

BOARD of SUPERVISORS



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January 23, 2019

Planning Commission  
Attn: Jonas Ionin  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Commissioners:

On January 15, 2019, Supervisor Mandelman submitted the following legislation:

**File No. 190048**

**Ordinance amending the Planning Code to require building setbacks for buildings fronting on narrow streets, modify front yard requirements in Residential Districts, increase required rear yards in single-family zoning districts by five percent, amend the rear yard requirements for through lots and corner lots in certain districts to permit second buildings where specified conditions are met, and allow building height increases to existing stories in existing nonconforming buildings in order to accommodate residential uses; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.**

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk  
Land Use and Transportation Committee

c: John Rahaim, Director  
Dan Sider, Director of Executive Programs  
Aaron Starr, Manager of Legislative Affairs  
AnMarie Rodgers, Director of Citywide Planning  
Scott Sanchez, Acting Deputy Zoning Administrator  
Corey Teague, Zoning Administrator  
Lisa Gibson, Environmental Review Officer  
Devyani Jain, Deputy Environmental Review Officer  
Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

1 [Planning Code - Building Standards]

2  
3 **Ordinance amending the Planning Code to require building setbacks for buildings**  
4 **fronting on narrow streets, modify front yard requirements in Residential Districts,**  
5 **increase required rear yards in single-family zoning districts by five percent, amend the**  
6 **rear yard requirements for through lots and corner lots in certain districts to permit**  
7 **second buildings where specified conditions are met, and allow building height**  
8 **increases to existing stories in existing nonconforming buildings in order to**  
9 **accommodate residential uses; affirming the Planning Department's determination**  
10 **under the California Environmental Quality Act; making findings of consistency with**  
11 **the General Plan, and the eight priority policies of Planning Code, Section 101.1; and**  
12 **adopting findings of public necessity, convenience, and general welfare under**  
13 **Planning Code, Section 302.**

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

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

22 Section 1. Findings.

23 (a) The Planning Department has determined that the actions contemplated in this  
24 ordinance comply with the California Environmental Quality Act (California Public Resources  
25 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of

Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference. The Board affirms this determination.

(b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_, 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 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that these Planning Code amendments will serve the public necessary, convenience, and general welfare for the reasons set forth in Planning Commission Resolution No. \_\_\_\_\_.

Section 2. The Planning Code is hereby amended by revising Sections 102, 132, 134, 172, 209.1, 261.1, and 270, to read as follows:

**SEC. 102. DEFINITIONS.**

\* \* \* \*

Diagonal Dimension. See Plan Dimensions.

\* \* \* \*

Ground Floor. First Story, as defined under Story, below.

\* \* \* \*

Length (of a Building or Structure). See Plan Dimensions.

\* \* \* \*

**SEC. 132. FRONT SETBACK AREAS IN RTO, RH, AND RM DISTRICTS AND FOR REQUIRED SETBACKS FOR PLANNED UNIT DEVELOPMENTS.**

\* \* \* \*

1           (a)     **Basic Requirement.** Where one or both of the buildings adjacent to the subject  
2 property have front setbacks along a sStreet or aAlley, any building or addition constructed,  
3 reconstructed, or relocated on the subject property shall be set back to the average of the two  
4 adjacent front setbacks. If only one of the adjacent buildings has a front setback, or if there is  
5 only one adjacent building, then the required setback for the subject property shall be equal to  
6 one-half the front setback of such adjacent building. In any case in which the lot constituting  
7 the subject property is separated from the lot containing the nearest building by an  
8 undeveloped lot or lots for a distance of 50 feet or less parallel to the sStreet or aAlley, such  
9 nearest building shall be deemed to be an "adjacent building," but a building on a lot so  
10 separated for a greater distance shall not be deemed to be an "adjacent building."

