

ARTICLE 1.2: DIMENSIONS, AREAS, AND OPEN SPACES

New Ordinance Notice

Publisher's Note: This Article includes sections affected by new ordinances. [Click here](#) for a list of all new ordinances affecting sections of this Code.

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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.

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 Master 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)

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

New Ordinance Notice

Publisher's Note: This section has been **AMENDED** by a new ordinance (Ord. 42-13, approved 3/28/2013, effective 4/27/2013). The text of the amendment will be incorporated below when the new ordinance is effective.

In order to promote, protect, and maintain a scale of development which 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 subject to the provisions set forth in Sections 316 through 316.8 of this Code.

District	Lot Size Limits
NC-1, NCT-1	
Broadway	
Castro Street	
Inner Clement Street	
Inner Sunset	
Outer Clement Street	
Upper Fillmore Street	
Haight Street	5,000 sq. ft.
North Beach	
Sacramento Street	
Union Street	
24th Street-Mission	
24th Street-Noe Valley	
West Portal Avenue	
Glen Park	
NC-2, NCT-2, Ocean Ave.	
NC-3, NCT-3, Mission Street	
SoMa	
Hayes-Gough,	10,000 sq. ft.
Upper Market Street	
Polk Street	
Valencia Street	
NC-S	Not Applicable

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.

(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)

"Glen Park" district added; Ord. 35-12, Eff. 3/22/2012.

SEC. 121.2. USE SIZE LIMITS (NON-RESIDENTIAL), NEIGHBORHOOD COMMERCIAL DISTRICTS.

New Ordinance Notice

Publisher's Note: This section has been **AMENDED** by new ordinances (Ords. 42-13 and 56-13, both approved 3/28/2013 and effective 4/27/2013). The text of the amendments will be incorporated below when the new ordinances are effective.

(a) In order to protect and maintain a scale of development appropriate to each district, nonresidential uses of the same size or larger than the square footage stated in the table below may be permitted only as conditional uses subject to the provisions set forth in Sections 316 through 316.8 of this Code. The use area shall be measured as the gross floor area for each individual nonresidential use.

District	Lot Size Limits
North Beach	2,000 sq. ft.
Castro Street	
Inner Clement Street	
Inner Sunset	
Outer Clement Street	
Upper Fillmore Street	2,500 sq. ft.
Haight Street	
Polk Street	
Sacramento Street	
Union Street	
24th Street-Mission	3,000 sq. ft.
24th Street-Noe Valley	
West Portal Avenue	
NC-1, NCT-1	
Broadway	
Hayes-Gough	4,000 sq. ft.
Upper Market Street	
Valencia Street	
NC-2, NCT-2, SoMa, Ocean Avenue, Glen Park	
NC-3, NCT-3, Mission Street	
NC-S	6,000 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 neighbor-hood, 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, nonresidential uses which exceed the square footage stated in the table below shall not be permitted, except that in the North Beach Neighborhood Commercial District this Subsection 121.2(b) shall not apply to a Movie Theater use as defined in Section 790.64. The use area shall be measured as the gross floor area for each individual nonresidential use.

District	Lot Size Limits
West Portal Avenue	4,000 sq. ft.
North Beach	
Castro Street	

(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)

AMENDMENT HISTORY

"Polk Street" district reclassified; Ord. 140-11, Eff. 8/4/2011. "Glen Park" district added; Ord. 35-12, Eff. 3/22/2012.

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. 8/7/12, Eff. 9/6/12)

AMENDMENT HISTORY

Section header and table amended; Ord. 176-12, Eff. 9/6/12.

SEC. 121.4. USE SIZE LIMITS (NON-RESIDENTIAL), MIXED USE DISTRICTS.

New Ordinance Notice

Publisher's Note: This section has been **AMENDED** by a new ordinance (Ord. 56-13, approved 3/28/2013, effective 4/27/2013). The text of the amendment will be incorporated below when the new ordinance is effective.

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 maximum limit shall not be permitted.

District	Use Size Maximum	Use Size Limit
Chinatown Visitor	5,000 sq. ft.	2,500 sq. ft.
Chinatown Residential Neighborhood Commercial	4,000 sq. ft.	2,500 sq. ft.
Chinatown Community Business	None	5,000 sq. ft.

In the Chinatown Visitor Retail District, the use size limit shall not apply to full service restaurants as defined in Section 890.92.

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

SEC. 121.5. DEVELOPMENT OF LARGE LOTS, RESIDENTIAL DISTRICTS.

In order to promote, protect, and maintain a scale of development which 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 subject to the provisions set forth in Sections 303 of this Code.

District	Lot Size Limit
RTO, RTO-M	10,000

In addition to the criteria of Section 303(c)(1) of this Code, the Planning Commission shall consider the extent to which the following criteria are met:

- (1) The mass and articulation of the proposed structures are compatible with the intended scale of the district.
- (2) For development sites greater than ½-acre, the extension of adjacent alleys or streets onto or through the site, and/or the creation of new publicly-accessible streets or alleys through the site as appropriate, in order to break down the scale of the site, continue the surrounding existing pattern of streets and alleys, and foster beneficial pedestrian and vehicular circulation.
- (3) The site plan, including the introduction of new streets and alleys, the provision of open space and landscaping, and the articulation and massing of buildings, is compatible with the goals and policies of the applicable Area Plan in the General Plan.

(Added by Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 298-08, File No. 081153, App. 12/19/2008)

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:
 - (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.

(Added by Ord. 89-04, File No. 031463, App. 5/27/2004)

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

New Ordinance Notice

Publisher's Note: This section has been **AMENDED** by a new ordinance (Ord. 42-13, approved 3/28/2013, effective 4/27/2013). The text of the amendment will be incorporated below when the new ordinance is effective.

In order to promote, protect, and maintain a fine-grain scale of development in residential districts and on important pedestrian-oriented commercial streets

which 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 in RTO and NCT Districts are regulated as follows:

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

Street	Lot Frontage Limit
Hayes, from Franklin to Laguna	50 feet
Church Street, from Duboce to 16th Street	100
Market, from Octavia to Noe	150
Ocean Avenue in the Ocean Avenue NCT	See Subsection (e)
Inner and Outer Clement NCDs	50 feet
NC-2 districts on Balboa Street between 2nd Avenue and 8th Avenue, and between 32nd Avenue and 38th Avenue	50 feet

- (c) The Zoning Administrator may administratively waive certain lot mergers from the restrictions of Subsections (b) and (c) 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) 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 of irregular parcels 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 326.3(h)(2).
- (d) The Planning Commission may approve, as a conditional use according to the procedures of Section 303, permit 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 as expressed in subsection (a):
 - (1) The lot merger will enable a specific residential project that provides housing on-site at affordability levels significantly exceeding the requirements of Section 315.
 - (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
 - (3) The lot merger serves a unique public interest that cannot be met by building a project on a smaller lot.
- (e) In the Ocean Avenue NCT, no lot merger which increases the frontage width of any lot on Ocean Avenue may be permitted except as permitted administratively by Subsection (c) above or with a Conditional Use according to the procedures of Section 303 where such a merger creates a corner parcel for the purpose of accommodating access to off-street from a cross street to Ocean Avenue.

(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)

AMENDMENT HISTORY

Division (b) amended; Ord. 92-12, Eff. 6/20/12.
Editor's Note:

This section 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.

SEC. 121.8. USE SIZE LIMITS (NON-RESIDENTIAL), PDR-1-B AND PDR-2 DISTRICTS.

In order to preserve land and building space for light industrial activities, non-accessory retail and office uses that exceed the square footage stated in the table below shall not be permitted in PDR-1-B and PDR-2 Districts. The use area shall be measured as the occupied floor area of all retail or offices activities on a lot, as defined in the land use controls for PDR Districts in Section 218 (Retail Sales and Personal Services) and Section 219 (Offices) of this Code. Additionally, a cumulative use size maximum applies in PDR-1-B and PDR-2 Districts, such that the combined floor area of any and all uses permitted by Sections 218 and 219 may not exceed the limits stated in the table below for any given lot.

