

AMENDING PART II, CHAPTER II, SAN FRANCISCO MUNICIPAL CODE (CITY PLANNING CODE) TO CREATE A CITYWIDE SERIES OF ZONING DISTRICTS FOR CONTROL OF THE HEIGHT AND BULK OF BUILDINGS AND STRUCTURES; AMENDING ARTICLE 1 THEREOF BY AMENDING SECTIONS 102.5 AND 102.24 WHICH DEFINE "DISTRICT" AND "STREET", ADDING SECTIONS 102.11.5 AND 102.20.5 TO DEFINE "HEIGHT" AND "PLAN DIMENSIONS", AMENDING SECTIONS 105 AND 105.1 PERTAINING TO THE ZONING MAP, AMENDING SECTIONS 107 AND 108 PERTAINING TO CONFORMITY TO THE CCC, AMENDING SECTION 120 REFERRING TO HEIGHT AND BULK LIMITATIONS, AMENDING SECTION 121 TO ADD A REQUIREMENT FOR SCREENING OF ROOFTOP FEATURES, AMENDING SECTION 150 PERTAINING TO ESTABLISHMENT OF NON-CONFORMING BUILDINGS AND USES, AND DELETING SECTIONS 120.1 THROUGH 120.6; AMENDING ARTICLE 2 THEREOF BY AMENDING SECTIONS 234, 234.1 AND 234.2 PERTAINING TO PUBLIC USE DISTRICTS; AMENDING ARTICLE 2.5 THEREOF IN ITS ENTIRETY BY AMENDING, ADDING AND DELETING VARIOUS SECTIONS PERTAINING TO HEIGHT AND BULK LIMITATIONS; AMENDING ARTICLE 3 THEREOF BY AMENDING SECTIONS 302, 304, 305 AND 308.1 PERTAINING TO AMENDMENTS, PLANNED UNIT DEVELOPMENTS, VARIANCES, AND APPEALS TO THE BOARD OF SUPERVISORS; AMENDING ARTICLE 6 THEREOF BY AMENDING SECTION 602.8 WHICH DEFINES "HEIGHT" AS IT PERTAINS TO SIGNS; AND PROVIDING FOR A SAVINGS CLAUSE.

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

Section 1. Article 1 of Part II, Chapter II, San Francisco Municipal Code (City Planning Code) is hereby amended by amending Sections 102.5, 102.24, 105, 105.1, 107, 108, 120, 121 and 150 and by adding Sections 102.11.5 and 102.20.5 to read as follows:

SEC. 102.5. District. A portion of the territory of the City within which certain regulations and requirements or various combinations thereof apply under the provisions of this Code. The term "district" shall include any use, special use, height and bulk, or special sign district. The term "R district" shall mean any R-1-D, R-1, R-2, R-3, R-3.5, R-4, R-5, or Residential-Commercial Combining district. The term "C district" shall mean any C-1, C-2, C-3, or C-M district. The term "C-3 district" shall mean any C-3-O, C-3-R, C-3-G, or C-3-S district. The term "M district" shall mean any M-1 or M-2 district. Each use district shall be deemed to be less restricted than the districts which precede it in Section 104, except that such order shall not necessarily apply to the Residential-Commercial Combining districts or among the various C-3 districts. A less restricted use shall mean a use first permitted as a principal use in a

less restricted use district.

SEC. 102.11.5. Height (Of a Building or Structure). The vertical distance by which a building or structure rises above a certain point of measurement, which point shall be taken as indicated herein. For this purpose, the term "building" shall be deemed to include the term "structure".

(a) In the case of either (b) or (c) below, such point shall be taken at the center line of the building or, where the building steps laterally in relation to a street that is the basis for height measurement, separate points shall be taken at the center line of each building step.

(b) Where the lot is level with or slopes downward from a street at the center line of the building or building step, such point shall be taken at curb level on such street. This point shall be used for height measurement only for a lot depth not extending beyond a line 100 feet from and parallel to such street, or beyond a line equidistant between such street and the street on the opposite side of the block, whichever depth is greater. Measurement of height for any portion of the lot extending beyond such line shall be considered in relation to the opposite (lower) end of the lot, and that portion shall be considered an upward sloping lot in accordance with subsection (c) below, whether or not the lot also has frontage on a lower street.

(c) Where the lot slopes upward from a street at the center line of the building or building step, such point shall be taken at curb level for purposes of measuring the height of the closest part of the building within 10 feet of the property line of such street; at every other cross-section of the building, at right angles to the center line of the building or building step, such point shall be taken as the average of the ground elevations at either side of the building or building step at that cross-section. The ground elevations used shall be either existing elevations or the elevations resulting from new grading operations encompassing an entire block. Elevations beneath the building shall be taken by projecting a straight line between ground elevations at the exterior walls at either side of the entire building in the same plane.

(d) Where the lot has frontage on two or more streets, the owner may choose the street or streets from which the measurement of height is to be taken, within the scope of the rules stated above.

Where height limits for buildings and structures are established by this Code, the upper points to be taken for measurement of height shall be as prescribed in the provisions relating to such height limits.

SEC. 102.20.5. Plan Dimensions. The linear horizontal dimensions of a building or structure, at a given level, between the outside surfaces of its exterior walls. The "Length" of a building or structure is the greatest plan dimension parallel to an exterior wall or walls, and is equivalent to the horizontal dimension of the corresponding elevation of the building or structure at that level. The "Diagonal Dimension" of a building or structure is the plan dimension between the two most separated points on the exterior walls.

SEC. 102.24. Street. A right-of-way, 30 feet or more in width, permanently dedicated to common and general use by the public, including any avenue, drive, boulevard, or similar way, but not including any freeway or highway without a general right of access for abutting properties.

