File No. 190048 Committee Item No. 1
Board Item No. 42

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee **Date** July 15, 2019

Board of Supervisors Meeting **Date** July 23, 2019

Cmte	Board	
☐	☐	Motion
☐	☐	Resolution
☒	☒	Ordinance
☒	☒	Legislative Digest
☐	☐	Budget and Legislative Analyst Report
☐	☐	Youth Commission Report
☒	☒	Introduction Form
☐	☐	Department/Agency Cover Letter and/or Report
☐	☐	MOU
☐	☐	Grant Information Form
☐	☐	Grant Budget
☐	☐	Subcontract Budget
☐	☐	Contract/Agreement
☐	☐	Form 126 – Ethics Commission
☐	☐	Award Letter
☐	☐	Application
☐	☐	Public Correspondence

OTHER **(Use back side if additional space is needed)**

☒	☒	Referral CEQA 012319
☒	☒	Referral PC 012319
☒	☒	PLN Transmittal 041719
☐	☐	
☐	☐	
☐	☐	
☐	☐	
☐	☐	
☐	☐	
☐	☐	
☐	☐	
☐	☐	

Completed by: Erica Major **Date** July 11, 2019
Completed by: Erica Major **Date** July 17, 2019

[Planning Code - Building Standards]

Ordinance amending the Planning Code to 1) require building setbacks for buildings fronting on narrow streets, 2) modify front yard requirements in Residential Districts, 3) increase required rear yards in single-family zoning districts by five percent, 4) amend the rear yard requirements for through lots and corner lots in certain districts to permit second buildings where specified conditions are met, ~~and~~ 5) allow building height increases to existing stories in existing nonconforming buildings in order to accommodate residential uses, and 6) provide that specified alterations to nonconforming structures for the purpose of creating habitable space or an Accessory Dwelling Unit are not subject to Section 311 review requirements if the specified requirements are met; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1, and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.

NOTE: **Unchanged Code text and uncodified 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 ~~strikethrough 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. 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. 190048 and is incorporated herein by reference. The Board affirms this determination.

(b) On April 11, 2019, the Planning Commission, in Resolution No. 20422, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 190048, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that these Planning Code amendments will serve the public necessary, convenience, and general welfare for the reasons set forth in Planning Commission Resolution No. 20422.

Section 2. The Planning Code is hereby amended by revising Sections 102, 132, 134, 172, 209.1, 261.1, ~~and~~ 270, and 311 to read as follows:

SEC. 102. DEFINITIONS.

* * * *

Diagonal Dimension. *See Plan Dimensions.*

* * * *

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

* * * *

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

* * * *

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

* * * *

(a) **Basic Requirement.** Where one or both of the buildings adjacent to the subject property have front setbacks along a *S*treet or *A*lley, 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 *S*treet or *A*lley, 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 *S*ubsection (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 setbacks 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 *S*treet or *A*lley times the setback depth required by *S*ubsections (a) and (c) of this Section *132*; 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

~~S~~subsection (c) below relating to subsequent development on an adjacent site shall be considered to be as required by ~~S~~subsection (a) above, in the form of a single line parallel to the ~~s~~Street or ~~a~~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 ~~s~~Street or ~~a~~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 ~~e~~Corner ~~l~~Lot as defined *in Section 102* of ~~by~~ this Code, or a lot at the intersection of a ~~s~~Street and an ~~a~~Alley or two ~~a~~Alleys, a front setback area shall be required only along the ~~s~~Street or ~~a~~Alley elected by the owner as the front of the property. Along such ~~s~~Street or ~~a~~Alley, the required setback for the subject lot shall be equal to ~~½~~ *one-half* 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 ~~s~~Street or ~~a~~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, RTO, 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 ~~s~~Street or

~~a~~Alley, or 15~~% percent~~ of the average depth of the lot from such ~~s~~Street or ~~a~~Alley, 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* ten ~~five~~ *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, C, 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 rear-yard *spaces.*

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

(*c*~~a~~) **Basic Requirements.** The basic rear yard requirements shall be as follows for the districts indicated:

(1) **RH-1(D), RH-1,** ***and*** **RH-1(S)**~~*, RM-3, RM-4, RC-3, RC-4, NC Districts other than the Pacific Avenue NC District, C, M, MUG, WMUG, MUO, CMUO, MUR, UMU, RED, RED-MX, and SPD*~~ **Districts.** *The minimum rear yard depth shall be equal to 30% of the total depth of the lot on which the building is situated, but in no case less than 15 feet. Exceptions are permitted on Corner Lots and through lots abutting properties with buildings fronting both streets, as described in subsection (f) below.*

(2) RM-3, RM-4, RC-3, RC-4, NC Districts other than the Pacific Avenue NC District, C, M, MUG, WMUG, MUO, CMUO, MUR, UMU, RED, RED-MX, and SPD Districts. Except as specified in this subsection *(c)*, the minimum rear yard depth shall be equal to 25% of the total depth of the lot on which the building is situated, but in no case less than 15 feet.

