[Ordinance to Require Twenty Percent of a Required Setback To Remain Unpaved and Devoted to Plant Material and to Prohibit Parking in Required Setbacks.]

## Ordinance amending Sections 132 and 136 of the Planning Code to require that twenty percent of required setback areas remain unpaved and devoted to plant material, and to prohibit parking from obstructing required setbacks.

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Be it ordained by the People of the City and County of San Francisco:
Section 1. The San Francisco Planning Code is hereby amended by amending Section 132, to read as follows:

## Section 132. FRONT SETBACK AREAS, RH AND RM DISTRICTS.

The following requirements for minimum front setback areas shall apply to every building in all RH and RM Districts, in order to relate the setbacks provided to the existing front setbacks of adjacent buildings.
(a) Basic Requirement. Where one or both of the buildings adjacent to the subject property have front setbacks along a street or alley, any building or addition 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 front setback, or if there is only one adjacent building, then the required setback for the subject property shall be equal to one-half the front setback of such adjacent building. In any case in which the lot constituting the subject property is separated from the lot containing the nearest building by an undeveloped lot or lots for a distance of 50 feet or less parallel to the street or alley, such nearest building shall be deemed to be an
"adjacent building," but a building on a lot so separated for a greater distance shall not be deemed to be an "adjacent building."
(b) 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
property. Along such street or alley, the required setback for the subject lot shall be equal to $1 / 2$ 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, $\mathrm{C}, \mathrm{M}$ 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.
(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 described in Section 131 of this Code, the more restrictive requirements shall prevail.

Section 2. The San Francisco Planning Code is hereby amended by amending Section 136, to read as follows:

Section 136. OBSTRUCTIONS OVER STREETS AND ALLEYS AND IN REQUIRED SETBACKS, YARDS AND USABLE OPEN SPACE

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|  |  |  |  | SEC. 136. OBSTRUCTIONS OVER STREETS AND ALLEYS AND IN REQUIRED SETBACKS, YARDS AND USABLE OPEN SPACE. <br> (a) 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) Projections from a building or structure extending over a street or alley as defined by this Code. Every portion of such projections over a street or alley shall provide a minimum of $7-1 / 2$ feet of vertical clearance from the sidewalk or other surface above which it is situated, or such greater vertical clearance as may be required by the San Francisco Building Code, unless the contrary is stated below. The permit under which any such projection over a street or alley is erected over public property shall not be construed to create any perpetual right but is a revocable license; |
|  |  |  |  | (2) Obstructions within legislated setback lines and front setback areas, as required by Sections 131 and 132 of this Code; |
|  |  |  |  | (3) Obstructions within side yards and rear yards, as required by Sections 133 and 134 of this Code; |
|  |  |  |  | (4) Obstructions within usable open space, as required by Section 135 of this Code. |
|  |  |  |  | (b) No obstructions shall be constructed, placed or maintained in any such required open area except as specified in this Section. |
|  |  |  |  | (c) The permitted obstructions shall be as follows: |


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| X | X | X | X | (2) Bay (projecting) windows, balconies (other than balconies used for primary access to two or more dwelling units or two or more bedrooms in group housing), and similar features that increase either the floor area of the building or the volume of space enclosed by the building above grade, when limited as specified herein. With respect to obstructions within yards and usable open space, the bay windows and balconies specified in Paragraph (c)(3) below shall be permitted as an alternative to those specified in this Paragraph (c)(2). |
|  |  |  |  | (A) The minimum headroom shall be $7-1 / 2$ feet. |
|  |  |  |  | (B) Projection into the required open area shall be limited to three feet, provided that projection over streets and alleys shall be further limited to two feet where the sidewalk width is nine feet or less, and the projection shall in no case be closer than eight feet to the centerline of any alley. |


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|  |  |  |  | (C) The glass areas of each bay window, and the open portions of each balcony, shall be not less than 50 percent of the sum of the areas of the vertical surfaces of such bay window or balcony above the required open area. At least $1 / 3$ of such required glass area of such bay window, and open portions of such balcony, shall be on one or more vertical surfaces situated at an angle of not less than 30 degrees to the line establishing the required open area. In addition, at least $1 / 3$ of such required glass area or open portions shall be on the vertical surface parallel to, or most nearly parallel to, the line establishing each open area over which the bay window or balcony projects. |
|  |  |  |  | (D) The maximum length of each bay window or balcony shall be 15 feet at the line establishing the required open area, and shall be reduced in proportion to the distance from such line by means of 45 degree angles drawn inward from the ends of such 15-foot dimension, reaching a maximum of nine feet along a line parallel to and at a distance of three feet from the line establishing the required open area. |