SEC. 105. Zoning Map. The designations, locations and boundaries of the districts established by this Code shall be shown upon the "Zoning Map of the City and County of San Francisco" which shall consist of a series of numbered sectional maps. Wherever any uncertainty exists as to the boundary of any district as shown on said sectional maps, the following rules shall apply:

(a) Where boundary lines are indicated as following streets and alleys within the right-of-way, they shall be construed as following the center lines of such streets and alleys;

(b) Where boundary lines are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries;

(c) Where a boundary line divides a lot or crosses un subdivided property, the location of such boundary shall be as indicated upon the Zoning Map using the scale appearing on such map;

(d) Where a lot held in one ownership and of record at the effective date of this Code is divided by a use district boundary line, the entire lot shall be construed to be within the less restricted use district; provided, that this construction shall not apply if it increases the area of the less restricted portion of the lot by more than twenty (20) per cent;

(e) Where further uncertainty exists, the Planning Commission upon written application, or on its own motion, shall by resolution determine the location of a disputed boundary, giving due consideration to the apparent indicated location thereof and the scale of the Zoning Map and the express purposes of this Code;

(f) Wherever any property is not under these rules specifically included in any use district shown on the Zoning Map, such property is hereby declared

to be in an R-1-D district, except that all property owned on the effective date of this amendment by the United States of America, State of California, City and County of San Francisco, or other governmental agency and within the City and County of San Francisco but not within the area covered by Sectional Maps Nos. 1 through 13 of the Zoning Map is hereby declared to be in a P district until reclassified in accordance with the provisions of this Code;

(g) Wherever any property is not under these rules specifically included in any height and bulk district shown on the Zoning Map, such property is hereby declared to be in a 40-X height and bulk district, except that all property owned on the effective date of this amendment by the United States of America, State of California, City and County of San Francisco, or other governmental agency and within the City and County of San Francisco but not within the area covered by Sectional Maps Nos. 1H through 13H of the Zoning Map is hereby declared to be in an OS (Open Space) district unless reclassified in accordance with the provisions of this Code, with the exception of Yerba Buena Island and Treasure Island which are hereby declared to be in a 40-X height and bulk district.

SEC. 105.1. Zoning Map Incorporated Herein. The Zoning Map of the City and County of San Francisco referred to in Section 105, the original of which is on file with the Clerk of the Board of Supervisors under File No. 4608, is hereby incorporated herein as though fully set forth, and the designations, locations and boundaries of districts shall be as shown thereon, subject to the provisions of Section 105 hereof. The Zoning Map may be amended by ordinance adopted by the Board of Supervisors in accordance with Section 302(c), relating to amendments approved by the Planning Commission, or by ordinance adopted by the Board of Supervisors in accordance with Sections 302(c) and 308.1(d), relating to amendments disapproved by the Planning Commission. Such amendments whether heretofore or hereafter adopted shall not be printed or reprinted as part of the City Planning Code, but the changes so authorized thereupon shall be incorporated in the Zoning Map and shall be included in any subsequent editions thereof.

SEC. 107. Conformity of Buildings and Spaces Required.

(a) No building shall be constructed, reconstructed, enlarged, altered or relocated so as to have or result in a greater height, bulk or floor area ratio, a higher proportion of lot coverage, a greater number of dwelling units, less required open space as defined in this Code, or less off-street parking space

or loading space than permissible under the limitations set forth herein for the district or districts in which such building is located.

(b) No existing building, the use of which conforms to the use regulations of this Code, but which fails to meet the requirements of this Code in any manner as described in subsection (a) above or occupies a lot that is smaller in dimension or area than required by this Code shall be constructed, reconstructed, enlarged, altered or relocated so as to increase the discrepancy between existing conditions on the lot and the required standards for new construction set forth in this Code; but no such building shall be deemed to be a non-conforming building within the meaning of Sections 150 through 156 of this Code.

(c) No required open space, off-street parking space or loading space existing or provided hereafter about, in or on any building shall be reduced below the minimum requirements therefor set forth in this Code, or further reduced if already less than said minimum requirements. No required open space, off-street parking space or loading space existing or hereafter provided for a building or use and necessary to meet or meet partially the requirements of this Code for such building or use shall be considered as all or part of the required open space, off-street parking space or loading space required for any other building or use; except as provided in Section 145 of this Code for the collective provision or joint use of parking.

**SEC. 108. Conformity of Dwellings Required in Conversions.** The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units, shall be permitted only within a district in which a new building for the same use would be permitted under this Code; and only when the resulting building will comply with the requirements governing new construction in such district; provided, that where a lawfully existing building is to be converted with no enlargement of the building, the lot coverage may be one-fifth (1/5) greater and the depth of rear yard may be one-fifth (1/5) less than would be required for new construction, and the conversion may be permitted regardless of any failure of the existing building to meet the requirements of this Code with respect to floor area ratio, height or bulk.

**SEC. 120. Height and Bulk Limitations.** Buildings and structures shall be subject to the height and bulk limits established by Article 2.5 of this Code for use districts and for height and bulk districts.

**Sec. 121. Screening of Rooftop Features.** Rooftop mechanical equipment and appurtenances to be used in the operation or maintenance of a building shall be arranged so as not to be visible from any point at or below the roof level of the subject building. This requirement shall apply in construction of new buildings, and in any alteration of mechanical systems of existing buildings that results in significant changes in such rooftop equipment and appurtenances. The features so regulated shall in all cases be either enclosed by outer building walls or parapets, or grouped and screened in a suitable manner, or designed in themselves so that they are balanced and integrated with respect to the design of the building. Minor features not exceeding one foot in height shall be exempted from this regulation.

**SEC. 150. Non-conforming Buildings and Uses, General.**

(a) Any use lawfully occupying a building or land at the effective date of this Code, or of amendments thereto, that does not conform to the use regulations for the district in which it is located shall be deemed to be a non-conforming use and may be continued, except as otherwise provided in Sections 151 through 156.

(b) Any building lawfully existing at the effective date of this Code, or of amendments thereto, that lawfully is wholly or partially used or designed for use contrary to the use regulations for the district in which it is located shall be deemed to be a non-conforming building and may be so used or continue in such use, except as otherwise provided in Sections 151 through 156. Maintenance and minor repairs necessary to keep a non-conforming building in sound condition during such continuance shall be permitted.

