current Planning staff have encountered an increasing number of proposed architectural designs that are innovative and desirable; however, under the current Code, most of these architectural features are not allowed. The intention of this legislation is to allow for more 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:

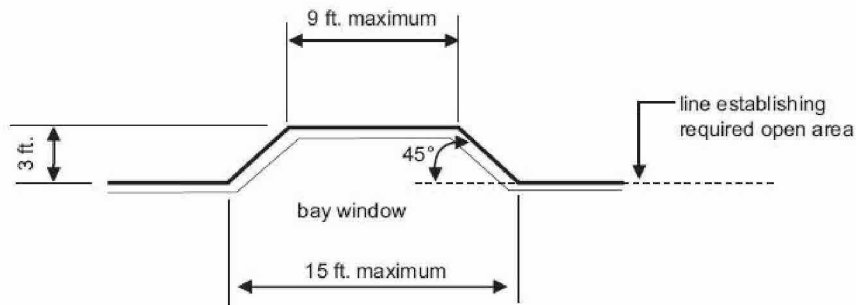
-Projection into the required open area is limited to 3 feet (2 feet over narrow sidewalks and alleys);

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

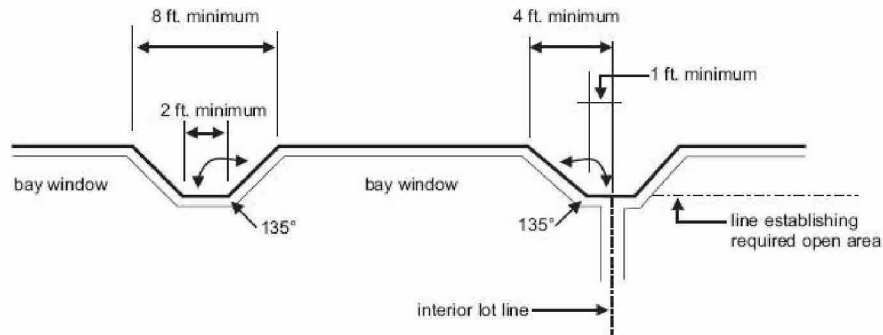


three sides;

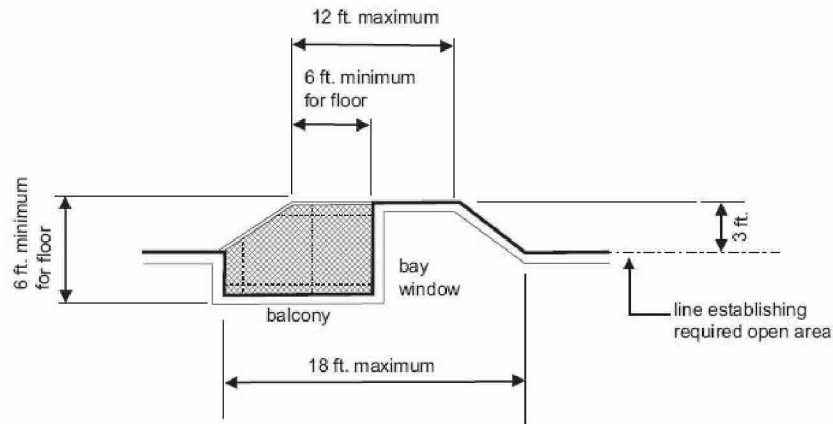
-The maximum length of each bay window shall generally be no more than 15 feet long at the building wall, tapering to 9 feet at the end of the 3 foot projection;



-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. Additionally, this administrative review process would require any proposed bay window design seeking the waiver, to meet all applicable Department design standards. The Zoning Administrative waiver is filed in conjunction with a Building Permit application. To oppose a proposed bay window that has been granted a Zoning Administrative waiver from Section 136, an appellant would file an appeal on the Building Permit. All appeals would be heard by the Board of Appeals.

RECOMMENDATION

The Department recommends that the Commission approve the Ordinance.

BASIS FOR RECOMMENDATION

The Department recommends that the Commission approve 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. Further, amendments to the bay window requirements would need to be reviewed by the Zoning Administrator. The design review process and the ZA review for bay windows will continue to ensure 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 recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

IMPLEMENTATION

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

ENVIRONMENTAL REVIEW

The proposed Ordinance is not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

PUBLIC COMMENT

As of the date of this report, the Planning Department has received public comment during the Planning Commission's initiation hearing on May 24th, 2018, and at several community meetings. The tenor of comments received at the May 24th hearing focused on concerns over the lack of a numeric maximum on architectural projections, questions on why the proposed Ordinance was not part of a more comprehensive Planning effort, and support for the Ordinance due to the additional freedom it will grant architects to design high caliber buildings. The first community meeting was held on September 5th, 2018 and hosted by the Department. The tenor of comments received at the meeting revolved around ensuring there would still be an appeal avenue under the new process for allowing bay windows that do not meet the standards of Section 136. The second community meeting was held on September 12th at the District 6 Community Planners meeting. After the conclusion of the meeting, staff received a letter from the Board Chair, Marvis J. Phillips. The letter stated:

"The Board of the District 6 Community Planners is in support of the Proposed update to "Planning Code 136", we feel that streamlining these codes will help to simplify the adherence to this piece of the code. And we stand in support as you go before both the Historic Preservation Commission next week and the Planning Commission in October. Maintaining the Historical values of San Francisco design while keeping in context the seismic restraint's is essential to maintaining the diversity of design this city is famous for, and these code changes will help to achieve that balance. Again the District 6 Community Planners are in support of the proposed update to Planning Code 136."

RECOMMENDATION: Approval
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Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Presentation for October 4, 2018 Planning Commission Hearing
- Exhibit C: Letter from District 6 Community Planners
- Exhibit D: Historic Preservation Commission Resolution No. 977
- Exhibit E: Board of Supervisors File No. TBD