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|  |  |  |  | (E) Where a bay window and a balcony are located immediately adjacent to one another, and the floor of such balcony in its entirety has a minimum horizontal dimension of six feet, the limitations of Subparagraph (c)(2)(D) above shall be increased to a maximum length of 18 feet at the line establishing the required open area, and a maximum of 12 feet along a line parallel to and at a distance of three feet from the line establishing the required open area. |
|  |  |  |  | (F) The minimum horizontal separation between bay windows, between balconies, and between bay windows and balconies (except where a bay window and a balcony are located immediately adjacent to one another, as provided for in Subparagraph (c)(2)(E) above), shall be two feet at the line establishing the required open area, and shall be increased in proportion to the distance from such line by means of 135 -degree angles drawn outward from the ends of such two-foot dimension, reaching a minimum of eight feet along a line parallel to and at a distance of three feet from the line establishing the required open area. |


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|  |  |  |  | (A) The minimum headroom shall be 7-1/2 feet. |
|  |  |  |  | (B) Projection into the required open area shall be limited to three feet, or $1 / 6$ of the required minimum dimension (when specified) of the open area, whichever is less. |
|  |  |  |  | (C) In the case of bay windows, the maximum length of each bay window shall be 10 feet, and the minimum horizontal separation between bay windows shall be five feet, above all parts of the required open area. |
|  |  |  |  | (D) The aggregate length of all bay windows and balconies projecting into the required open area shall be no more than $2 / 3$ the buildable width of the lot along a rear building wall, $2 / 3$ the buildable length of a street side building wall, or $1 / 3$ the length of all open areas along the buildable length of an interior side lot line; in the case of yards, these limits on aggregate length shall apply to the aggregate of all bay windows, balconies, fire escapes and chimneys. |


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


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| X | X |  |  | (11) Flagpoles for projecting flags permitted by Article 6 of this Code; |
| X | X |  |  | (12) Marquees, awnings and canopies in P, NC, C, M, and RSD, SPD, SLR, SLI and SSO districts, as regulated by the Building Code, and as further limited in Section 136.1 and other provisions of this Code; |
|  | X | X | X | (13) Retaining walls that are necessary to maintain approximately the grade existing at the time of construction of a building. Other retaining walls and the grade maintained by them shall be subject to the same regulations as decks (see Paragraphs (c)(24) and (c)(25) below); |


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|  |  | X | X | (18) Fences and wind screens no more than six feet in height above grade; |
|  |  | X |  | (19) Fences and wind screens no more than 10 feet in height above grade; |
|  |  | X | X | (20) Normal outdoor recreational and household features such as play equipment and drying lines; |
|  | X | X | X | (21) Landscaping and garden furniture; |
|  |  | X | X | (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; |
|  |  | X |  | (23) Other structures commonly used in gardening activities, such as greenhouses and sheds for storage of garden tools, if no more than eight feet in height above grade and covering no more than 100 square feet of land; |
|  |  | X |  | (24) Decks, whether attached to a building or not, at or below the adjacent first floor of occupancy, if developed as usable open space and meeting the following requirements: |


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|  |  |  |  | (A) Slope of 15 percent or less. The floor of the deck shall not exceed a height of three feet above grade at any point in the required open area, nor shall such floor penetrate a plane made by a vertical angle 45 degrees above horizontal with its vertex three feet above grade at any lot line bordering the required open area, |
|  |  |  |  | (B) Slope of more than 15 percent and no more than 70 percent. <br> The floor of the deck shall not exceed a height of three feet above grade at any point along any lot line bordering the required open area, nor shall such floor penetrate a plane made by a vertical angle 45 degrees above horizontal with its vertex three feet above grade at any lot line bordering the required open area, except that when two or more lots are developed with adjacent decks whose floor levels differ by not more than three feet, whether or not the lots will remain in the same ownership, each deck may come all the way to the lot line adjacent to the other deck. In addition, the vertical distance measured up from grade to the floor of the deck shall not exceed seven feet at any point in the required open area, |