11           \* \* \* \*

12           (b)     **Alternative Method of Averaging.** If, under the rules stated in Ssubsection (a)  
13 above, an averaging is required between two adjacent front setbacks, or between one  
14 adjacent setback and another adjacent building with no setback, the required setback on the  
15 subject property may alternatively be averaged in an irregular manner within the depth  
16 between the setbacks of the two adjacent buildings, provided that the area of the resulting  
17 setback shall be at least equal to the product of the width of the subject property along the  
18 sStreet or aAlley times the setback depth required by Ssubsections (a) and (c) of this Section  
19 132; and provided further, that all portions of the resulting setback area on the subject property  
20 shall be directly exposed laterally to the setback area of the adjacent building having the  
21 greater setback. In any case in which this alternative method of averaging has been used for  
22 the subject property, the extent of the front setback on the subject property for purposes of  
23 Ssubsection (c) below relating to subsequent development on an adjacent site shall be  
24 considered to be as required by Ssubsection (a) above, in the form of a single line parallel to  
25 the sStreet or aAlley.

1 \* \* \* \*

2 (c) **Method of Measurement.** The extent of the front setback of each adjacent  
3 building shall be taken as the horizontal distance from the property line along the sStreet or  
4 aAlley to the building wall closest to such property line, excluding all projections from such  
5 wall, all decks and garage structures and extensions, and all other obstructions.

6 (d) **Applicability to Special Lot Situations.**

7 (1) **Corner Lots and Lots at Alley Intersections.** On a eCorner Lot as  
8 defined *in Section 102* of *by* this Code, or a lot at the intersection of a sStreet and an aAlley or  
9 two aAlleys, a front setback area shall be required only along the sStreet or aAlley elected by  
10 the owner as the front of the property. Along such sStreet or aAlley, the required setback for  
11 the subject lot shall be equal to  $\frac{1}{2}$  *one-half* the front setback of the adjacent building.

12 (2) **Lots Abutting Properties That Front on Another Street or Alley.** In  
13 the case of any lot that abuts along its side lot line upon a lot that fronts on another sStreet or  
14 aAlley, the lot on which it so abuts shall be disregarded, and the required setback for the  
15 subject lot shall be equal to the front setback of the adjacent building on its opposite side.

16 \* \* \* \*

17 (3) **Lots Abutting RC, C, M<sub>1</sub> and P Districts.** In the case of any lot that  
18 abuts property in an RC, C, M<sub>1</sub> or P District, any property in such district shall be disregarded,  
19 and the required setback for the subject lot shall be equal to the front setback of the adjacent  
20 building in the RH, RTO, or RM District.

21 (e) **Maximum Requirements.** The maximum required front setback in any of the  
22 cases described in this Section 132 shall be 15 feet from the property line along the sStreet or  
23 aAlley, or 15% *percent* of the average depth of the lot from such sStreet or aAlley, whichever  
24 results in the lesser requirement. *Where a lot faces on a Street or Alley less than or equal to 40 feet*  
25 *in width, the maximum required setback shall be five feet from the property line or 15% of the average*

1 depth of the lot from such Street or Alley, whichever results in the lesser requirement. The required  
2 setback for lots located within the Bernal Heights Special Use District is set forth in Section  
3 242 of this Code.

4 \* \* \* \*

5 **SEC. 134. REAR YARDS, R, NC, C, SPD, M, MUG, WMUG, MUO, MUR, UMU, RED, AND**  
6 **RED-MX DISTRICTS.**

7 (a) Purpose. The rear yard requirements of this Section 134 are intended to:

8 (1) assure the protection and continuation of established mid-block landscaped open  
9 spaces;

10 (2) maintain a scale of development appropriate to each district, complementary to  
11 the location of adjacent buildings;

12 (3) provide natural light and natural ventilation to residences, work spaces, and  
13 adjacent rear yards; and

14 (4) provide residents with usable open space and views into green spaces.

