1	[Ordinance to Require Twenty Percent of a Required Setback To Remain Unpaved and
2	Devoted to Plant Material and to Prohibit Parking in Required Setbacks.]
3	Ordinance amonding Sections 422 and 426 of the Blanning Code to require that twenty
4	Ordinance amending Sections 132 and 136 of the Planning Code to require that twenty
5	percent of required setback areas remain unpaved and devoted to plant material, and
6	to prohibit parking from obstructing required setbacks.
7	Note: Additions are <u>single-underline italics Times New Roman</u> ; deletions are <u>strikethrough italics Times New Roman</u> . Board amendment additions are <u>double underlined</u> .
8	Board amendment deletions are strikethrough normal.
9	Be it ordained by the People of the City and County of San Francisco:
11	Section 1. The San Francisco Planning Code is hereby amended by amending Section
12	132, to read as follows:
13	Section 132. FRONT SETBACK AREAS, RH AND RM DISTRICTS.
14	The following requirements for minimum front setback areas shall apply to every
15	building in all RH and RM Districts, in order to relate the setbacks provided to the existing
16	front setbacks of adjacent buildings.
17	(a) Basic Requirement. Where one or both of the buildings adjacent to the
18	subject property have front setbacks along a street or alley, any building or addition
19	constructed, reconstructed or relocated on the subject property shall be set back to the
	average of the two adjacent front setbacks. If only one of the adjacent buildings has a
20	front setback, or if there is only one adjacent building, then the required setback for the
21	subject property shall be equal to one-half the front setback of such adjacent building.
22	In any case in which the lot constituting the subject property is separated from the lot
23	containing the nearest building by an undeveloped lot or lots for a distance of 50 feet or
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less parallel to the street or alley, such nearest building shall be deemed to be an

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(b)

"adjacent building," but a building on a lot so separated for a greater distance shall not

be deemed to be an "adjacent building."

Alternative Method of Averaging. If, under the rules stated in Subsection

(a) above, an averaging is required between two adjacent front setbacks, or between

one adjacent setback and another adjacent building with no setback, the required

setback on the subject property may alternatively be averaged in an irregular manner

within the depth between the set-backs of the two adjacent buildings, provided that the

area of the resulting setback shall be at least equal to the product of the width of the

subject property along the street or alley times the setback depth required by

Subsections (a) and (c) of this Section; and provided further, that all portions of the

resulting setback area on the subject property shall be directly exposed laterally to the

setback area of the adjacent building having the greater setback. In any case in which

this alternative method of averaging has been used for the subject property, the extent of the front setback on the subject property for purposes of Subsection (c) below

relating to subsequent development on an adjacent site shall be considered to be as

required by Subsection (a) above, in the form of a single line parallel to the street or

alley. (c) Method of Measurement. The extent of the front setback of each adjacent building shall be taken as the horizontal distance from the property line along the street or

alley to the building wall closest to such property line, excluding all projections from such wall, all decks and garage structures and extensions, and all other obstructions.

(d) Applicability to Special Lot Situations. (1)Corner Lots and Lots at Alley Intersections. On a corner lot as defined by this Code, or a lot at the intersection of a street and an alley or two alleys, a front setback area

shall be required only along the street or alley elected by the owner as the front of the

Supervisor Sandoval **BOARD OF SUPERVISORS**

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- property. Along such street or alley, the required setback for the subject lot shall be equal to ½
 the front setback of the adjacent building.
 - (2) Lots Abutting Properties That Front on Another Street or Alley. In the case of any lot that abuts along its side lot line upon a lot that fronts on another street or alley, the lot on which it so abuts shall be disregarded, and the required setback for the subject lot shall be equal to the front setback of the adjacent building on its opposite side.
 - (3) Lots Abutting RC, C, M and P Districts. In the case of any lot that abuts property in an RC, C, M or P District, any property in such district shall be disregarded, and the required setback for the subject lot shall be equal to the front setback of the adjacent building in the RH or RM District.
 - (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 street or alley, or 15 percent 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.
 - (f) Permitted Obstructions. Only those obstructions specified in Section 136 of this Code shall be permitted in a required front setback area, and no other obstruction shall be constructed, placed or maintained within any such area. No motor vehicle, trailer, boat or other vehicle shall be parked or stored within any such area, except as specified in Section 136.
 - (g) Landscaping. All front setback areas required by this Section 132 shall be appropriately landscaped, and in every case not less than 20 percent of the required setback area shall be *and remain* unpaved and devoted to plant material.

1 (h) Relationship to Legislated Setback Lines. In case of any conflict between the requirements of this Section 132 for front setback areas and a legislated setback line as 2 3 described in Section 131 of this Code, the more restrictive requirements shall prevail. 4 Section 2. The San Francisco Planning Code is hereby amended by amending Section 5 136, to read as follows: 6 Section 136. OBSTRUCTIONS OVER STREETS AND ALLEYS AND IN REQUIRED 7 SETBACKS, YARDS AND USABLE OPEN SPACE 8 9 Useable Open Streets and 10 Setbacks Yards 11 12 13 SEC. 136. OBSTRUCTIONS OVER STREETS AND ALLEYS AND 14 IN REQUIRED SETBACKS, YARDS AND USABLE OPEN SPACE. 15

The following obstructions shall be permitted, in the manner

specified, as indicated by the symbol "X" in the columns at the left,

within the required open areas listed herein:

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1 2 3 4	Streets and	Setbacks	Yards	Useable Open	
5					(1) Projections from a building or structure extending over a street
6					or alley as defined by this Code. Every portion of such projections
7					over a street or alley shall provide a minimum of 7-1/2 feet of vertical
8					clearance from the sidewalk or other surface above which it is
9					situated, or such greater vertical clearance as may be required by the
10					San Francisco Building Code, unless the contrary is stated below.
11					The permit under which any such projection over a street or alley is
12					erected over public property shall not be construed to create any
13					perpetual right but is a revocable license;
14					(2) Obstructions within legislated setback lines and front setback
15					areas, as required by Sections 131 and 132 of this Code;
16					(3) Obstructions within side yards and rear yards, as required by
17					Sections 133 and 134 of this Code;
18					
19					(4) Obstructions within usable open space, as required by Section
20					135 of this Code.
21					(b) No obstructions shall be constructed, placed or maintained in
22					any such required open area except as specified in this Section.
23					
24					(c) The permitted obstructions shall be as follows:
25					