These use size maximum limits shall not apply to accessory uses, as defined in Section 204.3 of this Code.

District	Cumulative Use Size Limit, All Uses per Section 218	Cumulative Use Size Limit, All Uses per Section 219	Total Size Maximum. All Uses per Sections 218 and 219 Combined
PDR-1-B	2,500 sq. ft.	5,000 sq. ft.	7,500 sq. ft.
PDR-2	2,500 sq. ft.	5,000 sq. ft.	5,000 sq. ft.

(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)

AMENDMENT HISTORY

Section header and section amended; Ord. 196-11, Eff. 11/3/2011.

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 approval. 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:

- (1) The proposed parcelization will support light industrial activities in the district.
- (2) If the resulting parcelization will require demolition of a structure, the demolition of the structure complies with the replacement requirement per Section 230.
- (3) The uses proposed for the parcels, if any, comply with the cumulative use size limits per Section 121.8, and other requirements of this Code.

(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)

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)

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. 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 and 128, 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) 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.
- (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)
- AMENDMENT HISTORY
- Division (c)(1) amended; division (e) added; Ord. 182-12, Eff. 9/7/2012.

SEC. 124. BASIC FLOOR AREA RATIO.

New Ordinance Notice

Publisher's Note: This section has been **AMENDED** by a new ordinance (Ord. 42-13, approved 3/28/2013, effective 4/27/2013). The text of the amendment will be incorporated below when the new ordinance is effective.

(a) Except as provided in Subsections (b), (c) and (e) of this Section, the basic floor area ratio limits specified in the following table 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>
RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-2, RTO, RTO-M	1.8 to 1
RM-3	3.6 to 1
RM-4	4.8 to 1
RC-1, RC-2	1.8 to 1
RC-3	3.6 to 1
RC-4	4.8 to 1
RED	1.0 to 1
RSD, SPD	1.8 to 1
NC-1, NCT-1	
NC-S	
Inner Clement	
Inner Sunset	
Outer Clement	
Haight	1.8 to 1
North Beach	
Sacramento	

24th Street - Noe Valley
 West Portal
 NC-2, NCT-2, SoMa, Ocean Avenue
 Broadway
 Upper Fillmore
 Polk
 Valencia
 24th Street-Mission
 Glen Park
 Castro
 Hayes-Gough
 Upper Market
 Union

2.5 to 1

3.0 to 1

<i>District</i>	<i>Basic Floor Area Ratio Limit</i>
NC-3, NCT-3, Mission Street	3.6 to 1
Chinatown R/NC	1.0 to 1
Chinatown VR	2.0 to 1
Chinatown CB	2.8 to 1
C-1, C-2	3.6 to 1
C-2-C	4.8 to 1
C-3-C	6.0 to 1
C-3-O	9.0 to 1
C-3-R	6.0 to 1
C-3-G	6.0 to 1
C-3-S	5.0 to 1
C-3-O (SD)	6.0 to 1
C-3-S (SU)	7.5 to 1
C-M	9.0 to 1
M-1, M-2	5.0 to 1
SLR, SLI	2.5 to 1
SSO and in a 40 or 50 foot height district	3.0 to 1
SSO and in a 65 or 80 foot height district	4.0 to 1
SSO and in a 130 foot height district	4.5 to 1
MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a 40, 45, or 48 foot height district	3.0 to 1
MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a 50, 55, or 58 foot height district	4.0 to 1
MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a 65 or 68 foot height district	5.0 to 1
MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a 85 foot height district	6.0 to 1
MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a height district over 85 feet	7.5 to 1

- (b) In R, NC, and Mixed Use Districts, the above 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 4.8 to 1 where the height limit is 80 feet.
- (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 20 years to households whose incomes are within 150 percent of the median income as defined herein, 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: (i) 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 under Section 102.9(b)(15) of this Code; (ii) the additional square footage includes only the amount necessary to accommodate dwelling units and/or group housing units that are affordable for not less than 50 years to households whose incomes are within 60 percent of the median income as defined herein together with any social, educational, and health service space accessory to such units; and (iii) 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 1111.2 - 1111.6 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 site or building permit to construct any designated unit subject to this Section, the permit applicant shall notify the Director of Planning and the Director of Property in writing whether the unit will be an owned or rental unit as defined in Section 401 of this Code.

(2) Within 60 days after the issuance by the Director of Building Inspection of a site or building permit for construction of any unit intended to be an owned unit, the Director of Planning shall notify the City Engineer in writing identifying the intended owned unit, and the Director of Property shall appraise the fair market value of such unit as of the date of the appraisal, applying accepted valuation methods, and deliver a written appraisal of the unit to the Director of Planning and the permit applicant. The permit applicant shall supply all information to the Director of Property necessary to appraise the unit, including all plans and specifications.

(3) Each designated unit shall be subject to the provisions of Section 413 of this Code. For purposes of this Subsection and the application of Section 413 of this Code to designated units constructed pursuant to this Subsection, the definitions set forth in Section 401 of this Code shall apply, with the exception of the following definitions, which shall supersede the definitions of the terms set forth in Section 401:

(A) "Base price" shall mean 3.25 times the median income for a family of four persons for the County of San Francisco as set forth in California Administrative Code Section 6932 on the date on which a housing unit is sold.

(B) "Base rent" shall mean .45 times the median income for the County of San Francisco as set forth in California Administrative Code Section 6932 for a family of a size equivalent to the number of persons residing in a household renting a designated unit.

(C) "Designated unit" shall mean a housing unit identified and reported to the Director by the sponsor of an office development project subject to this Subsection as a unit that shall be affordable to households of low or moderate income for 20 years.

(D) "Household of low or moderate income" shall mean a household composed of one or more persons with a combined annual net income for all adult members which does not exceed 150 percent of the qualifying limit for a median income family of a size equivalent to the number of persons residing in such household, as set forth for the County of San Francisco in California Administrative Code Section 6932.

(E) "Sponsor" shall mean an applicant seeking approval for construction of a project subject to this Subsection and such applicants' successors and assigns.

(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 1114 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 1975 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 any RSD, SPD, SLR, SLI or SSO District, live/work units constructed above the floor area ratio limit pursuant to Section 102.9(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, except that, for projects in the RSD District which will exceed 40 feet in height, and therefore are required to obtain conditional use approval, the allowable density for dwelling units and live/work units shall be established as part of the conditional use determination; 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 102.36 of this Code. Such approval shall be subject to the conditional use procedures and criteria in Section 303 of this Code.

(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)

AMENDMENT HISTORY

Divisions (b), (d), (f), (f)(1), and (f)(3) amended; Ord. 63-11, Eff. 5/7/2011. "Glen Park" district added to Table 124; Ord. 35-12, Eff. 3/22/2012. Division (k) added; Ord. 188-12, Eff. 10/11/2012.

SEC. 124.1. FLOOR AREA RATIO EXCEPTIONS: CHINATOWN.

