



## BOARD OF APPEALS

Date Filed: July 13, 2020

City & County of San Francisco

# REHEARING REQUEST

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**Matthew Diamond, Appellant(s)** seeks a rehearing of **Appeal No. 20-038** which was decided on **July 1, 2020**. This request for rehearing will be considered by the Board of Appeals on Wednesday, **July 29, 2020**, at 5:00 p.m. **via Zoom Meeting**.

Pursuant to Article V, § 9 of the Rules of the Board of Appeals, the **response** to the written request for rehearing must be submitted by the opposing party and/or Department no later than **10 days from the date of filing, on or before July 23, 2020** and must not exceed six (6) double-spaced pages in length, with unlimited exhibits. The brief shall be double-spaced with a minimum 12-point font size. An electronic copy should be emailed to: [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org) and [julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org)

You or your representative **MUST** be present at the hearing. It is the general practice of the Board that only up to three minutes of testimony from each side will be allowed. Except in extraordinary cases, and to prevent manifest injustice, the Board may grant a Rehearing Request only upon a showing that new or different material facts or circumstances have arisen, where such facts or circumstances, if known at the time, could have affected the outcome of the original hearing.

Based on the evidence and testimony submitted, the Board will make a decision to either grant or deny your request. Four votes are necessary to grant a rehearing. If your request is denied, a rehearing will not be scheduled and the decision of the Board will become final. If your request is granted, a rehearing will be scheduled, the original decision of the Board will be set aside, and after the rehearing, a second decision will be made. Only one request for rehearing and one rehearing are permitted under the Rules of the Board.

**Requestor or Agent (Circle One)**

**Signature:** \_\_\_\_\_

**Print Name:** Filed Electronically by Matthew Diamond

## Rehearing Request

727 Natoma Street

I am requesting a rehearing request for the following reasons.

- 1) At my hearing, it appeared based on the questions the Commissioners asked the Zoning Administrator and the comments made by the Commissioners that they had not read my Brief. Many of the questions they asked and the Code Issues they raised were covered in detail in my Brief.
- 2) Equally unjust is that the Board Members did not direct a single question toward me, the applicant whose case they were hearing. Nor did they offer me an opportunity to comment, rebut or clarify any of the misleading and at times inaccurate information provided by the ZA in answering their questions. There were a total of 13 questions asked during my Hearing and not a single one was directed at me. The only time a board member addressed me directly, I was not permitted a response. My inability to comment, rebut or explain my position indicates a hearing that was way out of balance. The only point of view heard during questioning was the ZAs.
- 3) On the topic of balance, the Board Members spent most of the 3 hours leading up to my case discussing Street Trees and then less than 40 minutes on my case, which is ultimately about **Housing** for San Francisco. While I concede that Street Trees are a nice and important amenity for residents of San Francisco, the city does not have a nationally recognized Street Tree Crisis. It does have a nationally recognized **Housing Crisis**. Nobody is paying as much as 70% of their income toward Street Trees, but they are doing so for **Housing**. I would think city Commissioners would spend just a little more time discussing a case that could add **Housing** and help relieve the current **Housing Crises** rather than on city amenities. My end goal has always been to add quality Housing Units to the city and to protect my Existing Long Term Tenants so I've been surprised that all I've received from the Planning Department is resistance.
- 4) Finally, it's worth noting that almost equal time was spent discussing a postponement request for a 3-4 year old appeals case as was spent on hearing my entire case. At least during the postponement hearing questions were asked of all parties, not just the ZA. Upon review, it seems that every applicant for every case heard was asked questions by

the Board Members except for me. Had the Board Members allowed me time to address the same questions that they had asked the ZA or had I been given any opportunity to speak beyond the 10 minutes allotted for making my case and my rebuttal, I could have corrected some of the answers given during my Hearing. It seems unjust not to give equal time to both parties.

### Corrections and Clarifications

- 1) The ZA stated that our Rear Yard Setback is based on the Main Building rather than on the Upper Floors, which have a 9'-0" Front Setback. However, he provided no PCS (Planning Code Section) to support this decision. To the best of my knowledge, there is no PCS that determines which part of a building is used to determine the Rear Yard Setback if there is a Front Yard Setback that can be used as credit. Contrary to the ZA's assertion, PCS 134 states that the Rear Yard Setbacks should be a continuation of the established neighborhood context, which in our case would suggest little to no Rear Yard Setback. I would ask the ZA to provide a PCS to support this claim.
- 2) The ZA states that there is **NO DENSITY LIMIT** in our Zoning District, then goes on to use density as a reason to turn down our Variance Request at multiple times and for multiple reasons. While it is true we are doubling our DU (Dwelling Unit) Count, we are also more than doubling the size of our building.
- 3) The ZA states that we are building 1 DU per 194sf of Lot Area, which is true, but as stated by the ZA there is **NO DENSITY LIMIT** in our Zoning District. Additionally, while 1298 Howard Street as a whole has a lower density limit, Building #3 has 22 DUs and has a Lot Size of 30x160 or 4,800sf. That gives them a DU density of 1 DU per 218sf of Lot Area. That is only 24sf less than we are proposing.
- 4) The ZA states that we don't meet the Code Requirements on Site without providing any PCS to reinforce that claim. In my Brief I provided several PCS to show that we do in fact meet code on many of these topics. Taking the ZA's word that things do or don't meet Code without asking for specifics or allowing me to rebut his claim or quote actual PCS is a clear injustice.

- 5) The ZA states the Quality of the Open Space & Exposure is sub-standard. Again, no PCS is provided to substantiate this claim and opinions are no substitute for Code. The ZA also stated that our Property would be overbuilt, again without a PCS to substantiate. However, as stated by the ZA there is **NO DENSITY LIMIT** in our Zoning District. If density is such an issue than why is every other property on our side of the block 50' tall or more with no Front Setback and almost no Rear Yard Setback? Those properties are built much denser than we are. They may have fewer units per Lot Size, but their density is much higher than ours. I would ask the ZA why we are considered overbuilt but they are not?
- 6) The ZA states that they have reduced Exposure Requirements over the years down to 9'x9', specifically for ADUs. One of our schemes provided a 9' Deep Setback from Basement to Rooftop, without a slope, but it was denied. Also, why are ADUs granted reductions that regular DUs are not? Are people living in ADUs specially adapted to living in smaller spaces with less light and air? Also, why is the ZA granted the power by the Code to reduce or eliminate the Exposure and Open Space requirements if he is not going to use it?
- 7) VP Honda asked the ZA what our max building envelope would be given our small lot size. The ZA answered that we are at and exceeding our max building envelope due to the Rear Yard Setback at the Upper Floors. Once again this ignores the Densities and Rear Yard Setbacks for the entire Block our Property is located within. Every other property is significantly taller, deeper and doesn't have a Front Setback making every single one of them denser than ours. Variance Finding #3 would prevent him from denying us the same rights as other properties in our Zoning District. How can the ZA justify denying us the same right to density that he has granted time and again to our neighboring properties?
- 8) The ZA stated that the Upper Floor Units were granted a Variance while the Basement Units were denied a Variance based on his "Opinion" of the quality of the light and air. Opinions are not Code Requirements. Is there a PCS that grants the ZA the power to make decisions based on his personal opinion?
- 9) Both the ZA and Commissioner Tanner suggested extending the Ground Floor DUs into the Basement to enlarge them. As stated in my Brief and my Presentation, we have Existing, Long Term, Protected Tenants living in our Existing DUs. Demolishing their units to make them larger or smaller would mean our Tenants couldn't return

to their homes after the project is complete. While some people might be ok with removing those tenants from our building, we are not and so we have worked diligently to protect their units from either scenario to ensure they can return.

- 10) The ZA states that we have only one DU with windows facing on to Natoma Street. This would indicate that the ZA is not basing his opinions off of the most recent Set of Drawings provided to the Planning Department or from our Alternate Exposure Scheme. We have revised to plans so that both Basement Units have multiple Clerestory Windows facing on to Natoma Street. Our Alternative Design expands those windows to meet the Code Requirement for Window size.
- 11) Commissioner Swig stated that if we get rid of our Basement DUs than we have our project. The Basement DUs are part of our Project, so we don't have our project without them. We have Long Term, Protected Tenants in our Existing Units who will return post construction. Their combined rent amounts to less than \$2,000 a month. Without the Basement DUs to help offset the cost of remodeling their existing units or dramatically increasing their rent, which we won't do, we will not be able to afford to build the project with just the Upper Units. While that might not be a concern for the Commissioners, it is very much our concern and the concern of our Long Term Tenants.
- 12) Commissioner Tanner asked the ZA how much depth would be required in an Alternative Scheme to meet the requirements. The ZA responded that we would need a full Rear Yard, 17 feet and that it wasn't feasible for the Project. He's right, we can't meet the requirements of the Code, which is why we applied for a Variance. The Variance Process is meant to allow deviations from the Code Requirements when Existing Conditions at the Property present Substantial Hardship. I'd say going from an Existing 6'-4" Setback to a 17' Setback would be considered a Substantial Hardship. Additionally, no other property on our block has a code compliant Rear Yard Setback. The average setback is about 8 feet.
- 13) The ZA stated that for an Outer Court we would need a 25'x25' space that expanded 5' for every floor it went up. That is incorrect. PCS 140(a)(1) states, "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;" I believe the ZA was confusing "Outer" Courts

with “Inner” Courts which do have the 25’x25’ requirement per PCS 140(a)(2). Commissioner Tanner sought to reinforce this at one point by restating it to me, but she did not give me an opportunity to correct the information provided by the ZA.

- 14) The ZA stated our Density was related to Variance Finding #2 and that the upper floors alone would give us a density consistent with the neighborhood. This is inaccurate as our density is lower than our neighboring properties and as stated by the ZA there is **NO DENSITY LIMIT** in our Zoning District. The ZA also states that we don’t meet Variance Finding #3 as we are asking for a higher Density than our neighbors, but the same evidence can be used to dispute that claim as well.
- 15) The ZA touched on the fact that Roof Decks don’t qualify as Open Space in the Western SOMA SUD. While I’m not trying to use that Open Space in our calculation, I would ask the ZA why that rule applies in our area, but not in any other? Our Roof Deck would otherwise meet the Open Space Requirement.
- 16) During my rebuttal I addressed the Front Exposure Scheme in a little more detail and I addressed the Density on our Block. I also asked the ZA directly about the Front Exposure Scheme meeting Code and meeting the Open Space Requirement with our Alternative Schemes.
- 17) The ZA stated that Clerestory Windows don’t meet the Exposure Requirement based on the height of the windows. He stated Clerestory Windows have to be within 7’-6” of the floor level. This not only flies in the face of PCS 140, HCS 503 and 504 (Housing Code Section) and BCS 401(Building Code Section), but windows below or up to 7’-6” would hardly be considered Clerestory. Additionally, HCS 504 allows Skylights to be used to satisfy the Exposure Requirement, so why wouldn’t Clerestory Windows. The windows, wherever they are, are intended to let in Light and Air. They are not intended to provide Views of any kind. Why does it matter what height they are at if they provide the requisite Light and Air? Finally and most importantly, when I asked our Planner to provide a PCS that states Clerestory Windows must be below 7’-6”, she could not. I would ask the same question of the ZA.
- 18) As part of the Clerestory Window discussion the ZA stated that the Grade of our street would not work with Clerestory Windows. Natoma Street is flat on our block.

- 19) VP Honda asked the ZA if the previous property owners could have appealed the approval for 1234 Howard Street when it was applied for. As stated in my Brief, PCS 134(e)(B) & (C) prevent the Planning Department from approving projects that harm their neighbors light and air and views and adversely affect the interior block open space. Several Variance Findings and Planning Code Priority Policies are meant to do the same. Regardless of an owners appeal, objection or consent, all of these PCS's and Variance Findings were ignored in the approval of 1234 Howard Street.
- 20) The ZA stated that the development of 1234 Howard didn't impact the Existing Use of our Property at the time it was approved. There are 2 problems with this statement. First, Variance Findings extend to preventing harm from future development of adjacent properties. Second, if the Planning Department and ZA decided that the Open Space being used by 4 DUs at the time was sufficient, than why now is that exact same Open Space insufficient for only 2 DUs to use?
- 21) The ZA stated that 1234 Howard Street was unique in that it is a Through Lot that spans the Block from Natoma to Howard. He also intimated that it was a product of it's time. However, both statements are false, because at the 1298 Howard Street Development, Building #3 (previously referenced) is a Through Lot, spanning the Block from Natoma to Howard and it's currently under construction. At 48 feet tall it will have an identical impact on its neighboring 2 story building with a small Rear Yard.
- 22) VP Honda intimated that we knew we were working with a small substandard Lot and should have designed a lower density project. First, our substandard lot is one of our Hardships. Second, I've been working with the Planning Department on this project for over 4 years!!! They have been involved in every design decision, tweak and change throughout. They have more or less dictated a significant number of the design changes for the project. Density was never, ever mentioned as an issue. Third, like the ZA stated, our Planners were aware that there is **NO DENSITY LIMIT** in our Zoning District. If they didn't consider Density to be an issue, why would I have?

DOCUMENTS SUBMITTED FOR THE JULY 1, 2020 BOARD HEARING

**BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO**

Appeal of  
MATTHEW DIAMOND, )  
Appellant(s) )  
vs. )  
ZONING ADMINISTRATOR, )  
Respondent )

Appeal No. **20-038**

**NOTICE OF APPEAL**

**NOTICE IS HEREBY GIVEN THAT** on May 27, 2020, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on May 22, 2020, of a Variance (the proposal is to (1) construct a two-story, vertical addition, rear decks, and staircase, (2) excavate the basement to create a full-story height floor, and (3) add five dwelling units to the existing two-story four-unit residential building. Three new units will be in the new third and fourth floors, and two new units will be constructed within the basement; a portion of the of the proposed vertical addition and the rear decks are located within the required rear yard and therefore need a variance; no open space is provided for the two units proposed at the basement level and therefore an open-space variance is required; the proposed units at the basement level face onto a noncomplying rear yard that is 6 feet and 4 inches in depth and therefore an exposure variance is required; the Zoning Administrator granted the rear yard variance and denied the open space and exposure variances.) at 727 Natoma Street.

**APPLICATION NO. 2019-001033VAR**

**FOR HEARING ON July 1, 2020**

Address of Appellant(s):

Address of Other Parties:

Matthew Diamond, Appellant(s) 16 Canyon Crest Court Frisco, TX 75034	N/A
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Date Filed: May 27, 2020

**CITY & COUNTY OF SAN FRANCISCO  
BOARD OF APPEALS**

**PRELIMINARY STATEMENT OF APPEAL**

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I / We, **Matthew Diamond**, hereby appeal the following departmental action: **ISSUANCE of Variance No. 2019-001033VAR** by the **Zoning Administrator** which was issued or became effective on: **May 22, 2020**, for the property located at: **727 Natoma Street**.

**BRIEFING SCHEDULE:**

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: **June 11, 2020, (no later than three Thursdays prior to the hearing date)** and may be up to 12 pages in length, double-spaced, with unlimited exhibits (minimum 12 point font). The brief must be emailed to [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org), [julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org) and [scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org) by 4:30 p.m. on the due date.

Respondent's and Other Parties' Briefs are due on or before: **June 25, 2020, (no later than one Thursday prior to hearing date)**, and must be sent via email to [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org), [julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org) and [mattldiamond@hotmail.com](mailto:mattldiamond@hotmail.com).

**Only photographs and drawings may be submitted by the parties at the hearing.**

Hearing Date: **Wednesday, July 1, 2020, 5:00 p.m. via the Zoom platform. An invitation will be sent the Friday before the hearing date.**

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any change to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should submit, via email, any documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

**Please note** that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection online on the Board's website. You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

***If you have any questions please email the Board of Appeals at [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org)***

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**The reasons for this appeal are as follows:**

Reasons shall be provided in the brief.

**Appellant or Agent (Circle One):**

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_



# SAN FRANCISCO PLANNING DEPARTMENT

## Variance Decision

*Date:* May 22, 2020  
*Case No.:* 2019-001033VAR  
*Project Address:* 727 NATOMA STREET  
*Zoning:* RED-MX (Residential Enclave-Mixed)  
Western SoMa Special Use District  
45-X Height and Bulk District  
*Block/Lots:* 3728/032  
*Applicant/ Owner:* Matthew & Jessica Diamond  
16 Canyon Crest Court  
Frisco, TX 75034  
[mattldiamond@hotmail.com](mailto:mattldiamond@hotmail.com)  
*Staff Contact:* Ella Samonsky – 415-575-9112  
[Ella.Samonsky@sfgov.org](mailto:Ella.Samonsky@sfgov.org)

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

### DESCRIPTION OF VARIANCE – REAR YARD, OPEN SPACE, AND EXPOSURE VARIANCE SOUGHT:

The proposal is to 1) construct a two-story vertical addition, rear decks, and staircase, 2) excavate the basement to create a full-story height floor, and 3) add five dwelling units to the existing two-story four-unit residential building. Three new units will be in the new third and fourth floors, and two new units will be constructed within the basement.

**Planning Code Section 134** requires the subject property to maintain a rear yard of 18 feet 9 inches. A portion of the proposed vertical addition to the building and the rear decks are located within the required rear yard. Therefore, a variance is required.

**Planning Code Section 135** requires the subject property to provide a minimum off 80 square feet of open space per dwelling unit. The property contains no useable open space. New private open space is proposed for the three units on the third and fourth floors, but no open space is provided for the two units proposed at the basement level. Therefore, a variance is required.

**Planning Code Section 140** requires the subject property to have qualifying windows of each dwelling unit face directly on an open area meeting the requirements of the Planning Code. The proposed units at the basement level face onto a noncomplying rear yard that is 6 feet 4 inches in depth. Therefore, a variance is required.

### PROCEDURAL BACKGROUND:

1. Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act (CEQA), on **May 8, 2020**, the Planning Department of the City and County of San Francisco determined that the proposed application was exempt from further environmental review under Section 15183 of the CEQA Guidelines and California Public

Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Western SoMa Community Plan and was encompassed within the analysis contained in the Western SoMa PEIR. Since the PEIR was finalized, there have been no substantial changes to the Western SoMa Community Plan and no substantial changes in circumstances that would require major revisions to the Final PEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final PEIR.