15 (b) Applicability. The rear yard requirements established by this Section 134 shall  
16 apply to every building in the districts listed below. To the extent that these provisions are  
17 inconsistent with any Special Use District or Residential Character District, the provisions of  
18 the Special Use District or Residential Character District shall apply. ~~These requirements are~~  
19 ~~intended to assure the protection and continuation of established midblock, landscaped open spaces,~~  
20 ~~and maintenance of a scale of development appropriate to each district, consistent with the location of~~  
21 ~~adjacent buildings.~~

22 (cα) Basic Requirements. The basic rear yard requirements shall be as follows for  
23 the districts indicated:

24 (1) RH-1(D), RH-1, and RH-1(S), ~~RM-3, RM-4, RC-3, RC-4, NC Districts other~~  
25 than the Pacific Avenue NC District, C, M, MUG, WMUG, MUO, CMUO, MUR, UMU, RED, RED-

1 **MX, and SPD Districts.** The minimum rear yard depth shall be equal to 30% of the total depth of the  
2 lot on which the building is situated, but in no case less than 15 feet. Exceptions are permitted on  
3 Corner Lots and through lots abutting properties with buildings fronting both streets, as described in  
4 subsection (f) below.

5 **(2) RM-3, RM-4, RC-3, RC-4, NC Districts other than the Pacific Avenue NC**  
6 **District, C, M, MUG, WMUG, MUO, CMUO, MUR, UMU, RED, RED-MX, and SPD Districts.**

7 Except as specified in this subsection (c), the minimum rear yard depth shall be equal to 25%  
8 of the total depth of the lot on which the building is situated, but in no case less than 15 feet.

9 (A) For buildings containing only SRO Units in the Eastern  
10 Neighborhoods Mixed Use Districts, the minimum rear yard depth shall be equal to 25% of the  
11 total depth of the lot on which the building is situated, but the required rear yard of SRO  
12 buildings not exceeding a height of 65 feet shall be reduced in specific situations as described  
13 in subsection (ee) below.

14 \* \* \* \*

15 (D) **Upper Market Street NCT.** Rear yards shall be provided at the  
16 grade level, and at each succeeding story of the building. For buildings in the Upper Market  
17 Street NCT that do not contain Residential Uses and that do not abut adjacent lots with an  
18 existing pattern of rear yards or mid-block open space, the Zoning Administrator may waive or  
19 reduce this rear yard requirement pursuant to the procedures of subsection (he).

20 **(32) RH-2, RH-3, RTO, RTO-M, RM-1 and RM-2 Districts, and the Pacific**  
21 **Avenue NC District.** The minimum rear yard depth shall be equal to 45% percent of the total  
22 depth of the lot on which the building is situated, except to the extent that a reduction in this  
23 requirement is permitted by ~~S~~subsection (ee) below. Rear yards shall be provided at grade  
24 level and at each succeeding level or story of the building. In RH-2, RH-3, RTO, RTO-M, RM-1,  
25

1 and RM-2 Districts, exceptions are permitted on Corner Lots and through lots abutting a property with  
2 buildings fronting on both streets, as described in subsection (f) below.

3 \* \* \* \*

4 **(db) Permitted Obstructions.** Only those obstructions specified in Section 136 of  
5 this Code shall be permitted in a required rear yard, and no other obstruction shall be  
6 constructed, placed, or maintained within any such yard. No motor vehicle, trailer, boat, or  
7 other vehicle shall be parked or stored within any such yard, except as specified in Section  
8 136.

9 **(ee) Reduction of Requirements in RH-2, RH-3, RTO, RTO-M, RM-1, and RM-2**  
10 **Districts.** The rear yard requirement stated in subsection (a)(2) (c)(3) above and as stated in  
11 subsection (a)(1) (c)(2)(A) above for SRO buildings located in the Eastern Neighborhoods  
12 Mixed Use Districts not exceeding a height of 65 feet, shall be reduced in specific situations  
13 as described in this subsection (ee), based upon conditions on adjacent lots. Except for those  
14 SRO buildings referenced above in this subsection (e) paragraph whose rear yard can be  
15 reduced in the circumstances described in subsection (ee) to a 15-foot minimum, under no  
16 circumstances, shall the minimum rear yard be thus reduced to less than a depth equal to  
17 25% percent of the total depth of the lot on which the building is situated, or to less than 15  
18 feet, whichever is greater.

