



# SAN FRANCISCO PLANNING DEPARTMENT

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April 17, 2019

Ms. Angela Calvillo, Clerk  
Honorable Supervisor Mandelman  
Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

**Re: Transmittal of Planning Department Case Number 2019-001604PCA:  
Building Standards  
Board File No. 190048  
Planning Commission Recommendation: Approval with Modification**

Dear Ms. Calvillo and Supervisor Mandelman,

On April 11, 2019, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Mandelman that would amend 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 use. At the hearing the Planning Commission recommended approval with modification.

The Commission's proposed modifications were as follows:

- Modify the front setback requirement for properties abutting a Street or Alley less than or equal to 40 feet in width in the RH, RTO and RM Districts from 15 to 10 feet
- Clarify the process for altering a non-conforming structure to include
  - Review pursuant to applicable design review guidelines, including the Residential Design Guidelines
  - Exempt alterations from the §311 process; and
  - Clarify the height measurement used for pitched roofs conforms to existing practice in §260
- Further study the effects of imposing the Additional Height Limits for Narrow Streets and Alleys to RH and RM districts
- Eliminate proposed language regarding the purpose of rear yards as providing views into green spaces

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Supervisor, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron D. Starr". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Aaron D. Starr  
Manager of Legislative Affairs

cc:

Judith A. Boyajian, Deputy City Attorney  
Kyle Smealie, Aide to Supervisor Mandelman  
Erica Major, Office of the Clerk of the Board

Attachments:

Planning Commission Resolution  
Planning Department Executive Summary



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Resolution No. 20422

HEARING DATE: APRIL 11, 2019

*Project Name:* Building Standards  
*Case Number:* 2019-001604PCA [Board File No. 190048]  
*Initiated by:* Supervisor Mandelman / Introduced January 15, 2019  
*Staff Contact:* Diego Sanchez, Legislative Affairs  
diego.sanchez@sfgov.org, 415-575-9082  
*Reviewed by:* Aaron D Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 415-558-6362

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Suite 400  
San Francisco,  
CA 94103-2479

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Planning  
Information:  
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**RESOLUTION APPROVING WITH MODIFICATIONS A PROPOSED ORDINANCE THAT WOULD AMEND 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; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.**

WHEREAS, on January 15, 2019 Supervisor Mandelman introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 190048, which would amend 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;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on April 11, 2019; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c) and 15378; and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of

Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves with modifications** the proposed ordinance.

Those modifications include:

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

\*\*\*\*

(e) Maximum Requirements. The maximum required front setback in any of the cases described in this Section 132 shall be 15 feet from the property line along the sStreet or aAlley, or 15% percent of the average depth of the lot from such sStreet or aAlley, whichever results in the lesser requirement. Where a lot faces on a Street or Alley less than or equal to 40 feet in width, the maximum required setback shall be five 10 feet from the property line or 15% of the average depth of the lot from such Street or Alley, whichever results in the lesser requirement. The required setback for lots located within the Bernal Heights Special Use District is set forth in Section 242 of this Code.

\*\*\*\*

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

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

- (1) assure the protection and continuation of established mid-block landscaped open spaces;
- (2) maintain a scale of development appropriate to each district, complementary to the location of adjacent buildings;
- (3) provide natural light and natural ventilation to residences, work spaces, and adjacent rear yards; and
- (4) provide residents with usable open space and views into green spaces.

\*\*\*\*

(f) Second Building on Corner Lots and Through Lots Abutting Properties with Buildings Fronting on Both Streets in RH, RTO, RTO-M, RM-1, and RM-2 Districts. Where a lot is a Corner Lot, or is a through lot having both its front and its rear lot line along Streets, Alleys, or a Street and an Alley, and where an adjoining lot contains a residential or other lawful structure that fronts at the opposite end of the lot, the subject through lot may also have two buildings according to such established pattern, each fronting at one end of the lot, provided that all the other requirements of this Code are met. In such cases, the rear yard required by this Section 134 for the subject lot shall be located in the central portion of the lot, between the two buildings on such lot, and the depth of the rear wall of each building from the Street or Alley on which it fronts shall be established by the average of the depths of the rear building walls of the adjacent buildings fronting on that Street or Alley, or where there is only one adjacent building, by the depth of that building. In no case, however, shall the total minimum rear yard for the subject lot be

thus reduced to less than a depth equal to 20% of the total depth of the subject lot or to less than 15 feet, whichever is greater. For buildings fronting on a Narrow Street as defined in Section 261.1 of this Code, the additional height limits of Section 261.1 shall apply. Furthermore, in all cases in which this subsection (f) is applied, the requirements of Section 132 of this Code for front setback areas shall be applicable along both Street or Alley frontages of the subject through lot.

\* \* \* \*

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

(a) No structure shall be constructed, reconstructed, enlarged, altered, or relocated so as to have or result in a greater height, bulk, or ~~f~~Floor ~~a~~Area ~~r~~Ratio, less ~~r~~Required ~~o~~Open ~~s~~Space as defined in Section 102 of by 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 structure is located; provided, however, that for the purpose of creating habitable space and as long as the number of above-ground building stories is not increased:

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

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

The alterations pursuant to subsections (1) and (2) are subject to applicable design guidelines, height measurements according to Planning Code Section 260, but not to neighborhood notification pursuant to Section 311.

\* \* \* \*

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

(a) Purpose. The intimate character of ~~n~~Narrow ~~s~~Streets, as defined in subsection (b), (~~rights-of-way 40 feet in width or narrower~~) and ~~a~~Alleys is an important and unique component of the City and certain neighborhoods in particular. The scale of these streets should be preserved to ensure they do not become overshadowed or overcrowded. Heights along ~~a~~Alleys and ~~n~~Narrow ~~s~~Streets are hereby limited to provide ample sunlight and air, as follows:

(b) Definitions.

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

(2) "Subject Frontage" shall mean: ~~(A) any building frontage in an RH 1(D), RH 1, or RH 1(S) District that abuts a Narrow Street; or (B) any building frontage in an RH 2, RH 3, RTO, NC, NCT, or Eastern Neighborhood Mixed Use District that abuts a Narrow Street and that is more than 60 feet from an intersection with a sStreet wider than 40 feet.~~

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

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

(d) Controls.

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

(2) Southern Side of East-West Streets. All subject frontages on the southerly side of an East-West Narrow Street shall have upper stories which are set back at the property line such that they avoid penetration of a sun access plane defined by an angle of 45 degrees extending from the most directly opposite northerly property line (as illustrated in Figure 261.1A.) No part or feature of a building, including but not limited to any feature listed in Sections 260(b), may penetrate the required setback plane

Planning Department Staff is directed to study and pursue controls similar to the Additional Height Limits for Narrow Streets and Alleys, as found in Planning Code Section 261.1, for properties in the RM zoning districts.

## FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. Amending the allowed buildable area for properties within the R districts is beneficial when the amendments help reinforce City policies and goals around urban design and housing production.
2. The proposed changes to the front setback requirement and rear yard requirement for corner and through lots both facilitate housing production. The proposed changes to non-conforming structures also helps create new habitable space with the potential to add to the City's housing stock.
3. The proposed amendments to the buildable area for through lots also align with the City's goals around urban design. Facilitating the development of structures at either ends of through lots helps improve or maintain an urban street wall.
4. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

## URBAN DESIGN ELEMENT

### OBJECTIVE 1

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

#### Policy 1.3

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

*The proposed amendments to the buildable area will help new development to contribute to the existing neighborhood character.*

**OBJECTIVE 4**

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

**Policy 4.15**

Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

*The amendments to the setback and yard requirements will help assure provision of open space within new buildings and maintenance of sunlight. This contributes to the livability and character of residential neighborhoods.*

**HOUSING ELEMENT**

**OBJECTIVE 4**

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

**Policy 4.1**

Develop new housing, and encourage the remodeling of existing housing, for families with children.