1 2 3 4	Streets and	Setbacks	Yards	Useable Open	
5	Х	Х	Χ	Χ	(1) Overhead horizontal projections (leaving at least 7-1/2 feet of
6					headroom) of a purely architectural or decorative character such as
7					cornices, eaves, sills and belt courses, with a vertical dimension of no
8					more than two feet six inches, not increasing the floor area or the
9					volume of space enclosed by the building, and not projecting more
10					than:
11					(A) At roof level, three feet over streets and alleys and into
12					setbacks, or to a perimeter in such required open areas parallel to
13					and one foot outside the surfaces of bay windows immediately below
14					such features, whichever is the greater projection,
15					(B) At every other level, one foot over streets and alleys and into
16					setbacks, and
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18					(C) Three feet into yards and usable open space, or 1/6 of the
19					required minimum dimensions (when specified) of such open areas,
20					whichever is less;
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1 2 3 4	Streets and	Setbacks	Yards	Useable Open	
5	Х	Χ	Χ	Χ	(2) Bay (projecting) windows, balconies (other than balconies
6					used for primary access to two or more dwelling units or two or more
7					bedrooms in group housing), and similar features that increase either
8					the floor area of the building or the volume of space enclosed by the
9					building above grade, when limited as specified herein. With respect
10					to obstructions within yards and usable open space, the bay windows
11					and balconies specified in Paragraph (c)(3) below shall be permitted
12					as an alternative to those specified in this Paragraph (c)(2).
13					
14					(A) The minimum headroom shall be 7-1/2 feet.
15					
16					(B) Projection into the required open area shall be limited to three
17					feet, provided that projection over streets and alleys shall be further
18					limited to two feet where the sidewalk width is nine feet or less, and
19					the projection shall in no case be closer than eight feet to the
20					centerline of any alley.
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1 2 3 4	Streets and	Setbacks	Yards	Useable Open	
5					(C) The glass areas of each bay window, and the open portions of
6					each balcony, shall be not less than 50 percent of the sum of the
7					areas of the vertical surfaces of such bay window or balcony above
8					the required open area. At least 1/3 of such required glass area of
9					such bay window, and open portions of such balcony, shall be on one
10					or more vertical surfaces situated at an angle of not less than 30
11					degrees to the line establishing the required open area. In addition, at
12					least 1/3 of such required glass area or open portions shall be on the
13					vertical surface parallel to, or most nearly parallel to, the line
14					establishing each open area over which the bay window or balcony
15					projects.
16					(D) The maximum length of each bay window or balcony shall be
17					15 feet at the line establishing the required open area, and shall be
18					reduced in proportion to the distance from such line by means of 45
19					degree angles drawn inward from the ends of such 15-foot
20					dimension, reaching a maximum of nine feet along a line parallel to
21					and at a distance of three feet from the line establishing the required
22					open area.
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1 2 3 4	Streets and	Setbacks	Yards	Useable Open	
5					(E) Where a bay window and a balcony are located immediately
6					adjacent to one another, and the floor of such balcony in its entirety
7					has a minimum horizontal dimension of six feet, the limitations of
8					Subparagraph (c)(2)(D) above shall be increased to a maximum
9					length of 18 feet at the line establishing the required open area, and a
10					maximum of 12 feet along a line parallel to and at a distance of three
11					feet from the line establishing the required open area.
12					
13					(F) The minimum horizontal separation between bay windows,
14					between balconies, and between bay windows and balconies (except
15					where a bay window and a balcony are located immediately adjacent
16					to one another, as provided for in Subparagraph (c)(2)(E) above),
17					shall be two feet at the line establishing the required open area, and
18					shall be increased in proportion to the distance from such line by
19					means of 135-degree angles drawn outward from the ends of such
20					two-foot dimension, reaching a minimum of eight feet along a line
21					parallel to and at a distance of three feet from the line establishing the
22					required open area.

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1 2 3 4	Streets and	Setbacks	Yards	Useable Open	
5					(G) Each bay window or balcony over a street or alley, setback or
6					rear yard shall also be horizontally separated from interior lot lines
7					(except where the wall of a building on the adjoining lot is flush to the
8					interior lot line immediately adjacent to the projecting portions of such
9					bay window or balcony) by not less than one foot at the line
10					establishing the required open area, with such separation increased
11					in proportion to the distance from such line by means of a 135-degree
12					angle drawn outward from such one-foot dimension, reaching a
13					minimum of four feet along a line parallel to and at a distance of three
14					feet from the line establishing the required open area;
15					
16					(3) Bay (projecting) windows, balconies (other than balconies
17					used for primary access to two or more dwelling units or two or more
18					bedrooms in group housing), and similar features that increase either
19					the floor area of the building or the volume of space enclosed by the
20					building above grade, when limited as specified herein. With respect
21					to obstructions within yards and usable open space, the bay windows
22					and balconies specified in Paragraph (c)(2) above shall be permitted
23					as an alternative to those specified in this Paragraph (c)(3).