(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)

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)

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 under Section 124 of this Code but unbuilt upon an adjacent lot which is occupied by a 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 which 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) **Required Documentation.** No transfer of permitted basic gross floor area shall be effective under this Section unless an instrument, legally sufficient in both form and content to effect such a transfer, has been entered into among all the parties concerned, except that if both the adjacent lot and the transferee lot are in one ownership no such instrument shall be necessary. An attested copy of the said instrument of transfer shall be filed with the Department of City Planning prior to approval by said Department of any building permit application affected by such transfer. In addition, no transfer of permitted basic gross floor area shall be effective under this Section in any case unless a further document in a form approved by the City Attorney has been executed by the parties concerned, and by the Zoning Administrator, and recorded in the office of the County Recorder, serving as a notice of the restrictions under this Section applying both to the adjacent lot and to the transferee lot by virtue of this arrangement for transfer of permitted basic gross floor area. This notice of restrictions shall include a specific reference to the aforesaid instrument of transfer, except where both the adjacent lot and the transferee lot are in the same ownership.
- (c) **Contents of Required Documents.** Both the instrument of transfer and the notice of restrictions shall specify:
 - (1) The amount of permitted basic gross floor area to be transferred, the total amount permitted on the transferee lot by virtue of the transfer, and the remaining amount permitted on the adjacent lot;
 - (2) The duration of the transfer, which shall be specified to be not less than the actual lifetime of any building on the transferee lot whose construction is made possible, in whole or in part, by the transfer;
 - (3) The effects of any subsequent changes in the basic floor area ratio limit under this Code upon the permitted basic gross floor area for both lots; and
 - (4) The effects of any subsequent changes in the size of either lot, whether by virtue of conveyance, condemnation or otherwise, upon the permitted basic gross floor area for both lots.
- (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 Department of City Planning 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) 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)

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 Section 124.
 - (2) "Owner of Record." The owner or owners of record in fee.
 - (3) "Preservation Lot." A parcel of land on which is either (i) a Significant or Contributory building (as designated pursuant to Article 11); or (ii) a Category V Building that has complied with the eligibility requirement for transfer of TDR as set forth in Section 1109(c); or (iii) 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 (i) owned by the City and County of San Francisco, and (ii) located in a P District adjacent to a C-3 District, and (iii) 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 (iv) 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 which 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 which 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 (i) the allowable gross floor area permitted on the Transfer Lot by Section 124 and (ii) 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:
 - (i) The Transfer Lot and the Development Lot are located in the same C-3 Zoning District; or
 - (ii) the Transfer Lot is located in a C-3-O, or C-3-R District and the Development Lot is located in the C-3-O(SD) Special Development District; or
 - (iii) the Transfer Lot contains a Significant building and is located in the Extended Preservation District, as set forth in Section 819, or a C-3-G or C-3-S District and the Development Lot is located in the C-3-O (SD) Special District; or
 - (iv) the Transfer Lot is in a C-3-R District or a District designated C-3-O (SD) in the Yerba Buena Center Redevelopment Plan and is located in the Yerba Buena Center Redevelopment Project Area and the Development Lot is located in a C-3-O District; or
 - (v) 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
 - (vi) 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 but not within a Redevelopment Agency Plan Area.

(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 City Planning 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.**

(1) 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 1105 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 Permit 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: (i) the name of the owner of record of the Transfer Lot; (ii) the address, legal description and Assessor's Block and Lot of the Transfer Lot; (iii) the C-3 use district within which the Transfer Lot is located; (iv) whether the Transfer Lot contains a Significant or Contributory building, a Category V building, or an Article 10 individually designated landmark; (v) the amount of TDR available for transfer; and (vi) 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 1112 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, pursuant to Section 1114, 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 Permit 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 Permit 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 pursuant to the provisions of Section 1114, and shall mail to the owner of record a certified copy of the Notice. If after an appeal to the Board of Permit 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 pursuant to Section 1114, 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 (i) 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 (ii) 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:

- (i) For transfers from the Transfer Lot only:
 - (aa) Execution and acknowledgement by the original owner of TDR as the transferor(s) of the TDR; and
 - (bb) Execution and acknowledgment by the Zoning Administrator; and
 - (cc) 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.
- (ii) For all transfers:
 - (aa) The address, legal description, Assessor's Block and Lot, and C-3 use district of the Transfer Lot from which the TDR originates; and
 - (bb) The amount and sale price of TDR transferred; and
 - (cc) Numerical identification of the TDR being transferred; and
 - (dd) The names and mailing addresses of the transferors and transferees of the TDR; and
 - (ee) Execution and acknowledgment by the transferors and transferees of the TDR; and
 - (ff) 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 Superintendent of the Bureau 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 Superintendent of the Bureau 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:
 - (i) Information necessary to enable the Zoning Administrator to prepare the Notice of Use of TDR, which information shall be at least the following:
 - (aa) The address, legal description, Assessor's Block and Lot, and zoning classification of the Development Lot;
 - (bb) The name and address of the owner of record of the Development Lot;
 - (cc) Amount and numerical identification of the TDR being used;
 - (dd) A certified copy of each Certificate of Transfer evidencing transfer to the owner of the Development Lot of the TDR being used; and
 - (ii) 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.
 - (iii) 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 Superintendent of the Bureau 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 (i) 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 (ii) 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 (iii) 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 Superintendent of the Bureau of Building Inspection to suspend any permit issued for a project using such TDR, in which case the Superintendent 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 Superintendent of the Bureau 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 Statement of Eligibility set forth in subsection 128(e), the owner of the Preservation Lot shall:
 - (i) Demonstrate that any and all outstanding Notices of Violation have been abated; and
 - (ii) 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 Preservation Lot. This Plan shall include:
 - (aa) a plan for the ongoing maintenance of the Preservation Lot;
 - (bb) information regarding the nature and cost of any rehabilitation, restoration or preservation work to be conducted on the Preservation Lot, including information about any required seismic, life safety, or disability access work;
 - (cc) a construction schedule; and
 - (dd) 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 Statement of Eligibility in the Office of the County Recorder.

Notwithstanding the foregoing, the owner of the Preservation 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 Preservation Lot.

(2) Approval of the Statement of Eligibility shall be conditioned on execution of the requirements described in subsection (I)(1). Once a Statement of Eligibility has been issued and a Notice of Special Restrictions has been recorded on the property, the owner of the Preservation Lot, at the owner's sole discretion, may withdraw from the TDR program prior to the sale of any TDR. The Department shall rescind the Statement of Eligibility and request removal of such condition(s) on the Preservation Lot. Once any TDR is transferred from the Preservation Lot, the Statement of Eligibility and conditions may not be withdrawn.

(3) Within one year of the issuance of the Statement of Eligibility, the owner of the Preservation Lot shall submit a status report to the Department detailing how the requirements of subsection (I)(1) have been completed and describing ongoing maintenance activities. Such report shall include: (i) information detailing the work completed; (ii) copies of all permits obtained for the work, including any Certificates of Appropriateness or Permits to Alter; (iii) any inspection reports or other documentation from the Department of Building Inspection showing completion of the work; (iv) itemized receipts of payment for work performed; and (v) 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 Preservation 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 Preservation 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)

SEC. 130. YARD AND SETBACK REQUIREMENTS, GENERAL.

(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)

SEC. 131. LEGISLATED SETBACK LINES.

(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)

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

New Ordinance Notice

Publisher's Note: This section has been **AMENDED** by a new ordinance (Ord. 56-13, approved 3/28/2013, effective 4/27/2013). The text of the amendment will be incorporated below when the new ordinance is effective.

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; 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 by 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 ½ 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 percent 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 Section and Section (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; 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 percent 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, permitted obstructions as defined by Section 136 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, 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. Permeable surfaces are defined in Section 102.33.

(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 as defined in Section 102.33. Setbacks should be designed to provide access to landscaped areas, encouraging active use by residents.

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

(ii) 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)

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

New Ordinance Notice

Publisher's Note: This section has been **AMENDED** by a new ordinance (Ord. 56-13, approved 3/28/2013, effective 4/27/2013). The text of the amendment will be incorporated below when the new ordinance is effective.

(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>Height of Street Wall</i>	<i>Street Width</i>			
	<i>64' - 67'</i>	<i>68' - 71'</i>	<i>72' - 75'</i>	<i>76' - 80'</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 as indicated in Figure 132.1B¹, 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)² 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)³ **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)

AMENDMENT HISTORY

Section header amended; new division (c) added and former divisions (c) and (d) redesignated as current divisions (d) and (e)³; division (d)(1), Chart A, and division (d)(2)(B) amended; Ord. 182-12, Eff. 9/7/2012.