**Policy 4.4**

Encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible.

*By loosening restrictions on the development of secondary structures on through lots and corner lots, the proposed Ordinance helps the development of new housing, including rental housing and housing for families with children.*

5. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

*The proposed Ordinance would not influence neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail because the Ordinance concerns itself with amending controls on residential development.*

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

*The proposed Ordinance would have a beneficial effect on housing and neighborhood character because it proposes to amend restrictions on the buildable area that would help improve compatibility with the existing development pattern.*

3. That the City's supply of affordable housing be preserved and enhanced;

*The proposed Ordinance would have a beneficial effect on the City's supply of affordable housing as it eases development restrictions on corner and through lots, facilitating the development of new housing units.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

*The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking as the Ordinance concerns itself with restrictions on residential development.*

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

*The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired because the Ordinance proposes to change regulations on residential development.*

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

*The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.*

7. That the landmarks and historic buildings be preserved;

*The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings as it proposes changes to the regulations on residential development broadly and not specifically to landmarks or historic buildings.*

8. That our parks and open space and their access to sunlight and vistas be protected from development;

*The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas as the Ordinance proposes amendments to residential development.*

6. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.



NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on April 11, 2019.



Jonas P. Ionin  
Commission Secretary

AYES: Hillis, Johnson, Koppel, Melgar

NOES: Moore

ABSENT: Richards

ADOPTED: April 11, 2019



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Planning Code Text Amendment

HEARING DATE: APRIL 11, 2019  
90-DAY DEADLINE: APRIL 23, 2019

1650 Mission St.  
Suite 400  
San Francisco,  
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*Project Name:* **Building Standards**  
*Case Number:* **2019-001604PCA** [Board File No. 190048]  
*Initiated by:* Supervisor Mandelman / Introduced January 15, 2019  
*Staff Contact:* Diego Sanchez, Legislative Affairs  
diego.sanchez@sfgov.org, 415-575-9082  
*Reviewed by:* Aaron Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 415-558-6362  
*Recommendation:* **Approval with Modifications**

### PLANNING CODE AMENDMENT

The proposed Ordinance would amend 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.

#### The Way It Is

#### The Way It Would Be

The maximum required front setback for properties in the RH, RTO and RM Districts is 15 feet or 15% the average depth of the lot, whichever is lesser

For properties in the RH, RTO and RM Districts that face a Street or Alley less than or equal to 40 feet in width, the maximum required front setback would be five feet or 15% the average depth of the lot, whichever is less.

The rear yard requirement for properties in the RH-1(D), RH-1 and RH-1(S) is 25% of the total lot depth, but in no case less than 15 feet.

The rear yard requirement for properties in the RH-1(D), RH-1 and RH-1(S) would be 30% of the total lot depth, but in no case less than 15 feet. Exceptions for Corner Lots and through lots abutting properties with buildings fronting both streets would be provided, including a rear yard requirement of 20% of lot depth

Through lot properties with front and rear lot lines along streets, alleys, or a street and an alley,

Corner lots and through lot properties with front and rear lot lines along streets, alleys, or a street

(subject lot) within the RH-2, RH-3, RTO, RTO-M, RM-1, and RM-2 Districts may develop new buildings on opposite ends of the lot if both adjoining lots to the subject lot are also through lots and contain dwellings or group housing structures on opposite ends of the lots. The required rear yard for the subject lot must be in the middle of the lot between the two new buildings. The depth of the rear yard building walls on the subject lot must be the average of the depths of the building walls of the adjacent buildings and in no case can the subject lot rear yard be reduced to a depth less than 25% of the total depth of the subject lot or less than 15 feet, whichever is greater. Corner lots, as defined in the Planning Code Section 102, are allowed a similar development pattern, through Planning Code interpretation

