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## ARTICLE 1.2:

### DIMENSIONS, AREAS, AND OPEN SPACES

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- Sec. 121. Minimum Lot Width and Area.
- Sec. 121.1. Development of Large Lots, Neighborhood Commercial Districts.
- Sec. 121.2. Non-Residential Use Size Limits in Neighborhood Commercial and Neighborhood Commercial Transit Districts.
- Sec. 121.3. Development of Large Lots, Chinatown Mixed Use Districts.
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(The diagrams in this Article are illustrative only, and not a part of the adopted ordinance.)

## SEC. 121. MINIMUM LOT WIDTH AND AREA.

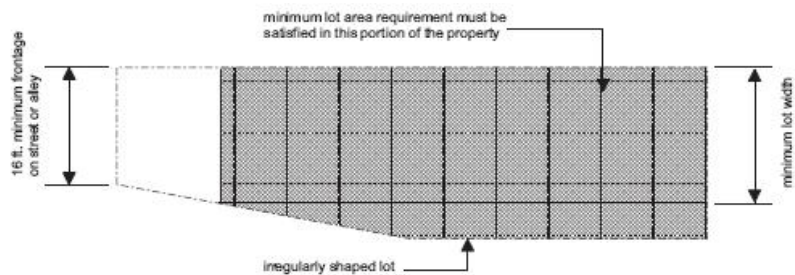
(See Interpretations related to this Section.)

The following requirements for minimum lot width and area shall apply to all properties in the City, regardless of the use of the property, regardless of the zoning district in which the property is located, and regardless of whether the ownership or use is public or private. The provisions of Article 1.7 of this Code, and especially Sections 173, 180 and 189 thereof, shall also be applicable with respect to lot width and area.

(a) **Frontage.** Every newly created lot shall have and maintain frontage on a public street or alley as defined by this Code, or on some other permanent right-of-way from which there shall be vehicular access to such lot, and in each case such frontage shall have a minimum width of 16 feet. Where an existing lot of record does not have such frontage, but has other access from a street or alley, such other access shall be maintained for such lot.

(b) **Subdivisions and Lot Splits.** Subdivisions and lot splits shall be governed by the Subdivision Code of the City and County of San Francisco and by the Subdivision Map Act of California. In all such cases the procedures and requirements of said Code and said Act shall be followed, including the requirement for consistency with the General Plan of the City and County of San Francisco. Where the predominant pattern of residential development in the immediate vicinity exceeds the minimum standard for lot width or area, or the minimum standards for both lot width and area, set forth below in this Section, any new lot created by a subdivision or lot split under the Subdivision Code shall conform to the greater established standards, provided that in no case shall the required lot width be more than 33 feet or the required lot area be more than 4,000 square feet.

(c) **Measurement.** The lot width shall be measured as a horizontal distance between the side lot lines. The lot area shall be measured as a horizontal plane enclosed by the lot lines. Where a lot is not in the form of an ordinary rectangle, the specified minimum lot width shall be maintained for a sufficient depth on the lot to enable the minimum lot area requirement to be satisfied within the portion of the lot having such minimum lot width.



(d) **Minimum Lot Width.** The minimum lot width shall be as follows:

- (1) In RH-1(D) Districts: 33 feet;
- (2) In all other zoning use districts: 25 feet.

(e) **Minimum Lot Area.** The minimum lot area shall be as follows:

- (1) In RH-1(D) Districts: 4,000 square feet;
- (2) In all other zoning use districts: 2,500 square feet; except that the minimum lot area for any lot having its street frontage entirely within 125 feet of the intersection of two streets that intersect at an angle of not more than 135 degrees shall be 1,750 square feet.

(f) **Conditional Uses.** Notwithstanding the foregoing requirements of this Section 121 as to lot width, lot area and width of lot frontage, in any zoning use district other than an RH-1(D) District the City Planning Commission may permit one or more lots of lesser width to be created, with each lot containing only a one-family dwelling and having a lot area of not less than 1,500 square feet, according to the procedures and criteria for conditional use approval in Section 303 of this Code.

(Added by Ord. 381-79, App. 7/13/79; amended by Ord. [188-15](#), File No. 150871, App. 11/4/2015, Eff. 12/4/2015)

AMENDMENT HISTORY

■ Division (b) amended; Ord. [188-15](#), Eff. 12/4/2015.

## SEC. 121.1. DEVELOPMENT OF LARGE LOTS, NEIGHBORHOOD COMMERCIAL DISTRICTS.

(See Interpretations related to this Section.)

(a) **Purpose.** In order to promote, protect, and maintain a scale of development that is appropriate to each district and compatible with adjacent buildings, new construction or significant enlargement of existing buildings on lots of the same size or larger than the square footage stated in the table below shall be permitted only as Conditional Uses.

District	Lot Size Limits
District	Lot Size Limits
North Beach	2,500 sq. ft.
Pacific Avenue	
Polk Street	
NC-1, NCT-1	5,000 sq. ft.
24th Street-Mission	
24th Street-Noe Valley	
Broadway	
Castro Street	
Cole Valley	
Glen Park	
Haight Street	
Inner Clement Street	
Inner Sunset	
Irving Street	
Judah Street	
Lakeside Village	
Noriega Street	
Outer Clement Street	
Sacramento Street	
Taraval Street	
Union Street	
Upper Fillmore Street	
West Portal Avenue	
NC-2, NCT-2	
NC-3, NCT-3	
Bayview	
Cortland Avenue	
Divisadero Street	
Excelsior Outer Mission Street	
Fillmore Street	
Folsom Street	
Geary Boulevard	
Hayes-Gough	
Inner Balboa Street	
Inner Taraval Street	

Japantown	10,000 sq. ft.
Lower Haight Street	
Lower Polk Street	
Mission Bernal	
Mission Street	
Ocean Avenue	
Outer Balboa Street	
Regional Commercial District	
San Bruno Avenue	
SoMa	
Upper Market Street	
Valencia Street	
NC-S	Not Applicable

(b) **Design Review Criteria.** In addition to the criteria of Section 303(c) of this Code, the City Planning Commission shall consider the extent to which the following criteria are met:

- (1) The mass and facade of the proposed structure are compatible with the existing scale of the district.
- (2) The facade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.
- (3) Where 5,000 or more gross square feet of Non-Residential space is proposed, that the project provides commercial spaces in a range of sizes, including one or more spaces of 1,000 gross square feet or smaller, to accommodate a diversity of neighborhood business types and business sizes.

(Added by Ord. 69-87, App. 3/13/87; amended by Ord. 262-00, File No. 001426, App. 11/17/2000; Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 61-09, File No. 090181, App. 4/17/2009; Ord. [35-12](#), File No. 111305, App. 2/21/2012, Eff. 3/22/2012; Ord. [42-13](#), File No. 130002, App. 3/28/2013, Eff. 4/27/2013; Ord. [129-17](#), File No. 170203, App. 6/30/2017, Eff. 7/30/2017; Ord. [196-17](#), File No. 170419, App. 10/5/2017, Eff. 11/4/2017; Ord. [205-17](#), File No. 170418, App. 11/3/2017, Eff. 12/3/2017; Ord. [71-20](#), File No. 191285, App. 5/1/2020, Eff. 6/1/2020; Ord. [136-21](#), File No. 210674, App. 8/4/2021, Eff. 9/4/2021)

#### AMENDMENT HISTORY

Table amended; Ord. [35-12](#), Eff. 3/22/2012. Table amended; Ord. [42-13](#), Eff. 4/27/2013. Divisions (a) and (b) designated; division (a) and table amended; Ord. [129-17](#), Eff. 7/30/2017. Division (a) and table amended; Ord. [196-17](#), Eff. 11/4/2017. Table amended; Ord. [205-17](#), Eff. 12/3/2017. Division (b)(3) added; Ord. [71-20](#), Eff. 6/1/2020. Table amended; Ord. [136-21](#), Eff. 9/4/2021.

## SEC. 121.2. NON-RESIDENTIAL USE SIZE LIMITS IN NEIGHBORHOOD COMMERCIAL AND NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICTS.



### New Ordinance Notice

**Publisher's Note:** This section has been **AMENDED** by new legislation (Ord. [11-23](#), approved 2/9/2023, effective 3/12/2023). The text of the amendment will be incorporated under the new section number when the amending legislation is effective.

(See Interpretations related to this Section.)

(a) In order to protect and maintain a scale of development appropriate to each district, Non-Residential Uses of the same size or larger than the square footage stated in the table below may be permitted only as Conditional Uses. The use area shall be measured as the Gross Floor Area for each individual Non-Residential Use.

District	Use Size Limits
District	Use Size Limits
Castro Street	2,000 sq. ft.
North Beach	
Pacific Avenue	
Polk Street	
24 <sup>th</sup> Street-Mission	

24 <sup>th</sup> Street-Noe Valley	2,500 sq. ft.
Haight Street	
Inner Clement Street	
Inner Sunset	
Japantown	
Outer Clement Street	
Sacramento Street	
Union Street	
Upper Fillmore Street	
West Portal Avenue	
NC-1, NCT-1	3,000 sq. ft.
Broadway	
Hayes-Gough	
Upper Market Street	
Valencia Street	
NC-2, NCT-2	4,000 sq. ft.
Divisadero Street	
Folsom Street	
Glen Park	
Irving Street	
Judah Street	
Noriega Street	
Ocean Avenue	
SoMa	
Taraval Street	
NC-3, NCT-3	6,000 sq. ft.
Excelsior Outer Mission Street	
Fillmore Street	
Mission Street	
NC-S	
Regional Commercial District	10,000 sq. ft.

In addition to the criteria of Section 303(c) of this Code, the Commission shall consider the extent to which the following criteria are met:

(1) The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.

(2) The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.

(3) The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

(b) In order to protect and maintain a scale of development appropriate to each district, Non- Residential Uses that exceed the square footage stated in the table below shall not be permitted, except in the following circumstances:

(1) In the Castro Street Neighborhood Commercial District, a Child Care Facility, School, Post-Secondary Educational Institution, Religious Institution, Social Service or Philanthropic Facility, Community Facility, or a Residential Care Facility as defined in Section 102 of this Code that is operated by a non-profit and is neighborhood-serving may exceed this Subsection 121.2(b) with Conditional Use authorization.

(2) In the Regional Commercial District, Schools and Childcare Facilities as defined in Section 102 may exceed this Subsection 121.2(b) with Conditional Use authorization.

(3) In the Polk Street Neighborhood Commercial District, this subsection 121.2(b) shall not apply to a Movie Theater use as defined in Section 102 of this Code.

The use area shall be measured as the Gross Floor Area for each individual Non-Residential use.

District	Use Size Limits
West Portal Avenue	4,000 sq. ft.
North Beach	
Castro Street	
Polk Street	
Pacific Avenue	
Regional Commercial District	25,000 square feet

(c) In order to protect the pedestrian scale of the Mission Street NCT and provide space for small businesses, the following control shall apply in the Mission Street NCT:

(1) **Applicability.** Lot mergers pursuant to Section 121.7(f) and any project located on a parcel that was created as a result of a lot merger pursuant to Section 121.7(f).

(2) **Control.** Any such project that does not include at least one non-residential space of no more than 2,500 square feet, located on the ground floor and fronting directly onto Mission Street, shall require a conditional use authorization. In considering whether to grant such conditional use authorization, the Commission shall consider the criteria in Sections 121.2(a) and 303(c).

(Added by Ord. 69-87, App. 3/13/87; amended by Ord. 445-87, App. 11/12/87; Ord. 312-99, File No. 991586, App. 12/3/99; Ord. 198-00, File No. 992321, App. 8/18/2000; Ord. 262-00, File No. 001426, App. 11/17/2000; Ord. 251-07, File No. 070851, App. 11/7/2007; Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 245-08, File No. 080696; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 61-09, File No. 090181, App. 4/17/2009; Ord. [140-11](#), File No. 110482, App. 7/5/2011, Eff. 8/4/2011; Ord. [35-12](#), File No. 111305, App. 2/21/2012, Eff. 3/22/2012; Ord. [42-13](#), File No. 130002, App. 3/28/2013, Eff. 4/27/2013; Ord. [56-13](#), File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. [154-13](#), File No. 130263, App. 7/25/2013, Eff. 8/24/2013; Ord. [188-15](#), File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. [129-17](#), File No. 170203, App. 6/30/2017, Eff. 7/30/2017; Ord. [205-17](#), File No. 170418, App. 11/3/2017, Eff. 12/3/2017; Ord. [17-18](#), File No. 171173, App. 2/9/2018, Eff. 3/12/2018; Ord. [202-18](#), File No. 180557, App. 8/10/2018, Eff. 9/10/2018)

#### AMENDMENT HISTORY

Division (a) table amended; Ord. [140-11](#), Eff. 8/4/2011. Division (a) table amended; Ord. [35-12](#), Eff. 3/22/2012. Division (a) table amended; Ord. [42-13](#), Eff. 4/27/2013. Division (a) table amended; division (b) table amended; Ord. [56-13](#), Eff. 4/27/2013. Division (a) table amended [identical amendments previously had been made by Ord. [56-13](#)]; division (b) amended; Ord. [154-13](#), Eff. 8/24/2013. Division (a) amended; Ord. [188-15](#), Eff. 12/4/2015. Section header, divisions (a) and (b), and both tables amended; division (b) divided into divisions (b), (b)(1), (b)(2), and undesignated paragraph; Ord. [129-17](#), Eff. 7/30/2017. Division (b)(3) added; division (b) table amended; Ord. [205-17](#), Eff. 12/3/2017. Divisions (c)-(c)(2) added; Ord. [17-18](#), Eff. 3/12/2018. Division (a) table amended; Ord. [202-18](#), Eff. 9/10/2018.

## SEC. 121.3. DEVELOPMENT OF LARGE LOTS, CHINATOWN MIXED USE DISTRICTS.

In order to promote, protect, and maintain a scale of development which is appropriate to each Mixed Use District and complementary to adjacent buildings, new construction or enlargement of existing buildings on lots larger than the square footage stated in the table below shall be permitted as conditional uses subject to the provisions set forth in Section 303.

District	Lot Size Limits
Chinatown Community Business	5,000 sq. ft.
Chinatown Residential/Neighborhood Commercial	
Chinatown Visitor Retail	

In addition to the criteria of Section 303(c), the Planning Commission shall consider the following criteria:

- (1) The mass and facade of the proposed structure are compatible with the existing scale of the district.
- (2) The facade of the proposed structure is consistent with design features of adjacent facades that contribute to the positive visual quality of the district.

(Added by Ord. 131-87, App. 4/24/87; amended by Ord. [176-12](#), File No. 120472, App. 8/7/2012, Eff. 9/6/2012)

#### AMENDMENT HISTORY

Section header and table amended; Ord. [176-12](#), Eff. 9/6/2012.

## SEC. 121.4. NON-RESIDENTIAL USE SIZE LIMITS IN MIXED USE DISTRICTS.

In order to protect and maintain small scale use within an historically significant area and to conserve neighborhood-serving uses in Chinatown, Commercial Uses which exceed the use size limits up to the maximum limits stated in the table below shall be permitted only as Conditional Uses subject to the provisions set forth in Section 303 of this Code. The use area shall be measured as the Gross Floor Area for each individual commercial use. Individual Commercial Uses above the use size maximum below shall not be permitted, except that a Social Service or Philanthropic Facility may be permitted as a Conditional Use pursuant to Section 303, subsection (bb) of this Code. Further, any nonconforming use size that exceeds the maximum below shall be deemed abandoned by any change of use or if no business has operated within the space for more than eighteen months, except a nonconforming use size shall not be deemed abandoned

if (1) the change of use is to a Restaurant that is a Legacy Business or to an Institutional Community Use, or (2) upon Conditional Use Authorization the change of use is to a Social Service or Philanthropic Facility that primarily serves the Chinatown neighborhood pursuant to Section 303, subsection (bb) of this Code. However, any such abandoned use size may be re-established if the first use to occupy the space after its abandonment is an Institutional Community Use or a Restaurant use that will be occupied by a Legacy Business.

District	Use Size Maximum	Use Size Limit
Chinatown Visitor Retail	5,000 sq. ft.	2,500 sq. ft.
Chinatown Residential Neighborhood Commercial	4,000 sq. ft.	2,500 sq. ft.
Chinatown Community Business	5,000 sq. ft.	2,500 sq. ft.

In the Chinatown Visitor Retail, Chinatown Residential Neighborhood Commercial, and Chinatown Community Business Districts, the use size limit shall not apply to a Restaurant that is a Legacy Business or to an Institutional Community Use.

(Added by Ord. 131-87, App. 4/24/87; amended by Ord. [56-13](#), File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. [129-17](#), File No. 170203, App. 6/30/2017, Eff. 7/30/2017; Ord. [208-19](#), File No. 190594, App. 9/20/2019, Eff. 10/21/2019; Ord. [197-21](#), File No. 210600, App. 11/5/2021, Eff. 12/6/2021)

#### AMENDMENT HISTORY

Undesignated concluding paragraph amended; Ord. [56-13](#), Eff. 4/27/2013. Section header and undesignated concluding paragraph amended; Ord. [129-17](#), Eff. 7/30/2017.

■ Section amended; Ord. 208-19, Eff. 10/21/2019. Section amended; Ord. [197-21](#), Eff. 12/6/2021.

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## SEC. 121.5. [REPEALED.]

(Added by Ord. 72-08, File No. 071157, App. 4/3/2008; amended by Ord. 298-08, File No. 081153, App. 12/19/2008; repealed by Ord. [22-15](#), File No. 141253, App. 2/20/2015, Eff. 3/22/2015)

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## SEC. 121.6. LARGE-SCALE RETAIL USES.

(a) Notwithstanding any other provision of this Code, establishment of a single retail use in excess of 50,000 gross square feet in any zoning district other than the C-3 Zoning Districts shall require conditional use authorization pursuant to Section 303 unless such use already is prohibited. This Subsection shall apply to the establishment of a new use and the expansion of an existing use.

(b) Notwithstanding any other provision of this Code, establishment of a single retail use in excess of 90,000 gross square feet within a C-3 Zoning District shall require conditional use authorization pursuant to Section 303 unless such use already is prohibited. This Subsection shall apply only to the establishment of a new use.

(c) Notwithstanding any other provision of this Code, establishment of a single retail use in excess of 120,000 gross square feet is prohibited in any zoning district other than a C-3 Zoning District. This Subsection shall apply to the establishment of a new use and the expansion of an existing use.

(d) Notwithstanding any other provision of this Code, establishment of a single retail use in excess of 120,000 gross square feet in a C-3 Zoning District shall be prohibited if it would sell groceries; contain more than 20,000 Stockkeeping Units (SKUs); and devote more than five percent (5%) of its total sales floor area to the sale of non-taxable merchandise. This Subsection shall apply only to the establishment of a new use.

(e) For purposes of this Section 121.6:

(1) “sales floor area” includes only interior building space devoted to the sale of merchandise, and does not include restrooms, office space, storage space, automobile service areas, or open-air garden sales space;

(2) “non-taxable merchandise” includes only grocery products not subject to California State sales tax; and

(3) “single retail use” shall include, except for Hotels and Motels, all Retail and Service Uses listed in Section 102 and retail uses identified in Article 8 of this Code.

(Added by Ord. 89-04, File No. 031463, App. 5/27/2004; amended by Ord. [202-18](#), File No. 180557, App. 8/10/2018, Eff. 9/10/2018)

#### AMENDMENT HISTORY

■ Divisions (e)-(e)(2) amended; division (e)(3) added; Ord. [202-18](#), Eff. 9/10/2018.

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## SEC. 121.7. RESTRICTION OF LOT MERGERS IN CERTAIN DISTRICTS AND ON PEDESTRIAN-ORIENTED STREETS.

(a) **Purpose:** In order to promote, protect, and maintain a fine-grain scale of development in residential districts and on important pedestrian-oriented commercial streets that is appropriate to each district; compatible with adjacent buildings; provide for a diverse



streetscape; ensure the maintenance and creation of multiple unique buildings and building frontages rather than large single structures superficially treated; promote diversity and multiplicity of land ownership and discourage consolidation of property under single ownership, merger of lots is regulated in accordance with this Section 121.7.

(b) **Controls.** Merger of lots is regulated as follows:

(1) **RTO Districts.** In RTO Districts, merger of lots creating a lot greater than 5,000 square feet shall not be permitted except according to the procedures and criteria in subsection (d) below.

(2) **NCT, NC, and Mixed-Use Districts.** In those NCT, NC, and Mixed Use Districts listed below, merger of lots resulting in a lot with a single street frontage greater than that stated in the table below on the specified streets or in the specified Districts is prohibited except according to the procedures and criteria in subsections (c) and (d) below.

(3) **WMUO District.** Merger of lots in the WMUO zoning district resulting in a lot with a street frontage between 100 and 200 feet along Townsend Street is permitted so long as a publicly-accessible through-block pedestrian alley at least 20 feet in width and generally conforming to the design standards of Section 270.2(e)(5)-(12) of this Code is provided as a result of such merger.

(4) **Mission Street NCT District.** In the Mission Street NCT District, projects that propose lot mergers resulting in street frontages on Mission Street greater than 50 feet shall provide at least one non-residential space of no more than 2,500 square feet on the ground floor fronting Mission Street.

(5) **Ocean Avenue NCT District.** In the Ocean Avenue NCT District, projects that propose lot mergers resulting in street frontages greater than 50 feet are permitted to create corner lots only, and shall require a conditional use authorization.

Street or District	Lot Frontage Limit
Hayes, from Franklin to Laguna	50 feet
RED and RED-MX	50 feet
Church Street, from Duboce to 16th Street	100 feet
Divisadero Street NCT except for the east and west blocks between Oak and Fell, Fillmore Street NCT, Folsom Street NCT, RCD, WMUG, WMUO, and SALI	100 feet for WMUO District (see subsection (b)(3))
Mission Street, within the Mission Street NCT	100 feet; see subsection (b)(4)
Market, from Octavia to Noe	150 feet
Ocean Avenue in the Ocean Avenue NCT	50 feet; see subsection (b)(5)
Inner and Outer Clement NCDs	50 feet
North Beach NCD and SUD, Telegraph Hill-North Beach Residential SUD, Polk Street NCD, and Pacific Avenue NCD*	25 feet*
NC-2 districts on Balboa Street between 2nd Avenue and 8th Avenue, and between 32nd Avenue and 38th Avenue	50 feet

\* For lots that do not have street frontage, the merger would not result in a lot with a width greater than 25 feet.

(c) **Administrative Exceptions.** The Zoning Administrator may administratively waive certain lot mergers from the restrictions of subsection (b) only when one or more of the following conditions is present:

- (1) One of the lots to be merged has total street frontage on the restricted street of less than 20 feet; or
- (2) The project sponsor is a government agency or institution subject to Section 304.5 of this Code, and the purpose of the project is for a public facility, public building, or institutional building; or
- (3) The project involves normalizing substandard or irregular lots that are publicly owned or are being transferred from public to private ownership, including lots of the former Central Freeway; or
- (4) The lots to be merged contain a pre-existing single building spanning multiple lots; or
- (5) The lot merger will enable a specific residential project in which a majority of the units on-site will be affordable as defined by Section 402.

(d) **Conditionally Permitted Exceptions.** The Planning Commission may approve, as a Conditional Use according to the procedures of Section 303, mergers exceeding the restrictions of subsections (b) and (c) only when one or more of the following findings can affirmatively be made and the project meets the intent of this Section 121.7:

- (1) The lot merger will enable a specific residential project that provides housing on-site at affordability levels significantly exceeding the requirements of Section 415; or
- (2) The lot merger will facilitate development of an underutilized site historically used as a single use and the new project is comprised of multiple individual buildings; or
- (3) The lot merger serves a unique public interest that cannot be met by building a project on a smaller lot.

(Added by Ord. 72-08, File No. 071157, App. 4/3/2008; amended by Ord. 61-09, File No. 090181, App. 4/17/2009; Ord. 92-12, File No. 111247, App. 5/21/12, Eff. 6/20/12; Ord. 42-13, File No. 130002, App. 3/28/2013, Eff. 4/27/2013; Ord. 62-13, File No. 121162, App. 4/10/2013, Eff. 5/10/2013; Ord. 126-15, File No. 150081, App. 7/17/2015, Eff. 8/16/2015; Ord. 127-15, File No. 150082, App. 7/17/2015, Eff. 8/16/2015; Ord. 188-15, File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. 129-17, File No. 170203, App. 6/30/2017, Eff. 7/30/2017; Ord. 205-17, File No. 170418, App. 11/3/2017, Eff. 12/3/2017; Ord. 17-18, File No. 171173, App. 2/9/2018, Eff. 3/12/2018; Ord. 71-20, File No. 191285, App. 5/1/2020, Eff. 6/1/2020)



## AMENDMENT HISTORY

Division (b) amended; Ord. [92-12](#), Eff. 6/20/12. Section header, introductory paragraph, and division (b) amended; Ord. [42-13](#), Eff. 4/27/2013. Division (d)(1) reference corrected; Ord. [62-13](#), Eff. 5/10/2013. Division (b) amended; Ord. [126-15](#), Eff. 8/16/2015. Division (b) amended; Ord. [127-15](#), Eff. 8/16/2015. Introductory paragraph amended; Ord. [188-15](#), Eff. 12/4/2015. Table amended; Ord. [129-17](#), Eff. 7/30/2017. Table amended; Ord. [205-17](#), Eff. 12/3/2017. Introductory paragraph and table amended; division (f) added; Ord. [17-18](#), Eff. 3/12/2018. Introductory paragraph and former divisions (a) and (b) redesignated as divisions (a), (b)(1), and (b)(2), and amended; new divisions (b) and (b)(3)-(5) added; table amended; undesignated paragraph following table deleted; divisions (c), (c)(2), (c)(3), (c)(5), and (d)-(d)(2) amended; divisions (e) and (f) deleted; Ord. [71-20](#), Eff. 6/1/2020.

### Editor's Note:

*This Section 121.7 was originally designated 121.6 when enacted by Ord. 72-08. The section was redesignated by the editor in order to avoid conflicting with previously existing material. This section subsequently has been amended under its current number by multiple ordinances, as documented in the history note above.*

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## SEC. 121.8. [REPEALED.]

(Added as Sec. 121.5 by Ord. 99-08, File No. 080339, App. 6/11/2008; redesignated and amended by Ord. 298-08, File No. 081153, App. 12/19/2008; amended by Ord. [196-11](#), File No. 110786, App. 10/4/2011, Eff. 11/3/2011; repealed by Ord. [22-15](#), File No. 141253, App. 2/20/2015, Eff. 3/22/2015)

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## SEC. 121.9. SUBDIVISION OF LARGE LOTS, PDR DISTRICTS.

In order to promote, protect, and maintain viable space for a wide range of light industrial uses in PDR Districts, in furtherance of Objective 4 of the Commerce and Industry Element and Policies 1.5 and 8.1 of the Bayview Hunters Point Area Plan, any proposal to subdivide, resubdivide, or perform a lot line adjustment to a parcel that is equal to or greater than 10,000 square feet, into one or more smaller parcels, shall be permitted only with Conditional Use authorization.

Additionally, all proposals for the subdivision, resubdivision, or lot line adjustments of parcels in PDR Districts shall be evaluated in consideration of the following criteria in order to further Objective 4 of the Commerce and Industry Element and Policies 1.5 and 8.1 of the Bayview Hunters Point Area Plan:

- (a) The proposed parcelization will support light industrial activities in the district.
- (b) If the resulting parcelization will require demolition of a structure, the demolition of the structure complies with the Industrial Uses replacement requirement per Section 202.7.
- (c) The uses proposed for the parcels, if any, comply with the cumulative use size limits detailed in the PDR Zoning Control Table.

(Added as Sec. 121.7 by Ord. 99-08, File No. 080339, App. 6/11/2008; redesignated and amended by Ord. 298-08, File No. 081153, App. 12/19/2008; amended by Ord. [22-15](#), File No. 141253, App. 2/20/2015, Eff. 3/22/2015; Ord. [202-18](#), File No. 180557, App. 8/10/2018, Eff. 9/10/2018)

## AMENDMENT HISTORY

Former divisions (1)-(3) redesignated as (a)-(c); current division (c) amended; Ord. [22-15](#), Eff. 3/22/2015. Undesignated introductory paragraph and division (b) amended; Ord. [202-18](#), Eff. 9/10/2018.

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## SEC. 122. HEIGHT AND BULK LIMITATIONS.

Buildings and structures shall be subject to the height and bulk limits established by Article 2.5 of this Code for use districts and for height and bulk districts.

■ (Amended by Ord. 443-78, App. 10/6/78)

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## SEC. 123. MAXIMUM FLOOR AREA RATIO.

(a) The limits upon the floor area ratio of buildings, as defined by this Code, shall be as stated in this Section and Sections 124 through 128.1. The maximum floor area ratio for any building or development shall be equal to the sum of the basic floor area ratio for the district, as set forth in Section 124, plus any premiums and floor area transfers which are applicable to such building or development under Sections 125, 127, 128 and 128.1 and as restricted by the provisions of Sections 123(c) and (d) and 124(b) and (j).

(b) No building or structure or part thereof shall be permitted to exceed, except as stated in Sections 172 and 188 of this Code, the floor area ratio limits herein set forth for the district in which it is located.

(c) In the C-3 Districts, the amount of TDR that may be transferred to a development lot, as allowed by Section 128, is limited as follows:

- (1) The gross floor area of a structure on a lot in the C-3-O District may not exceed a floor area ratio of 18 to 1;
- (2) The gross floor area of a structure on a lot in the C-3-R, C-3-G and C-3-S Districts may not exceed a floor area ratio that is 1½ times the basic floor area limit for the district as provided in Section 124. This section shall not apply to the C-3-S (SU) District.
- (d) The gross floor area of a structure on a lot on which is or has been located a Significant or Contributory Building may not exceed the basic floor area ratio limits stated in Section 124 except as provided in Sections 128(c)(2) and 124(f).
- (e) **C-3-O(SD) District.** To exceed the basic floor area ratio limit of 6.0:1 up to a ratio of 9.0:1, TDR must be transferred to the

development lot as described in Section 128 . The use of TDR to exceed a floor area ratio of 9.0:1 shall not be allowed in the C-3-O(SD) district. In order to exceed a floor area ratio of 9.0:1, all projects must participate in the Transit Center District Mello-Roos Community Facilities District as described in Section 424.8. The gross floor area of a structure on a lot in the C-3-O(SD) District shall not otherwise be limited.

(f) A project subject to the TDR requirements of Section 249.78 is subject to the floor area ratio restrictions contained in that Section.

(Amended by Ord. 414-85, App. 9/17/85; Ord. 275-03, File No. 021577, App. 12/10/2003; Ord. 87-07, File No. 061688, App. 4/27/2007 ; Ord. [182-12](#), File No. 120665, App. 8/8/2012, Eff. 9/7/2012; Ord. [296-18](#), File No. 180184, App. 12/12/2018, Eff. 1/12/2019)

AMENDMENT HISTORY

■ Division (c)(1) amended; division (e) added; Ord. [182-12](#), Eff. 9/7/2012. Divisions (a) and (c) amended; division (f) added; Ord. [296-18](#), Eff. 1/12/2019.

SEC. 124. BASIC FLOOR AREA RATIO.

(See Interpretations related to this Section.)

(a) Except as provided in subsections (b), (c), (d), (e), and (l) of this Section 124, the basic Floor Area Ratio limits specified in the Zoning Control Table for the district in which the lot is located, or in Table 124 below, shall apply to each building or development in the districts indicated.

TABLE 124

BASIC FLOOR AREA RATIO LIMITS

<i>District</i>	<i>Basic Floor Area Ratio Limit</i>
RED, RED-MX	1.0 to 1
Pacific	1.5 to 1
SPD, NC-1, NCT-1, NC-S	1.8 to 1
Haight	
Inner Clement	
Inner Sunset	
North Beach	
Outer Clement	
Sacramento	
24th Street-Noe Valley	
West Portal	
NC-2, NCT-2, RCD	2.5 to 1
Broadway	
Folsom Street	
Glen Park	
Noriega	
Ocean Avenue	
Irving	
Judah	
Polk	
SoMa	
Taraval	
24th Street-Mission	
Upper Fillmore	
Valencia	
Castro	3.0 to 1
Hayes-Gough	
Union	
Upper Market	
NC-3, NCT-3	3.6 to 1
Excelsior-Outer Mission	
Fillmore	

Mission Street	
Chinatown R/NC	1.0 to 1
Chinatown VR	2.0 to 1
Chinatown CB	2.8 to 1
MUG, MUO, MUR, UMU, WMUG, WMUO, SALI in a 40, 45, or 48 foot height district	3.0 to 1
MUG, MUO, MUR, UMU, WMUG, WMUO, SALI in a 50, 55, or 58 foot height district	4.0 to 1
MUG, MUO, MUR, UMU, WMUG, WMUO, SALI in a 65 or 68 foot height district	5.0 to 1
MUG, MUO, MUR, UMU, WMUG, WMUO, SALI in a 85 foot height district	6.0 to 1
MUG, MUO, MUR, UMU, WMUG, WMUO, in a height district over 85 feet	7.5 to 1

(b) In R, RC, NC, and Mixed Use Districts, floor area ratio limits shall not apply to dwellings or to other residential uses. In Chinatown Mixed Use Districts, the above floor area ratio limits shall not apply to institutions, and mezzanine commercial space shall not be calculated as part of the floor area ratio.

(c) In a C-2 District the basic floor area ratio limit shall be 4.8 to 1 for a lot which is nearer to an RM-4 or RC-4 District than to any other R District, and 10.0 to 1 for a lot which is nearer to a C-3 District than to any R District. The distance to the nearest R District or C-3 District shall be measured from the midpoint of the front line, or from a point directly across the street therefrom, whichever gives the greatest ratio.

(d) In the Van Ness Special Use District, as described in Section 243 of this Code, the basic floor area ratio limit shall be 7.0 to 1 where the height limit is 130 feet and at the hospital site within the Van Ness Medical Use Subdistrict, and 4.8 to 1 where the height limit is 80 feet. Within the Van Ness Medical Use Subdistrict, the basic floor area ratio limit shall be 7.5 to 1 for a medical office building, subject to Conditional Use Authorization for a hospital, medical center or other medical institution.

(e) In the Waterfront Special Use Districts, as described in Sections 240 through 240.3 of this Code, the basic floor area ratio limit in any C District shall be 5.0 to 1.

(f) For buildings in C-3-G and C-3-S Districts, other than those designated as Significant or Contributory pursuant to Article 11 of this Code, additional square footage above that permitted by the base floor area ratio limits set forth above may be approved for construction of dwellings on the site of the building affordable for the Life of the Project, as defined in Section 401, to households whose incomes are within 150 percent of AMI, as defined in Section 401, for ownership units and up to 120% of AMI for rental units, in accordance with the conditional use procedures and criteria as provided in Section 303 of this Code. For buildings in the C-3-G District designated as Significant or Contributory pursuant to Article 11 of this Code, additional square footage above that permitted by the base floor area ratio limits set forth above up to the Gross Floor Area of the existing building may be approved, in accordance with the conditional use procedures and criteria as provided in Section 303 of this Code, where: (1) TDRs (as defined by Section 128(a)(5)) were transferred from the lot containing the Significant or Contributory building prior to the effective date of the amendment to Section 124(f) adding this paragraph when the floor area transferred was occupied by a non profit corporation or institution meeting the requirements for exclusion from Gross Floor Area calculation; (2) the additional square footage includes only the amount necessary to accommodate dwelling units and/or group housing units that are affordable for the Life of the Project to households whose incomes are within 60 percent of AMI as defined herein together with any social, educational, and health service space accessory to such units; and (3) the proposed change in use to dwelling units and accessory space and any construction associated therewith, if it requires any alternation to the exterior or other character defining features of the Significant or Contributory Building, is undertaken pursuant to the duly approved Permit to Alter, pursuant to Section 1110, provided, however, that the procedures otherwise required for a Major Alteration as set forth in Sections 1111.4 and 1111.5 and shall be deemed applicable to any such Permit to Alter.

(1) Any dwelling approved for construction under this provision shall be deemed a "Designated Unit" as defined below. Prior to the issuance by the Director of the Department of Building Inspection ("Director of Building Inspection") of a First Construction Document to construct any Designated Unit subject to this Section, the permit applicant shall notify the Director of Planning and the Director of MOHCD in writing whether the Designated Unit will be an owned or rental unit as defined in Section 401 of this Code.

(2) Unless specifically stated in this Section 124(f), each designated unit shall be subject to the provisions of Section 415 of this Code. For purposes of this Subsection and the application of Section 415 of this Code to Designated Units constructed pursuant to this Subsection, the definitions set forth in Section 401 of this Code shall apply.

(3) Except as specifically specified herein, Designated Units shall meet all of the procedures, pricing methodology, monitoring obligations and other requirements of the Inclusionary Housing Procedures Manual and either:

(A) Be used to satisfy the requirements of the Inclusionary Affordable Housing Program, Section 415 *et seq.*, and meet all of the requirements of that Program, including the income limits specified therein; or

(B) Meet the requirements of this subsection (f), including the income limits specified, and be family sized, meaning that each Designated Unit contains at least 2 or 3 bedrooms. In the event that the Designated Unit is not also an On- or Off-site Unit under Section 415, Designated Units shall not be used to determine the required unit size mix for purposes of the Inclusionary Affordable Housing

Program.

(4) MOHCD shall update its Procedures Manual if necessary to include any specific provisions related to Designated Units.

(5) Affordable unit gross square footage which is exempted per this section for FAR shall not be exempted for impact fees that are levied on a gross square foot or FAR basis.

(g) The allowable Gross Floor Area on a lot which is the site of an unlawfully demolished building that is governed by the provisions of Article 11 shall be the Gross Floor Area of the demolished building for the period of time set forth in, and in accordance with the provisions of, Section 1116 of this Code, but not to exceed the basic floor area permitted by this Section.

(h) In calculating the permitted floor area of a new structure in a C-3 District, the lot on which an existing structure is located may not be included unless the existing structure and the new structure are made part of a single development complex, the existing structure is or is made architecturally compatible with the new structure, and, if the existing structure is in a Conservation District, the existing structure meets or is made to meet the standards of Section 1109(c), and the existing structure meets or is reinforced to meet the standards for seismic loads and forces of the Building Code. Determinations under this Paragraph shall be made in accordance with the provisions of Section 309.

(i) In calculating allowable gross floor area on a preservation lot from which any TDRs have been transferred pursuant to Section 128, the amount allowed herein shall be decreased by the amount of gross floor area transferred.

(j) Within the SPD District, Live/Work Units constructed above the floor area ratio limits in Section 102 (Floor Area Ratio, subsection (b)(19)) of this Code shall be subject to the following conditions and standards:

(1) Considering all Dwelling Units and all Live/Work Units on the lot, existing and to be constructed, there shall be no more than one Live/Work Unit and/or Dwelling Unit per 200 square feet of lot area; and

(2) The parking requirement for Live/Work Units subject to this subsection shall be equal to that required for dwelling units within the subject district.

(k) For buildings in C-3-G and C-3-S Districts that are not designated as Significant or Contributory pursuant to Article 11 of this Code, additional square footage above that permitted by the base floor area ratio limits set forth above may be approved for construction of a project, or portion thereof, that constitutes a Student Housing project, as defined in Section 102 of this Code. Such approval shall be subject to the conditional use procedures and criteria in Section 303 of this Code.

(l) In the Cesar Chavez/Valencia Streets Medical Use Special Use District, as described in Section 249.68 of this Code, the basic floor area ratio limit shall be 2.6 to 1, subject to Conditional Use Authorization of a Hospital.

(Amended by Ord. 414-85, App. 9/17/85; Ord. 69-87, App. 3/13/87; Ord. 131-87, App. 4/24/87; Ord. 445-87, App. 11/12/87; Ord. 537-88, App. 12/16/88; Ord. 115-90, App. 4/6/90; Ord. 15-98, App. 1/16/98; Ord. 262-00, File No. 001426, App. 11/17/2000; Ord. 275-03, File no. 021577, App. 12/10/2003; Ord. 87-07, File No. 061688, App. 4/27/2007; Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 61-09, File No. 090181, App. 4/17/2009; Ord. [63-11](#), File No. 101053, App. 4/7/2011, Eff. 5/7/2011; Ord. [35-12](#), File No. 111305, App. 2/21/2012, Eff. 3/22/2012; Ord. [188-12](#), File No. 111374, App. 9/11/2012, Eff. 10/11/2012; Ord. [42-13](#), File No. 130002, App. 3/28/2013, Eff. 4/27/2013; Ord. [131-13](#), File No. 120357, App. 7/11/2013, Eff. 8/10/2013, Oper. 9/9/2013; Ord. [132-13](#), File No. 120358, App. 7/11/2013, Eff. 8/10/2013, Oper. 9/9/2013; Ord. [22-15](#), File No. 141253, App. 2/20/2015, Eff. 3/22/2015; Ord. [164-15](#), File No. 150348, App. 9/23/2015, Eff. 10/23/2015, Retro. 5/20/2015; Ord. [188-15](#), File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. [26-18](#), File No. 171193, App. 2/23/2018, Eff. 3/26/2018; Ord. [296-18](#), File No. 180184, App. 12/12/2018, Eff. 1/12/2019)

#### AMENDMENT HISTORY

Divisions (b), (d), (f), (f)(1), and (f)(3) amended; Ord. [63-11](#), Eff. 5/7/2011. [Former] Table 124 amended; Ord. [35-12](#), Eff. 3/22/2012. Division (k) added; Ord. [188-12](#), Eff. 10/11/2012. [Former] Table 124 amended; Ord. [42-13](#), Eff. 4/27/2013. Division (d) amended; Ord. [131-13](#), Oper. 9/9/2013. Division (a) amended; division (l) added; Ord. [132-13](#), Oper. 9/9/2013. Division (a) amended and former Table 124 deleted; divisions (f), (g), (h), (j), (k), and (l) amended; Ord. [22-15](#), Eff. 3/22/2015. Divisions (f)-(f)(3) amended; new divisions (f)(4) and (5) added; Ord. [164-15](#), Eff. 10/23/2015. Division (a) amended; new Table 124 added; Ord. [188-15](#), Eff. 12/4/2015. Division (f)(1) amended; Ord. [26-18](#), Eff. 3/26/2018. Division (a), Table 124, and divisions (j)-(j)(1) amended; Ord. [296-18](#), Eff. 1/12/2019.

#### Editor's Note:

Ordinance [155-15](#) (File No. 150348, App. 8/6/2015, Eff. 9/5/2015) purported to amend this section. At the direction of the Office of the City Attorney, Ord. 155-15 was never codified (and accordingly is not referenced in the history notes above). Its provisions effectively were superseded by Ord. [164-15](#) (File No. 150348, App. 9/23/2015, Eff. 10/23/2015, Retro. 5/20/2015).

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## SEC. 124.1. FLOOR AREA RATIO EXCEPTIONS: CHINATOWN.

(See Interpretations related to this Section.)

(a) The floor area ratios set forth for the Chinatown Residential Neighborhood Commercial District shall not apply to projects which have received commitment for Community Development Block Grant funds as of January 10, 1985 for creation of new housing. The applicable floor area ratios shall be those in effect on January 9, 1985.

(b) In the Chinatown Community Business District, Chinatown Visitor Retail District and the Chinatown Residential Neighborhood Commercial District, mezzanine commercial space and institutional use shall not be included in computation of the floor area ratios. A deed restriction limiting the space to institutional use shall be recorded on the property by the property owner.

(c) The floor area ratios set forth for the Chinatown Residential Neighborhood Commercial District shall not apply to hospitals or medical centers. The applicable floor area ratio for hospitals or medical centers shall be 4.8.

(d) The floor area ratios set forth for the Chinatown Mixed Use District shall not apply to any existing business originally located within or partially within a Chinatown Mixed Use District as of the effective date of this ordinance which must relocate as a result of acquisition by the City and County of San Francisco of the real property on which the business is situated. Such use must be the same as

that use existing on the effective date of the ordinance. The applicable floor area ratio shall be a maximum of 4.8 or a lesser amount sufficient to accommodate replacement of improved property and parking used on a regular basis in connection with the business needing to relocate as determined by the Zoning Administrator.

■ (Added by Ord. 131-87, App. 4/24/87)

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## **SEC. 125. FLOOR AREA PREMIUMS, DISTRICTS OTHER THAN NC, C-3 AND MIXED USE.**

In any district other than an NC, C-3, or Mixed Use District in which a floor area ratio limit applies, the following premiums, where applicable, may be added to the basic floor area ratio limit to determine the maximum floor area ratio for a building or development:

- (a) For a lot or portion thereof which is defined by this Code as a corner lot, a floor area premium may be added by increasing the area of the lot or portion, for purposes of floor area computation, by 25 percent;
- (b) For a lot or portion thereof which is defined by this Code as an interior lot, and which abuts along its rear lot line upon a street or alley, a floor area premium may be added by increasing the depth of the lot or portion along such street or alley, for purposes of floor area ratio computation, by one-half the width of such street or alley or 10 feet, whichever is the lesser.

■ (Amended by Ord. 443-78, App. 10/6/78; Ord. 69-87, App. 3/13/87; Ord. 131-87, App. 4/24/87)

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## **SEC. 127. TRANSFER OF PERMITTED BASIC GROSS FLOOR AREA.**

(a) **When Allowed.** The maximum permitted Gross Floor Area for any building or development on a lot may be increased by transfer to such lot of basic Gross Floor Area that is permitted in the Zoning Control Table for the district in which the lot is located but unbuilt upon an adjacent lot that is occupied by an historical, architectural or aesthetic landmark that has been so designated by the Board of Supervisors pursuant to Article 10 of this Code. For the purposes of this Section, an "adjacent lot" is one that either abuts for a distance not less than 25 feet along a side or rear lot line of the lot to which the basic gross floor area transfer is made (hereinafter referred to as the "transferee lot"), or would so abut for such a distance if not separated solely by a street or an alley.

(b) **Amount of TDR Available for Transfer.** The maximum TDR available for transfer from a Transfer Lot consists of the difference between (1) the allowable gross floor area permitted on the Transfer Lot by Section 124 and (2) the gross floor area of the development located on the Transfer Lot.

(c) **Eligibility of Development Lots and Limitation on Use of TDR on Development Lots.** TDR may be used to increase the allowable Gross Floor Area of a development on a Development Lot if the following requirements and restrictions are satisfied:

(1) Transfer of Development Rights shall be limited to the following:

(A) The Transfer Lot and the Development Lot are located in a C-3 Zoning District; or

(B) the Transfer Lot contains a Significant building and is located in the South of Market Extended Preservation District, as set forth in Section 819, and the Development Lot is located in a C-3 District; or

(C) the Transfer Lot is in a P District adjacent to a C-3 District and meets the requirements established in subsection (a)(4) above and the Development Lot is located in a C-3 District; or

(D) the Transfer Lot is located in any C-3 District and contains an individual landmark designated pursuant to Article 10 and the Development Lot is located in any C-3 District.

(2) TDR may not be transferred for use on any lot on which is or has been located a Significant or Contributory building; provided that this restriction shall not apply if the designation of a building is changed to Unrated; nor shall it apply if the Historic Preservation Commission finds that the additional space resulting from the transfer of TDR is essential to make economically feasible the reinforcement of a Significant or Contributory building to meet the standards for seismic loads and forces of the Building Code, in which case TDR may be transferred for that purpose subject to the limitations of this Section and Article 11, including Section 1111.6. Any alteration shall be governed by the requirements of Sections 1111 to 1111.6.

(3) Notwithstanding any other provision of this Section, development on a Development Lot is limited by the provisions of this Code, other than those on floor area ratio, governing the approval of projects, including the requirements relating to height, bulk, setback, sunlight access, and separation between towers, and any limitations imposed pursuant to Section 309 review applicable to the Development Lot. The total allowable gross floor area of a development on a Development Lot may not exceed the limitation imposed by Section 123(c).

(d) **Limitations.** No transfer of permitted gross floor area shall serve to increase the total gross floor area permitted under this Code on the adjacent lot and the transferee lot taken together, either presently or prospectively. No building permit application shall be approved by the Planning Department at any time, nor shall any building permit be issued by any City department at any time, if the result of such approval or issuance would be to increase the total permitted Gross Floor Area of both such lots taken together above such total as calculated on the basis of the floor area ratio limits prevailing at that time for such lots.

(e) **Completed Transfers.** Any transfer of permitted Gross Floor Area completed prior to the effective date of this Section shall be effective notwithstanding the location of the transferee lot outside the C-3-O District and notwithstanding the aggregate transfer of more than ½ the gross floor area permitted on the adjacent lot under the basic floor area ratio limit, provided all other conditions of this

Section have been met.

(f) **Restrictions on Transfer.** Any restrictions or limitations imposed upon any lot by virtue of the transfer of Gross Floor Area permitted by this Section shall remain in effect notwithstanding an amendment of this Section which removes authorization for such a transfer.

(Amended by Ord. 414-85, App. 9/17/85; Ord. [22-15](#), File No. 141253, App. 2/20/2015, Eff. 3/22/2015)

#### AMENDMENT HISTORY

■ Divisions (a) and (f) amended; Ord. [22-15](#), Eff. 3/22/2015.

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## SEC. 128. TRANSFER OF DEVELOPMENT RIGHTS IN C-3 DISTRICTS.

### (a) Definitions.

(1) "Development Lot." A lot to which TDR may be transferred to increase the allowable gross floor area of development thereon beyond that otherwise permitted by the Zoning Control Table for the district in which the lot is located.

(2) "Owner of Record." The owner or owners of record in fee.

(3) "Preservation Lot." A parcel of land on which is either (A) a Significant or Contributory building (as designated pursuant to Article 11); or (B) a Category V Building that has complied with the eligibility requirement for transfer of TDR as set forth in Section 1109(c); or (C) a structure designated an individual landmark pursuant to Article 10 of this Code. The boundaries of the Preservation Lot shall be the boundaries of the Assessor's lot on which the building is located at the time the ordinance or, as to Section 1109(c), resolution, making the designation is adopted, unless boundaries are otherwise specified in the ordinance.

(4) "Transfer Lot." A Preservation Lot located in a C-3 District from which TDR may be transferred. A lot zoned P (public) may in no event be a Transfer Lot unless a building on that lot is (A) owned by the City and County of San Francisco; and (B) located in a P District adjacent to a C-3 District; and (C) designated as an individual landmark pursuant to Article 10 of this Code, designated as a Category I Significant Building pursuant to Article 11 of this Code, or listed on the National Register of Historic Places; and (D) the TDR proceeds are used to finance, in whole or in part, a project to rehabilitate and restore the building in accordance with the Secretary of Interior standards. For the purposes of Section 128(b), a lot zoned P that satisfies the criteria of this Subsection (4) to qualify as a "Transfer Lot" shall be deemed to have an allowable gross floor area of 7.5:1 under Section 124.

(5) "Transferable Development Rights (TDR)." Units of gross floor area that may be transferred, pursuant to the provisions of this Section and Article 11 of this Code, from a Transfer Lot to increase the allowable gross floor area of a development on a Development Lot.

(6) "Unit of TDR." One unit of TDR is one square foot of gross floor area.

(b) **Amount of TDR Available for Transfer.** The maximum TDR available for transfer from a Transfer Lot consists of the difference between (1) the allowable Gross Floor Area permitted on the Transfer Lot by the Zoning Control Table for the district in which the lot is located; and (2) the Gross Floor Area of the development located on the Transfer Lot.

(c) **Eligibility of Development Lots and Limitation on Use of TDR on Development Lots.** TDR may be used to increase the allowable gross floor area of a development on a Development Lot if the following requirements and restrictions are satisfied:

(1) Transfer of Development Rights shall be limited to the following:

(A) The Transfer Lot and the Development Lot are located in a C-3 Zoning District; or

(B) the Transfer Lot contains a Significant building and is located in the South of Market Extended Preservation District, as set forth in Section 819, and the Development Lot is located in a C-3 District; or

(C) the Transfer Lot is in a P District adjacent to a C-3 District and meets the requirements established in subsection (a)(4) above and the Development Lot is located in a C-3 District; or

(D) the Transfer Lot is located in any C-3 District and contains an individual landmark designated pursuant to Article 10 and the Development Lot is located in any C-3 District.

(2) TDR may not be transferred for use on any lot on which is or has been located a Significant or Contributory building; provided that this restriction shall not apply if the designation of a building is changed to Unrated; nor shall it apply if the Historic Preservation Commission finds that the additional space resulting from the transfer of TDR is essential to make economically feasible the reinforcement of a Significant or Contributory building to meet the standards for seismic loads and forces of the Building Code, in which case TDR may be transferred for that purpose subject to the limitations of this Section and Article 11, including Section 1111.6. Any alteration shall be governed by the requirements of Sections 1111 to 1111.6.

(3) Notwithstanding any other provision of this Section, development on a Development Lot is limited by the provisions of this Code, other than those on floor area ratio, governing the approval of projects, including the requirements relating to height, bulk, setback, sunlight access, and separation between towers, and any limitations imposed pursuant to Section 309 review applicable to the Development Lot. The total allowable gross floor area of a development on a Development Lot may not exceed the limitation imposed by Section 123(c).

(d) **Effect of Transfer of TDR.** Transfer of TDR from a Transfer Lot permanently reduces the development potential of the Transfer



Lot by the amount of the TDR transferred, except as provided in Section 124(f). In addition, transfer of TDR from a Preservation Lot containing a Contributory building or an individual landmark designated pursuant to Article 10 causes such building to become subject to the same restrictions on demolition and alteration, and the same penalties and enforcement remedies, that are applicable to Significant Buildings Category I, as provided in Article 11.

**(e) Procedure for Determining TDR Eligibility.**

(1) In order to obtain a determination of whether a lot is a Transfer Lot and, if it is, of the amount of TDR available for transfer, the owner of record of the lot may file an application with the Zoning Administrator for a Statement of Eligibility. The application for a Statement of Eligibility shall contain or be accompanied by plans and drawings and other information which the Zoning Administrator determines is necessary in order to determine whether a Statement of Eligibility can be issued. Any person who applies for a Statement of Eligibility prior to expiration of the time for request of reconsideration of designation authorized in Section 1106 shall submit in writing a waiver of the right to seek such reconsideration.

(2) The Zoning Administrator shall, upon the filing of an application for a Statement of Eligibility and the submission of all required information, issue either a proposed Statement of Eligibility or a written determination that no TDR are available for transfer and shall mail that document to the applicant and to any other person who has filed with the Zoning Administrator a written request for a copy, and shall post the proposed Statement of Eligibility or written determination on the Planning Department website. Any appeal of the proposed Statement of Eligibility or determination of noneligibility shall be filed with the Board of Appeals within 20 days of the date of issuance of the document. If not appealed, the proposed Statement of Eligibility or the determination of noneligibility shall become final on the 21st day after the date of issuance. The Statement of Eligibility shall contain at least the following information:

(A) the name of the owner of record of the Transfer Lot;

(B) the address, legal description and Assessor's Block and Lot of the Transfer Lot;

(C) the C-3 use district within which the Transfer Lot is located;

(D) whether the Transfer Lot contains a Significant or Contributory building, a Category V building, or an Article 10 individually designated landmark;

(E) the amount of TDR available for transfer; and

(F) the date of issuance.

(3) Once the proposed Statement of Eligibility becomes final, whether through lack of appeal or after appeal, the Zoning Administrator shall record the Statement of Eligibility in the Office of the County Recorder. The County Recorder shall be instructed to mail the original of the recorded document to the owner of record of the Transfer Lot and a conformed copy to the Zoning Administrator.

**(f) Cancellation of Eligibility.**

(1) If reasonable grounds should at any time exist for determining that a building on a Preservation Lot may have been altered or demolished in violation of Articles 10 or 11, including Sections 1110 and 1111 thereof, the Zoning Administrator may issue and record with the County Recorder a Notice of Suspension of Eligibility for the affected lot and, in cases of demolition of a Significant or Contributory building, a notice that the restriction on the floor area ratio of a replacement building may be applicable and shall mail a copy of such notice to the owner of record of the lot. The notice shall provide that the property owner shall have 20 days from the date of the notice in which to request a hearing before the Zoning Administrator in order to dispute this initial determination. If no hearing is requested, the initial determination of the Zoning Administrator is deemed final on the twenty-first day after the date of the notice, unless the Zoning Administrator has determined that the initial determination was in error.

(2) If a hearing is requested, the Zoning Administrator shall notify the property owner of the time and place of hearing, which shall be scheduled within 21 days of the request, shall conduct the hearing, and shall render a written determination within 15 days after the close of the hearing. If the Zoning Administrator shall determine that the initial determination was in error, that officer shall issue and record a Notice of Revocation of Suspension of Eligibility. Any appeal of the determination of the Zoning Administrator shall be filed with the Board of Appeals within 20 days of the date of the written determination following a hearing or, if no hearing has been requested, within 20 days after the initial determination becomes final.

(3) If after an appeal to the Board of Appeals it is determined that an unlawful alteration or demolition has occurred, or if no appeal is taken of the determination by the Zoning Administrator of such a violation, the Zoning Administrator shall record in the Office of the County Recorder a Notice of Cancellation of Eligibility for the lot, and shall mail to the property owner a conformed copy of the recorded Notice. In the case of demolition of a Significant or Contributory Building, the Zoning Administrator shall record a Notice of Special Restriction noting the restriction on the floor area ratio of the Preservation Lot, and shall mail to the owner of record a certified copy of the Notice. If after an appeal to the Board of Appeals it is determined that no unlawful alteration or demolition has occurred, the Zoning Administrator shall issue and record a Notice of Revocation of Suspension of Eligibility and, if applicable, a Notice of Revocation of the Notice of Special Restriction, and shall mail conformed copies of the recorded notices to the owner of record.

(4) No notice recorded under this Section 128(f) shall affect the validity of TDR that have been transferred from the affected Transfer Lot in compliance with the provisions of this Section prior to the date of recordation of such notice, whether or not such TDR have been used.

**(g) Procedure for Transfer of TDR.**

(1) TDR from a single Transfer Lot may be transferred as a group to a single transferee or in separate increments to several transferees. TDR may be transferred either directly from the original owner of the TDR to the owner of a Development Lot or to persons, firms or entities who acquire the TDR from the original owner of the TDR and hold them for subsequent transfer to other persons, firms,



entities or to the owners of a Development Lot or Lots.

(2) When TDR are transferred, they shall be identified in each Certificate of Transfer by a number. A single unit of TDR transferred from a Transfer Lot shall be identified by the number "1." Multiple units of TDR transferred as a group for the first time from a Transfer Lot shall be numbered consecutively from "1" through the number of units transferred. If a fraction of a unit of TDR is transferred, it shall retain its numerical identification. (For example, if 5,000-1/2 TDR are transferred in the initial transfer from the Transfer Lot, they would be numbered "1 through 5,000 and one-half of 5,001.") TDR subsequently transferred from the Transfer Lot shall be identified by numbers taken in sequence following the last number previously transferred. (For example if the first units of gross floor area transferred from a Transfer Lot are numbered 1 through 10,000, the next unit transferred would be number 10,001.) If multiple units transferred from a Transfer Lot are subsequently transferred separately in portions, the seller shall identify the TDR sold by numbers which correspond to the numbers by which they were identified at the time of their transfer from the Transfer Lot. (For example, TDR numbered 1 through 10,000 when transferred separately from the Transfer Lot in two equal portions would be identified in the two Certificates of Transfer as numbers 1 through 5,000 and 5,001 through 10,000.) Once assigned numbers, TDR retain such numbers for the purpose of identification through the process of transferring and using TDR. The phrase "numerical identification," as used in this section, shall mean the identification of TDR by numbers as described in this Subsection.

(3) Transfer of TDR from the Transfer Lot shall not be valid unless (A) a Statement of Eligibility has been recorded in the Office of the County Recorder prior to the date of recordation of the Certificate of Transfer evidencing such transfer and (B) a Notice of Suspension of Eligibility or Notice of Cancellation of Eligibility has not been recorded prior to such transfer or, if recorded, has thereafter been withdrawn by an appropriate recorded Notice of Revocation or a new Statement of Eligibility has been thereafter recorded.

(4) Transfer of TDR, whether by initial transfer from a Transfer Lot or by a subsequent transfer, shall not be valid unless a Certificate of Transfer evidencing such transfer has been prepared and recorded. The Zoning Administrator shall prepare a form of Certificate of Transfer and all transfers shall be evidenced by documents that are substantially the same as the Certificate of Transfer form prepared by the Zoning Administrator, which form shall contain at least the following:

(A) For transfers from the Transfer Lot only:

- (i) Execution and acknowledgement by the original owner of TDR as the transferor(s) of the TDR; and
- (ii) Execution and acknowledgment by the Zoning Administrator; and
- (iii) A notice, prominently placed and in all capital letters, preceded by the underlined heading "Notice of Restriction," stating that the transfer of TDR from the Transfer Lot permanently reduces the development potential of the Transfer Lot by the amount of TDR transferred, with reference to the provisions of this Section.

(B) For all transfers:

- (i) The address, legal description, Assessor's Block and Lot, and C-3 use district of the Transfer Lot from which the TDR originates; and
- (ii) The amount and sale price of TDR transferred; and
- (iii) Numerical identification of the TDR being transferred; and
- (iv) The names and mailing addresses of the transferors and transferees of the TDR; and
- (v) Execution and acknowledgment by the transferors and transferees of the TDR; and
- (vi) A reference to the Statement of Eligibility, including its recorded instrument number and date of recordation, and a recital of all previous transfers of the TDR, including the names of the transferors and transferees involved in each transfer and the recorded instrument number and date of recordation of each Certificate of Transfer involving the TDR, including the transfer from the Transfer Lot which generated the TDR.

(5) When a Certificate of Transfer for the transfer of TDR from a Transfer Lot is presented to the Zoning Administrator for execution, that officer shall not execute the document if a transfer of the TDR would be prohibited by any provision of this Section or any other provision of this Code. The Zoning Administrator shall, within five business days from the date that the Certificate of Transfer is submitted for execution, either execute the Certificate of Transfer or issue a written determination of the grounds requiring a refusal to execute the Certificate.

(6) Each duly executed and acknowledged Certificate of Transfer containing the information required herein shall be presented for recordation in the Office of the County Recorder and shall be recorded by the County Recorder. The County Recorder shall be instructed to mail the original Certificate of Transfer to the person and address designated thereon and shall be given a copy of the Certificate of Transfer and instructed to conform the copy and mail it to the Zoning Administrator.

**(h) Certificate of Transfer of TDR for a Project on a Development Lot.**

(1) When the use of TDR is necessary for the approval of a building permit for a project on a Development Lot, the Director of the Department of Building Inspection shall not approve issuance of the permit unless the Zoning Administrator has issued a written certification that the owner of the Development Lot owns the required number of TDR. When the transfer of TDR is necessary for the approval of a site permit for a project on a Development Lot, the Zoning Administrator shall impose as a condition of approval of the site permit the requirement that the Director of the Department of Building Inspection shall not issue the first addendum to the site permit unless the Zoning Administrator has issued a written certification that the owner of the Development Lot owns the required number of TDR.

(2) In order to obtain certification as required in Section 128(h)(1), the permit applicant shall present to the Zoning Administrator:

(A) Information necessary to enable the Zoning Administrator to prepare the Notice of Use of TDR, which information shall be at least the following:

- (i) The address, legal description, Assessor's Block and Lot, and zoning classification of the Development Lot;
- (ii) The name and address of the owner of record of the Development Lot;
- (iii) Amount and numerical identification of the TDR being used;
- (iv) A certified copy of each Certificate of Transfer evidencing transfer to the owner of the Development Lot of the TDR being used; and

(B) A report from a title insurance company showing the holder of record of the TDR to be used, all Certificate of Transfer of the TDR, and all other matters of record affecting such TDR. In addition to showing all such information, the report shall guarantee that the report is accurate and complete and the report shall provide that in the event that its guarantee or any information shown in the report is incorrect, the title company shall be liable to the City for the fair market value of the TDR at the time of the report. The liability amount shall be not less than \$10,000 and no more than \$1,000,000, the appropriate amount to be determined by the Zoning Administrator based on the number of TDR being used.

(C) An agreement whereby the owner of the Development Lot shall indemnify the City against any and all loss, cost, harm or damage, including attorneys' fees, arising out of or related in any way to the assertion of any adverse claim to the TDR, including any loss, cost, harm or damage occasioned by the passive negligence of the City and excepting only that caused by the City's sole and active negligence. The indemnity agreement shall be secured by a financial balance sheet certified by an auditor or a corporate officer showing that the owner has assets equal to or greater than the value of the TDR, or other security satisfactory to Planning Department and the City Attorney.

(3) If the Zoning Administrator determines that the project applicant has complied with the provisions of Subsection (h)(2) and all other applicable provisions of this Section, and that the applicant is the owner of the TDR, that officer shall transmit to the Director of the Department of Building Inspection, with a copy to the project applicant, written certification that the owner of the Development Lot owns the TDR. Prior to transmitting such certification, the Zoning Administrator shall prepare a document entitled Notice of Use of TDR stating that the TDR have been used and may not be further transferred, shall obtain the execution and acknowledgment on the Notice of the owner of record of the Development Lot, shall execute and acknowledge the Notice, shall record it in the Office of the County Recorder, and shall mail to the owner of record of the Development Lot a conformed copy of the recorded Notice. If the Zoning Administrator determines that the project applicant is not the owner of the TDR, or has not complied with all applicable provisions of this Section, that determination shall be set forth in writing along with the reasons therefore. The Zoning Administrator shall either transmit certification or provide a written determination that certification is inappropriate within 10 business days after the receipt of all information required pursuant to Subsection (h)(2).

**(i) Cancellation of Notice of Use; Transfer from Development Lot.**

(1) The owner of a Development Lot for which a Notice of Use of TDR has been recorded may apply for a Cancellation of Notice of Use if (A) the building permit or site permit for which the Notice of Use was issued expires or was revoked or cancelled prior to completion of the work for which such permit was issued and the work may not be carried out; or (B) any administrative or court decision is issued or any ordinance or initiative or law is adopted which does not allow the applicant to make use of the permit; or (C) a portion or all of such TDR are not used.

(2) If the Zoning Administrator determines that the TDR have not been and will not be used on the Development Lot based on the reasons set forth in subsection (i)(1), the Zoning Administrator shall prepare the Cancellation of Notice of Use of TDR. If only a portion of the TDR which had been acquired are not being used, the applicant may identify which TDR will not be used and the Cancellation of Notice of Use of TDR shall apply only to those TDR. The Zoning Administrator shall obtain on the Cancellation of Notice of Use of TDR the signature and acknowledgment of the owner of record of the Development Lot as to which the Notice of Use of TDR was recorded, shall execute and acknowledge the document, and shall record it in the office of the County Recorder.

(3) Once a Cancellation of Notice of Use of TDR has been recorded, the owner of the Development Lot may apply for a Statement of Eligibility in order to transfer the TDR identified in that document. The procedures and requirements set forth in this Section governing the transfer of TDR shall apply to the transfer of TDR from the owner of a Development Lot after a Notice of Use has been filed, except for the provisions of this Section permanently restricting the development potential of a Transfer Lot upon the transfer of TDR; provided, however, that the district or districts to which the TDR may be transferred shall be the same district or districts to which TDR could have been transferred from the Transfer Lot that generated the TDR.

**(j) Erroneous Notice of Use; Revocation of Permit.** If the Zoning Administrator determines that a Notice of Use of TDR was issued or recorded in error, that officer may direct the Director of the Department of Building Inspection to suspend any permit issued for a project using such TDR, in which case the Director of the Department of Building Inspection shall comply with that directive. The Zoning Administrator shall thereafter conduct a noticed hearing in order to determine whether the Notice of Use of TDR was issued or recorded in error. If it is determined that the Notice of Use of TDR was issued or recorded in error, the Director of the Department of Building Inspection shall revoke the permit; provided, however, that no permit authorizing such project shall be revoked if the right to proceed thereunder has vested under California law. If it is determined that the Notice of Use of TDR was not issued or recorded in error, the permit shall be reinstated.

**(k) Effect of Repeal or Amendment.** TDR shall convey the rights granted herein only so long and to the extent as authorized by the provisions of this Code. Upon repeal of such legislative authorization, TDR shall there after convey no rights or privileges. Upon amendment of such legislative authorization, TDR shall thereafter convey only such rights and privileges as are permitted under the

amendment. No Statement of Eligibility shall convey any right to use, transfer or otherwise utilize TDR if the maximum floor area ratio for the Transfer Lot is reduced after the Statement of Eligibility is issued.

**(l) Preservation Rehabilitation, and Maintenance Requirements for Preservation Lots.**

(1) In addition to the material required to be submitted with an application for a Certificate of Transfer for initial transfer from the Transfer Lot set forth in subsection 128(g), the owner of the Transfer Lot shall:

(A) Demonstrate that any and all outstanding Notices of Violation have been abated; and

(B) Submit for approval by the Department a Preservation, Rehabilitation, and Maintenance Plan that describes any proposed preservation and rehabilitation work and that guarantees the maintenance and upkeep of the Transfer Lot. This Plan shall include:

(i) a plan for the ongoing maintenance of the Transfer Lot;

(ii) information regarding the nature and cost of any rehabilitation, restoration or preservation work to be conducted on the Transfer Lot, including information about any required seismic, life safety, or disability access work;

(iii) a construction schedule; and

(iv) any other such information as the Department may require to determine compliance of this subsection 128(l).

All such work, shall comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties. The requirements of the approved Plan shall be recorded along with the final Certificate of Transfer in the Office of the County Recorder.

Notwithstanding the foregoing, the owner of the Transfer Lot may apply to the Department for a hardship exemption from the requirements of subsection (i). Such hardship exemption shall demonstrate to the satisfaction of the Department that sale of TDR is necessary to fund the work required to cure the outstanding Notice(s) of Violation on the Transfer Lot.

(2) Approval of the Certificate of Transfer for initial transfer from the Transfer Lot shall be conditioned on execution of the requirements described in subsection (l)(1). Once any TDR is transferred from the Transfer Lot, the Certificate of Transfer and conditions may not be withdrawn.

(3) Within one year of the issuance of the Certificate of Transfer for initial transfer from the Transfer Lot, the owner of the Transfer Lot shall submit a status report to the Department detailing how the requirements of subsection (l)(1) have been completed and describing ongoing maintenance activities. Such report shall include: (A) information detailing the work completed; (B) copies of all permits obtained for the work, including any Certificates of Appropriateness or Permits to Alter; (C) any inspection reports or other documentation from the Department of Building Inspection showing completion of the work; (D) itemized receipts of payment for work performed; and (E) any such other documentation as the Department may require to determine compliance with the requirements of this subsection 128(l). The deadline for completion of the work and submittal of this report may be extended at the discretion of the Department upon application of the owner of the Transfer Lot and only upon a showing that the owner has diligently pursued all required permits and completion of the work.

(4) Failure to comply with the requirements of this subsection (l), including all reporting requirements, shall be grounds for enforcement under this Code, including but not limited to under Sections 176 and 176.1. Penalties for failure to comply may include, but shall not be limited to, a lien on the Transfer Lot equal to the sale price of the TDR sold.

(Added by Ord. 414-85, App. 9/17/85; amended by Ord. 115-90, App. 4/6/90; Ord. 21-03, File No. 020328, App. 2/21/2003; Ord. 77-04, File No. 031930, App. 5/6/2004; Ord. 87-07, File No. 061688, App. 4/27/2007; Ord. 246-10, File No. 100851, App. 10/14/2010; Ord. 256-10, File No. 101200, App. 11/5/2010; Ord. [68-13](#), File No. 120474, App. 4/23/2013, Eff. 5/23/2013; Ord. [22-15](#), File No. 141253, App. 2/20/2015, Eff. 3/22/2015)

**AMENDMENT HISTORY**

References to officials and bodies updated and/or corrected throughout; internal subdivisions redesignated consistently throughout; in division (c)(1), former subdivisions (i) and (iii) amended and redesignated as (A) and (B), former subdivisions (v) and (vi) redesignated as (C) and (D), and former subdivisions (ii) and (iv) deleted; divisions (f)(1), (f)(3), and (l)(1) through (4) amended; Ord. [68-13](#), Eff. 5/23/2013. Divisions (a)(1) and (b) amended; Ord. [22-15](#), Eff. 3/22/2015.

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## **SEC. 128.1. TRANSFER OF DEVELOPMENT RIGHTS IN THE CENTRAL SOMA SPECIAL USE DISTRICT.**

(a) **Purpose.** The purpose of this Section is to use Transferable Development Rights to facilitate the economic viability of buildings that are of civic importance, that are not built to their full development potential, and that are within the Central SoMa Special Use District, established in Section 249.78.

(b) **Definitions.**

**“Development Lot.”** A lot within the Central SoMa Special Use District to which Transferable Development Rights may be transferred. The following areas are exempted from the calculation of the Development Lot area: land dedicated to the City for affordable housing pursuant to Section 249.78 or land dedicated to the City for publicly-owned parks or publicly-owned recreation centers pursuant to Section 263.32 or 263.34.

**“Preservation Lot.”** A parcel of land within the Central SoMa Special Use District on which exists (1) a Significant or Contributory Building, as designated pursuant to Article 11 of this Code; or (2) a structure designated as an individual landmark or as contributory to a historic district designated pursuant to Article 10 of this Code. The boundaries of the Preservation Lot shall be the boundaries of the Assessor’s Lot on which the building is located at the time the ordinance making the designation is adopted, unless boundaries are otherwise specified in that ordinance.

**“Transfer Lot.”** Within the Central SoMa Special Use District, a Transfer Lot is a Preservation Lot or a lot that contains a building in which all of the housing units are Affordable Housing Units as defined in Section 401 from which Transferable Development Rights may be transferred.

**“Transferable Development Rights (TDR).”** Units of allowable Gross Floor Area that may be transferred, pursuant to the provisions of this Section and Article 11 of this Code, from a Transfer Lot to increase the allowable Gross Floor Area of a development on a Development Lot.

**“Unit of TDR.”** One unit of TDR is one square foot of Gross Floor Area.

(c) **Applicability.** TDR may be transferred from a Transfer Lot to a Development Lot, subject to the requirements set forth in this Section 128.1.

(1) The maximum TDR available for transfer from a Transfer Lot consists of the difference between the allowable Gross Floor Area on the Transfer Lot and the actual Gross Floor Area of the development located on the Transfer Lot. For purposes of this Section, the allowable Gross Floor Area of the Transfer Lot is as follows:

- (A) 3.0 Floor Area Ratio for projects in height districts of 40 to 49 feet;
- (B) 4.0 Floor Area Ratio for projects in height districts of 50 to 59 feet;
- (C) 5.0 Floor Area Ratio for projects in height districts of 60 to 69 feet;
- (D) 6.0 Floor Area Ratio for projects in height districts of 70 to 85 feet; and
- (E) 7.5 Floor Area Ratio for projects in height districts over 85 feet.

(2) TDR may not be transferred for use on any lot on which there is a Significant or Contributory building designated pursuant to Article 11 or any building designated pursuant to Article 10; provided that this restriction shall not apply if the Historic Preservation Commission finds that the additional space resulting from the transfer of TDR is essential to make economically feasible the reinforcement of a Significant or Contributory building designated pursuant to Article 11 to meet the standards for seismic loads and forces of the Building Code, in which case TDR may be transferred for that purpose, provided that the project sponsor has satisfied all other requirements of this Section and Article 11, including but not limited to the requirements of Sections 1111 through 1111.6.

(3) Notwithstanding any other provision of this Section 128.1, development on a Development Lot is limited by the provisions of this Code, other than those on floor area ratio, governing the approval of projects, including but not limited to the requirements relating to height, bulk, setback, sunlight access, and separation between towers, and any limitations imposed pursuant to Section 329 review applicable to the Development Lot.

(d) **Controls.** The transfer and use of TDR within the Central SoMa SUD are subject to the following controls:

(1) TDR from a Transfer Lot within the Central SoMa SUD may be used by any Development Lot in the city as defined in Sections 128 and 128.1.

(2) TDR from a Transfer Lot located outside the Central SoMa SUD may only be used by a Development Lot within the Central SoMa SUD if that Development Lot is a Large Development Site pursuant to subsection (e).

(3) Transfer and use of TDR within the Central SoMa SUD is subject to the requirements of Section 128(e) through (l).

(e) **TDR Controls for Large Development Sites.**

(1) **Applicability.** This subsection (e) applies to Large Development Sites, which are projects that:

- (A) Are located in Central SoMa Fee Tier C, as defined in Section 423.2;
- (B) Contain new construction or addition of 50,000 non-residential gross square feet or greater; and
- (C) Have a Floor Area Ratio of 3:1 or greater.

(2) **Controls.** To exceed a Floor Area Ratio of 3:1, a Large Development Site shall acquire one Unit of TDR from a Transfer Lot, as defined in Sections 128 and 128.1, per square foot of development up to a Floor Area Ratio of 4.25:1. Above 4.25:1, the acquisition of additional TDR is not required.

(Added by Ord. [296-18](#), File No. 180184, App. 12/12/2018, Eff. 1/12/2019; amended by Ord. [47-21](#), File No. 201175, App. 4/16/2021, Eff. 5/17/2021)

#### AMENDMENT HISTORY

■ Divisions (b) and (c) amended; divisions (d)-(d)(2) and (e) amended in full as (d)-(d)(3) and (e)-(e)(2); Ord. [47-21](#), Eff. 5/17/2021.

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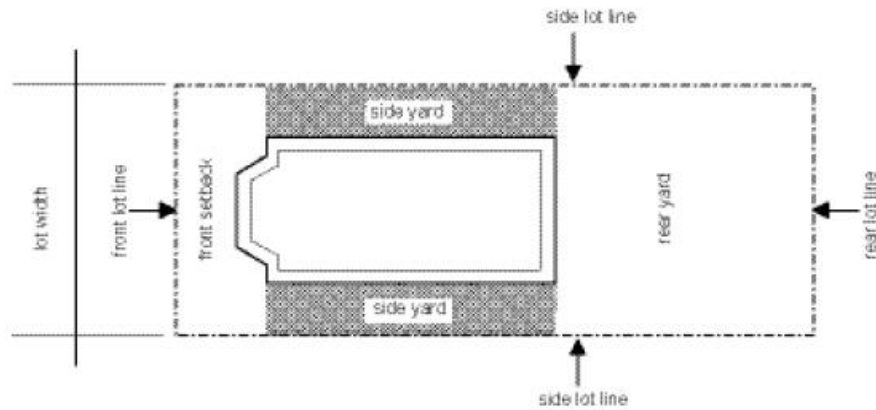
## SEC. 130. YARD AND SETBACK REQUIREMENTS, GENERAL.

(See Interpretations related to this Section.)

(a) Except as provided in Sections 172 and 188 of this Code, every building and addition shall have yards and setbacks as required by Sections 131 through 134 for the district in which the building is located.

(b) Every such front setback and rear yard shall extend along a lot line the full width of the lot. Every such side yard shall extend along a lot line from the front setback or the front lot line to the rear yard. The required minimum depth or width of any yard or setback

shall be measured generally at right angles to the lot line. All required yards and setbacks shall be located on the lot on which the building is situated.



(c) Where a vacant lot abuts on two or more streets, any street lot line may be elected by the owner as the front lot line for purposes of the yard and setback requirements, and in general the lot line opposite and most nearly parallel thereto shall be the rear lot line. Any street lot line that is not a front lot line shall be a rear lot line or a side lot line.

(d) Where the side lot lines converge to a point, a line five feet long within the lot parallel to and at a maximum distance from the front lot line shall be deemed to be the rear lot line for the purposes of determining the depth of the rear yard.

(e) Where the building wall is not parallel to a side or a rear lot line, the required least dimension of the side yard or the rear yard along such line may be applied to the average, provided that no such side yard shall be less than three feet in width at any point, and no such rear yard shall be less than five feet in depth at any point.

(f) Obstructions in any required yard or setback shall be limited to those specified in Section 136 of this Code.

■ (Amended by Ord. 443-78, App. 10/6/78; Ord. 248-03, File No. 030999, App. 10/22/2003)

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## SEC. 131. LEGISLATED SETBACK LINES.

*(See Interpretations related to this Section.)*

(a) The legislated setback lines along specific street and alley frontages established by ordinance and resolution pursuant to former Article 4 of the City Planning Code and earlier provisions of law are hereby continued in effect as regulations of the City Planning Code, regardless of the regulations for the use districts in which such street and alley frontages are located, and said ordinances and resolutions are expressly incorporated herein by reference as though fully set forth.