19 \* \* \* \*

20 **(2) Alternative Method of Averaging.** If, under the rule stated in Paragraph  
21 subsection (ee)(1) above, a reduction in the required rear yard is permitted, the reduction may  
22 alternatively be averaged in an irregular manner; provided that the area of the resulting  
23 reduction shall be no more than the product of the width of the subject lot along the line  
24 established by Paragraph subsection (ee)(1) above times the reduction in depth of rear yard  
25 permitted by subsection (ee)(1); and provided further that all portions of the open area on the



1 part of the lot to which the rear yard reduction applies shall be directly exposed laterally to the  
2 open area behind the adjacent building having the lesser depth of its rear building wall.

3 (3) **Method of Measurement.** For purposes of this §subsection (ee), an  
4 "adjacent building" shall mean a building on a lot adjoining the subject lot along a side lot line.  
5 In all cases the location of the rear building wall of an adjacent building shall be taken as the  
6 line of greatest depth of any portion of the adjacent building which occupies at least one-half  $\frac{1}{2}$   
7 the width between the side lot lines of the lot on which such adjacent building is located, and  
8 which has a height of at least 20 feet above grade, or two sStories, whichever is less,  
9 excluding all permitted obstructions listed for rear yards in Section 136 of this Code. Where a  
10 lot adjoining the subject lot is vacant, or contains no dDwelling or gGroup hHousing structure,  
11 or is located in an RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC, RED, RED-MX, MUG, WMUG,  
12 MUR, UMU, SPD, RSD, SLR, SLI, SSO, NC, C, M, or P District, such adjoining lot shall, for  
13 purposes of the calculations in this §subsection (ee), be considered to have an adjacent  
14 building upon it whose rear building wall is at a depth equal to 75% percent of the total depth of  
15 the subject lot.

16 (4) **Applicability to Special Lot Situations.** In the following special lot  
17 situations, the general rule stated in Paragraph subsection (ee)(1) above shall be applied as  
18 provided in this Paragraph subsection (ee)(4), and the required rear yard shall be reduced if  
19 conditions on the adjacent lot or lots so indicate and if all other requirements of this Section  
20 134 are met.

21 \* \* \* \*

22 (A) **Corner Lots and Lots at Alley Intersections.** On a eCorner lLot  
23 as defined by in Section 102 of this Code, or a lot at the intersection of a sStreet and an aAlley  
24 or two aAlleys, the forward edge of the required rear yard shall be reduced to a line on the  
25 subject lot which is at the depth of the rear building wall of the one adjacent building.

1 (B) **Lots Abutting Properties with Buildings that Front on Another**  
2 **Street or Alley.** In the case of any lot that abuts along one of its side lot lines upon a lot with a  
3 building that fronts on another sStreet or aAlley, the lot on which it so abuts shall be  
4 disregarded, and the forward edge of the required rear yard shall be reduced to a line on the  
5 subject lot which is at the depth of the rear building wall of the one adjacent building fronting  
6 on the same sStreet or aAlley. In the case of any lot that abuts along both its side lot lines  
7 upon lots with buildings that front on another sStreet or aAlley, both lots on which it so abuts  
8 shall be disregarded, and the minimum rear yard depth for the subject lot shall be equal to  
9 25% percent of the total depth of the subject lot, or 15 feet, whichever is greater.

10 ~~(C) **Through Lots Abutting Properties that Contain Two Buildings.** Where a~~  
11 ~~lot is a through lot having both its front and its rear lot line along streets, alleys, or a street and an~~  
12 ~~alley, and both adjoining lots are also through lots, each containing two dwellings or group housing~~  
13 ~~structures that front at opposite ends of the lot, the subject through lot may also have two buildings~~  
14 ~~according to such established pattern, each fronting at one end of the lot, provided all the other~~  
15 ~~requirements of this Code are met. In such cases the rear yard required by this Section 134 for the~~  
16 ~~subject lot shall be located in the central portion of the lot, between the two buildings on such lot, and~~  
17 ~~the depth of the rear wall of each building from the street or alley on which it fronts shall be~~  
18 ~~established by the average of the depths of the rear building walls of the adjacent buildings fronting on~~  
19 ~~that street or alley. In no case, however, shall the total minimum rear yard for the subject lot be thus~~  
20 ~~reduced to less than a depth equal to 25 percent of the total depth of the subject lot, or to less than 15~~  
21 ~~feet, whichever is greater. Furthermore, in all cases in which this Subparagraph (e)(4)(C) is applied,~~  
22 ~~the requirements of Section 132 of this Code for front setback areas shall be applicable along both~~  
23 ~~street or alley frontages of the subject through lot.~~