and an alley, (subject lot) within the *RH-1, RH-1(D), RH-1(S)*, RH-2, RH-3, RTO, RTO-M, RM-1, and RM-2 Districts would be allowed to develop new buildings on opposite ends of the lot if *one* adjoining lot to the subject lot contains *a lawful structure* fronting at opposite ends of the lot. The rear yard for the subject lot would have to be in the middle of the lot between the two new buildings. The depth of the rear yard building walls on the subject lot would be the average of the depths of the building walls of the adjacent buildings and in no case would the subject lot rear yard be reduced to a depth less than 20% of the total depth of the subject lot or less than 15 feet, whichever is greater. *Buildings fronting a Narrow Street, as defined in Planning Code Section 261.1, would be subject to the additional building heights in Section 261.1.*

Altering internal ceiling heights in non-conforming structures and replacing flat roofs with pitched roofs is prohibited if these alterations result in a greater height, a greater Floor Area Ratio, less required open space or less off-street loading than permitted or required in the district in which the structure is located

Altering internal ceiling heights in non-conforming structures to create an interior floor-to-ceiling height of up to nine feet and replacing a flat roof with a pitched roof would be allowed if either create more habitable space and do not increase the number of above-ground building stories

Additional height limits for properties on public rights of way 40 feet or less in width (Narrow Streets) or for properties on a Narrow Street that are more than 60 feet from an intersection with a Street wider than 40 feet do not apply to in the RH-1(D), RH-1, RH-1(S), RH-2, and RH-3 districts

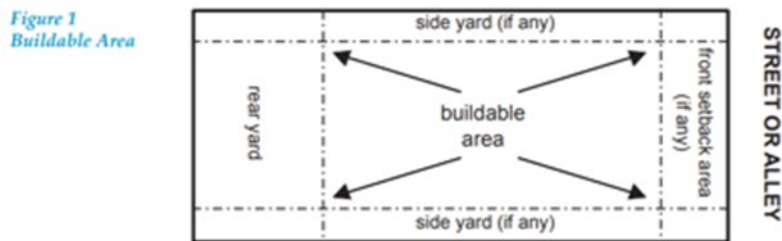
Additional height limits would apply to properties on Narrow Streets in the RH-1(D), RH-1, or RH-1(S) districts or for properties on a Narrow Street that are more than 60 feet from an intersection with a Street wider than 40 feet in the RH-2 and RH-3 districts. The additional height limits include (a) setting back upper stories at least 10 feet at the property line above a height 1.25 times the width of the abutting Narrow Street, and (b) for properties also on a Narrow Street oriented at 45 degrees or less from a true east-west orientation or for properties on Elm, Redwood, Ash, Birch, Ivy, Linden, Hickory, Lily, Rose, Laussat, Germania, Clinton Park, Brosnan, Hidalgo, or Alert Streets upper stories would be set back to avoid penetration of a sun access plane defined by a 45 degree angle extending from the most directly opposite northerly property line

## ISSUES AND CONSIDERATIONS

### Buildable Area in R Districts

To regulate the size and location of structures on lots in the Residential (R) districts, the Planning Code establishes setback and yard requirements as well as height limits. The area on the lot exclusive of the front setback and side and rear yards, but including any permitted obstructions into these, is considered the buildable area.<sup>1</sup> The figure below illustrates this area. Applying height limits, including special height limits imposed on certain R districts or special use districts, in conjunction with area requirements results in the buildable envelope. The buildable envelope is a volumetric conceptualization of development potential.