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

* * * *

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

(*3*~~2~~) **RH-2, RH-3, RTO, RTO-M, RM-1 and RM-2 Districts, and the Pacific Avenue NC District.** The minimum rear yard depth shall be equal to 45*%* ~~*percent*~~ of the total

depth of the lot on which the building is situated, except to the extent that a reduction in this requirement is permitted by *Ss*ubsection (*ee*) below. Rear yards shall be provided at grade level and at each succeeding level or story of the building. *In RH-2, RH-3, RTO, RTO-M, RM-1, and RM-2 Districts, exceptions are permitted on Corner Lots and through lots abutting a property with buildings fronting on both streets, as described in subsection (f) below.*

* * * *

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

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

* * * *

(2) **Alternative Method of Averaging.** If, under the rule stated in *Paragraph subsection* (*ee*)(1) above, a reduction in the required rear yard is permitted, the reduction may alternatively be averaged in an irregular manner; provided that the area of the resulting

reduction shall be no more than the product of the width of the subject lot along the line established by ~~*Paragraph*~~ *subsection* (*ee*)(1) above times the reduction in depth of rear yard permitted by *subsection* (*ee*)(1); and provided further that all portions of the open area on the part of the lot to which the rear yard reduction applies shall be directly exposed laterally to the open area behind the adjacent building having the lesser depth of its rear building wall.

(3) **Method of Measurement.** For purposes of this *Ss*ubsection (*ee*), an "adjacent building" shall mean a building on a lot adjoining the subject lot along a side lot line. In all cases the location of the rear building wall of an adjacent building shall be taken as the line of greatest depth of any portion of the adjacent building which occupies at least *one-half* ~~1/2~~ the width between the side lot lines of the lot on which such adjacent building is located, and which has a height of at least 20 feet above grade, or two ~~s~~*S*tories, whichever is less, excluding all permitted obstructions listed for rear yards in Section 136 of this Code. Where a lot adjoining the subject lot is vacant, or contains no ~~d~~*D*welling or ~~g~~*G*roup ~~h~~*H*ousing structure, or is located in an RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC, RED, RED-MX, MUG, WMUG, MUR, UMU, SPD, RSD, SLR, SLI, SSO, NC, C, $M_{\perp}$ or P District, such adjoining lot shall, for purposes of the calculations in this *Ss*ubsection (*ee*), be considered to have an adjacent building upon it whose rear building wall is at a depth equal to 75*%* ~~*percent*~~ of the total depth of the subject lot.

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

* * * *

(A) **Corner Lots and Lots at Alley Intersections.** On a *eC*orner *lL*ot as defined *by in Section 102 of* this Code, or a lot at the intersection of a *sS*treet and an *aA*lley or two *aA*lleys, the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building.

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

*(C) **Through Lots Abutting Properties that Contain Two Buildings.** Where a lot 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 are also through lots, each containing two dwellings or group housing structures that front at opposite ends 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 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. In no case, however, shall the total minimum rear yard for the subject lot be thus reduced to less than a depth equal to 25 percent of the total depth of the subject lot, or to less than 15 feet, whichever is greater. Furthermore, in all cases in which this Subparagraph (c)(4)(C) 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.*~~

(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%~~ 30% *of the total depth of the subject lot or to less than 15 feet, whichever is greater*; provided, however, that the Zoning Administrator may reduce the total depth to 20% pursuant to Section 307(l) of this Code if the reduction is for the sole purpose of constructing an Accessory Dwelling Unit under Section 207(c)(4) ~~or 207(c)(6)~~, and provided further that the reduction/waiver is in consideration of the property owner entering into a Regulatory Agreement pursuant to Section 207(c)(4)(H) subjecting the ADU to the San Francisco Rent Stabilization and Arbitration Ordinance. *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.*

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

(*he*) **Modification of Requirements in NC *and South of Market Mixed Use* Districts.** The rear yard requirements in NC *and South of Market Mixed Use* Districts may be modified or waived in specific situations as described in this *Ss*ubsection (*he*).

(1) **General.** The rear yard requirement in NC Districts may be modified or waived by the Zoning Administrator pursuant to the procedures which are applicable to variances, as set forth in Sections 306.1 through 306.5 and 308.2, *in the case of NC Districts, and in accordance with Section 307(g), in the case of South of Market Mixed Use Districts* if all of the following criteria are met *for both NC and South of Market Mixed Use Districts*:

(A) Residential *uU*ses are included in the new or expanding development and a comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents of the development; and

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

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

(2) **Corner Lots and Lots at Alley Intersections.** On a *eC*orner *lL*ot as defined *in Section 102 of by* this Code, or on a lot at the intersection of a *sS*treet and an *aA*lley of at least 25 feet in width, the required rear yard may be substituted with an open area equal to 25*% percent* of the lot area which is located at the same levels as the required rear yard in

an interior corner of the lot, an open area between two or more buildings on the lot, or an inner court, as defined by this Code, provided that the Zoning Administrator determines that all of the criteria described below in this ~~*Paragraph*~~ *subsection (h)(2)* are met.

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

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

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

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

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

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

* * * *

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

* * * *

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,* except in the North Beach-Telegraph Hill Residential Special Use District, *for the purpose of creating habitable space* or an Accessory Dwelling Unit pursuant to Section 207(c)(4) ~~or 207(c)(6)~~ of this Code where the exception is in consideration of the property owner entering into a Regulatory Agreement pursuant to Section 207(c)(4)(H) subjecting the ADU to the San Francisco Rent Stabilization and Arbitration Ordinance, *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 permitted by subsections (a)(1) and (a)(2) above shall be subject to applicable design guidelines, including the Residential Design Guidelines, for the zoning district in which the building is located. If a building is a historic resource or located in a historic district, the alterations shall also comply with applicable Secretary of Interior Standards and other Code provisions pertaining to historic properties. Building heights shall be measured according to the procedures of Section 260. Such alterations are not subject to the notification requirements of Section 311.

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

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

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

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

* * * *

Table 209.1

ZONING CONTROL TABLE FOR RH DISTRICTS

Zoning Category	§ References	RH-1(D)	RH-1	RH-1(S)	RH-2	RH-3

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

* * * *

SEC. 261.1. ADDITIONAL HEIGHT LIMITS FOR NARROW STREETS AND ALLEYS IN ~~RH~~, R, 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 and is more than 20 feet from an intersection with a street wider than 40 feet; *or*

(B) any building frontage in an *RH-2, RH-3,* ~~RM,~~ 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 ~~s~~Street 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 ~~n~~Narrow ~~s~~Street. Buildings of two stories above grade may be built without a second-story setback, regardless of the width of the 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 Section~~s~~ 260(b), may penetrate the required setback plane.

* * * *

SEC. 270. BULK LIMITS: MEASUREMENT.

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

* * * *

SEC. 311. PERMIT REVIEW PROCEDURES.

* * * *

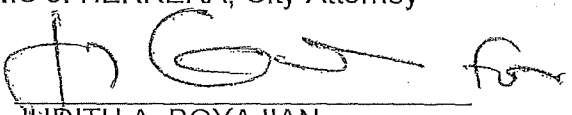
(b) **Applicability.** Except as indicated herein, all building permit applications in Residential, NC, NCT, and Eastern Neighborhoods Districts for a change of use; establishment of a Micro Wireless Telecommunications Services Facility; establishment of a Formula Retail Use; demolition, new construction, or alteration of buildings, and the removal of an authorized or unauthorized residential unit shall be subject to the notification and review procedures required by this Section 311. In addition, all building permit applications that would establish Cannabis Retail or Medical Cannabis Dispensary ~~U~~uses, regardless of zoning district, shall be subject to the review procedures required by this Section 311. Notwithstanding the foregoing or any other requirement of this Section 311, a change of use to a Child Care Facility, as defined in Section 102, and alterations to nonconforming structures permitted by Sections 172(a)(1) and 172(a)(2) shall not be subject to the review requirements of this Section 311.

* * * *

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

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

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

By: 
JUDITH A. BOYAJIAN
Deputy City Attorney

n:\legana\as2018\1900285\01376176.docx

FILE NO. 190048

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 7/15/2019)

[Planning Code - Building Standards]

Ordinance amending the Planning Code to 1) require building setbacks for buildings fronting on narrow streets, 2) modify front yard requirements in Residential Districts, 3) increase required rear yards in single-family zoning districts by five percent, 4) amend the rear yard requirements for through lots and corner lots in certain districts to permit second buildings where specified conditions are met, 5) allow building height increases to existing stories in existing nonconforming buildings in order to accommodate residential uses, and 6) provide that specified alterations to nonconforming structures for the purpose of creating habitable space or an Accessory Dwelling Unit are not subject to Section 311 review requirements; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1, and adopting findings of public necessity adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.

Existing Law

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

- Section 311 establishes procedures for reviewing building permit applications to determine compatibility of the proposal with the neighborhood and for providing notice to property owners and residents on the site and neighboring the site of the proposed project and to interested neighborhood organizations, so that concerns about a project may be identified and resolved during the review of the permit.

Amendments to Current Law

- Section 102 is amended to add definitions for "Diagonal Dimension," "Ground Floor," and "Length (of a Building or Structure)."
- Section 132 is amended to reduce the maximum required front setback on narrow alleys from 15 feet to ten feet.
- Section 134 is amended to require a rear yard depth of 30% in RH-1(D), RH-1, and RH-1(S) zoning districts and to permit new residential buildings on corner lots, on through lots, and where either adjacent lot has a lawfully-existing building at both ends of the lot. The Zoning Administrator may reduce the total depth to 20% if the reduction is for the sole purpose of constructing an Accessory Dwelling Unit and the owner enters into a Regulatory Agreement subjecting the ADU to the Rent Ordinance.
- Section 172 is amended to permit nonconforming buildings to be raised in height to make an existing story habitable or to construct an Accessory Dwelling Unit (except in the North Beach-Telegraph Hill Residential Special Use District) so long as the owner of the proposed ADU enters into a Regulatory Agreement subjecting the ADU to the Rent Ordinance and the total number of above-ground stories in the building is not increased, and a flat roof may be replaced with a pitched roof; these permitted alterations are subject to applicable design guidelines and building heights are measured pursuant to the procedures of Section 260.
- Section 209.1's Zoning Control Table and Section 261.1 are amended to allow height sculpting on Alleys in Residential Housing Districts.
- Section 311 is amended to provide that alterations to nonconforming structures permitted by Section 172 are not subject to the notice requirements.

Background Information

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

n:\legana\as2019\1900285\01374808.docx

SAN FRANCISCO
PLANNING DEPARTMENT

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

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

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,

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

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

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

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 REISDENTIAL 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 ~~s~~Street 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 ~~n~~Narrow ~~s~~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,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

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.

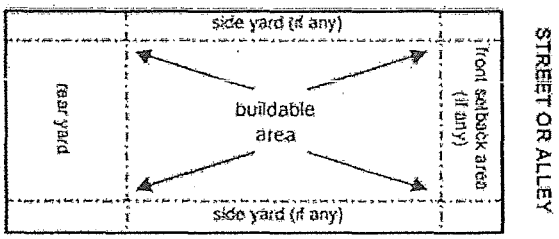
ISSUES AND CONSIDERATIONS

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.[1] 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

Figure 1
Buildable Area



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.[2]

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

[1] 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

[2] Planning Code Section 132

ground floor residential entry types that depend on front setbacks of approximately 10 feet.[3] 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.[4] 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.[5]

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.[6]

---

[3] Guidelines for Ground Floor Residential Design.
http://default.sfplanning.org/publications_reports/Guidelines_for_Groundfloor_Residential_Design.pdf

[4] Planning Code Section 134

[5] Residential Design Guidelines, pages 5, 16-18
http://default.sfplanning.org/publications_reports/residential_design_guidelines.pdf

[6] 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.[7]

Narrow Streets Height Controls

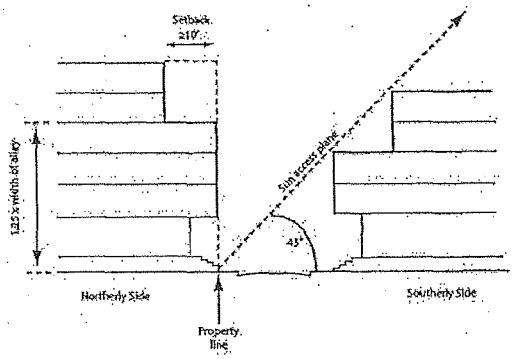
Narrow Streets are defined as public rights of way 40 feet or less in width or mid-block passages less than 40 feet wide created pursuant to the Special Bulk and Open Space Requirements for large lot development.[8] Currently the Planning Code applies additional height controls on buildings abutting 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



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

[8] Planning Code Sections 261.1 and 270.2

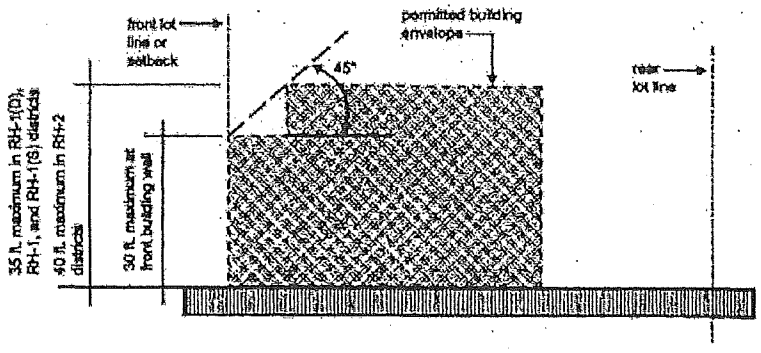
Because the additional height limits apply at a height 1.25 times the width of the abutting Narrow Street, the general requirement typically results in stories above the third being set back. Street width also effects the sun access plane controls for east-west rights of way because the access plane 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).[9] 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.[10]

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.[11] 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



[9] Planning Code Section 261
[10] Residential Design Guidelines, pages 23-25
[11] 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

AIASF

June 14, 2019

Attn: Land Use and Transportation Committee of the Board of Supervisors
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place
Legislative Chamber, Room 250
San Francisco, CA 94102

LETTER OF SUPPORT FROM THE AIA SF BOARD
FOR MANDELMAN'S LEGISLATION, FILE #190048

At Land Use and Transportation Committee of the Board of Supervisors on June 17th

The San Francisco chapter of the American Institute of Architects wishes to support the legislation proposed by Supervisor Mandelman. It is well-crafted, limited in scope to sections of the Planning Code in RH Districts, and promotes the creation of more and better residential units in those districts. In support of his proposals, The Supervisor sets forth rational, effective changes to the Code:

- In alleys and streets equal to or less than 40' in width, the required front setback is reduced to 5' vs. the current 15'.
- The rear yard requirement in RH-1, RH-1D, and RH-1S is increased to 30% of the lot depth from the current 25%, repairing a longstanding anomaly.
- On through lots between streets and alleys, and corner lots, the building of two units on the lot is simplified and the rear yard requirement between buildings clarified.
- Buildings that are non-conforming in terms of height are allowed exceptions in order to allow creation of habitable space in attics as long as the number of above-ground building stories is not increased.

We encourage the Board of Supervisors to enact this legislation, passed 4-1 by the Planning Commission at their April 11, 2019 meeting.

Sincerely,

AIA San Francisco Board of Directors

Hallidie Building
130 Sutter Street, Suite 600
San Francisco, CA 94104
Telephone 415.874.2620
Facsimile 415.874.2640
www.aiasf.org

BOARD of SUPERVISORS

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

January 23, 2019

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

Dear Commissioners:

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

File No. 190048

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

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

Angela Calvillo, Clerk of the Board

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

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

BOARD of SUPERVISORS

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

January 23, 2019

File No. 190048

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On January 15, 2019, Supervisor Mandelman introduced the following proposed legislation:

File No. 190048

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

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

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

Attachment

c: Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
1/15/2019 @ 4:45pm
A

Time stamp
or meeting date

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

- [x] 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- [ ] 2. Request for next printed agenda Without Reference to Committee.
- [ ] 3. Request for hearing on a subject matter at Committee.
- [ ] 4. Request for letter beginning :"Supervisor [ ] inquiries"
- [ ] 5. City Attorney Request.
- [ ] 6. Call File No. [ ] from Committee.
- [ ] 7. Budget Analyst request (attached written motion).
- [ ] 8. Substitute Legislation File No. [ ]
- [ ] 9. Reactivate File No. [ ]
- [ ] 10. Topic submitted for Mayoral Appearance before the BOS on [ ]

ease check the appropriate boxes. The proposed legislation should be forwarded to the following:

- [ ] Small Business Commission
- [ ] Youth Commission
- [ ] Ethics Commission
- [x] Planning Commission
- [ ] Building Inspection Commission

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

Sponsor(s):

Supervisor Rafael Mandelman

Subject:

Planning Code - Building ~~Code~~ Standards

The text is listed:

Ordinance amending the Planning Code to 1) require building setbacks for buildings fronting on narrow streets, 2) modify front yard requirements in Residential Districts, 3) increase required rear yards in single-family zoning districts by five percent, 4) amend the rear yard requirements for through lots and corner lots in certain districts to permit second buildings where specified conditions are met, and 5) allow building height increases to existing stories in existing nonconforming buildings in order to accommodate residential uses; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1, and adopting findings of public necessity adopting ıdings of public necessity, convenience, and general welfare under Planning Code, Section 302.

Signature of Sponsoring Supervisor: [signature]

For Clerk's Use Only