CODIFICATION NOTES

1. So in Ord. 182-12.
2. The subdivisions of division (c)(1) were designated (i) through (iv) when enacted by Ord. 182-12; they have been redesignated by the codifier for clarity and consistency.
3. The designation of this division (e) was corrected by the codifier.

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**

<i>Street Name</i>	<i>Street Width</i>	<i>Height District</i>	<i>Profile Angle</i>	<i>Height at which Setback Begins</i>	<i>Hours of Sun March - Sept. a.m. p.m. Sides of Street</i>	
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. 133. SIDE YARDS, RH-1(D) DISTRICTS.

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)

SEC. 134. REAR YARDS, R, NC, C, SPD, M, MUG, MUO, MUR, UMU, RSD, SLR, SLI AND SSO DISTRICTS.

New Ordinance Notice

Publisher's Note: This section has been **AMENDED** by new ordinances (Ords. 42-13 and 56-13, both approved 3/28/2013 and effective 4/27/2013). The text of the amendments will be incorporated below when the new ordinances are effective.

The rear yard requirements established by this Section 134 shall apply to every building in an R, NC-1, NC-2 District or Individual Neighborhood Commercial District as noted in Subsection (a), except those buildings which contain only single room occupancy (SRO) or live/work units and except in the Bernal Heights Special Use District and Residential Character Districts to the extent these provisions are inconsistent with the requirements set forth in Section 242 of this Code. With the exception of dwellings in the South of Market Mixed Use and Eastern Neighborhoods Mixed Use Districts containing only SRO units, the rear yard requirements of this Section 134 shall also apply to every dwelling in a(n) MUG, MUO, MUR, UMU, SPD, RSD, SLR, SLI, SSO, NC-2, NCT-1, NCT-2, NC-3, NCT-3, Individual Area Neighborhood Commercial Transit District, Individual Neighborhood Commercial District as noted in Subsection (a), C or M District. Rear yards shall not be required in NC-S Districts. These requirements are intended to assure the protection and continuation of established midblock, landscaped open spaces, and maintenance of a scale of development appropriate to each district, consistent with the location of adjacent buildings.

- (a) **Basic Requirements.** The basic rear yard requirements shall be as follows for the districts indicated:
 - (1) **RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC-1, RC-2, RC-3, RC-4, NC, C, M, MUG, MUO, MUR, UMU, RED, SPD, RSD, SLR, SLI and SSO Districts.** The minimum rear yard depth shall be equal to 25 percent of the total depth of the lot on which the building is situated, but in no case less than 15 feet. For buildings containing only SRO units in the South of Market Mixed Use and Eastern Neighborhoods Mixed Use Districts, the minimum rear yard depth shall be equal to 25 percent 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 (c) below.
 - (A) **RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC-1, NC-1, NCT-1, Inner Sunset, Outer Clement Street, Haight Street, 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.
 - (B) **NC-2, NCT-2, Ocean Avenue, Castro Street, Inner Clement Street, Upper Fillmore Street, North Beach, Union Street, Valencia Street, 24th Street-Mission and Glen Park 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.
 - (C) **RC-2, RC-3, RC-4, NC-3, NCT-3, Broadway, Hayes-Gough, Upper Market Street, SoMa, Mission Street, Polk Street, C, M, RED, SPD, RSD, SLR, SLI, SSO, 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 per 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.
 - (D) **Upper Market NCT and Upper Market NCD.** Rear yards shall be provided at the grade level, and at each succeeding story of the building. For buildings in the Upper Market 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 (e).
 - (2) **RH-2, RH-3, RTO, RTO-M, RM-1 and RM-2 Districts.** The minimum rear yard depth shall be equal to 45 percent of the total depth of the lot on which the building is situated, except to the extent that a reduction in this requirement is permitted by Subsection (c) below. Rear yards shall be provided at grade level and at each succeeding level or story of the building.

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

South of Market Mixed Use Districts, 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 Paragraph (c)(1) above, a reduction in the required rear yard is permitted, the reduction may alternatively be averaged in an irregular manner; provided that the area of the resulting reduction shall be no more than the product of the width of the subject lot along the line established by Paragraph (c)(1) above times the reduction in depth of rear yard permitted by Paragraph (c)(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 (c), 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 ½ 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, SPD, RSD, SLR, SLI, SSO, NC, C, M or P District, such adjoining lot shall, for purposes of the calculations in this Subsection (c), be considered to have an adjacent building upon it whose rear building wall is at a depth equal to 75 percent of the total depth of the subject lot.

(4) **Applicability to Special Lot Situations.** In the following special lot situations, the general rule stated in Paragraph (c)(1) above shall be applied as provided in this Paragraph (c)(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 by 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 percent of the total depth of the subject lot, or 15 feet, whichever is greater.

(C) **Through Lots Abutting Properties that Contain Two Buildings.** Where a lot is a through lot having both its front and its rear lot line along streets, alleys, or a street and an alley, and both adjoining lots are also through lots, each containing two dwellings or group housing structures that front at opposite ends of the lot, the subject through lot may also have two buildings according to such established pattern, each fronting at one end of the lot, provided all the other requirements of this Code are met. In such cases the rear yard required by this Section 134 for the subject lot shall be located in the central portion of the lot, between the two buildings on such lot, and the depth of the rear wall of each building from the street or alley on which it fronts shall be established by the average of the depths of the rear building walls of the adjacent buildings fronting on that street or alley. In no case, however, shall the total minimum rear yard for the subject lot be thus reduced to less than a depth equal to 25 percent of the total depth of the subject lot, or to less than 15 feet, whichever is greater. Furthermore, in all cases in which this Subparagraph (c)(4)(C) is applied, the requirements of Section 132 of this Code for front setback areas shall be applicable along both street or alley frontages of the subject through lot.

(d) **Reduction of Requirements in C-3 Districts.** In C-3 Districts, an exception to the rear yard requirements of this Section 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.

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

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

(A) Residential 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 by 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 percent of the lot area which is located at the same levels as the required rear yard in an interior corner of the lot, an open area between two or more buildings on the lot, or an inner court, as defined by this Code, provided that the Zoning Administrator determines that all of the criteria described below in this Paragraph are met.

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

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

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

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

property.

The provisions of this Paragraph 2 of Subsection (e) shall not preclude such additional conditions as are deemed necessary by the Zoning Administrator to further the purposes of this Section.

(f) **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, and 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).

(g) **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)

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.

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

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 percent. 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)

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

New Ordinance Notice

Publisher's Note: This section has been **AMENDED** by a new ordinance (Ord. 42-13, approved 3/28/2013, effective 4/27/2013). The text of the amendment will be incorporated below when the new ordinance is effective.

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 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.

(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.

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 1/3 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 209.1(m) of this Code, the minimum amount of usable open space to be provided for use by each dwelling unit shall be ½ 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.** The minimum amount of usable open space to be provided for use by each dwelling unit shall be as specified in Table 135B. For group housing structures and SRO units, the minimum amount of usable open space provided for use by each bedroom shall be 1/3 the amount required for a dwelling unit as specified in Table 135B. Usable open space requirements in these areas may be fulfilled by providing privately-owned public open space as specified in Table 135B.

(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.

TABLE 135A

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

<i>District</i>	<i>Square Feet Of Usable Open Space Required For Each Dwelling Unit If All Private</i>	<i>Ratio of Common Usable Open Space That May Be Substituted for Private</i>
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, C-M, SLR, SLI, SSO, 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-1, NC-2, NCT-1, NCT-2, NC-S, Inner Sunset, Sacramento Street, West Portal Avenue, Ocean Avenue, Glen Park	100	1.33
NC-3, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Haight Street, Union Street, Valencia Street, 24th Street-Mission, 24th Street-Noe Valley, NCT-3, SoMa, Mission Street	80	1.33
Broadway, Hayes-Gough, Upper Market Street, North Beach, Polk Street	60	1.33
Chinatown Community Business, Chinatown Residential Neighborhood Commercial, Chinatown Visitor Retail	48	1.00
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.