(c) Any building or use for which a permit was lawfully granted prior to May 2, 1960, pursuant to the City Planning Code provisions in effect on that date, and which was thereafter commenced and completed in accordance with such provisions, shall be deemed to have been a lawfully existing building or use on that date. Any building or use for which a permit has been lawfully granted pursuant to the provisions of this Code relating to amendments, and which has thereafter been commenced and completed in accordance with such provisions, shall be deemed to be a lawfully existing building or use at the time of the amendment that causes it to become non-conforming.

Section 2. Article 1 of Part II, Chapter II, San Francisco Municipal Code (City Planning Code) is hereby amended by deleting Sections 120.1, 120.2, 120.3, 120.4, 120.5 and 120.6.

Section 3. Article 2 of Part II, Chapter II, San Francisco Municipal Code (City Planning Code) is hereby amended by amending Sections 234, 234.1 and 234.2 to read as follows:

SEC. 234. P Districts. In addition to the use districts otherwise established by this Code, there shall also be in the City a Public Use District herein referred to as a P district, to apply to land that is owned by a governmental agency and in some form of public use, including open space. The purpose of designating such land as a P district on the Zoning Map is to relate the Zoning Map to actual land use and to the Master Plan with respect to such land. Any lot in a P district may be occupied by a principal use listed in Section 234.1, or by a conditional use listed in Section 234.2, subject to applicable regulations of this Code including the limitations of Section 290 for OS (Open Space) districts.

SEC. 234.1. Principal Uses Permitted, P Districts.

(a) Buildings and uses of governmental agencies not subject to regulation by this Code.

(b) Public buildings and uses of the City and County of San Francisco, and of other governmental agencies that are subject to regulation by this Code, when in conformity with the Master Plan and the provisions of other applicable codes, laws, ordinances and regulations.

SEC. 234.2. Conditional Uses, P Districts. The following uses shall be subject to approval by the City Planning Commission, as provided in Section 303 of this Code:

(a) Parochial or private elementary or secondary school, either non-profit or operated for profit, attendance at which satisfies the requirements of the compulsory education laws of the State of California;

(b) Church;

(c) Uses permitted as conditional uses in R-1-D districts by Section 201.2(b), (c), (d), (e), (f), (g) and (i).

Section 4. Article 2.5 of Part II, Chapter II, San Francisco Municipal Code (City Planning Code) is hereby amended by amending Sections 250, 251, 252, 260, 261, 262, 263 and 290 and by adding Sections 263.1, 263.2, 263.3, 270 and 271 to read as follows:

ARTICLE 2.5  
HEIGHT AND BULK DISTRICTS

SEC. 250. Height and Bulk Districts Established.

SEC. 251. Height and Bulk Districts: Purposes.

SEC. 252. Classes of Height and Bulk Districts.

SEC. 260. Height Limits: Measurement.

SEC. 261. Additional Height Limits Applicable to Certain Use Districts.

SEC. 262. Additional Height Limits Applicable to Signs.

SEC. 263. Height Limits: Special Exceptions.

SEC. 263.1. Special Exceptions: Southern Edge of Jackson Square.

SEC. 263.2. Special Exceptions: North of Ferry Building.

SEC. 263.3. Special Exceptions: South of Ferry Building.

SEC. 270. Bulk Limits: Measurement.

SEC. 271. Bulk Limits: Special Exceptions.

SEC. 290. Height and Bulk Limits for Open Space Districts.

SEC. 250. Height and Bulk Districts Established.

(a) In order to carry out further the purposes of this Code, height and bulk districts are hereby established, subject to the provisions of this Article 2.5.

(b) No building or structure or part thereof shall be permitted to exceed, except as stated in Section 107 of this Code, the height and bulk limits set forth in this Article for the district in which it is located, including the height limits for use districts set forth in Section 261.

(c) The establishment of these height and bulk districts and the repeal and replacement of special height districts or height limits previously in effect in the City shall in no way be deemed to confer legal non-conforming status upon any building or structure constructed, reconstructed, enlarged, altered or relocated in violation of the height districts or limits previously in effect.

(d) In the case of any apparent inconsistency among requirements of this Code applicable to the same property or development, including but not limited to standards for height, bulk, floor area ratio, coverage, yards and dwelling unit density, the most restrictive of such requirements shall prevail.

(e) The provisions of this Article 2.5 shall apply to all properties and developments, both public and private, including those of the City and County of San Francisco.

(f) The requirements of height and bulk districts established by this Article 2.5 shall not apply to buildings and structures on sites for which a redeveloper had been formally selected by the Redevelopment Agency of the City prior to August 26, 1971, for development in a Redevelopment Project Area in accordance with an agreement that specifically committed the City to a height or bulk configuration not consistent with the provisions of this Article for height and bulk districts.

SEC. 251. Height and Bulk Districts: Purposes. In addition to the purposes of this Code as stated in Section 101, these height and bulk districts are established for further purposes of implementing the Urban Design element and other elements of the Master Plan, according to the objectives, principles and policies stated therein. Among these purposes are the following:

- (a) Relating of the height of buildings to important attributes of the city pattern and to the height and character of existing development;
- (b) Relating of the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction;
- (c) Promotion of building forms that will respect and improve the integrity of open spaces and other public areas;
- (d) Promotion of harmony in the visual relationships and transitions between new and older buildings;
- (e) Protection and improvement of important city resources and of the neighborhood environment;
- (f) Conservation of natural areas and other open spaces; and
- (g) Direction of new development to locations that are appropriate in terms of land use and transportation.

SEC. 252. Classes of Height and Bulk Districts. The City is hereby divided into classes of height and bulk districts as indicated on the Zoning Map and in this Article 2.5. The original of the sectional maps establishing said districts is on file with the Clerk of the Board of Supervisors under File No. 368-72-2. The height limits for each such district are specified on said map by numerical designations in feet, and the bulk limits are designated thereon by letter symbols referring to the limitations upon the plan dimensions of buildings and structures set forth in Section 270 of this Code.

SEC. 260. Height Limits: Measurement.

- (a) Method of measurement. The limits upon the height of buildings and structures shall be as specified on the Zoning Map. In the measurement of height for purposes of such limits, the following rules shall be applicable:
1. The point above which such measurement shall be taken shall be as specified in the definition of "height" in this Code.
  2. The upper point to which such measurement shall be taken shall be the highest point on the finished roof in the case of a flat roof, and the average height of the rise in the case of a pitched roof, or any higher point of a feature not exempted under subsection (b) below.
  3. In cases where the height limit is 65 feet or less and a street from which height measurements are made slopes laterally along the lot, or the ground slopes laterally on a lot that also slopes upward from the street, there shall be a maximum width for the portion of the building or structure that may be measured from a single point at curb or ground level, according to the definition of "height", as specified in the following table. These requirements shall not apply to any property to which the bulk limitations in Section 270 of this Code are applicable.

TABLE 6

Height Measurement on Lateral Slopes Where Height Limit is 65 Feet or Less	
Average Slope of Curb or Ground from which Height is Measured	Maximum Width for Portion of Building that May be Measured from a Single Point
10 per cent or less	No requirement
More than 10 per cent but no more than 15 per cent	80 feet
More than 15 per cent but no more than 20 per cent	65 feet
More than 20 per cent but no more than 25 per cent	45 feet
More than 25 per cent	35 feet

(b) Exemptions. The features listed in this subsection shall be exempt from the height limits established by this Code, in an amount up to but not exceeding that which is specified.

1. The following features shall be exempt, provided the limitations indicated for each are observed, and provided further that the sum of the horizontal areas of all features listed in this paragraph (1) shall not exceed 20 per cent of the horizontal area of the roof above which they are situated, or 20 per cent of the horizontal area permitted for buildings and structures under any bulk limitations

in Section 270 of this Code applicable to the subject property, whichever is greater. Such sum may be increased to 30 per cent of either such area, however, by unroofed screening designed either to obscure the features listed under (A) and (B) below or to provide a more balanced or graceful silhouette for the top of the building or structure.

- (A) Mechanical equipment and appurtenances necessary to the operation or maintenance of the building or structure itself, including chimneys, ventilators, plumbing vent stacks, cooling towers, water tanks and window washing equipment, together with visual screening for any such features. This exemption shall be limited to the top 10 feet of such features where the height limit is 65 feet or less, and the top 16 feet of such features where the height limit is more than 65 feet.
- (B) Elevator, stair and mechanical penthouses, fire towers and skylights. This exemption shall be limited to the top 10 feet of such features where the height limit is 65 feet or less, and the top 16 feet of such features where the height limit is more than 65 feet.
- (C) Stage and scenery lofts.
- (D) Ornamental and symbolic features of public and religious buildings and structures, including towers, spires, cupolas, belfries and domes, where such features are not used for human occupancy.

2. The following features shall be exempt, without regard to their horizontal area, provided the limitations indicated for each are observed.

- (A) Railings, parapets and catwalks, with a maximum height of 4 feet.
- (B) Open railings, catwalks and fire escapes required by law, wherever situated.
- (C) Unroofed recreation facilities with open fencing, including tennis and basketball courts at roof level, swimming pools with a maximum height of 4 feet and play equipment with a maximum height of 10 feet.
- (D) Unenclosed seating areas limited to tables, chairs and benches, and related wind screens, lattices and sunshades with a maximum height of 10 feet.

- (E) Landscaping, with a maximum height of 4 feet for all features other than plant materials.
- (F) Short-term parking of passenger automobiles, without additional structures or equipment other than trellises or similar overhead screening for such automobiles with a maximum height of 8 feet.
- (G) Amusement parks, carnivals and circuses, where otherwise permitted as temporary uses.
- (H) Flag poles and flags, clothes poles and clothes lines, and weather vanes.
- (I) Radio and television antennas where permitted as accessory uses, and towers and antennas for sending or receiving of radio and television signals where permitted as principal or conditional uses by this Code.
- (J) Warning and navigation signals and beacons, light standards and similar devices, not including any sign regulated by this Code.
- (K) Public monuments owned by government agencies.
- (L) Cranes, scaffolding and hatch plants erected temporarily at active construction sites.
- (M) Structures and equipment necessary for the operation of industrial plants, transportation facilities, public utilities and government installations, where otherwise permitted by this Code and where such structures and equipment do not contain separate floors.
- (N) Buildings, structures and equipment of the San Francisco Port Commission, where not subject to this Code due to provisions of the San Francisco Charter or State law.

SEC. 261. Additional Height Limits Applicable to Certain Use Districts.

(a) Notwithstanding any height limit established by this Article 2.5 to the contrary, the height of dwellings in certain use districts established by Article 1 of this Code shall be further limited by this Section 261. The measurement of such height shall be as prescribed by Section 260.

(b) No dwelling in any R-1-D or R-1 district shall exceed a height of 35 feet, except that the permitted height shall be reduced to 30 feet where the average ground elevation at the rear line of the lot is lower by 20 or more feet than at the front line thereof, and shall be increased to 40 feet where the average ground elevation at the rear line of the lot is higher by 20 or more feet than at the front line thereof.

(c) No dwelling in any R-2, R-3, R-3.5, R-3-C or R-3.5-C district shall exceed a height of 40 feet. This limitation shall include dwellings in R-3.5 and R-3.5-C districts which are transitional uses.

**SEC. 262. Additional Height Limits Applicable to Signs.**

(a) The height limits established by this Article 2.5 shall apply to all signs regulated by this Code. No sign shall be erected, placed, replaced, reconstructed or relocated except in conformity with the provisions of this Article, whether such sign is free standing or attached to a building or structure.

(b) The height of signs is also regulated by Article 6 of this Code, and in each case the most restrictive of the applicable height limitations shall prevail.