1 2 3 4	Streets and	Setbacks	Yards	Useable Open	
5					(A) The minimum headroom shall be 7-1/2 feet.
6					
7					(B) Projection into the required open area shall be limited to three
8					feet, or 1/6 of the required minimum dimension (when specified) of
9					the open area, whichever is less.
10					· · · · · · · · · · · · · · · · · · ·
11					(C) In the case of bay windows, the maximum length of each bay
12					window shall be 10 feet, and the minimum horizontal separation
13					between bay windows shall be five feet, above all parts of the
14					required open area.
15					(D) The aggregate length of all bay windows and balconies
16					projecting into the required open area shall be no more than 2/3 the
17					buildable width of the lot along a rear building wall, 2/3 the buildable
18					length of a street side building wall, or 1/3 the length of all open areas
19					along the buildable length of an interior side lot line; in the case of
					yards, these limits on aggregate length shall apply to the aggregate of
20					all bay windows, balconies, fire escapes and chimneys.
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1 2 3 4	Streets and	Setbacks	Yards	Useable Open	
5	Х	Х	Х	Х	(4) Fire escapes, leaving at least 7-1/2 feet of headroom exclusive
6					of drop ladders to grade, and not projecting more than necessary for
7					safety or in any case more than four feet six inches into the required
8					open area. In the case of yards, the aggregate length of all bay
9					windows, balconies, fire escapes and chimneys that extend into the
10					required open area shall be no more than 2/3 the buildable width of
11					the lot along a rear building wall, 2/3 the buildable length of a street
12					side building wall, or 1/3 the buildable length of an interior side lot
13					line;
14				Х	(5) Overhead horizontal projections other than those listed in
15					Paragraphs (c)(1), (2), (3) and (4) above, leaving at least 7-1/2 feet of
16					headroom, where the depth of any such projection is no greater than
17					the headroom it leaves, and in no case is greater than 10 feet; and
18					provided that, in the case of common usable open space at ground
19					level, the open space under the projection directly adjoins uncovered
20					usable open space that is at least 10 feet in depth and 15 feet in
21					width;
22					

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1 2 3 4	Streets and	Setbacks	Yards	Useable Open	
5			Х		(6) Chimneys not extending more than three feet into the required
6					open area or 1/6 of the required minimum dimension (when specified)
7					of the open area, whichever is less; provided, that the aggregate
8					length of all bay windows, balconies, fire escapes and chimneys that
9					extend into the required open area is no more than 2/3 the buildable
10					width of the lot along a rear building wall, 2/3 the buildable length of a
11					street side building wall, or 1/3 the buildable length of an interior side
12					lot line;
13	Χ				(7) Temporary occupancy of street and alley areas during
14					construction and alteration of buildings and structures, as regulated
15					by the Building Code and other portions of the Municipal Code;
16	Χ				(8) Space below grade, as regulated by the Building Code and
17					other portions of the Municipal Code;
18	Х	Х			(9) Building curbs and buffer blocks at ground level, not exceeding
19					a height of nine inches above grade or extending more than nine
20					inches into the required open area;
21	Х	Х			(10) Signs as regulated by Article 6 of this Code, at locations and to
22					the extent permitted therein;
23					,

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1 2 3 4	Streets and	Setbacks	Yards	Useable Open	
5	Х	Х			(11) Flagpoles for projecting flags permitted by Article 6 of this
6					Code;
7	Χ	Χ			(12) Marquees, awnings and canopies in P, NC, C, M, and RSD,
8					SPD, SLR, SLI and SSO districts, as regulated by the Building Code,
9					
10					and as further limited in Section 136.1 and other provisions of this Code;
11		Χ	Χ	Χ	(13) Retaining walls that are necessary to maintain approximately
12					the grade existing at the time of construction of a building. Other
13					retaining walls and the grade maintained by them shall be subject to
14					
15					the same regulations as decks (see Paragraphs (c)(24) and (c)(25)
16					below);
17					

1 2 3 4	Streets and	Setbacks	Yards	Useable Open	
5		Х	Х	Х	(14) Steps of any type not more than three feet above grade, and
6					uncovered stairways and landings not extending higher than the floor
7					level of the adjacent first floor of occupancy above the ground story,
8					and, in the case of yards and usable open space, extending no more
9					than six feet into the required open area for any portion that is more
10					than three feet above grade, provided that all such stairways and
11					landings shall occupy no more than 2/3 the buildable width of the lot
12					along a front or rear building wall, 2/3 the buildable length of a street
13					side building wall, or 1/3 the length of all open areas along the
14					buildable length of an interior side lot line;
15	Х	Х	Х	Х	(15) Railings no more than three feet six inches in height above any
16					permitted step, stairway, landing, fire escape, deck, porch or balcony,
17					or above the surface of any other structure permitted in the required
18					open area.
19		Χ	Χ	Х	(16) Decorative railings and decorative grille work, other than wire
20					mesh, at least 75 percent open to perpendicular view and no more
21					than six feet in height above grade;
22		Χ	Х	Χ	(17) Fences no more than three feet in height above grade;
23					
24					