2. The Zoning Administrator held a public hearing on **Variance Application No. 2019-001033VAR** on **August 28, 2019**.
3. Neighborhood notice per Planning Code Section 311 has not yet been conducted for the associated building permit application.

### **DECISION FOR REAR YARD VARIANCE:**

**GRANTED**, in general conformity with the plans on file with this application, shown as EXHIBIT A, to construct a two-story vertical addition and rear decks that will extend into the required rear yard of the existing two-story, four-unit residential building, subject to the following conditions:

1. The authorization and rights vested by virtue of this decision letter **shall be deemed void and cancelled** if (1) a Site or Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Site or Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when the issuance of a necessary Building Permit or approval of a Tentative Map or other City action is delayed by a City agency or by appeal of the issuance of such a permit or map or other City action.
2. Any future physical expansion, even in the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale. If the Zoning Administrator determines that there would be a significant or extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new Variance application be sought and justified.
3. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.
4. Minor modifications as determined by the Zoning Administrator may be permitted.
5. The owner of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.

6. This Variance Decision and the recorded Notice of Special Restrictions shall be reproduced on the Index Sheet of the construction plans submitted with the Site or Building Permit Application for the Project, if applicable.

**FINDINGS:**

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

**FINDING 1.**

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

**Requirement Met.**

- A. The subject property is substandard at only 1,875 square feet. The two-story residential building was constructed in 1906 and is a Category A historic resource as a contributor to the National Register-eligible Western SOMA Light Industrial and Residential Historic District. As such, alterations and vertical additions to the building that are visible from the public right-of-way are constrained. While the lot does not have a required front setback, the vertical addition is set back nine feet from the front property line to avoid adverse impacts to the historic resource.
- B. The subject block has no mid-block open space, as properties are built to full or nearly-full lot coverage. The adjacent property to the southwest covers its entire double-frontage lot, presenting a blank property-line wall to the subject property that is two stories taller than the subject buildings.

**FINDING 2.**

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

**Requirement Met.**

- A. Due to the circumstances described above, the buildable area for the vertical addition is reduced by approximately 25% to accommodate both the front setback and the provision of useable open space at the rear. Additionally, the provision of a full rear yard would not benefit an existing mid-block open space. As such, literal enforcement of the Code in this situation would result in a practical difficulty towards the construction of new dwelling units in the vertical addition.

**FINDING 3.**

That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

**Requirement Met.**

- A. Given the size of the lot and the required rear setback, a vertical addition of approximately 2,800 square feet could be constructed. The proposed vertical addition is approximately 2,400 square feet with approximately 400 square feet of decks. Granting this variance will allow the construction of a vertical addition that is respectful of the historic resource, provides new usable open space, and is comparable to the development potential for the lot, which is a substantial property right possessed by other properties in the same class of district.

**FINDING 4.**

That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

**Requirement Met.**

- A. Granting the variance will provide three reasonably sized dwelling units with conveniently accessible open space and will not be materially detrimental to the public welfare or materially injurious to the neighboring properties. The subject block does not have an established mid-block open space, and the adjacent properties at 1230 and 1234 Howard Street have no rear yard at all. The rear decks and vertical addition are sensitively massed away from the side property line with 705 Natoma Street and toward the blank five-story wall of 1234 Howard Street.
- B. The Planning Department determined the vertical addition to be consistent with the Western SoMa Area Plan. The Department received opposition to the proposed project due to the proposed addition covering side property line windows at the front of the lot and concerns of privacy. However, these concerns were not related to the rear yard.

**FINDING 5.**

The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

**Requirement Met.**

- A. This vertical addition is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets some but not all relevant policies, including conserving neighborhood character, and maintaining housing stock.
  1. Existing neighborhood retail uses will not be adversely affected by the proposed project.
  2. The proposed project will be in keeping with the existing housing and neighborhood character. The proposal will preserve the existing four dwelling units on the property.

3. The proposed project will have no effect on the City's supply of affordable housing. It will add three residential units, with the vertical addition, to the City's housing stock.
4. The proposed project does not adversely affect neighborhood parking or public transit.
5. The project will have no effect on the City's industrial and service sectors.
6. The proposed project will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake.
7. The project will have no effect on the City's landmarks or historic buildings. It is designed to be compatible with the Category A historic resource building.
8. The project would not affect any existing or planned public parks or open spaces.

### **DECISION FOR EXPOSURE AND OPEN SPACE VARIANCES:**

**DENIED**, in general conformity with the plans on file with this application, shown as EXHIBIT A to construct two dwelling units in the basement of the existing two-story, four-unit residential building.

### **FINDINGS:**

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

#### **FINDING 1.**

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

#### **Requirement Met.**

- A. The subject property is substandard at only 1,875 square feet. The two-story residential building was constructed in 1906 and is a Category A historic resource as a contributor to the National Register-eligible Western SOMA Light Industrial and Residential Historic District. As such, alterations and vertical additions to the building that are visible from the public right-of-way are constrained. While the lot does not have a required front setback, the vertical addition is set back nine feet from the front property line to avoid adverse impacts to the historic resource.
- B. The subject block has no mid-block open space, as properties are built to full or nearly-full lot coverage. The adjacent property to the southwest covers its entire double-frontage lot, presenting a blank property-line wall to the subject property that is two stories taller than the subject buildings.

**FINDING 2.**

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

**Requirement Not Met.**

- A. Residential Density in the RED-MX District is controlled by the permitted building volume created by height, bulk, setbacks and other development standards such as residential exposure and useable open space. Development below grade is not controlled by height, bulk or setback controls. However, requirements for exposure and open space still apply to new dwelling units.
- B. The subject property contains a noncomplying two-story, 23-foot tall, 3,195 square-foot, four-unit building that occupies almost the entire lot. The rear yard, at 6 feet 3 inches, is severely substandard and there is no useable open space provided for the existing units. The project would more than double the size of the development on a lot, resulting in a four-story, 43-foot tall, 7,111 square-foot, nine-unit building. Without the basement, the project could construct a 5,483 square foot, four-story, 43-foot tall, seven-unit building, which is close to the maximum envelope permitted by the Planning Code controls. Furthermore, at seven dwelling units, the proposed project would have a residential density (one dwelling unit per 268 square feet of lot area) is similar to the highest density residential zoning district. The addition of two substandard dwelling units within the basement would represent an overdevelopment of the lot. It is the applicant's proposal to excavate the basement beneath the noncomplying building for the construction of new dwelling units that creates the hardship or difficulty meeting the exposure and open space requirements. Development of additional dwelling units can be accommodated, as is proposed, through the construction of a vertical addition above the noncomplying two-story building. As such, the literal enforcement of the exposure and opens provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

**FINDING 3.**

That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

**Requirement Not Met.**

- A. As discussed in Finding 2 above, the proposed vertical addition will result in a reasonable amount of overall development for this substandard property. Providing two severely substandard dwelling units in the basement is not necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

**FINDING 4.**

That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

**Requirement Not Met.**

- A. The existing 6 foot 3 inch rear yard, which is proposed to provide both the open space and exposure for the two proposed basement units, does not visually or physically connect to any other open spaces. Furthermore, the rear yard is enclosed by an approximately 32-foot wall to the east, 26-foot wall to the south and 58' wall to the west. Granting the variances would therefore create two dwelling units with significantly substandard exposure to light and air and access to open space, which would be detrimental to the public welfare.
- B. Considering the existing substandard residential development on the subject property, the Planning Department found that exacerbating these deficiencies and further lowering the overall quality of the housing stock by permitting residential development in the basement level was not consistent with the Western SoMa Area Plan.

**FINDING 5.**

The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

**Requirement Not Met.**

- A. This addition of two dwelling units at the basement level is **not** consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.
  - 1. Existing neighborhood retail uses will not be adversely affected by the proposed project.
  - 2. The proposed project will **not** be in keeping with the existing housing and neighborhood character. The project would construct two basement-level units with substandard exposure to light and air and no access to useable open space.
  - 3. The proposed project will have no effect on the City's supply of affordable housing.
  - 4. The proposed project does not adversely affect neighborhood parking or public transit.
  - 5. The project will have no effect on the City's industrial and service sectors.
  - 6. The proposed project will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake.
  - 7. The project will have no effect on the City's landmarks or historic buildings.
  - 8. The project would not affect any existing or planned public parks or open spaces.

The effective date of this decision shall be either the date of this decision letter if not appealed, or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

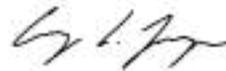
Once any portion of the granted variance is used, all specifications and conditions of the variance authorization become immediately operative.

**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

**APPEAL:** Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 1650 Mission Street, 3<sup>rd</sup> Floor (Room 304) or call 575-6880.

Very truly yours,



Corey A. Teague, AICP  
Zoning Administrator

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THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OCCUPANCY. PERMITS FROM APPROPRIATE DEPARTMENTS MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

# APPELLANT'S BRIEF

**Variance Decision Appeal Brief**  
**727-731 Natoma Street**

06/11/2020

Good Day to you Members of the Board of Appeals,

This Brief will serve as our Appeal of the Variance Decision rendered by the Zoning Administrator in regards to our application for an Open Space and Exposure Variance for our proposed development project. Please reference the accompanying Exhibits, Index of Exhibits and Description of Exhibits attached to this Brief. Please also keep the Variance Decision Letter {Exhibit 0} and The Variance Submittal Drawing Set {Exhibit 1} close at hand as you read the Brief. I do not make individual reference to them in the Brief. My goal for this Brief is that the Members of the Board will take one of the following actions at the conclusion of this Appeal:

- 1) Overturn the ZA's Decision to deny our Open Space & Exposure Variance Request.
- 2) Overturn the ZA's Decision to deny our Open Space & Exposure Variance Request with modest design changes relating to one of the proposed Alternative Schemes.
- 3) Overturn the ZA's Decision to deny our Open Space & Exposure Variance Request with modest design changes proposed by the Board or the Zoning Administrator.

I will begin this Brief by providing some clarification for the **DESCRIPTION OF VARIANCE** being requested as described by the ZA on page 1 of his Variance Decision Letter.

***The proposal is to 1) construct a two-story vertical addition, rear decks and staircase,***

This is somewhat misleading because it makes it sound like we are creating multiple additions when in fact the Rear Decks and Staircase are part of the two-story Vertical Addition and are not separate design elements. The Staircase referenced in the letter is a required extension of the Existing Staircase and the Staircase as a whole is required as a Means of Egress for the building.

***2) Excavate the basement to create a full-story height floor,***

This is misleading because it makes it sound like we are undertaking a major excavation in order to create a full height Basement. The Existing Basement is nearly head height already at 5'-7" and requires only a small 1'-11" excavation in order to meet code. Admittedly we are excavating an additional foot, but that is to provide a more generous ceiling height for future residents, not as a requirement of the code.

***3) add five dwelling units to the existing two-story four-unit residential building. Three new units will be in the new third and fourth floors and two new units will be constructed within the basement.***

This statement, while technically accurate, is light on relevant details about the units being created. The 5 New Dwelling Units we are proposing are part of a balanced mix of 9 total Dwelling Units for the Property. We are proposing three 1 Bedroom Units, five 2 Bedroom Units and one 3 Bedroom Unit. Our goal is to provide the neighborhood with Dwelling Units for people from all walks of life; from single individuals to couples to families. The ZA's Decision Letter also left out that three of our Dwelling Units house long term residents who will continue their tenancy in brand new updated apartments. While we view keeping our long term residents on as our responsibility, it significantly impacts the income we can generate to cover the costs of construction, property taxes, insurance, mortgage, maintenance, utilities, etc... Unfortunately, that means our project may not be financially viable without the inclusion of the Basement Dwelling Units.

***Planning Code Section 134*** requires the subject property to maintain a rear yard of 18 feet 9 inches. A portion of the proposed vertical addition to the building and the rear decks are located within the required rear yard.

*Therefore, a variance is required.*

This code analysis is inaccurate because it fails to take into account Planning Code Section 823(c)(1)(A) {Exhibit PCS 1}, which provides a Rear Yard Setback credit for any Front Yard Setback provided in a RED-MX District. That code section reduces our Rear Yard requirement by 9'-0" from 18'-9" to 9'-9". With that setback

no part of the proposed building envelope for the 2 story addition is built within the required Rear Yard and only a small portion of the Rear Decks are built within the required Rear Yard. Additionally, this code analysis ignores the stated purpose of Planning Code Section 134 {Exhibit PCS2} regarding Rear Yard Setbacks. It states, “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.” Our block has no midblock, landscaped open spaces and the adjacent buildings are built right up to the shared property lines. Even at 9’-9”, our property would have one of the deepest setbacks on the block, as seen in the Aerial Photos {Exhibit 2&3}.

***Planning Code Section 135** requires the subject property to provide a minimum of 80 square feet of open space per dwelling unit. The property contains no useable open space. New private open space is proposed for the three units on the third and fourth floors, but no open space is provided for the two units proposed at the basement level. Therefore, a variance is required.*

This statement is inaccurate in several instances. First, the Subject Property does contain Existing Open Space. There is an Existing 6’-4” deep Rear Yard that is 25’ wide, which provides 160sf of Existing Open Space for the Existing Property. Second, we have proposed utilizing the 160sf of Existing Open Space for the proposed Basement Dwelling Units, so there is Open Space provided. Planning Code Table 847 {Exhibit PCS3} requires 80sf of Common or Private Open Space per Dwelling Unit and we are providing 160sf. The reason we require an Open Space Variance isn’t that we don’t provide Open Space, it’s that Planning Code Section 135(f) & (g) {Exhibit PCS4} requires that if the Open Space is on the ground it must be either 10’ (if Private) or 15’ (if Common) in every horizontal dimension and our Open Space is 6’-4” x 25’-0”. We have provided Alternative Schemes {Exhibits AS1-5} that provide anywhere from 9 to 11 feet of depth for the Open Space, some of which meet the Private Open Space Requirement. Those Alternative Schemes were rejected by the ZA as insufficient.

*Planning Code Section 140* requires the subject property to have qualifying windows of each dwelling unit face directly on an open area meeting the requirements of the Planning Code. The proposed units at the basement level face onto a noncomplying rear yard that is 6 feet 4 inches in depth. Therefore, a variance is required.

This interpretation of the code requirement is open to interpretation based on various Planning Code Sections. Saying the proposed Basement Units face onto a non-complying Rear Yard may not be accurate as that space may not be considered a Rear Yard. Nor is a Rear Yard the only type of Open Space Dwelling Units can face in order to meet the Exposure Requirement. Planning Code Section 140(a)(1)&(2) {Exhibit PCS5} allows Dwelling Units to face on to a 'Court' in order to satisfy the Exposure requirement and our Basement Level Open Space meets the definition of a 'Court' as it's defined in Planning Code Section 102.Definitions.Court {Exhibit PCS6}. Conversely, 'Yard' is not defined by the Planning Code. However, Planning Code Section 134(a)(1)(E) {Exhibit PCS2} states that for our Zoning District, RED-MX, Rear Yards must be provided at the 'ground level', and at each succeeding level or story of the building. That would seem to indicate that the Rear Yard for our Property is only required from the Ground Floor up and not at the Basement, and that the Open Space at our Basement would be considered a Court rather than a Rear Yard. A good Case Study for this condition exists at the property next door to ours at 705 Natoma Street, The Canon Kip Center. That building has a Basement and Basement Courtyard, which are located below the Ground Floor and Rear Yard. If our Basement Open Space is a 'Court', we have in fact fulfilled the Exposure requirement of the Planning Code with the proposed rear window and glass doors at the rear of the proposed Basement Dwelling Units.

I will now turn the attention of this Brief to Page 5 of the Variance Decision Letter and the Section titled **DECISION FOR EXPOSURE AND OPEN SPACE VARIANCE:**. These are the Variance Requests that were Denied by the Zoning Administrator. There are 5 Findings the ZA must determine are sufficient in order to grant a Variance. Per the Letter, Finding 1 was met, but Findings 2-5 were not. I address the Zoning Administrator's findings below.

**Finding 2:** States that the project does not meet the requirement for a Variance because **1) we are creating our own hardship by proposing Basement Dwelling Units, 2) there is a lack of open space and exposure and 3) because of its density.**

**Item 1)** The assertion that we are creating our own Unnecessary Hardship by proposing Basement Dwelling Units is an unreasonable premise. Unnecessary Hardships are based on existing Extraordinary Circumstances of the property which result in an Unnecessary Hardship in fulfilling the literal requirements of the Planning Code. The idea that by proposing Dwelling Units an applicant is creating an Unnecessary Hardship is a concept that could invalidate the entire Variance Process. By that rationale our New Upper Floor Addition should be denied a Variance from the Rear Yard Setback because we are proposing those New Upper Floors and therefore creating the Unnecessary Hardship that necessitates the Variance. This type of reasoning would result in the denial of virtually all Variance Requests.

The Exceptional and Extraordinary Circumstances that are actually present at our property and result in Unnecessary Hardships are 1) a Substandard Lot Size that limits our Buildable Envelope, 2) our status as a Historical Resource that requires a Front Yard Setback at the new Upper Floors, further limiting our Buildable Envelope, 3) our Existing non-conforming Rear Yard Setback that limits our access to light and air and 4) that there is no Mid-Block Open Space and the neighboring properties on all sides are built up to their property lines, which also limits our access to light and air. All four of these Extraordinary Circumstances are reiterated by the ZA in **Finding 1A&B** and **Finding 4A** in the preceding Section **DECISION FOR REAR YARD VARIANCE:** .

**Item 2)** Using a shortage of light and air as a rationale to deny our Open Space and Exposure Variance Requests represents an unjust double standard, because the Planning Department approved the construction of the neighboring buildings that are responsible for the supposed shortage of light and air to our property. The buildings at 705 Natoma {Exhibit 6} and 1234 Howard {Exhibit 7} were approved for construction in 1994 and

2006 under modern Planning Codes. Planning Code Section 134(e)(1)(B)&(C) {Exhibit PCS2} specifically prohibits modifications of Rear Yard Standards if those modifications will impede the access to light and air for adjacent properties. If the light and air at our property was determined to be adequate enough to approve those developments, why then is it considered substandard now? To further that point, the Planning Department recently approved construction of a large development at the end of our block, 1298 Howard Street {Exhibit 4}. Building 3 of that development runs the full depth of the Block from Natoma to Howard right up against the neighboring Property Lines, just as our neighbor at 1234 Howard {Exhibit 7} does. This will result in the same condition for its neighboring property, 757 Natoma Street {Exhibit 5} that our neighboring building created for our property. Per that approval it stands to reason that the quantity and quality of the light and air that reaches 757 Natoma Street {Exhibit 5}, and our property by extension, was considered by the Planning Department to be adequate and acceptable.