**SEC. 263. Height Limits: Special Exceptions.** In the height and bulk districts indicated in the following Sections, buildings and structures exceeding the prescribed height limits may be approved by the City Planning Commission according to the procedures for conditional use approval in Section 303 of this Code; provided, however, that such exceptions may be permitted only in the areas specified and only to the extent stated in each Section.

**SEC. 263.1. Special Exceptions: Southern Edge of Jackson Square.**

(a) In the 65-D-2 height and bulk district, as designated on Sectional Map No. 1H of the Zoning Map, height exceptions may be approved by the City Planning Commission in appropriate cases, up to but not to exceed a height of 200 feet.

(b) In acting upon any application under this Section, the City Planning Commission shall consider the following criteria in addition to those stated in Section 303(c):

1. The siting of buildings or structures so as to produce a stepping down of height from the Downtown Office district to the area known as Jackson Square;
2. Avoidance of excessive bulk, intrusiveness or a continuous wall of buildings that would adversely affect views, penetration of sunlight or pedestrian amenity in Jackson Square or in any other area; and
3. Respect for the historical and architectural character and special scale of Jackson Square.

**SEC. 263.2. Special Exceptions: North of Ferry Building.**

(a) In the 84-X-1 height and bulk district as designated on Sectional Map No. 1H of the Zoning Map, height exceptions may be approved by the City Planning Commission in appropriate cases as provided herein. The purpose of providing for such exceptions is to encourage greater flexibility in project design and a gradual stepping down of the height of buildings from The Embarcadero toward the Bay. As used in this Section, a "project area" shall be defined as the area between the north or east curb line of The Embarcadero (generally 60 feet inland from the waterfront line) and the Pier Head Line with boundaries as set by the Port Commission in any agreement entered into with a developer.

(b) Such height exceptions may be permitted provided that:

1. The height of the building or structure so approved by the City Planning Commission shall not exceed 125 feet; and
2. Within this 125-foot maximum, there shall be a limitation on permitted building volume located above the basic height limit of 84 feet, calculated as the product of 41 feet (the difference between 125 feet and 84 feet) and fifteen (15) per cent of the project area. For purposes of the foregoing calculation only, the project area may include part or all of the adjacent 65-D-1 height and bulk district as well as part or all of the 84-X-1 height and bulk district.

(c) In acting upon any application under this Section, the City Planning Commission shall consider the following criteria in addition to those stated in Section 303(c):

1. The development criteria for the Northern Waterfront Special Use District No. 1 as set forth in Section 240.1; and
2. The siting of buildings or structures so that higher elements are located nearest The Embarcadero and lower elements outward from The Embarcadero toward the Bay, with a gradual stepping down in height.

(d) No exception from the height limit shall be permitted in the 65-D-1 height and bulk district.

**SEC. 263.3. Special Exceptions: South of Ferry Building.**

(a) In the 84-X-2 height and bulk district as designated on Sectional Map No. 1H of the Zoning Map, height exceptions may be approved by the City Planning Commission in appropriate cases as provided herein. The purpose of providing for such exceptions is to encourage greater flexibility in project design. As

used in this Section, a "project area" shall be defined as the area between the north or east curb line of The Embarcadero (generally 60 feet inland from the waterfront line) and the Pier Head Line with boundaries as set by the Port Commission in any agreement entered into with a developer.

(b) Such height exceptions may be permitted provided that:

1. The height of the building or structure so approved by the City Planning Commission shall not exceed 175 feet; and
2. Within this 175-foot maximum, there shall be a limitation on permitted building volume located above the basic height limit of 84 feet, calculated as the product of 91 feet (the difference between 175 feet and 84 feet) and ten (10) per cent of the project area.

(c) In acting upon any application under this Section, the City Planning Commission shall consider the following criteria in addition, to those stated in Section 303(c):

1. The development criteria for the Northern Waterfront Special Use District No. 1 as set forth in Section 240.1; and
2. The siting of buildings or structures so that higher elements are located nearest The Embarcadero and lower elements outward from The Embarcadero toward the Bay, with a gradual stepping down in height.

#### SEC. 270. Bulk Limits: Measurement.

(a) The limits upon the bulk of buildings and structures shall be as stated in this Section and in Section 271. The terms "height", "plan dimensions", "length" and "diagonal dimension" shall be as defined in this Code. In each height and bulk district, the maximum plan dimensions shall be as specified in the following table, at all horizontal cross-sections above the height indicated.

TABLE 7  
Bulk Limits

District Symbol on Zoning Map	Height Above Which Maximum Dimensions Apply (in feet)	Maximum Plan Dimensions (in feet)	
		Length	Diagonal Dimension
A	40	110	125
B	50	110	125
C	60	110	125
D	40	110	140
E	65	110	140
F	80	110	140
G	80	170	200
H	100	170	200
I	150	170	200
J	40	250	300
K	60	250	300
L	80	250	300
M	100	250	300
OS	See Section 290.		
X	This table not applicable. But see Section 260(a)3.		

(b) These limits shall not apply to the buildings, structures and equipment listed in Section 260(b)2(K), (L), (M) and (N) of this Code, subject to the limitations expressed therein.

#### SEC. 271. Bulk Limits: Special Exceptions.

(a) General. The bulk limits prescribed by Section 270 have been carefully considered in relation to objectives and policies for conservation and change in San Francisco. There may be some exceptional cases in which these limits may properly be permitted to be exceeded to a certain degree, however, following public review and exploration of alternatives, provided there are adequate compensating factors. Such deviation might occur, when the criteria of this Section are met, for one or both of the following positive reasons:

1. Achievement of a distinctly better design, in both a public and a private sense, than would be possible with strict adherence to the bulk limits, avoiding an unnecessary prescription of building form while carrying out the intent of the bulk limits and the principles and policies of the Master Plan.
2. Development of a building or structure with widespread public service benefits and significance to the community at large, where compelling functional requirements of the specific building or structure make necessary such a deviation.

