

1 [Planning Code - Building Standards]

2

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

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

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

25

Section 1. Findings.

1 (a) The Planning Department has determined that the actions contemplated in this
2 ordinance comply with the California Environmental Quality Act (California Public Resources
3 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
4 Supervisors in File No. 190048 and is incorporated herein by reference. The Board affirms
5 this determination.

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

11 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that
12 these Planning Code amendments will serve the public necessary, convenience, and general
13 welfare for the reasons set forth in Planning Commission Resolution No. 20422.
14

15 Section 2. The Planning Code is hereby amended by revising Sections 102, 132, 134,
16 172, 209.1, 261.1, ~~and 270~~, and 311 to read as follows:

17 **SEC. 102. DEFINITIONS.**

18 * * * *

19 ***Diagonal Dimension.*** *See Plan Dimensions.*

20 * * * *

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

22 * * * *

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

24 * * * *

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

3 * * * *

4 (a) **Basic Requirement.** Where one or both of the buildings adjacent to the subject
5 property have front setbacks along a sStreet or aAlley, any building or addition constructed,
6 reconstructed, or relocated on the subject property shall be set back to the average of the two
7 adjacent front setbacks. If only one of the adjacent buildings has a front setback, or if there is
8 only one adjacent building, then the required setback for the subject property shall be equal to
9 one-half the front setback of such adjacent building. In any case in which the lot constituting
10 the subject property is separated from the lot containing the nearest building by an
11 undeveloped lot or lots for a distance of 50 feet or less parallel to the sStreet or aAlley, such
12 nearest building shall be deemed to be an "adjacent building," but a building on a lot so
13 separated for a greater distance shall not be deemed to be an "adjacent building."

14 * * * *

15 (b) **Alternative Method of Averaging.** If, under the rules stated in Ssubsection (a)
16 above, an averaging is required between two adjacent front setbacks, or between one
17 adjacent setback and another adjacent building with no setback, the required setback on the
18 subject property may alternatively be averaged in an irregular manner within the depth
19 between the setbacks of the two adjacent buildings, provided that the area of the resulting
20 setback shall be at least equal to the product of the width of the subject property along the
21 sStreet or aAlley times the setback depth required by Ssubsections (a) and (c) of this Section
22 132; and provided further, that all portions of the resulting setback area on the subject property
23 shall be directly exposed laterally to the setback area of the adjacent building having the
24 greater setback. In any case in which this alternative method of averaging has been used for
25 the subject property, the extent of the front setback on the subject property for purposes of

1 §2 subsection (c) below relating to subsequent development on an adjacent site shall be
2 considered to be as required by §2 subsection (a) above, in the form of a single line parallel to
3 the §2 Street or ~~an~~ Alley.

4 * * * *

5 (c) **Method of Measurement.** The extent of the front setback of each adjacent
6 building shall be taken as the horizontal distance from the property line along the §2 Street or
7 ~~an~~ Alley to the building wall closest to such property line, excluding all projections from such
8 wall, all decks and garage structures and extensions, and all other obstructions.

9 (d) **Applicability to Special Lot Situations.**

10 (1) **Corner Lots and Lots at Alley Intersections.** On a ~~an~~ Corner ~~the~~ Lot as
11 defined *in Section 102* of ~~by~~ this Code, or a lot at the intersection of a §2 Street and an ~~an~~ Alley or
12 two ~~an~~ Alleys, a front setback area shall be required only along the §2 Street or ~~an~~ Alley elected by
13 the owner as the front of the property. Along such §2 Street or ~~an~~ Alley, the required setback for
14 the subject lot shall be equal to $\frac{1}{2}$ *one-half* the front setback of the adjacent building.

15 (2) **Lots Abutting Properties That Front on Another Street or Alley.** In
16 the case of any lot that abuts along its side lot line upon a lot that fronts on another §2 Street or
17 ~~an~~ Alley, the lot on which it so abuts shall be disregarded, and the required setback for the
18 subject lot shall be equal to the front setback of the adjacent building on its opposite side.

19 * * * *

20 (3) **Lots Abutting RC, C, M₁ and P Districts.** In the case of any lot that
21 abuts property in an RC, C, M₁ or P District, any property in such district shall be disregarded,
22 and the required setback for the subject lot shall be equal to the front setback of the adjacent
23 building in the RH, RTO, or RM District.