BUILDABLE AREA FIGURE



### Front Setback

The front setback is the distance between the front property line and the front façade of a building. The Planning Code requires the front setback on lots in the RTO, RH and RM districts to be the average of the existing setbacks of the two adjacent buildings. However, in all cases the Planning Code limits the maximum front setback to 15 feet or 15% of subject lot depth, whichever is less. The Planning Code also affords alternative methods of measuring the required front setback, including in the cases of corner lots, vacant adjacent lots, lots abutting properties fronting on another public right of way, and lots abutting certain zoning districts.<sup>2</sup>

Front setbacks serve several purposes. Very broadly, a well-designed front setback provides a transition between the public realm and the private dwelling unit. It also balances a sense of privacy with the ability for residents to use the space and provide “eyes on the street.” Together this results in a physical and psychological buffer between those areas and promotes a sense of safety and comfort.

More concretely, front setbacks can provide usable open space, landscaped areas, and permeable areas for stormwater infiltration. They also serve as spaces for stairs, stoops, and accessibility ramps into street level dwelling units. Indeed, the Guidelines for Ground Floor Residential Design highlight specific

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<sup>1</sup> Zoning Administrator Bulletin No. 5: Buildable Area for Lots in RH, RM, RC, and RTO Districts  
[http://default.sfplanning.org/publications\\_reports/ZAB\\_05\\_Buildable\\_Area.pdf](http://default.sfplanning.org/publications_reports/ZAB_05_Buildable_Area.pdf)

<sup>2</sup> Planning Code Section 132

ground floor residential entry types that depend on front setbacks of approximately 10 feet.<sup>3</sup> These include the Exterior Stoop entrance, the At Grade Entrance, and the Sub-Grade Entrance.

### Rear Yards

Rear yards, according to the Planning Code, are in place to protect and continue the established midblock pattern, provide open space, and maintain an appropriate development scale consistent with surrounding conditions.<sup>4</sup> It is also often the case that proposed projects use the rear yard to satisfy Planning Code required useable open space and dwelling unit exposure. The guidelines for rear yards in the Residential Design Guidelines (RDG) reinforce and complement the Planning Code purposes. The RDG emphasize the role rear yards play in respecting the mid-block open space. In addition, the RDG note that rear yards are integral to providing light and privacy to the subject building as well as to adjacent ones. The RDG are also clear that the General Plan, the Planning Code or the RDG themselves do not protect views from private property, including from rear yards, into open spaces or other points of interest.<sup>5</sup>

The rear yard requirement differs across the R districts. For example, in the RH-1, RH-1(D), RH-1(S) districts, the RM districts and the RC districts the Planning Code requires a rear yard equal to 25% of lot depth or 15 feet, whichever is greater. In contrast, the Planning Code requires a rear yard equal to 45% of lot depth in the RH-2, RH-3, RTO and RM districts, allowing for circumstances where this can be reduced. In practice, the application of the RDG rarely allows 75% lot coverage in the RH-1, RH-1(D), RH-1(S) districts. The rear of buildings is typically scaled back in deference to mid-block considerations, as well as for the light and privacy concerns of adjacent properties.

### Development on Corner Lots and Through Lots

The Planning Code defines a Corner Lot as a lot bounded on two or more adjoining sides by streets that intersect adjacent to such lot. Through lots are lots with front and rear lot lines on streets or alleys. It is possible that a lot is both a Corner Lot and a through lot.

The Planning Code has specific requirements for developing two separate structures on either ends of through lots. One is that the adjoining lots typically must be through lots and these lots must contain residential structures at both ends. Another is that the rear yard of the subject lot must be located in between the two separate structures. Last, the depth of the subject rear yard depends on the adjacent rear yards but can never be less than 25% of the total subject lot depth or 15 feet, whichever is greater. The Planning Code allows Corner Lots to be developed in a similar fashion to through lots if the lone adjacent lot to the subject Corner Lot also has buildings at either ends.<sup>6</sup>

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<sup>3</sup> Guidelines for Ground Floor Residential Design.