24 (f) **Second Building on Corner Lots and Through Lots Abutting Properties with**  
25 **Buildings Fronting on Both Streets in RH, RTO, RTO-M, RM-1, and RM-2 Districts.** Where a lot is

1 a Corner Lot, or is a through lot having both its front and its rear lot line along Streets, Alleys, or a  
2 Street and an Alley, and where an adjoining lot contains a residential or other lawful structure that  
3 fronts at the opposite end of the lot, the subject through lot may also have two buildings according to  
4 such established pattern, each fronting at one end of the lot, provided that all the other requirements of  
5 this Code are met. In such cases, the rear yard required by this Section 134 for the subject lot shall be  
6 located in the central portion of the lot, between the two buildings on such lot, and the depth of the rear  
7 wall of each building from the Street or Alley on which it fronts shall be established by the average of  
8 the depths of the rear building walls of the adjacent buildings fronting on that Street or Alley, or where  
9 there is only one adjacent building, by the depth of that building. In no case, however, shall the total  
10 minimum rear yard for the subject lot be thus reduced to less than a depth equal to 20% of the total  
11 depth of the subject lot or to less than 15 feet, whichever is greater. For buildings fronting on a Narrow  
12 Street as defined in Section 261.1 of this Code, the additional height limits of Section 261.1 shall apply.  
13 Furthermore, in all cases in which this subsection (f) is applied, the requirements of Section 132 of this  
14 Code for front setback areas shall be applicable along both Street or Alley frontages of the subject  
15 through lot.

16 (g~~a~~) **Reduction of Requirements in C-3 Districts.** In C-3 Districts, an exception to  
17 the rear yard requirements of this Section 134 may be allowed, in accordance with the  
18 provisions of Section 309, provided that the building location and configuration assure  
19 adequate light and air to windows within the residential units and to the usable open space  
20 provided.

21 (he) **Modification of Requirements in NC ~~and South of Market Mixed Use~~ Districts.**  
22 The rear yard requirements in NC ~~and South of Market Mixed Use~~ Districts may be modified or  
23 waived in specific situations as described in this ~~S~~subsection (he).

24 (1) **General.** The rear yard requirement in NC Districts may be modified or  
25 waived by the Zoning Administrator pursuant to the procedures which are applicable to

1 variances, as set forth in Sections 306.1 through 306.5 and 308.2, ~~in the case of NC Districts,~~  
2 ~~and in accordance with Section 307(g), in the case of South of Market Mixed Use Districts~~ if all of the  
3 following criteria are met ~~for both NC and South of Market Mixed Use Districts~~:

4 (A) Residential ~~u~~Uses are included in the new or expanding  
5 development and a comparable amount of usable open space is provided elsewhere on the  
6 lot or within the development where it is more accessible to the residents of the development;  
7 and

8 (B) The proposed new or expanding structure will not significantly  
9 impede the access of light and air to and views from adjacent properties; and

10 (C) The proposed new or expanding structure will not adversely affect  
11 the interior block open space formed by the rear yards of adjacent properties.

12 (2) **Corner Lots and Lots at Alley Intersections.** On a ~~e~~Corner ~~H~~Lot as  
13 defined ~~in Section 102 of by~~ this Code, or on a lot at the intersection of a ~~s~~Street and an ~~a~~Alley  
14 of at least 25 feet in width, the required rear yard may be substituted with an open area equal  
15 to ~~25% percent~~ of the lot area which is located at the same levels as the required rear yard in  
16 an interior corner of the lot, an open area between two or more buildings on the lot, or an  
17 inner court, as defined by this Code, provided that the Zoning Administrator determines that  
18 all of the criteria described below in this ~~Paragraph subsection (h)(2)~~ are met.