In regards to the ZA's assertion that we are providing inadequate **Open Space**; we've already demonstrated that we are providing the required 160sf of Open Space at the Basement Court. We expanded on that existing Open Space by setting back the Rear Walls of the Basement Dwelling Units beneath the Existing Building Envelope, for a total of 8'-4" of depth, in order to provide more breathing room between the Basement Dwelling Units and our neighbor's property line wall. Our goal for the Basement Open Space is to create a Garden Style Court that allows residents of the Basement Dwelling Units to walk out onto their Court directly from their Living Rooms, creating an outdoor extension to their units. In addition to the required Open Space, we are providing a large Roof Deck/Garden for use by all Dwelling Units in the building. We have also proposed several Alternative Schemes {Exhibits 1-5} for consideration, each of which provides additional Open Space for the Basement Dwelling Units. The ZA has rejected them all. Given that our 6'-4" setback would meet the Open Space requirement if it were located anywhere on the property other than the Court and given that our existing setback was originally used as Open Space for four units, but is now only going to be used for two units and given

that we've proposed Alternative Schemes that expand the setback and even meet the 10' requirement for Private Open Space and given that the ZA has rejected every effort to meet the code; we are asking the Appeals Board to step in and Reverse the ZA's Decision to deny our Open Space Variance Request.

The ZA has stated that he feels that the light and air provided at the rear of the Basement Units is insufficient to satisfy the **Exposure** requirement. As previously mentioned, this flies in the face of previous Planning Department approvals that had determined that the light and air that reached our property was sufficient. Additionally, if our postulate that the Basement Open Space is considered a Court and not a Rear Yard, then the glass doors and windows at the Rear of the Basement Dwelling Units would satisfy the code requirement for Exposure. We've also provided every room in the Basement Dwelling Units with windows and access to light and air. Finally, it's worth noting that the Clerestory Windows at the front of the Basement Dwelling Units face directly onto Natoma Street and could be used to satisfy the code requirement for Exposure at the front of the units. In fact, on several occasions we have proposed an Alternative Exposure Scheme {Exhibit AS6} that would satisfy the Exposure requirement using those Clerestory Windows. I was told by our Planner that the ZA had rejected our Alternative Exposure Scheme {Exhibit AS6A} and that it would not be approved. No specific Planning Code Sections were cited, despite my inquiring why the design did not meet code. I also provided a complete Front Exposure Code Analyses {Exhibit AS6B} breaking down all the relevant code sections: Planning Code Section 140 {Exhibit PCS5}, Housing Code Section 503{Exhibit HCS1}, Housing Code Section 504{Exhibit HCS2} and Building Code Section 401.Definitions {Exhibit BCS1}.

Finally, Planning Code Section 307(h)(B) {Exhibit PCS7} provides the ZA authority to provide complete or partial relief from the Dwelling Unit Exposure requirement for Historic and Contributing Buildings. Planning Code Section 307(l)(B) {Exhibit PCS7} also allows the ZA to grant relief from the Exposure requirement for Historic and Contributing Buildings if literal enforcement of Section 140 would result in material impairment of the historic resource. Even though Alternative Exposure Scheme {Exhibit AS6A} would allow us to meet the Code

Requirement for Exposure, the small expansion of the Clerestory Windows required at the Front Façade could be seen as a material impairment, which further justifies an Exposure Variance. Planning Code Section 140(c)(1) {Exhibit PCS5} also provides an exception for Historic Buildings and allows the Exposure Requirements to be modified or waived. Given that the quantity and quality of light and air at the rear of our property was determined to be adequate when approving neighboring developments and given that we meet the Exposure requirement if the Basement Open Space is considered a 'Court' and given that we are able to meet the Exposure requirement at the front of the property and given that the Zoning Administrator has authority across multiple Planning Code Sections to grant total or partial relief from the Exposure requirement; we are asking the Appeals Board to step in and Reverse the ZA's Decision to deny our Exposure Variance Request. At most it constitutes a small reprieve from the requirements.

**Item 3)** The issue of density really belongs under **Finding 3** as it relates to 'the preservation of a property right possessed by other properties' and not to 'extraordinary circumstances'. Since it was included in this Section, I will address it here. The ZA states that we are exceeding our Maximum Building Envelope with our proposed design and that without the Basement Dwelling Units we would be at or close to our Maximum Building Envelope. He also argues that seven Dwelling Units would put our density close to the highest density residential zoning district based on our lot size.

Per Planning Code Table 847 {Exhibit PCS3} our Zoning District, RED-MX, does not have a Residential Density Limit. Furthermore, the calculation the ZA is using to determine our Maximum Building Envelope of 5,625sf is based on a four story building with a code complying Rear Yard, but it ignores the possibility of a Basement Level and the obvious fact that not a single building on our block has a code complying Rear Yard {Exhibit 2&3}. As previously noted Planning Code Section 134 {Exhibit PCS2} states that Rear Yard Setbacks should be based on 'established' midblock open spaces, 'maintain' the scale of development and be 'consistent' with the location of adjacent buildings. Using an average of the approximate Rear Yards on our block, our actual

Maximum Building Envelope would be closer to 7,000sf. Again this is without the inclusion of a Basement Level, which would significantly add to that maximum. Therefore, the 5,483sf Building Envelope the ZA is suggesting our property be held to is in fact a substantial denial of our rights under Finding 3, “That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.”

To further that point and by way of example; the development at the end of our block, 1298 Howard Street {Exhibit 4}, which was recently approved and is currently under construction, has an individual building, Building 3, that has the same Zoning as ours, RED-MX. That building is 30’ wide, 165’ deep and is 48’ tall. The building is 18,887sf and contains 22 Dwelling Units. The presumed Lot for that building would be 30’ x 165’ or 4,950sf. Applying the ZA’s formula for Maximum Building Envelope, based on a code complying Rear Yard, you would have a max 14,850sf building. Because that building was granted a Variance from its Rear Yard requirement, it was able to build 4,000sf larger than its code compliant Maximum Building Envelope. Based on the presumed 4,950sf Lot Area, its dwelling unit density is 1 dwelling unit per 225sf, which is far higher than our proposed density of 1 Dwelling Unit per 790sf. It’s also worth noting that many of the rooms within Building 3 do not have windows or access to natural light or ventilation, whereas every room in our Basement Dwelling Units does.

Moreover, the building next to ours, 1234 Howard Street {Exhibit 7}, was built in 2006 and is 33,604sf, while its code complying Maximum Building Envelope would be 24,750sf. The building on our opposite side at 705 Natoma Street {Exhibit 6}, was built around 1994 and is 38,500sf, while its code complying Maximum Building Envelope would be 33,750sf. These are just the three most relevant examples of properties on our block granted densities far greater than would be allowed per code by utilizing Variances granted by the ZA. There are additional examples on our block, but I believe the point is made. Allowing the properties on our block to build beyond their code complying Maximum Building Envelopes, but denying our property that same right is the type

of discriminatory practice Finding 3 was put in place to prevent. Finding 3 is defined as ‘the preservation and enjoyment of a substantial property right possessed by other property in the same class of district’.

**Finding 3:** This finding reiterates the ZA’s arguments about density stated in Finding 2 by claiming that **1) the vertical addition on its own will result in a reasonable amount of overall development for our property** and **2) we are providing “two severely substandard dwelling units in the basement”**.

**Item 1)** In regards to the assertion that the proposed Upper Floor Addition will result in a reasonable amount of overall development, my counterpoint is the same as it was above; if our neighbors are allowed to build beyond their code compliant densities, then we should be given the same consideration. What’s good for the Goose is good for the Gander. Dwelling Unit Density is not limited in our Zoning District and Basement Dwelling Units are common in San Francisco, so neither of those qualify as a rationale to limit the density of development for our property.

**Item 2)** The only code based rationale the ZA has provided for his assertion that the proposed Basement Dwelling Units are ‘severely substandard’ is Open Space and Exposure. I’ve provided a dearth of Planning Code based, site based and practical reasons why those criteria are not valid in denying our Variance Requests. Also as stated multiple times throughout this Brief, the Planning Department created the Extraordinary Circumstances that led to the Unnecessary Hardship our property faces. Our proposed development significantly improves the conditions at our property, provides additional housing to the neighborhood and reduces the number of Dwelling Units utilizing the Basement Court as Open Space by half. We’ve also provided a multitude of alternatives that provide more Open Space, more Exposure, more light and more air at the Basement Court for the Basement Dwelling Units. Limiting our properties development based on conditions the Planning Department and ZA continue to approve for other Properties is an obvious double standard.

**Finding 4:** States that the project will be materially detrimental to the public welfare because of **1) a lack of visual or physical connection to any other Open Spaces** and **2) the Rear Yard is enclosed on all sides by walls that would create Dwelling Units with significantly substandard Exposure to light and air.** The ZA reiterates that **3) the existing residential property is substandard** and that **4) granting the Variance would exacerbate that deficiency and lower the overall quality of housing stock** and that **5) doing so isn't consistent with the Western Soma Area Plan.**

**Items 1, 2 & 3** I've covered ad nauseam in this Brief so I will refer the Board to previous sections for the issues raised in these Items.

**Item 4)** I don't understand how a complete remodel and update for four Existing Dwelling Units along with the addition of three brand new Upper Floor Dwelling Units and two large, brand new Basement Dwelling Units with indoor/outdoor style Living Rooms, their own Private Courts, windows providing ample exposure to light and air throughout and access to a shared Roof Deck/Garden could be considered low quality. If you also consider that we are halving the number of units using the supposedly 'substandard' Basement Open Space, it would appear that rather than exacerbating a deficiency, we're alleviating and improving it.

**Item 5)** Our positive impact on the Western SOMA Area Plan is easily assessed within the 13 Planning Principles listed in the **Introduction to the Western SOMA Area Plan {Exhibit 8}**. We fulfill 8 of the 13 policies and we have no impact on the remaining 5. Briefly summarized we are stabilizing the neighborhood, promoting safety, maintaining the community cultural diversity, maintaining the existing scale and density of the neighborhood, encouraging housing opportunities for seniors, families, youth and children and maximizing general environmental quality and health.

**Finding 5:** States that **1) the project is not consistent with the Planning Codes intent and purpose of promoting orderly and beneficial development because it will construct two Basement Dwelling Units with substandard light and air and no Open Space and is not in keeping with Priority-Planning Policy #2.**

**Item 1)** is really stretching the definition of this priority policy, which states, “That ‘**existing**’ housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;” Nowhere does this Priority Policy mention new housing, let alone the nature or type of new housing. We are obviously conserving and protecting our existing housing units and long term residents, thereby meeting the literal intention of this Priority Policy. However, if you stretch the meaning of this priority policy to include new housing, you must consider that there are dozens, if not hundreds of Basement Units within the Western SOMA Area Plan, making Basement Dwelling Units part of the neighborhood character. If our Basement Dwelling Units have any impact, it will undoubtedly be positive since more Dwelling Units means more residents, more eyes on the street, more people biking, commuting, working, riding public transit, supporting neighborhood retail, restaurants and bars. It’s also an opportunity for lower rent units since Basement Units generally rent for less than comparable Ground, 2<sup>nd</sup> or 3<sup>rd</sup> story units, regardless how nice, new and livable they are. One San Francisco Priority Policy our proposed Dwelling Units do meet is the desperate need for more housing in San Francisco. That Priority Policy received no mention or consideration anywhere in the ZA’s Decision Letter.

Thank you Members of the Board of Appeals for taking the time to read this Brief and consider our Appeal. I look forward to presenting our case to you in two weeks.

Sincerely,

**Matthew Diamond**  
(415) 509-0312  
[mattldiamond@hotmail.com](mailto:mattldiamond@hotmail.com)

## **Index of Submitted Exhibits**

**Exhibit 0 – Variance Decision Letter**

**Exhibit 1 – Variance Submittal Drawing Set**

**Exhibit 2 – Bird’s Eye View of Subject Property within the Block**

**Exhibit 3 – Aerial View of Subject Property within the Block**

**Exhibit 4 – 1298 Howard Street Development Plans**

**Exhibit 5 – Aerial View of 757 Natoma Street & Block Diagram**

**Exhibit 6 – 705 Natoma Street Planning Information**

**Exhibit 7 – 1234 Howard Street Planning Information**

**Exhibit 8 – Western SoMa Area Plan Introduction**

**Exhibit AS0 – Existing Scheme**

**Exhibit AS1 – Alternative Scheme 1**

**Exhibit AS2 – Alternative Scheme 2**

**Exhibit AS3 – Alternative Scheme 3**

**Exhibit AS4 – Alternative Scheme 4**

**Exhibit AS5 – Alternative Scheme 5**

**Exhibit AS6A – Alternative Exposure Scheme**

**Exhibit AS6B – Alternative Exposure Scheme Code Analyses**

**Exhibit AS7 – Ground Floor Dwelling Unit Alternative**

**Exhibit PCS1 – Planning Code Section 823**

**Exhibit PCS2 – Planning Code Section 134**

**Exhibit PCS3 – Planning Code Table 847**

**Exhibit PCS4 – Planning Code Section 135**

**Exhibit PCS5 – Planning Code Section 140**

**Exhibit PCS6 – Planning Code Section 102**

**Exhibit PCS7 – Planning Code Section 307**

**Exhibit HCS1 – Housing Code Section 503**

**Exhibit HCS2 – Housing Code Section 504**

**Exhibit BCS1 – Housing Code Section 401. Definitions**

**Exhibit BSC2 – Wikipedia Definition of Clerestory Window**



# SAN FRANCISCO PLANNING DEPARTMENT

EXHIBIT 0

## Variance Decision

*Date:* May 22, 2020  
*Case No.:* 2019-001033VAR  
*Project Address:* 727 NATOMA STREET  
*Zoning:* RED-MX (Residential Enclave-Mixed)  
Western SoMa Special Use District  
45-X Height and Bulk District  
*Block/Lots:* 3728/032  
*Applicant/ Owner:* Matthew & Jessica Diamond  
16 Canyon Crest Court  
Frisco, TX 75034  
[mattldiamond@hotmail.com](mailto:mattldiamond@hotmail.com)  
*Staff Contact:* Ella Samonsky – 415-575-9112  
[Ella.Samonsky@sfgov.org](mailto:Ella.Samonsky@sfgov.org)

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

### DESCRIPTION OF VARIANCE – REAR YARD, OPEN SPACE, AND EXPOSURE VARIANCE SOUGHT:

The proposal is to 1) construct a two-story vertical addition, rear decks, and staircase, 2) excavate the basement to create a full-story height floor, and 3) add five dwelling units to the existing two-story four-unit residential building. Three new units will be in the new third and fourth floors, and two new units will be constructed within the basement.

**Planning Code Section 134** requires the subject property to maintain a rear yard of 18 feet 9 inches. A portion of the proposed vertical addition to the building and the rear decks are located within the required rear yard. Therefore, a variance is required.

**Planning Code Section 135** requires the subject property to provide a minimum of 80 square feet of open space per dwelling unit. The property contains no useable open space. New private open space is proposed for the three units on the third and fourth floors, but no open space is provided for the two units proposed at the basement level. Therefore, a variance is required.

**Planning Code Section 140** requires the subject property to have qualifying windows of each dwelling unit face directly on an open area meeting the requirements of the Planning Code. The proposed units at the basement level face onto a noncomplying rear yard that is 6 feet 4 inches in depth. Therefore, a variance is required.

### PROCEDURAL BACKGROUND:

1. Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act (CEQA), on **May 8, 2020**, the Planning Department of the City and County of San Francisco determined that the proposed application was exempt from further environmental review under Section 15183 of the CEQA Guidelines and California Public

Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Western SoMa Community Plan and was encompassed within the analysis contained in the Western SoMa PEIR. Since the PEIR was finalized, there have been no substantial changes to the Western SoMa Community Plan and no substantial changes in circumstances that would require major revisions to the Final PEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final PEIR.

2. The Zoning Administrator held a public hearing on **Variance Application No. 2019-001033VAR** on **August 28, 2019**.
3. Neighborhood notice per Planning Code Section 311 has not yet been conducted for the associated building permit application.

### **DECISION FOR REAR YARD VARIANCE:**

**GRANTED**, in general conformity with the plans on file with this application, shown as EXHIBIT A, to construct a two-story vertical addition and rear decks that will extend into the required rear yard of the existing two-story, four-unit residential building, subject to the following conditions:

1. The authorization and rights vested by virtue of this decision letter **shall be deemed void and cancelled** if (1) a Site or Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Site or Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when the issuance of a necessary Building Permit or approval of a Tentative Map or other City action is delayed by a City agency or by appeal of the issuance of such a permit or map or other City action.
2. Any future physical expansion, even in the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale. If the Zoning Administrator determines that there would be a significant or extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new Variance application be sought and justified.
3. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.
4. Minor modifications as determined by the Zoning Administrator may be permitted.
5. The owner of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.

6. This Variance Decision and the recorded Notice of Special Restrictions shall be reproduced on the Index Sheet of the construction plans submitted with the Site or Building Permit Application for the Project, if applicable.

**FINDINGS:**

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

**FINDING 1.**

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

**Requirement Met.**

- A. The subject property is substandard at only 1,875 square feet. The two-story residential building was constructed in 1906 and is a Category A historic resource as a contributor to the National Register-eligible Western SOMA Light Industrial and Residential Historic District. As such, alterations and vertical additions to the building that are visible from the public right-of-way are constrained. While the lot does not have a required front setback, the vertical addition is set back nine feet from the front property line to avoid adverse impacts to the historic resource.
- B. The subject block has no mid-block open space, as properties are built to full or nearly-full lot coverage. The adjacent property to the southwest covers its entire double-frontage lot, presenting a blank property-line wall to the subject property that is two stories taller than the subject buildings.