[http://default.sfplanning.org/publications\\_reports/Guidelines\\_for\\_Groundfloor\\_Residential\\_Design.pdf](http://default.sfplanning.org/publications_reports/Guidelines_for_Groundfloor_Residential_Design.pdf)

<sup>4</sup> Planning Code Section 134

<sup>5</sup> Residential Design Guidelines, pages 5, 16-18

[http://default.sfplanning.org/publications\\_reports/residential\\_design\\_guidelines.pdf](http://default.sfplanning.org/publications_reports/residential_design_guidelines.pdf)

<sup>6</sup> Planning Code Section 134(c)(4)(C); Planning Code Interpretation §134(c)(4)(C) Rear yard between buildings, 8/90

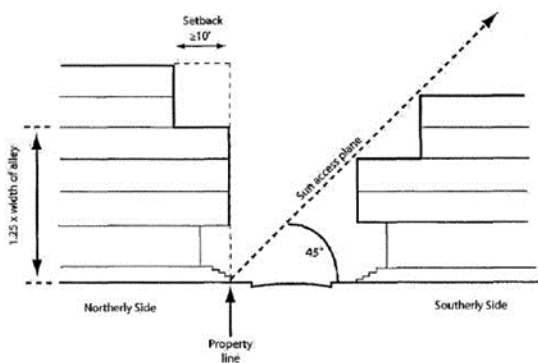
Like the allowance granted Corner Lots, the Planning Code, through interpretation, grants other through lot configurations the ability to develop structures at either ends of the lot. For example, two 1985 Planning Code Interpretations allow through lots not adjoining other through lots to develop structures at either ends of the subject through lot if the adjoining lots have street fronting structures. In general, the development pattern and its promotion are the relevant issues when allowing structures at either ends of a lot.<sup>7</sup>

### Narrow Streets Height Controls

Narrow Streets are defined as public rights of way 40 feet or less in width or mid-block passages less than 40 feet wide created pursuant to the Special Bulk and Open Space Requirements for large lot development.<sup>8</sup> Currently the Planning Code applies additional height controls on buildings abutting Narrow Streets in the RTO, NC, NCT and Eastern Neighborhood Mixed Use Districts. Further, only building frontages more than 60 feet from an intersection with a street wider than 40 are affected. The additional height controls are as follows:

1. Generally, the requirement is that upper stories of a building on a Narrow Street be set back at least 10 feet at the property line. The set back is required at a height equivalent to 1.25 times the width of the abutting Narrow Street.
2. On the southerly side of Narrow Streets running east to west, upper stories are required to be set back to preserve a sun access plane, as depicted in the figure below.
3. Last, in the Central SoMa Special Use District buildings on Narrow Streets running north-south are subject to the sun access plan control as well as additional mass reduction requirements, outlined in a subsequent Planning Code Section.

NARROW STREETS HEIGHT LIMIT, FIGURE 261.1A



<sup>7</sup> Planning Code Interpretation §134(c)(4)(C) Rear yard, through lot, abutting properties not through lots, 5/85 and 4/85

<sup>8</sup> Planning Code Sections 261.1 and 270.2

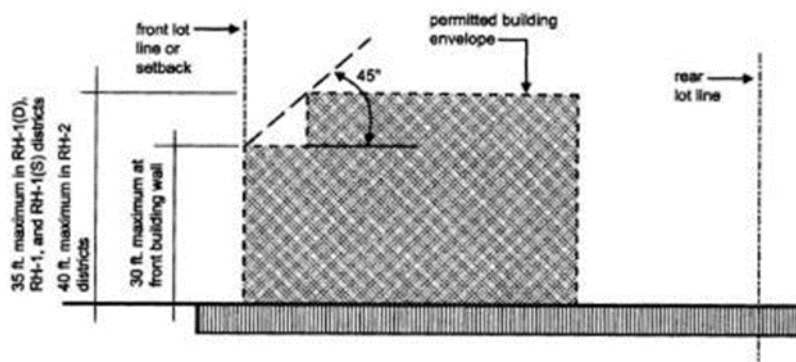
Because the additional height limits apply at a height 1.25 times the width of the abutting Narrow Street, the general requirement typically results in stories above the third being set back. Street width also effects the sun access plane controls for east-west rights of way because the access plane starts at the most directly opposite northerly property line.