(b) The obstructions permitted within such legislated setback lines shall be as described in Sections 132 and 136 of this Code. No other obstruction shall be constructed, placed or maintained within a legislated setback line.

(c) The procedures for establishment, abolition or modification of a legislated setback line shall be as specified in Sections 302 and 306 through 306.5 for amendments to this Code.

(d) In case of any conflict between the requirements of a legislated setback line and a front setback area established by Section 132 of this Code, the more restrictive requirements shall prevail.

■ (Added by Ord. 443-78, App. 10/6/78)

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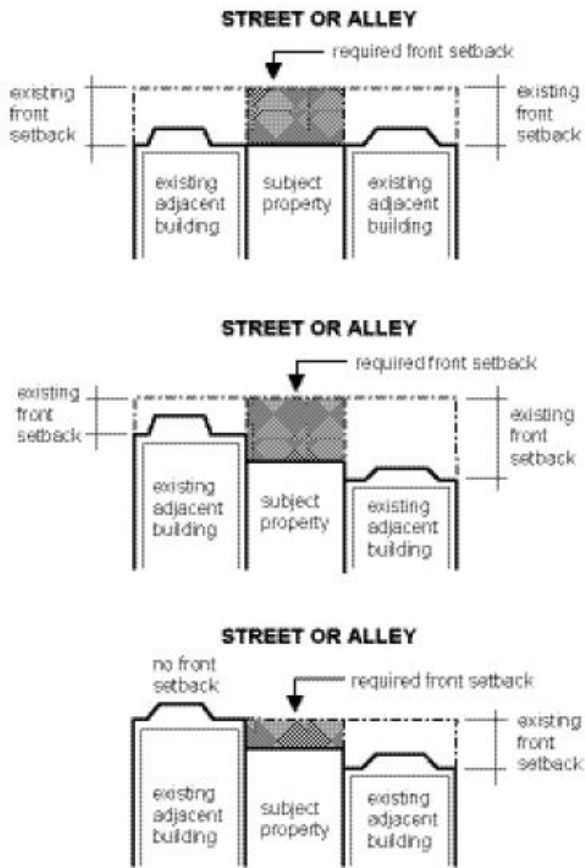
## SEC. 132. FRONT SETBACK AREAS IN RTO, RH, AND RM DISTRICTS AND FOR REQUIRED SETBACKS FOR PLANNED UNIT DEVELOPMENTS.

*(See Interpretations related to this Section.)*

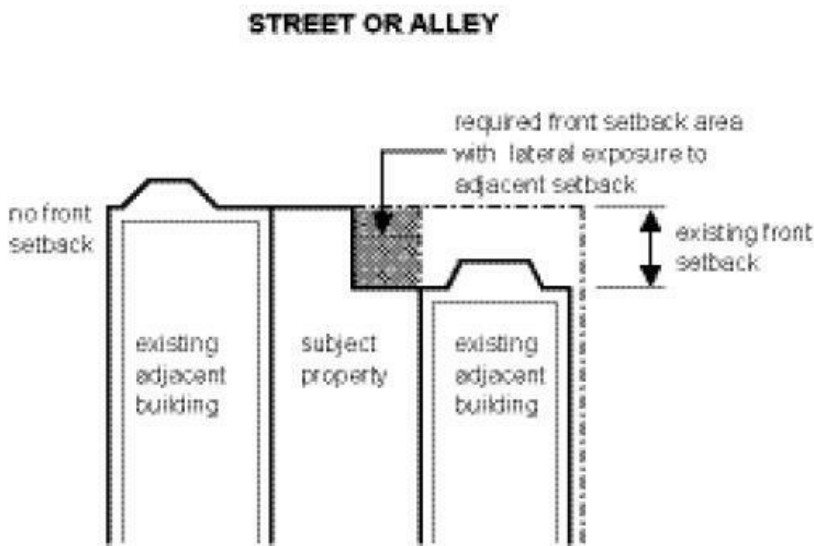
The following requirements for minimum front setback areas shall apply to every building in all RH, RTO, and RM Districts, in order to relate the setbacks provided to the existing front setbacks of adjacent buildings. Buildings in RTO Districts which have more than 75 feet of street frontage are additionally subject to the Ground Floor Residential Design Guidelines, as adopted and periodically amended by the Planning Commission. Planned Unit Developments or PUDs, as defined in Section 304, shall also provide landscaping in required setbacks in accord with Section 132(g).

(a) **Basic Requirement.** Where one or both of the buildings adjacent to the subject property have front setbacks along a Street or Alley, any building or addition constructed, reconstructed, or relocated on the subject property shall be set back to the average of the two adjacent front setbacks. If only one of the adjacent buildings has a front setback, or if there is only one adjacent building, then the required setback for the subject property shall be equal to one-half the front setback of such adjacent building. In any case in which the lot constituting the subject property is separated from the lot containing the nearest building by an undeveloped lot or lots for a distance

of 50 feet or less parallel to the Street or Alley, such nearest building shall be deemed to be an “adjacent building,” but a building on a lot so separated for a greater distance shall not be deemed to be an “adjacent building.”



(b) **Alternative Method of Averaging.** If, under the rules stated in subsection (a) above, an averaging is required between two adjacent front setbacks, or between one adjacent setback and another adjacent building with no setback, the required setback on the subject property may alternatively be averaged in an irregular manner within the depth between the 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 Street or Alley times the setback depth required by subsections (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 subsection (c) below relating to subsequent development on an adjacent site shall be considered to be as required by subsection (a) above, in the form of a single line parallel to the Street or Alley.



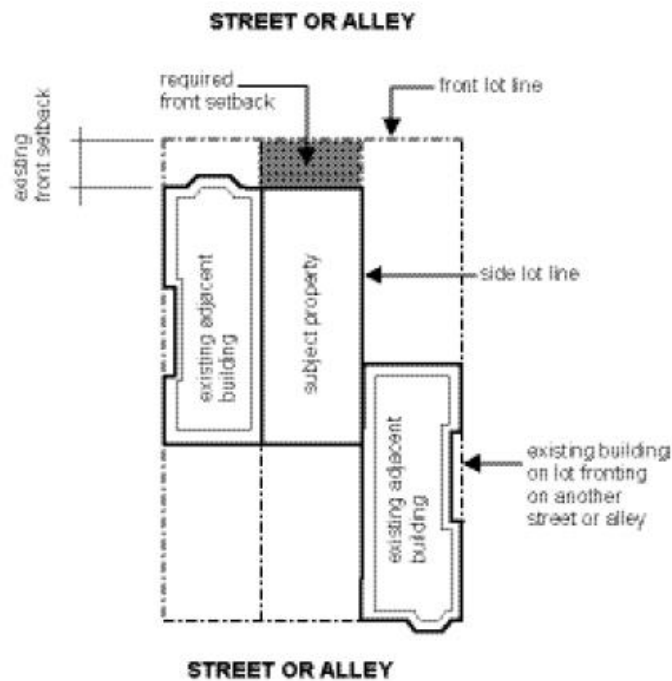
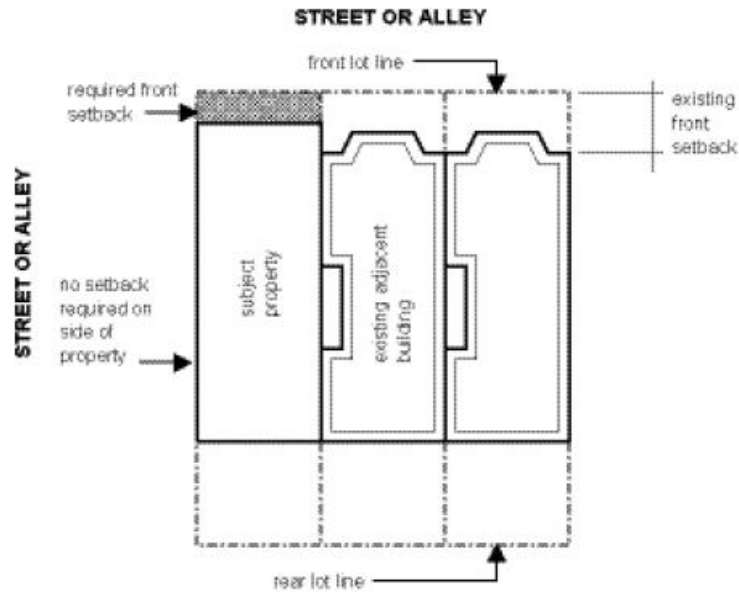
(c) **Method of Measurement.** The extent of the front setback of each adjacent building shall be taken as the horizontal distance from the property line along the Street or Alley to the building wall closest to such property line, excluding all projections from such wall, all

decks and garage structures and extensions, and all other obstructions.

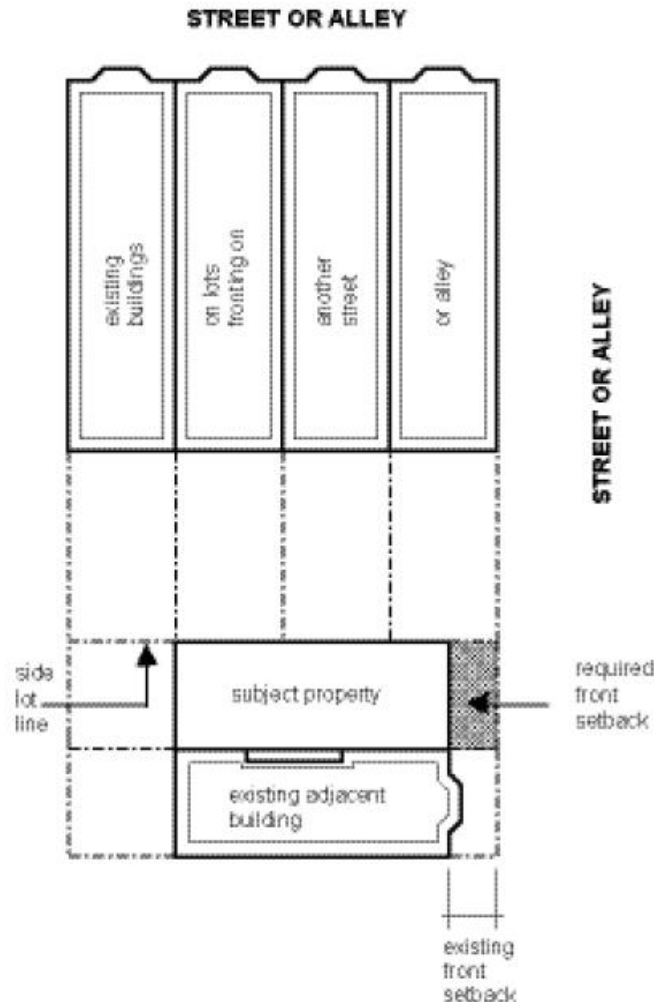
(d) **Applicability to Special Lot Situations.**

(1) **Corner Lots and Lots at Alley Intersections.** On a Corner Lot as defined in Section 102 of this Code, or a lot at the intersection of a Street and an Alley or two Alleys, a front setback area shall be required only along the Street or Alley elected by the owner as the front of the property. Along such Street or Alley, the required setback for the subject lot shall be equal to 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 Street or Alley, the lot on which it so abuts shall be disregarded, and the required setback for the subject lot shall be equal to the front setback of the adjacent building on its opposite side.







(3) **Lots Abutting RC, C, M, and P Districts.** In the case of any lot that abuts property in an RC, 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 Street or Alley, or 15% of the average depth of the lot from such Street or 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 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.

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

(g) **Landscaping and Permeable Surfaces.** The landscaping and Permeable Surface requirements of this subsection (g) and subsection (h) below shall be met by the permittee in the case of construction of a new building; the addition of a new Dwelling Unit, a garage, or additional parking; any addition to a structure that would result in an increase of 20% or more of the existing Gross Floor Area; a Residential Merger, as defined in Section 317; or paving or repaving more than 200 square feet of the front setback. All front setback areas required by this Section 132 shall be appropriately landscaped, meet any applicable water use requirements of Administrative Code Chapter 63, and in every case not less than 20% of the required setback area shall be and remain unpaved and devoted to plant material, including the use of climate appropriate plant material as defined in Public Works Code Section 802.1. For the purposes of this Section 132, permitted obstructions as defined by Section 136(c)(6) chimneys, Section 136(c)(14) steps, and Section 136(c)(26) underground garages, shall be excluded from the front setback area used to calculate the required landscape and Permeable Surface area. If the required setback area is entirely taken up by one or more permitted obstructions, the Zoning Administrator may allow the installation of sidewalk landscaping that is compliant with applicable water use requirements of Chapter 63 of the Administrative Code to satisfy the requirements of this Section 132, subject to permit approval from the Department of Public Works in accordance with Public Works Code Section 810B.

(h) **Permeable Surfaces.** The front setback area shall be at least 50% permeable so as to increase stormwater infiltration. The Permeable Surface may be inclusive of the area counted towards the landscaping requirement; provided, however, that turf pavers or similar planted hardscapes shall be counted only toward the Permeable Surface requirement and not the landscape requirement.

(1) The Zoning Administrator, after consultation with the Director of Public Works, may waive the Permeable Surface requirement

if the site does not qualify as a suitable location pursuant to Department of Public Works rules and regulations.

(2) If the site receives stormwater run-off from outside the lot boundaries, the Zoning Administrator, after consultation with the General Manager of the Public Utilities Commission, may modify the Permeable Surface requirement to include alternative management strategies, such as bio-retention or other strategies, pursuant to Public Utilities Commission rules and regulations.

(i) **Planned Unit Developments.** In addition to the front yard landscaping requirements in Section 132(g), Planned Unit Developments are required to install the following front yard landscape features.

(1) Where ground floor setbacks are required, landscaping is also required in the setbacks per Section 132(g). All building setback areas not occupied by steps, porches or other permitted obstructions shall be Permeable Surfaces. Setbacks should be designed to provide access to landscaped areas, encouraging active use by residents.

(A) A water source should be provided for each residential setback reachable by a 30-foot hose.

(B) To allow for landscaping and street trees at street grade, below-grade parking shall be located at a depth below any surface of the setback to provide a minimum soil depth of 3 feet 6 inches.

(2) The Zoning Administrator is authorized to modify the additional landscaping requirements for Planned Unit Developments. The Zoning Administrator shall allow modifications only when he or she finds that modifications provide equal or greater ecological benefit than the above requirements, including the use of climate appropriate plant materials as defined in Public Works Code Section 802.1. Acceptable modifications may include alternative landscape treatments such as landscaped berms, detention or retention basins, perimeter plantings, pedestrian lighting, benches and seating areas, or additional landscaping and tree planting elsewhere on the site or on the adjacent public right-of-way itself, subject to permit approval from the Department of Public Works.

(j) **Relationship to Legislated Setback Lines.** In case of any conflict between the requirements of this Section 132 for front setback areas and a legislated setback line as described in Section 131 of this Code, the more restrictive requirements shall prevail.

(Amended by Ord. 443-78, App. 10/6/78; Ord. 32-91, App. 1/25/91; Ord. 219-02, File No. 020493, App. 11/8/2002; Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 84-10, File No. 091453, App. 4/22/2010; Ord. 310-10, File No. 101194, App. 12/16/2010; Ord. [56-13](#), File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. [188-15](#), File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. [23-16](#), File No. 150494, App. 3/4/2016, Eff. 4/3/2016; Ord. [202-18](#), File No. 180557, App. 8/10/2018, Eff. 9/10/2018; Ord. [206-19](#), File No. 190048, App. 9/13/2019, Eff. 10/14/2019; Ord. [63-20](#), File No. 200077, App. 4/24/2020, Eff. 5/25/2020)

#### AMENDMENT HISTORY

Division (g) amended; former divisions (i)(1)(i) and (ii) redesignated as divisions (i)(1)(A) and (B); Ord. [56-13](#), Eff. 4/27/2013. Division (g) amended; Ord. [188-15](#), Eff. 12/4/2015. Division (g) amended; Ord. [23-16](#), Eff. 4/3/2016. Section header and divisions (g), (h)-(h)(2), and (i)(1) amended; Ord. [202-18](#), Eff. 9/10/2018. Divisions (a) through (e) amended; Ord. [206-19](#), Eff. 10/14/2019. Division (d)(1) amended; Ord. [63-20](#), Eff. 5/25/2020.

## SEC. 132.1. SETBACKS AND STREETWALL ARTICULATION: C-3 DISTRICTS.

(a) **Upper-Level Setbacks.** Setbacks of the upper parts of a building abutting a public sidewalk in any C-3 District may be required, in accordance with the provisions of Section 309, as deemed necessary:

(1) To preserve the openness of the street to the sky and to avoid the perception of overwhelming mass that would be created by a number of tall buildings built close together, with unrelieved vertical rise; or

(2) To maintain the continuity of a predominant street wall along the street, provided however, that the setback required pursuant to this Paragraph may not exceed the following dimensions:

	<i>Street Width</i>			
	<i>64' - 67'</i>	<i>68' - 71'</i>	<i>72' - 75'</i>	<i>76' - 80'</i>
<i>Height of Street Wall</i>	<i>Depth of Setback (In Feet)</i>			
68' or less	18'	20'	22'	24'
69' - 81'	14'	16'	18'	20'
82' - 94'	10'	12'	14'	16'
95' - 107'	8'	10'	12'	14'
108' - 120'	6'	8'	10'	12'

(b) **Market Street Setback.** In order to preserve the predominant street wall, structures on the southeast side of Market Street between the southerly extension of the easterly line of the Powell Street right-of-way and Tenth Street shall be set back 25 feet from the Market Street property line at 90 feet.

(c) **C-3-O(SD) District.**

(1) **Streetwall Base.** In order to establish an appropriate street wall in relation to the width of the street and to adjacent structures and to avoid the perception of overwhelming mass that would be created by a number of tall buildings built close together with unrelieved vertical rise, new buildings taller than 150 feet on development lots in the C-3-O(SD) district facing a street wider than 35

feet shall establish a distinctive streetwall, even where no distinct cornice line or streetwall exists, at a height between 50 and 110 feet for not less than 40 percent of the linear frontage of all street frontages of such development lot. Such streetwall shall be established, by an upper story setback or by a combination of upper story setback and horizontal projection (either occupied or decorative, as allowed in Section 136), creating horizontal relief totaling at least 10 feet, however the upper story setback shall not be less than 5 feet. In the New Montgomery-Mission-Second Street Conservation District, such streetwall height shall be set by the prevailing cornice line of the buildings on the subject block face and the minimum dimension of the upper story setback shall be increased to not less than 15 feet. Exceptions to this subsection (c)(1) may be allowed in accordance with the procedures of Section 309 if the Planning Commission affirmatively determines that all of the following criteria have been met:

(A) the design of the proposed project successfully creates a clearly defined building base that establishes or maintains an appropriate streetwall at the height or height range described above,

(B) the base is not defined solely by recessing the base,

(C) the overall building mass tapers or steps away from the street above the streetwall reducing any sense of unrelieved vertical rise directly from the sidewalk edge, and

(D) the overall architectural expression of the proposed project is exceptional, unique, and consistent with the intent of the streetwall requirement.

(2) **Pedestrian Zone.** In order to establish an appropriate and inviting relationship to the pedestrian realm at street level and create visual and varied interest for pedestrians, all new structures in the C-3-O(SD) district shall incorporate architectural features, awnings, marquees, or canopies, that project from the building face at least one foot at height of between 15 and 25 feet above grade, for at least 20 percent of the linear frontage of all street facing facades.

(3) **Building Setbacks.** In order to provide necessary and sufficient area for pedestrian circulation, building facades on new development facing certain street frontages are required to be setback from the street-facing property line.

(A) Building setbacks are required on the following frontages:

(i) Mission Street, south side, between 1st and Fremont Streets (minimum 12.5 feet).

(B) A setback of up to 10 feet may be required by the Planning Commission pursuant to the procedures of Section 309 on the following streets if the Commission finds that such setback is necessary, desirable and will not result in an undesirable sawtooth condition of building frontages along the sidewalk due to existing intervening building between the subject lot and the nearest street corner:

(i) Mission Street, north side between 1st Street and Anthony Street;

(ii) 1st Street, west side between Mission and Stevenson Streets;

(iii) Howard Street, north side, between 1st and 2nd Streets.

(C) **Design Requirements.** Setbacks provided pursuant to this subsection (3) shall be:

(i) Designed and treated as a seamless extension of the adjacent public sidewalk, providing for pedestrian circulation and/or other activities typically expected on a public sidewalk;

(ii) Free and clear of all permanent building elements from sidewalk grade to a minimum height of 35 feet above sidewalk grade, except as otherwise allowed as obstructions over streets according to Section 136 or as allowed by the Planning Department as an exception according to the procedures of Section 309, and

(iii) Available to the public.

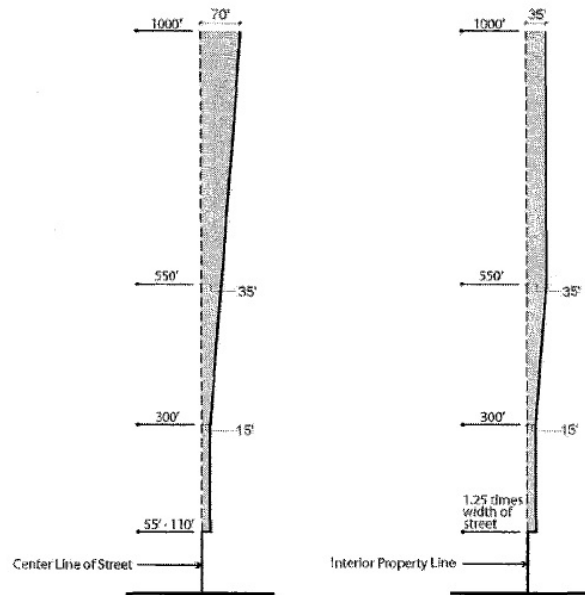
(D) The area of setbacks provided pursuant to this subsection (3) shall be counted toward the open space requirements of Section 138. If the subject development does not rely on this area to meet its Section 138 requirements, and the area of the setback is dedicated in fee title to the City for public use or, under exceptional circumstances, dedicated to the City via easement for public use, the value of the setback may be credited as an in-kind improvement toward the satisfaction of the development's fee requirements per Sections 424.6 or 424.7.

(d) **Separation of Towers.**

(1) **Requirement.** In order to provide light and air between structures, all structures in the S and S-2 Bulk Districts shall be set back from an interior property line which does not abut a public sidewalk and from the property line abutting the right-of-way of a public street or alley. The setback shall be a minimum of 15 horizontal feet measured from the interior property line or the center of a public right-of-way, as the case may be, beginning at a height which is 1.25 times the width of the principal street on which the building faces, and increasing to the widths indicated in Chart A as the building increases in height. Where there are two or more structures on any lot that are taller than 1.25 times the width of the adjacent principal street(s), each structure above such height shall also be set back from the other structures on the same lot according to Chart A as if there is an assumed interior property line half-way between the closest exterior points of each structure.

#### Chart A

#### Separation Between Towers



(2) **Exceptions.** Exceptions to the requirements of Paragraph (d)(1) above may be allowed in accordance with the provisions of Section 309 as provided below:

(A) Encroachments of building volume on the setback may be approved as follows:

(i) for the portion of the building over 300 feet from the ground, encroachments may be allowed provided that

(1) there are compensating recesses beyond the required setback below and within approximately 100 vertical feet of the encroachment, which recesses are at least equal in volume to the volume of the encroachment, and

(2) it is found that, overall, access to light and air and the appearance of separation between buildings will not be impaired; and

(ii) between the top of the base and 300 feet above the ground encroachments may be allowed provided that

(1) there are compensating recesses beyond the required setback at the same level or within approximately 50 vertical feet above or below the encroachment, which recesses are at least equal in volume to the volume of the encroachment,

(2) that the encroachment extends no more than five feet horizontally into the area otherwise required for a setback,

(3) the encroachment extends for less than 1/3 of the horizontal length of the structure, and

(4) it is found that, overall, access to light and air and the appearance of separation between buildings will not be impaired.

(B) Exceptions may be allowed to the extent that it is determined that restrictions on adjacent properties make it unlikely that development will occur at a height or bulk which will, overall, impair access to light and air or the appearance of separation between buildings, thereby making full setbacks unnecessary. The minimum setback for such facades shall be partially or fully reduced as appropriate by the Planning Commission as an exception according to the procedures of Section 309 for any of the following conditions:

(i) For lots on Assessor's Blocks 3719, 3720, and 3721 which have property lines that directly abut the Transbay Transit Center or directly face it across Minna or Natoma Streets.

(ii) For development lots abutting preservation lots that have transferred all potential development rights according to the procedures of Section 128.

(C) Exceptions may be allowed on lots with a frontage of less than 75 feet provided that

(i) it is found that, overall, access to light and air will not be impaired and

(ii) the granting of the exception will not result in a group of buildings the total street frontage of which is greater than 125 feet without a separation between buildings which meets the requirements of Chart A.

(e) **Permitted Obstructions.** Obstructions above the horizontal plane or planes of the setback required pursuant to Subsections (a), (b), (c) and (d) which will create limited blockage of light and air and which will not be inconsistent with the purpose of the setback may be permitted within the setback area, in accordance with the provisions of Section 309. Such obstructions may include, but are not limited to, open railings, decorative spires and finials, flagpoles and flags, sparse landscaping, unroofed recreation facilities with open fencing, and unenclosed seating areas.

(Added by Ord. 414-85, App. 9/17/85; amended by Ord. [182-12](#), File No. 120665, App. 8/8/2012, Eff. 9/7/2012; Ord. [56-13](#), File No. 130062, App. 3/28/2013, Eff. 4/27/2013)

AMENDMENT HISTORY

## SEC. 132.2. SETBACKS IN THE NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT.

(a) **General.** In order to maintain the continuity of a predominant street wall along the street, setbacks of the upper portion of a building which abuts a public sidewalk may be required of buildings located within the boundaries of the North of Market Residential Special Use District, as shown on Sectional Map 1Sub of the Zoning Map, as a condition of approval of conditional use authorization otherwise required by Section 253 of this Code for building in RC Districts which exceed 50 feet in height.

(b) **Procedures.** A setback requirement may be imposed in accordance with the provisions set forth below pursuant to the procedures for conditional use authorization set forth in Section 303 of this Code.

(c) **Setback Requirement.** In order to maintain the continuity of the prevailing streetwall along a street or alley, a setback requirement may be imposed as a condition of approval of an application for conditional use authorization for a building in excess of 50 feet in height, as required by Section 253 of this Code. If the applicant can demonstrate that the prevailing streetwall height on the block on which the proposed project is located, as established by existing cornice lines, is in excess of 50 feet, then the Commission may impose a maximum setback of up to 20 feet applicable to the portion of the building which exceeds the established prevailing streetwall height; provided, however, that if the applicant demonstrates that the prevailing streetwall height is in excess of 68 feet, the maximum setback requirement which may be imposed is 16 feet. If the applicant can demonstrate that a building without a setback would not disrupt the continuity of the prevailing streetwall along the street, then the Planning Commission may grant approval of the conditional use authorization without imposing a setback requirement as a condition thereof.

(Added by Ord. 165-85, App. 3/28/85; amended by Ord. [63-11](#), File No. 101053, App. 4/7/2011, Eff. 5/7/2011)

### AMENDMENT HISTORY

■ Section header, divisions (a) and (c) amended; Ord. [63-11](#), Eff. 5/7/2011.

## SEC. 132.3. SUN ACCESS FOR SIDEWALKS SETBACKS - CHINATOWN.

(a) **General.** In order to preserve the openness of Chinatown's streets to the sky and to achieve as much sun as possible on public sidewalks having a high volume of pedestrian use, setbacks at specified heights or a series of setbacks within the same plane (profile angle) as a 15-foot setback at specified heights may be required, as a condition of approval of conditional use authorization otherwise required by Section 254 of the Code.

(b) **Procedure.** A 15-foot setback requirement may be imposed in accordance with the provisions set forth below pursuant to the procedures for conditional use authorization set forth in Section 303 of this Code.

(c) **Setback Requirement.**

15-FOOT SUN ACCESS SETBACKS FOR 50-FOOT AND 65-FOOT					
HEIGHT DISTRICTS IN CHINATOWN					
Street Name	Street Width	Height District	Profile Angle	Height at which Setback Begins	Hours of Sun March - Sept. a.m. p.m. Sides of Street
15-FOOT SUN ACCESS SETBACKS FOR 50-FOOT AND 65-FOOT					
HEIGHT DISTRICTS IN CHINATOWN					
Street Name	Street Width	Height District	Profile Angle	Height at which Setback Begins	Hours of Sun March - Sept. a.m. p.m. Sides of Street
Grant	44'	50'	66°	35'	10:00 E 3:30 W
Stockton	65'	65'	42°	51'	8:45 E 3:45 W
Kearny	75'	50'	33°	40'	9:00 E 3:45 W
Kearny	75'	65'	35°	52'	8:45 E 3:45 W

Vallejo	69'	65'	43°	51'	9:15 S	sunset S
Broadway	81'	65'	38°	54'	7:45 S	sunset S
Pacific	50'	65'	49°	47'	9:45 S	2:30 S
Washington	50'	65'	49°	47'	9:45 S	2:30 S
Clay	50'	65'	49°	47'	9:45 S	2:30 S
Sacramento	50'	65'	49°	47'	9:45 S	2:30 S

(d) **Encroachments.** Encroachments may be permitted into the setbacks if a compensatory increase in sunlight on the sidewalk in the same block is achieved by a reduction of height or volume elsewhere in the structure.

■ (Added by Ord. 131-87, App. 4/24/87)

## SEC. 132.4. SETBACKS, STREETWALL ARTICULATION, AND TOWER SEPARATION IN THE CENTRAL SOMA SPECIAL USE DISTRICT.

(a) **Purpose.** The controls in this Section 132.4 are intended to ensure that new buildings in the Central SoMa Special Use District contribute to the activation, safety, and dynamism of the neighborhood, help create a strong urban room, and facilitate a substantial amount of light and air to the neighborhood's major streets.

(b) **Definitions.** The definitions of Section 102 shall apply, as well as the following additional definitions.

**"Mid-Rise Building."** A building above 85 feet and up to 160 feet in Height.

**"Mid-Rise Portion."** The portion of a Mid-Rise Building above 85 feet in Height.

**"Separation."** The distance, measured horizontally, between the outside surfaces of the exterior walls of the subject buildings.

**"Tower."** Any building taller than 160 feet in Height.

**"Tower Portion."** The portion of a Tower above 85 feet in Height.

(c) **Applicability.** The controls in this Section 132.4 apply within the Central SoMa Special Use District, established in Section 249.78.

(d) **Controls.**

(1) **Streetwall.**

(A) **Requirements.** Buildings shall be built up to the street- or alley-facing property line up to 65 feet in Height, subject to the controls of Section 261.1 as applicable, except as provided in subsection (B) below.

(B) **Permitted Streetwall Setbacks.** Notwithstanding the requirements of subsection (A), any building may be recessed from the property line as follows:

(i) To the extent necessary to accommodate any setback required by this Code;

(ii) For portions of residential buildings with walk-up dwelling units that have setbacks in accordance with the Ground Floor Residential Guidelines;

(iii) For publicly-accessible open space built pursuant to the requirements of Section 138; or

(iv) For building facade architectural articulation and modulation up to a maximum depth of 8 feet.

(2) **Setbacks.**

(A) For Mid-Rise Buildings in the CS Bulk District, as defined in Section 270(h), the following requirements apply:

(i) Along all street- and alley-facing property lines, a 15-foot setback is required for the Mid-Rise Portion for at least 60 percent of the frontage length. This setback may be reduced for obstructions permitted by Section 136;

(ii) Along all interior property lines, a 15-foot setback is required for the Mid-Rise Portion for the entire frontage. This setback may be reduced for obstructions permitted according to Section 136.

(B) For Towers in the CS Bulk District, along all property lines, a 15-foot setback is required for the Tower Portion for the entire frontage. This setback may be reduced for obstructions permitted according to Section 136.

(C) Along 4th Street between Bryant Street and Townsend Street, building facades on new development shall be set back from the street-facing property line by a minimum depth of five feet to a minimum height of 25 feet above sidewalk grade. This setback shall be designed as an extension of the sidewalk, free of columns or other obstructions, except as allowed according to Section 136, and shall generally be available to the public at all times for pedestrian circulation.

(3) **Building Separation.**

(A) The Tower Portion of a project shall have a horizontal separation of at least 115 feet from the Tower Portion of any other

Tower.

(B) Through the procedures of Section 329, the Planning Commission may reduce the separation required under subsection (A) if it finds that a Tower project meets all of the following criteria:

- (i) The Tower Portion of the project has, at a minimum, a horizontal separation of at least 85 feet from the Tower Portion of any other Tower;
- (ii) The maximum floor area of any floor of the Tower Portion of the project is no more than 10,000 gross square feet;
- (iii) The maximum height of the uppermost building element or mass, occupied or unoccupied, of the Tower has a difference of at least 50 feet in Height from the maximum height of the uppermost element of any other Tower within 115 feet of horizontal distance; and
- (iv) The Tower Portion of the project is designed so as to maximize apparent distance and architectural differentiation from any other nearby Tower.

(C) The Tower Portion of a project shall have a horizontal separation of at least 30 feet from any Mid-Rise Portion on the same development lot, except that a bridge between the Tower Portion and the Mid-Rise Portion may be permissible up to a height of 130 feet if the bridge is no more than one story in height, is set back a minimum of 15 feet from any property line, and is visually subordinate to the buildings it connects.

(D) Any development containing both a Tower Portion and Mid-Rise Portion shall be designed to emphasize a visual distinction between the Tower and Mid-Rise Portions as separate structures.

■ (Added by Ord. [296-18](#), File No. 180184, App. 12/12/2018, Eff. 1/12/2019)

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## SEC. 133. SIDE YARDS, RH-1(D) DISTRICTS.

*(See Interpretations related to this Section.)*

The following requirements for side yards shall apply to every building in an RH-1(D) District. Any lot width of less than 33 feet as described herein shall refer only to substandard lots of record as defined in Section 180 of this Code.

(a) Minimum side yards shall be provided as follows:

- (1) For lots with a width of less than 28 feet: none;
- (2) For lots with a width of 28 feet or more but less than 31 feet: one side yard equal to the amount by which the lot width exceeds 25 feet, or the same total amount in the form of two side yards, one of which shall be at least three feet;
- (3) For lots with a width of 31 feet or more but less than 40 feet: two side yards each of three feet;
- (4) For lots with a width of 40 feet or more but less than 50 feet: two side yards each of four feet;
- (5) For lots with a width of 50 feet or more: two side yards each of five feet.

(b) Where, however, the building does not exceed 25 feet in height, any side yard required by Subsection (a) to be more than three feet in width may be reduced to three feet if the width of the other side yard is increased by the same amount as the first one is reduced.

(c) Buildings may be built to the common line of two adjoining lots if a side yard having a width of not less than the combined width of the two side yards required above for each lot is provided on each such lot on the opposite side.

(d) Only those obstructions specified in Section 136 of this Code shall be permitted in a required side 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.

■ (Amended by Ord. 443-78, App. 10/6/78)

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## SEC. 134. REAR YARDS IN R, RC, NC, C, SPD, M, MUG, WMUG, MUO, MUR, UMU, RED, AND RED-MX DISTRICTS.

*(See Interpretations related to this Section.)*

(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.

(c) **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) Districts.** For buildings that submit a development application on or after January 15, 2019, 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. For buildings that submitted a development application prior to January 15, 2019, the minimum rear yard depth shall be determined based on the applicable law on the date of submission.

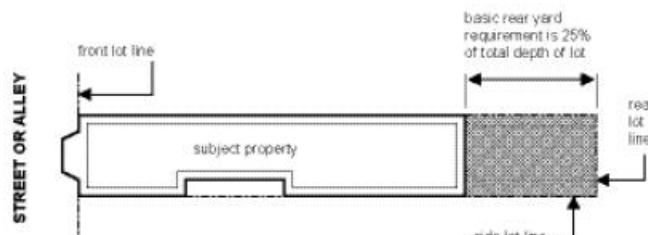
(2) **RM-3, RM-4, RC-3, RC-4, NC Districts other than the Pacific Avenue NC District, C, M, MUG, WMUG, MUO, CMUO, MUR, UMU, RED, RED-MX, and SPD Districts.** Except as specified in this subsection (c), the minimum rear yard depth shall be equal to 25% of the total depth of the lot on which the building 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) below.

(B) To the extent the lot coverage requirements of Section 249.78 apply to a project, those requirements shall control, rather than the requirements of this Section 134.

(C) **RH-1(D), RH-1, RH-1(S), RM-3, RM-4, NC-1, NCT-1, Inner Sunset, Outer Clement Street, Cole Valley, Haight Street, Lakeside Village, Sacramento Street, 24th Street-Noe Valley, and West Portal Avenue Districts.** Rear yards shall be provided at grade level and at each succeeding level or story of the building.

(D) **NC-2, NCT-2, Ocean Avenue, Inner Balboa Street, Outer Balboa Street, Castro Street, Cortland Avenue, Divisadero Street NCT, Excelsior-Outer Mission Street, Inner Clement Street, Upper Fillmore Street, Lower Haight Street, Judah Street, Noriega Street, North Beach, San Bruno Avenue, Taraval Street, Inner Taraval Street, Union Street, Valencia Street, 24th Street-Mission, Glen Park, Regional Commercial District and Folsom Street Districts.** Rear yards shall be provided at the second story, and at each succeeding story of the building, and at the First Story if it contains a Dwelling Unit.

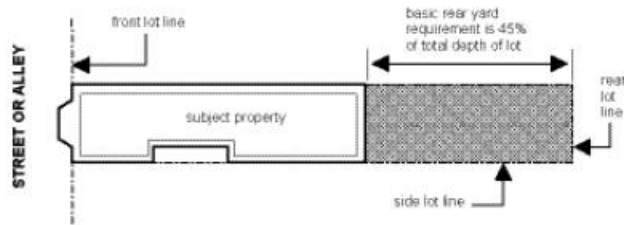


(E) **RC-3, RC-4, NC-3, NCT-3, Bayview, Broadway, Fillmore Street, Geary Boulevard, Hayes-Gough, Japantown, SoMa NCT, Mission Bernal, Mission Street, Polk Street, Lower Polk Street, Pacific Avenue, C, M, SPD, MUR, MUG, MUO, and UMU Districts.** Rear yards shall be provided at the lowest story containing a Dwelling Unit, and at each succeeding level or story of the building. In the Hayes-Gough NCT, lots fronting the east side of Octavia Boulevard between Linden and Market Streets (Central Freeway Parcels L, M, N, R, S, T, U, and V) are not required to provide rear yards at any level of the building, provided that the project fully meets the usable open space requirement for Dwelling Units pursuant to Section 135 of this Code, the exposure requirements of Section 140, and gives adequate architectural consideration to the light and air needs of adjacent buildings given the constraints of the project site.

(F) **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).

(G) **RED, RED-MX and WMUG Districts.** Rear yards shall be provided at the ground level for any building containing a Dwelling Unit, and at each succeeding level or story of the building.

(3) **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% 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 subsection (e) 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.



(d) **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.

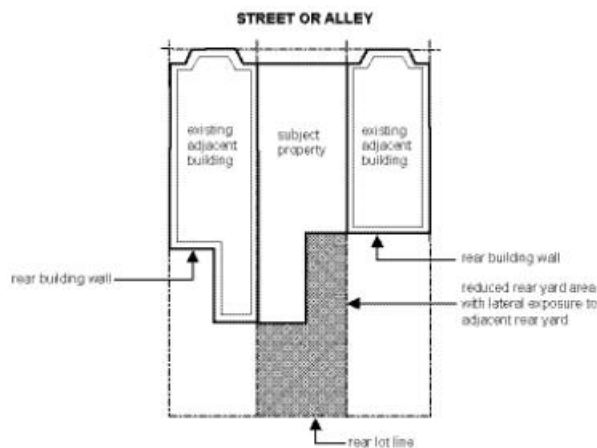
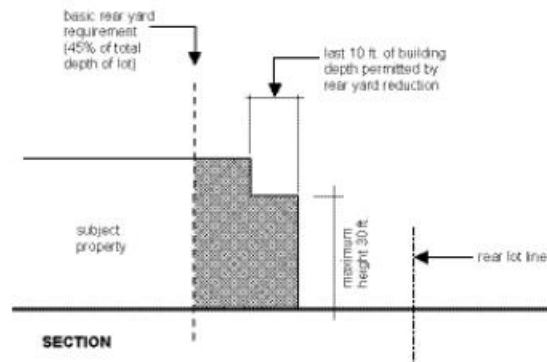
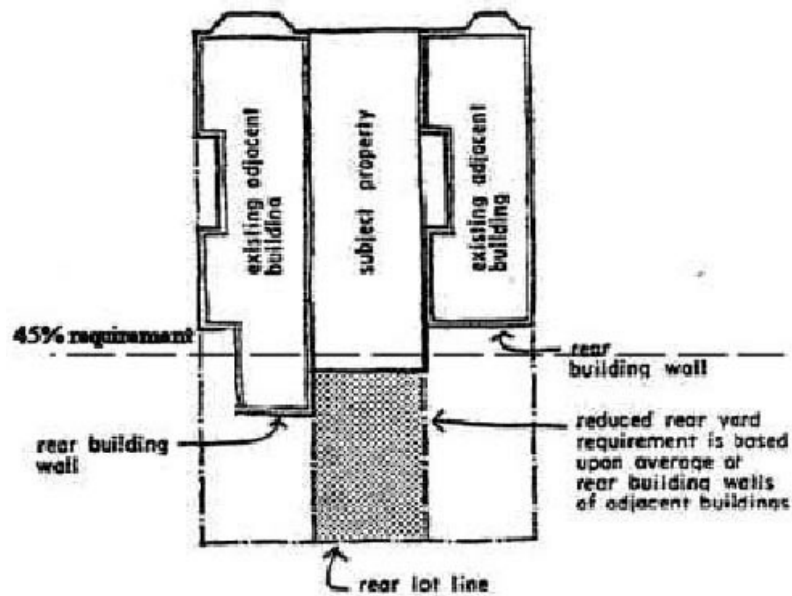
(e) **Reduction of Requirements in RH-2, RH-3, RTO, RTO-M, RM-1,<sup>2</sup> and RM-2 Districts.** The rear yard requirement stated in subsection subsection<sup>2</sup> (c)(3) above and as stated in subsection subsection<sup>2</sup> (c)(2)(A) above for SRO buildings located in the Eastern Neighborhoods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

(1) **General Rule.** In such districts, the forward edge of the required rear yard shall be reduced to a line on the subject lot, parallel to the rear lot line of such lot, which is an average between the depths of the rear building walls of the two adjacent buildings. Except for SRO buildings, in any case in which a rear yard requirement is thus reduced, the last 10 feet of building depth thus permitted on the subject lot shall be limited to a height of 30 feet, measured as prescribed by Section 260 of this Code, or to such lesser height as may be established by Section 261 of this Code.

(2) **Alternative Method of Averaging.** If, under the rule stated in subsection (e)(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 subsection (e)(1) above times the reduction in depth of rear yard permitted by subsection (e)(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.

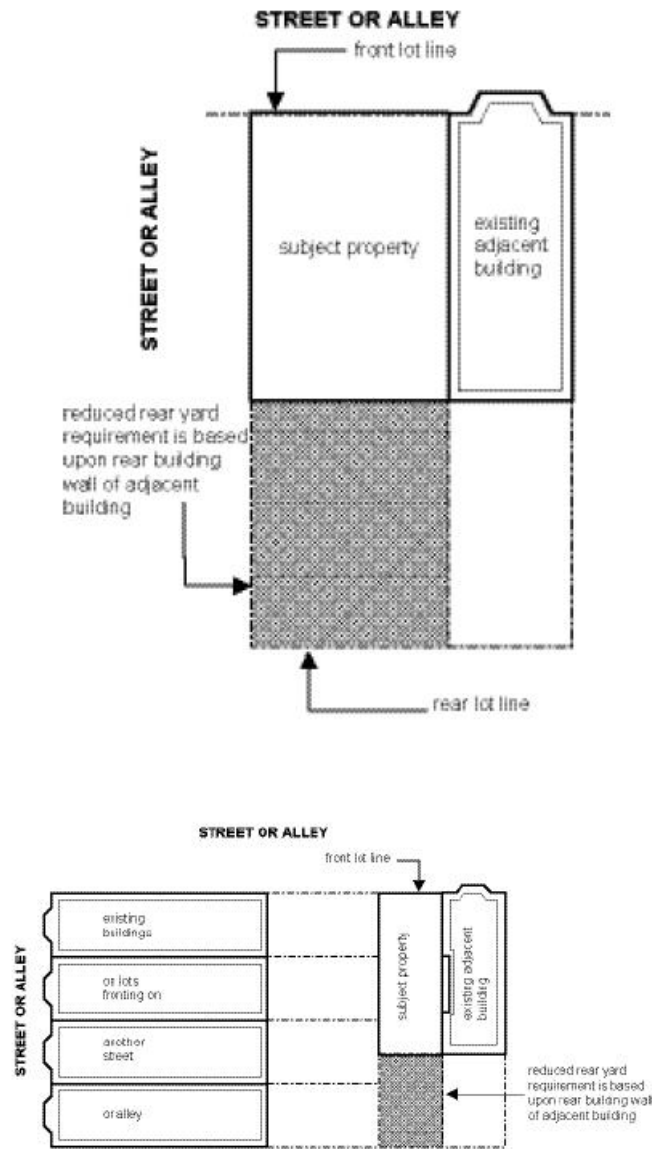
(3) **Method of Measurement.** For purposes of this subsection (e), an “adjacent building” shall mean a building on a lot adjoining the subject lot along a side lot line. In all cases the location of the rear building wall of an adjacent building shall be taken as the line of greatest depth of any portion of the adjacent building which occupies at least one-half 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 Stories, 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 Dwelling or Group Housing 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, or P District, such adjoining lot shall, for purposes of the calculations in this subsection (e), be considered to have an adjacent building upon it whose rear building wall is at a depth equal to 75% 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 subsection (e)(1) above shall be applied as provided in this subsection (e)(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.



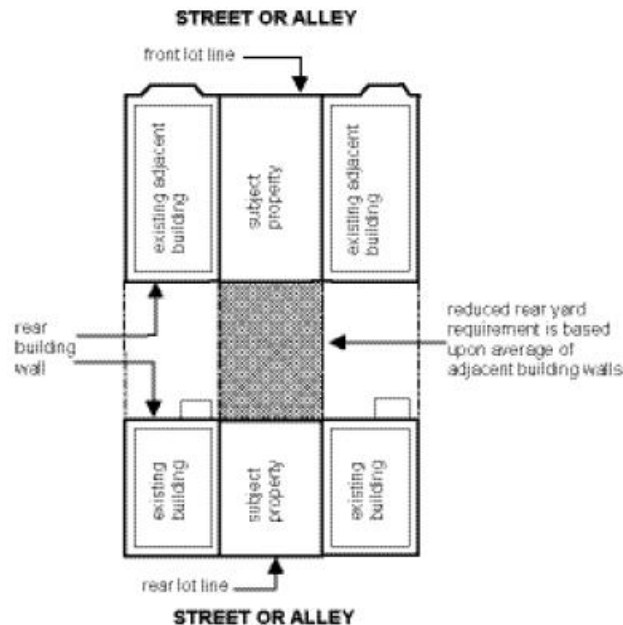
(A) **Corner Lots and Lots at Alley Intersections.** On a Corner Lot as defined in Section 102 of this Code, or a lot at the intersection of a Street and an Alley or two Alleys, the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear 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 Street or Alley, 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 Street or Alley. In the case of any lot that abuts along both its side lot lines upon lots with buildings that front on another Street or Alley, 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% of the total depth of the subject lot, or 15 feet, whichever is greater.



(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 shall the total minimum rear yard for the subject lot be thus reduced to less than a depth equal to 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), 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.

(g) **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.



(h) **Modification of Requirements in NC Districts.** The rear yard requirements in NC Districts may be modified or waived in specific situations as described in this subsection (h).

(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, if all of the following criteria are met:

(A) Residential Uses 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 Corner Lot as defined in Section 102 of this Code, or on a lot at the intersection of a Street and an Alley of at least 25 feet in width, the required rear yard may be substituted with an open area equal to 25% 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 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 subsection (h)(2) shall not preclude such additional conditions as are deemed necessary by the Zoning Administrator to further the purposes of this Section 134.

(i) **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:

(1) A comparable, but not necessarily equal amount of square footage as would be created in a code conforming rear yard is provided elsewhere within the development;

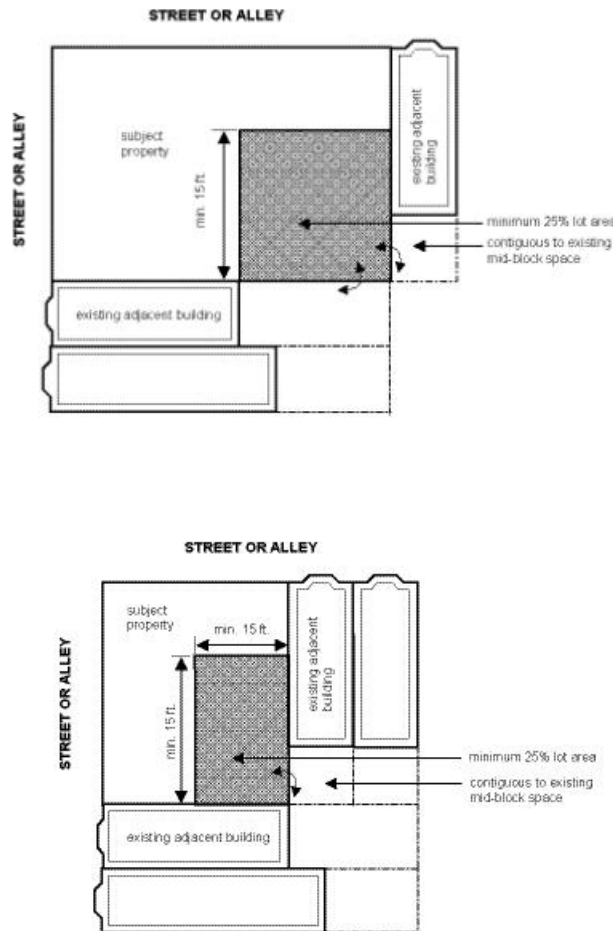
(2) The proposed new or expanding structure will not significantly impede the access to light and air from adjacent properties or adversely affect the interior block open space formed by the rear yards of adjacent properties; and

(3) The modification request is not combined with any other residential open space modification or exposure variance for the project, except exposure modifications in designated landmark buildings under Section 307(h)(1).

(j) **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:

- (1) The substituted open space in the proposed new or expanding structure will improve the access of light and air to and views from existing abutting properties; and
- (2) The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of existing abutting properties.

This provision shall be administered pursuant to the notice and hearing procedures which are applicable to variances as set forth in Sections 306.1 through 306.5 and 308.2.



(Amended by Ord. 414-85, App. 9/17/85; Ord. 532-85, App. 12/4/85; Ord. 69-87, App. 3/13/87; Ord. 412-88, App. 9/10/88; Ord. 115-90, App. 4/6/90; Ord. 32-91, App. 1/25/91; Ord. 368-94, App. 11/4/94; Ord. 32-96, App. 1/11/96; Ord. 262-00, File No. 001426, App. 11/17/2000; Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 61-09, File No. 090181, App. 4/17/2009; Ord. [25-11](#), File No. 101464, App. 2/24/2011; Ord. [140-11](#), File No. 110482, App. 7/5/2011, Eff. 8/4/2011; Ord. [196-11](#), File No. 110786, App. 10/4/2011, Eff. 11/3/2011; Ord. [35-12](#), File No. 111305, App. 2/21/2012, Eff. 3/22/2012; Ord. [42-13](#), File No. 130002, App. 3/28/2013, Eff. 4/27/2013; Ord. [56-13](#), File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. [188-15](#), File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. [229-15](#), File No. 151126, App. 12/22/2015, Eff. 1/21/2016; Ord. [129-17](#), File No. 170203, App. 6/30/2017, Eff. 7/30/2017; Ord. [296-18](#), File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. [206-19](#), File No. 190048, App. 9/13/2019, Eff. 10/14/2019; Ord. [63-20](#), File No. 200077, App. 4/24/2020, Eff. 5/25/2020)

#### AMENDMENT HISTORY

Division (a)(1)(C) amended; Ord. [140-11](#), Eff. 8/4/2011. Division (f) amended; Ord. [196-11](#), Eff. 11/3/2011. Division (a)(1)(B) amended; Ord. [35-12](#), Eff. 3/22/2012. Section header, introductory paragraph, and divisions (a)(1), (a)(1)(B), and (a)(1)(C) amended; division (a)(1)(E) added; divisions (c)(3) and (f) amended; Ord. [42-13](#), Eff. 4/27/2013. Divisions (a)(1)(C) and (c)(4) amended; Ord. [56-13](#), Eff. 4/27/2013. Introductory paragraph and divisions (a)(1), (a)(1)(C), (a)(2), (c), and (c)(1) amended; Ord. [188-15](#), Eff. 12/4/2015. Divisions (a)(1), (a)(1)(A), and (a)(1)(C) amended; Ord. [229-15](#), Eff. 1/21/2016. Section header and divisions (a)(1) and (a)(1)(B)-(E) amended; Ord. [129-17](#), Eff. 7/30/2017. Section header amended; division (a)(1) amended and split into (a)(1) and new (a)(1)(A); new division (a)(1)(B) added; divisions (a)(1)(C) and (c) amended; Ord. [296-18](#), Eff. 1/12/2019. New divisions (a)-(a)(4) added; introductory paragraph designated as division (b) and amended; former divisions (a)-(a)(2), (b), and (c) redesignated as (c)-(c)(3), (d), and (e); former division (c)(4)(C) deleted; current divisions (c)(1)-(c)(2)(A), (c)(2)(D), (c)(3), (d), (e), and (e)(2)-(e)(4)(B) amended; new division (f) added; former divisions (d)-(g) redesignated as (g)-(j); current divisions (g)-(h)(1)(A) and (h)(2) amended; Ord. [206-19](#), Eff. 10/14/2019. Divisions (c)(2)(A)-(E) redesignated as (c)(2)(A)-(G) to eliminate duplicate designations; current divisions (c)(2)(C)-(E), (c)(2)(G), (e), and (e)(2) amended; Ord. [63-20](#), Eff. 5/25/2020.

## SEC. 134.1. SITE COVERAGE IN CHINATOWN MIXED USE DISTRICTS.

In the Chinatown Community Business District, Chinatown Visitor Retail District and the Chinatown Residential Neighborhood Commercial District at the lowest level occupied for dwelling, the site coverage shall be no more than 75%. The noncovered area requirement may be provided in a location other than the rear yard including balconies and rooftop terraces if the new structure does not significantly impede the access of light and air to adjacent properties, as determined by the Zoning Administrator.

Factors to be considered in such determination shall include, but shall not be limited to: preservation of light and air to existing windows and openings in the vicinity; usability of the noncovered space for residential open space purposes; and sun access to the noncovered space and adjacent sidewalks.

(Added by Ord. 131-87, App. 4/24/87; amended by Ord. [208-19](#), File No. 190594, App. 9/20/2019, Eff. 10/21/2019)

#### AMENDMENT HISTORY

■ Section header and first undesignated paragraph amended; Ord. [208-19](#), Eff. 10/21/2019.

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## SEC. 135. USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING, R, NC, MIXED USE, C, AND M DISTRICTS.

*(See Interpretations related to this Section.)*

Except as provided in Sections 134.1, 172, and 188 of this Code, usable open space shall be provided for each dwelling and each group housing structure in R, NC, C, Mixed Use, and M Districts according to the standards set forth in this Section 135 unless otherwise specified in specific district controls elsewhere in this Code.

(a) **Character of Space Provided.** Usable open space shall be composed of an outdoor area or areas designed for outdoor living, recreation or landscaping, including such areas on the ground and on decks, balconies, porches and roofs, which are safe and suitably surfaced and screened, and which conform to the other requirements of this Section. Such area or areas shall be on the same lot as the dwelling units (or bedrooms in group housing) they serve, and shall be designed and oriented in a manner that will make the best practical use of available sun and other climatic advantages. "Private usable open space" shall mean an area or areas private to and designed for use by only one dwelling unit (or bedroom in group housing). "Common usable open space" shall mean an area or areas designed for use jointly by two or more dwelling units (or bedrooms in group housing). "Privately-owned public open space," only allowed in DTR and Eastern Neighborhood Mixed Use under this Section, shall mean an area of areas designed for use of the general public while owned and maintained by private owners as described in Section 138.

(b) **Access.** Usable open space shall be as close as is practical to the dwelling unit (or bedroom in group housing) for which it is required, and shall be accessible from such dwelling unit or bedroom as follows:

(1) Private usable open space shall be directly and immediately accessible from such dwelling unit or bedroom; and shall be either on the same floor level as such dwelling unit or bedroom, with no more than one story above or below such floor level with convenient private access.

(2) Common usable open space shall be easily and independently accessible from such dwelling unit or bedroom, or from another common area of the building or lot.

(c) **Permitted Obstructions.** In the calculation of either private or common usable open space, those obstructions listed in Sections 136 and 136.1 of this Code for usable open space shall be permitted. Additionally, required common useable open space may be partially used for the provision of open space associated with an on-site Child Care Facility as follows:

(1) The open space shall meet all state licensing requirements;

(2) Not more than 50% of a single common open space may be used by the Child Care Facility; and

(3) The hours of use of the common open space by the Child Care Facility are limited to Monday through Friday, 9 am to 6 pm.

(d) **Amount Required.** Usable open space shall be provided for each building in the amounts specified herein and in Tables 135A and B for the district in which the building is located; provided, however, that in the Downtown Residential (DTR) Districts, open space shall be provided in the amounts specified in Section 825 of this Code.

In Neighborhood Commercial Districts, the amount of usable open space to be provided shall be the amount required in the nearest Residential District, but the minimum amount of open space required shall be in no case greater than the amount set forth in Table 135A for the district in which the building is located. The distance to each Residential District shall be measured from the midpoint of the front lot line or from a point directly across the street there from, whichever requires less open space.

(1) For dwellings other than those specified in Paragraphs (d)(2) through (d)(5) below, the minimum amount of usable open space to be provided for use by each dwelling unit shall be as specified in the second column of Table 135A if such usable open space is all private. Where common usable open space is used to satisfy all or part of the requirement for a dwelling unit, such common usable open space shall be provided in an amount equal to 1.33 square feet for each one square foot of private usable open space specified in the second column of Table 135A. In such cases, the balance of the required usable open space may be provided as private usable open space, with full credit for each square foot of private usable open space so provided.

(2) For group housing structures, SRO units, and dwelling units that measure less than 350 square feet plus a bathroom, the minimum amount of usable open space provided for use by each bedroom or SRO unit shall be one-third the amount required for a dwelling unit as specified in Paragraphs (d)(1) above and (d)(4) and (d)(5), below. For purposes of these calculations, the number of bedrooms on a lot shall in no case be considered to be less than one bedroom for each two beds. Where the actual number of beds exceeds an average of two beds for each bedroom, each two beds shall be considered equivalent to one bedroom.

(3) For dwellings specifically designed for and occupied by senior citizens, as defined and regulated by Section 102.6.1 of this Code, the minimum amount of usable open space to be provided for use by each dwelling unit shall be one-half the amount required for each dwelling unit as specified in Paragraph (d)(1) above.



(4) **DTR Districts.** For all residential uses, 75 square feet of open space is required per dwelling unit. All residential open space must meet the provisions described in this Section unless otherwise established in this subsection or in Section 825 or a Section governing an individual DTR District. Open space requirements may be met with the following types of open space: "private usable open space" as defined in Section 135(a) of this Code, "common usable open space" as defined in Section 135(a) of this Code, and "publicly accessible open space" as defined in subsection (h) below. At least 40 percent of the residential open space is required to be common to all residential units. Common usable open space is not required to be publicly-accessible. Publicly-accessible open space, including off-site open space permitted by subsection (i) below and by Section 827(a)(9), meeting the standards of subsection (h) may be considered as common usable open space. For residential units with direct access from the street, building setback areas that meet the standards of Section 145.1 and the Ground Floor Residential Design Guidelines may be counted toward the open space requirement as private non-common open space.

(5) **Eastern Neighborhoods Mixed Use Districts.**

(A) **Minimum amount.**

(i) **Dwelling units, excluding SRO dwelling units.** The minimum amount of usable open space to be provided for use by each dwelling unit shall be as specified in Table 135B.

(ii) **Group housing including SRO dwelling units.** The minimum amount of usable open space provided for use by each bedroom shall be one-third the amount required for a dwelling unit as specified in Table 135B.

(B) **Compliance.**

(i) **Privately-owned public open space.** Usable open space requirements in these areas may be fulfilled by providing privately-owned public open space as specified in Table 135B.

(ii) **Towers in the Central SoMa Special Use District.** Residential developments taller than 160 feet shall provide on-site at least 36 square feet per unit or bedroom of the open space requirement of Table 135B. Any additional open space required pursuant to Table 135B may be satisfied through payment of the fee established in Section 427.

(iii) **Payment in case of Variance or exception.** Projects granted a usable open space Variance pursuant to Section 305 or an exception through Section 329 shall pay the fee established in Section 427 for each square foot of useable open space not provided.

(6) **Efficiency Dwelling Units With Reduced Square Footage.** Common usable open space shall be the preferred method of meeting the open space requirement for Efficiency Dwelling Units with reduced square footage, as defined in Section 318 of this Code. Private open space shall not be credited toward satisfaction of the open space requirement for such units unless the Zoning Administrator determines that the provision of common open space is infeasible or undesirable, in whole or in part, due to

(A) site constraints,

(B) the special needs of anticipated residents, or

(C) conflicts with other applicable policies and regulations, including but not limited to standards for the treatment of historic properties, the Americans with Disabilities Act, or the Building Code.

(7) **Homeless Shelters.** Homeless Shelters, as defined in Section 102 of this Code, are exempt from the open space requirements described in this Section 135.

TABLE 135A		
MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING OUTSIDE THE EASTERN NEIGHBORHOODS MIXED USE DISTRICT		
District	Square Feet of Usable Open Space Required for Each Dwelling Unit If All Private	Ratio of Common Usable Open Space That May Be Substituted for Private
TABLE 135A		
MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING OUTSIDE THE EASTERN NEIGHBORHOODS MIXED USE DISTRICT		
District	Square Feet of Usable Open Space Required for Each Dwelling Unit If All Private	Ratio of Common Usable Open Space That May Be Substituted for Private
RH-1(D), RH-1	300	1.33
RH-1(S)	300 for first unit; 100 for minor second unit	1.33

RH-2	125	1.33
RH-3	100	1.33
RM-1, RC-1, RTO, RTO-M	100	1.33
RM-2, RC-2, SPD	80	1.33
RM-3, RC-3, RED	60	1.33
RM-4, RC-4, RSD	36	1.33
C-3, M-1, M-2	36	1.33
C-1, C-2	Same as for the R District establishing the dwelling unit density ratio for the C-1 or C-2 District property	
NC Districts	As specified in the Zoning Control Table for the district	
Mixed Use Districts established in Article 8	See the Zoning Control Table for the District	
DTR	This table not applicable. 75 square feet per dwelling. See Sec. 135(d)(4).	

**TABLE 135B**

**MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING IN THE EASTERN NEIGHBORHOODS MIXED USE DISTRICTS**

<i>Square feet of usable open space per dwelling unit, if not publicly accessible</i>	<i>Square feet of usable open space per dwelling unit, if publicly accessible</i>	<i>Percent of open space that may be provided off site</i>
80 square feet	54 square feet	50%

(e) **Slope.** The slope of any area credited as either private or common usable open space shall not exceed five percent.

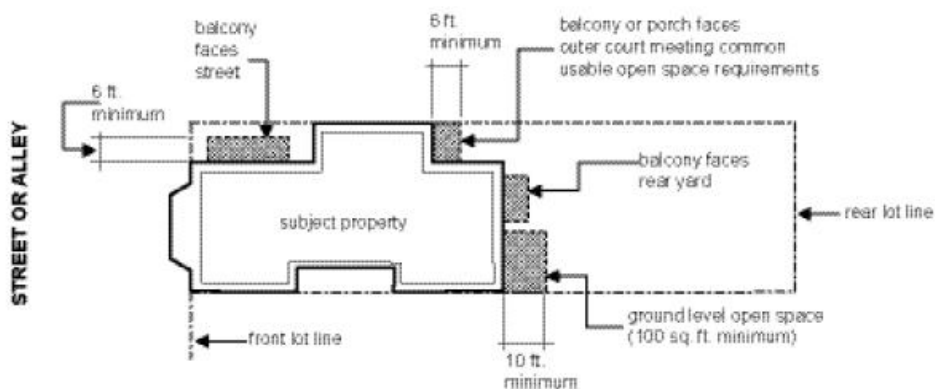
(f) **Private Usable Open Space: Additional Standards.**

(1) **Minimum Dimensions and Minimum Area.** Any space credited as private usable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 square feet if located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 square feet if located on open ground, a terrace or the surface of an inner or outer court.

(2) **Exposure.** In order to be credited as private usable open space, an area must be kept open in the following manner:

(A) For decks, balconies, porches and roofs, at least 30 percent of the perimeter must be unobstructed except for necessary railings.

(B) In addition, the area credited on a deck, balcony, porch or roof must either face a street, face or be within a rear yard, or face or be within some other space which at the level of the private usable open space meets the minimum dimension and area requirements for common usable open space as specified in Paragraph 135(g)(1) below.



(C) Areas within inner and outer courts, as defined by this Code, must either conform to the standards of Subparagraph (f)(2)(B) above or be so arranged that the height of the walls and projections above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court, regardless of the permitted obstruction referred to in Subsection

135(c) above.

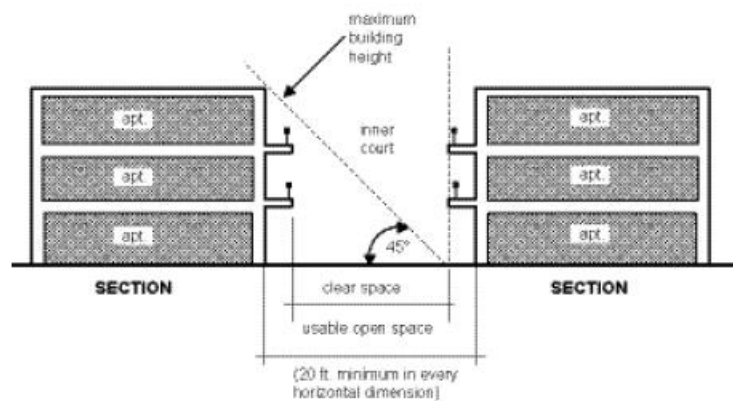
(3) **Fire Escapes as Usable Open Space.** Normal fire escape grating shall not be considered suitable surfacing for usable open space. The steps of a fire escape stairway or ladder, and any space less than six feet deep between such steps and a wall of the building, shall not be credited as usable open space. But the mere potential use of a balcony area for an emergency fire exit by occupants of other dwelling units (or bedrooms in group housing) shall not prevent it from being credited as usable open space on grounds of lack of privacy or usability.

(4) **Use of Solariums.** In C-3 Districts, the area of a totally or partially enclosed solarium shall be credited as private usable open space if (i) such area is open to the outdoors through openings or clear glazing on not less than 50 percent of its perimeter and (ii) not less than 30 percent of its overhead area and 25 percent of its perimeter are open or can be opened to the air.

(g) **Common Usable Open Space: Additional Standards.**

(1) **Minimum Dimensions and Minimum Area.** Any space credited as common usable open space shall be at least 15 feet in every horizontal dimension and shall have a minimum area of 300 square feet.

(2) **Use of Inner Courts.** The area of an inner court, as defined by this Code, may be credited as common usable open space, if the enclosed space is not less than 20 feet in every horizontal dimension and 400 square feet in area; and if (regardless of the permitted obstructions referred to in Subsection 135(c) above) the height of the walls and projections above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court. Exceptions from these requirements for certain qualifying historic buildings may be permitted, subject to the requirements and procedures of Section 307(h) of this Code.



(3) **Use of Solariums.** The area of a totally or partially enclosed solarium may be credited as common usable open space if the space is not less than 15 feet in every horizontal dimension and 300 square feet in area; and if such area is exposed to the sun through openings or clear glazing on not less than 30 percent of its perimeter and 30 percent of its overhead area.

(h) **Publicly-Accessible Usable Open Space Standards.** In DTR Districts and the Eastern Neighborhoods Mixed Use Districts, some or all of the usable open space requirements may be fulfilled by providing privately-owned public open space. Any space credited as publicly-accessible usable open space, where permitted or required by this Code, shall meet the following standards:

(1) **Types of Open Space.** Open space shall be of one or more of the following types:

(A) An unenclosed park or garden at street grade or following the natural topography, including improvements to hillsides or other unimproved public areas;

(B) An unenclosed plaza at street grade, with seating areas and landscaping and no more than 10 percent of the total floor area devoted to facilities for food or beverage service, exclusive of seating areas as regulated in Section 138(d);

(C) An unenclosed pedestrian pathway which complies with the standards of Section 270.2 and which is consistent with applicable design guidelines.

(D) Streetscape improvements with landscaping and pedestrian amenities that result in additional pedestrian space beyond the pre-existing sidewalk width and conform to the Better Streets Plan and any other applicable neighborhood streetscape plans pursuant to Section 138.1 or other related policies such as those associated with sidewalk widenings or building setbacks, other than those intended by design for the use of individual ground floor residential units; and

(2) **Standards of Open Space.** Open space shall meet the standards described in Section 138(d).

(3) **Maintenance.** Maintenance requirements for open space in these areas are subject to Section 138(h) of this Code.

(4) **Informational Plaque.** Signage requirements for open space in these areas are subject to Section 138(i) of this Code.

(5) **Open Space Provider.** Requirements regarding how to provide and maintain open space are subject to Section 138(f) of this Code.

(6) **Approval of Open Space Type and Features.** Approval of open space in these areas is subject to requirements of Section 138 (

)<sup>1</sup> of this Code.

(i) **Off-Site Provision of Required Usable Open Space.**

(1) **Eastern Neighborhoods Mixed Use Districts.** In the Eastern Neighborhoods Mixed Use Districts, the provision of off-site publicly accessible open space may be credited toward the residential usable open space requirement, subject to Section 329 for projects to which that Section applies and Section 307(h) for other projects. Any such space shall meet the publicly accessible open space standards set forth in Section 135(h) and shall be within the following distance of the principal project: for principal projects that are not within the Central SoMa SUD such space shall be within 800 feet of said principal project; for principal projects that are within the Central SoMa SUD, the space shall be within the Central SoMa Plan Area or no greater than ¼-mile outside the Central SoMa Plan Area boundary, without regard to distance from the principal project. The distance between the principal project and the offsite open space shall be measured by the direct distance between the closest boundary of the principal project or, as applicable the closest edge of the Central SoMa Plan Area boundary, and the closest boundary of the off-site open space. No more than 50 percent of a project's required usable open space shall be off-site. The publicly accessible off-site usable open space shall be constructed, completed, and ready for use no later than the project itself, and shall receive its Certificate of Final Completion from the Department of Building Inspection prior to the issuance of any Certificate of Final Completion or Temporary Certificate of Occupancy for the project itself.

(2) **DTR Districts.** In DTR Districts the provision of off-site publicly accessible open space may be counted toward the requirements of residential open space per the procedures of Section 309.1 provided it is within the individual DTR district of the project or within 500 feet of any boundary of the individual DTR district of the project, and meets the standards of subsection (h).

(A) **On Site.** At least 36 square feet per residential unit of required open space must be provided on-site. Pursuant to the procedures of Section 309.1, the Planning Commission may reduce the minimum on-site provision of required residential open space to not less than 18 square feet per unit in order to both create additional publicly-accessible open space serving the district and to foster superior architectural design on constrained sites.

(B) **Open Space Provider.** The open space required by this Section may be provided individually by the project sponsor or jointly by the project sponsor and other project sponsors, provided that each square foot of jointly developed open space may count toward only one sponsor's requirement. With the approval of the Planning Commission, a public or private agency may develop and maintain the open space, provided that (i) the project sponsor or sponsors pay for the cost of development of the number of square feet the project sponsor is required to provide, (ii) provision satisfactory to the Commission is made for the continued maintenance of the open space for the actual lifetime of the building giving rise to the open space requirement, and (iii) the Commission finds that there is reasonable assurance that the open space to be developed by such agency will be developed and open for use by the time the building, the open space requirement of which is being met by the payment, is ready for occupancy.

(3) **Ocean Avenue NCT.** In the Ocean Avenue NCT District, the provision of off-site publicly accessible open space may be credited toward the residential usable open space requirement subject to the procedures of Section 303. Any such open space shall meet the publicly accessible open space standards set forth in Section 135(h) and be provided within 800 feet of the project. No more than 50 percent of a project's usable open space requirement may be satisfied off-site. The publicly accessible off-site usable open space shall be constructed, completed, and ready for use no later than the project itself, and shall receive its certificate of final completion from the Department of Building Inspection prior to the issuance of any certificate of final completion or temporary certificate of occupancy for the project itself.

(4) **Historic Buildings.** For a landmark building designated per Article 10 of this Code, a contributing building located within a designated historic district per Article 10, or any building designated Category I-IV per Article 11 of this Code, the provision of off-site publicly accessible open space may be credited toward the residential usable open space requirement subject to the procedures of Section 307(h) of this Code.

(Amended by Ord. 414-85, App. 9/17/85; Ord. 532-85, App. 12/4/85; Ord. 69-87, App. 3/13/87; Ord. 131-87, App. 4/24/87; Ord. 445-87, App. 11/12/87; Ord. 412-88, App. 9/10/88; Ord. 115-90, App. 4/6/90; Ord. 368-94, App. 11/4/94; Ord. 262-00, File No. 001426, App. 11/17/2000; Ord. 217-05, File No. 050865, App. 8/19/2005; Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 61-09, File No. 090181, App. 4/17/2009; renumbered by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 310-10, File No. 101194, App. 12/16/2010; Ord. 196-11, File No. 110786, App. 10/4/2011, Eff. 11/3/2011; Ord. 35-12, File No. 111305, App. 2/21/2012, Eff. 3/22/2012; Ord. 188-12, File No. 111374, App. 9/11/2012, Eff. 10/11/2012; Ord. 228-12, File No. 120220, App. 11/14/2012, Eff. 12/14/2012; Ord. 242-12, File No. 120996, App. 12/7/2012, Eff. 1/6/2013; Ord. 42-13, File No. 130002, App. 3/28/2013, Eff. 4/27/2013; Ord. 227-14, File No. 120796, App. 11/13/2014, Eff. 12/13/2014; Ord. 232-14, File No. 120881, App. 11/26/2014, Eff. 12/26/2014; Ord. 14-15, File No. 141210, App. 2/13/2015, Eff. 3/15/2015; Ord. 189-17, File No. 170693, App. 9/15/2017, Eff. 10/15/2017; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. 47-21, File No. 201175, App. 4/16/2021, Eff. 5/17/2021)

**AMENDMENT HISTORY**

Division (d) amended; Ord. 196-11, Eff. 11/3/2011. Table 135A amended; Ord. 35-12, Eff. 3/22/2012. Division (d)(2) amended; Ord. 188-12, Eff. 10/11/2012. Divisions (a), (d)(5), (h), and (h)(1) through (5) amended; former divisions (h)(2)(A) through (I) deleted; division (h)(6) added; Ord. 228-12, Eff. 12/14/2012. Division (d)(3) amended; division (d)(6) added; Ord. 242-12, Eff. 1/6/2013. Table 135A amended; Ord. 42-13, Eff. 4/27/2013. Table 135A amended; Ord. 227-14, Eff. 12/13/2014. Divisions (d), (d)(3), (g)(2), (i)(2)(A), and Table 135A amended; division (i)(4) added; Ord. 232-14, Eff. 12/26/2014. Division (d)(7) added; Ord. 14-15, Eff. 3/15/2015. Division (c) amended; divisions (c)(1) through (3) added; Ord. 189-17, Eff. 10/15/2017. Undesignated introductory material amended; division (d)(5) amended and redesignated as (d)(5)-(d)(5)(B)(i); divisions (d)(5)(B)(ii)-(iii) added; Table 135A amended; divisions (h)(1)(B), (h)(1)(D), and (h)(2) amended; Ord. 296-18, Eff. 1/12/2019. Divisions (h)(6) and (i)(1) amended; Ord. 47-21, Eff. 5/17/2021.

**CODIFICATION NOTE**

1. So in Ord. 47-21.

**Editor's Note:**

*Former division (j) of this section was redesignated as Sec.427 by Ord. 108-10.*

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## **SEC. 135.1. OPEN SPACE REQUIREMENTS FOR USES OTHER THAN RESIDENTIAL IN CHINATOWN.**

(a) **Requirements for Commercial and Institutional Development.** For commercial and institutional development exceeding 10,000 gross square feet in the Chinatown Mixed Use Zones whether new construction or net addition through alteration, including the Chinatown Community Business District, the Chinatown Visitor Retail District and the Chinatown Residential Neighborhood Commercial District established by the use provisions of Articles 2 and 8 of this Code, there shall be requirements for usable open space of one square foot for every 50 square feet of gross floor area of commercial or institutional space. This requirement shall not apply to commercial or institutional development of 10,000 square feet or less. Open space provided pursuant to this Section shall be made open to the public during hours determined by the Zoning Administrator.

(b) **Alternative Means of Satisfying the Commercial Open Space Requirement.**

(1) If an open space satisfying the requirements of Subsection (a) cannot be created because the square footage of open space is not of sufficient size to provide a usable open space, the Zoning Administrator may authorize, as an eligible type of open space, improvements to an alleyway within a square block of the project site. The improvements shall include paving, landscaping, street furniture or other features appropriate for creating an attractive area for sitting and walking. The Zoning Administrator shall determine that the improvements would be an equivalent benefit to the community as the amount of open space that would have been created under Subsection (a).

(2) If an open space satisfying the requirements and standards of this Section cannot be provided because of constraints of the development site or because the square footage of open space to be provided is not of sufficient size and if the off-site options authorized by Paragraph (1) above are found to be infeasible at the time of the project application, the Zoning Administrator may, upon application by the proposed developer pursuant to Section 307(g), waive the requirement that an open space be provided. It shall be a condition of any such waiver that the proposed developer pay the amount of \$1.50 per gross square foot of floor area devoted to commercial or institutional use. Payment shall be paid in full to the City prior to the issuance of any temporary or other certificate of occupancy for the subject property. Funds received on account of any such payment shall be deposited in the Chinatown Open Space Fund established pursuant to Section 10.203 of the San Francisco Administrative Code.

(c) **Cost and Restrictions.** All costs of the open space, including without limitation those associated with design, development, liability insurance, regular maintenance, and safe operation of this open space, shall be borne by the property owner. Liability insurance satisfactory to the Department, naming the City and County of San Francisco and its officers and employees as additional insureds, shall be provided for all such spaces. The property owner shall record with the County Recorder a special restriction on the property satisfactory in substance to the Department and sufficient to give notice to subsequent owners, tenants and other persons having other economic interests in the property of the open space requirement and the means by which the requirement has been, and must continue to be, satisfied. Additionally, the property owner shall post a plaque identifying the open space feature and stating the right of the public to use it.

(d) **Approval and Construction.** The design and location of proposed open space and its ability to fulfill public open space needs shall be reviewed as part of the site or building permit application for the project in question and must be approved or disapproved by the Department in its action on that permit. The open space shall be constructed pursuant to the relevant permit, and no temporary or other certificate of occupancy shall be issued for any structure constructed under the permit until the open space is complete.

■ (Added by Ord. 131-87, App. 4/24/87)

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## **SEC. 135.2. USABLE OPEN SPACE FOR LIVE/WORK UNITS IN NEWLY CONSTRUCTED BUILDINGS OR EXPANSIONS OF EXISTING BUILDINGS.**

*(See Interpretations related to this Section.)*

Usable open space for live/work units within buildings newly constructed after the effective date of Ordinance No. 412-88 (effective October 10, 1988) or for newly created live/work units within an expansion of or addition to an existing building shall be provided according to the standards set forth in this Section.