24 (e) **Maximum Requirements.** The maximum required front setback in any of the
25 cases described in this Section 132 shall be 15 feet from the property line along the §2 Street or

1 ~~an~~Alley, or 15% ~~percent~~ of the average depth of the lot from such ~~s~~Street or ~~a~~Alley, whichever
2 results in the lesser requirement. Where a lot faces on a Street or Alley less than or equal to 40 feet
3 in width, the maximum required setback shall be ~~ten~~ five feet from the property line or 15% of the
4 average depth of the lot from such Street or Alley, whichever results in the lesser requirement. The
5 required setback for lots located within the Bernal Heights Special Use District is set forth in
6 Section 242 of this Code.

7 * * * *

8 **SEC. 134. REAR YARDS, R, NC, C, SPD, M, MUG, WMUG, MUO, MUR, UMU, RED, AND**
9 **RED-MX DISTRICTS.**

10 (a) **Purpose.** *The rear yard requirements of this Section 134 are intended to:*

11 (1) assure the protection and continuation of established mid-block landscaped open
12 spaces;

13 (2) maintain a scale of development appropriate to each district, complementary to
14 the location of adjacent buildings;

15 (3) provide natural light and natural ventilation to residences, work spaces, and
16 adjacent rear yards; and

17 (4) provide residents with usable open space and views into green rear-yard spaces.

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

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

3 (1) **RH-1(D), RH-1, and RH-1(S), ~~RM-3, RM-4, RC-3, RC-4, NC Districts other~~
4 ~~than the Pacific Avenue NC District, C, M, MUG, WMUG, MUO, CMUO, MUR, UMU, RED, RED-~~
5 ~~MX, and SPD~~ **Districts.** For buildings that submit a development application on or after
6 January 15, 2019, the minimum rear yard depth shall be equal to 30% of the total depth of the lot
7 on which the building is situated, but in no case less than 15 feet. Exceptions are permitted on Corner
8 Lots and through lots abutting properties with buildings fronting both streets, as described in
9 subsection (f) below. For buildings that submitted a development application prior to January
10 15, 2019, the minimum rear yard depth shall be determined based on the applicable law on
11 the date of submission.**

12 (2) **RM-3, RM-4, RC-3, RC-4, NC Districts other than the Pacific Avenue NC**
13 **District, C, M, MUG, WMUG, MUO, CMUO, MUR, UMU, RED, RED-MX, and SPD Districts.**

14 Except as specified in this subsection (c), the minimum rear yard depth shall be equal to 25%
15 of the total depth of the lot on which the building is situated, but in no case less than 15 feet.

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

21 * * * *

22 (D) **Upper Market Street NCT.** Rear yards shall be provided at the
23 grade level, and at each succeeding story of the building. For buildings in the Upper Market
24 Street NCT that do not contain Residential Uses and that do not abut adjacent lots with an
25

1 existing pattern of rear yards or mid-block open space, the Zoning Administrator may waive or
2 reduce this rear yard requirement pursuant to the procedures of subsection (he).

3 (32) **RH-2, RH-3, RTO, RTO-M, RM-1 and RM-2 Districts, and the Pacific**
4 **Avenue NC District.** The minimum rear yard depth shall be equal to 45% ~~percent~~ of the total
5 depth of the lot on which the building is situated, except to the extent that a reduction in this
6 requirement is permitted by ~~S~~subsection (ee) below. Rear yards shall be provided at grade
7 level and at each succeeding level or story of the building. In RH-2, RH-3, RTO, RTO-M, RM-1,
8 and RM-2 Districts, exceptions are permitted on Corner Lots and through lots abutting a property with
9 buildings fronting on both streets, as described in subsection (f) below.

10 * * * *

11 (db) **Permitted Obstructions.** Only those obstructions specified in Section 136 of
12 this Code shall be permitted in a required rear yard, and no other obstruction shall be
13 constructed, placed, or maintained within any such yard. No motor vehicle, trailer, boat, or
14 other vehicle shall be parked or stored within any such yard, except as specified in Section
15 136.

16 (ee) **Reduction of Requirements in RH-2, RH-3, RTO, RTO-M, RM-1, and RM-2**
17 **Districts.** The rear yard requirement stated in subsection (a)(2)(c)(3) above and as stated in
18 subsection (a)(1)(c)(2)(A) above for SRO buildings located in the Eastern Neighborhoods
19 Mixed Use Districts not exceeding a height of 65 feet, shall be reduced in specific situations
20 as described in this subsection (ee), based upon conditions on adjacent lots. Except for those
21 SRO buildings referenced above in this subsection (e) paragraph whose rear yard can be
22 reduced in the circumstances described in subsection (ee) to a 15-foot minimum, under no
23 circumstances, shall the minimum rear yard be thus reduced to less than a depth equal to
24 25% ~~percent~~ of the total depth of the lot on which the building is situated, or to less than 15
25 feet, whichever is greater.