(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)(5);
- (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 per 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)(1) through (11) of this Code.
- (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(d) 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 be provided within 800 feet of the project. 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) 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.

(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; 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)

AMENDMENT HISTORY

Division (d) amended; Ord. 196-11, Eff. 11/3/2011. "Glen Park" district added to Table 135A; 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.

Editor's Note:

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

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)

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

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)

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

(a) **Amount of Open Space Required.** All newly constructed structures, all structures to which gross floor area equal to 20 percent or more of existing gross floor area is added, and all structures in the SSO and 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 SOUTH OF MARKET, EASTERN NEIGHBORHOODS MIXED USE, AND DTR DISTRICTS	
Use	Square Feet of Usable Open Space Required
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 South of Market Mixed Use Districts	1 sq. ft. per 120 gross 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 South of Market Mixed Use Districts	1 sq. ft. per 90 sq. ft. of occupied floor area of new, converted or added square footage
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 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 percent 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 percent of the publicly accessible open space may be provided off-site, subject to Section 329 of this Code 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 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.

(3) **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)¹ **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 be, satisfied.

(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.

(e) **Approval and Construction.** The open space shall be reviewed and approved as part of the site or building permit application for the project giving use to the open space requirement. 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. 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)

AMENDMENT HISTORY

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)¹ through (e); Ord. 228-12, Eff. 12/14/2012.

CODIFICATION NOTE

1. The designation of divisions (b) through (e) was corrected by the codifier.
Editor's Note:
Former divisions (e) and (f) of this section were redesignated as new Sections 425 and 426 by Ord. 108-10.

SEC. 136. OBSTRUCTIONS OVER STREETS AND ALLEYS AND IN REQUIRED SETBACKS, YARDS AND USABLE OPEN SPACE.

New Ordinance Notice

Publisher's Note: This section has been **AMENDED** by a new ordinance (Ord. 56-13, approved 3/28/2013, effective 4/27/2013). The text of the amendment will be incorporated below when the new ordinance is effective.

Streets			Usable
and	Set-		Open
Alleys	backs	Yards	Space
(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 by 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.			
(c) The permitted obstructions shall be as follows:			

x	x	x	x	<p>(1) Overhead horizontal projections (leaving at least 7½ feet of headroom) of a purely architectural or decorative character such as cornices, eaves, sills and belt courses, with a vertical dimension of no more than two feet six inches, not increasing the floor area or the volume of space enclosed by the building, and not projecting more than:</p> <p>(A) At roof level, three feet over streets and alleys and into setbacks, or to a perimeter in such required open areas parallel to and one foot outside the surfaces of bay windows immediately below such features, whichever is the greater projection,</p> <p>(B) At every other level, one foot over streets and alleys and into setbacks, and</p> <p>(C) Three feet into yards and usable open space, or 1/6 of the required minimum dimensions (when specified) of such open areas, whichever is less;</p>
x	x	x	x	<p>(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).</p> <p>(A) The minimum headroom shall be 7½ feet.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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;</p>
	x		x	<p>(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).</p> <p>(A) The minimum headroom shall be 7½ feet.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>
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>
			x	<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</p>

that is at least 10 feet in depth and 15 feet in width;

x

(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;

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

x

x

(11) Flagpoles for projecting flags permitted by Article 6 of this Code;
(12) Marquees, awnings and canopies in P, NC, C, M, MUG, MUO, MUR, UMU, RSD, SPD, SLR, SLI, DTR and SSO districts, and for Limited Commercial Uses in Residential and RTO Districts, as regulated by the Building Code, and as further limited in Section 136.1 and other provisions of this Code;

x

x

x

(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

(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

(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,

(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;

x

(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
x				(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;
x				(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;
x				(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;
				Reserved.
x				(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;
x	x	x		(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;
	x		x	(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.
				(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)

AMENDMENT HISTORY

Division (c)(12) amended; former division (c)(28) deleted; Ord. 63-11, Eff. 5/7/2011. Divisions (d)(1)(A) and (d)(1)(B) amended; Ord. 182-12, Eff. 9/7/2012.

SEC. 136.1. AWNINGS, CANOPIES AND MARQUEES IN LIMITED COMMERCIAL USES, NEIGHBORHOOD COMMERCIAL DISTRICTS, EASTERN NEIGHBORHOODS MIXED USE AND SOUTH OF MARKET MIXED USE DISTRICTS.

In addition to the limitations of Section 136, especially Paragraph 136(c)(12), the following provisions shall apply to Limited Commercial Uses, and in NC, Eastern Neighborhoods Mixed Use and South of Market Mixed Use Districts.

(a) **Awnings.** Awnings, as defined in Section 790.20 of this Code, shall be regulated in Limited Commercial Uses, Neighborhood Commercial Districts, Eastern Neighborhoods Mixed Use and South of Market Mixed Use Districts below.

All portions of any permitted awning shall be not less than eight feet above the finished grade, excluding any valance which 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, 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.

(1) **Limited Commercial Uses and NC-1 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.

(2) **All Other Neighborhood Commercial Districts, Eastern Neighborhoods Mixed Use and South of Market Mixed Use Districts.** When the

width of all awnings is 10 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 10 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 790.26 of this Code, shall be regulated in Limited Commercial Uses, Neighborhood Commercial Districts, Eastern Neighborhoods Mixed Use and South of Market Mixed Use Districts below.

- (1) **Limited Commercial Uses and NC-1 Districts.** No canopy shall be permitted in any Limited Commercial Use or in any NC-1 District.
- (2) **All Other Neighborhood Commercial Districts, Eastern Neighborhoods Mixed Use and South of Market Mixed Use 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 1/3 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 which 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 790.58 of this Code, shall be regulated in Limited Commercial Uses, Neighborhood Commercial Districts, Eastern Neighborhoods Mixed Use and South of Market Mixed Use Districts below.

- (1) **Limited Commercial Uses and NC-1 Districts.** No marquee shall be permitted in any Limited Commercial Use or in any NC-1 District.
- (2) **All Other Neighborhood Commercial Districts, Eastern Neighborhoods Mixed Use and South of Market Mixed Use 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 2/3 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 2/3 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 facade 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 facade 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)

AMENDMENT HISTORY

Section title, introductory paragraph, and divisions (a), (b), and (c) amended; Ord. 140-11, Eff. 8/4/2011.

SEC. 136.2. OBSTRUCTIONS OVER STREETS AND ALLEYS AND IN REQUIRED SETBACKS, YARDS, AND USABLE OPEN SPACE IN MIXED USE DISTRICTS.

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

(a) **Awnings.** All portions of any permitted awning shall be not less than eight feet above the finished grade, excluding any valance which 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, 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.

- (1) **Chinatown Residential Neighborhood Commercial District.** 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.
- (2) **All Other Mixed Use Districts.** When the width of all awnings is less than 10 feet 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 10 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.

- (b) **Canopies.**
- (1) **Chinatown Residential Neighborhood Commercial District.** No canopy shall be permitted in any Residential Neighborhood Commercial District.
- (2) **All Other Mixed use Districts.** The maximum width of any canopy shall be 10 feet. The horizontal projection of any canopy may extend to a point two feet from the curb. The outer column support shall be located in the outer 1/3 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 two feet, including any valance. All portions of any canopy, excluding the column supports and excluding any valance which 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 twenty feet from each other, measured from centerline to centerline.