(a) **Character of Space Provided.** The character of open space for live/work units shall satisfy the terms of Section 135(a), except that usable private or common open space for live/work units may also be provided as one of the following unenclosed resting or open space areas: A rooftop and/or podium level yard, garden or sun deck. Usable open space for live/work units shall be clearly accessible to and for the use of live/work tenants.

(b) **Permitted Obstructions.** In the calculation of either private or common usable open space for live/work units, the obstructions for usable open space listed in Section 136 of this Code shall be permitted and in addition, on rooftop or podium level yards, gardens or decks, wind screens of no more than six feet in height shall be permitted. Such wind screens shall conform to Table 5A of the San Francisco Building Code and shall be set back no less than five feet from the building edge.

(c) **Amount Required.** Thirty-six (36) square feet of open space shall be required for each live/work unit.

■ (Added by Ord. 412-88, App. 9/10/88)

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## **SEC. 135.3. USABLE OPEN SPACE FOR USES OTHER THAN DWELLING UNITS, GROUP HOUSING AND LIVE/WORK UNITS WITHIN THE EASTERN NEIGHBORHOODS MIXED USE AND DTR DISTRICTS.**

*(See Interpretations related to this Section.)*

(a) **Amount of Open Space Required.** All newly constructed structures, all structures to which Gross Floor Area equal to 20% or more of existing Gross Floor Area is added, and all structures in the Eastern Neighborhoods Mixed Use Districts within which floor area is converted to office use other than office use accessory to a non-office use shall provide and maintain usable open space for that part of the new, additional or converted square footage which is not subject to Sections 135.1 and 135.2 as follows:

TABLE 135.3

MINIMUM USABLE OPEN SPACE REQUIREMENTS FOR USES OTHER THAN DWELLING UNITS,  
GROUP HOUSING AND LIVE/WORK UNITS IN THE EASTERN NEIGHBORHOODS MIXED USE AND DTR DISTRICTS

<i>Use</i>	<i>Square Feet of Usable Open Space Required</i>
Retail, eating and/or drinking establishments, personal service, wholesale, home and business service, arts activities, institutional and like uses	1 sq. ft. per 250 sq. ft. of occupied floor area of new or added square footage
Manufacturing and light industrial, storage without distribution facilities, and like uses in the Eastern Neighborhoods Mixed Use Districts	None required
Office uses, as defined in 890.70, in the Eastern Neighborhoods Mixed Use Districts	1 sq. ft. per 50 sq. ft. of occupied floor area of new, converted or added square footage
All non-residential uses in DTR Districts	1 sq. ft. per 50 sq. ft. of occupied floor area of net new, converted or added square footage over 10,000 gross square feet

(1) Open space shall be provided for uses not listed in this subsection and Table (other than live/work units, dwelling units and group housing whose open space requirements are specified in Sections 135 and 135.2 of this Code), in the amount required for the listed use determined by the Zoning Administrator to be most similar to the unlisted use in question. Private or public parking structures and change of use or additions to an existing structure which are limited to uses operating solely during nighttime hours and for which public access to open space cannot feasibly be provided during daytime hours pursuant to Subsection (c)(4), shall be exempt from this open space requirement.

(2) **Eastern Neighborhoods Mixed Use Districts.** In the Eastern Neighborhoods Mixed Use Districts, the open space requirements of this Section 135.3 may be fulfilled by providing privately-owned public open space. Such open space is subject to the following:

(A) The amount of open space required pursuant to Table 135.3 may be reduced by 33% if it is publicly accessible usable open space.

(B) Publicly accessible usable open space is required to meet all requirements specified in Section 135(h) of this Code.

(C) Up to 50% of the publicly accessible open space may be provided off-site, subject to Section 329 for projects to which that Section applies and Section 307(h) for other projects. Any such space shall meet the publicly accessible open space standards set forth in Section 135(h) and be provided within 800 feet of the project. The publicly accessible off-site usable open space shall be constructed, completed, and ready for use no later than the project itself, and shall receive its Certificate of Final Completion from the Department of Building Inspection prior to the issuance of any Certificate of Final Completion or Temporary Certificate of Occupancy for the project itself. This subsection (C) shall not apply to projects in the Central SoMa Special Use District, and instead such projects shall comply with Section 138.

(3) **Central SoMa SUD.** This Section 135.3 shall not apply to projects subject to the privately-owned public open space requirement pursuant to Section 138 (a)(2).

(4) **DTR Districts.** In DTR Districts, the open space requirements of this Section may be fulfilled by providing privately-owned public open space and shall be subject to the following:

(A) Such open space shall meet all requirements specified in Section 135(h) of this Code.

(B) Up to 50 percent of required open space may be provided off-site per the procedures of Section 309.1 if it is within the individual DTR district of the project or within 500 feet of any boundary of the individual DTR district of the project.

(b)<sup>1</sup> **Permitted Obstructions.** In addition to those specified in Section 136, permitted obstructions for open space required under this Section shall include small-scale pedestrian-oriented convenience establishments and resources such as movable beverage and/or food stands, outdoor cafes, toilets, newsstands, or flower stands provided that all such activities along with other permitted obstructions combined do not exceed 20 percent of the total usable open space requirement.

(c) **Costs and Restrictions.** All costs of the open space, including without limitation those associated with design, development, liability insurance, regular maintenance, and safe operation of this open space, shall be borne by the property owner. Liability insurance satisfactory to the City Attorney, naming the City and County of San Francisco and its officers and employees as additional insureds, shall be provided for all such spaces. The property owner shall record with the County Recorder a special restriction on the property satisfactory in substance to the Department and sufficient to give notice to subsequent owners, tenants and other persons having other economic interests in the property of the open space requirement and the means by which the requirement has been, and must continue to

(d) A sign satisfying the requirements of Section 603(k) shall be prominently posted at the entrance to the open space area declaring that the area is open to the public.

(Added by Ord. 115-90, App. 4/6/90; Ord. 298-08, File No. 081153, App. 12/19/2008; renumbered by Ord. 108-10, File No. 091275, App. 5/25/2010 ; Ord. [228-12](#), File No. 120220, App. 11/14/2012, Eff. 12/14/2012; Ord. [296-18](#), File No. 180184, App. 12/12/2018, Eff. 1/12/2019)

Section header and divisions (a)(2), (a)(2)(B), (a)(2)(C), (a)(3), and (a)(3)(A) amended; former divisions (a)(3)(C), (b), (d), and (e) deleted; former divisions (c), (f), (g), and (h) redesignated as divisions (b)<sup>1</sup> through (e); Ord. [228-12](#), Eff. 12/14/2012. Section header, divisions (a), (a)(2), (a)(2)(A) and (C), and Table 135.3 amended; division (a)(3) added; former division (a)(3) redesignated as division (a)(4); Ord. [296-18](#), Eff. 1/12/2019.

1. The designation of divisions (b) through (e) was corrected by the codifier.

*Former divisions (e) and (f) of this section were redesignated as new Sections 425 and 426 by Ord. 108-10.*

(See Interpretations related to this Section.)

(a) The following obstructions shall be permitted, in the manner specified, as indicated by the symbol "X" in the columns at the left, within the required open areas listed herein:

- (1) Projections from a building or structure extending over a Street or Alley as defined in Section 102 of this Code. Every portion of such projections over a Street or Alley shall provide a minimum of 7½ feet of vertical clearance from the sidewalk or other surface above which it is situated, or such greater vertical clearance as may be required by the San Francisco Building Code, unless the contrary is stated below. The permit under which any such projection over a Street or Alley is erected over public property shall not be construed to create any perpetual right but is a revocable license;
- (2) Obstructions within legislated setback lines and front setback areas, as required by Sections 131 and 132 of this Code;
- (3) Obstructions within side yards and rear yards, as required by Sections 133 and 134 of this Code;
- (4) Obstructions within usable open space, as required by Section 135 of this Code.

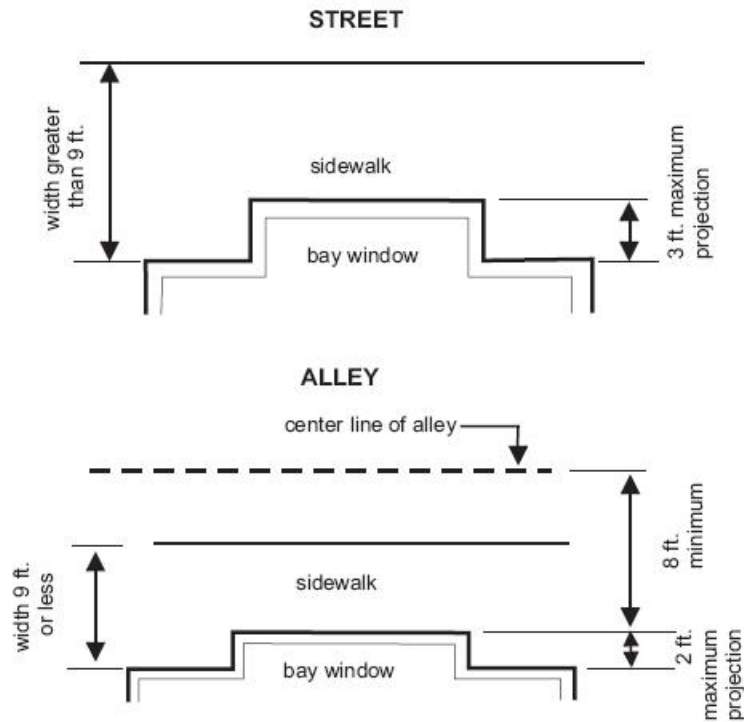
(b) No obstruction shall be constructed, placed, or maintained in any such required open area except as specified in this Section 136.

(c) The permitted obstructions shall be as follows:

- (1) Projections of an architectural nature that leave at least 7½ feet of clearance and do not increase the floor area or the volume of space enclosed by the building, such as cornices, eaves, sills, belt courses, sunshades, fins, and brise soleils and not projecting more than<sup>1</sup> and not projecting more than four feet over streets and alleys or more than four feet into setbacks, yards, and usable open space.
- (2) Bay (projecting) windows, balconies (other than balconies used for primary access to two or more dwelling units or two or more bedrooms in group housing), and similar features that increase either the floor area of the building or the volume of space enclosed by the building above grade, when limited as specified herein. With respect to obstructions within yards and usable open space, the bay windows and balconies specified in Paragraph (c)(3) below shall be permitted as an alternative to those specified in this Paragraph (c)(2).

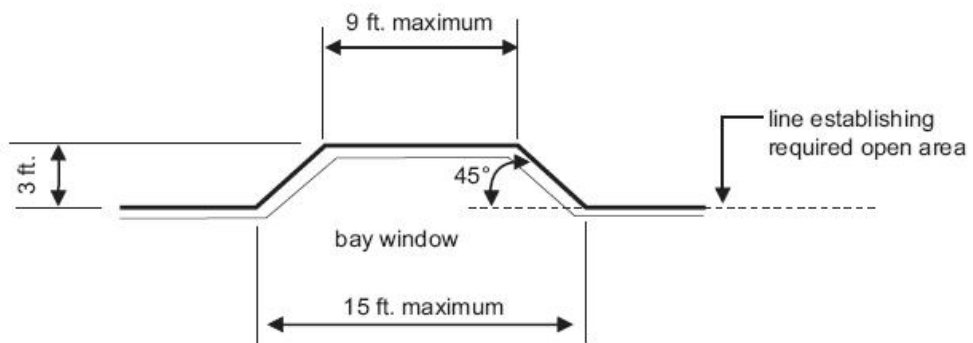
- (A) The minimum headroom shall be 7½ feet.
- (B) Projection into the required open area shall be limited to three feet, provided that projection over streets and alleys shall be further limited to two feet where the sidewalk width is nine feet or less, and the projection shall in no case be closer than eight feet to the centerline of any alley.



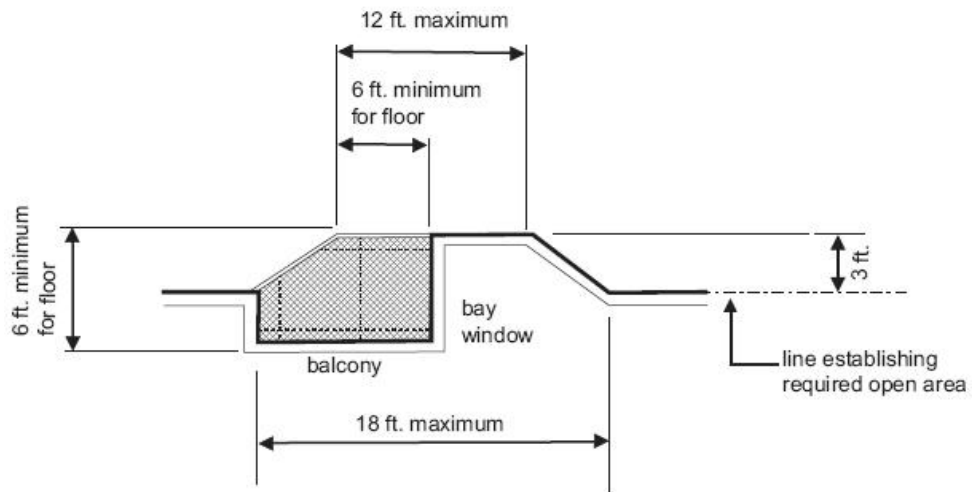


(C) The glass areas of each bay window, and the open portions of each balcony, shall be not less than 50 percent of the sum of the areas of the vertical surfaces of such bay window or balcony above the required open area. At least 1/3 of such required glass area of such bay window, and open portions of such balcony, shall be on one or more vertical surfaces situated at an angle of not less than 30 degrees to the line establishing the required open area. In addition, at least 1/3 of such required glass area or open portions shall be on the vertical surface parallel to, or most nearly parallel to, the line establishing each open area over which the bay window or balcony projects.

(D) The maximum length of each bay window or balcony shall be 15 feet at the line establishing the required open area, and shall be reduced in proportion to the distance from such line by means of 45 degree angles drawn inward from the ends of such 15-foot dimension, reaching a maximum of nine feet along a line parallel to and at a distance of three feet from the line establishing the required open area.

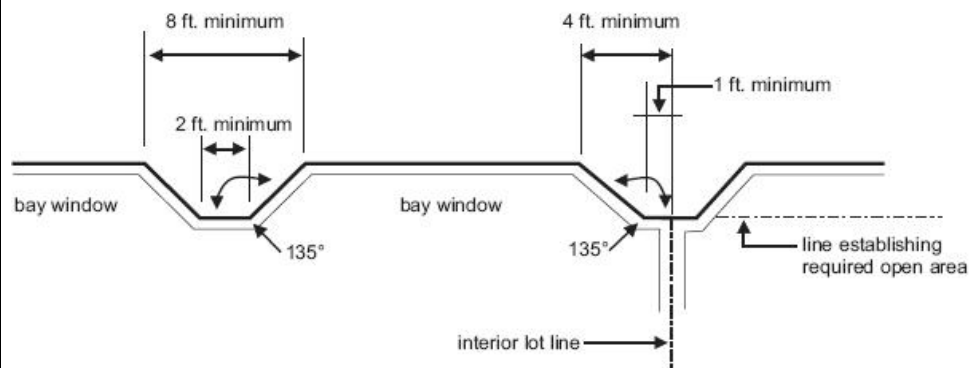


(E) Where a bay window and a balcony are located immediately adjacent to one another, and the floor of such balcony in its entirety has a minimum horizontal dimension of six feet, the limitations of Subparagraph (c)(2)(D) above shall be increased to a maximum length of 18 feet at the line establishing the required open area, and a maximum of 12 feet along a line parallel to and at a distance of three feet from the line establishing the required open area.



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

(G) Each bay window or balcony over a street or alley, setback or rear yard shall also be horizontally separated from interior lot lines (except where the wall of a building on the adjoining lot is flush to the interior lot line immediately adjacent to the projecting portions of such bay window or balcony) by not less than one foot at the line establishing the required open area, with such separation increased in proportion to the distance from such line by means of a 135-degree angle drawn outward from such one-foot dimension, reaching a minimum of four feet along a line parallel to and at a distance of three feet from the line establishing the required open area;



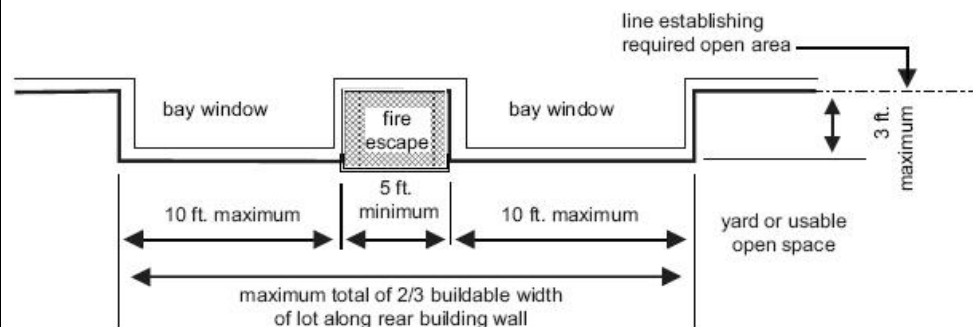
(3) Bay (projecting) windows, balconies (other than balconies used for primary access to two or more dwelling units or two or more bedrooms in group housing), and similar features that increase either the floor area of the building or the volume of space enclosed by the building above grade, when limited as specified herein. With respect to obstructions within yards and usable open space, the bay windows and balconies specified in Paragraph (c)(2) above shall be permitted as an alternative to those specified in this Paragraph (c)(3).

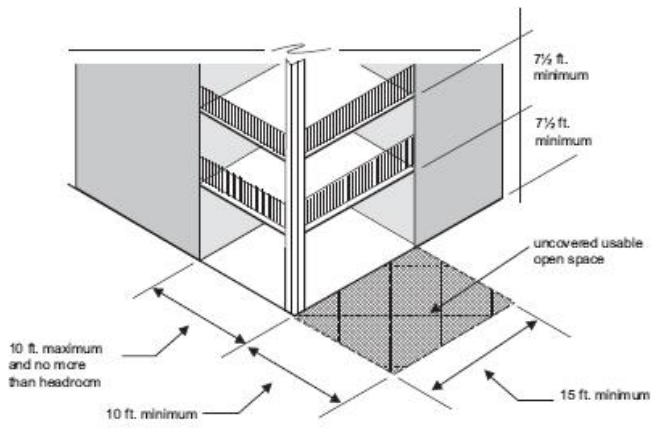
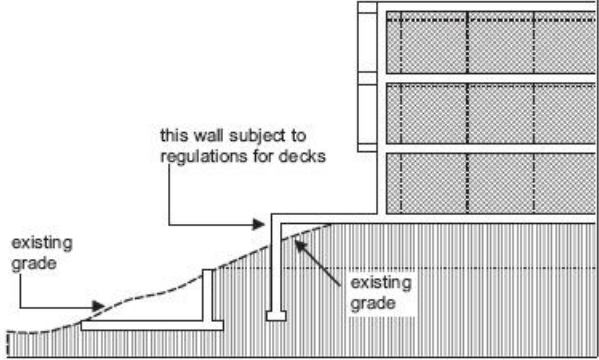
(A) The minimum headroom shall be 7½ feet.

(B) Projection into the required open area shall be limited to three feet, or 1/6 of the required minimum dimension (when specified) of the open area, whichever is less.

(C) In the case of bay windows, the maximum length of each bay window shall be 10 feet, and the minimum horizontal separation between bay windows shall be five feet, above all parts of the required open area.

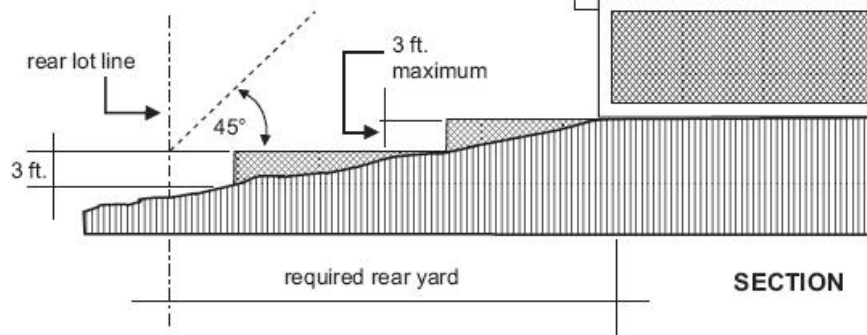
(D) The aggregate length of all bay windows and balconies projecting into the required open area shall be no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the length of all open areas along the buildable length of an interior side lot line; in the case of yards, these limits on aggregate length shall apply to the aggregate of all bay windows, balconies, fire escapes and chimneys.



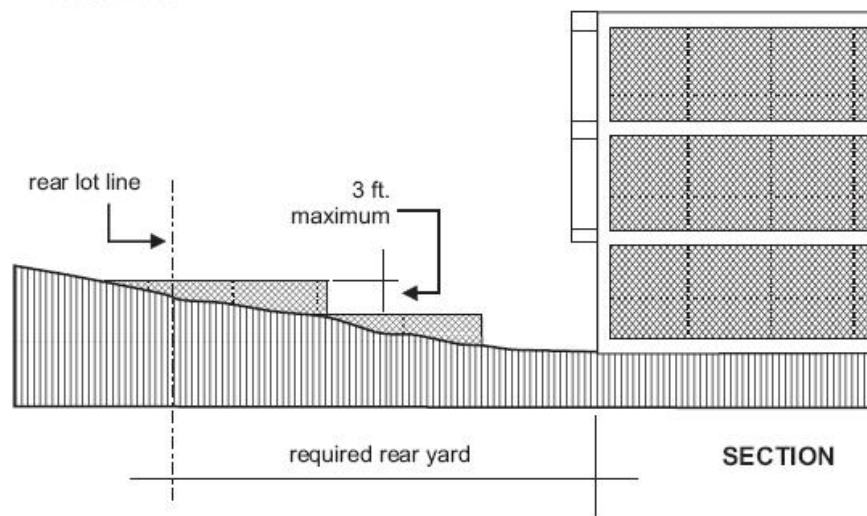
x	x	x	x	<p>(4) Fire escapes, leaving at least 7½ feet of headroom exclusive of drop ladders to grade, and not projecting more than necessary for safety or in any case more than four feet six inches into the required open area. In the case of yards, the aggregate length of all bay windows, balconies, fire escapes and chimneys that extend into the required open area shall be no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the buildable length of an interior side lot line;</p> <p>(5) Overhead horizontal projections other than those listed in Paragraphs (c)(1), (2), (3) and (4) above, leaving at least 7½ feet of headroom, where the depth of any such projection is no greater than the headroom it leaves, and in no case is greater than 10 feet; and provided that, in the case of common usable open space at ground level, the open space under the projection directly adjoins uncovered usable open space that is at least 10 feet in depth and 15 feet in width;</p>
			x	 <p>(6) Chimneys not extending more than three feet into the required open area or 1/6 of the required minimum dimension (when specified) of the open area, whichever is less; provided, that the aggregate length of all bay windows, balconies, fire escapes and chimneys that extend into the required open area is no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the buildable length of an interior side lot line;</p>
x				(7) Temporary occupancy of street and alley areas during construction and alteration of buildings and structures, as regulated by the Building Code and other portions of the Municipal Code;
x				(8) Space below grade, as regulated by the Building Code and other portions of the Municipal Code;
x	x			(9) Building curbs and buffer blocks at ground level, not exceeding a height of nine inches above grade or extending more than nine inches into the required open area;
x	x			(10) Signs as regulated by Article 6 of this Code, at locations and to the extent permitted therein;
x	x			(11) Flagpoles for projecting flags permitted by Article 6 of this Code;
x	x			(12) Awnings, Canopies, and Marquees and for Limited Commercial Uses in Residential and RTO Districts, as defined in Section 102 and regulated by the Building Code, and as further limited in Section 136.1 and other provisions of this Code;
				(13) Retaining walls that are necessary to maintain approximately the grade existing at the time of construction of a building. Other retaining walls and the grade maintained by them shall be subject to the same regulations as decks (see Paragraphs (c)(24) and (c)(25) below);
	x	x	x	 <p>SECTION</p>
	x	x	x	(14) Steps of any type not more than three feet above grade, and uncovered stairways and landings not extending higher than the floor level of the adjacent first floor of occupancy above the ground story, and, in the case of yards and usable open space, extending no more than six feet into the required open area for any portion that is more than three feet above grade, provided that all such stairways and landings shall occupy no more than 2/3 the buildable width of the lot along a front or rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the length of all open areas along the buildable length of an interior side lot line;
x	x	x	x	(15) Railings no more than three feet six inches in height above any permitted step, stairway, landing, fire escape, deck, porch or balcony, or above the surface of any other structure permitted in the required open area.
	x	x	x	(16) Decorative railings and decorative grille work, other than wire mesh, at least 75 percent open to perpendicular view and no more than six feet in height above grade;
	x	x	x	(17) Fences no more than three feet in height above grade;
		x	x	(18) Fences and wind screens no more than six feet in height above grade;
		x	x	(19) Fences and wind screens no more than 10 feet in height above grade;
		x	x	(20) Normal outdoor recreational and household features such as play equipment and drying lines;
	x	x	x	(21) Landscaping and garden furniture;

x	x	(22) Garden structures enclosed by walls on no more than 50 percent of their perimeter, such as gazebos and sunshades, if no more than eight feet in height above grade and covering no more than 60 square feet of land;
x		(23) Other structures commonly used in gardening activities, such as greenhouses and sheds for storage of garden tools, if no more than eight feet in height above grade and covering no more than 100 square feet of land;
x		(24) Decks, whether attached to a building or not, at or below the adjacent first floor of occupancy, if developed as usable open space and meeting the following requirements:  (A) Slope of 15 percent or less. The floor of the deck shall not exceed a height of three feet above grade at any point in the required open area, nor shall such floor penetrate a plane made by a vertical angle 45 degrees above horizontal with its vertex three feet above grade at any lot line bordering the required open area,

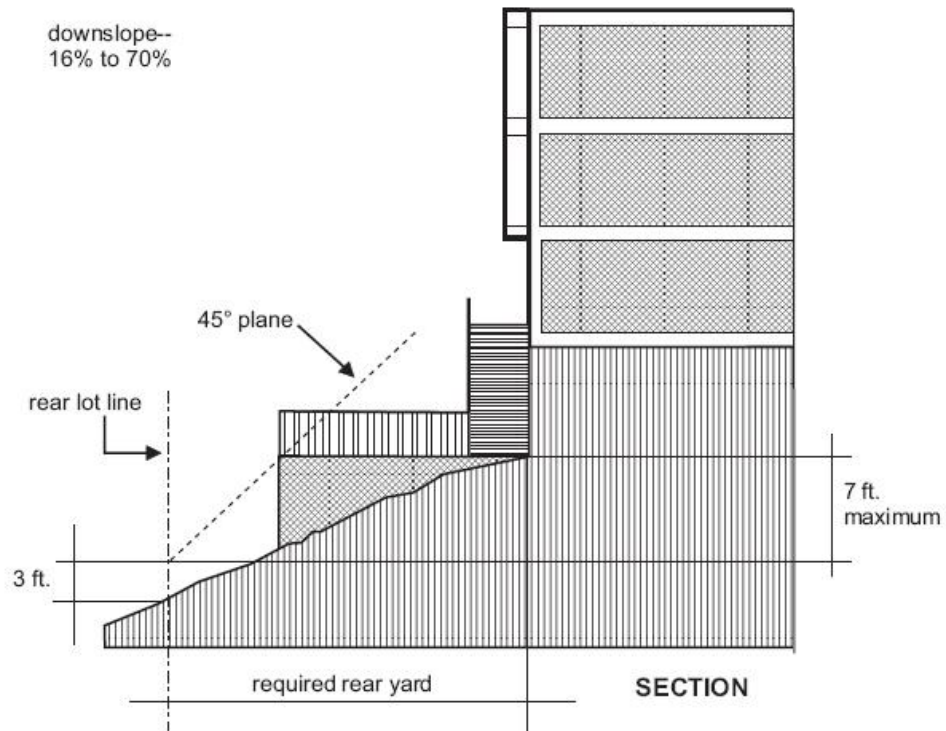
downslope—  
15% or less



upslope—  
15% or less



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

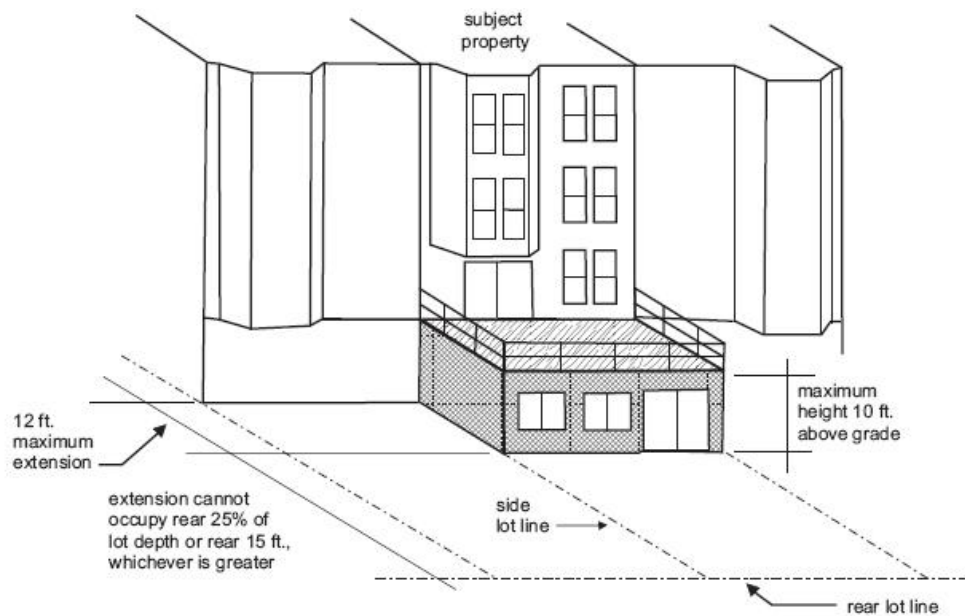


(C) Slope of more than 70 percent. Because in these cases the normal usability of the required open area is seriously impaired by the slope, a deck covering not more than 1/3 the area of the required open area may be built exceeding the heights specified above, provided that the light, air, view, and privacy of adjacent lots are not seriously affected. Each such case shall be considered on its individual merits. However, the following points shall be considered guidelines in these cases:

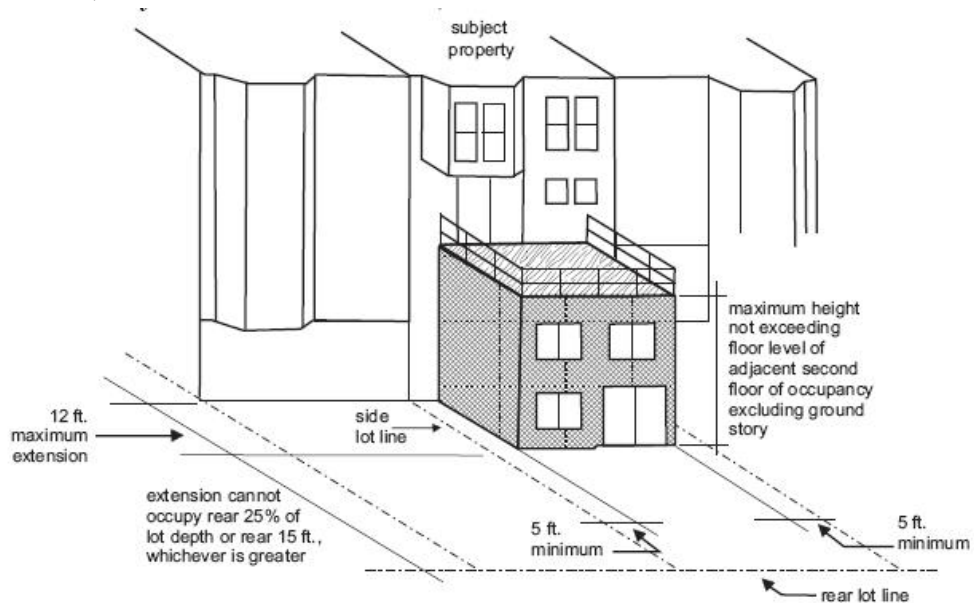
- (i) The deck shall be designed to provide the minimum obstruction to light, air, view and privacy.
  - (ii) The deck shall be at least two feet inside all side lot lines.
  - (iii) On downhill slopes, a horizontal angle of 30 degrees drawn inward from each side lot line at each corner of the rear building line shall be maintained clear, and the deck shall be kept at least 10 feet inside the rear lot line;
- (25) Except in required side yards, decks, and enclosed and unenclosed extensions of buildings, when limited as specified herein:

(A) The structure shall extend no more than 12 feet into the required open area; and shall not occupy any space within the rear 25 percent of the total depth of the lot, or within the rear 15 feet of the depth of the lot, whichever is greater,

- (B) Within all parts of the required open area, the structure shall be limited in height to either:
  - (i) 10 feet above grade, or



(ii) A height not exceeding the floor level of the second floor of occupancy, excluding the ground story, at the rear of the building on the subject property, in which case the structure shall be no closer than five feet to any interior side lot line,

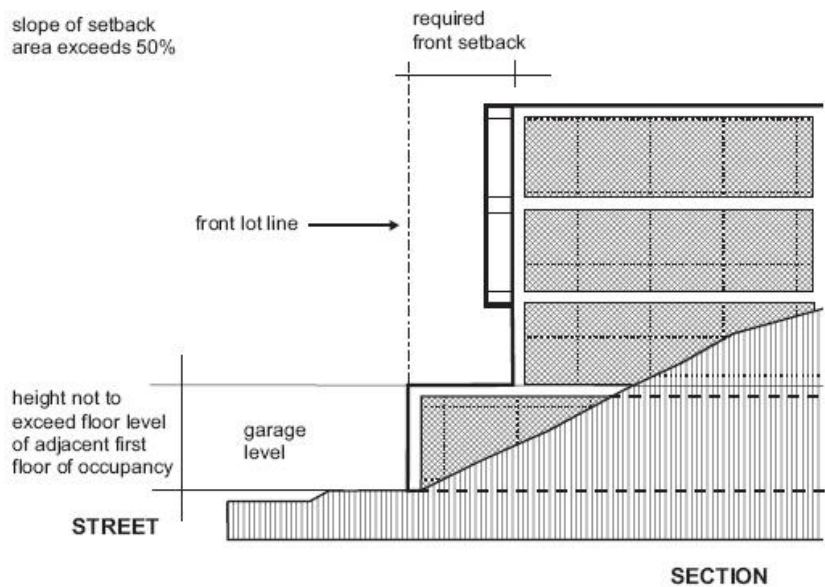


(C) Any fence or wind screen extending above the height specified in Subparagraph (c)(25)(B) shall be limited to six feet above such height; shall be no closer to any interior side lot line than one foot for each foot above such height; and shall have not less than 80 percent of its surfaces above such height composed of transparent or translucent materials;

(26) Garages which are underground, or under decks conforming to the requirements of Paragraph (c)(24) or (c) (25) above, if their top surfaces are developed as usable open space, provided that no such garage shall occupy any area within the rear 15 feet of the depth of the lot;

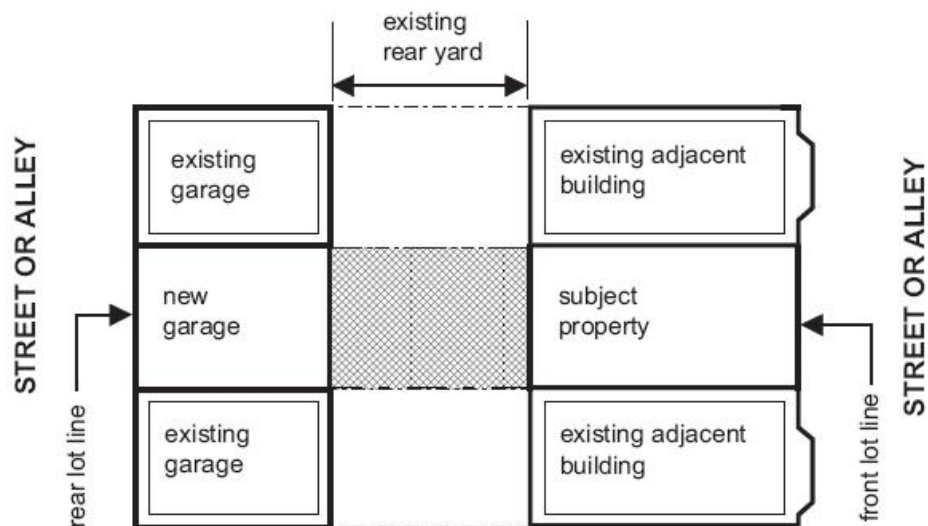
(27) Garages, where the average slope of the required open area ascends from the street lot line to the line at the setback and exceeds 50 percent, provided the height of the garage is limited to 10 feet above grade, or the floor level of the adjacent first floor of occupancy on the subject property, whichever height is less;



[illegible]

Reserved.

(29) Garages, where the subject property is a through lot having both its front and its rear lot line along streets, alleys, or a street and an alley, and both adjoining lots (or the one adjoining lot where the subject property is also a corner lot) contain a garage structure adjacent to the required rear yard on the subject property, provided the garage on the subject property does not exceed the average of the two adjacent garage structures (or the one adjacent garage structure where the subject property is a corner lot) in either height above grade or encroachment upon the required rear yard;



(30) Driveways, for use only to provide necessary access to required or permitted parking that is located in the buildable area of the subject property other than in a required open area, and where such driveway has only the minimum width needed for such access, and in no case shall parking be allowed in the setback;

(31) In the Outer Clement Street Neighborhood Commercial District, outdoor activity area if used in connection with a commercial use on a contiguous lot and which existed in 1978 and has remained in said use since 1978.

(32) Infill under decks and cantilevered rooms when adding an Accessory Dwelling Unit; provided, however, that such infill shall comply with Section 207(c)(4) or Section 207(c)(6) of this Code, whichever is applicable; and provided further that if the ADU is proposed for a single-family home, the rear yard must be 25% of the lot depth but in no case less than 15 feet.

(d) Notwithstanding the limitations of Subsection (c) of this Section, the following provisions shall apply in C-3 districts:

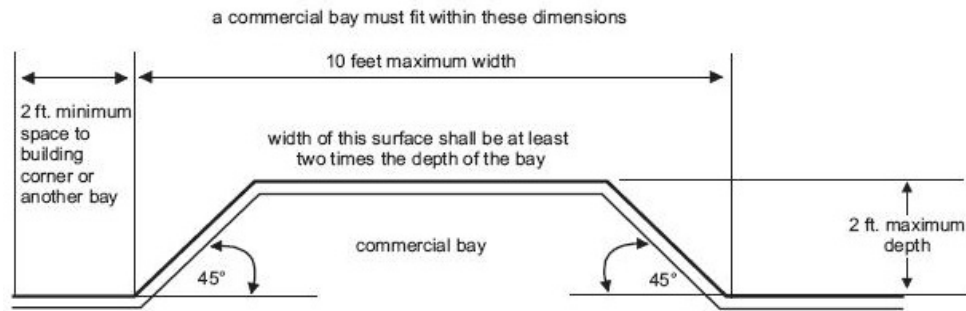
(1) **Decorative Architectural Features.** Decorative architectural features not increasing the interior floor area or volume of the space enclosed by the building are permitted over streets and alleys and into setbacks within the maximum vertical and horizontal dimensions described as follows:

(A) At roof level, decorative features such as cornices, eaves, and brackets may project four feet in districts other than C-3-O(SD) and 10 feet in the C-3-O(SD) district with a maximum vertical dimension no greater than six feet.

(B) At all levels above the area of minimum vertical clearance required in Subsection (a)(1) above, decorative features, such as belt courses, entablatures, and bosses, may project two feet, with a maximum vertical dimension of four feet, except that in the C-3-O(SD) district at all levels above a minimum vertical clearance of 20 feet from sidewalk grade, decorative features may project half the width of the sidewalk up to a maximum projection of 10 feet.

(C) At all levels above the area of minimum vertical clearance required by Subsection (a)(1) above, vertical decorative features, such as pilasters, columns, and window frames (including pediment and sills), with a cross-sectional area of not more than three square feet at midpoint, may project one foot horizontally.