**FINDING 2.**

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

**Requirement Met.**

- A. Due to the circumstances described above, the buildable area for the vertical addition is reduced by approximately 25% to accommodate both the front setback and the provision of useable open space at the rear. Additionally, the provision of a full rear yard would not benefit an existing mid-block open space. As such, literal enforcement of the Code in this situation would result in a practical difficulty towards the construction of new dwelling units in the vertical addition.

**FINDING 3.**

That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

**Requirement Met.**

- A. Given the size of the lot and the required rear setback, a vertical addition of approximately 2,800 square feet could be constructed. The proposed vertical addition is approximately 2,400 square feet with approximately 400 square feet of decks. Granting this variance will allow the construction of a vertical addition that is respectful of the historic resource, provides new usable open space, and is comparable to the development potential for the lot, which is a substantial property right possessed by other properties in the same class of district.

**FINDING 4.**

That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

**Requirement Met.**

- A. Granting the variance will provide three reasonably sized dwelling units with conveniently accessible open space and will not be materially detrimental to the public welfare or materially injurious to the neighboring properties. The subject block does not have an established mid-block open space, and the adjacent properties at 1230 and 1234 Howard Street have no rear yard at all. The rear decks and vertical addition are sensitively massed away from the side property line with 705 Natoma Street and toward the blank five-story wall of 1234 Howard Street.
- B. The Planning Department determined the vertical addition to be consistent with the Western SoMa Area Plan. The Department received opposition to the proposed project due to the proposed addition covering side property line windows at the front of the lot and concerns of privacy. However, these concerns were not related to the rear yard.

**FINDING 5.**

The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

**Requirement Met.**

- A. This vertical addition is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets some but not all relevant policies, including conserving neighborhood character, and maintaining housing stock.
  1. Existing neighborhood retail uses will not be adversely affected by the proposed project.
  2. The proposed project will be in keeping with the existing housing and neighborhood character. The proposal will preserve the existing four dwelling units on the property.

3. The proposed project will have no effect on the City's supply of affordable housing. It will add three residential units, with the vertical addition, to the City's housing stock.
4. The proposed project does not adversely affect neighborhood parking or public transit.
5. The project will have no effect on the City's industrial and service sectors.
6. The proposed project will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake.
7. The project will have no effect on the City's landmarks or historic buildings. It is designed to be compatible with the Category A historic resource building.
8. The project would not affect any existing or planned public parks or open spaces.

### **DECISION FOR EXPOSURE AND OPEN SPACE VARIANCES:**

**DENIED**, in general conformity with the plans on file with this application, shown as EXHIBIT A to construct two dwelling units in the basement of the existing two-story, four-unit residential building.

### **FINDINGS:**

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

#### **FINDING 1.**

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

#### **Requirement Met.**

- A. The subject property is substandard at only 1,875 square feet. The two-story residential building was constructed in 1906 and is a Category A historic resource as a contributor to the National Register-eligible Western SOMA Light Industrial and Residential Historic District. As such, alterations and vertical additions to the building that are visible from the public right-of-way are constrained. While the lot does not have a required front setback, the vertical addition is set back nine feet from the front property line to avoid adverse impacts to the historic resource.
- B. The subject block has no mid-block open space, as properties are built to full or nearly-full lot coverage. The adjacent property to the southwest covers its entire double-frontage lot, presenting a blank property-line wall to the subject property that is two stories taller than the subject buildings.

**FINDING 2.**

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

**Requirement Not Met.**

- A. Residential Density in the RED-MX District is controlled by the permitted building volume created by height, bulk, setbacks and other development standards such as residential exposure and useable open space. Development below grade is not controlled by height, bulk or setback controls. However, requirements for exposure and open space still apply to new dwelling units.
- B. The subject property contains a noncomplying two-story, 23-foot tall, 3,195 square-foot, four-unit building that occupies almost the entire lot. The rear yard, at 6 feet 3 inches, is severely substandard and there is no useable open space provided for the existing units. The project would more than double the size of the development on a lot, resulting in a four-story, 43-foot tall, 7,111 square-foot, nine-unit building. Without the basement, the project could construct a 5,483 square foot, four-story, 43-foot tall, seven-unit building, which is close to the maximum envelope permitted by the Planning Code controls. Furthermore, at seven dwelling units, the proposed project would have a residential density (one dwelling unit per 268 square feet of lot area) is similar to the highest density residential zoning district. The addition of two substandard dwelling units within the basement would represent an overdevelopment of the lot. It is the applicant's proposal to excavate the basement beneath the noncomplying building for the construction of new dwelling units that creates the hardship or difficulty meeting the exposure and open space requirements. Development of additional dwelling units can be accommodated, as is proposed, through the construction of a vertical addition above the noncomplying two-story building. As such, the literal enforcement of the exposure and opens provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

**FINDING 3.**

That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

**Requirement Not Met.**

- A. As discussed in Finding 2 above, the proposed vertical addition will result in a reasonable amount of overall development for this substandard property. Providing two severely substandard dwelling units in the basement is not necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

**FINDING 4.**

That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

**Requirement Not Met.**

- A. The existing 6 foot 3 inch rear yard, which is proposed to provide both the open space and exposure for the two proposed basement units, does not visually or physically connect to any other open spaces. Furthermore, the rear yard is enclosed by an approximately 32-foot wall to the east, 26-foot wall to the south and 58' wall to the west. Granting the variances would therefore create two dwelling units with significantly substandard exposure to light and air and access to open space, which would be detrimental to the public welfare.
- B. Considering the existing substandard residential development on the subject property, the Planning Department found that exacerbating these deficiencies and further lowering the overall quality of the housing stock by permitting residential development in the basement level was not consistent with the Western SoMa Area Plan.

**FINDING 5.**

The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

**Requirement Not Met.**

- A. This addition of two dwelling units at the basement level is **not** consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.
  - 1. Existing neighborhood retail uses will not be adversely affected by the proposed project.
  - 2. The proposed project will **not** be in keeping with the existing housing and neighborhood character. The project would construct two basement-level units with substandard exposure to light and air and no access to useable open space.
  - 3. The proposed project will have no effect on the City's supply of affordable housing.
  - 4. The proposed project does not adversely affect neighborhood parking or public transit.
  - 5. The project will have no effect on the City's industrial and service sectors.
  - 6. The proposed project will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake.
  - 7. The project will have no effect on the City's landmarks or historic buildings.
  - 8. The project would not affect any existing or planned public parks or open spaces.

The effective date of this decision shall be either the date of this decision letter if not appealed, or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

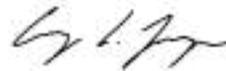
Once any portion of the granted variance is used, all specifications and conditions of the variance authorization become immediately operative.

**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

**APPEAL:** Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 1650 Mission Street, 3<sup>rd</sup> Floor (Room 304) or call 575-6880.

Very truly yours,



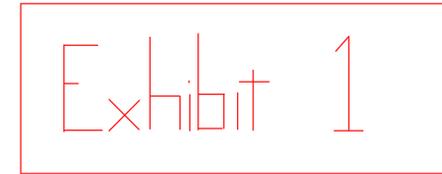
Corey A. Teague, AICP  
Zoning Administrator

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THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OCCUPANCY. PERMITS FROM APPROPRIATE DEPARTMENTS MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

# BUILDING PERMIT FOR RESIDENTIAL REMODEL

727-731 NATOMA STREET  
SAN FRANCISCO, CA 94103



DESIGNER

**ML|DESIGN**

16 Canyon Crest Court  
Frisco TX 75034  
T 415 509 0312  
E mattldiamond@hotmail.com

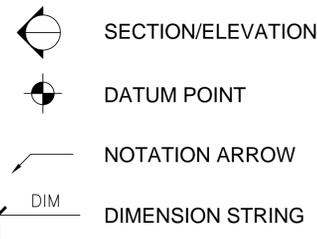
SCALE

NOTES

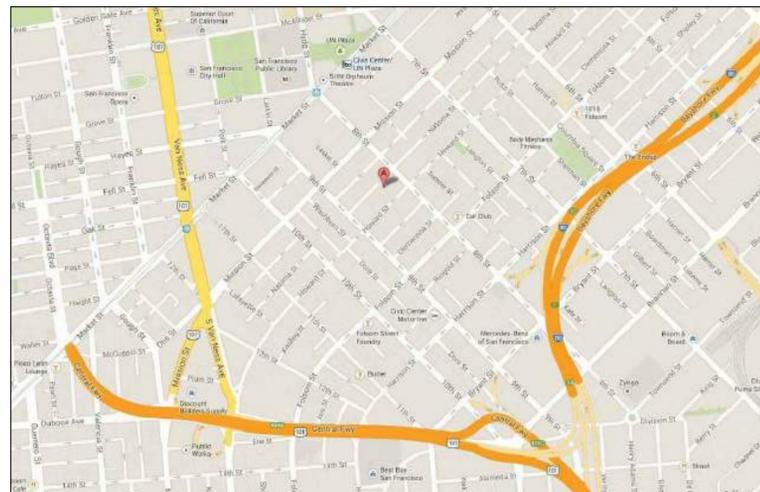
## PROJECT DESCRIPTION

THE PROPOSED REVITALIZATION/REHABILITATION WILL INCLUDE INTERIOR REMODEL, VERTICAL ADDITION, CONSTRUCTION OF NEW DECKS AND ROOF DECK, AND AN ADDITION OF 5 NEW DWELLING UNITS TO AN EXISTING 4-DWELLING UNIT MULTI-FAMILY BUILDING. THE REHAB & REMODEL WILL PROVIDE UPDATED ELECTRICAL, PLUMBING & HVAC SYSTEMS AS WELL AS A NEW FOUNDATION AND SEISMIC UPGRADE. IT WILL ALSO REVITALIZE THE EXISTING FRONT FACADE BY REPAIRING OR REPLACING ALL THE WINDOWS ALONG THE FRONT FACADE (REPLACEMENT WOULD BE WITH NEW IN-KIND DOUBLE-HUNG WOOD WINDOWS) AND REFINISHING AND/OR REPLACING-IN-KIND THE MATERIALS ON THE FRONT FACADE. TWO SMALL MATCHING WOOD WINDOWS WILL BE ADDED AT THE BOTTOM OF THE DIAGONAL FACES OF THE BAYS STARTING AT OR JUST ABOVE GRADE. THE PROPOSED NEW DWELLING UNITS WILL BE ADDED BY EXPANDING THE EXISTING BASEMENT AND ADDING 2 NEW FLOORS ABOVE THAT WILL BE SET BACK AND VISUALLY DISTINCT FROM THE EXISTING FACADE.

## SYMBOLS



## VICINITY MAP



## DRAWING INDEX

### ARCHITECTURAL

A0.0	COVER SHEET
A0.1	SITE PLAN -- EXISTING
A0.2	SITE PLAN -- PROPOSED
A1.0	FLOOR PLANS -- EXISTING
A1.1	FLOOR PLANS -- EXISTING
A2.0	FLOOR PLANS -- PROPOSED
A2.1	FLOOR PLANS -- PROPOSED
A3.0	CONTEXTUAL ELEVATION -- EXISTING
A3.1	CONTEXTUAL ELEVATION -- PROPOSED
A3.2	NORTH ELEVATIONS -- EXISTING & PROPOSED
A3.3	SOUTH ELEVATIONS -- EXISTING & PROPOSED
A3.4	EAST ELEVATION -- EXISTING
A3.5	EAST ELEVATION -- PROPOSED
A3.6	WEST ELEVATION -- EXISTING
A3.7	WEST ELEVATION -- PROPOSED
A3.8	SECTIONS -- EXISTING
A3.9	SECTIONS -- PROPOSED
A10.0	PROPERTY PHOTOS

## PROJECT DATA

ADDRESS: 727-731 Natoma Street  
ASSESSOR'S PARCEL NUMBER: BLOCK: 3728 - LOT: 032  
ZONE DISTRICT: Zoned RED-MX - Residential Enclave - Mixed

INFO	EXISTING	PROPOSED
Type of Construction	Type V-B	Type V-B
Type of Occupancy	Multi-Family	Condominiums
No. of Stories/Basement	2/1	4/1
No. of Units	4 Units	9 Units
Height Limit	45'-0"	45'-0"
Roof Height	25'-9.5"	43'-0"
Usable Open Space	157	800
Roof Deck	0	369

OPEN SPACE	EXISTING	PROPOSED
Basement	157 (common)	207 (common)
Ground Floor	0	25 (not included in total)
Second Floor	0	116 (private)
Third Floor	0	360 (private)
Fourth Floor	0	117 (private)
Roof	0	369 min. (not included in total)
Total	157	800

UNIT MIX	EXISTING	PROPOSED
Studio	1	0
1 Bedroom	1	3
2 Bedroom	2	5
3 Bedroom	0	1

SQUARE FOOTAGES	EXISTING	PROPOSED
Basement	1,600	1,628
1st Floor	1,612	1,593
2nd Floor	1,583	1,493
3rd Floor	0	1,213
4th Floor	0	1,184
Total	4,795	7,111
Addition	2,316	

Property	
Site	1,875
FAR	N/A

## PROJECT DIRECTORY

**CLIENT**  
The Diamond Family

**DESIGNER**  
Matthew Diamond  
Add: 16 Canyon Crest Court  
Frisco, TX 75034  
Tel: 415.509.0312  
Email: mattldiamond@hotmail.com

No.	Date	Title
01	08/01/14	PPA SET
02	05/18/15	ENVIRONMENTAL EVALUATION APPLICATION
03	01/25/16	SITE PERMIT APPLICATION
04	04/03/18	SITE PERMIT APPLICATION REVISIONS 1
05	07/26/18	VARIANCE APPLICATION
06	10/05/18	SITE PERMIT APPLICATION REVISIONS 2
07	04/01/19	SITE PERMIT APPLICATION REVISIONS 3

**727-731 NATOMA STREET**  
PROJECT # 1401

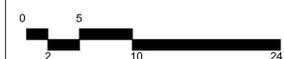
**OWNER**  
MATTHEW & JESSICA DIAMOND  
16 CANYON CREST COURT  
FRISCO, TX 75034

## COVER SHEET

DATE: 06/03/2019  
SCALE: N/A  
DRAWN: MLD  
CHECKED: MLD

**A0.0**

SCALE



NOTES

No.	Date	Title
01	08/01/14	PPA SET
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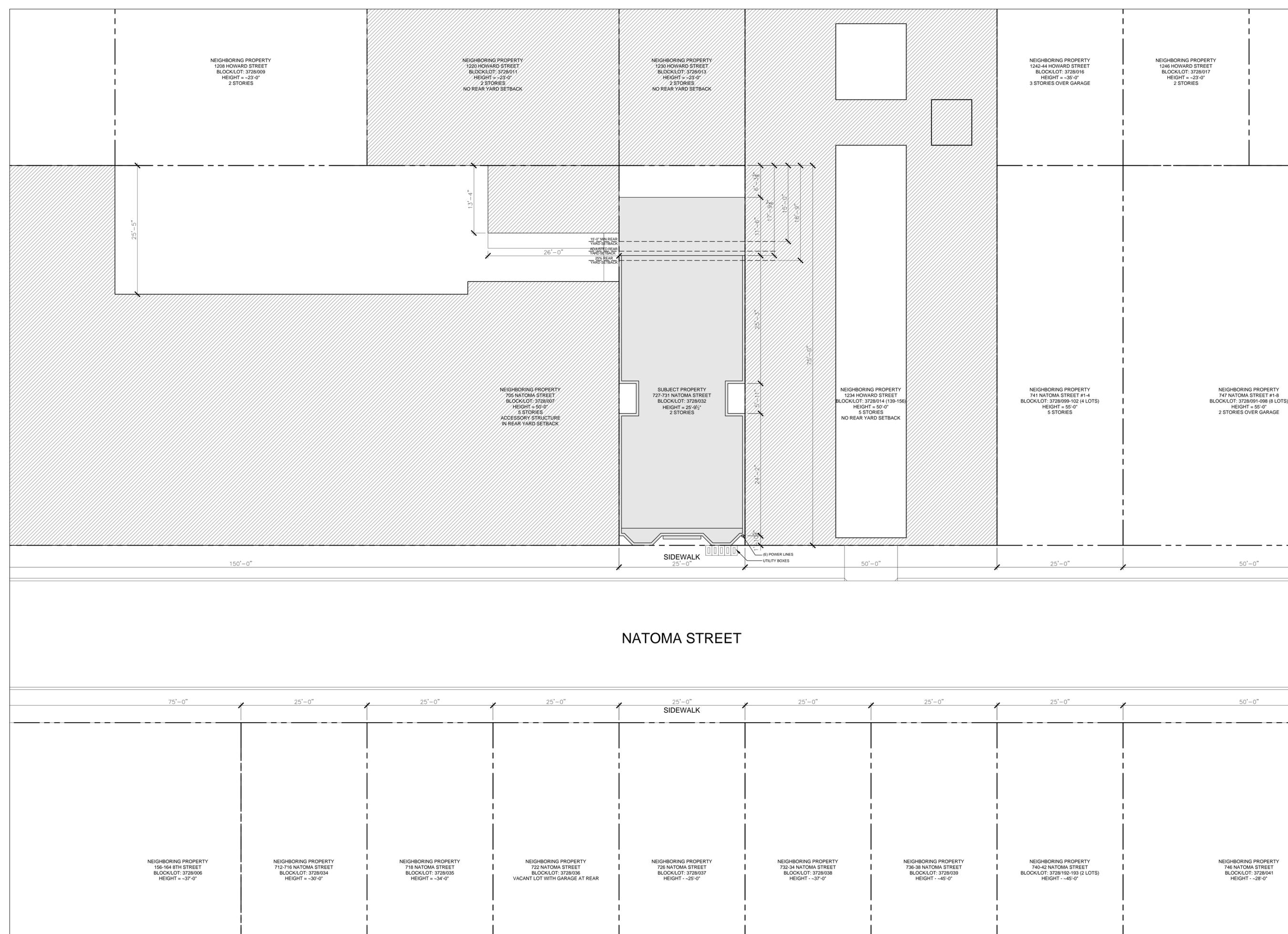
## 727-731 NATOMA STREET

PROJECT # 1401

OWNER  
MATTHEW & JESSICA DIAMOND  
16 CANYON CREST COURT  
FRISCO, TX 75034

### SITE PLAN EXISTING

DATE: 04/01/2019  
SCALE: 1/8" = 1'-0"  
DRAWN: MLD  
CHECKED: MLD



DESIGNER

# ML|DESIGN

16 Canyon Crest Court  
Frisco TX 75034  
T 415 509 0312  
E mattldiamond@hotmail.com

SCALE



NOTES

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07	04/01/19	SITE PERMIT APPLICATION REVISIONS 3

## 727-731 NATOMA STREET PROJECT # 1401

OWNER  
MATTHEW & JESSICA DIAMOND  
16 CANYON CREST COURT  
FRISCO, TX 75034

### SITE PLAN PROPOSED

DATE: 04/01/2019  
SCALE: 1/8" = 1'-0"  
DRAWN: MLD  
CHECKED: MLD

# A0.2

NEIGHBORING PROPERTY  
1208 HOWARD STREET  
BLOCKLOT: 3728/009  
HEIGHT = -23'-0"  
2 STORIES

NEIGHBORING PROPERTY  
1220 HOWARD STREET  
BLOCKLOT: 3728/011  
HEIGHT = -23'-0"  
2 STORIES  
NO REAR YARD SETBACK

NEIGHBORING PROPERTY  
1230 HOWARD STREET  
BLOCKLOT: 3728/013  
HEIGHT = -23'-0"  
2 STORIES  
NO REAR YARD SETBACK

NEIGHBORING PROPERTY  
1242-44 HOWARD STREET  
BLOCKLOT: 3728/016  
HEIGHT = -35'-0"  
3 STORIES OVER GARAGE

NEIGHBORING PROPERTY  
1246 HOWARD STREET  
BLOCKLOT: 3728/017  
HEIGHT = -23'-0"  
2 STORIES

NEIGHBORING PROPERTY  
705 NATOMA STREET  
BLOCKLOT: 3728/007  
HEIGHT = 50'-0"  
5 STORIES  
ACCESSORY STRUCTURE  
IN REAR YARD SETBACK

SUBJECT PROPERTY  
727-731 NATOMA STREET  
BLOCKLOT: 3728/032  
HEIGHT = 43'-0"

NEIGHBORING PROPERTY  
1234 HOWARD STREET  
BLOCKLOT: 3728/014 (139-156)  
HEIGHT = 50'-0"  
5 STORIES  
NO REAR YARD SETBACK

NEIGHBORING PROPERTY  
741 NATOMA STREET #1-4  
BLOCKLOT: 3728/099-102 (4 LOTS)  
HEIGHT = 55'-0"  
5 STORIES

NEIGHBORING PROPERTY  
747 NATOMA STREET #1-8  
BLOCKLOT: 3728/091-098 (6 LOTS)  
HEIGHT = 55'-0"  
2 STORIES OVER GARAGE

150'-0"



NATOMA STREET

75'-0"

25'-0"

25'-0"

25'-0"

25'-0"

SIDEWALK

25'-0"

25'-0"

25'-0"

25'-0"

50'-0"

NEIGHBORING PROPERTY  
156-164 8TH STREET  
BLOCKLOT: 3728/006  
HEIGHT = -37'-0"

NEIGHBORING PROPERTY  
712-716 NATOMA STREET  
BLOCKLOT: 3728/034  
HEIGHT = -30'-0"

NEIGHBORING PROPERTY  
718 NATOMA STREET  
BLOCKLOT: 3728/035  
HEIGHT = -34'-0"

NEIGHBORING PROPERTY  
722 NATOMA STREET  
BLOCKLOT: 3728/036  
VACANT LOT WITH GARAGE AT REAR

NEIGHBORING PROPERTY  
726 NATOMA STREET  
BLOCKLOT: 3728/037  
HEIGHT = -25'-0"

NEIGHBORING PROPERTY  
732-34 NATOMA STREET  
BLOCKLOT: 3728/038  
HEIGHT = -37'-0"

NEIGHBORING PROPERTY  
736-38 NATOMA STREET  
BLOCKLOT: 3728/039  
HEIGHT = -45'-0"

NEIGHBORING PROPERTY  
740-42 NATOMA STREET  
BLOCKLOT: 3728/192-193 (2 LOTS)  
HEIGHT = -45'-0"

NEIGHBORING PROPERTY  
746 NATOMA STREET  
BLOCKLOT: 3728/041  
HEIGHT = -28'-0"

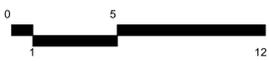
## SITE PLAN

SCALE: 1/8" = 1'-0"

1



SCALE



NOTES

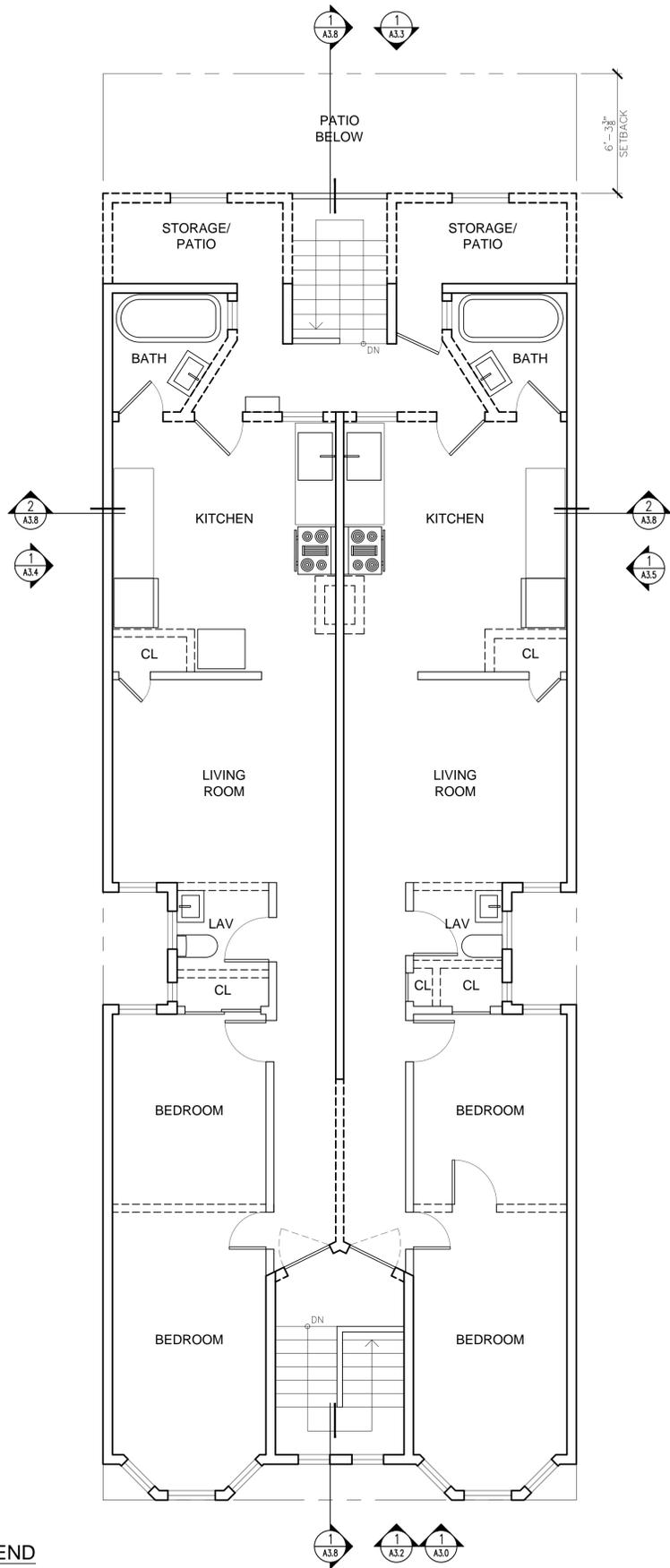
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**727-731 NATOMA STREET**  
 PROJECT # 1401

OWNER  
 MATTHEW & JESSICA DIAMOND  
 16 CANYON CREST COURT  
 FRISCO, TX 75034

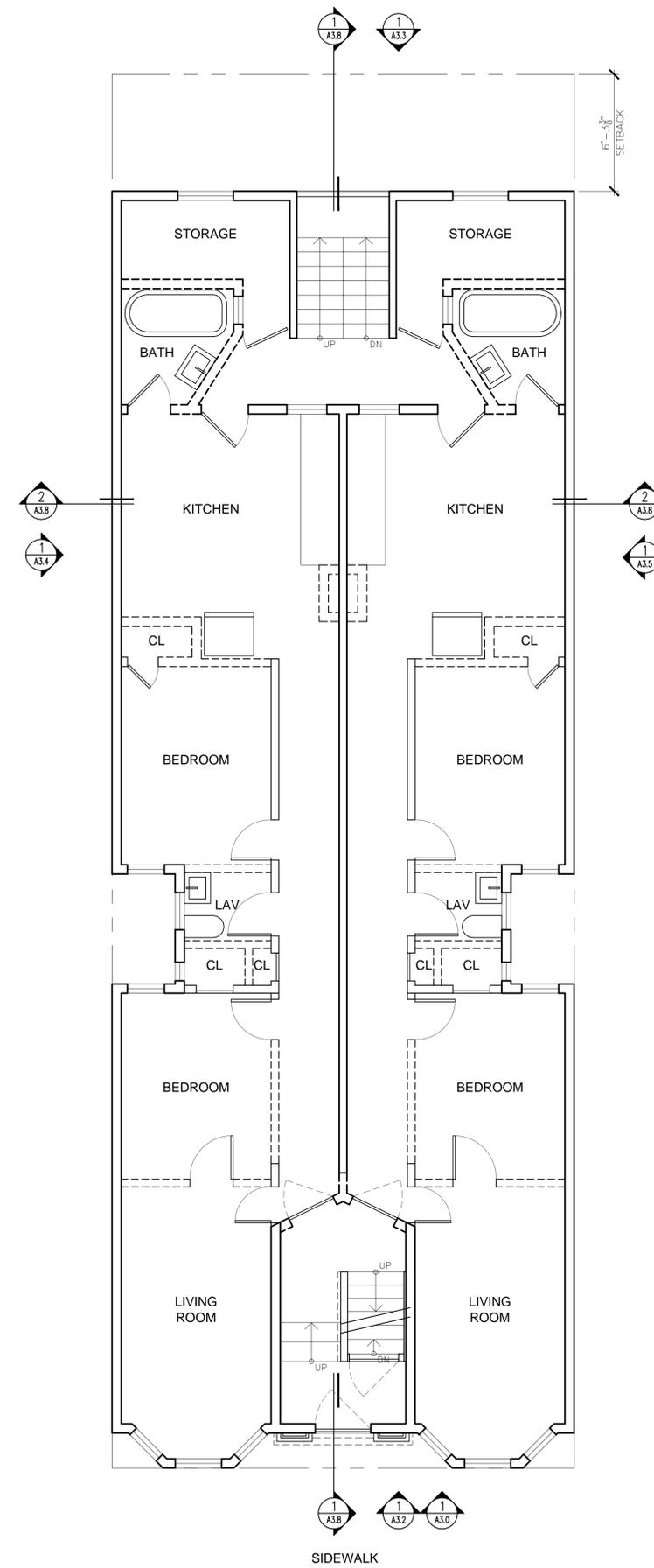
**FLOOR PLANS EXISTING**

DATE: 04/01/2019  
 SCALE: 1/4" = 1'-0"  
 DRAWN: MLD  
 CHECKED: MLD



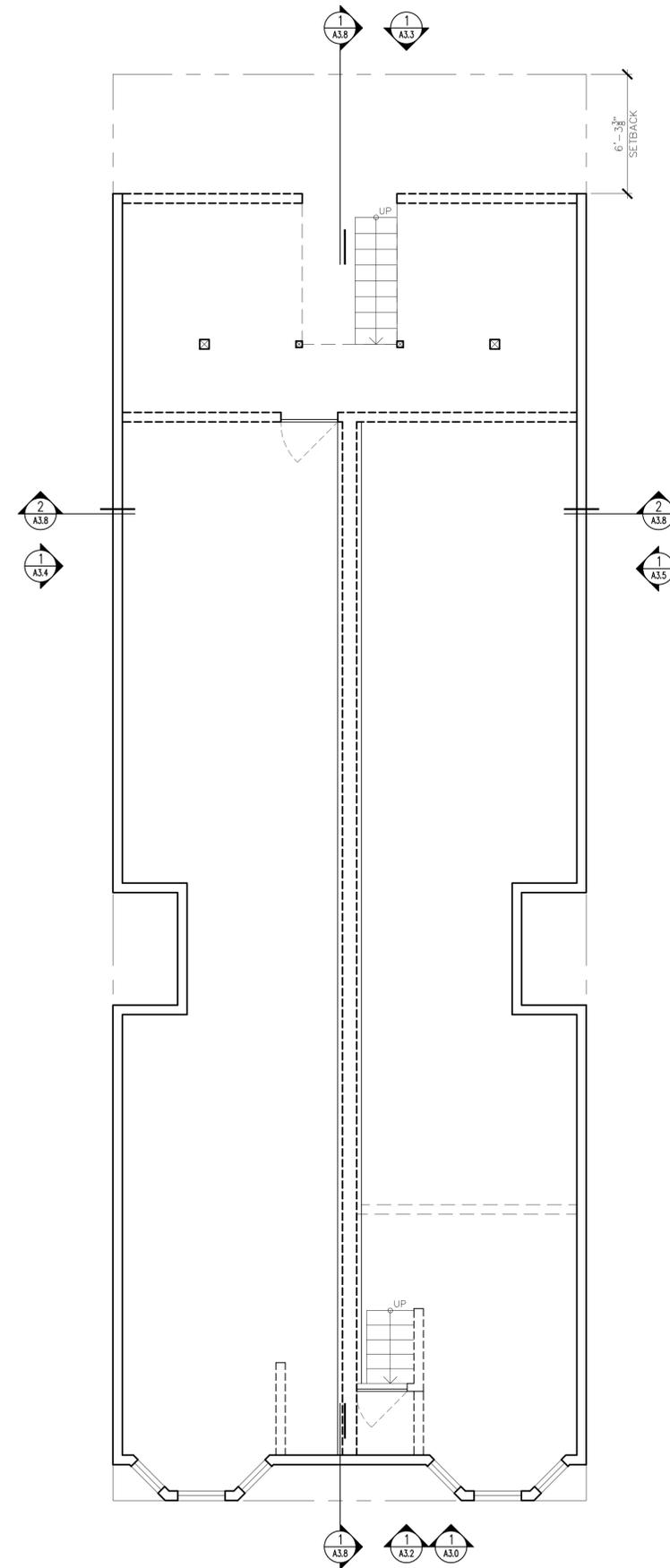
**LEGEND**

	(E) STUD WALL TO BE REMOVED
	EXISTING STUD WALL TO REMAIN
	PROPOSED STUD WALL



**GROUND FLOOR PLAN**

SCALE: 1/4" = 1'-0" 2



**BASEMENT PLAN**

SCALE: 1/4" = 1'-0" 1

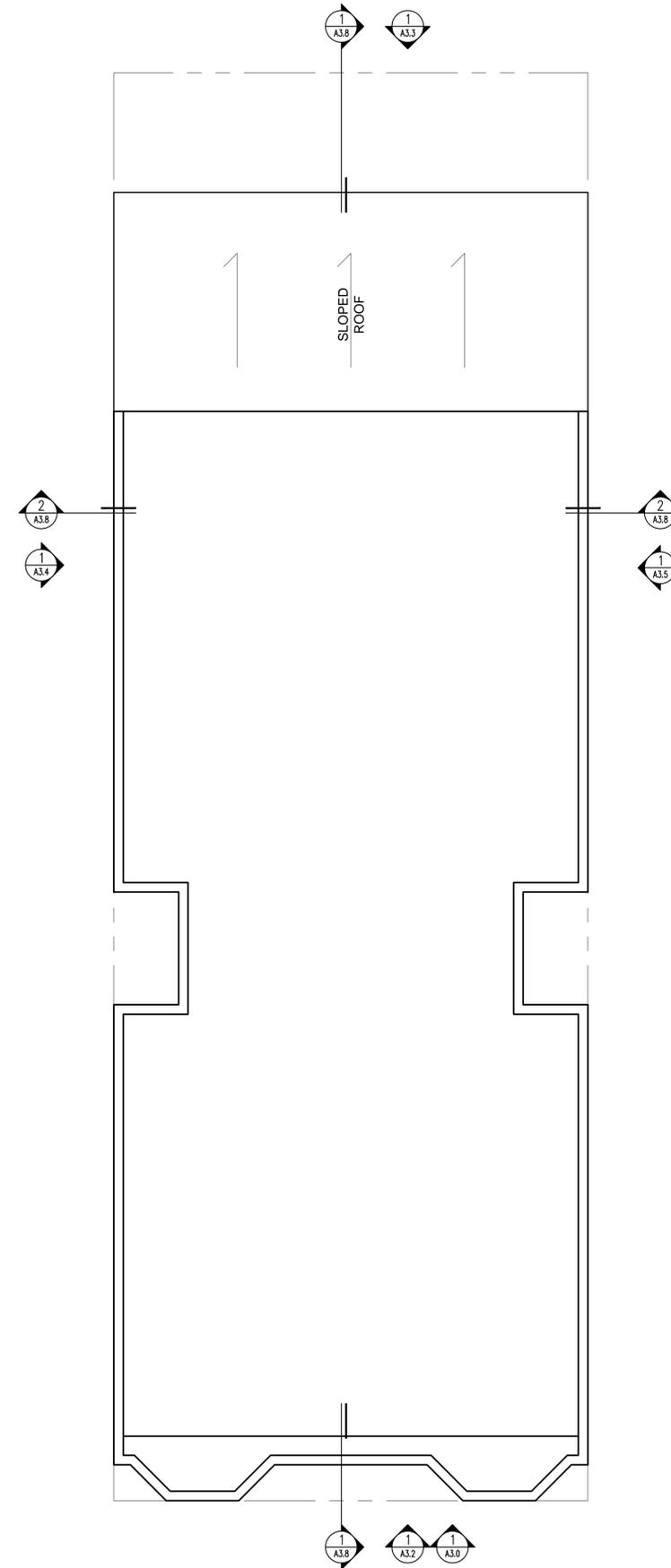
**2ND FLOOR PLAN**

SCALE: 1/4" = 1'-0" 3



INTENTIONALLY  
LEFT BLANK

INTENTIONALLY  
LEFT BLANK



ROOF PLAN

SCALE: 1/4" = 1'-0" 1

DESIGNER

**ML|DESIGN**

16 Canyon Crest Court  
Frisco TX 75034  
T 415 509 0312  
E mattldiamond@hotmail.com

SCALE



NOTES

No.	Date	Title
01	08/01/14	PPA SET
02	05/18/15	ENVIRONMENTAL EVALUATION APPLICATION
03	01/25/16	SITE PERMIT APPLICATION
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05	07/26/18	VARIANCE APPLICATION
06	10/05/18	SITE PERMIT APPLICATION REVISIONS 2
07	04/01/19	SITE PERMIT APPLICATION REVISIONS 3