(b) Procedures. Deviations from the bulk limits under this Section shall be permitted only upon approval by the City Planning Commission according to the procedures for conditional use approval in Section 303 of this Code.

(c) Criteria. In acting upon any application for a conditional use to permit the bulk limits to be exceeded under this Section, the City Planning Commission shall consider the following standards and criteria in addition to those stated in Section 303(c) of this Code:

1. The appearance of bulk in the building, structure or development shall be reduced by means of at least one and preferably a combination of the following factors, so as to produce the impression of an aggregate of parts rather than a single building mass:
  - (A) Major variations in the planes of wall surfaces, in either depth or direction, that significantly alter the mass;
  - (B) Significant differences in the heights of various portions of the building, structure or development that divide the mass into distinct elements;



- (C) Differences in materials, colors or scales of the facades that produce separate major elements;
  - (D) Compensation for those portions of the building, structure or development that may exceed the bulk limits by corresponding reduction of other portions below the maximum bulk permitted; and
  - (E) In cases where two or more buildings, structures or towers are contained within a single development, a wide separation between such buildings, structures or towers.
2. In every case the building, structure or development shall be made compatible with the character and development of the surrounding area by means of all of the following factors;
- (A) A silhouette harmonious with natural land forms and building patterns, including the patterns produced by height limits;
  - (B) Either maintenance of an overall height similar to that of surrounding development or a sensitive transition, where appropriate, to development of a dissimilar character;
  - (C) Use of materials, colors and scales either similar to or harmonizing with those of nearby development; and
  - (D) Preservation or enhancement of the pedestrian environment by maintenance of pleasant scale and visual interest.
3. While the above factors must be present to a considerable degree for any bulk limit to be exceeded, these factors must be present to a greater degree where both the maximum length and the maximum diagonal dimension are to be exceeded than where only one maximum dimension is to be exceeded.

Section 5. Article 2.5 of Part II, Chapter II, San Francisco Municipal Code (City Planning Code) is hereby amended by deleting Sections 253, 254, 254, 275, 276, 280, 281, 282, 283, 284, 285, 286, 287, 291, 291.1, 291.2, 291.3, 291.4, 291.5, 292, 292.1, 292.2, 292.3, 293, 293.1, 293.2, 294, 294.1, 294.2, 294.3, 295, 295.1, 295.2, 295.3, 296, 296.1, 296.2, 296.3 and 296.4.

SEC. 290. Height and Bulk Limits for Open Space Districts. In the Open Space districts designated by the symbol "OS" on Sectional Maps Nos. 18 through 138 of the Zoning Map, the height and bulk of buildings and structures shall be determined in accordance with the objectives, principles and policies of the Master Plan, and no building or structure or addition thereto shall be permitted unless in conformity with the Master Plan. The inclusion of land in Open Space districts is intended to indicate its principal or exclusive purpose as open space, with future development of any character strictly limited. The exemptions from height and bulk limitations set forth in Section 260(b) of this Code shall not be applicable to Open Space districts unless in conformity with the Master Plan.

Section 6. Article 3 of Part II, Chapter II, San Francisco Municipal Code (City Planning Code) is hereby amended by amending Sections 302, 304, 305 and 308.1 to read as follows:

**SBC. 302. Amendments.**

(a) General. Whenever the public necessity, convenience and general welfare require, the Board of Supervisors may, by ordinance, amend any part of this Code. Such amendments may include reclassification of property (changes in district boundaries), changes in the text of the Code, or establishment, abolition or modification of a set-back line. The procedures for amendments shall be as specified in this Section and in Sections 306 through 306.5.

(b) Initiation. An amendment may be initiated by the Board of Supervisors or by a resolution of intention by the City Planning Commission, or, except for changes in the text of the Code, by application of one or more interested property owners or their authorized agents. An interested property owner is hereby defined as an owner of real property that is either within the area included in the application or within a distance of 300 feet of the exterior boundaries of such area, or at a greater distance therefrom where such property might be affected by development currently permitted by this Code within the area.

(c) Determination. The City Planning Commission shall hold a hearing on the proposed amendment. If, following its hearing, the City Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendment or any part thereof, it shall approve such amendment or part, and otherwise it shall disapprove the same. If approved by the City Planning Commission in whole or in part, the proposed amendment or part shall be presented to the Board of Supervisors, together with a copy of the resolution of approval, and the Board of Supervisors may adopt such amendment or part by a majority vote. Disapproval of the proposed amendment or part by the City Planning Commission shall have the following effect, depending upon the type of amendment involved:

1. A proposed amendment or part that had been initiated by the Board of Supervisors to change the text of the Code shall be presented to said Board, together with a copy of the resolution of disapproval, and said amendment or part may be adopted by said Board by a majority vote.
2. A proposed amendment or part that had been initiated by the Board of Supervisors to reclassify property or to establish, abolish or

modify a set-back line shall be presented to said Board, together with a copy of the resolution of disapproval, and said amendment or part may be adopted by said Board only by a vote of not less than two-thirds (2/3) of all the members of said Board.

3. In all other cases, the action of the City Planning Commission shall be final, except upon the filing of a valid appeal to the Board of Supervisors as provided in Section 308.1 in the case of a proposed amendment or part that had been initiated by application to reclassify property or to establish, abolish or modify a set-back line.

(d) Referral of proposed text amendments back to City Planning Commission. In acting upon any proposed amendment to the text of the Code, the Board of Supervisors may modify said amendment but shall not take final action upon any material modification that has not been approved or disapproved by the City Planning Commission. Should the amendment be so materially modified while it is before said Board, said amendment as so modified shall be referred back to the City Planning Commission for its consideration. In all such cases of referral back, the amendment as so modified shall be heard by the City Planning Commission according to the requirements for a new proposal, except that newspaper notice required under Section 306.3 need be given only ten (10) days prior to the date of the hearing.