(2) **Bay Windows.** Notwithstanding the provisions of Subsections (c)(2)(D) and (F) of this Section, bay windows on nonresidential floors of a structure are permitted only if the width of the bay is at least two times its depth, the total width of all bays on a facade plane does not exceed ½ of the width of the facade plane, and the maximum horizontal (plan) dimensions of the bay fit within the dimensions set forth in the diagram below.



(Amended by Ord. 414-85, App. 9/17/85; Ord. 69-87, App. 3/13/87; Ord. 463-87, App. 11/19/87; Ord. 115-90, App. 4/6/90; Ord. 219-02, File No. 020493, App. 11/8/2002; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. [63-11](#), File No. 101053, App. 4/7/2011, Eff. 5/7/2011; Ord. [182-12](#), File No. 120665, App. 8/8/2012, Eff. 9/7/2012; Ord. [56-13](#), File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. [22-15](#), File No. 141253, App. 2/20/2015, Eff. 3/22/2015; Ord. [188-15](#), File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. [195-18](#), File No. 180268, App. 8/10/2018, Eff. 9/10/2018; Ord. [43-2](#), File No. 190454, App. 3/20/2020, Eff. 4/20/2020; Ord. [136-21](#), File No. 210674, App. 8/4/2021, Eff. 9/4/2021)

#### AMENDMENT HISTORY

Division (c)(12) amended; former division (c)(28) deleted; Ord. [63-11](#), Eff. 5/7/2011. Divisions (d)(1)(A) and (B) amended; Ord. [182-12](#), Eff. 9/7/2012. Division (c)(12) amended; Ord. [56-13](#), Eff. 4/27/2013. Division (c)(12) amended; Ord. [22-15](#), Eff. 3/22/2015. Nonsubstantive change; Ord. [188-15](#), Eff. 12/4/2015. Division (c)(32) added; Ord. [195-18](#), Eff. 9/10/2018. Divisions (a)(1), (b), and (c)(1) amended; divisions (c)(1)(A)-(C) deleted; Ord. [43-2](#), Eff. 4/20/2020. Division (a)(1) amended; Ord. 136-21, Eff. 9/4/2021.

#### CODIFICATION NOTE

- 1. So in Ord. [43-2](#).

## SEC. 136.1. AWNINGS, CANOPIES AND MARQUEES.

(See Interpretations related to this Section.)

In addition to the limitations of Section 136, especially Paragraph 136(c)(12), the following provisions shall apply to all Districts.

In Residential and Residential Enclave Districts, awnings are permitted only for Limited Commercial Uses, as described in Section 186 of this Code, for Limited Commercial Uses permitted in landmark buildings by Section 186.3, and for Limited Corner Commercial Uses as described in Section 231 of this Code. Canopies and marquees are not permitted.

The addition or alteration of awnings, canopies, or marquees on a landmark site or in a historic district shall require a certificate of appropriateness in accordance with Section 1006, *et seq.* of this Code. Signage on awnings, canopies, and marquees may be further regulated by Article 6 of this Code.

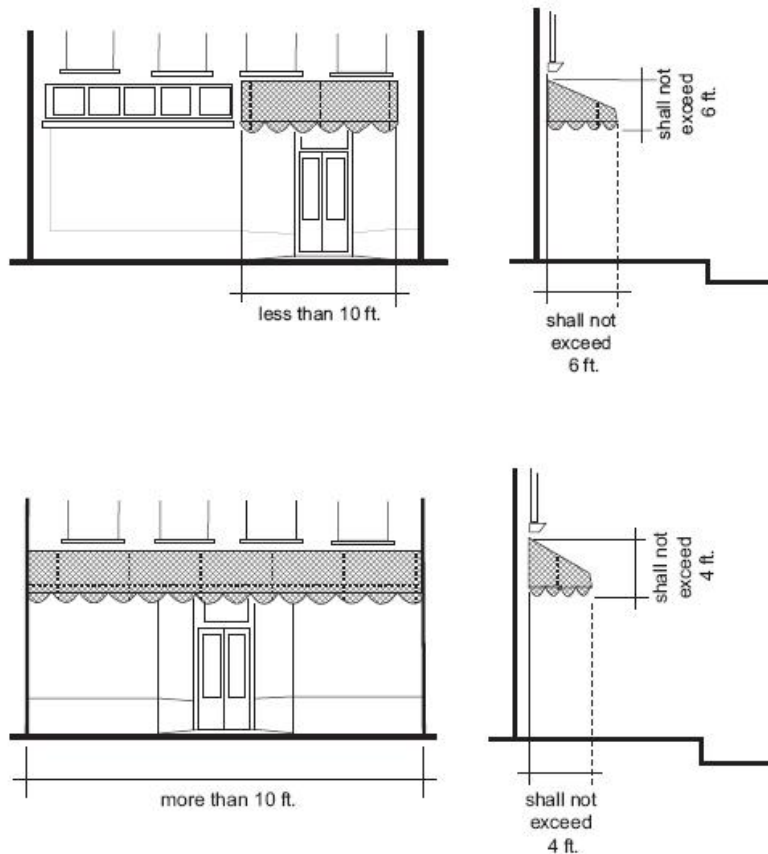
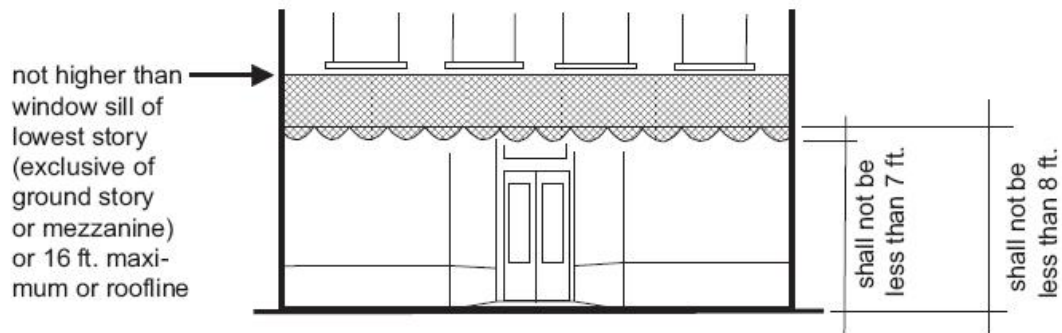
(a) **Awnings.** Awnings, as defined in Section 102, shall be regulated as set forth below.

All portions of any permitted awning shall be not less than eight feet above the finished grade, excluding any valance that shall not be less than seven feet above the finished grade. No portion of any awning shall be higher than the windowsill level of the lowest story (if any) exclusive of the ground story and mezzanine, or extend above the bottom of a projecting upper-story window bay, or cover any belt cornice or horizontal molding, provided that no such awning shall in any case exceed a height of 16 feet or the roofline of the building to which it is attached, whichever is lower. Where external piers or columns define individual storefront bays, an awning may not cover such piers or columns.

(1) **Limited Commercial Uses and NC-1, NCT-1, and CRNC Districts.** The horizontal projection of any awning shall not exceed four feet from the face of a building. The vertical distance from the top to the bottom of any awning shall not exceed four feet, including any valance. Awnings for Commercial Uses in Residential and Residential Enclave Districts may be located only along the building frontage dedicated to commercial use and may not extend above the ground floor. Only awnings covered with cloth are permitted in the Residential Districts.

(2) **All Other Districts.** When the width of all awnings is ten feet or less along the direction of the street, the horizontal projection of such awnings shall not exceed six feet from the face of any supporting building and the vertical distance from the top to the bottom of such awnings shall not exceed six feet, including any valance. When the width of all awnings exceeds ten feet measured along the direction of the street, the horizontal projection of such awnings shall not exceed four feet from the face of the supporting building and the vertical distance from the top to the bottom of such awnings shall not exceed four feet, including any valance.

NOTE: These illustrations are diagrams showing maximum dimensions and are not design examples.

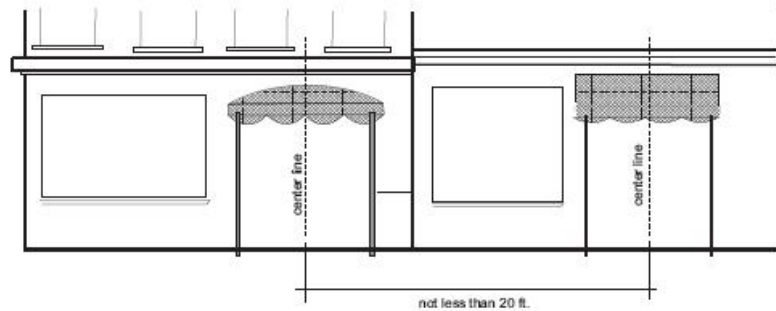
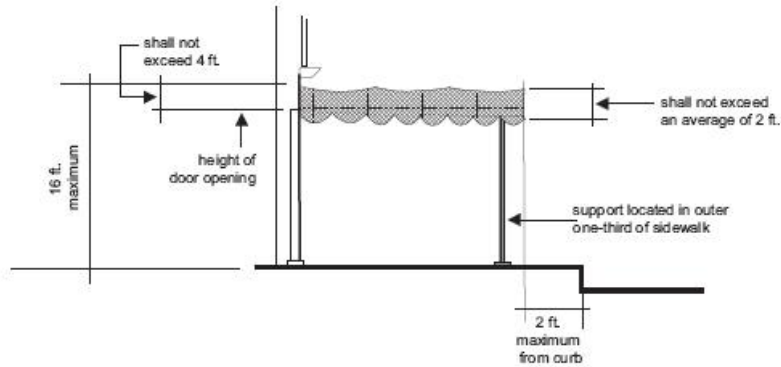
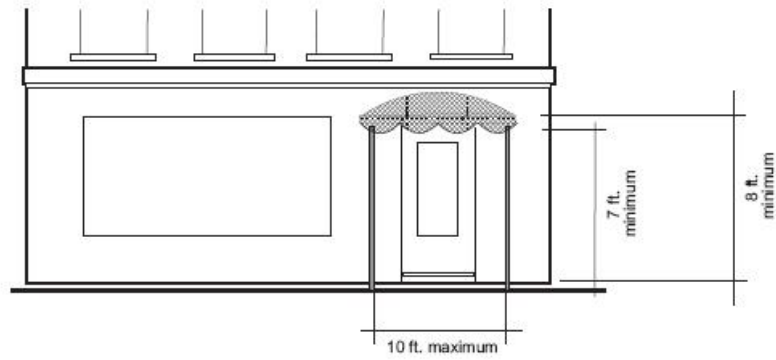


(b) **Canopies.** Canopies, as defined in Section 102, shall be regulated as set forth below.

(1) **Limited Commercial Uses and NC-1, NCT-1, and CRNC Districts.** No canopy shall be permitted in any Limited Commercial Use or in any NC-1, NCT-1, or CRNC District.

(2) **All Other Districts.** The maximum width of any canopy shall be 10 feet. The horizontal projection of any canopy may extend to a point not closer than two feet from the curb. The outer column support shall be located in the outer one-third of the sidewalk and shall be no less than four feet from the building face to ensure adequate clear space along the sidewalk. The vertical distance from the top to the bottom of the canopy shall not exceed an average of two feet, including any valance. The highest point of the canopy shall not exceed a point four feet above the door opening or 16 feet, whichever is less. All portions of any canopy, excluding the column supports and excluding any valance that may be not less than seven feet above the finished grade, shall be not less than eight feet above the finished grade. Canopies shall not be spaced closer than 20 feet from each other, measured from centerline to centerline.

NOTE: These illustrations are diagrams showing maximum dimensions and are not design examples.



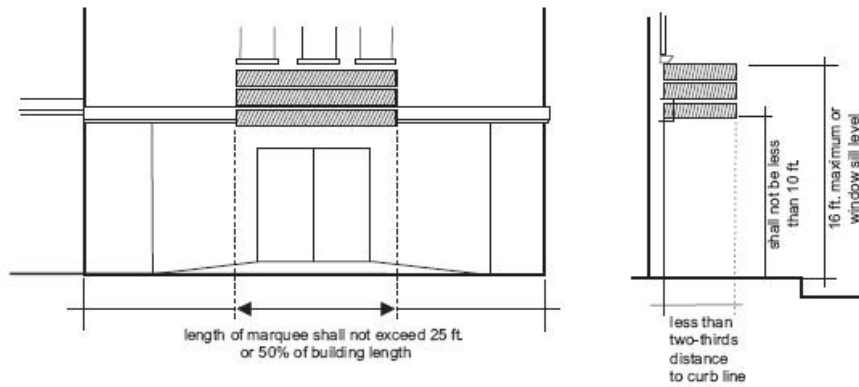
(c) **Marquees.** Marquees, as defined in Section 102, shall be regulated as set forth below.

(1) **Limited Commercial Uses and NC-1, NCT-1, and CRNC Districts.** No marquee shall be permitted in any Limited Commercial Use or in any NC-1, NCT-1, or CRNC District.

(2) **All Other Districts.** The vertical distance from the top to the bottom of any marquee shall not exceed three feet, and the horizontal projection shall not extend beyond a point not closer than two feet from the curb.

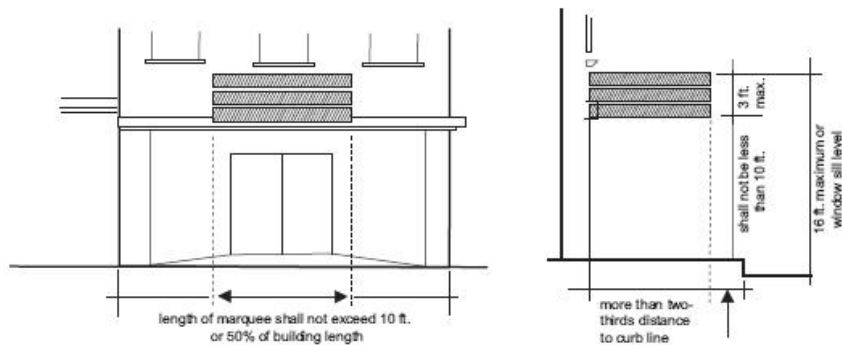
(A) A marquee projecting more than two-thirds of the distance from the property line to the curb line shall not exceed 10 feet or 50 percent of the length of the building along the direction of the street, whichever is less. All portions of such marquee shall be not less than 12 feet nor more than 16 feet in height above the finished grade, nor higher than the windowsill level exclusive of the ground story and mezzanine. Each building frontage shall be considered separately.

NOTE: These illustrations are diagrams showing maximum dimensions and are not design examples.



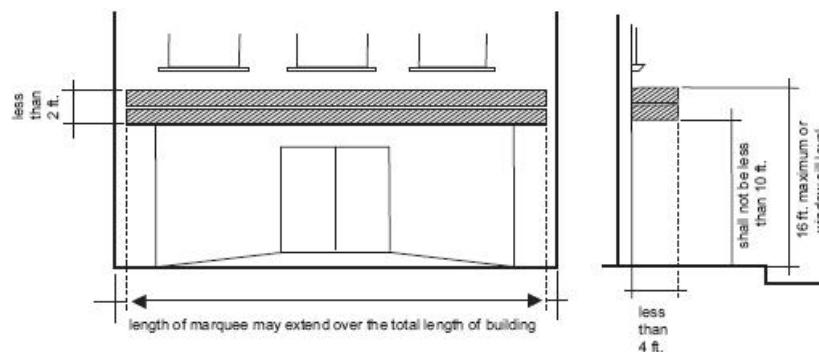
(B) A marquee projecting less than two-thirds of the distance from the property line to the curb line shall not exceed 25 feet or 50 percent of the length of the building along the direction of the street, whichever is less. All portions of such marquee shall be not less than 10 feet nor more than 16 feet above the finished grade, nor higher than the windowsill level or windows on the building façade on which the marquee is placed, exclusive of the ground story and mezzanine. Each building frontage shall be considered separately.

NOTE: These illustrations are diagrams showing maximum dimensions and are not design examples.



(C) A marquee projecting less than four feet from the property line and not exceeding two feet in thickness may extend over the total length of the building along the direction of the street. All portions of such marquee shall not be less than 10 feet nor more than 16 feet above the finished grade, nor higher than the windowsill level or windows on the building façade on which the marquee is placed, exclusive of ground story and mezzanine. Each building frontage shall be considered separately.

NOTE: These illustrations are diagrams showing maximum dimensions and are not design examples.



(Added by Ord. 69-87, App. 3/13/87; amended by Ord. 445-87, App. 11/12/87; Ord. 115-90, App. 4/6/90; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. [140-11](#), File No. 110482, App. 7/5/2011, Eff. 8/4/2011; Ord. [20-15](#), File No. 110548, App. 2/20/2015, Eff. 3/22/2015; Ord. [22-15](#), File No. 141253, App. 2/20/2015, Eff. 3/22/2015)

#### AMENDMENT HISTORY

Section header, introductory paragraph, and divisions (a), (b), and (c) amended; Ord. [140-11](#), Eff. 8/4/2011. Section header, undesignated introductory material and divisions (a), (a)(1), (a)(2), (b), (b)(1), (b)(2), (c), (c)(1), and (c)(2) amended; Ord. [20-15](#), Eff. 3/22/2015. Section header, undesignated introductory material and divisions (a), (a)(1), (a)(2), (b), (b)(1), (b)(2), (c), (c)(1), and (c)(2) amended; Ord. [22-15](#), Eff. 3/22/2015.

## SEC. 136.2. [REPEALED.]

(See Interpretations related to this Section.)

- (Added by Ord. 131-87, App. 4/24/87; amended by Ord. 298-08, File No. 081153, App. 12/19/2008; repealed by Ord. [22-15](#), File No. 141253, App. 2/20/2015, Eff. 3/22/2015)

## SEC. 136.3. [REPEALED.]

- (Added by Ord. 345-87, App. 8/21/87; repealed by Ord. [22-15](#), File No. 141253, App. 2/20/2015, Eff. 3/22/2015)

## SEC. 137. MODIFICATION OF CERTAIN PLAZAS, ARCADES, AND SIDEWALKS.

In C-3 Districts, modifications and improvements of plazas, arcades, and/or sidewalks designed to make the spaces more attractive and useful may be approved, in accordance with the provisions of Section 309, by application of the standards contained in and the guidelines adopted pursuant to Section 138 and Section 138.1 of this Code and the objectives and policies of the Downtown Plan, a component of the General Plan, or any amendment thereto, notwithstanding the fact that such modifications and improvements would not have been permitted under former Sections 126(b)(5) and (b)(7) of this Code.

(Added by Ord. 414-85, App. 9/17/85; amended by Ord. 314-95, App. 10/6/95; Ord. [188-15](#), File No. 150871, App. 11/4/2015, Eff. 12/4/2015)

### AMENDMENT HISTORY

- Section amended; Ord. [188-15](#), Eff. 12/4/2015.

## SEC. 138. PRIVATELY-OWNED PUBLIC OPEN SPACE (POPOS) REQUIREMENTS.



### New Ordinance Notice

**Publisher's Note:** This section has been **AMENDED** by new legislation (Ord. [47-21](#), approved 4/16/2021, effective 5/17/2021). The text of the amendment will be incorporated under the new section number when the amending legislation is effective.

(See Interpretations related to this Section.)

(a) **Applicability.** The following projects shall provide open space in the amount and in accordance with the standards set forth in this Section:

(1) In C-3 Districts, any project proposing new construction of a Non-Residential building or an addition of Gross Floor Area equal to 20% or more of an existing Non-Residential building. Institutional and Residential Uses in C-3 Districts are exempt from the requirements of this Section 138.

(2) In the Central SoMa Special Use District, any project proposing new construction or an addition of 50,000 gross square feet or more of Non-Residential use. Retail, Institutional, and PDR uses in the Central SoMa Special Use District are exempt from the requirements of this Section 138.

(b) **Amount Required.** Open space shall be provided in the amounts specified in Table 138.

<i>Table 138</i>	
<i>Minimum Amount of Open Space Required</i>	
<i>Use District</i>	<i>Ratio of Square Feet of Open Space to Gross Floor Area with Open Space Requirement</i>
C-3-O	1:50
C-3-R	1:100
C-3-G	1:50
C-3-S	1:50
C-3-O (SD)	1:50
Central SoMa Special Use District	1:50

(c) **Location.** The open space required by this Section may be on the same site as the project for which the permit is sought, or within 900 feet of it on either private property or, with the approval of all relevant public agencies, public property, provided that all open space required by this Section for a project within the C-3 District shall be located entirely within the C-3 District. Projects within the Central SoMa Special Use District may provide the open space required by this Section 138 within one-half mile of the project if the required

open space is on publicly-owned land underneath or adjacent to the I-80 freeway. Open space is within 900 feet of the building for which the permit is sought within the meaning of this Section 138 if any portion of the project is located within 900 feet of any portion of the open space. Off-site open space shall be developed and open for use prior to issuance of a first certificate of occupancy, as defined in Section 401 of this Code, of the project whose open space requirement is being met off-site. Failure to comply with the requirements of this subsection (c) shall be grounds for enforcement under this Code, including but not limited to the provisions of Sections 176 and 176.1.

**(d) Types and Standards of Open Space.**

(1) **C-3 Districts.** In C-3 Districts, except as otherwise provided in subsection (f), the project may satisfy the requirements of this Section by providing one or more of the following types of open space: A plaza, an urban park, an urban garden, a view terrace, a sun terrace, a greenhouse, a small sitting area (a “snippet”), an atrium, an indoor park, or a public sitting area in a galleria, in an arcade, in a public street or alley, or in a pedestrian mall or walkway, as more particularly defined in the table entitled “Guidelines for Open Space” in the Open Space Section of the Downtown Plan, or any amendments thereto, provided that the open space meets the following minimum standards. The open space shall:

- (A) Be of adequate size;
- (B) Be situated in such locations and provide such ingress and egress as will make the area easily accessible to the general public;
- (C) Be well-designed, and where appropriate, be landscaped;
- (D) Be protected from uncomfortable wind;
- (E) Incorporate various features, including ample seating and, if appropriate, access to food service, which will enhance public use of the area;
- (F) Have adequate access to sunlight if sunlight access is appropriate to the type of area;
- (G) Be well-lighted if the area is of the type requiring artificial illumination;
- (H) Be open to the public at times when it is reasonable to expect substantial public use;
- (I) Be designed to enhance user safety and security;
- (J) If the open space is on private property, provide toilet facilities open to the public; and
- (K) Have at least 75 percent of the total open space approved be open to the public during all daylight hours.

(2) **Central SoMa Special Use District.** In the Central SoMa Special Use District, a project shall satisfy the requirements listed below, as well as the approval process described in subsection (e):

- (A) Projects shall meet the minimum standards of subsection (1).
- (B) Projects may provide open spaces outdoors or indoors, subject to Commission review pursuant to subsection (e) below or may pay the in-lieu fee as set forth in Section 426, except that development on sites of 40,000 square feet or more and located south of Bryant Street shall provide the required open space outdoors and may not pay an in-lieu fee.
- (C) All open space provided shall be at street grade up to an amount that equals 15 percent of the lot area. Any additional required open space may be provided above street grade.
- (D) All open space shall be publicly accessible, at a minimum, from 7AM to 6PM every day.
- (E) All outdoor open space provided at street grade, except space provided underneath the I-80 freeway, shall meet the following requirements:
  - (i) The open space shall be open to the sky, except for obstructions permitted by Section 136 and up to 10% of space that may be covered by a cantilevered portion of the building if the space has a minimum height of 20 feet;
  - (ii) Any buildings on the subject property that directly abut the open space shall meet the active space requirements of Section 145.1; and
  - (iii) The open space shall be maximally landscaped with plantings on horizontal and vertical surfaces, subject to the appropriate design for circulation routes and any recreational or public amenities provided. Such plantings may include, but are not limited to living walls, stormwater gardens, and drought-tolerant landscaping.
- (F) All indoor open spaces provided at street grade shall:
  - (i) Have a minimum area of 2,500 square feet;
  - (ii) Have a minimum floor-to-ceiling height of 20 feet for at least 75% of the space;
  - (iii) Provide openings directly to a sidewalk or other publicly-accessible outdoor space and, weather permitting, be accessible without the need to open doors;
  - (iv) Be situated, designed, and programmed distinctly from building lobbies or other private entrances to the building;
- (G) Projects shall make efforts to include at least one publicly-accessible potable water source convenient for drinking and filling of water bottles.



- (H) Any food service area provided in the required open space shall occupy no more than 20% of the open space;
- (I) Any restaurant seating shall not take up more than 20% of the seating and tables provided in the required open space; and
- (J) All spaces shall facilitate three-stream waste sorting and collection.

**(e) Approval of Open Space Type and Features.**

(1) In C-3 Districts, the type, size, location, physical access, seating and table requirements, landscaping, availability of commercial services, sunlight and wind conditions and hours of public access shall be reviewed and approved in accordance with the provisions of Section 309, and shall generally conform to the “Guidelines for Open Space in the Open Space Section of the Downtown Plan, or any amendments thereto.

The Commission may, by resolution, declare certain types of open space ineligible to meet the requirements of this Section 138, either throughout C-3 Districts or in certain defined areas, if it determines that a disproportionate number of certain types of open space or an insufficient number of parks and plazas is being provided to meet the public need for open space and recreational uses. Such resolution may exempt from its application projects whose permit applications are on file with the Planning Department.

Over time, no more than 20 percent of POPOS in the C-3 Districts shall be indoor space and at least 80 percent shall be outdoor space. Once an indoor space has been approved, another such feature may not be approved until the total square footage of outdoor open space features approved under this subsection exceeds 80 percent of the total square footage of all open spaces approved under this subsection.

(2) In the Central SoMa Special Use District, all determinations concerning the adequacy of the location, amount, amenities, design, and implementation of open space required by this Section shall be made in accordance with the provisions of Section 329 and subsection (d)(2), above. As part of this determination, the Planning Commission shall consider the ability of the open space to meet the open space, greening, and community needs of the neighborhood, as follows:

(A) **Location.** The provision of outdoor space, including off-site, should be given preference over the provision of indoor space and/or the payment of the in-lieu fee. The Commission may approve the provision of indoor space and/or the payment of the in-lieu fee only where the provision of outdoor space would:

(i) Be subject to substantially negative or unpleasant environmental conditions, such as noise, wind, or lack of access to direct sunlight; and/or

(ii) Where provision of the open space outdoors would substantially degrade the street wall or otherwise undermine the pedestrian experience.

(B) **Amenities.** The type of amenities provided shall take into consideration and complement the amenities currently and foreseeably provided in nearby publicly-accessible open spaces and recreational facilities, both publicly and privately owned, with a preference given to provision of amenities and types of spaces lacking or over-utilized in the area.

(C) **Community Needs.** The Commission shall consider the extent to which the open space serves the open space and recreational needs of the diverse inhabitants of the Central SoMa Special Use District, including but not limited to residents, youth, families, workers, and seniors.

(f) **Open Space Provider.** The open space required by this Section may be provided individually by the project sponsor or jointly by the project sponsor and other project sponsors, provided, that each square foot of jointly developed open space may count toward only one sponsor's requirement. With the approval of the Planning Commission, a public or private agency may develop and maintain the open space, provided that (i) the project sponsor or sponsors pay for the cost of development of the number of square feet the project sponsor is required to provide, (ii) provision satisfactory to the Commission is made for the continued maintenance of the open space for the actual lifetime of the building giving rise to the open space requirement, and (iii) the Commission finds that there is reasonable assurance that the open space to be developed by such agency will be developed and open for use by the time the building, the open space requirement of which is being met by the payment, is ready for occupancy. Property owners providing open space under this section will hold harmless the City and County of San Francisco, its officers, agents and employees, from any damage or injury caused by the design, construction, use, or maintenance of open space. Property owners are solely liable for any damage or loss occasioned by any act or negligence in respect to the design, construction, use, or maintenance of the open space. Operation and maintenance of this open space shall be memorialized by a POPOS Operations Strategy developed by the Project Sponsor or Open Space Provider; a draft of said strategy shall be presented to the Planning Commission where a Large Project Authorization under Planning Code Section 329 applies. In all cases, said strategy shall be finally approved by the Director prior to Planning Department approval of a site or building permit.

(g) **Nonresidential/Residential Open Space.** In mixed nonresidential/residential projects, open space which meets the requirements of Section 135 regarding common usable open space for residential uses, and the requirements of Section 138 regarding open space for nonresidential uses, may be counted against the open space requirements of both Sections 135 and 138.

(h) **Maintenance.** Open spaces shall be maintained at no public expense. The owner of the property on which the open space is located shall maintain it by keeping the area clean and free of litter and keeping in a healthy state any plant material that is provided. Conditions intended to assure continued maintenance of the open space for the actual lifetime of the building giving rise to the open space requirement may be imposed in accordance with the provisions of Section 309.

(i) **Informational Plaque.** Prior to issuance of a permit of occupancy, one or more plaques shall be designed and placed in publicly conspicuous locations as described in this subsection.

(1)<sup>1</sup> The plaques shall:

- (A) state the right of the public to use the space; and
- (B) state the hours of use; and
- (C) describe its principal required features (e.g., number of seats, uses and/or other defining features); and
- (D) state the current name, telephone number, and postal address of the owner or owner's agent responsible for public access and maintenance; and
- (E) describe the type of open space; and,
- (F) state the location of the open space, and, in cases where that space is not visible from a major sidewalk, include directions to the open space.

(2) In terms of design and appearance, the plaque shall:

- (A) include the standard Privately-owned public open space logo developed by the Planning Department; and
- (B) follow the Zoning Administrator Bulletin 8 for POPOS Informational Plaques in terms of detailed dimensions, font type and size, color, and other graphics ; and
- (C) be developed using the POPOS signage design toolkit provided by the Planning Department; and
- (D) be made of opaque, non-reflective material, and provide a clear contrast between the lettering and the background; and

(3) The plaque shall be located as follows:

(A) **Exterior.** If the open space is located outside of a building and is at least partially adjacent to a public sidewalk, a plaque shall be placed on each building face adjacent to the space. Each plaque shall be located as close as possible to the nearest adjacent public sidewalk, but in no case shall any portion of each plaque be located more than five feet from the nearest sidewalk. Alternately, a plaque may be attached to an improvement within the open space or a free standing post so long as the entire plaque is located within five feet of and is clearly visible from an adjacent public sidewalk.

(B) If the open space is located inside a building, or if the open space is located outside a building but is primarily accessed through a building, or if the open space is not otherwise easily visible from the nearest public sidewalk, a plaque shall be placed within five feet of each pedestrian entrance to the building on the outside wall (exclusive of service, emergency, maintenance and related entrances). The plaque shall describe the location of the open space and provide directions on how to get to the space, way-finding signs shall also be placed within the building (e.g., in the lobby and at the elevator) clearly indicating the path to the open space.

(4) The plaque shall be placed so that the midpoint of the plaque is positioned at a height between four and one-half to six feet above grade level; and

(5) **Existing POPOS.** Existing POPOS shall comply with the current signage requirements contained in this subsection (i) and in the Zoning Administrator Bulletin referred to in subsection (i)(2)(B) whenever:

- (A) the project seeks new approvals that trigger compliance with the signage requirements; or
- (B) the existing signage is not in compliance with the requirements in effect at the time of a prior project approval; or
- (C) the existing signage requires alteration in order to comply with Federal or State requirements for directional and informational signs.

(j) Notwithstanding the requirements established in subsections (b)-(d) above, the following additional standards shall apply in the C-3-O(SD) district:

(1) Public connections directly to the rooftop park on the Transbay Transit Center from adjacent buildings shall be counted toward the open space required per subsection (b) above provided that they meet all the following criteria:

(A) Such connections shall provide both horizontal connection (i.e. pedestrian bridge) from the subject development lot to the Transit Center Park as well as vertical connection to access such park connection from a publicly-accessible space at street level;

(B) Such connections described in (A), both vertical and horizontal, and any related circulation spaces, shall be publicly-accessible at any time the Transit Center park is open to the public;

(C) Horizontal connections shall have a minimum clear walking path of 12 feet;

(D) The project sponsor shall provide a letter, prior to project approval subject to Section 309, from the Executive Director of the Transbay Joint Powers Authority or any successor agency or agencies with jurisdiction over the Transit Center park indicating tentative approval of the horizontal connection as designed;

(E) Any vertical connection shall be clearly and prominently signed from a public sidewalk or public space as described in (A) above, and shall feature an informational plaque meeting the standards in subsection (i) above and further established in the "Guidelines for Open Space."

(F) The square footage equivalency of such park connections for the purpose of meeting Section 138 open space requirements shall be calculated to include:

- (i) The area of the bridge structure from face of building to furthest point of connection on the rooftop park;

- (ii) The area set aside for public circulation on or adjacent to the development lot, within or outside of the building envelope, that provides access to the park connection and is not otherwise necessary for general building circulation;
  - (iii) The area on any floor devoted to vertical circulation dedicated specifically to provide public access to the park connection, except for any features that are otherwise necessary for the general circulation or support of the building; and
  - (iv) An additional 5,000 square feet bonus.
- (G) Approval of such connections by the Planning Department or Commission is conditioned on obtaining the necessary easements, permits or approvals otherwise required by other governmental agencies or authorities.
- (H) Such connections must satisfy all applicable permit and governmental approval requirements and be completed and available for public use prior to issuance of the first Temporary Certificate of Occupancy for the project.
- (I) Building connections that are designed primarily to provide access to the rooftop park for tenants of the subject building and not to either provide public access through the subject building to the park or to provide public access to retail in the subject building at the level of the park shall not be eligible for credit toward open space required under this Section.
- (2) Any observation deck or sky lobby or similar space of public accommodation on any story above a height of 600 feet that is open to the general public shall be counted toward the open space required by subsection (b). Such spaces shall not include any space that requires a fee for access, a bar, restaurant or other primarily-commercial use, except that a space qualifying under this subsection may include ancillary retail or eating and drinking activities not to exceed 50% of the publicly-accessible floor area of such space.
- (3) Any mid-block public pedestrian pathway that meets the design criteria of Section 270.2(e) whether required or not, shall be counted toward the open space required by subsection (b), except that any mid-block pathway constructed on Assessor's Block 3721 connecting Howard and Natoma Streets need not be open to the sky provided that it has vertical clearance of at least 25 feet, is open to the public at all times, and is open to the air at both ends such that it does not require opening of doors for access.
- (4) In-lieu of providing open space per the requirements of this Section 138, developments in the C-3-O(SD) District may pay the fee as described in Section 426(b).

(Added by Ord. 414-85, App. 9/17/85; amended by Ord. [182-12](#), File No. 120665, App. 8/8/2012, Eff. 9/7/2012; Ord. [228-12](#), File No. 120220, App. 11/14/2012, Eff. 12/14/2012; Ord. [232-14](#), File No. 120881, App. 11/26/2014, Eff. 12/26/2014; Ord. [188-15](#), File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. [296-18](#), File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. [63-20](#), File No. 200077, App. 4/24/2020, Eff. 5/25/2020; Ord. [47-21](#), File No. 201175, App. 4/16/2021, Eff. 5/17/2021)

#### AMENDMENT HISTORY

Division (b) amended; division (j) added; Ord. [182-12](#), Eff. 9/7/2012. Section header and divisions (c), (f), (h) and (i) amended; divisions (i)(1)<sup>1</sup> through (5) added; Ord. [228-12](#), Eff. 12/14/2012. Divisions (b), (d), and (e) amended; Ord. [232-14](#), Eff. 12/26/2014. Divisions (a) and (b) amended; Ord. [188-15](#), Eff. 12/4/2015. Section header and divisions (a)-(e) amended; divisions (a)(1), (e)(1), and Table 138 designated; divisions (d)-(d)(11) redesignated as divisions (d)-(d)(1)(K); divisions (a)(2), (d)(2)-(d)(2)(J), and (e)(2)-(e)(2)(C) added; Ord. [296-18](#), Eff. 1/12/2019. Divisions (a)(1) and (c) amended; Ord. [63-20](#), Eff. 5/25/2020. Divisions (f) and (j)(4) amended; Ord. [47-21](#), Eff. 5/17/2021.

#### CODIFICATION NOTE

- 1. The designation of the subdivisions of division (i) was corrected by the codifier.

## SEC. 138.1. STREETSCAPE AND PEDESTRIAN IMPROVEMENTS.

(a) **Purpose.** The purpose of this section is to establish requirements for the improvement of the public right-of-way associated with development projects, such that the public right-of-way may be safe, accessible, convenient and attractive to pedestrian use and travel by all modes of transportation consistent with the San Francisco General Plan, achieve best practices in ecological stormwater management, and provide space for public life and social interaction, in accordance with the City's "Better Streets Policy" (Administrative Code Section 98.1).

### (b) **Better Streets Plan.**

(1) The Better Streets Plan, as defined in Administrative Code Section 98.1(e), shall govern the design, location, and dimensions of all pedestrian and streetscape items in the public right-of-way, including but not limited to those items shown in Table 1. Development projects that propose or are required through this Section to make pedestrian and streetscape improvements to the public right-of-way shall conform with the principles and guidelines for those elements as set forth in the Better Streets Plan to the maximum extent feasible.

(2) Proposed improvements also shall be subject to approval by other City bodies with permitting jurisdiction over such streetscape improvements.

(3) The Department and other City bodies shall take into account a project's scale when determining the appropriate scope of improvements.

**Table 1: Pedestrian and Streetscape Elements per the Better Streets Plan**

#	<i>PHYSICAL ELEMENT (1)</i>	<i>BETTER STREETS PLAN SECTION</i>
#	<i>PHYSICAL ELEMENT (1)</i>	<i>BETTER STREETS PLAN SECTION</i>
1	Curb ramps*	5.1
2	Marked crosswalks*	5.1
3	Pedestrian countdown devices	5.1
4	High-visibility crosswalks	5.1
5	Special crosswalk treatments	5.1
6	Restrictions on vehicle turning movements at crosswalks	5.1
7	Removal or reduction of permanent crosswalk closures	5.1
8	Mid-block crosswalks	5.1
9	Raised crosswalks* (2)	5.1
10	Parking restrictions at crosswalks (intersection daylighting)*	5.1
11	Curb radius guidelines	5.2
12	Corner curb extensions or bulb-outs*	5.3
13	Extended bulb-outs*	5.3
14	Mid-block bulb-outs*	5.3
15	Center or side medians	5.4
16	Pedestrian refuge islands	5.4
17	Transit bulb-outs	5.5
18	Transit boarding islands	5.5
19	Flexible use of the parking lane	5.6
20	Parking lane planters	5.6
21	Chicanes	5.7
22	Traffic calming circles	5.7
23	Modern roundabouts	5.7
24	Sidewalk or median pocket parks	5.8
25	Reuse of ‘pork chops’ and excess right-of-way	5.8
26	Multi-way boulevard treatments	5.8
27	Shared public ways	5.8
28	Pedestrian-only streets	5.8
29	Public stairs	5.8
30	Street trees*	6.1
31	Tree basin furnishings*	6.1
32	Sidewalk planters*	6.1
33	Above-ground landscaping	6.1
34	Stormwater management tools*	6.2
35	Street and pedestrian lighting*	6.3
36	Special paving*	6.4
37	Site furnishings*	6.5
38	Driveways	6.6

Standard streetscape elements marked with a *. (Requirement varies by street type: see the Better Streets Plan)
(1) The City shall not require physical elements beyond the subject frontage with the exception of raised crosswalks and curb ramps.
(2) The City shall require raised crosswalks only when the subject right-of-way is 40-feet or less and the crosswalk is installed at a street corner.

(c) **Required streetscape and pedestrian improvements.** Development projects shall include streetscape and pedestrian improvements on all publicly accessible right-of-ways directly fronting the property as follows:

(1) **Street trees.** Project Sponsors shall plant and establish street trees as set forth in Article 16, Sections 805(a) and 806(d) of the Public Works Code; provided, however, that where a property owner is either (A) adding an Accessory Dwelling Unit pursuant to Section 207(c)(4) or 207(c)(6) of this Code or (B) legalizing a Dwelling Unit pursuant to Section 207.3 of this Code, the owner may elect to pay the in-lieu fee authorized by Section 807(f) of the Public Works Code.