1 * * * *

2 (2) **Alternative Method of Averaging.** If, under the rule stated in *Paragraph*
3 *subsection* (~~ee~~)(1) above, a reduction in the required rear yard is permitted, the reduction may
4 alternatively be averaged in an irregular manner; provided that the area of the resulting
5 reduction shall be no more than the product of the width of the subject lot along the line
6 established by *Paragraph subsection* (~~ee~~)(1) above times the reduction in depth of rear yard
7 permitted by *subsection* (~~ee~~)(1); and provided further that all portions of the open area on the
8 part of the lot to which the rear yard reduction applies shall be directly exposed laterally to the
9 open area behind the adjacent building having the lesser depth of its rear building wall.

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

23 (4) **Applicability to Special Lot Situations.** In the following special lot
24 situations, the general rule stated in *Paragraph subsection* (~~ee~~)(1) above shall be applied as
25 provided in this *Paragraph subsection* (~~ee~~)(4), and the required rear yard shall be reduced if

1 conditions on the adjacent lot or lots so indicate and if all other requirements of this Section
2 134 are met.

3 * * * *

4 (A) **Corner Lots and Lots at Alley Intersections.** On a ~~e~~C~~o~~rner ~~h~~L~~o~~t
5 as defined ~~by~~ in Section 102 of this Code, or a lot at the intersection of a ~~s~~S~~t~~reet and an ~~a~~A~~l~~ley
6 or two ~~a~~A~~l~~leys, the forward edge of the required rear yard shall be reduced to a line on the
7 subject lot which is at the depth of the rear building wall of the one adjacent building.

8 (B) **Lots Abutting Properties with Buildings that Front on Another**
9 **Street or Alley.** In the case of any lot that abuts along one of its side lot lines upon a lot with a
10 building that fronts on another ~~s~~S~~t~~reet or ~~a~~A~~l~~ley, the lot on which it so abuts shall be
11 disregarded, and the forward edge of the required rear yard shall be reduced to a line on the
12 subject lot which is at the depth of the rear building wall of the one adjacent building fronting
13 on the same ~~s~~S~~t~~reet or ~~a~~A~~l~~ley. In the case of any lot that abuts along both its side lot lines
14 upon lots with buildings that front on another ~~s~~S~~t~~reet or ~~a~~A~~l~~ley, both lots on which it so abuts
15 shall be disregarded, and the minimum rear yard depth for the subject lot shall be equal to
16 25% percent of the total depth of the subject lot, or 15 feet, whichever is greater.

17 ~~(C) — **Through Lots Abutting Properties that Contain Two Buildings.** Where a~~
18 ~~lot is a through lot having both its front and its rear lot line along streets, alleys, or a street and an~~
19 ~~alley, and both adjoining lots are also through lots, each containing two dwellings or group housing~~
20 ~~structures that front at opposite ends of the lot, the subject through lot may also have two buildings~~
21 ~~according to such established pattern, each fronting at one end of the lot, provided all the other~~
22 ~~requirements of this Code are met. In such cases the rear yard required by this Section 134 for the~~
23 ~~subject lot shall be located in the central portion of the lot, between the two buildings on such lot, and~~
24 ~~the depth of the rear wall of each building from the street or alley on which it fronts shall be~~
25 ~~established by the average of the depths of the rear building walls of the adjacent buildings fronting on~~

1 ~~that street or alley. In no case, however, shall the total minimum rear yard for the subject lot be thus~~
2 ~~reduced to less than a depth equal to 25 percent of the total depth of the subject lot, or to less than 15~~
3 ~~feet, whichever is greater. Furthermore, in all cases in which this Subparagraph (c)(4)(C) is applied,~~
4 ~~the requirements of Section 132 of this Code for front setback areas shall be applicable along both~~
5 ~~street or alley frontages of the subject through lot.~~

6 (f) **Second Building on Corner Lots and Through Lots Abutting Properties with**
7 **Buildings Fronting on Both Streets in RH, RTO, RTO-M, RM-1, and RM-2 Districts.** Where a lot is
8 a Corner Lot, or is a through lot having both its front and its rear lot line along Streets, Alleys, or a
9 Street and an Alley, and where an adjoining lot contains a residential or other lawful structure that
10 fronts at the opposite end of the lot, the subject through lot may also have two buildings according to
11 such established pattern, each fronting at one end of the lot, provided that all the other requirements of
12 this Code are met. In such cases, the rear yard required by this Section 134 for the subject lot shall be
13 located in the central portion of the lot, between the two buildings on such lot, and the depth of the rear
14 wall of each building from the Street or Alley on which it fronts shall be established by the average of
15 the depths of the rear building walls of the adjacent buildings fronting on that Street or Alley, or where
16 there is only one adjacent building, by the depth of that building. In no case, ~~however,~~ shall the total
17 minimum rear yard for the subject lot be thus reduced to less than a depth equal to ~~20%~~ 30% of the
18 total depth of the subject lot or to less than 15 feet, whichever is greater; ~~provided, however,~~ that the
19 Zoning Administrator may reduce the total depth to 20% pursuant to Section 307(l) of this
20 Code if the reduction is for the sole purpose of constructing an Accessory Dwelling Unit under
21 Section 207(c)(4) ~~or 207(e)(6),~~ and provided further that the reduction/waiver is in
22 consideration of the property owner entering into a Regulatory Agreement pursuant to Section
23 207(c)(4)(H) subjecting the ADU to the San Francisco Rent Stabilization and Arbitration
24 Ordinance. For buildings fronting on a Narrow Street as defined in Section 261.1 of this Code, the
25 additional height limits of Section 261.1 shall apply. Furthermore, in all cases in which this subsection

1 (f) is applied, the requirements of Section 132 of this Code for front setback areas shall be applicable
2 along both Street or Alley frontages of the subject through lot.

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

8 ~~(h)~~ **Modification of Requirements in NC ~~and South of Market Mixed Use~~ Districts.**
9 The rear yard requirements in NC ~~and South of Market Mixed Use~~ Districts may be modified or
10 waived in specific situations as described in this ~~S~~ subsection ~~(h)~~.

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

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

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

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

24 (2) **Corner Lots and Lots at Alley Intersections.** On a ~~e~~Corner ~~h~~Lot as
25 defined in Section 102 of ~~by~~ this Code, or on a lot at the intersection of a ~~s~~Street and an ~~a~~Alley

1 of at least 25 feet in width, the required rear yard may be substituted with an open area equal
2 to ~~25%~~ *percent* of the lot area which is located at the same levels as the required rear yard in
3 an interior corner of the lot, an open area between two or more buildings on the lot, or an
4 inner court, as defined by this Code, provided that the Zoning Administrator determines that
5 all of the criteria described below in this ~~Paragraph~~ *subsection (h)(2)* are met.

6 (A) Each horizontal dimension of the open area shall be a minimum of
7 15 feet.

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

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

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

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

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

23 * * * *

24 (~~js~~) **Reduction of Requirements in the North of Market Residential Special Use**
25 **District.** The rear yard requirement may be substituted with an equivalent amount of open

1 space situated anywhere on the site, provided that the Zoning Administrator determines that
2 all of the following criteria are met:

3 * * * *

4 **SEC. 172. COMPLIANCE OF STRUCTURES, OPEN SPACES, AND OFF-STREET**
5 **PARKING AND LOADING REQUIRED.**

6 (a) No structure shall be constructed, reconstructed, enlarged, altered, or relocated
7 so as to have or result in a greater height, bulk, or ~~f~~Floor ~~a~~Area ~~r~~Ratio, less ~~r~~Rquired ~~o~~Open
8 ~~s~~Space as defined in Section 102 of ~~by~~ this Code, or less off-street ~~parking space or~~ loading
9 space, than permissible under the limitations set forth herein for the district or districts in
10 which such structure is located; provided, however, that, except in the North Beach-Telegraph
11 Hill Residential Special Use District, for the purpose of creating habitable space or an Accessory
12 Dwelling Unit pursuant to Section 207(c)(4) or 207(e)(6) of this Code where the exception is in
13 consideration of the property owner entering into a Regulatory Agreement pursuant to Section
14 207(c)(4)(H) subjecting the ADU to the San Francisco Rent Stabilization and Arbitration
15 Ordinance, and as long as the number of above-ground building stories is not increased:

16 (1) the ceiling height of an existing building story in a lawfully-existing
17 nonconforming structure may be increased to create an interior floor-to-ceiling height of up to nine
18 feet; and/or

19 (2) a flat roof may be replaced with a pitched roof.