- (c) **Marquees.**
- (1) **Chinatown Residential Neighborhood Commercial District.** No marquee shall be permitted in any Residential Neighborhood Commercial District.
- (2) **All Other Mixed Use 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 two feet from the curb.
- (A) A marquee projecting more than 2/3 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.
- (B) A marquee projecting less than 2/3 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 of windows on the building facade on which the marquee is placed, exclusive of the ground story and mezzanine. A separate building permit for a marquee shall be required for each building frontage.

(Added by Ord. 131-87, App. 4/24/87; Ord. 298-08, File No. 081153, App. 12/19/2008)

SEC. 136.3. AWNINGS, CANOPIES AND MARQUEES IN THE NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT.

- (a) **Awnings.** Awnings, as defined in Section 790.20 of this Code, shall be permitted on the ground story and second story, subject to the following regulations:
- (1) All portions of any permitted awning shall be not less than eight feet above the finished grade, excluding any valance which 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 story immediately above.
- (2) When the width of all awnings on a single building is 10 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 on a single building exceeds 10 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.
- (b) **Canopies.** Canopies, as defined in Section 790.26 of this Code, shall be permitted, subject to the following regulations:
- (1) The maximum width of any canopy shall be 10 feet. The horizontal projection of any canopy may extend to a line on the sidewalk not closer than two feet from the curb. The outer column support shall be located in the outer 1/3 of 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 which may be not less than seven feet above the finished grade, shall not be less than eight feet above the finished grade.
- (c) **Marquees.** Marquees, as defined in Section 790.58 of this Code, shall be permitted, subject to the following regulations:
- (1) 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 line on the sidewalk not closer than two feet from the curb.
- (2) A marquee projecting more than of the distance from the property line to the curb shall not exceed 10 feet or 50 percent of the width 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 window-sill level of the floor immediately above. Each building frontage shall be considered separately.
- (3) A marquee projecting less than of the distance from the property line to the curb shall not exceed 25 feet or 50 percent of the width 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 of the floor immediately above. Each building frontage shall be considered separately.

(Added by Ord. 345-87, App. 8/21/87)

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 Master 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)

SEC. 138. PRIVATELY-OWNED PUBLIC OPEN SPACE REQUIREMENTS IN C-3 DISTRICTS.

- (a) **Requirement.** An applicant for a permit to construct a new building or an addition of gross floor area equal to 20 percent or more of an existing building (hereinafter "building") in C-3 Districts shall provide open space in the amount and in accordance with the standards set forth in this Section. All determinations concerning the adequacy of the amount of open space to be provided and its compliance with the requirements of this Section shall be made in

accordance with the provisions of Section 309.

(b) **Amount Required.** Except in the C-3-O(SD) District, open space shall be provided in the amounts specified below for all uses except (i) residential uses, which shall be governed by Section 135 of this Code; (ii) institutional uses; and (iii) uses in a predominantly retail building. In the C-3-O(SD) District open space shall be provided in the amounts below for all non-residential uses. For the purposes of this section, a "predominantly retail building" is one in which 2/3 or more of the occupied floor area is in retail use.

<i>Minimum Amount of Open Space Required</i>	
<i>Use District</i>	<i>Ratio of Square Feet of Open Space to Gross Square Feet of Uses 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

(c) **Location.** The open space required by this Section may be on the same site as the building 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 must be located entirely within the C-3 District. Open space is within 900 feet of the building within the meaning of this Section if any portion of the building 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 building whose open space requirement is being met off-site. Failure to comply with the requirements of this subsection 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.** Except as otherwise provided in Subsection (e), the project applicant 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, 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:

- (1) Be of adequate size;
- (2) Be situated in such locations and provide such ingress and egress as will make the area easily accessible to the general public;
- (3) Be well-designed, and where appropriate, be landscaped;
- (4) Be protected from uncomfortable wind;
- (5) Incorporate various features, including ample seating and, if appropriate, access to food service, which will enhance public use of the area;
- (6) Have adequate access to sunlight if sunlight access is appropriate to the type of area;
- (7) Be well-lighted if the area is of the type requiring artificial illumination;
- (8) Be open to the public at times when it is reasonable to expect substantial public use;
- (9) Be designed to enhance user safety and security;
- (10) If the open space is on private property, provide toilet facilities open to the public;
- (11) Have at least 75 percent of the total open space approved be open to the public during all daylight hours.

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

The Commission may, by resolution, declare certain types of open space ineligible throughout C-3 Districts, or in certain defined areas, if it determines that a disproportionate number of certain types of open space, or that an insufficient number of parks and plazas, is being provided in order 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 Department of City Planning. Over time, no more than 20 percent of the space provided under this Section 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 Section exceeds 80 percent of the total square footage of all open spaces approved under this Section.

(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.

(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)¹ 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 427(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)

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)¹ through (5) added; Ord. 228-12, Eff. 12/14/2012.

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.

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

		BETTER STREETS PLAN
#	PHYSICAL ELEMENT	SECTION
1	Curb ramps*	5.1
2	Marked crosswalks*	5.1
3	Pedestrian-priority signal devices and timings	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	5.1
10	Curb radius guidelines	5.2
11	Corner curb extensions or bulb-outs*	5.3
12	Extended bulb-outs	5.3
13	Mid-block bulb-outs	5.3
14	Center or side medians	5.4
15	Pedestrian refuge islands	5.4
16	Transit bulb-outs	5.5
17	Transit boarding islands	5.5
18	Flexible use of the parking lane	5.6
19	Parking lane planters	5.6
20	Chicanes	5.7
21	Traffic calming circles	5.7
22	Modern roundabouts	5.7
23	Sidewalk or median pocket parks	5.8
24	Reuse of 'pork chops' and excess right-of-way	5.8
25	Multi-way boulevard treatments	5.8
26	Shared public ways	5.8
27	Pedestrian-only streets	5.8
28	Public stairs	5.8
29	Street trees*	6.1
30	Tree basin furnishings*	6.1
31	Sidewalk planters*	6.1
32	Above-ground landscaping	6.1
33	Stormwater management tools*	6.2

34	Street and pedestrian lighting*	6.3
35	Special paving*	6.4
36	Site furnishings*	6.5

Standard streetscape elements marked with a *. (Requirement varies by street type: see the Better Streets Plan)

- (c) **Required streetscape and pedestrian improvements.** Development projects shall include streetscape and pedestrian improvements on all publicly accessible rights-of-way directly fronting the property as follows:
- (1) **Street trees.**
- (i) **Application.** In any District, street trees shall be required under the following conditions: construction of a new building; relocation of a building; the addition of gross floor area equal to 20 percent or more of the gross floor area of an existing building; the addition of a new dwelling unit, a garage, or additional parking; or paving or repaving more than 200 square feet of the front setback.
- (ii) **Standards.**
- (A) **All districts.** In any district, street trees shall:
- (aa) Comply with Public Works Code Article 16 and any other applicable ordinances;
- (bb) Be suitable for the site;
- (cc) Be a minimum of one tree of 24-inch box size for each 20 feet of frontage of the property along each street or alley, with any remaining fraction of 10 feet or more of frontage requiring an additional tree. Such trees shall be located either within a setback area on the lot or within the public right-of-way along such lot.
- (dd) Provide a below-grade environment with nutrient-rich soils, free from overly-compacted soils, and generally conducive to tree root development;
- (ee) Be watered, maintained and replaced if necessary by the property owner, in accordance with Sec. 174 and Article 16 of the Public Works Code and compliant with applicable water use requirements of Chapter 63 of the Administrative Code.
- (B) **DTR, RC, C, NC and Mixed-Use Districts, and Planned Unit Developments.** In DTR, RC, C, NC and Mixed-Use Districts, and Planned Unit Developments, in addition to the requirements of subsections (aa) - (ee) above, all street trees shall:
- (aa) Have a minimum 2 inch caliper, measured at breast height;
- (bb) Branch a minimum of 80 inches above sidewalk grade;
- (cc) Be planted in a sidewalk opening at least 16 square feet, and have a minimum soil depth of 3 feet 6 inches;
- (dd) Include street tree basins edged with decorative treatment, such as pavers or cobbles. Edging features may be counted toward the minimum sidewalk opening per (cc) if they are permeable surfaces per Section 102.33.
- (C) Street trees shall be planted in a continuous soil-filled trench parallel to the curb, such that the basin for each tree is connected, if all the following conditions are present: (1) the subject lot is in one of the Districts specified in Subsection 138.1(c)(1)(ii)(B); (2) the project is on a lot that (a) is greater than 1/2-acre in total area, (b) contains 250 feet of total lot frontage on one or more publicly-accessible rights-of-way, or (c) the frontage encompasses the entire block face between the nearest two intersections with any other publicly-accessible rights-of-way, and (3) the project includes (a) new construction; (b) addition of 20% or more of gross floor area to an exiting building; or (c) alteration to greater than 50% of the existing square footage of a building.
- (aa) The trench may be covered by allowable permeable surfaces as defined in Section 102.33, except at required tree basins, where the soil must remain uncovered.
- (bb) The Zoning Administrator may modify or waive the continuous trench 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.
- (iii) **Approvals and waivers.**
- (A) Trees installed in the public right-of-way shall be subject to Department of Public Works approval. Procedures and other requirements for the installation, maintenance and protection of trees in the public right-of-way shall be as set forth in Article 16 of the Public Works Code.
- (B) In any case in which the Department of Public Works cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is impractical, the tree planting requirements of this Section 138.1(c)(1) may be modified or waived by the Zoning Administrator as described herein:
- (aa) For each required tree that the Zoning Administrator waives, the permittee shall pay an "in-lieu" street tree fee pursuant to Section 428.
- (bb) When a pre-existing site constraint prevents the installation of a street tree, as an alternative to payment of any portion of the in-lieu fee, 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 Section 138.1(c)(1), subject to permit approval from the Department of Public Works in accordance with Public Works Code Section 810B.
- (cc) In C-3, industrial, and South of Market Mixed Use Districts, the Zoning Administrator may allow the installation of planter boxes or tubs or similar landscaping in place of trees when that is determined to be more desirable in order to make the landscaping compatible with the character of the surrounding area, or may waive the requirement in C-3, industrial, and mixed use districts, districts where landscaping is considered to be inappropriate because it conflicts with policies of the Downtown Plan, a component of the General Plan, such as the Downtown Plan Policy favoring unobstructed pedestrian passage or the Commerce and Industry Element policies to facilitate industry.
- (2) **Other streetscape and pedestrian elements for large projects.**
- (i) **Application.**
- (A) In any district, streetscape and pedestrian elements in conformance with the Better Streets Plan shall be required, if all the following conditions are present: (1) the project is on a lot that (a) is greater than ½-acre in total area, (b) contains 250 feet of total lot frontage on one or more publicly-accessible rights-of-way, or (c) the frontage encompasses the entire block face between the nearest two intersections with any other publicly-accessible rights-of-way, and (2) the project includes (a) new construction; (b) addition of 20% or more of gross floor area to an exiting building; or (c) alteration to greater than 50% of the existing square footage of a building.
- (B) 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.

(ii) **Standards.** Notwithstanding the requirements of Section 138.1(c)(2)(i), the Department shall consider, but need not require, the streetscape and pedestrian elements listed below when analyzing a streetscape plan:

(A) **Standard streetscape elements.** All standard streetscape elements for the appropriate street type per Table 1 and the Better Streets Plan, including benches, bicycle racks, curb ramps, corner curb extensions, stormwater facilities, lighting, sidewalk landscaping, special sidewalk paving, and other site furnishings, excepting crosswalks and pedestrian signals.

(aa) 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.

(bb) 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.

(B) **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.

(C) **Minimum sidewalk width.** New publicly-accessible rights-of-way 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.

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>
Commercial	Downtown commercial	See Downtown Streetscape Plan
	- Commercial throughway	15'
	- Neighborhood commercial	15'
Residential	Downtown residential	15'
	- Residential throughway	15'
	- Neighborhood residential	12'
Industrial/Mixed-Use	Industrial	10'
	- Mixed-use	15'
	Special Parkway	17'
-	Park edge (multi-use path)	25'
	- Multi-way boulevard	15'
	- Ceremonial	varies
Small	Alley	9'
	- Shared public way	n/a
	- Paseo	varies

(iii) **Review and approvals.**

(A) The streetscape plan required by this section shall be submitted to the Planning Department no later than 60 days prior to any Department or Planning Commission approval action, and shall be considered for approval at the time of other project approval actions. The Planning Department may require any or all standard streetscape elements for the appropriate street type per Table 1 and the Better Streets 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 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.

(B) 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.

(C) **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 requirements that are the same as or similar to the elements in the adopted streetscape plan after consultation with the affected agency. 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.**
- (ii) 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:
 - (A) Any new construction;
 - (B) The addition of floor area equal to 20 percent or more of an existing building; or
 - (C) Alteration to greater than 50% of the existing square footage of a building.
- (iii) 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.
- (iv) 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.
- (v) 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.**
- (i) 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 Streetscape Plan of the Rincon Hill Area Plan, developed by the Planning Department and approved by the Board of Supervisors for: (A) any new construction; (B) the addition of floor area equal to 20 percent or more of an existing building; or (C) alteration to greater than 50% of the existing square footage of a building.
- (ii) Prior to approval by the Board of Supervisors of a Streetscape Plan for Rincon Hill, the Planning Commission, through the procedures of Section 309.1, shall require an applicant to install sidewalk widening, street trees, lighting, decorative paving, seating, and landscaping in keeping with the intent of the Rincon Hill Area Plan of the General Plan and in accordance with this section of the Planning Code.

- (e) **Additional provisions.**
- (1) **Maintenance.** Unless otherwise determined, fronting property owners shall maintain all streetscape improvements required by this section, including street trees, landscaping, bicycle racks, benches, special paving, and other site furnishings at no public expense per the requirements of Public Works Code Section 706 (sidewalks and site furnishings) and 805 (street trees), except for 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.

(Added by Ord. 314-95, App. 10/6/95; Ord. 310-10, File No. 101194, App. 12/16/2010)

SEC. 139. STANDARDS FOR BIRD-SAFE BUILDINGS.

New Ordinance Notice

Publisher's Note: This section has been **AMENDED** by a new ordinance (Ord. 56-13, approved 3/28/2013, effective 4/27/2013). The text of the amendment will be incorporated below when the new ordinance is effective.

- (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 that 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 minimum 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 shielding. No uplighting shall be used. Event searchlights are be¹ 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)
(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)

CODIFICATION NOTE

1. So in Ord. 199-11.

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

(a) With the exception of dwelling units in single room occupancy buildings in the South of Market Mixed Use Districts, 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 on an open area of one of the following types:

- (1) A public street, public alley at least 25 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 single room occupancy 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) For historic buildings identified in Section 307(h)(1) which are located within the Eastern Neighborhoods Mixed Use Districts, 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.

(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)

AMENDMENT HISTORY

Division (b) amended; Ord. 196-11, Eff. 11/3/2011.

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 R, NC, C, M, MUG, MUO, MUR, UMU, DTR, SPD, RSD, SLR, SLI AND SSO DISTRICTS.

New Ordinance Notice

(a) In R, SPD, RSD, NC, C, M, MUG, MUO, MUR, UMU, SLR, SLI and SSO 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 Downtown Residential Districts, the Eastern Neighborhoods Mixed Use Districts, and South of Market 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 § 4, 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)

SEC. 142. SCREENING AND GREENING OF PARKING AND VEHICLE USE AREAS.

Off-street parking and "vehicle use areas" adjacent to the public right-of-way shall be screened as provided in this Section.