(2) **Other streetscape and pedestrian elements for large projects.**

(A) **Application.**

(i) In any district, streetscape and pedestrian elements in conformance with the Better Streets Plan shall be required, if the following conditions are present:

a. The project is on a lot that is greater than one-half acre in total area; or includes more than 50,000 gross square feet of new construction; or contains 150 feet of total lot frontage on one or more publicly-accessible right-of-ways; or its frontage encompasses the entire block face between the nearest two intersections with any other publicly-accessible right-of-way; and

b. The project includes new construction of 10 or more Dwelling Units; or new construction of 10,000 gross square feet or greater of non-residential space; or an addition of 20% or more of Gross Floor Area to an existing building; or a Change of Use of 10,000 gross square feet or greater of a PDR use to a non-PDR use.

(ii) Project sponsors that meet the thresholds of this Subsection shall submit a streetscape plan to the Planning Department showing the location, design, and dimensions of all existing and proposed streetscape elements in the public right-of-way directly adjacent to the fronting property, including street trees, sidewalk landscaping, street lighting, site furnishings, utilities, driveways, and curb lines, and the relation of such elements to proposed new construction and site work on the subject property.

(B) **Standards.**

(i) **Required streetscape elements.** A continuous soil-filled trench parallel to the curb shall connect all street tree basins for those street trees required under the Public Works Code. The trench may be covered only by Permeable Surfaces as defined in Section 102 of the Planning Code, except at required tree basins, where the soil must remain uncovered. The Director of Planning, or his or her designee, may modify or waive this requirement where a continuous trench is not possible due to the location of existing utilities, driveways, sub-sidewalk basements, or other pre-existing surface or sub-surface features.

(ii) **Additional streetscape elements.** The Department may require a project to construct any Standard Streetscape Element listed in Table 1, above, including benches, bicycle racks, curb ramps, corner curb extensions, specified bulb-outs, stormwater facilities, lighting, sidewalk landscaping, special sidewalk paving, and other site furnishings.

a. Streetscape elements shall be selected from a City-approved palette of materials and furnishings, where applicable, and shall be subject to approval by all applicable City agencies.

b. Additionally, streetscape elements shall be consistent with the overall character and materials of the district, and shall have a logical transition or termination to the sidewalk and/or roadway adjacent to the fronting property.

(iii) **Sidewalk widening.** The Planning Department, in consultation with other agencies, shall evaluate whether sufficient roadway space is available for sidewalk widening for the entirety or a portion of the fronting public right-of-way in order to meet or exceed the recommended sidewalk widths for the appropriate street type per Table 2 and the Better Streets Plan and/or to provide additional space for pedestrian and streetscape amenities. If it is found that sidewalk widening is feasible and desirable, the Planning Department shall require the owner or developer to install such sidewalk widening as a condition of approval, including all associated utility re-location, drainage, and street and sidewalk paving.

(iv) **Minimum sidewalk width.** New publicly-accessible right-of-ways proposed as part of development projects shall meet or exceed the recommended sidewalk widths for the appropriate street type per Table 2. Where a consistent front building setback of 3 feet or greater extending for at least an entire block face is provided, the recommended sidewalk width may be reduced by up to 2 feet. Where a Board of Supervisors adopted streetscape plan or community-based plan recommends a sidewalk width greater than the recommended sidewalk width in Table 2 below, the City may require development projects to meet the greater of the two widths.

**Table 2. Recommended Sidewalk Widths by Street Type**

	<i>Street Type (per Better Streets Plan)</i>	<i>Recommended Sidewalk Width (Minimum required for new streets)</i>
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	<i>Street Type (per Better Streets Plan)</i>	<i>Recommended Sidewalk Width (Minimum required for new streets)</i>
Commercial	Downtown commercial	For Downtown Commercial Streets that are sited within the Downtown Streetscape Plan Area, the recommended sidewalk width shall be the width recommended in the Downtown Streetscape Plan. For Downtown Commercial Streets that are sited outside of the Downtown Streetscape Plan Area, the recommended sidewalk width shall be 15 feet.
-	Commercial throughway	15 feet
-	Neighborhood commercial	15 feet
Residential	Downtown residential	15 feet
-	Residential throughway	15 feet
-	Neighborhood residential	12 feet
Industrial/Mixed-Use	Industrial	10 feet
-	Mixed-use	15 feet
Special	Parkway	17 feet
-	Park edge (multi-use path)	25 feet
-	Multi-way boulevard	15 feet
-	Ceremonial	varies
Small	Alley	9 feet
-	Shared public way	n/a
-	Paseo	varies

**(C) Review and approvals.**

(i) The project sponsor shall submit to the Planning Department the streetscape plan required by this section with the project's first Development Application as defined in Section 401, and the Planning Department or Commission shall consider it for approval at the time of other project approval actions. Prior to making its determination about required streetscape and pedestrian elements, the Planning Department shall consult with other City agencies tasked with the design, permitting, use, and maintenance of the public right-of-way. If, after this consultation, any of the affected agencies find that the project sponsor cannot install one or more of the Standard Streetscape Elements due to physical constraints of or other complications related to the site or the public right-of-way surrounding or in the vicinity of the project, then the Department may impose alternative streetscape improvement requirements that provide equivalent or better protection to pedestrians, bicyclists, or transit movement, and/or reduce conflicts among transportation modes. However, such alternative improvements shall cost no more than Standard Streetscape Elements that would have been required and shall be approved only after consultation with the affected agencies.

(ii) Final approval by the affected agencies and construction of such streetscape improvements shall be completed prior to the issuance of the first Certificate of Occupancy or temporary Certificate of Occupancy for the project, unless otherwise extended by the Zoning Administrator. Should conditions, policies, or determinations by other City agencies require a change to the streetscape plan after approval of the streetscape plan but prior to commencement of construction of the streetscape improvements, the Planning Department shall have the authority to require revision to such streetscape plan. In such case, the Zoning Administrator shall extend the timeframe for completion of such improvements by an appropriate duration as necessary.

(iii) Should the construction timeline for a development project be shorter than the construction timeline for the associated streetscape improvement, such as for a change-of-use project, the Zoning Administrator may extend the timeframe for completion of such improvements by an appropriate duration as necessary. As a condition of any such extension, the Zoning Administrator can require the project sponsor to post a bond in the amount of such improvement and subject to the terms that the Zoning Administrator deems appropriate.

(iv) **Waiver.** Any City agency tasked with the design, permitting, use, and maintenance of the public right-of-way, may waive any or all Department required improvements of the streetscape plan as described in this Subsection under that agency's jurisdiction if said agency determines that such improvement or improvements is inappropriate, interferes with utilities to an extent that makes installation financially infeasible, or would negatively affect the public welfare. Any such waiver shall be from the Director or General Manager of the affected agency, shall be in writing to the applicant and the Department, and shall specify the basis for the waiver. Waivers, if any, shall be obtained prior to commencement of construction of the streetscape improvements unless extenuating circumstances arise during the construction of said improvements. If such a waiver is granted, the Department reserves the right to impose alternative streetscape improvement requirements that provide equivalent or better protection to pedestrians, bicyclists, or transit movement, and/or reduce conflicts among transportation modes. However, such alternative requirements shall cost no more than element or elements that have been waived in the adopted streetscape plan and shall be approved only after consultation with the affected agencies. This Subsection shall not apply to the waiver of the street tree requirement set forth in Section 138.1(c)(1).

(d) **Neighborhood Streetscape Plans.** In addition to the requirements listed in Subsection 138.1(c), the Planning Department in

coordination with other city agencies, and after a public hearing, may adopt streetscape plans for particular streets, neighborhoods, and districts, containing standards and guidelines to supplement the Better Streets Plan. Development projects in areas listed in this subsection that propose or are required through this section to make pedestrian and streetscape improvements to the public right-of-way shall conform with the standards and guidelines in the applicable neighborhood streetscape plan in addition to those found in the Better Streets Plan.

**(1) Downtown Streetscape Plan.**

(A) In any C-3 District sidewalk paving as set forth in the Downtown Streetscape Plan shall be installed by the applicant under the following conditions:

- (i) Any new construction;
- (ii) The addition of Gross Floor Area equal to 20 percent or more of an existing building; or
- (iii) A Change of Use of 10,000 or more gross square feet of PDR use to a non-PDR use.

(B) In accordance with the provisions of Section 309 of the Planning Code governing C-3 Districts, when a permit is granted for any project abutting a public sidewalk in a C-3 District, the Planning Commission may impose additional requirements that the applicant install sidewalk improvements such as benches, bicycle racks, lighting, special paving, seating, landscaping, and sidewalk widening in accordance with the guidelines of the Downtown Streetscape Plan if it finds that these improvements are necessary to meet the goals and objectives of the General Plan of the City and County of San Francisco. In making this determination, the Planning Commission shall consider the level of street as defined in the Downtown Streetscape Plan.

(C) If a sidewalk widening or a pedestrian street improvement is used to meet the open space requirement, it shall conform to the guidelines of Section 138.

(D) The Planning Commission shall determine whether the streetscape improvements required by this Section may be on the same site as the building for which the permit is being sought, or within 900 feet, provided that all streetscape improvements are located entirely within the C-3 District.

(2) **Rincon Hill Streetscape Plan.** In the Rincon Hill Downtown Residential Mixed Use (RH-DTR) and Folsom and Main Residential/Commercial Special Use Districts, the boundaries of which are shown in Section Map No. 1 of the Zoning Map, for all frontages abutting a public sidewalk, the project sponsor is required to install sidewalk widening, street trees, lighting, decorative paving, seating and landscaping in accordance with the approved Streetscape Master Plan of the Rincon Hill Area Plan for: (A) any new construction; or (B) the addition of Gross floor<sup>1</sup> Area equal to 20 percent or more of an existing building, or (C) a Change of Use of 10,000 or more square feet from a PDR use to a non-PDR use.

**(e) Additional provisions.**

(1) **Maintenance.** Unless otherwise determined, fronting property owners shall maintain all streetscape improvements required by this section, including landscaping, bicycle racks, benches, special paving, and other site furnishings at no public expense per the requirements of the Public Works Code and the Better Streets Plan for sidewalks and street furnishings, except for street trees and standard street lighting from a City-approved palette of street lights and any improvements within the roadway. Conditions intended to assure continued maintenance of the improvements for the actual lifetime of the building giving rise to the streetscape improvement requirement may be imposed as a condition of approval by the Planning Department.

(2) For any streetscape and/or pedestrian improvements installed pursuant to this section, the abutting property owner or owners shall hold harmless the City and County of San Francisco, its officers, agents, and employees, from any damage or injury caused by reason of the design, construction or maintenance of the improvements, and shall require the owner or owners or subsequent owner or owners of the respective property to be solely liable for any damage or loss occasioned by any act. This requirement shall be deemed satisfied if City permits for the improvements include indemnification and hold harmless provisions.

(3) Notwithstanding the provisions of this Section, an applicant shall apply for and obtain all required permits and approvals for changes to the legislated sidewalk widths and street improvements.

**(f) Removal and modification of private encroachments on public rights-of-way.**

(1) **Applicability.** This section shall apply to developments that:

- (A) construct new buildings;
- (B) include building alterations which increase the gross square footage of a structure by 20 percent or more;
- (C) add off-street parking or loading; or
- (D) remove off-street parking or loading.

(2) **Requirements.** As a condition of approval for the applicable developments in subsection (b), the Planning Department may require the project sponsor to:

(A) reduce the number or width of driveway entrances to a lot, to comply with the streetscape requirements of this Code and the protected street frontages of Section 155(r);

(B) remove encroachments onto or over sidewalks and streets that reduce the pedestrian path of travel, or reduce the sidewalk area available for streetscape amenities such as landscaping, street trees and outdoor seating;



(C) remove or reduce in size basements which extend under public rights-of-way.

(3) **Standards.** In instances where such encroachments are removed, the Planning Department shall require that the replacement curbs, sidewalks, street trees, and landscaping shall meet the standards of the Better Streets Plan and of any applicable neighborhood streetscape plans.

(Added by Ord. 314-95, App. 10/6/95; amended by Ord. 310-10, File No. 101194, App. 12/16/2010; Ord. [232-14](#), File No. 120881, App. 11/26/2014, Eff. 12/26/2014; Ord. [119-15](#), File No. 150221, App. 7/15/2015, Eff. 8/14/2015; Ord. [123-15](#), File No. 150357, App. 7/17/2015, Eff. 8/16/2015; Ord. [188-15](#), File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. [195-18](#), File No. 180268, App. 8/10/2018, Eff. 9/10/2018; Ord. [218-18](#), File No. 180752, App. 9/14/2018, Eff. 10/15/2018; Ord. [277-18](#), File No. 180914, App. 11/20/2018, Eff. 12/21/2018; Ord. [63-20](#), File No. 200077, App. 4/24/2020, Eff. 5/25/2020)

#### AMENDMENT HISTORY

Subdivision designations corrected throughout divisions (c) and (d); former divisions (c)(1)(B)-(D) and division (d)(1)(A) amended; division (f) added; Ord. [232-14](#), Eff. 12/26/2014. Division (c)(1) amended; former divisions (c)(1)(A)-(D) deleted; division (c)(2)(B) amended; new division (c)(2)(B)(i) added and former divisions (c)(2)(B)(i)-(iii) redesignated as (c)(2)(B)(ii)-(iv); current division (c)(2)(B)(ii) amended; Ord. [119-15](#), Eff. 8/14/2015. Division (d)(2) amended; Ord. [123-15](#), Eff. 8/16/2015. Table 1 amended; Ord. [188-15](#), Eff. 12/4/2015. Nonsubstantive amendment to division (c)(1); Ord. [195-18](#), Eff. 9/10/2018. Division (c)(1) amended; Ord. [218-18](#), Eff. 10/15/2018. Divisions (b)(3), (c)(2)(A)(i)a. and b., (c)(2)(C)(iii), and (d)(1)(A)(iii) added; former division (c)(2)(C)(iii) redesignated as (c)(2)(C)(iv) and amended; Tables 1 and 2 amended; divisions (c)(1), (c)(2)(A)(i), (c)(2)(B)(i)-(iv), (c)(2)(C)(i), (d)(1)(A)(ii), (d)(2), (e)(1), and (f)(1) amended; Ord. [277-18](#), Eff. 12/21/2018. Table 2 amended; Ord. [63-20](#), Eff. 5/25/2020.

#### CODIFICATION NOTE

- 1. So in Ord. [277-18](#).

## SEC. 139. STANDARDS FOR BIRD-SAFE BUILDINGS.

(a) **Purpose.** The purpose of this Section is to establish Bird-Safe Standards for new building construction and replacement facades to reduce bird mortality from circumstances that are known to pose a high risk to birds and are considered to be "bird hazards." The two circumstances regulated by this Section are 1) location-related hazards, where the siting of a structure creates increased risk to birds and 2) feature-related hazards, which may create increased risk to birds regardless of where the structure is located. Location-related hazards are created by structures that are near or adjacent to large open spaces and/or water. When structures are located in such an area, the portion of the structure most likely to sustain bird-strikes requires facade treatments. Even if a structure is not located near a locational hazard, particular building features also may create a hazard for birds. Structures that create such a feature-related hazard are required to treat all of the feature-related hazard. While these controls do not apply retroactively, the purpose of these controls is to ensure that new construction is bird-safe and to decrease existing bird-hazards over time.

(b) **Definitions.**

(1) **Bird-Safe Glazing Treatment.** Bird-Safe Glazing Treatment may include fritting, netting, permanent stencils, frosted glass, exterior screens, physical grids placed on the exterior of glazing or UV patterns visible to birds. To qualify as Bird-Safe Glazing Treatment vertical elements of window patterns should be at least 1/4 inch wide at a maximum spacing of 4 inches or horizontal elements at least 1/8 inch wide at a maximum spacing of 2 inches.

(2) **Bird Hazard.** Specific circumstances that create a hazard for birds due to either the location of the building or due to specific building features that increase the risk of bird-building collisions as described under (c) below.

(c) **Controls.** The following Bird-Safe Standards shall apply to: 1) new construction, 2) building additions that create a Bird Hazard, or 3) the replacement of 50% or more of the glazing on an existing Bird Hazard. Additions to existing buildings subject to this subsection are required only to treat the new building addition. Bird Hazards consist of: 1) location-related hazards and 2) feature-related hazards and the standards specified below shall apply to structures that present these hazards. These controls shall apply to all structures subject to this Section regardless of whether the ownership or use is public or private.

(1) **Location-Related Standards.** These standards apply to buildings located inside of open spaces two acres and larger dominated by vegetation, including vegetated landscaping, forest, meadows, grassland, or wetlands, or open water (hereinafter an Urban Bird Refuge). These standards also shall apply to buildings less than 300 feet from an Urban Bird Refuge if such buildings are in an unobstructed line to the refuge. The standards are as follows:

(A) **Facade Requirement.** Bird-Safe Glazing Treatment is required such that the Bird Collision Zone, as defined below, facing the Urban Bird Refuge consists of no more than 10% untreated glazing. Building owners are encouraged to concentrate permitted transparent glazing on the ground floor and lobby entrances to enhance visual interest for pedestrians. The Bird Collision Zone shall mean the portion of buildings most likely to sustain bird-strikes from local and migrant birds in search of food and shelter and includes:

- (i) The building facade beginning at grade and extending upwards for 60 feet, or
- (ii) Glass facades directly adjacent to landscaped roofs 2 acres or larger and extending upwards 60 feet from the level of the subject roof.

(B) **Lighting.** Minimal lighting shall be used. Lighting shall be shielded. No uplighting shall be used. Event searchlights are prohibited on property subject to these controls.

(C) **Wind Generation.** Wind generators in this area shall comply with the Planning Department's permitting requirements, including any monitoring of wildlife impacts that the Department may require.

(2) **Feature-Related Standards.** Feature-related hazards include free-standing glass walls, wind barriers, skywalks, balconies, and greenhouses on rooftops that have unbroken glazed segments 24 square feet and larger in size. Feature-related hazards can occur throughout the City. Any structure that contains these elements shall treat 100% of the glazing on Feature-Specific hazards.

(3) **Exceptions.** Certain exceptions apply to this Section as set forth below.

(A) **Certain Exceptions for Location-Related Standards to be Applied to Residential Buildings Within R-Districts.**

(i) **Limited Glass Facade.** Residential buildings within R- Districts that are less than 45 feet in height and have an exposed facade comprised of less than 50% glass are exempt from new or replacement facade glazing requirements included in Section 139(c)(1) Location-Related Standards.

(ii) **Substantial Glass Facade.** Residential buildings that are less than 45 feet in height but have a facade with surface area composed of more than 50% glass, shall provide glazing treatments as described in Section 139(c)(1)(A) for 95% of all large, unbroken glazed segments that are 24 square feet and larger.

(B) **General Exceptions for Historic Buildings.** Treatment of replacement glass facades for structures designated as City landmarks or within landmark districts pursuant to Article 10 of the Planning Code, or any building Category I-IV or Category V within a Conservation District pursuant to Article 11 of the Planning Code, shall conform to Secretary of Interior Standards for Rehabilitation of Historic Properties. Reversible treatment methods such as netting, glass films, grates, and screens are recommended. Netting or any other method demonstrated to protect historic buildings from pest species that meets the Specifications for Bird-Safe Glazing Treatment stated above also may be used to fulfill the requirement.

(C) **General Waivers and Modifications.** The Zoning Administrator may either waive the requirements contained within Section 139(c)(1) and Section 139(c)(2) or modify such requirements to allow equivalent Bird-Safe Glazing Treatments upon the recommendation of a qualified biologist.

(Added by Ord. [199-11](#), File No. 110785, App. 10/7/2011, Eff. 11/6/2011; amended by Ord. [56-13](#), File No. 130062, App. 3/28/2013, Eff. 4/27/2013)

(Former Sec. 139 added by Ord. 414-85, App. 9/17/85; amended by Ord. 76-03, File No. 020592, App. 5/2/2003; Ord. 18-05, File No. 040731, App. 1/21/2005; renumbered as new Sec. 412.1-412.6 by Ord. 108-10, File No. 091275, App. 5/25/2010)

AMENDMENT HISTORY

■ Divisions (b)(1) and (c)(1)(B) amended; Ord. [56-13](#), Eff. 4/27/2013.

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## SEC. 140. ALL DWELLING UNITS IN ALL USE DISTRICTS TO FACE ON AN OPEN AREA.

*(See Interpretations related to this Section.)*

(a) **Requirements for Dwelling Units.** In each Dwelling Unit in any use district, the required windows (as defined by Section 504 of the San Francisco Housing Code ) of at least one room that meets the 120-square-foot minimum superficial floor area requirement of Section 503 of the Housing Code shall face directly onto an open area of one of the following types:

(1) A public street, public alley at least 20 feet in width, side yard at least 25 feet in width, or rear yard meeting the requirements of this Code; provided, that if such windows are on an outer court whose width is less than 25 feet, the depth of such court shall be no greater than its width; or

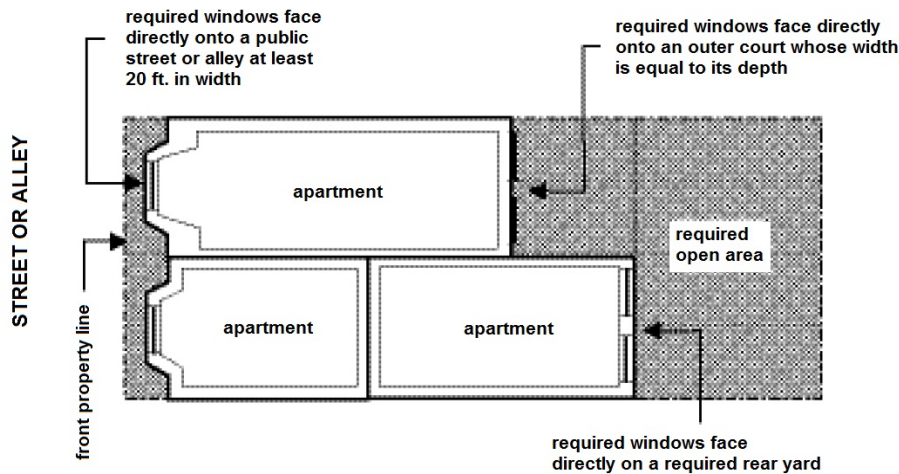
(2) An open area (whether an inner court or a space between separate buildings on the same lot) which is unobstructed (except for fire escapes not projecting more than necessary for safety and in no case more than four feet six inches, chimneys, and those obstructions permitted in Sections 136(c)(14), (15), (16), (19), (20) and (29) of this Code) and is no less than 25 feet in every horizontal dimension for the floor at which the Dwelling Unit in question is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor, except for SRO buildings in the Eastern Neighborhoods Mixed Use Districts, which are not required to increase five feet in every horizontal dimension until the fifth floor of the building.

(b) **Requirements for Group Housing.** For group housing projects, either each bedroom or at least one interior common area that meets the 120 square-foot minimum superficial floor area requirement of Section 503 of the Housing Code shall include windows meeting the requirements of subsections (a)(1) or (a)(2) above. The requirements of this subsection (b) may be waived by the Zoning Administrator per Section 307(m) of this Code.

(c) **Exceptions.**

(1) For historic buildings identified in Section 307(h), and for the conversion of a nonconforming use in an existing building to a Residential Use in a district where the Residential Use is principally permitted, the requirements of this Section 140 may be modified or waived pursuant to the procedures and criteria set forth in Sections 307(h) and 329. This administrative exception does not apply to new additions to historic buildings.

(2) For Accessory Dwelling Units, the requirements of this Section 140 may be modified or waived pursuant to the procedures and criteria set forth in Sections 307(l) and 207(c)(4)(G).



(Amended by Ord. 443-78, App. 10/6/78; Ord. 69-87, App. 3/13/87; Ord. 115-90, App. 4/6/90; Ord. 368-94, App. 11/4/94; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 51-09, File No. 081620, App. 4/2/2009; Ord. [196-11](#), File No. 110786, App. 10/4/2011, Eff. 11/3/2011; Ord. [232-14](#), File No. 120881, App. 11/26/2014, Eff. 12/26/2014; Ord. [164-15](#), File No. 150348, App. 9/23/2015, Eff. 10/23/2015, Retro. 5/20/2015; Ord. [188-15](#), File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. [195-18](#), File No. 180268, App. 8/10/2018, Eff. 9/10/2018; Ord. [296-18](#), File No. 180184, App. 12/12/2018, Eff. 1/12/2019)

#### AMENDMENT HISTORY

[Former] division (b) amended; Ord. [196-11](#), Eff. 11/3/2011. Divisions (a), (a)(1), and [former] (b) amended; Ord. [232-14](#), Eff. 12/26/2014. Division (a) amended; new division (b) added and former division (b) redesignated as (c); Ord. [164-15](#), Eff. 10/23/2015. Diagram amended; other nonsubstantive changes; Ord. [188-15](#), Eff. 12/4/2015. Division (c) content redesignated as (c)(1); division (c)(2) added; Ord. [195-18](#), Eff. 9/10/2018. Division (a) amended; Ord. [296-18](#), Eff. 1/12/2019.

#### Editor's Note:

Ordinance [155-15](#) (File No. 150348, App. 8/6/2015, Eff. 9/5/2015) purported to amend this section. At the direction of the Office of the City Attorney, Ord. 155-15 was never codified (and accordingly is not referenced in the history notes above). Its provisions effectively were superseded by Ord. [164-15](#) (File No. 150348, App. 9/23/2015, Eff. 10/23/2015, Retro. 5/20/2015).

## SEC. 140.1. COMMON AREA REQUIREMENT FOR EFFICIENCY DWELLING UNITS WITH REDUCED SQUARE FOOTAGE.

Buildings with 20 or more Efficiency Dwelling Units with reduced square footage, as defined in Section 318 of this Code, shall include at least one common room for use by the residents. Such common room(s) may be used as study or reading rooms, shared kitchen or dining facilities, media rooms, game rooms, fitness facilities, or similar uses appropriate to the needs of residents. Interior common areas shall be of sufficient size to reasonably accommodate residents' needs, but in no event shall the area required be less than ten square feet per unit.

■ (Added by Ord. [242-12](#), File No. 120996, App. 12/7/2012, Eff. 1/6/2013)

## SEC. 141. SCREENING OF ROOFTOP FEATURES IN R, NC, C, M, WMUG, WMUO, RED, RED-MX, SALI AND MIXED USE DISTRICTS.

(See Interpretations related to this Section.)

(a) In R, NC, C, M, WMUG, WMUO, RED, RED-MX, SALI and Mixed Use Districts, rooftop mechanical equipment and appurtenances to be used in the operation or maintenance of a building shall be arranged so as not to be visible from any point at or below the roof level of the subject building. This requirement shall apply in construction of new buildings, and in any alteration of mechanical systems of existing buildings that results in significant changes in such rooftop equipment and appurtenances. The features so regulated shall in all cases be either enclosed by outer building walls or parapets, or grouped and screened in a suitable manner, or designed in themselves so that they are balanced and integrated with respect to the design of the building. Minor features not exceeding one foot in height shall be exempted from this regulation.

(b) In C-3 Districts, whenever the enclosure or screening of the features listed in Section 260(b)(1)(A) and (B), will be visually prominent, modifications may, in accordance with provisions of Section 309, be required in order to insure that:

- (1) the enclosure or screening is designed as a logical extension of the building form and an integral part of the overall building design;
- (2) its cladding and detailing is comparable in quality to that of the rest of the building;
- (3) if enclosed or screened by additional volume, as authorized by Section 260(b), the rooftop form is appropriate to the nature and proportions of the building, and is designed to obscure the rooftop equipment and appurtenances and to provide a more balanced and graceful silhouette for the top of the building or structure; and
- (4) the additional building volume is not distributed in a manner which simply extends vertically the walls of the building.

(c) In Mixed Use Districts, mechanical equipment and appurtenances shall be enclosed in such a manner that:

- (1) the enclosure is designed as a logical extension of the building form and an integral part of the overall building design;
- (2) its cladding and detailing is comparable in quality to that of the rest of the building;

(3) if screened by additional volume, as authorized by Section 260(b), the rooftop form is appropriate to the nature and proportions of the building, and is designed to obscure the rooftop equipment and appurtenances and to provide a more balanced and graceful silhouette for the top of the building or structure; and

- (4) the additional building volume is not distributed in a manner which simply extends vertically the walls of the building.

(d) Off-street parking or freight loading spaces shall only be permitted on unenclosed rooftops when the parking area is screened with fencing, trellises and/or landscaped screening features such that parked vehicles cannot be easily viewed from adjacent buildings, elevated freeways or public vista points.

(Ord. 532-85, 1985; amended by Ord. 414-85, App. 9/17/85; Ord. 69-87, App. 3/13/87; Ord. 115-90, App. 4/6/90; Ord. 217-05, File No. 050865, App. 8/19/2005; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. [42-13](#), File No. 130002, App. 3/28/2013, Eff. 4/27/2013; Ord. [232-14](#), File No. 120881, App. 11/26/2014, Eff. 12/26/2014)

#### AMENDMENT HISTORY

■ Section header and division (a) amended; Ord. [42-13](#), Eff. 4/27/2013. Section header and divisions (a) and (c) amended; Ord. [232-14](#), Eff. 12/26/2014.

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## SEC. 142. SCREENING AND GREENING OF PARKING AND VEHICULAR USE AREAS.

*(See Interpretations related to this Section.)*

Off-street parking and Vehicular Use Areas adjacent to the public right-of-way shall be screened as provided in this Section 142. Where an existing Automotive Use converts to an Electric Vehicle Charging Location, the requirements of this Section shall not apply.

### (a) Screening of Parking and Vehicular Use Areas less than 25 Linear Feet Adjacent to a Public Right-of-Way.

(1) Every off-street parking space within a building, where not enclosed by solid building walls, shall be screened from view from all Streets and Alleys through use of garage doors or by some other means.

(2) Along rear yard areas and other interior open spaces, all off-street parking spaces, driveways and maneuvering areas within buildings shall be screened from view and confined by solid building walls.

(3) Off-street parking spaces in Parking Lots shall meet the requirements of Section 156 and other applicable provisions of Article 1.5 of this Code. Such parking areas shall be screened from view as provided in Section 156(c) of this Code.

(b) **Vehicular Use Areas That Are Greater than 25 Linear Feet along the Public Right-of-Way.** All lots containing Vehicular Use Areas where such area has more than 25 linear feet along any public right-of-way shall provide screening in accordance with the requirements of this Section 142 and the Ornamental Fencing definition in Section 102. The following instances shall trigger the screening requirements for these Vehicular Use Areas:

(1) Any existing Vehicular Use Area that is accessory to an existing Principal Use if such use expands Gross Floor Area equal to 20% or more of the Gross Floor Area of an existing building;

(2) Any repair, rehabilitation, or expansion of any existing Vehicular Use Area, if such repair, rehabilitation or expansion would increase the number of existing parking spaces by either more than 20% or by more than four spaces, whichever is greater; or

(3) The excavation and reconstruction of an existing Vehicular Use Area if such excavation and reconstruction involves the removal of 200 square feet or more of the asphalt, concrete or other surface devoted to vehicular use. This provision does not apply to the resurfacing due to emergency work to underground utilities if such work is intended to maintain safety or other public purpose beyond the control of the property owner.

(c) **Perimeter Screening.** All Vehicular Use Areas that are greater than 25 linear feet adjacent to the public right-of-way shall provide a screening feature around the perimeter of the lot adjacent to the public right-of-way. Screening shall add to the visual diversity of the use and need not be an opaque barrier. This feature shall be at least one of the following:

(1) Ornamental Fencing or a solid wall that is 4 feet in height and a 5 foot deep Permeable Surface with landscaping along the perimeter of the lot that is adjacent to a public right-of-way and compliant with the applicable water use requirements of Administrative Code Chapter 63; or

(2) A combination of permeable landscaping compliant with the applicable water use requirements of Administrative Code Chapter 63 and Ornamental Fencing where the Permeable Surface and landscaping is the equivalent area of a 5 foot deep average perimeter landscaping that has been otherwise configured to result in either: (A) a public space or amenity that is accessible from the public right-of-way or (B) a natural drainage system, such as combined swales, retention basins, detention basins or rain gardens, to reduce stormwater runoff.

(d) **Modification of Perimeter Screening Requirements.** The Zoning Administrator is authorized to modify the requirements of subsection (c), thereby allowing alternative landscape treatments to partially or wholly satisfy this screening requirement provided that alternative landscape treatments such as landscaped berms, perimeter plantings, pedestrian lighting, benches and seating areas, or additional landscaping and tree plantings are provided elsewhere on the site and will be visible from the public right-of-way or are provided in the public right-of-way as regulated by Section 810B of the Public Works Code. The Zoning Administrator may authorize

such modification only upon finding that the proposed alternative landscape treatment would:

- (1) Provide a visual effect that promotes and enhances the pedestrian experience through the use of quality urban design;
- (2) Promote the reduction of stormwater runoff; and
- (3) Use climate appropriate plant materials, as defined in Public Works Code Section 802.1, that are compliant with the applicable water use requirements of Administrative Code Chapter 63.

(Amended by Ord. 443-78, App. 10/6/78; Ord. 69-87, App. 3/13/87; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 84-10, File No. 091453, App. 4/22/2010; Ord. [140-11](#), File No. 110482, App. 7/5/2011, Eff. 8/4/2011; Ord. [99-17](#), File No. 170206, App. 5/19/2017, Eff. 6/18/2017; Ord. [202-18](#), File No. 180557, App. 8/10/2018, Eff. 9/10/2018; Ord. [63-20](#), File No. 200077, App. 4/24/2020, Eff. 5/25/2020; Ord. [190-22](#), File No. 220036, App. 9/16/2022, Eff. 10/17/2022)

#### AMENDMENT HISTORY

Division (b)(3) amended; Ord. [140-11](#), Eff. 8/4/2011. Divisions (a)(1) and (a)(3) amended; Ord. [99-17](#), Eff. 6/18/2017. Section header, undesignated introductory paragraph, and divisions (a), (a)(3), (b)-(b)(3), (c)-(c)(2), (d), and (d)(2) amended; Ord. [202-18](#), Eff. 9/10/2018. Divisions (b) and (b)(2) amended; Ord. [63-20](#), Eff. 5/25/2020. Undesignated introductory paragraph amended; Ord. [190-22](#), Eff. 10/17/2022.

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## SEC. 143. RESERVED.

(Amended by Ord. 414-85, App. 9/17/85; Ord. 69-87, App. 3/13/87; Ord. 115-90, App. 4/6/90; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 84-10, File No. 091453, App. 4/22/2010; renumbered by Ord. 108-10, File No. 091275, App. 5/25/2010)

#### Editor's Note:

*Former Sec. 143 was redesignated as Sec. 428 by Ord. 108-10, App. 5/25/2010.*

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## SEC. 144. STREET FRONTAGES IN RH, RTO, RTO-M, AND RM DISTRICTS.

*(See Interpretations related to this Section.)*

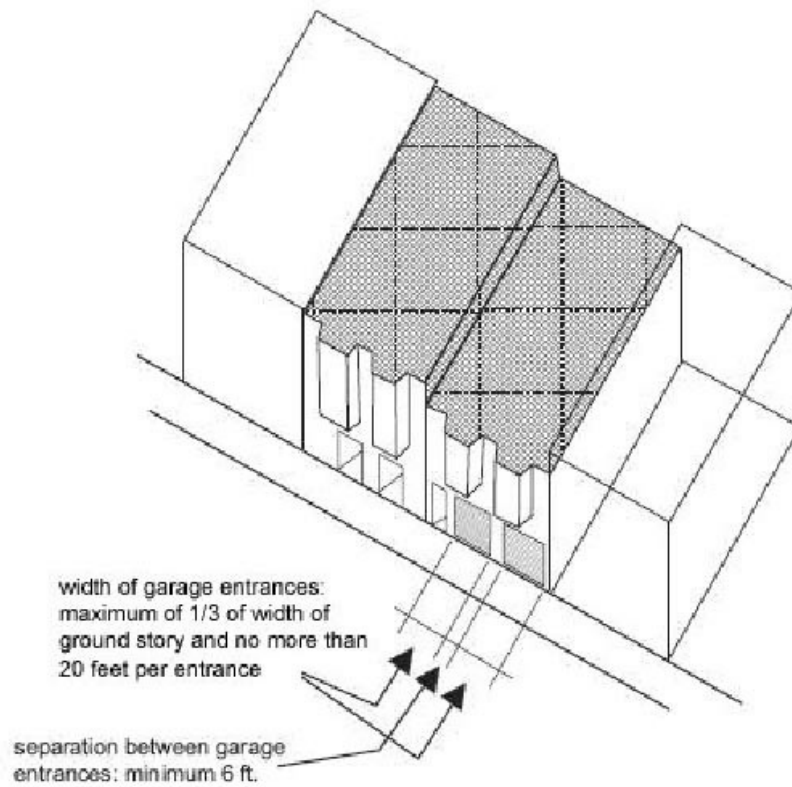
(a) **Purpose.** This Section is enacted to assure that in RH, RM, RTO and RTO-M Districts the ground story of dwellings as viewed from the street is compatible with the scale and character of the existing street frontage, visually interesting and attractive in relation to the pattern of the neighborhood, and so designed that adequate areas are provided for front landscaping, street trees and on-street parking between driveways. The design of ground story frontages subject to this Section shall also be reviewed for consistency with applicable design guidelines, including the Ground Floor Residential Design Guidelines.

(b) **Controls.**

(1) **Entrances to Off-Street Parking.** Except as otherwise provided herein, in the case of every dwelling in such districts no more than one-third of the width of the ground story along the front lot line, or along a street side lot line, or along a building wall that is set back from any such lot line, shall be devoted to entrances to off-street parking, except that in no event shall a lot be limited by this requirement to a single such entrance of less than ten feet in width, or to a single such entrance of less than 8 feet in RTO and RTO-M districts. In addition, no entrance to off-street parking on any lot shall be wider than 20 feet, and where two or more separate entrances are provided there shall be a minimum separation between such entrances of six feet. Lots in RTO and RTO-M districts are limited to a total of 20 feet per block frontage devoted to entrances to off-street parking. Street-facing garage structures and garage doors may not extend closer to the street than a primary building facade unless the garage structure and garage door are consistent with the features listed in Section 136 of this Code. Entrances to off-street parking shall be located at least six feet from a lot corner located at the intersection of two public rights-of-way.

(A) **Exceptions.** The requirements of this Subsection (1) shall not be applicable where the lot has an upward or downward slope from the front lot line to the forward edge of the required rear yard, along the centerline of the building, of more than 20 percent; or where the lot depth and the requirements of this Code for dimensions, areas and open spaces are such that the permitted building depth is less than 40 feet in an RH-2 District or less than 65 feet in an RH or RM District.





(2) **Features To Be Provided.** In the case of every dwelling in such districts, no less than one-third of the width of the ground story along the front lot line, along a street side lot line, and along a building wall that is set back from any such lot line, shall be devoted to windows, entrances for dwelling units, landscaping, and other architectural features that provide visual relief and interest for the street frontage.

(3) **Parking Setback.** In RTO and RTO-M districts off-street parking is not permitted on the ground floor within the first 20 feet of building depth from any facade facing a street at least 30 feet in width, unless such parking occupies the space otherwise used as the drive-aisle or driveway (such as in cases of tandem parking). All off-street parking along these frontages must be wrapped with dwelling units, entrances to dwelling units, commercial uses where permitted, and other uses (other than storage) and building features that generate activity or pedestrian interest.

(Amended by Ord. 443-78, App. 10/6/78; Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. [63-11](#), File No. 101053, App. 4/7/2011, Eff. 5/7/2011; Ord. [56-13](#), File No. 130062, App. 3/28/2013, Eff. 4/27/2013)

#### AMENDMENT HISTORY

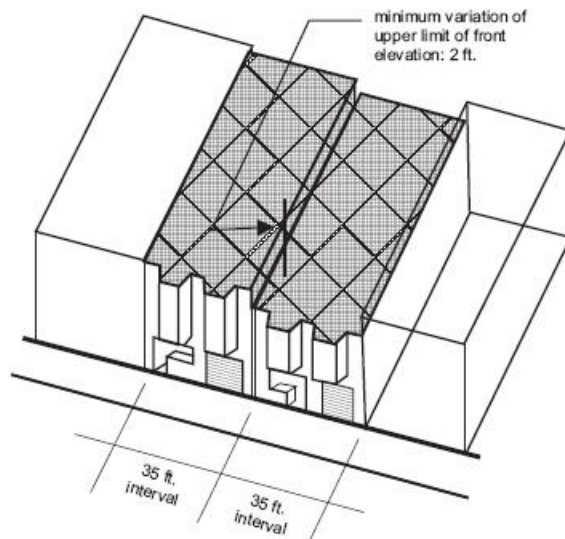
Section header and division (a) amended; new division (b) added; former divisions (b) and (c) amended and redesignated as new divisions (b)(1), (b)(1)(A), and (b)(2); former division (d) redesignated as new division (b)(3); Ord. [63-11](#), Eff. 5/7/2011. Graphical material following division (b)(1)(A) amended; Ord. [56-13](#), Eff. 4/27/2013.