1 2 3 4	Streets and	Setbacks	Yards	Useable Open	
5			Χ	Х	(18) Fences and wind screens no more than six feet in height
6					above grade;
7			Х		(19) Fences and wind screens no more than 10 feet in height
8					above grade;
9			Х	Х	(20) Normal outdoor recreational and household features such as
11					play equipment and drying lines;
12 13		Х	Х	Х	(21) Landscaping and garden furniture;
14 15 16 17			X	Х	(22) Garden structures enclosed by walls on no more than 50 percent of their perimeter, such as gazebos and sunshades, if no more than eight feet in height above grade and covering no more than 60 square feet of land;
18 19			Х		(23) Other structures commonly used in gardening activities, such
20					as greenhouses and sheds for storage of garden tools, if no more
21					than eight feet in height above grade and covering no more than 100
22					square feet of land;
23			Х		(24) Decks, whether attached to a building or not, at or below the
24					adjacent first floor of occupancy, if developed as usable open space
25					and meeting the following requirements:

1 2 3 4	Streets and	Setbacks	Yards	Useable Open	
5					(A) Slope of 15 percent or less. The floor of the deck shall not
6					exceed a height of three feet above grade at any point in the required
7					open area, nor shall such floor penetrate a plane made by a vertical
8					angle 45 degrees above horizontal with its vertex three feet above
9					grade at any lot line bordering the required open area,
10					
11					(B) Slope of more than 15 percent and no more than 70 percent.
12					The floor of the deck shall not exceed a height of three feet above
13					grade at any point along any lot line bordering the required open
14					area, nor shall such floor penetrate a plane made by a vertical angle
15					45 degrees above horizontal with its vertex three feet above grade at
16					any lot line bordering the required open area, except that when two or
17					more lots are developed with adjacent decks whose floor levels differ
18					by not more than three feet, whether or not the lots will remain in the
19					same ownership, each deck may come all the way to the lot line
20					adjacent to the other deck. In addition, the vertical distance measured
21					up from grade to the floor of the deck shall not exceed seven feet at
22					any point in the required open area,
23					

1 2 3 4	Streets and	Setbacks	Yards	Useable Open	
5					(C) Slope of more than 70 percent. Because in these cases the
6					normal usability of the required open area is seriously impaired by the
7					slope, a deck covering not more than 1/3 the area of the required
8					open area may be built exceeding the heights specified above,
9					provided that the light, air, view, and privacy of adjacent lots are not
10					seriously affected. Each such case shall be considered on its
11					individual merits. However, the following points shall be considered
12					guidelines in these cases:
13					(i) The deck shall be designed to provide the minimum
14					obstruction to light, air, view and privacy.
15					(ii) The deck shall be at least two feet inside all side lot lines.
16					(ii) The deak shall be at least two feet inside all side lot lines.
17					
18					(iii) On downhill slopes, a horizontal angle of 30 degrees drawn
19					inward from each side lot line at each corner of the rear building line
20					shall be maintained clear, and the deck shall be kept at least 10 feet
21					inside the rear lot line;
22			Х		(25) Except in required side yards, decks, and enclosed and
23					unenclosed extensions of buildings, when limited as specified herein:
24	<u> </u>				

1 2 3 4	Streets and	Setbacks	Yards	Useable Open	
5					(A) The structure shall extend no more than 12 feet into the
6					required open area; and shall not occupy any space within the rear
7					25 percent of the total depth of the lot, or within the rear 15 feet of the
8					depth of the lot, whichever is greater,
9					(B) Within all parts of the required open area, the structure shall
10					be limited in height to either:
11 12					(i) 10 feet above grade, or
13					
14		Х			(ii) A height not exceeding the floor level of the second floor of
15					occupancy, excluding the ground story, at the rear of the building on
16					the subject property, in which case the structure shall be no closer
17					than five feet to any interior side lot line,
18					(C) Any fence or wind screen extending above the height specified
19					in Subparagraph (c)(25)(B) shall be limited to six feet above such
20					height; shall be no closer to any interior side lot line than one foot for
21					each foot above such height; and shall have not less than 80 percent
22					of its surfaces above such height composed of transparent or
23					translucent materials;