19 (A) Each horizontal dimension of the open area shall be a minimum of  
20 15 feet.

21 (B) The open area shall be wholly or partially contiguous to the  
22 existing midblock open space formed by the rear yards of adjacent properties.

23 (C) The open area will provide for the access to light and air to and  
24 views from adjacent properties.

1 (D) The proposed new or expanding structure will provide for access  
2 to light and air from any existing or new residential uses on the subject property.

3 The provisions of this ~~Paragraph 2 of S~~subsection ~~(eh)(2)~~ shall not preclude such  
4 additional conditions as are deemed necessary by the Zoning Administrator to further the  
5 purposes of this Section 134.

6 (fi) **Modification of Requirements in the Eastern Neighborhoods Mixed Use**  
7 **Districts.** The rear yard requirement in Eastern Neighborhoods Mixed Use Districts may be  
8 modified or waived by the Planning Commission pursuant to Section 329. The rear yard  
9 requirement in Eastern Neighborhoods Mixed Use Districts may be modified by the Zoning  
10 Administrator pursuant to the procedures set forth in Section 307(h) for other projects,  
11 provided that:

12 \* \* \* \*

13 (jg) **Reduction of Requirements in the North of Market Residential Special Use**  
14 **District.** The rear yard requirement may be substituted with an equivalent amount of open  
15 space situated anywhere on the site, provided that the Zoning Administrator determines that  
16 all of the following criteria are met:

17 \* \* \* \*

18 **SEC. 172. COMPLIANCE OF STRUCTURES, OPEN SPACES, AND OFF-STREET**  
19 **PARKING AND LOADING REQUIRED.**

20 (a) No structure shall be constructed, reconstructed, enlarged, altered, or relocated  
21 so as to have or result in a greater height, bulk, or ~~floor area ratio~~, less ~~required open~~  
22 ~~space~~ as defined in Section 102 of by this Code, or less off-street ~~parking space or~~ loading  
23 space, than permissible under the limitations set forth herein for the district or districts in  
24 which such structure is located; provided, however, that for the purpose of creating habitable space  
25 and as long as the number of above-ground building stories is not increased:

1                   (1) the ceiling height of an existing building story in a lawfully-existing  
2 nonconforming structure may be increased to create an interior floor-to-ceiling height of up to nine  
3 feet; and/or

4                   (2) a flat roof may be replaced with a pitched roof.

5           (b) No existing structure which fails to meet the requirements of this Code in any  
6 manner as described in ~~S~~subsection (a) above, or which occupies a lot that is smaller in  
7 dimension or area than required by this Code, shall be constructed, reconstructed, enlarged,  
8 altered, or relocated so as to increase the discrepancy, or to create a new discrepancy, at any  
9 level of the structure, between existing conditions on the lot and the required standards for  
10 new construction set forth in this Code.

11           (c) No required open space, off-street parking space, or loading space existing or  
12 hereafter provided about, in, or on any structure shall be reduced below the minimum  
13 requirements therefor set forth in this Code, or further reduced if already less than said  
14 minimum requirements. No required open space, off-street parking space, or loading space  
15 existing or hereafter provided for a structure or use and necessary to meet or meet partially  
16 the requirements of this Code for such structure or use shall be considered as all or part of the  
17 required open space, off-street parking space, or loading space required for any other  
18 structure or use, except as provided in Section 160 for the collective provision or joint use of  
19 parking.

20           (d) Existing Live/Work Units, or those newly created or expanded within the existing  
21 exterior walls of a structure, so long as they conform to all Building Code requirements, shall  
22 not be considered an enlargement, construction, reconstruction, alteration, or relocation for  
23 purposes of this Section 172.

1 **SEC. 209.1. RH (RESIDENTIAL, HOUSE) DISTRICTS.**

2 \* \* \* \*

3 **Table 209.1**

4 **ZONING CONTROL TABLE FOR RH DISTRICTS**

Zoning Category	§ References	RH-1(D)	RH-1	RH-1(S)	RH-2	RH-3
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7 **BUILDING STANDARDS**

8 **Massing and Setbacks**

Height and Bulk Limits	<p>9 §§ 102, 105, 106, 250-252, 253, 260, 261, <u>261.1</u>, 270, 271.</p> <p>10 See also Height and Bulk District Maps.</p>	<p>11 No portion of a Dwelling may be taller than 35 feet. Structures with uses other than Dwellings may be constructed to the prescribed height limit, which is generally 40 feet. Per § 261 the height limit may be decreased or increased based on the slope of the lot.</p>	<p>12 No portion of a Dwelling may be taller than 40 feet. Structures with uses other than Dwellings may be constructed to the prescribed height limit. Per § 261 the height limit may be decreased based on the slope of the lot.</p>	<p>13 Varies, but generally 40 feet. <u>Height sculpting on Alleys per § 261.1.</u></p>
* * * *	* * * *	* * * *		

19 \* \* \* \*

20 **SEC. 261.1. ADDITIONAL HEIGHT LIMITS FOR NARROW STREETS AND ALLEYS IN**  
 21 **RH, RTO, NC, NCT, EASTERN NEIGHBORHOODS MIXED USE, AND SOUTH OF**  
 22 **MARKET MIXED USE DISTRICTS.**

23 (a) **Purpose.** The intimate character of *n*Narrow sStreets, *as defined in subsection (b)*,  
 24 (*rights-of-way 40 feet in width or narrower*) and *a*Alleys is an important and unique component of  
 25

1 the City and certain neighborhoods in particular. The scale of these streets should be  
2 preserved to ensure they do not become overshadowed or overcrowded. Heights along  
3 aAlleys and nNarrow sStreets are hereby limited to provide ample sunlight and air, as follows:

4 (b) **Definitions.**

5 (1) "Narrow Street" shall be defined as a public right of way less than or  
6 equal to 40 feet in width, or any mid-block passage or alley that is less than 40 feet in width  
7 created under the requirements of Section 270.2.

8 (2) "Subject Frontage" shall mean:

9 (A) any building frontage in an RH-1(D), RH-1, or RH-1(S) District that  
10 abuts a Narrow Street; or

11 (B) any building frontage in an RH-2, RH-3, RTO, NC, NCT, or Eastern  
12 Neighborhood Mixed Use District that abuts a Narrow Street and that is more than 60 feet  
13 from an intersection with a sStreet wider than 40 feet.

14 (3) "East-West Narrow Streets" shall mean all Narrow Streets, except those  
15 created pursuant to Section 270.2, that are oriented at 45 degrees or less from a true east-  
16 west orientation or are otherwise named herein: Elm, Redwood, Ash, Birch, Ivy, Linden,  
17 Hickory, Lily, Rose, Laussat, Germania, Clinton Park, Brosnan, Hidalgo, and Alert Streets.

18 (c) **Applicability.** The controls in this Section shall apply in all RH, RTO, NC, NCT,  
19 Eastern Neighborhoods Mixed Use, and South of Market Mixed Use Districts.

20 (d) **Controls.**

21 (1) **General Requirement.** Except as described below, all subject frontages  
22 shall have upper stories set back at least 10 feet at the property line above a height equivalent  
23 to 1.25 times the width of the abutting nNarrow sStreet.

24 (2) **Southern Side of East-West Streets.** All subject frontages on the  
25 southerly side of an East-West Narrow Street shall have upper stories which are set back at



1 the property line such that they avoid penetration of a sun access plane defined by an angle  
2 of 45 degrees extending from the most directly opposite northerly property line (as illustrated  
3 in Figure 261.1A.) No part or feature of a building, including but not limited to any feature  
4 listed in Sections 260(b), may penetrate the required setback plane.

