

BOARD of SUPERVISORS



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MEMORANDUM

Date: June 23, 2026
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 260709
Planning Code - Story Count and Mezzanines

- ☒ California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - ☒ Ordinance / Resolution
 - ☐ Ballot Measure
- ☒ Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - ☒ General Plan ☒ Planning Code, Section 101.1 ☒ Planning Code, Section 302
- ☐ Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)
- ☐ General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- ☐ Historic Preservation Commission
 - ☐ Landmark (*Planning Code, Section 1004.3*)
 - ☐ Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - ☐ Mills Act Contract (*Government Code, Section 50280*)
 - ☐ Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.

[Planning Code - Story Count and Mezzanines]

Ordinance amending the Planning Code to revise the size threshold for when a mezzanine is considered a separate story from one-third to one-half of the floor area of the story or room in which the mezzanine is located; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section, 101.1; and making findings of public convenience, necessity, and welfare under Planning Code, Section 302.

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

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

Section 1. Land Use and Environmental Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. ____ and is incorporated herein by reference. The Board affirms this determination.

(b) On _____, the Planning Commission, in Resolution No. _____, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The

1 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
2 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
4 amendments will serve the public necessity, convenience, and welfare for the reasons set
5 forth in Planning Commission Resolution No. _____ and the Board incorporates such
6 reasons herein by reference, as though fully set forth herein. A copy of Planning Commission
7 Resolution No. _____ is on file with the Clerk of the Board of Supervisors in File No.
8 _____.

9
10 Section 2. Articles 1 and 2 of the Planning Code are hereby amended by revising
11 Sections 102 and 890.118, to read as follows:

12 **SEC. 102. DEFINITIONS.**

13 * * * *

14 **Story.** That portion of a building included between the upper surface of any floor and
15 the upper surface of the floor next above, except that the topmost story shall be that portion of
16 a building included between the upper surface of the topmost floor and the ceiling or roof
17 above.

18 Any mezzanine, or intermediate level, shall be considered part of a story constituted
19 by another floor provided it is an open and integral part of the story or room of which it is a
20 portion. There shall be only one such mezzanine per story and it shall have a minimum glazed
21 or unglazed opening of 50%~~percent~~ on the interior side of the room or story and an area not
22 exceeding 50%~~one-third~~ of the floor area of the story or room in which it is located. Any
23 mezzanine not meeting these criteria shall be considered a separate story.

24 * * * *

1 **SEC. 890.118. STORY.**

2 That portion of a building included between the upper surface of any floor and the
3 upper surface of the floor next above, except that the topmost story shall be that portion of a
4 building included between the upper surface of the topmost floor and the ceiling or roof above.

5 It shall include any mezzanine, or intermediate level, the area of which does not
6 exceed ~~50~~^{33 1/3}% of the total area of the floor, provided that the mezzanine is an open and
7 integral part of the story of which it is a portion and there is no more than one mezzanine level
8 per story.

9 Any mezzanine, or intermediate level, shall be considered part of a story constituted
10 by another floor provided it is an open and integral part of the story or room of which it is a
11 portion. There shall be only one such mezzanine per story and it shall have a minimum glazed
12 or unglazed opening of ~~50% percent~~ on the interior side of the room or story and an area not
13 exceeding ~~50% one-third~~ of the floor area of the story or room in which it is located. Any
14 mezzanine not meeting these criteria shall be considered a separate story.

15 * * * *

16
17 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
18 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
19 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
20 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
21 additions, and Board amendment deletions in accordance with the "Note" that appears under
22 the official title of the ordinance.

23
24 Section 4. Effective Date. This ordinance shall become effective on the 31st day after
25 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

3
4 APPROVED AS TO FORM:
5 DAVID CHIU, City Attorney

6 By: /s/ Robb Kapla
7 ROBB KAPLA
8 Deputy City Attorney

9 4902-6534-7764, v. 2
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LEGISLATIVE DIGEST

[Planning Code - Story Count and Mezzanines]

Ordinance amending the Planning Code to revise the size threshold for when a mezzanine is considered a separate story from one-third to one-half of the floor area of the story or room in which the mezzanine is located; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section, 101.1; and making findings of public convenience, necessity, and welfare under Planning Code, Section 302.

Existing Law

Mezzanines larger than one-third of the floor area of the preceding floor count as a separate story for purposes of the Planning Code.

Amendments to Current Law

The Proposed Legislation would increase the threshold such that mezzanines could be up to one-half the size of the preceding floor without counting as a separate story.

Background

There is a discrepancy between how the Building and Planning Codes treat mezzanines in a building's story count. The Building Code allows mezzanines up to one-half the preceding floor size in buildings with certain fire safety features to not count as separate stories, whereas the Planning Code would consider such mezzanines as a separate story leading to inconsistent floor counts between the two codes. The Proposed Legislation would align the Building and Planning Codes when counting stories for buildings with mezzanines larger than one-third, but less than one-half, the size of the preceding floor.

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)

I hereby submit the following item for introduction (select only one):

- ☐ 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- ☐ 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- ☐ 3. Request for Hearing on a subject matter at Committee
- ☐ 4. Request for Letter beginning with "Supervisor inquires..."
- ☐ 5. City Attorney Request
- ☐ 6. Call File No. from Committee.
- ☐ 7. Budget and Legislative Analyst Request (attached written Motion)
- ☐ 8. Substitute Legislation File No.
- ☐ 9. Reactivate File No.
- ☐ 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- ☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission
- ☐ Planning Commission ☐ Building Inspection Commission ☐ Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- ☐ Yes ☐ No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: