

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 7/8/2019)

[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 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.

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