The effects of extending these additional height controls to zoning districts with typical height limits of 40 feet or less, such as the RH zoning districts, may be limited or unclear. For example, the map in Exhibit B shows Narrow Streets in RH districts where properties would potentially be affected by the proposed additional height limits. These properties tend to be concentrated only near areas with sharp changes in topography such as Bernal Hill, Glen Canyon or Mount Davidson. Further, the Planning Code generally limits the height of buildings in RH-1 zoning districts to 35 feet, making exceptions for certain upsloping lots. The Department does not inventory the number of upsloping lots on Narrow Streets and cannot accurately gauge the effect of additional height limits on these properties.

There are also other height controls unrelated to site topography. For example, the Planning Code limits the height of the front of buildings in RH-1 and RH-2 zoning districts to 30 feet and requires a setback above that height to follow a 45-degree plane from the front of the building to the rear lot line (see figure below).<sup>9</sup> The RDG also moderates building heights in all RH zoning districts, often resulting in top stories being set back 15 feet from the main building wall.<sup>10</sup>

It is also important to consider the heights of properties at street intersections. The existing additional height controls do not affect corner properties on Narrow Streets, as only buildings 60 feet or more from a qualifying intersection are required to set back upper stories. This is further reinforced by the RDG' direction to emphasize corner property heights for visual appeal.<sup>11</sup> The proposed additional height limits would clash with this longstanding design principle.

HEIGHT LIMITS TO FRONT PORTION OF PROPERTY IN RH-1 AND RH-2



<sup>9</sup> Planning Code Section 261

<sup>10</sup> Residential Design Guidelines, pages 23-25

<sup>11</sup> Residential Design Guidelines, pages 19-20

### **Altering Non-Complying Structures**

Structures that existed lawfully at the effective date of the Planning Code, or of amendments thereto, and which do not comply with one or more of the regulations for structures are considered non-complying structures. The Planning Code allows alterations to non-complying structures if it does not increase or create a new discrepancy between the existing conditions and the current standards for new construction.

In certain instances, it may be beneficial to alter a non-complying structure even if it increases a discrepancy with the Planning Code. One instance is when creating habitable space for residential uses. This may require increasing floor to ceiling heights, and possibly roof form, to meet minimum Building Code requirements for residential uses. Because there is no process for altering a non-complying structure if the alteration increases a discrepancy with the Planning Code, it is imperative that one be clarified. Because allowing such alterations would be a new process, it is important to explicitly list any required design review, neighborhood notification, and Planning Code review.

### **General Plan Compliance**

The Ordinance and proposed modifications are, on balance, in harmony with the Objectives and Policies of the General Plan. With respect to the Urban Design Element, the proposed amendments to the buildable area in R districts will help new development contribute to the livability and character of residential neighborhoods. In relation to the Housing Element, the loosening of restrictions on the development of secondary structures on through lots and Corner Lots helps add new housing, including rental housing and housing for families with children, to the City's stock.

### **Implementation**

The Department has determined that this Ordinance will impact our current implementation procedures; however, the proposed changes can be implemented without increasing permit costs or review time if the proposed Ordinance is modified and clarifications to Department processes are made. Further, Zoning Administrator Bulletin No. 5: Buildable Area for Lots in RH, RM, RC and RTO Districts would have to be amended to reflect changes to the set backs and yards requirements and the height limitations as proposed by the Ordinance.

## **RECOMMENDATION**

The Department recommends that the Commission *approve with modifications* the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department's proposed recommendations are as follows:

1. Modify the front setback requirement for properties in the RH, RTO and RM Districts from 15 to 10 feet.
2. Clarify the process for altering a non-conforming structure to include
  - a. Review pursuant to applicable design review guidelines, including the Residential Design Guidelines
  - b. Exempt alterations from the §311 process; and
  - c. Clarify the height measurement used for pitched roofs conforms to existing practice in §260
3. Further study the effects of imposing the Additional Height Limits for Narrow Streets and Alleys to RH districts.
4. Eliminate proposed language regarding the purpose of rear yards as providing views into green spaces



## BASIS FOR RECOMMENDATION

The Department supports the intentions of the proposed Ordinance. Amending the allowed buildable area for properties within the R districts can make sense, especially when the amendments help reinforce City policies and goals around urban design and housing production. The Department is proposing the following modifications with the aim of further aligning the Ordinance with planning policies and goals as well as for improved implementation:

**Recommendation 1: Modify the front setback requirement for properties in the RH, RTO and RM Districts from 15 to 10 feet.** Reducing the maximum required front setback can provide additional buildable area to lots, and facilitate the addition of residential units, including Accessory Dwelling Units. In this context, the Department supports this added flexibility. Nonetheless, certain circumstances merit a sizeable front setback. Beyond providing ample space for landscaping, stormwater infiltration and open space, a 10-foot setback affords space for stoops, entryway setbacks and accessible entries. These are key features ensuring a measure of livability for below- or at-grade residential units. When applicable, the Department should have the ability to require a setback of this magnitude, in alignment with the Guidelines for Ground Floor Residential Design.

**Recommendation 2: Clarify the process for altering a non-conforming structure.** The Department supports providing added flexibility to create habitable space, especially considering the current housing shortage. It is prudent, from an implementation perspective, to lay out an entitlement process to do so. The Department believes that the entitlement process should include compliance with applicable design guidelines. This would assure any exterior alterations, including to roof lines, are compatible with surrounding buildings. The entitlement process should also explicitly note that these alterations are exempt from neighborhood notification pursuant to Planning Code Section 311 and that building heights would be measured according to existing procedures in Planning Code Section 260.

**Recommendation 3: Further study the effects of imposing the Additional Height Limits for Narrow Streets and Alleys to RH districts.** The Department acknowledges that good urban design recognizes the relationship between street width and building height. On the surface it appears beneficial to extend the existing additional height limits for buildings on Narrow Streets to other R districts. However, there are several uncertainties associated with these additional height controls. For example, the Planning Code affords exceptions to height limits for buildings in RH district on upsloping lots. Unfortunately, the Planning Department does not catalog the number of properties in RH districts abutting Narrow Streets on upsloping lots. In typical cases, the building envelopes in the RH districts are already restricted to less than 40 feet in height, putting in doubt the need for additional controls. Further, application of the RDGs often result in upper story setbacks. Last, the value of extending the additional height controls to buildings at street intersections is also unclear, given the longstanding guidance the RDGs provide for emphasizing height at street corners. Given this, the Department believes further study should inform any changes to building heights for properties abutting Narrow Streets in the RH districts prior to their enactment.

**Recommendation 4: Eliminate proposed language regarding the purpose of rear yards as providing views into green spaces.** Rear yards have multiple functions, from preserving the mid-block open space to serving as an area for Planning Code required usable open space. However, rear yards are not recognized by the General Plan or Planning Code as providing views into green spaces. This is because private views into areas of interest- open spaces, bodies of water, skylines, etc. – are not protected.

Adding such language would confuse the purpose of rear yards and lay the ground work for future disputes over minor residential development that is otherwise currently allowed.

### **REQUIRED COMMISSION ACTION**

The proposed Ordinance is before the Commission so that it may approve it, reject it, or approve it with modifications.

### **ENVIRONMENTAL REVIEW**

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

### **PUBLIC COMMENT**

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

#### **Attachments:**

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Map: Extending Additional Height Controls Along Narrow Streets in RH Zoning Districts
- Exhibit C: Board of Supervisors File No. 190048