**727-731 NATOMA  
STREET**  
PROJECT # 1401

OWNER  
MATTHEW & JESSICA DIAMOND  
16 CANYON CREST COURT  
FRISCO, TX 75034

**FLOOR PLANS  
EXISTING**

DATE: 04/01/2019  
SCALE: 1/4" = 1'-0"  
DRAWN: MLD  
CHECKED: MLD

**A1.1**





No.	Date	Title
01	08/01/14	PPA SET
02	05/18/15	ENVIRONMENTAL EVALUATION APPLICATION
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05	07/26/18	VARIANCE APPLICATION
06	10/05/18	SITE PERMIT APPLICATION REVISIONS 2
07	04/01/19	SITE PERMIT APPLICATION REVISIONS 3

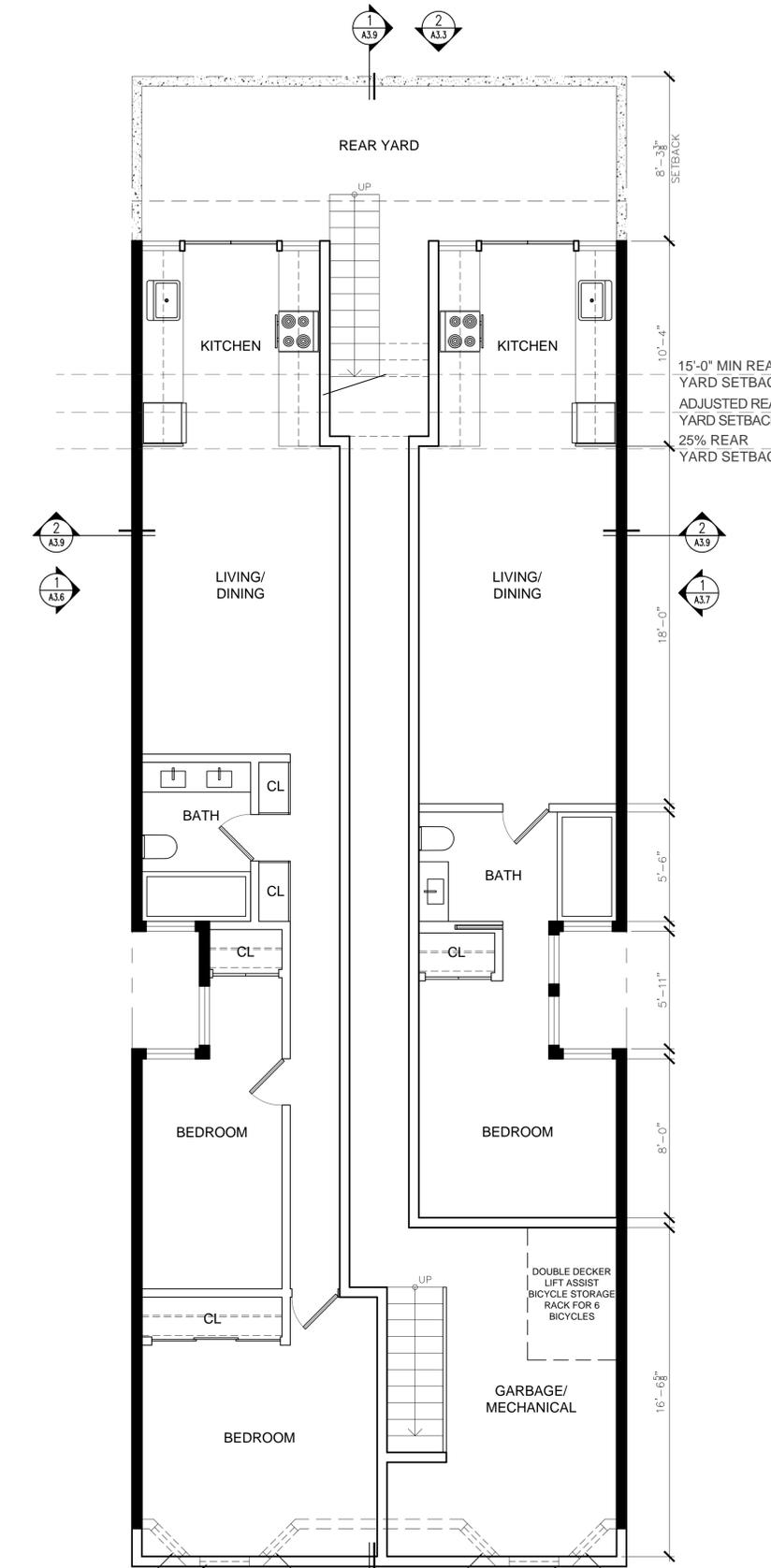
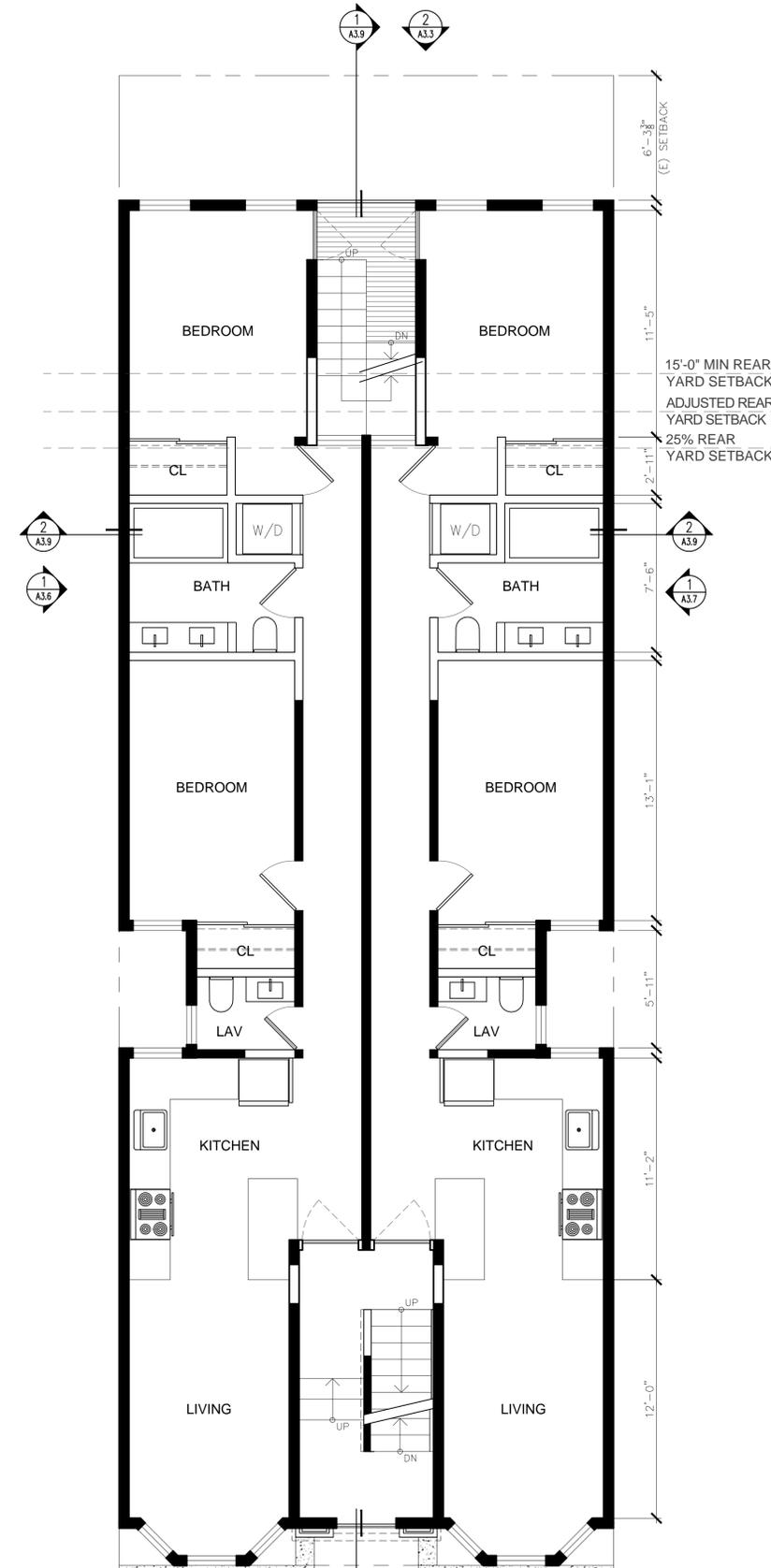
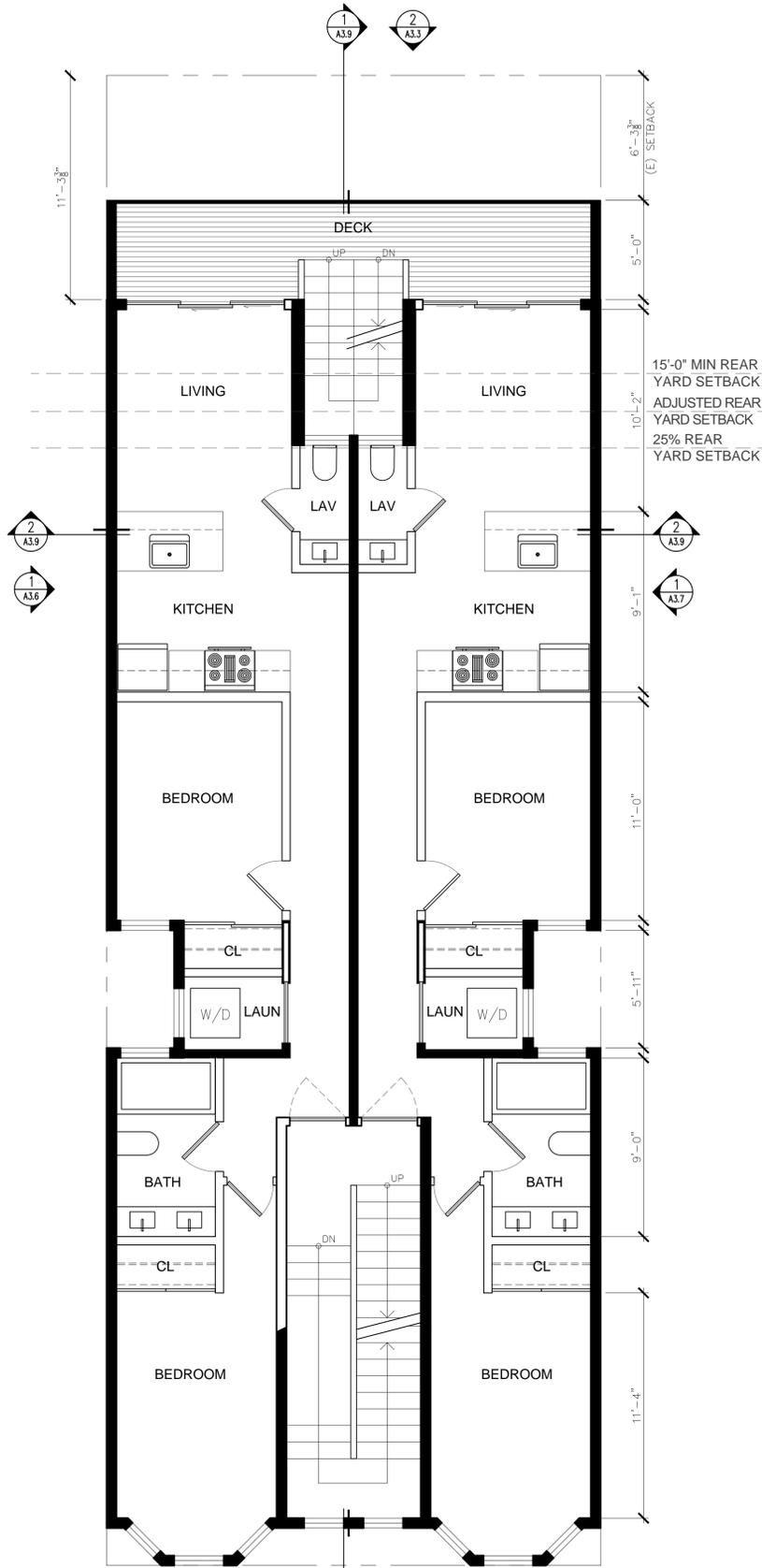
**727-731 NATOMA STREET**  
 PROJECT # 1401

OWNER  
 MATTHEW & JESSICA DIAMOND  
 16 CANYON CREST COURT  
 FRISCO, TX 75034

**FLOOR PLANS PROPOSED**

DATE: 04/01/2019  
 SCALE: 1/4" = 1'-0"  
 DRAWN: MLD  
 CHECKED: MLD

**A2.0**



**LEGEND**

	(E) STUD WALL TO BE REMOVED
	EXISTING STUD WALL TO REMAIN
	PROPOSED STUD WALL



**2ND FLOOR PLAN**

SCALE: 1/4" = 1'-0"

**3**

**GROUND FLOOR PLAN**

SCALE: 1/4" = 1'-0"

**2**

**BASEMENT PLAN**

SCALE: 1/4" = 1'-0"

**1**



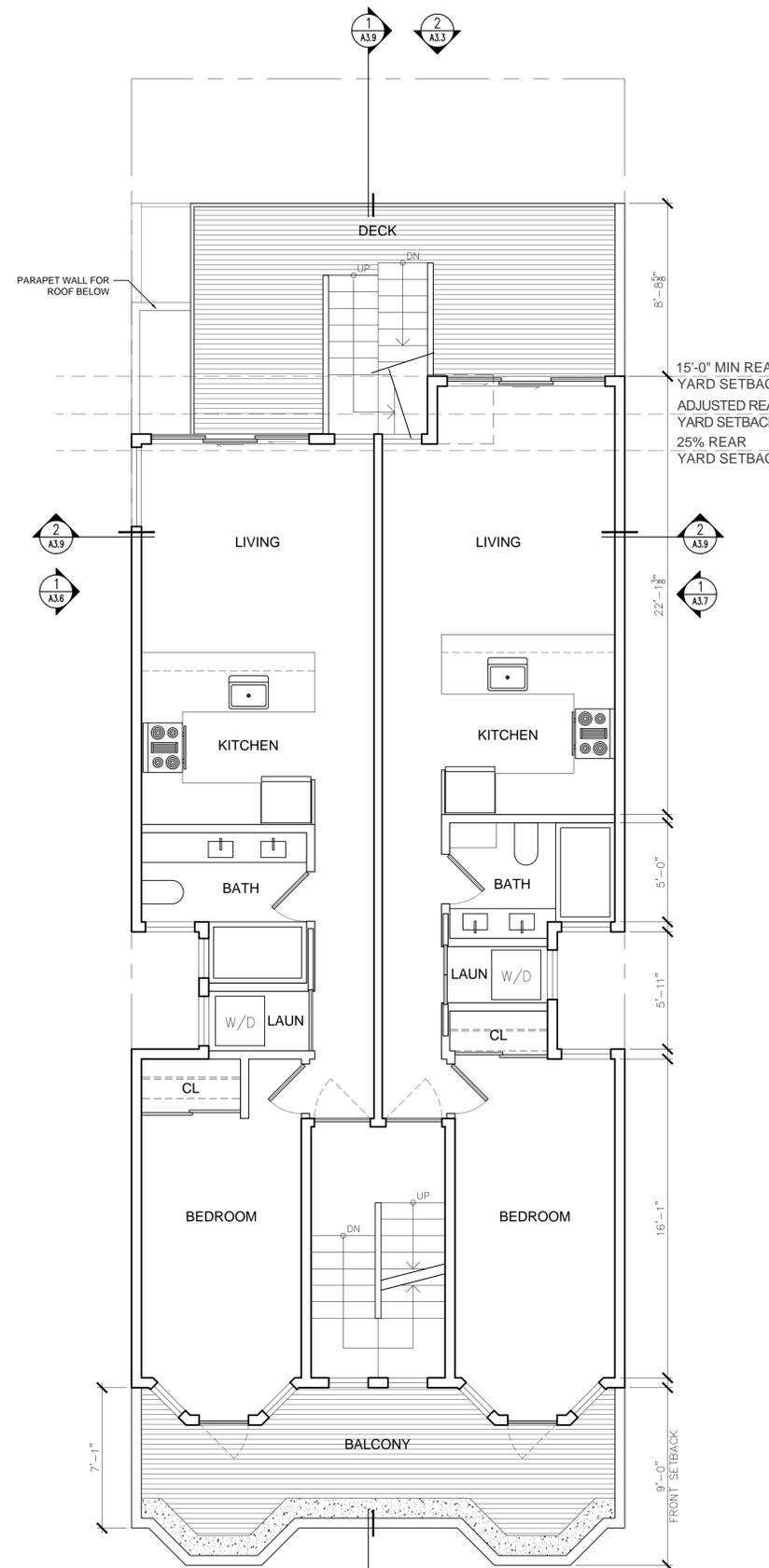
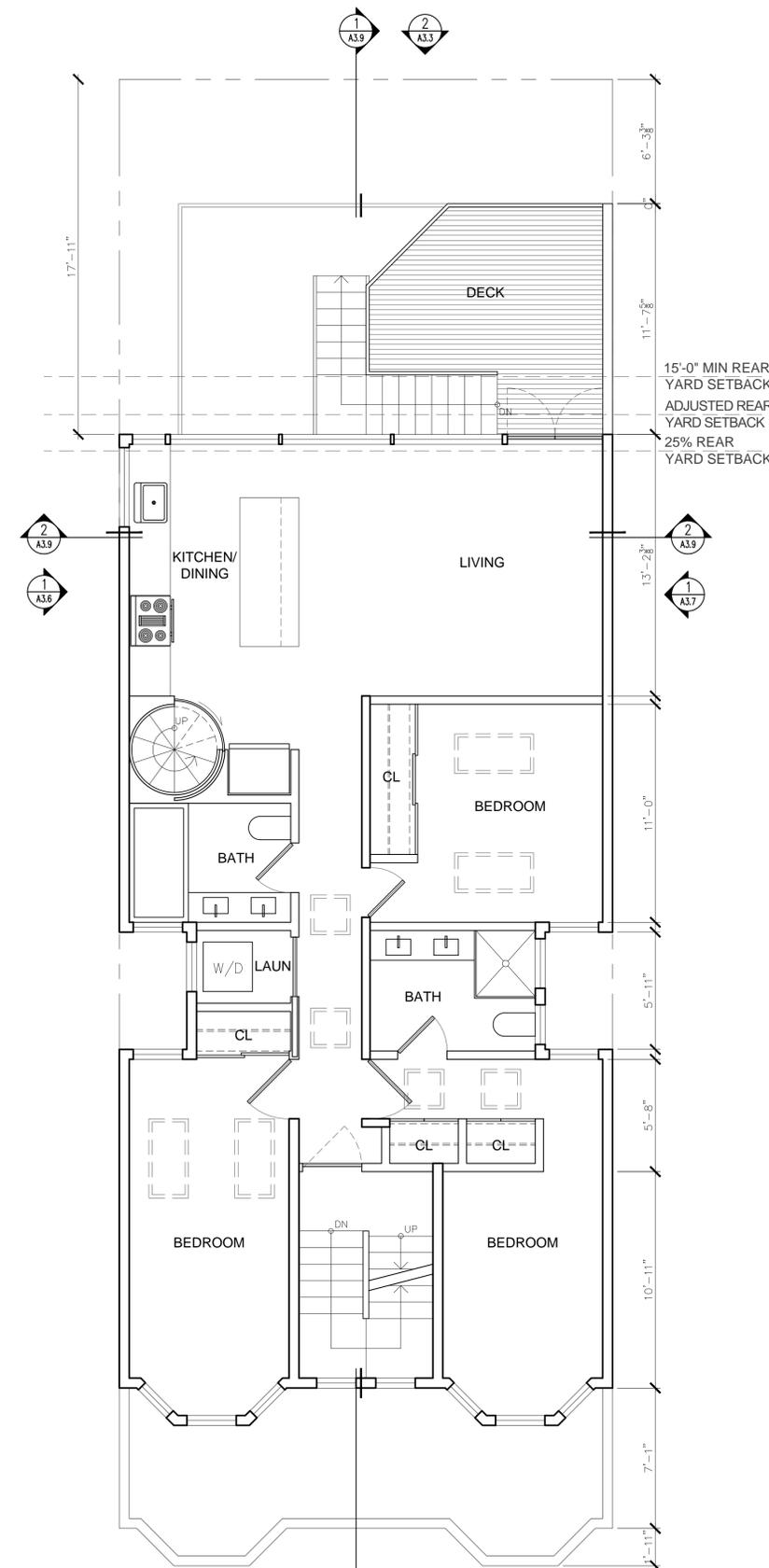
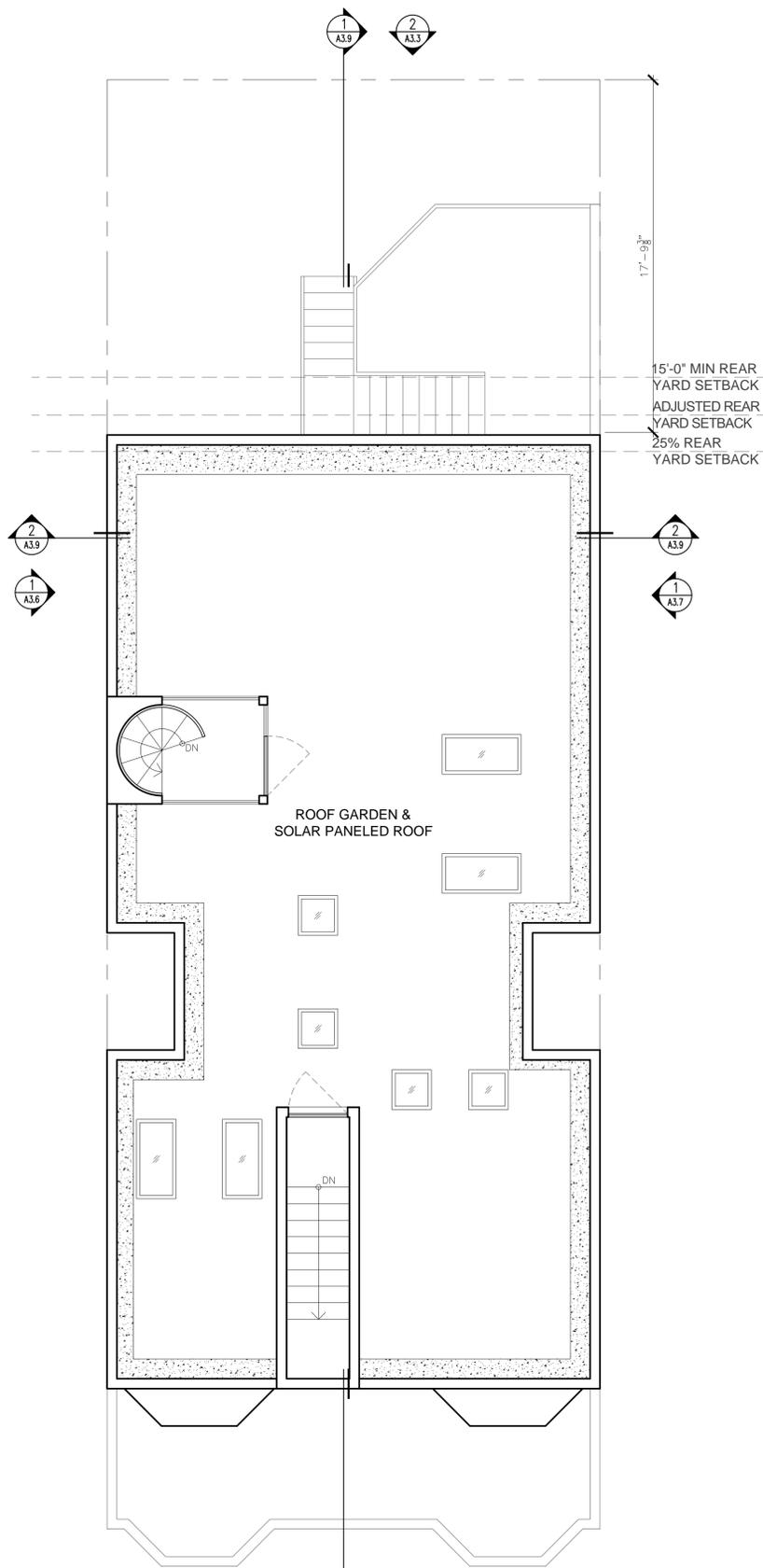
No.	Date	Title
01	08/01/14	PPA SET
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**727-731 NATOMA STREET**  
 PROJECT # 1401

OWNER  
 MATTHEW & JESSICA DIAMOND  
 16 CANYON CREST COURT  
 FRISCO, TX 75034

**FLOOR PLANS PROPOSED**

DATE: 04/01/2019  
 SCALE: 1/4" = 1'-0"  
 DRAWN: MLD  
 CHECKED: MLD



**LEGEND**

	(E) STUD WALL TO BE REMOVED
	EXISTING STUD WALL TO REMAIN
	PROPOSED STUD WALL

SCALE



NOTES

No.	Date	Title
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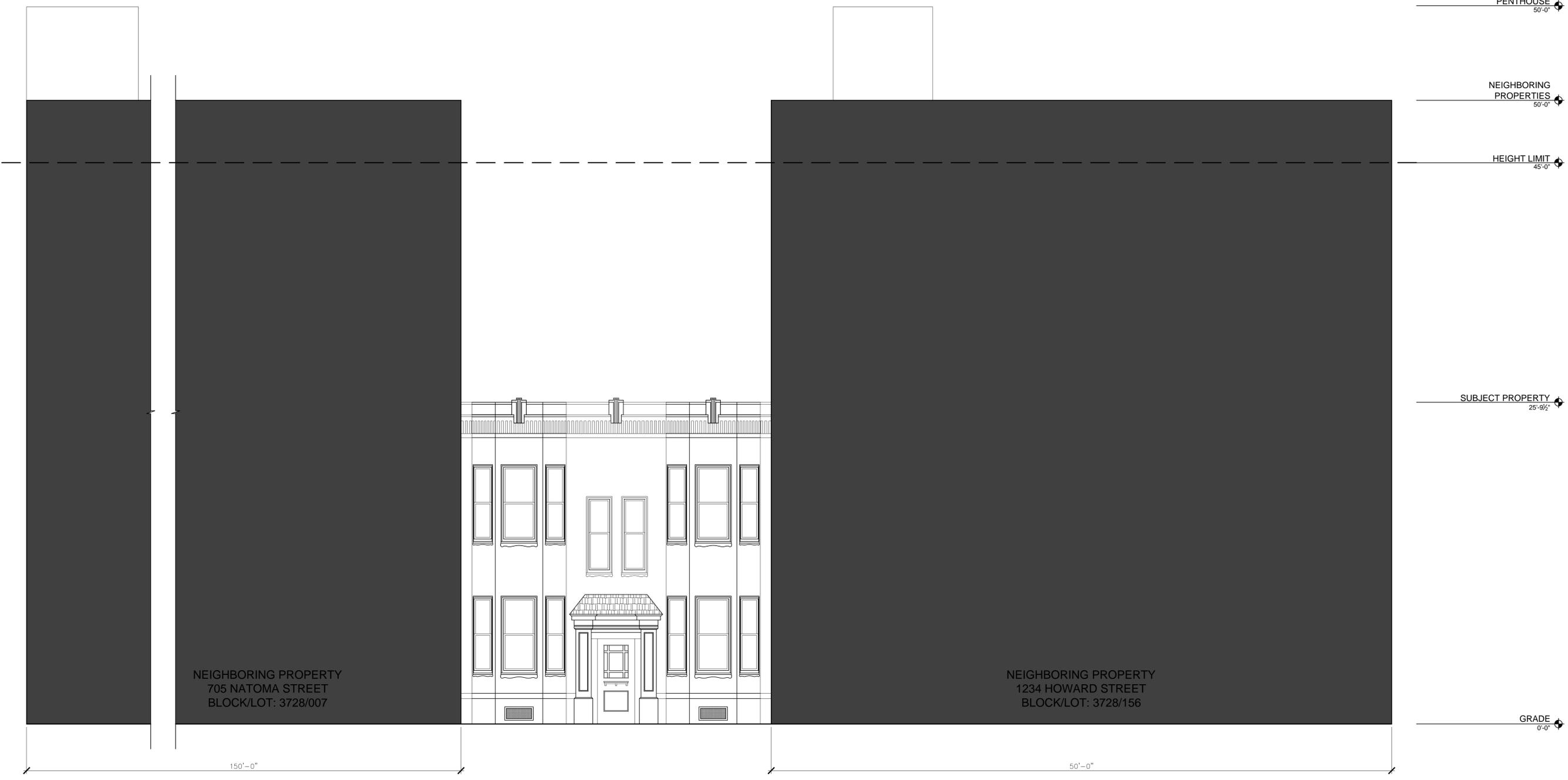
## 727-731 NATOMA STREET

PROJECT # 1401

OWNER  
MATTHEW & JESSICA DIAMOND  
16 CANYON CREST COURT  
FRISCO, TX 75034

### CONTEXTUAL ELEVATION EXISTING

DATE: 04/01/2019  
SCALE: 1/4" = 1'-0"  
DRAWN: MLD  
CHECKED: MLD



SCALE



NOTES

No.	Date	Title
01	08/01/14	PPA SET
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## 727-731 NATOMA STREET

PROJECT # 1401

### OWNER

MATTHEW & JESSICA DIAMOND  
16 CANYON CREST COURT  
FRISCO, TX 75034

## CONTEXTUAL ELEVATION PROPOSED

DATE: 04/01/2019  
SCALE: 1/4" = 1'-0"  
DRAWN: MLD  
CHECKED: MLD

# A3.1



NEIGHBORING PROPERTY  
705 NATOMA STREET  
BLOCK/LOT: 3728/007

NEIGHBORING PROPERTY  
1234 HOWARD STREET  
BLOCK/LOT: 3728/156

150'-0"

50'-0"

GRADE  
0'-0"

### NORTH ELEVATION

SCALE: 1/4" = 1'-0"

1

SCALE



NOTES

No.	Date	Title
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**727-731 NATOMA STREET**

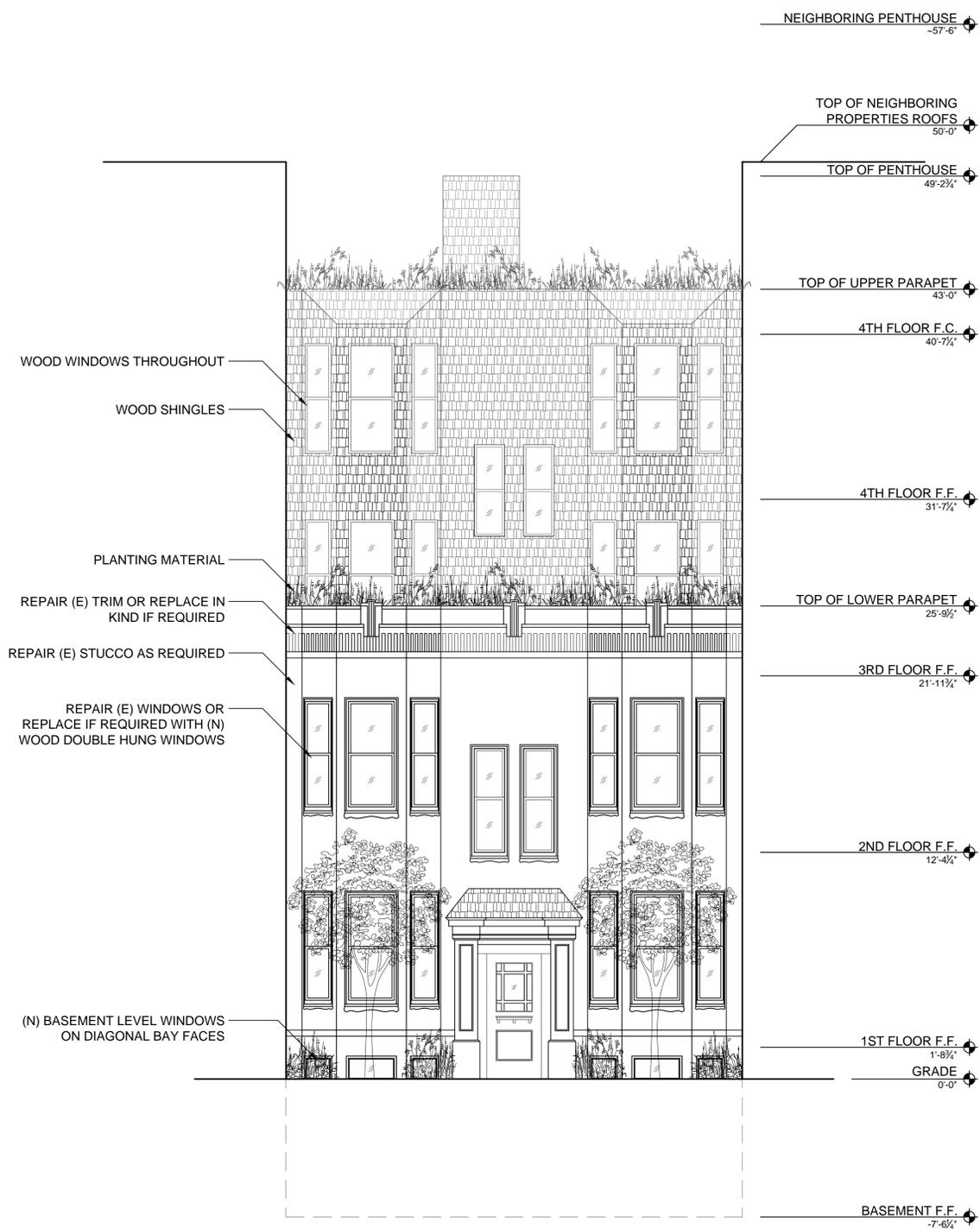
PROJECT # 1401

OWNER

MATTHEW & JESSICA DIAMOND  
 16 CANYON CREST COURT  
 FRISCO, TX 75034

**NORTH ELEVATIONS EXISTING & PROPOSED**

DATE: 06/03/2019  
 SCALE: 1/4" = 1'-0"  
 DRAWN: MLD  
 CHECKED: MLD



PROPOSED NORTH ELEVATION

SCALE: 1/4" = 1'-0"

2



EXISTING NORTH ELEVATION

SCALE: 1/4" = 1'-0"

1

SCALE



NOTES

No.	Date	Title
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**727-731 NATOMA STREET**