20 The alterations permitted by subsections (a)(1) and (a)(2) above shall be subject to
21 applicable design guidelines, including the Residential Design Guidelines, for the zoning
22 district in which the building is located. If a building is a historic resource or located in a
23 historic district, the alterations shall also comply with applicable Secretary of Interior
24 Standards and other Code provisions pertaining to historic properties. Building heights shall

1 be measured according to the procedures of Section 260. ~~Such alterations are not subject to~~
2 ~~the notification requirements of Section 311.~~

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

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

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

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

23 * * * *

24 **Table 209.1**

25 **ZONING CONTROL TABLE FOR RH DISTRICTS**

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

3 **BUILDING STANDARDS**

4 **Massing and Setbacks**

| | | | | | | | |
|----|------------------------|--|---|--|---|---|---|
| 5 | Height and Bulk Limits | §§ 102, 105, 106, 250-252, 253, 260, 261, <u>261.1</u> , 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. <u>Height sculpting on Alleys per § 261.1.</u> | | |
| 6 | | | | | | 7 | 8 |
| 14 | *** | *** | *** | | | | |

15 * * * *

17 **SEC. 261.1. ADDITIONAL HEIGHT LIMITS FOR NARROW STREETS AND ALLEYS IN**
 18 **RH, R, RTO, NC, NCT, EASTERN NEIGHBORHOODS MIXED USE, AND SOUTH OF**
 19 **MARKET MIXED USE DISTRICTS.**

20 (a) **Purpose.** The intimate character of ~~n~~Narrow ~~s~~Streams, *as defined in subsection (b)*,
 21 ~~(rights-of-way 40 feet in width or narrower)~~ and ~~a~~Alleys is an important and unique component of
 22 the City and certain neighborhoods in particular. The scale of these streets should be
 23 preserved to ensure they do not become overshadowed or overcrowded. Heights along
 24 ~~a~~Alleys and ~~n~~Narrow ~~s~~Streams are hereby limited to provide ample sunlight and air, as follows:

25 (b) **Definitions.**

1 (1) "Narrow Street" shall be defined as a public right of way less than or
2 equal to 40 feet in width, or any mid-block passage or alley that is less than 40 feet in width
3 created under the requirements of Section 270.2.

4 (2) "Subject Frontage" shall mean:

5 (A) any building frontage in an RH-1(D), RH-1, or RH-1(S) District that
6 abuts a Narrow Street and is more than 20 feet from an intersection with a street wider than 40
7 feet; or

8 (B) any building frontage in an RH-2, RH-3, RM, RM, RTO, NC, NCT,
9 or Eastern Neighborhood Mixed Use District that abuts a Narrow Street and that is more than
10 60 feet from an intersection with a ~~s~~Street wider than 40 feet.

11 (3) "East-West Narrow Streets" shall mean all Narrow Streets, except those
12 created pursuant to Section 270.2, that are oriented at 45 degrees or less from a true east-
13 west orientation or are otherwise named herein: Elm, Redwood, Ash, Birch, Ivy, Linden,
14 Hickory, Lily, Rose, Laussat, Germania, Clinton Park, Brosnan, Hidalgo, and Alert Streets.

15 (c) **Applicability.** The controls in this Section shall apply in all RH, RM, RTO, NC,
16 NCT, Eastern Neighborhoods Mixed Use, and South of Market Mixed Use Districts, except in
17 the Bernal Heights Special Use District.

18 (d) **Controls.**

19 (1) **General Requirement.** Except as described below, all subject frontages
20 shall have upper stories set back at least 10 feet at the property line above a height equivalent
21 to 1.25 times the width of the abutting ~~#~~Narrow ~~s~~Street. Buildings of two stories above grade
22 may be built without a second-story setback, regardless of the width of the street.

23 (2) **Southern Side of East-West Streets.** All subject frontages on the
24 southerly side of an East-West Narrow Street shall have upper stories which are set back at
25 the property line such that they avoid penetration of a sun access plane defined by an angle

1 of 45 degrees extending from the most directly opposite northerly property line (as illustrated
2 in Figure 261.1A.) No part or feature of a building, including but not limited to any feature
3 listed in Section 260(b), may penetrate the required setback plane.

4 * * * *

5 **SEC. 270. BULK LIMITS: MEASUREMENT.**

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

11 * * * *

12 **SEC. 311. PERMIT REVIEW PROCEDURES.**

13 * * * *

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

1 * * * *

2
3 Section 3. Effective Date. This ordinance shall become effective 30 days after
4 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
5 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
6 of Supervisors overrides the Mayor's veto of the ordinance.

7
8 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
9 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
10 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
11 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
12 additions, and Board amendment deletions in accordance with the "Note" that appears under
13 the official title of the ordinance.

14
15 APPROVED AS TO FORM:
16 DENNIS J. HERRERA, City Attorney

17 By: _____
18 JUDITH A. BOYAJIAN
19 Deputy City Attorney

20 n:\legana\as2018\1900285\01380989.docx