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|  |  |  |  | (A) The structure shall extend no more than 12 feet into the required open area; and shall not occupy any space within the rear 25 percent of the total depth of the lot, or within the rear 15 feet of the depth of the lot, whichever is greater, |
|  |  |  |  | (B) Within all parts of the required open area, the structure shall be limited in height to either: |
|  |  |  |  | (i) 10 feet above grade, or |
|  | X |  |  | (ii) A height not exceeding the floor level of the second floor of occupancy, excluding the ground story, at the rear of the building on the subject property, in which case the structure shall be no closer than five feet to any interior side lot line, |
|  |  |  |  | (C) Any fence or wind screen extending above the height specified in Subparagraph (c)(25)(B) shall be limited to six feet above such height; shall be no closer to any interior side lot line than one foot for each foot above such height; and shall have not less than 80 percent of its surfaces above such height composed of transparent or translucent materials; |


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|  |  | X |  | (26) Garages which are underground, or under decks conforming to the requirements of Paragraph (c)(24) or (c)(25) above, if their top surfaces are developed as usable open space, provided that no such garage shall occupy any area within the rear 15 feet of the depth of the lot; |
|  | X |  |  | (27) Garages, where the average slope of the required open area ascends from the street lot line to the line at the setback and exceeds 50 percent, provided the height of the garage is limited to 10 feet above grade, or the floor level of the adjacent first floor of occupancy on the subject property, whichever height is less; |
|  | X |  |  | (28) Garages, where both adjoining lots (or the one adjoining lot where the subject property is a corner lot) contain a garage structure within the required setback line or front setback area on the same street or alley frontage, provided the garage on the subject property does not exceed the average of the two adjacent garage structures (or the one adjacent garage structure where the subject property is a corner lot) in either height above grade or extension into the required setback; |


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|  |  | X |  | (29) Garages, where the subject property is a through lot having both its front and its rear lot line along streets, alleys, or a street and an alley, and both adjoining lots (or the one adjoining lot where the subject property is also a corner lot) contain a garage structure adjacent to the required rear yard on the subject property, provided the garage on the subject property does not exceed the average of the two adjacent garage structures (or the one adjacent garage structure where the subject property is a corner lot) in either height above grade or encroachment upon the required rear yard; |
| X | X | X |  | (30) Driveways, for use only to provide necessary access to required or permitted parking that is located in the buildable area of en the subject property other than in a required open area, and where such driveway has only the minimum width needed for such access, and in no case shall parking be allowed in the setback; |
|  |  | X | X | (31) In the Outer Clement Street Neighborhood Commercial District, outdoor activity area if used in connection with a commercial use on a contiguous lot and which existed in 1978 and has remained in said use since 1978. |


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|  |  |  |  | (d) Notwithstanding the limitations of Subsection (c) of this Section, the following provisions shall apply in C-3 districts: |
|  |  |  |  | (1) Decorative Architectural Features. Decorative architectural features not increasing the interior floor area or volume of the space enclosed by the building are permitted over streets and alleys and into setbacks within the maximum vertical and horizontal dimensions described as follows: |
|  |  |  |  | (A) At roof level, decorative features such as cornices, eaves, and brackets may project four feet with a maximum vertical dimension no greater than six feet. |
|  |  |  |  | (B) At all levels above the area of minimum vertical clearance required in Subsection (a)(1) above, decorative features, such as belt courses, entablatures, and bosses, may project two feet, with a maximum vertical dimension of four feet. |
|  |  |  |  | (C) At all levels above the area of minimum vertical clearance required by Subsection (a)(1) above, vertical decorative features, such as pilasters, columns, and window frames (including pediment and sills), with a cross-sectional area of not more than three square feet at midpoint, may project one foot horizontally. |


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|  |  |  |  | (2) Bay Windows. Notwithstanding the provisions of Subsections (c)(2)(D) and (F) of this Section, bay windows on nonresidential floors of a structure are permitted only if the width of the bay is at least two times its depth, the total width of all bays on a facade plane does not exceed $1 / 2$ of the width of the facade plane, and the maximum horizontal (plan) dimensions of the bay fit within the dimensions set forth in the diagram below. |

## APPROVED AS TO FORM:

DENNIS J. HERRERA, City Attorney

By:
SARAH ELLEN OWSOWITZ Deputy City Attorney