5 \* \* \* \*

6 **SEC. 270. BULK LIMITS: MEASUREMENT.**

7 (a) The limits upon the bulk of buildings and structures shall be as stated in this  
8 Section 270 and in Sections 271 and 272. The terms Diagonal Dimension, Height, Length, and  
9 Plan Dimensions "~~height," "plan dimensions," "length" and "diagonal dimensions"~~ shall be as  
10 defined in this Code. In each height and bulk district, the maximum plan dimensions shall be  
11 as specified in the following table, at all horizontal cross-sections above the height indicated.

12 \* \* \* \*

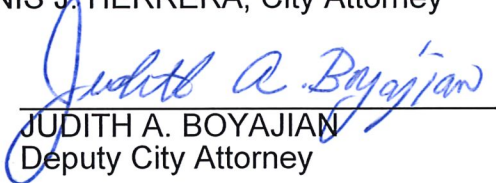
13  
14 Section 3. Effective Date. This ordinance shall become effective 30 days after  
15 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
16 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
17 of Supervisors overrides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

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

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

By:   
JUDITH A. BOYAJIAN  
Deputy City Attorney

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## LEGISLATIVE DIGEST

[Planning Code - Building Standards]

**Ordinance amending the Planning Code to require building setbacks for buildings fronting on narrow streets, modify front yard requirements in Residential Districts, increase required rear yards in single-family zoning districts by five percent, amend the rear yard requirements for through lots and corner lots in certain districts to permit second buildings where specified conditions are met, and allow building height increases to existing stories in existing nonconforming buildings in order to accommodate residential uses; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.**

### Existing Law

- Planning Code Section 102 contains general definitions that are applicable throughout the Code.
- Section 132 establishes requirements for front setback areas in Residential districts. Current standards require front setbacks to match those for adjacent properties, up to a maximum of 15 feet from the property line along a street or alley.
- Section 134 establishes requirements for rear yards in Residential, Neighborhood Commercial, Commercial, and South of Market zoning districts. In Residential districts, it requires a minimum rear yard depth of 25% of the total depth of the lot or 15 feet, whichever is less. Residential buildings are permitted at both ends of a lot only on through lots (lots which have both the front and rear property lines on a street or alley), where abutting lots on both sides have dwellings at both ends of the lot.
- Section 172 prohibits any structure which exceeds permitted height or bulk limits to be enlarged, reconstructed, altered, or relocated.
- Section 209.1 establishes the zoning controls for Residential districts.
- Section 261.1 imposes additional height limits on structures fronting on narrow streets and alleys in Residential Transit-Oriented Neighborhood Districts, Neighborhood Commercial Districts, Neighborhood Commercial Transit Districts, Eastern Neighborhoods Mixed-Use Districts, and South of Market Mixed Use Districts in order to establish an appropriate scale between buildings and streets and to preserve sunlight to narrow alleys.
- Section 270 establishes the bulk limits of buildings and structures.

### Amendments to Current Law

- Section 102 is amended to add definitions for “Diagonal Dimension,” “Ground Floor,” and “Length (of a Building or Structure).”
- Section 132 is amended to reduce the maximum required front setback on narrow alleys from 15 feet to five feet.
- Section 134 is amended to require a rear yard depth of 30% in RH-1(D), RH-1, and RH-1(S) zoning districts and to permit new residential buildings on corner lots, on through lots, and where either adjacent lot has a lawfully-existing building at both ends of the lot.
- Section 172 is amended to permit nonconforming buildings to be raised in height to make an existing story habitable so long as the total number of above-ground stories in the building is not increased.
- Section 209.1’s Zoning Control Table and Section 261.1 are amended to allow height sculpting on Alleys in Residential Housing Districts.

### Background Information

The proposed legislation furthers policies of the City’s General Plan. The Urban Design Element of the General Plan provides that “[t]he width of streets should be considered in determining the type and size of building development, so as to provide enclosing street facades and complement the nature of the street.” Buildings should not be so separated from sidewalks as to leave streets undefined, nor should they be so large as to diminish the value of small streets and alleys as neighborhood spaces for socializing and recreation.

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