(e) Effect of reclassification or set-back proceedings upon permit applications. No application for a building permit on any property or for any other permit or license for a new use of any property, filed subsequent to the day that an application has been filed or a resolution of intention has been adopted for the reclassification of such property or for the establishment or change of a building set-back line thereon, shall be approved by the Department of City Planning while proceedings are pending on such reclassification or establishment or change of set-back line, unless the construction and use proposed under that permit or license would conform both to the existing classification of such property or set-back line thereon and also to the different classification or set-back under consideration in those proceedings; provided that if final action on such reclassification or establishment or change of building set-back line has not been taken by the Board of Supervisors during the following time periods after the start of the proceedings, conformity to the different classification or set-back under consideration shall no longer be required:

1. Two years in the case of a city-wide or major sub-area reclassification as described in Section 306.3(b)2 of this Code;

2. One year in all other cases; and

3. In addition to the above time periods, the Board of Supervisors may by resolution extend such time for a further period of up to six months.

(f) Effect of text amendment proceedings upon permit applications. No permit or license for any construction or use which would be newly prohibited by an amendment to the text of the City Planning Code shall be granted or issued on or after the effective date of such text amendment. In the case of concurrent proceedings for both a text amendment and a property reclassification or establishment or change of a building set-back line as described in subsection (e) above, the more restrictive requirement with respect to permits and licenses shall prevail.

(g) Subsequent action. In any case in which a permit or license has been fully applied for prior to the taking effect of subsection (e) above, or lawfully granted prior to the taking effect of subsection (f) above, such application, permit or license shall continue to be valid provided it is pursued and exercised, and provided further that any construction or other action of the applicant under such application, permit or license is commenced and diligently prosecuted to completion.

SEC. 304. Planned Unit Developments. The City Planning Commission may authorize as conditional uses, in accordance with the provisions of Section 303, Planned Unit Developments subject to the further standards and procedures of this Section. After review of any proposed development, the City Planning Commission may authorize such development as submitted or may modify, alter, adjust or amend the plan before authorization, and in authorizing it may prescribe other conditions as provided in Section 303(d). The development as authorized shall be subject to all conditions so imposed and shall be excepted from other provisions of this Code only to the extent specified in the authorization. The proposed development shall under no circumstances be excepted from any height limit established by Article 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of that Section.

(a) Primary cases.

1. Application. The application must be accompanied by an over-all development plan showing the use or uses, dimensions and locations of proposed structures, of parking spaces, and of areas, if any, to be reserved for streets, parks, playgrounds, school sites and other open spaces, with such other pertinent information as may be necessary to a determination that the contemplated arrangement or use makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this Code.
2. Area covered. The tract or parcel of land involved must be either in one ownership or the subject of an application filed jointly by the owners of all the property included or by the Redevelopment Agency of the City. It must constitute all or part of a Redevelopment Project Area, or if not must either include an area (excluding the area of public streets and alleys) of at least three (3) acres or be bounded on all sides by one or more of the following: public streets, public open spaces, open water or the boundary lines of less restrictive use districts.
3. General standards. The proposed development must be designed to produce an environment of stable and desirable character, and must provide standards of open space and permanently reserved areas for off-street parking adequate for the occupancy proposed, and at least equivalent to those required by the terms of this Code for such occupancy in the zoning district. It must include provision for recreation areas to meet the needs of the anticipated population or as specified in the Master Plan.
4. Commercial uses. A Planned Unit Development of this category in an R district may contain, as an integral part of a residential development, a shopping center for service to the residents, if designed as a unit of limited size and controlled by more restrictive and specific regulations than would result from a reclassification of the area so used to a C district. No other commercial use of any Planned Unit Development in any R district shall be authorized except an office building or buildings to be occupied primarily by administrative, clerical, accounting or business research organizations, where the principal use does not involve any of the following:
  - (A) The handling or display on the premises of any merchandise, or

the rendering of any merchandising services except for the accommodation of the occupants;

(B) Frequent personal visits of clients, members or customers or other persons not employed on the premises;

(C) Show windows or exterior display advertising of any kind.

(b) Special cases: property acquisition. An application for a Planned Unit Development may be filed by a governmental agency in connection with the proposed acquisition of private property for public use, and for the purpose of Section 303(b) the governmental agency shall be deemed the owner of the property included in the application whether or not the agency has acquired or proposes to acquire said property. The property included in the application, however, must be the surplus portion of lots acquired or proposed for acquisition for public use or the non-acquired portion of lots only partially acquired or proposed for acquisition for such use. The purpose of a Planned Unit Development of this category is to authorize the City Planning Commission to grant exemptions from the requirements of this Code where required by public interest in order to permit the improvement of said surplus or non-acquired property, and for this purpose the City Planning Commission may grant exemptions from the requirements of this Code other than those requirements pertaining to use districts in Article 2. The City Planning Commission may grant exemptions as herein authorized:

1. If the general public interest and the interests of the immediate vicinity require that said property be usable for non-public purposes;
2. If the governmental agency submits a plan for the reasonable use of said property in keeping with the objective that the proposed public use cause a minimum disruption of the community and loss of community resources; and
3. If the requirements normally applicable under this Code would make the preparation of such a plan and achievement of this objective impossible or infeasible.

#### SEC. 305. Variances.

(a) General. The Zoning Administrator shall hear and make determinations regarding applications for variances from the strict application of quantitative standards in this Code. He shall have power to grant only such variances as may be in harmony with the general purpose and intent of this Code and in accordance with the general and specific rules contained herein, and he shall

have power to grant such variances only to the extent necessary to overcome such practical difficulty or unnecessary hardship as may be established in accordance with the provisions of this Section. No variance shall be granted in whole or in part which would have an effect substantially equivalent to a reclassification of property; or which would permit any use, any height or bulk of a building or structure, or any type of sign not expressly permitted by the provisions of this Code for the district or districts in which the property in question is located; or which would grant a privilege for which a conditional use procedure is provided by this Code; or which would change a definition in this Code. The procedures for variances shall be as specified in this Section and in Sections 306 through 306.5.