(a) Screening of parking and vehicle 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(d) 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 and the Ornamental Fencing Section 102.32. The following instances shall trigger the screening requirements for these vehicle 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 percent 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: (i) a public space or amenity that is accessible from the public right-of-way or (ii) a natural drainage system, such as combined swales, retention basins, detention basins or rain gardens, to reduce stormwater runoff.

(d) The Zoning Administrator is authorized to modify the requirements of subsection 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)

AMENDMENT HISTORY

Division (b)(3) amended; Ord. 140-11, Eff. 8/4/2011.

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.

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

New Ordinance Notice

Publisher's Note: This section has been **AMENDED** by a new ordinance (Ord. 56-13, approved 3/28/2013, effective 4/27/2013). The text of the amendment will be incorporated below when the new ordinance is effective.

(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)
AMENDMENT HISTORY
Section header and division (a) amended; 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.

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

(a) **General.** This Section is enacted to assure than 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.

New Ordinance Notice

Publisher's Note: This section has been **AMENDED** by a new ordinance (Ord. 42-13, approved 3/28/2013, effective 4/27/2013). The text of the amendment will be incorporated below when the new ordinance is effective.

(a) **Purpose.** The purpose of this Section 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 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 which 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 which 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 which 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% of building frontage, whichever is larger.

(D) Public Uses described in 790.80 and 890.80 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) which contain 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. 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) Ground floor non-residential uses in UMU Districts shall have a minimum floor-to-floor height of 17 feet, as measured from grade.

(B) Ground floor non-residential uses in all C-3, C-M, NCT, DTR, Chinatown Mixed Use, RSD, SLR, SLI, SPD, SSO, MUG, MUR, 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 residential or PDR must be fenestrated with transparent windows and doorways for no less than 60 percent 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)

AMENDMENT HISTORY

Section header and division (a) amended; former divisions (b)(2)A. through (b)(2)D. redesignated as new divisions (b)(2)(A) through (b)(2)(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.

SEC. 145.2. OUTDOOR ACTIVITY AREAS AND WALK-UP FACILITIES IN NC DISTRICTS.

The following provisions governing outdoor activity areas and walk-up facilities shall apply in NC Districts.

(a) **Outdoor Activity Areas.** 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, as defined in Section 790.70 of this Code, in NC Districts shall be regulated below, except in the Outer Clement Street Neighborhood Commercial District, where outdoor activity areas shall be a principal 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, as set forth in Section 703.2(b) of this Code.

(1) 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.

(2) An outdoor activity area which does not comply with the provisions of Paragraph 1 of this Subsection is permitted as a conditional use, subject to the provisions set forth in Sections 316 through 316.8 of this Code.

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

(A) The nature of the activity operated in the outdoor activity area is compatible with surrounding uses;

(B) The operation and design of the outdoor activity area does not significantly disturb the privacy or affect the livability of adjoining or surrounding residences;

(C) 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.

(b) **Walk-up Facilities.** In order to maintain free flows of pedestrian circulation in the Neighborhood Commercial Districts, walk-up facilities, as defined in Section 790.140 of this Code, shall be regulated in all NC Districts as provided below:

(1) A walk-up facility operated by a commercial use is permitted as a principal use if:

(A) Recessed at least three feet from the property line of the lot on which the commercial use is located; and

(B) Where a vehicular circulation area or parking area separates the building from the property line, the walk-up facility is designed and located so that the users of the facility do not impede pedestrian circulation on the lot nor create conflicts between pedestrian and vehicular circulation flows; or

(C) The proposed walk-up facility is located on a block frontage which is totally in a Neighborhood Commercial District.

(2) A walk-up facility which does not comply with the provisions of Paragraph 1 of this Subsection is permitted only upon approval of a conditional use application pursuant to the provisions set forth in Sections 316 through 316.8 of this Code.

(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)

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.

New Ordinance Notice

Publisher's Note: This section has been **AMENDED** by a new ordinance (Ord. 56-13, approved 3/28/2013, effective 4/27/2013). The text of the amendment will be incorporated below when the new ordinance is effective.

- (a) **Purpose:** To support active, pedestrian-oriented commercial uses on important commercial streets.
- (b) **Applicability.** The requirements of this Section apply to the following street frontages.
 - (1) Folsom Street for the entirety of the Rincon Hill DTR, pursuant to Section 827;
 - (2) Folsom Street for the entirety of the Folsom and Main Residential/Commercial Special Use District;
 - (3) Van Ness Avenue, in the Van Ness and Market Downtown Residential Special Use District, from Fell Street to Market Street;
 - (4) South Van Ness Avenue, for the entirety of the Van Ness and Market Downtown Residential Special Use District;
 - (5) Market Street, for the entirety of the Van Ness and Market Downtown Residential Special Use District;
 - (6) 3rd 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) 4th Street, between Bryant and Townsend in the SLI and MUO Districts;
 - (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) Market Street, for the entirety of the NCT-3, Upper Market NCD, and Upper Market NCT Districts;
 - (11) Church Street, for the entirety of the NCT-3 and Upper Market NCT Districts;
 - (12) 22nd Street, between 3rd 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;
 - (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 SoMa NCT District;
 - (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-2 District;
 - (21) Fillmore Street, in the NC-3 District 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.
- (c) **Definitions.**

"Active commercial uses" shall include those uses specifically identified below in Table 145.4, and:

 - (1) Shall not include uses oriented to motor vehicles except for automobile sale or rental 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 uses except for utility installations; and
 - (3) Shall not include residential care uses as defined in Sections 790.50, 790.51, and 890.50.

Table 145.4

<i>Reference for Neighborhood Commercial Districts</i>	<i>Reference for Mixed Use Districts</i>	<i>Use</i>
790.4	890.4	Amusement Game Arcade
790.6	890.6	Animal Hospital
790.12	890.13	Automobile Sale or Rental (see qualification, above)
790.22	790.22	Bar
N/A	890.23	Business Goods and Equipment Sales and Repair Service
790.34	790.34	Eating and Drinking Use
790.38	890.37	Entertainment, Other
N/A	890.39	Gift Store - Tourist Oriented
790.50, 790.51	890.50	Institutions, Other (see qualification, above)
N/A	890.51	Jewelry Store
790.68	890.68	Neighborhood-Serving Business
N/A	890.69	Non-Auto Vehicle Sales or Rental (see qualification, above)
790.70	890.71	Outdoor Activity Area
790.80	890.80	Public Use (see qualification, above)
790.90	790.90	Limited-Restaurant
790.91	790.91	Restaurant
790.102	890.102	Sales and Service, Other Retail
790.104	890.104	Sales and Services, Retail
790.110	890.110	Service, Financial
790.112	890.112	Service, Limited Financial

790.114	890.114	Service, Medical
790.116	890.116	Service, Personal
790.122	790.122	Take-Out Food
790.124	890.124	Trade Shop
790.140	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.

Figure 145.4

- (e) **Modifications.** Modifications to the requirements of this Section are not permitted in DTR Districts. In Neighborhood 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)

AMENDMENT HISTORY

Division (b)(21) added; Table 145.4 amended; Ord. 62-11, Eff. 5/7/2011. Divisions (b)(22) and (b)(23) added; Ord. 35-12, Eff. 3/22/2012. Table 145.4 amended; Ord. 75-12, Eff. 5/23/2012.

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 sunaccess 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

<i>Street</i>	<i>From</i>	<i>To</i>	<i>Side of Street On Which Lots Abut</i>	<i>Maximum Street Wall Height</i>	<i>Sun Access Angle</i>
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	Market	Howard	West	132'	62°
Montgomery					
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)

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)

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 Department of City Planning.

(Added by Ord. 414-85, App. 9/17/85)

SEC. 149. RESERVED.

(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; renumbered by Ord. 108-10, File No. 091275, App. 5/25/2010)

Editor's Note:

Former Sec. 149 was redesignated as Sec. 429 by Ord. 108-10, App. 5/25/2010.