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1 2 3 4	Streets and	Setbacks	Yards	Useable Open	
5			Х		(26) Garages which are underground, or under decks conforming to
6					the requirements of Paragraph (c)(24) or (c)(25) above, if their top
7					surfaces are developed as usable open space, provided that no such
8					garage shall occupy any area within the rear 15 feet of the depth of
9					the lot;
10		Х			(27) Garages, where the average slope of the required open area
11					ascends from the street lot line to the line at the setback and exceeds
12					50 percent, provided the height of the garage is limited to 10 feet
13					above grade, or the floor level of the adjacent first floor of occupancy
14					on the subject property, whichever height is less;
15					
16		Х			(28) Garages, where both adjoining lots (or the one adjoining lot
17					where the subject property is a corner lot) contain a garage structure
18					within the required setback line or front setback area on the same
19					street or alley frontage, provided the garage on the subject property
20					does not exceed the average of the two adjacent garage structures
21					(or the one adjacent garage structure where the subject property is a
22					corner lot) in either height above grade or extension into the required
23					setback;

1 2 3 4	Streets and	Setbacks	Yards	Useable Open	
5			Χ		(29) Garages, where the subject property is a through lot having
6					both its front and its rear lot line along streets, alleys, or a street and
7					an alley, and both adjoining lots (or the one adjoining lot where the
8					subject property is also a corner lot) contain a garage structure
9					adjacent to the required rear yard on the subject property, provided
10					the garage on the subject property does not exceed the average of
11					the two adjacent garage structures (or the one adjacent garage
12					structure where the subject property is a corner lot) in either height
13					above grade or encroachment upon the required rear yard;
14					
15	Х	Χ	Χ		(30) Driveways, for use only to provide necessary access to
16					required or permitted parking that is located in the buildable area of on
17					the subject property other than in a required open area, and where
18					such driveway has only the minimum width needed for such access,
19					and in no case shall parking be allowed in the setback;
20			Χ	Х	(31) In the Outer Clement Street Neighborhood Commercial
21					District, outdoor activity area if used in connection with a commercial
22					use on a contiguous lot and which existed in 1978 and has remained
23					in said use since 1978.

1 2 3 4	Streets and	Setbacks	Yards	Useable Open	
5					(d) Notwithstanding the limitations of Subsection (c) of this
6					Section, the following provisions shall apply in C-3 districts:
7					(1) Decorative Architectural Features. Decorative architectural
8					features not increasing the interior floor area or volume of the space
9					enclosed by the building are permitted over streets and alleys and
10					into setbacks within the maximum vertical and horizontal dimensions
11					described as follows:
12					(A) At roof level, decorative features such as cornices, eaves, and
13					brackets may project four feet with a maximum vertical dimension no
14					greater than six feet.
15					(B) At all levels above the area of minimum vertical clearance
16					required in Subsection (a)(1) above, decorative features, such as belt
17					courses, entablatures, and bosses, may project two feet, with a
18					maximum vertical dimension of four feet.
19					(C) At all levels above the area of minimum vertical clearance
20					required by Subsection (a)(1) above, vertical decorative features,
21					such as pilasters, columns, and window frames (including pediment
22					, , , , , , , , , , , , , , , , , , , ,
23					and sills), with a cross-sectional area of not more than three square
24					feet at midpoint, may project one foot horizontally.

1				en	
2	and	<u>\$</u>		Useable Open	
3	Streets	Setbacks	Yards	seabl	
4	St	Se	Y	Us	
5					(2) Bay Windows. Notwithstanding the provisions of Subsections
6					(c)(2)(D) and (F) of this Section, bay windows on nonresidential floors
7					of a structure are permitted only if the width of the bay is at least two
8					times its depth, the total width of all bays on a facade plane does not
9					exceed ½ of the width of the facade plane, and the maximum
10					horizontal (plan) dimensions of the bay fit within the dimensions set
11					forth in the diagram below.
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APPROVED AS TO FORM: DENNIS J. HERRERA, City Attorney

By:
SARAH ELLEN OWSOWITZ
Deputy City Attorney