(b) Initiation. A variance action may be initiated by application of the owner, or authorized agent for the owner, of the property for which the variance is sought.

(c) Determination. The Zoning Administrator shall hold a hearing on the application, provided however, that if the variance requested involves a deviation of less than ten (10) per cent from the Code requirement, the Zoning Administrator may at his option either hold or not hold such a hearing. No variance shall be granted in whole or in part unless there exist, and the Zoning Administrator specifies in his findings as part of a written decision, facts sufficient to establish:

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.

Upon issuing his written decision either granting or denying the variance in whole or in part, the Zoning Administrator shall forthwith transmit a copy thereof to the applicant. The action of the Zoning Administrator shall be final and shall become effective ten (10) days after the date of his written decision except upon the filing of a valid appeal to the Board of Permit Appeals as provided in Section 308.2.

(d) Conditions. In granting any variance as provided herein, the Zoning Administrator, or the Board of Permit Appeals on appeal, shall specify the character and extent thereof, and shall also prescribe such conditions as are necessary to secure the objectives of this Code. Once any portion of the granted variance is utilized, all such specifications and conditions pertaining to such authorization shall become immediately operative. The violation of any specification or condition so imposed shall constitute a violation of this Code and may constitute grounds for revocation of the variance. Such conditions may include time limits for exercise of the granted variance; otherwise, any exercise of such variance must commence within a reasonable time.

SEC. 308.1. Appeals: Amendments and Conditional Uses.

(a) Right of appeal. The action of the City Planning Commission, in disapproving in whole or in part an amendment initiated by application as described in Section 302 and Sections 306 through 306.5, or in approving or disapproving in whole or in part an application for conditional use authorization as described in Sections 303 and 304, and Sections 306 through 306.5, shall be subject to appeal to the Board of Supervisors in accordance with this Section. An action of the Commission so appealed from shall not become effective unless and until approved by the Board of Supervisors in accordance with this Section.

(b) Notice of appeal. Any appeal under this Section shall be taken by filing written notice of appeal with the Board of Supervisors within thirty (30) days after the date of action by the City Planning Commission. The notice of appeal shall be subscribed by the owners or at least twenty (20) per cent of the property affected by the proposed amendment or conditional use. For the purposes of this calculation, the property affected shall be deemed to be all property within the area that is the subject of the application and within three hundred (300) feet of all exterior boundaries of such area; except that any property so located that is owned by the City and County of San Francisco, the United States Government or the State of California, or any department or agency

thereof, or by any special district, shall be excluded in determining the property affected unless such owner shall itself be a subscriber of the notice of appeal.

(c) Hearing. Upon the filing of such written notice of appeal so subscribed, the Board of Supervisors or the Clerk thereof shall set a time and place for hearing such appeal, which shall be not less than ten (10) nor more than thirty (30) days after such filing. The Board of Supervisors must decide such appeal within thirty (30) days of the time set for the hearing thereon, provided that, if the full membership of the Board is not present on the last day on which said appeal is set or continued for hearing within said period, the Board may postpone said hearing and decision thereon until, but not later than, the full membership of the Board is present; provided, further, that the latest date to which said hearing and decision may be so postponed shall be not more than ninety (90) days from the date of filing of the appeal. Failure of the Board of Supervisors to act within such time limit shall be deemed to constitute approval by the Board of the action of the City Planning Commission.

(d) Decision. In acting upon any such appeal, the Board of Supervisors may disapprove the action of the City Planning Commission only by a vote of not less than two-thirds (2/3) of all members of the Board. In the event the Board disapproves the action of the Commission when the Commission has disapproved in whole or in part a proposed amendment, the Board shall, not later than its next regularly scheduled meeting, adopt the proposed ordinance. In the event the Board disapproves the action of the Commission when the Commission has disapproved in whole or in part a proposed conditional use, the Board shall prescribe in its resolution such conditions as are in its opinion necessary to secure the objectives of this Code, in accordance with Section 303(d).

Section 7. Article 6 of Part II, Chapter II, San Francisco Municipal Code (City Planning Code) is hereby amended by amending Section 602.8 to read as follows:

SEC. 602.8 Height (Of a Sign). The vertical distance from the uppermost point used in measuring the area of a sign, as defined in Section 602.1, to the ground immediately below such point or to the level of the upper surface of the nearest curb of a street, alley or highway (other than a structurally elevated roadway), whichever measurement permits the greater elevation of the sign.

Section 8. Nothing contained in this or the preceding sections shall be construed as abating any action now pending under or by virtue of any ordinance of the City herein repealed; or as discontinuing, abating, modifying or altering any penalties accruing, or to accrue, or as waiving any right of the City under any ordinance in force at the time of passage of this ordinance.

APPROVED AS TO FORM:

THOMAS M. O'CONNOR

By Robert A. Kennedy  
Deputy City Attorney

RECOMMENDED:

CITY PLANNING COMMISSION

By Alban B. Jacobs  
Director of Planning

Passed for Second Reading  
Board of Supervisors, San Francisco

JUL 31 1972

Ayes: Supervisors Barbagelata, Boas, Feinstein,  
Francois, Gonzales, Kopp, Mendelsohn, Molinari,  
Pelosi, Tamaras, von Beroldingen.

Noes: Supervisors

Absent: Supervisors FRANCOIS, TAMARAS

Robert J. Dolan Clerk

362-21  
File No.

AUG 18 1972  
Approved

Read Second Time and Finally Passed  
Board of Supervisors, San Francisco

AUG 7 1972

Ayes: Supervisors Barbagelata, Boas, Feinstein,  
Francois, Gonzales, Kopp, Mendelsohn, Molinari,  
Pelosi, Tamaras, von Beroldingen.

Noes: Supervisors

Absent: Supervisors TAMARAS

I hereby certify that the foregoing ordinance was  
finally passed by the Board of Supervisors of the  
City and County of San Francisco.

Robert J. Dolan Clerk  
Joseph R. Alioto Mayor