## SEC. 144.1. MODERATION OF BUILDING FRONTS IN RM-1 AND RM-2 DISTRICTS.

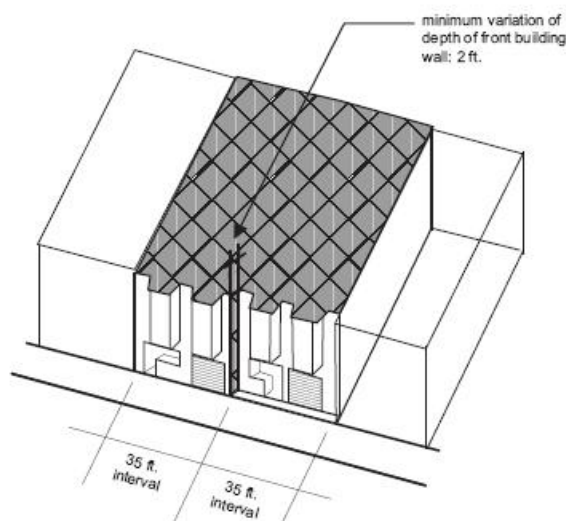
(a) **General.** This Section is enacted to assure that in RM-1 and RM-2 Districts new dwellings will be compatible with the established mixture of houses and apartment buildings in terms of apparent building width, requiring that on wider lots the front of the building be divided visually into narrower segments, according to the predominant existing scale in such areas.

(b) **Stepping of Building Height and Walls.** Except as provided in Subsection (c) below, in the case of every dwelling in such districts on a lot with a width of more than 35 feet, there shall be a stepping of the building along the front lot line, or along the front of the building where it is set back from such lot line, by at least one of the following methods:

(1) Variation of the upper limit of the front elevation of the building, at intervals of not more than 35 feet, by a minimum of two feet in height. Not less than 30 percent of the width of such elevation shall be varied in this way from the height of the remainder of such elevation. For purposes of this provision, the term "front elevation" shall mean the front wall and other portions of the building to a significant depth on the lot.



(2) Variations of the depth of the front building wall from the front lot line, at intervals of not more than 35 feet, by a minimum of two feet in depth. Not less than 30 percent of the width of such front building wall shall be varied in this way from the depth of the remainder of such wall. For purposes of this provision, the term "front building wall" shall mean such wall exclusive of all projections and other obstructions permitted by Section 136 of this Code for required front setback areas.



(c) **Entrances to Dwelling Units.** As an alternative to the requirements of Subsection (b) above, there may be provided for such dwelling a minimum of one pedestrian entrance serving a dwelling unit or units within each portion of the front of the building that has a full width of 25 feet.

(Amended by Ord. 443-78, App. 10/6/78; Ord. [63-11](#), File No. 101053, App. 4/7/2011, Eff. 5/7/2011)

#### AMENDMENT HISTORY

■ Former Sec. 145 renumbered as this new Sec. 144.1; section header amended; Ord. [63-11](#), Eff. 5/7/2011.

## SEC. 145. FRONTAGES, OUTDOOR ACTIVITY AREAS, WALKUP FACILITIES, AND GROUND FLOOR USES AND STANDARDS IN COMMERCIAL, RESIDENTIAL-COMMERCIAL, NEIGHBORHOOD COMMERCIAL, MIXED USE, AND INDUSTRIAL DISTRICTS.

The purpose of the following controls is to preserve, enhance and promote attractive, clearly defined street frontages that are pedestrian-oriented, fine-grained, and which are appropriate and compatible with the buildings in Commercial, Residential-Commercial, Neighborhood Commercial, Mixed Use, or Industrial Districts.

(Added by Ord. [63-11](#), File No. 101053, App. 4/7/2011, Eff. 5/7/2011)

#### AMENDMENT HISTORY

New Sec. 145 added and former Sec. 145 renumbered as new Sec. 144.1; Ord. [63-11](#), Eff. 5/7/2011.



## **SEC. 145.1. STREET FRONTAGES IN NEIGHBORHOOD COMMERCIAL, RESIDENTIAL-COMMERCIAL, COMMERCIAL, AND MIXED USE DISTRICTS.**

*(See Interpretations related to this Section.)*

(a) **Purpose.** The purpose of this Section is to preserve, enhance, and promote attractive, clearly defined street frontages that are pedestrian-oriented, and fine-grained, and that are appropriate and compatible with the buildings and uses in Neighborhood Commercial Districts, Commercial Districts, Residential-Commercial Districts, and Mixed Use Districts.

(b) **Definitions.**

(1) **Development Lot.** A "development lot" shall mean:

(A) Any lot containing a proposal for new construction; or

(B) Building alterations that would increase the gross square footage of a structure by 20 percent or more; or

(C) In a building containing parking, a change of more than 50 percent of the building's gross floor area to or from residential uses, excluding residential accessory off-street parking.

(2) **Active Use.** An "active use" shall mean any principal, conditional, or accessory use that by its nature does not require non-transparent walls facing a public street or involves the storage of goods or vehicles.

(A) Residential uses are considered active uses above the ground floor; on the ground floor, residential uses are considered active uses only if more than 50 percent of the linear residential street frontage at the ground level features walk-up dwelling units that provide direct, individual pedestrian access to a public sidewalk, and are consistent with the Ground Floor Residential Design Guidelines, as adopted and periodically amended by the Planning Commission.

(B) Spaces accessory to residential uses, such as fitness or community rooms, are considered active uses only if they meet the intent of this section and have access directly to the public sidewalk or street.

(C) Building lobbies are considered active uses, so long as they do not exceed 40 feet or 25 percent of building frontage, whichever is larger.

(D) Public Uses defined in Section 102 are considered active uses except utility installations.

(c) **Controls.** The following requirements shall generally apply, except for those controls listed in subsections (1) Above Grade Parking Setback and (4) Ground Floor Ceiling Height, which only apply to a "development lot" as defined above.

In NC-S Districts, the applicable frontage shall be the primary facade(s) that contains customer entrances to commercial spaces.

(1) **Above-Grade Parking Setback.** Off-street parking at street grade on a development lot must be set back at least 25 feet on the ground floor and at least 15 feet on floors above, from any facade facing a street at least 30 feet in width. Parking above the ground level shall be entirely screened from all public rights-of-way in a manner that accentuates ground floor uses, minimizes mechanical features and is in keeping with the overall massing and architectural vocabulary of the building. In C-3 Districts, parking above the ground level, where permitted, shall also be designed to facilitate conversion to other uses by maintaining level floors and a clear ceiling height of nine feet or equal to that of the adjacent street-fronting active uses, whichever is greater. Removable parking ramps are excluded from this requirement.

The following shall apply to projects subject to this section:

(A) when only one parking space is permitted. if a space is proposed it must be within the first 25 feet of the building;

(B) when two or more parking spaces are proposed, one space may be within the first 25 feet of the building;

(C) when three or more parking spaces are proposed, all parking spaces must be set back at least 25 feet from the front of the development.

(2) **Parking and Loading Entrances.** No more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new or altered structure parallel to and facing a street shall be devoted to parking and loading ingress or egress. In NC-S Districts, no more than one-third or 50 feet, whichever is less, of each lot frontage shall be devoted to ingress/egress of parking. In RED Districts, no more than one garage door shall be permitted per lot, and the garage door shall be limited to no more than 10 feet in width. Street-facing garage structures and garage doors may not extend closer to the street than a primary building facade unless the garage structure and garage door are consistent with the features listed in Section 136 of this Code. The total street frontage dedicated to parking and loading access should be minimized, and combining entrances for off-street parking with those for off-street loading is encouraged. The placement of parking and loading entrances should minimize interference with street-fronting active uses and with the movement of pedestrians, cyclists, public transit, and autos. Entrances to off-street parking shall be located at least six feet from a lot corner located at the intersection of two public rights-of-way. Off-street parking and loading entrances should minimize the loss of on-street parking and loading spaces. Off-street parking and loading are also subject to the provisions of Section 155 of this Code. In C-3 Districts, so as not to preclude the conversion of parking space to other uses in the future, parking at the ground-level shall not be sloped, and the floor shall be aligned as closely as possible to sidewalk level along the principal pedestrian frontage and/or to those of the street-fronting commercial spaces and shall have a minimum clear ceiling height of 14 feet or equal to that of street-fronting commercial spaces, whichever is greater. Removable parking ramps are excluded from this requirement.

(3) **Active Uses Required.** With the exception of space allowed for parking and loading access, building egress, and access to mechanical systems, space for active uses as defined in Subsection (b)(2) and permitted by the specific district in which it is located shall

be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. Building systems including mechanical, electrical, and plumbing features may be exempted from this requirement by the Zoning Administrator only in instances where those features are provided in such a fashion as to not negatively impact the quality of the ground floor space.

**(4) Ground Floor Ceiling Height.** Unless otherwise established elsewhere in this Code:

(A) All ground floor uses in UMU Districts shall have a minimum floor-to-floor height of 17 feet, as measured from grade. Ground floor Residential Uses shall also be designed to meet the City's Guidelines for Ground Floor Residential Design.

(B) Ground floor Non-Residential Uses in all C-3, NCT, DTR, Chinatown Mixed Use, SPD, RED-MX, WMUG, MUG, MUR, WMUO, CMUO and MUO Districts shall have a minimum floor-to-floor height of 14 feet, as measured from grade.

(C) Ground floor Non-Residential Uses in all RC districts, C-2 districts, RED districts, and NC districts other than NCT, shall have a minimum floor-to-floor height of 14 feet, as measured from grade except in 40-foot and 50-foot height districts, where buildings shall have a minimum floor-to-floor height of 10 feet.

**(5) Street-Facing Ground-Level Spaces.** The floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Street-facing ground-level spaces housing non-residential active uses in hotels, office buildings, shopping centers, and other large buildings shall open directly onto the street, rather than solely into lobbies and interior spaces of the buildings. Such required street-facing entrances shall remain open to the public during business hours.

**(6) Transparency and Fenestration.** Frontages with active uses that are not PDR must be fenestrated with transparent windows and doorways for no less than 60% of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Buildings located inside of, or within an unobstructed line of less than 300 feet of an Urban Bird Refuge, as defined in Section 139(c)(1), shall follow glazing requirements within Section 139(c) of this Code.

**(7) Gates, Railings, and Grillwork.** Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

**(d) Exceptions for Historic Buildings.** Specific street frontage requirements in this Section may be modified or waived by the Planning Commission for structures designated as landmarks, significant or contributory buildings within a historic district, or buildings of merit when the Historic Preservation Commission advises that complying with specific street frontage requirements would adversely affect the landmark, significant, contributory, or meritorious character of the structure, or that modification or waiver would enhance the economic feasibility of preservation of the landmark or structure.

(Added by Ord. 69-87, App. 3/13/87; amended by Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 85-10, File No. 091271, App. 4/30/2010; Ord. [63-11](#), File No. 101053, App. 4/7/2011, Eff. 5/7/2011; Ord. [196-11](#), File No. 110786, App. 10/4/2011, Eff. 11/3/2011; Ord. [199-11](#), File No. 110785, App. 10/7/2011, Eff. 11/6/2011; Ord. [42-13](#), File No. 130002, App. 3/28/2013, Eff. 4/27/2013; Ord. [22-15](#), File No. 141253, App. 2/20/2015, Eff. 3/22/2015; Ord. [105-17](#), File No. 170156, App. 5/26/2017, Eff. 6/25/2017; Ord. [129-17](#), File No. 170203, App. 6/30/2017, Eff. 7/30/2017; Ord. [202-18](#), File No. 180557, App. 8/10/2018, Eff. 9/10/2018; Ord. [296-18](#), File No. 180184, App. 12/12/2018, Eff. 1/12/2019)

#### AMENDMENT HISTORY

Section header and division (a) amended; former divisions (b)(2)A.-D. redesignated as (b)(2)(A)-(D); divisions (c), (c)(1) and (c)(2) amended; Ord. [63-11](#), Eff. 5/7/2011. Division (c)(4)(B) amended; Ord. [196-11](#), Eff. 11/3/2011. Division (c)(6) amended; Ord. [199-11](#), Eff. 11/6/2011. Divisions (c)(2) and (c)(4)(B) amended; Ord. [42-13](#), Eff. 4/27/2013. Division (b)(2)(D) amended; Ord. [22-15](#), Eff. 3/22/2015. Division (c)(4)(A) amended; Ord. [105-17](#), Eff. 6/25/2017. Divisions (c)(4)(A) and (B) amended; Ord. [129-17](#), Eff. 7/30/2017. Divisions (c)(4)(A), (c)(4)(C), and (c)(6) amended; Ord. [202-18](#), Eff. 9/10/2018. Divisions (a), (c), and (c)(4)(B) amended; Ord. [296-18](#), Eff. 1/12/2019.

## SEC. 145.2. OUTDOOR ACTIVITY AREAS IN NC DISTRICTS.

*(See Interpretations related to this Section.)*

The following provisions governing Outdoor Activity Areas shall apply in NC Districts.

In order to provide for limited commercial Outdoor Activity Areas, which promote active street life, but do not detract from the livability of surrounding uses, Outdoor Activity Areas in NC Districts shall be regulated below, except in the Outer Clement Street Neighborhood Commercial District, where Outdoor Activity Areas shall be a Principally Permitted Use if they existed prior to 1985. These provisions shall not apply to those Uses excepted from the requirement for location in an enclosed building.

(a) An Outdoor Activity Area operated by a Commercial Use is permitted as a Principal Use if located outside a building and contiguous to the front property line of the lot on which the Commercial Use is located.

In NC-S Districts, an Outdoor Activity Area is permitted as a Principal Use if located within the boundaries of the property and in front of the primary facades which contain customer entrances and if it does not obstruct pedestrian traffic flow between store entrances and parking facilities.

(b) An Outdoor Activity Area which does not comply with the provisions of Paragraph 1 of this subsection (b) is permitted as a Conditional Use.

In addition to the criteria of Section 303(c) of this Code, the Planning Commission shall find that:

(1) The nature of the activity operated in the Outdoor Activity Area is compatible with surrounding uses;

(2) The operation and design of the Outdoor Activity Area does not significantly disturb the privacy or affect the livability of adjoining or surrounding residences;

(3) The Hours of Operation of the activity operated in the Outdoor Activity Area are limited so that the activity does not disrupt the viability of surrounding uses.

(Added by Ord. 69-87, App. 3/13/87; amended by Ord. 445-87, App. 11/12/87; Ord. 463-87, App. 11/19/87; Ord. 42-89, App. 2/8/89; Ord. [235-14](#), File No. 140844, App. 11/26/2014, Eff. 12/26/2014; Ord. [129-17](#), File No. 170203, App. 6/30/2017, Eff. 7/30/2017)

#### AMENDMENT HISTORY

Section header and undesignated first paragraph amended; former division (a) amended and designation deleted (i.e., material retained as undesignated second paragraph); former divisions (a)(1), (a)(2), and (a)(2)(A)-(C) redesignated as current divisions (a), (b), and (b)(1)-(3) respectively; former division (b) deleted; Ord. [235-14](#), Eff. 12/26/2014. All divisions amended; Ord. [129-17](#), Eff. 7/30/2017.

### SEC. 145.3. MAXIMUM STREET FRONTAGES – CHINATOWN.

(a) **General.** In the Chinatown Mixed Use Districts, including the Chinatown Community Business District, the Chinatown Visitor Retail District and the Chinatown Residential Neighborhood Commercial Districts, the street frontage of a building shall not exceed 50 feet in width. Street frontage exceptions may be approved as a conditional use in accordance with procedures and criteria of Section 303 of this Code and the criteria set forth in Subsection (b) below.

(b) **Criteria for Exceptions.**

(1) Projects having more than 50 feet of street frontage shall be divided in architectural treatment to appear as two or more independent buildings reflecting the typical scale of older buildings in the Chinatown area. Architectural treatments may include varied types of windows and entries, individual storefronts and the use of differing colors and textures.

(2) Flat facade surfaces shall be broken up at least every 30 feet by the projection of bay windows or by vertical recesses.

(3) Facade divisions shall be reinforced by matching changes in height for portions of the building.

(Added by Ord. 131-87, App. 4/24/87)

### SEC. 145.4. REQUIRED GROUND FLOOR COMMERCIAL USES.

(a) **Purpose.** To support active, pedestrian-oriented commercial uses on important commercial streets.

(b) **Applicability.** The requirements of this Section 145.4 apply to the following street frontages.

(1) Folsom Street for the entirety of the Rincon Hill DTR and Folsom and Main Residential/Commercial Special Use Districts, pursuant to Sections 827 and 249.1;

(2) The entirety of the C-3-R District, along any block frontage that is entirely within such district or partly in such district and partly in the C-3-O District, where such block frontage faces a street 40 feet or more in width;

(3) Van Ness Avenue, in the Van Ness & Market Residential Special Use District, from Fell Street to Market Street;

(4) South Van Ness Avenue, for the entirety of the Van Ness & Market Residential Special Use District;

(5) Market Street, for the entirety of the Upper Market NCT, NCT-3, and all C-3 Districts;

(6) Third Street, in the UMU districts for parcel frontages wholly contained within 100 linear feet north or south of Mariposa Street or 100 linear feet north or south of 20th Street;

(7) Fourth Street, between Folsom and Townsend Streets in the Central SoMa Special Use District;

(8) Hayes Street, for the entirety of the Hayes-Gough NCT;

(9) Octavia Boulevard, between Fell Street and Hayes Street, in the Hayes-Gough NCT;

(10) On building frontages facing Destination Alleyways, as defined in the Downtown Streetscape Plan, in all C-3 Districts;

(11) Church Street, for the entirety of the NCT-3 and Upper Market NCT Districts;

(12) 22nd Street, between Third Street and Minnesota Streets within the NCT-2 District;

(13) Valencia Street, between 15th and 23rd Streets in the Valencia Street NCT District;

(14) Mission Street, for the entirety of the Mission Street NCT District and Van Ness & Market Residential Special Use District;

(15) 24th Street, for the entirety of the 24th Street-Mission NCT;

(16) 16th Street, between Guerrero and Capp Streets;

(17) 22nd Street, between Valencia and Mission Streets;

(18) 6th Street for its entirety within the C-3 and SoMa NCT Districts;

(19) Ocean Avenue, for the entirety of the Ocean Avenue NCT District, except on the north side of Ocean Avenue between Plymouth and Brighton Avenues;

(20) Geneva Avenue, between I-280 and Delano Avenue within the NCT-1 and NCT-2 Districts;

- (21) Fillmore Street, in the Fillmore Street NCD from Bush Street to McAllister Street;
- (22) Diamond Street, for the entirety of the Glen Park NCT District;
- (23) Chenery Street, for the entirety of the Glen Park NCT District;
- (24) Buchanan Street, between Post Street and Sutter Street;
- (25) Post Street, between Fillmore Street and Laguna Street on the south side and between Webster Street and Laguna Street on the north side;
- (26) Divisadero Street for the entirety of the Divisadero Street NCT District;
- (27) The entirety of the North Beach Neighborhood Commercial District and North Beach Special Use District;
- (28) Any street frontage that is in the Polk Street Neighborhood Commercial District;
- (29) Pacific Avenue, between Van Ness Avenue and Jones Street, on lots where the last known ground floor use was a commercial or retail use;
- (30) Folsom Street, between 4th and 6th Streets in the Central SoMa Special Use District;
- (31) Second Street, on the west side, between Dow Place and Townsend Street in the Central SoMa Special Use District;
- (32) Third Street, between Folsom Street and Townsend Street in the Central SoMa Special Use District and C-3-O District;
- (33) Brannan Street, between Third Street and Fourth Street, in the Central SoMa Special Use District;
- (34) Townsend Street, on the north side, between Second Street and Fourth Street; and
- (35) Otis Street, for the entirety of the Van Ness and Market Residential Special Use District.

**(c) Definitions.**

"Active commercial uses" shall include those uses specifically identified below in Table 145.4, and:

- (1) Shall not include Automotive Uses except for Automobile Sale or Rental uses where curb-cuts, garage doors, or loading access are not utilized or proposed, and such sales or rental activity is entirely within an enclosed building and does not encroach on surrounding sidewalks or open spaces;
- (2) Shall include Public Facilities as defined in Section 102 and Public Uses as defined in Section 890.80, except for Utility Installations;
- (3) Shall not include Residential Care Facilities as defined in Sections 102 and 890.50;
- (4) Shall include one or more Designated Child Care Units as defined in Section 102, provided that each such unit meets all applicable criteria set forth in Section 414A.6 of this Code;
- (5) In the Ocean Avenue NCT, shall include Arts Activities, Nighttime Entertainment, and Institutional Community Uses, as those uses are defined in Section 102; and
- (6) On Mission and Otis Street within the Van Ness & Market Residential Special Use District, shall include Light Manufacturing, as that use is defined in Section 102.

**Table 145.4**

<i>Reference for Commercial, Neighborhood Commercial, and Residential- Commercial Districts</i>	<i>Reference for Mixed Use Districts</i>	<i>Use</i>
<i>Reference for Commercial, Neighborhood Commercial, and Residential- Commercial Districts</i>	<i>Reference for Mixed Use Districts</i>	<i>Use</i>
N/A	890.4	Amusement Game Arcade
102	890.6	Animal Hospital
102	N/A	Arts Activities
102	890.13	Automobile Sale or Rental (see qualification, above)
102	102	Bar
N/A	890.23	Business Goods and Equipment Sales and Repair Service
102	890.125	Cannabis Retail
102	N/A	Chair and Foot Massage
102	N/A	Child Care Facility
102	N/A	Community Facility
102	N/A	Designated Child Care Unit that meets the applicable criteria of Planning Code Section 414A.6
102	102	Eating and Drinking Use

102	N/A	Entertainment, General
N/A	890.37	Entertainment, Other
102	N/A	Grocery, General
102	N/A	Grocery, Specialty
102	890.39	Gift Store-Tourist Oriented
102	N/A	Gym
N/A	890.50	Institutions, Other (see qualification, above)
102	890.51	Jewelry Store
102	890.133	Medical Cannabis Dispensary
102	890.64	Movie Theater
102	890.68	Neighborhood-Serving Business
102	890.69	Non-Auto Vehicle Sales or Rental (see qualification, above)
102	N/A	Pharmacy
102	N/A	Post-Secondary Educational Institution
102	N/A	Public Facility
N/A	890.80	Public Use (see qualification, above)
102	N/A	Religious Institution
102	102	Restaurant
102	102	Restaurant, Limited
102	N/A	Sales and Services, General Retail
N/A	890.102	Sales and Services, Other Retail
N/A	890.104	Sales and Services, Retail
102	N/A	School
102	890.110	Service, Financial
102	N/A	Service, Health
102	890.112	Service, Limited Financial
N/A	890.114	Service, Health
102	890.116	Service, Personal
102	N/A	Service, Retail Professional
102	N/A	Social Service or Philanthropic Facility
102	890.123	Tobacco Paraphernalia Establishment
102	890.124	Trade Shop
102	890.140	Walk-Up Facility

(d) **Controls.**

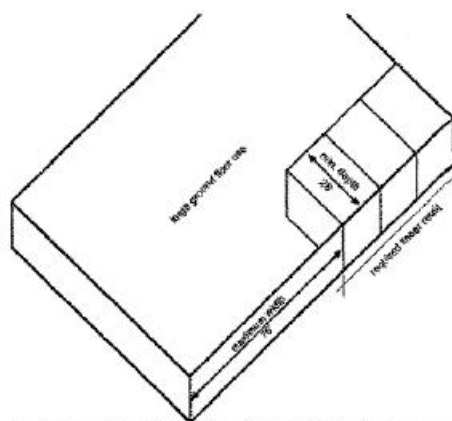
(1) Active commercial uses which are permitted by the specific district in which they are located are required on the ground floor of all street frontages listed in Subsection (b) above.

(2) Active commercial uses shall comply with the standards applicable to active uses as set forth in Section 145.1(c)(3) and shall further be consistent with any applicable design guidelines.

(3) On those street frontages listed in Subsection (b), an individual ground floor nonresidential use may not occupy more than 75 contiguous linear feet for the first 25 feet of depth along a street-facing facade. Separate individual storefronts shall wrap large ground floor uses for the first 25 feet of depth, as illustrated in Figure 145.4.

(4) In the Central SoMa SUD, a project whose street frontage is subject to this Section 145.4 may locate a Privately-Owned Public Open Spaces (POPOS) along such street frontage, provided that the ground floor portion of the building facing the POPOS is lined with active commercial uses.

**Figure 145.4**



(e) **Modifications.** Modifications to the requirements of this Section are not permitted in DTR Districts. In Neighborhood Commercial

and Commercial Districts, modifications to the requirements of this Section may be granted through the Conditional Use process, as set forth in Section 303. In the Eastern Neighborhoods Mixed Use Districts, modifications to the requirements of this Section may be granted through the procedures of Section 329 for projects subject to that Section or through an Administrative Modification from the Zoning Administrator for other projects, as set forth in Section 307(g).

(Added by Ord. 217-05, File No. 050865, App. 8/19/2005; amended by Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 61-09, File No. 090181, App. 4/17/2009; Ord. [25-11](#), File No. 101464, App. 2/24/2011; Ord. [62-11](#), File No. 110010, App. 4/7/2011, Eff. 5/7/2011; Ord. [35-12](#), File No. 111305, App. 2/21/2012, Eff. 3/22/2012; Ord. [75-12](#), File No. 120084, App. 4/23/2012, Eff. 5/23/2012; Ord. [56-13](#), File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. [22-15](#), File No. 141253, App. 2/20/2015, Eff. 3/22/2015; Ord. [188-15](#), File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. [229-15](#), File No. 151126, App. 12/22/2015, Eff. 1/21/2016; Ord. [129-17](#), File No. 170203, App. 6/30/2017, Eff. 7/30/2017; Ord. [205-17](#), File No. 170418, App. 11/3/2017, Eff. 12/3/2017; Ord. [229-17](#), File No. 171041, App. 12/6/2017, Eff. 1/5/2018; Ord. [202-18](#), File No. 180557, App. 8/10/2018, Eff. 9/10/2018; Ord. [296-18](#), File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. [7-19](#), File No. 180917, App. 1/25/2019, Eff. 2/25/2019; Ord. [205-19](#), File No. 181211, App. 9/11/2019, Eff. 10/12/2019; Ord. [71-20](#), File No. 191285, App. 5/1/2020, Eff. 6/1/2020; Ord. [126-20](#), File No. 200559, App. 7/31/2020, Eff. 8/31/2020; [Proposition H](#), 11/3/2020, Eff. 12/18/2020; Ord. [111-21](#), File No. 210285, App. 8/4/2021, Eff. 9/4/2021; Ord. [233-21](#), File No. 210381, App. 12/22/2021, Eff. 1/22/2022; Ord. [37-22](#), File No. 211263, App. 3/14/2022, Eff. 4/14/2022)

#### AMENDMENT HISTORY

Division (b)(21) added; Table 145.4 amended; Ord. [62-11](#), Eff. 5/7/2011. Divisions (b)(22) and (23) added; Ord. [35-12](#), Eff. 3/22/2012. Table 145.4 amended; Ord. [75-12](#), Eff. 5/23/2012. [Former] division (b)(24) added; Ord. [56-13](#), Eff. 4/27/2013. Divisions (b)(1), (b)(2), (b)(5), (b)(10), (b)(18), (b)(20), and (b)(21) amended; former division (b)(24) deleted; division (c)(3) and Table 145.4 amended; Ord. [22-15](#), Eff. 3/22/2015. Table 145.4 amended; Ord. [188-15](#), Eff. 12/4/2015. Divisions (b)(24) and (25) added; Ord. [229-15](#), Eff. 1/21/2016. Divisions (b)(24) and (b)(25) amended; divisions (b)(26) and (b)(27) added; divisions (c)-(c)(3) and Table 145.4 amended; Ord. [129-17](#), Eff. 7/30/2017. Divisions (b), (b)(25)–(27), and (c)(2) amended; divisions (b)(28) and (b)(29) added; Ord. [205-17](#), Eff. 12/3/2017. Table 145.4 amended; Ord. [229-17](#), Eff. 1/5/2018. Table 145.4 and division (e) amended; Ord. [202-18](#), Eff. 9/10/2018. Division (b)(7) amended; divisions (b)(30)–(34) and (d)(4) added; Ord. [296-18](#), Eff. 1/12/2019. Division (c)(4) added; Table 145.4 amended; Ord. [7-19](#), Eff. 2/25/2019. Table 145.4 amended; Ord. [205-19](#), Eff. 10/12/2019. Division (c)(5) added; Ord. [71-20](#), Eff. 6/1/2020. Divisions (b)(3), (4), (14), (33), and (34) amended; division (b)(35) added; divisions (c)(3)–(5) amended; division (c)(6) added; Ord. [126-20](#), Eff. 8/31/2020. Table 145.4 amended; [Proposition H](#), 11/3/2020, Eff. 12/18/2020. Table 145.4 amended; Ord. [111-21](#), Eff. 9/4/2021. Table 145.4 amended; Ord. [233-21](#), Eff. 1/22/2022. Table 145.4 amended; Ord. [37-22](#), Eff. 4/14/2022.

## SEC. 145.5. GROUND FLOOR STANDARDS IN INDUSTRIAL DISTRICTS.

All new buildings constructed in Industrial Districts, as defined in Section 201, shall provide ground floor spaces with a minimum floor-to-floor height of 17 feet, as measured from grade. In existing buildings, a minimum clear ceiling height of 15 feet shall be retained where currently existing. Any building permit which seeks to reduce the floor-to-floor height to less than 17 feet shall require a variance as set forth in Section 305 of this Code.

(Added by Ord. 298-08, File No. 081153, App. 12/19/2008; amended by Ord. [63-11](#), File No. 101053, App. 4/7/2011, Eff. 5/7/2011; Ord. [196-11](#), File No. 110786, App. 10/4/2011, Eff. 11/3/2011)

#### AMENDMENT HISTORY

■ Section header and section amended; Ord. [63-11](#), Eff. 5/7/2011. Section amended; Ord. [196-11](#), Eff. 11/3/2011.

## SEC. 146. SUNLIGHT ACCESS TO PUBLIC SIDEWALKS IN C-3 DISTRICTS.

(a) **Requirement of Sunlight Access on Certain Streets.** In C-3 Districts, in order to maintain direct sunlight on public sidewalks in certain downtown areas during critical periods of use, new structures and additions to existing structures on parcels which abut on the side of a street identified below shall be required to avoid penetration of a sun access plane defined by an angle sloping away from the street above a stipulated height at the property line abutting the street, as follows:

Table 146					
Street	From	To	Side of Street On Which Lots Abut	Maximum Street Wall Height	Sun Access Angle
Table 146					
Street	From	To	Side of Street On Which Lots Abut	Maximum Street Wall Height	Sun Access Angle
Bush	Kearny	Montgomery	South	65'	50°
Sutter	Powell	100' East of Kearny	South	66'	50°
Post	Mason	200' East of Kearny	South	66'	50°
Geary	Mason	Kearny	South	65'	50°
O'Farrell	Cyril Magnin	Grant	South	66'	50°
Ellis	Cyril Magnin	Stockton	South	68'	50°
Powell	Market	Sutter	East	151'	70°



Powell	Market	Sutter	West	65'	50°
Stockton	Market	Bush	East	148'	70°
Stockton	Market	Bush	West	65'	50°
Grant	Market	Bush	East	170'	70°
Grant	Market	Bush	West	74'	50°
Kearny	Market	Washington	East	170'	70°
Kearny	Market	Pine	West	74'	50°
Second	Market	300' South of Folsom	West	132'	62°
New Montgomery	Market	Howard	West	132'	62°
Market	Tenth	Second	South	119'	50°
Market	So. Van Ness	Twelfth	South	119'	50°

(b) **Exception.** An exception to the requirements of Subsection (a) may be granted in the manner provided in Section 309 of this Code in cases where (i) the penetration of the plane does not create shadow because of the shadow already cast by other buildings, or (ii) the shadow created by the penetration of the plane is deemed insignificant because of the limited extent or duration of the shadow or because of the limited public use of the shadowed space.

(c) **Shadows on Other Streets.** New buildings and additions to existing buildings shall be shaped, if it can be done without creating an unattractive design and without unduly restricting the development potential of the site in question, so as to reduce substantial shadow impacts on public sidewalks in the C-3 Districts other than those protected by Subsection (a). Determinations made under this Subsection shall be made in accordance with the provisions of Section 309.

■ (Added by Ord. 414-85, App. 9/17/85)

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## SEC. 147. REDUCTION OF SHADOWS ON CERTAIN PUBLIC OR PUBLICLY ACCESSIBLE OPEN SPACES IN C-3, SOUTH OF MARKET MIXED USE, AND EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.

New buildings and additions to existing buildings in C-3, South of Market Mixed Use, and Eastern Neighborhoods Mixed Use Districts where the building height exceeds 50 feet shall be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295. In determining the impact of shadows, the following factors shall be taken into account: The amount of area shadowed, the duration of the shadow, and the importance of sunlight to the type of open space being shadowed. Determinations under this Section with respect to C-3 Districts shall be made in accordance with the provisions of Section 309 of this Code. Determinations under this Section with respect to South of Market Mixed Use and Eastern Neighborhoods Mixed Use Districts shall be made in accordance with the provisions of Section 307 of this Code.

■ (Added by Ord. 414-85, App. 9/17/85; amended by Ord. 115-90, App. 4/6/90; Ord. 298-08, File No. 081153, App. 12/19/2008)

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## SEC. 148. REDUCTION OF GROUND-LEVEL WIND CURRENTS IN C-3 DISTRICTS.

(a) **Requirement and Exception.** In C-3 Districts, buildings and additions to existing buildings shall be shaped, or other wind-baffling measures shall be adopted, so that the developments will not cause ground-level wind currents to exceed, more than 10 percent of the time year round, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of substantial pedestrian use and seven m.p.h. equivalent wind speed in public seating areas.

When preexisting ambient wind speeds exceed the comfort level, or when a proposed building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be designed to reduce the ambient wind speeds to meet the requirements. An exception may be granted, in accordance with the provisions of Section 309, allowing the building or addition to add to the amount of time that the comfort level is exceeded by the least practical amount if (1) it can be shown that a building or addition cannot be shaped and other wind-baffling measures cannot be adopted to meet the foregoing requirements without creating an unattractive and ungainly building form and without unduly restricting the development potential of the building site in question, and (2) it is concluded that, because of the limited amount by which the comfort level is exceeded, the limited location in which the comfort level is exceeded, or the limited time during which the comfort level is exceeded, the addition is insubstantial.

No exception shall be granted and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.

(b) **Definition.** The term "equivalent wind speed" shall mean an hourly mean wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians.

(c) **Guidelines.** Procedures and Methodologies for implementing this Section shall be specified by the Office of Environmental Review of the Planning Department.



#### AMENDMENT HISTORY

- Nonsubstantive changes; Ord. [188-15](#), Eff. 12/4/2015.

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## SEC. 149. [REDESIGNATED.]

(Added by Ord. 414-85, App. 9/17/85; amended by Ord. 275-98, App. 8/28/98; Ord. 77-04, File No. 031930, App. 5/6/2004; redesignated as Sec. 429 by Ord. 108-10, File No. 091275, App. 5/25/2010)

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## SEC. 149. BETTER ROOFS; LIVING ROOF ALTERNATIVE.

*(See Interpretations related to this Section.)*

(a) **Purpose.** State law requires that certain new residential and nonresidential buildings set aside a “solar ready” portion of the roof equal to 15% of the total roof area. The solar ready area must be unshaded and free of obstructions, to allow that portion of the roof to be used for future installation of solar energy or heating systems. The San Francisco Green Building Code requires a building owner to actually use the solar ready area of the roof for solar energy or heating systems. The purpose of this Section 149 is to allow the use of “living roofs” as an additional means of meeting some or all of the Better Roof requirements of the Green Building Code, and thereby further promote the use of rooftops to increase renewable energy resources, stormwater management, and biodiversity.

(b) **Definitions.** As used in this Section 149, the following capitalized terms shall have the following meanings:

**Better Roof Requirements.** The requirements of San Francisco Green Building Code Sections 4.201.2 and 5.201.1.2, as amended.

**Living Roof.** The media for growing plants, as well as the set of related components installed exterior to a facility’s roofing membrane. “Living Roof” includes both “roof gardens” and “landscaped roofs” as referenced in the California Building Code.

**Living Roof Area.** The area of media for growing plants installed for the purposes of compliance with this Section, consistent with standards prepared and maintained by the Planning Department for planning, installation, and maintenance of Living Roofs.

**Minimum Better Roof Area.** An equivalent area to the Solar Ready Zone, as calculated under CCR Title 24, Part 6, Section 110.10 and San Francisco Green Building Code Sections 4.201.2 and 5.201.1.2, as applicable.

**Roof.** All outside coverings of a building or structure, including the structural supports, decking, and top layer exposed to the outside, at all levels of building, excluding roof area designated for skylights, vehicle traffic, or heliport.

**Solar Ready Zone.** A section of the roof designated and reserved for the installation of a solar electric or solar thermal system as required in certain new buildings by CCR Title 24, Part 6, Section 110.10(b) through (e) and San Francisco Green Building Code Sections 4.201.2 and 5.201.1.2, as applicable.

(c) **Applicability.** A project sponsor may use a Living Roof as an alternative means of meeting some or all of the Better Roof requirements for any building that meets all four of the following criteria:

- (1) The building constitutes a Large Development Project or Small Development Project under the Stormwater Management Ordinance (Public Works Code secs. 147-147.6);
- (2) The building has a gross floor area of 2,000 square feet or more;
- (3) The building has 10 or fewer occupied floors; and
- (4) The project sponsor applies for a site permit or building permit on or after January 1, 2017.

(d) **Living Roof Requirements.** Should a project sponsor use a Living Roof as a means of meeting some or all of the Better Roof requirements, the sponsor shall submit to the Planning Department for its review and approval a Living Roof design in which the sum of the areas of the following features is equal to or greater than the Minimum Better Roof Area:

- (1) Area of all solar photovoltaic collectors that meet the performance criteria of the San Francisco Green Building Code (secs. 4.201.2(c)(1) and 5.201.1.2(b)(1)), as appropriate;
- (2) Area of all solar thermal collectors that meet the performance criteria of the San Francisco Green Building Code (secs. 4.201.2(c)(2) and 5.201.1.2(b)(2)), as appropriate; and
- (3) Area and Location of Living Roof.

(A) For the purpose of this Section 149, each square foot of Living Roof shall count as 0.5 square foot towards the Minimum Better Roof Area requirements; provided, however, that the actual square footage of the Living Roof shall be used to determine compliance with the Stormwater Management Ordinance. The Planning Department, after consulting with the San Francisco Public Utilities Commission and the Department of the Environment, shall adopt rules and regulations to implement these provisions and coordinate compliance with the Stormwater Management Ordinance.

(B) A Living Roof may be located within or outside of the Solar Ready Zone used for compliance with CCR Title 24, Part 6, Section 110.10. Where a Living Roof Area is located outside the Solar Ready Zone, the requirements of Section 110.10 for the solar

zone shall otherwise still apply.

(e) **Waiver.** If the project sponsor demonstrates to the Zoning Administrator's satisfaction that it is physically infeasible to meet the Living Roof requirements as written for the project in question, the Zoning Administrator may, in his or her sole discretion and pursuant to the procedures set forth in Planning Code Section 307(h), grant partial relief from the requirements stated in subsection (d) where the design of the Better Roof is within 10% of any quantitative requirements. The requirements of CCR Title 24, Part 6, Section 110.10 for the solar zone shall remain applicable.

(Added by Ord. [221-16](#), File No. 160965, App. 11/10/2016, Eff. 12/10/2016, Oper. 1/1/2017; amended by Ord. [202-18](#), File No. 180557, App. 8/10/2018, Eff. 9/10/2018)

#### AMENDMENT HISTORY

Division (e) amended; Ord. [202-18](#), Eff. 9/10/2018.