PROJECT # 1401

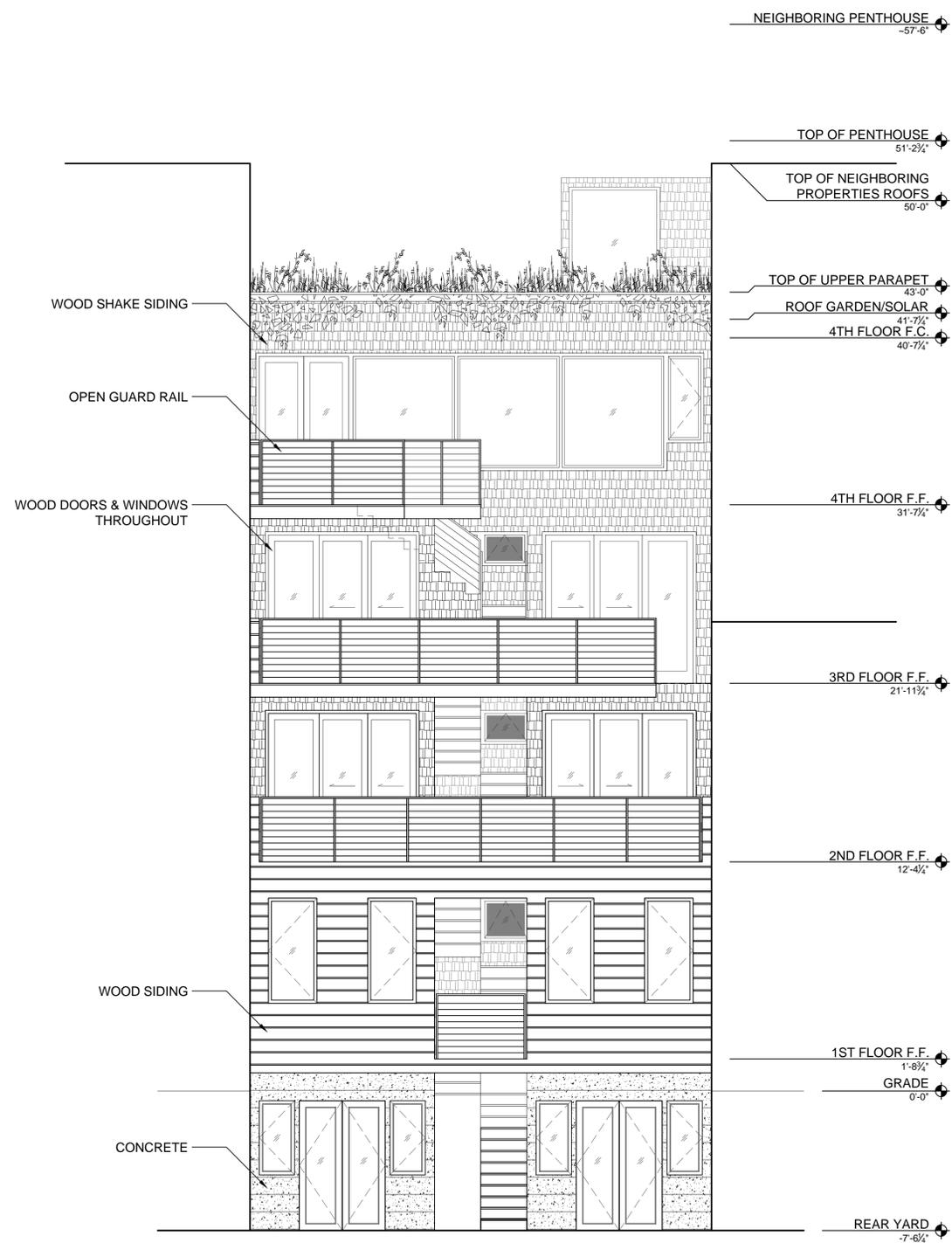
OWNER

MATTHEW & JESSICA DIAMOND  
 16 CANYON CREST COURT  
 FRISCO, TX 75034

**SOUTH ELEVATIONS EXISTING & PROPOSED**

DATE: 04/01/2019  
 SCALE: 1/4" = 1'-0"  
 DRAWN: MLD  
 CHECKED: MLD

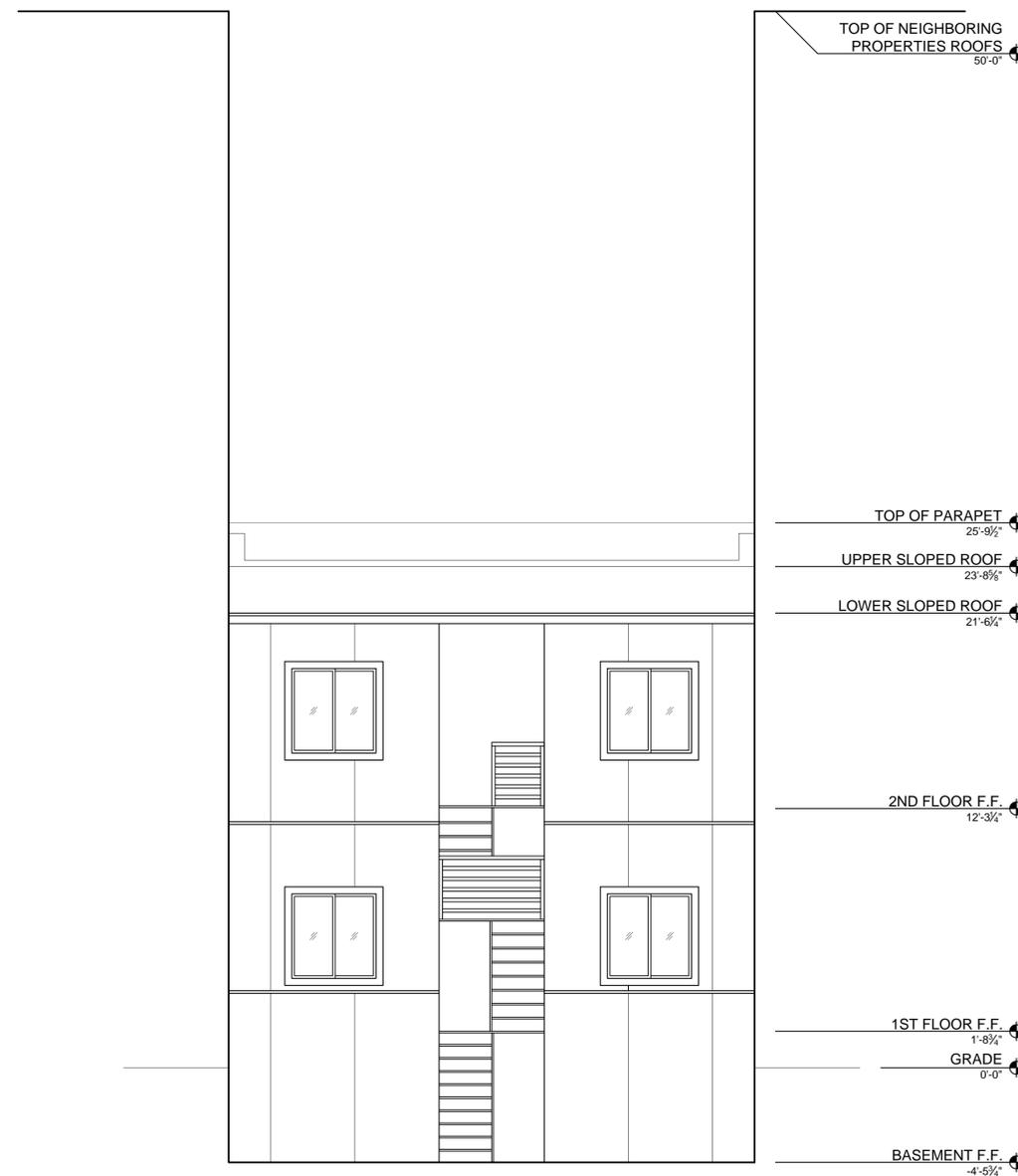
**A3.3**



PROPOSED SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

2



EXISTING SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

1

SCALE



NOTES

No.	Date	Title
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**727-731 NATOMA STREET**  
PROJECT # 1401

OWNER  
MATTHEW & JESSICA DIAMOND  
16 CANYON CREST COURT  
FRISCO, TX 75034

**EAST ELEVATION EXISTING**

DATE: 04/01/2019  
SCALE: 1/4" = 1'-0"  
DRAWN: MLD  
CHECKED: MLD

**A3.4**

NEIGHBORING PROPERTY  
1234 HOWARD STREET

NEIGHBORING PENTHOUSE  
-57'-6"

TOP OF NEIGHBORING  
PROPERTIES ROOFS  
50'-0"

TOP OF PARAPET  
25'-9 1/2"

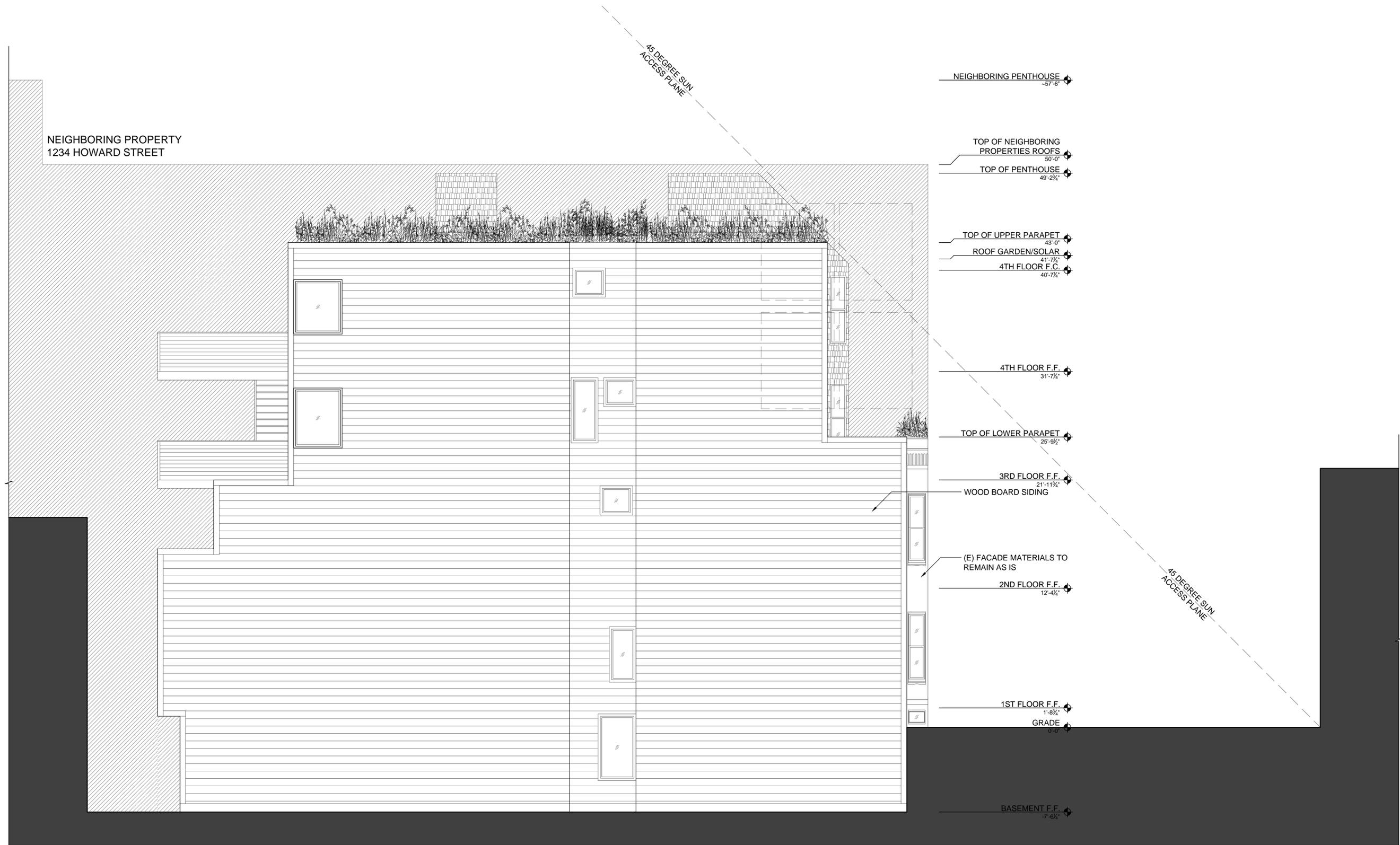
2ND FLOOR F.C.  
22'-3/4"

2ND FLOOR F.F.  
12'-3/4"

1ST FLOOR F.F.  
1'-8 1/2"

GRADE  
0'-0"

BASEMENT F.F.  
-4'-5 1/2"



DESIGNER  
**ML|DESIGN**  
16 Canyon Crest Court  
Frisco TX 75034  
T 415 509 0312  
E mattldiamond@hotmail.com



NOTES

No.	Date	Title
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**727-731 NATOMA  
STREET**  
PROJECT # 1401

OWNER  
MATTHEW & JESSICA DIAMOND  
16 CANYON CREST COURT  
FRISCO, TX 75034

**EAST ELEVATION  
PROPOSED**

DATE: 04/01/2019  
SCALE: 1/4" = 1'-0"  
DRAWN: MLD  
CHECKED: MLD

SCALE



NOTES

No.	Date	Title
01	08/01/14	PPA SET
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**727-731 NATOMA STREET**  
PROJECT # 1401

OWNER  
MATTHEW & JESSICA DIAMOND  
16 CANYON CREST COURT  
FRISCO, TX 75034

**WEST ELEVATION EXISTING**

DATE: 04/01/2019  
SCALE: 1/4" = 1'-0"  
DRAWN: MLD  
CHECKED: MLD

**A3.6**

NEIGHBORING PENTHOUSE  
-57'-6"

TOP OF NEIGHBORING PROPERTIES ROOFS  
50'-0"

NEIGHBORING PROPERTY  
705 NATOMA STREET

TOP OF PARAPET  
25'-9 1/2"

2ND FLOOR F.C.  
22'-3/4"

2ND FLOOR F.F.  
12'-3/4"

1ST FLOOR F.F.  
1'-8 1/2"

GRADE  
0'-0"

BASEMENT F.F.  
-4'-5 1/2"

SCALE



NOTES

No.	Date	Title
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05	07/26/18	VARIANCE APPLICATION
06	10/05/18	SITE PERMIT APPLICATION REVISIONS 2
07	04/01/19	SITE PERMIT APPLICATION REVISIONS 3

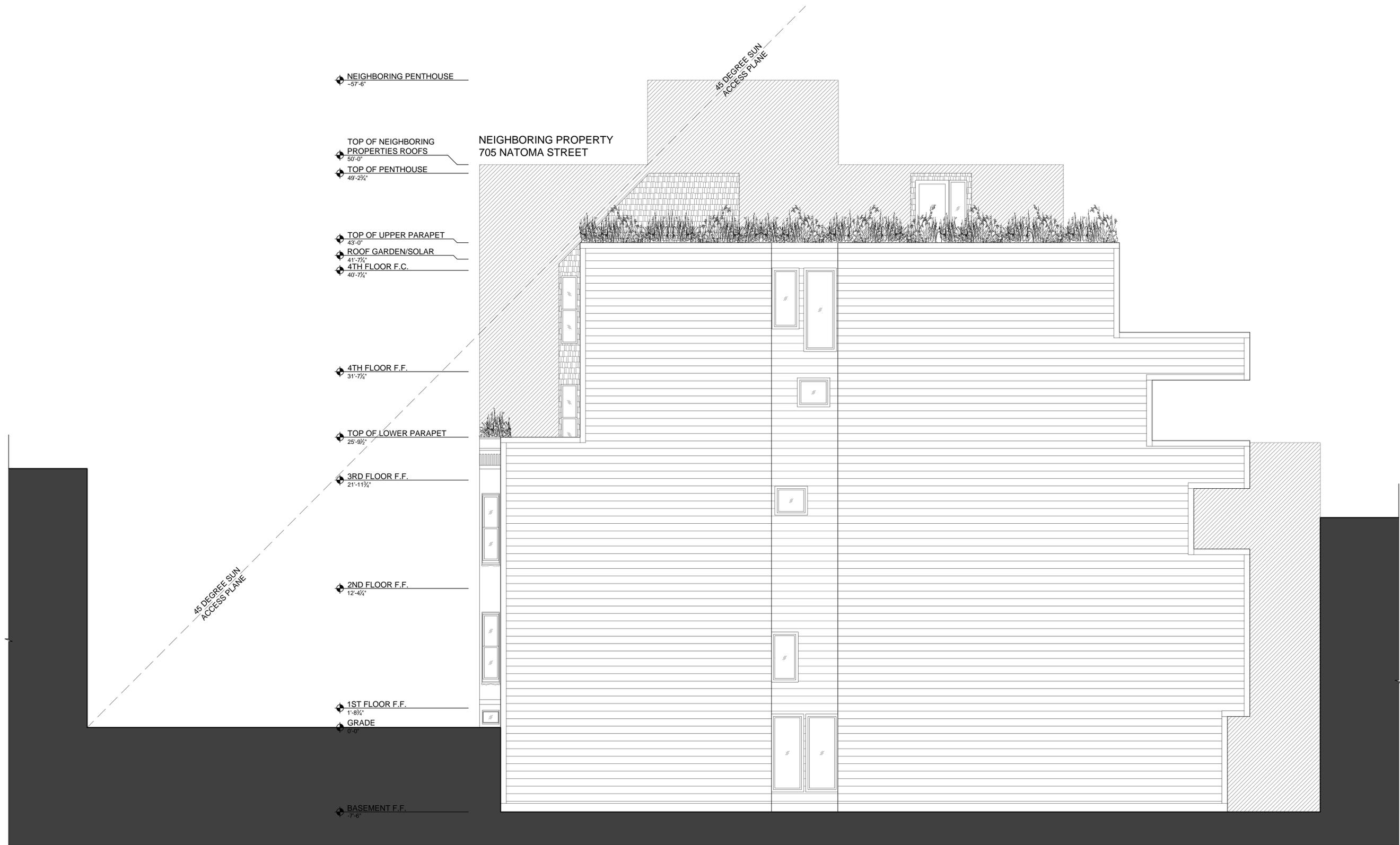
**727-731 NATOMA STREET**  
PROJECT # 1401

OWNER  
MATTHEW & JESSICA DIAMOND  
16 CANYON CREST COURT  
FRISCO, TX 75034

## WEST ELEVATION PROPOSED

DATE: 04/01/2019  
SCALE: 1/4" = 1'-0"  
DRAWN: MLD  
CHECKED: MLD

### A3.7



SCALE



NOTES

No.	Date	Title
01	08/01/14	PPA SET
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06	10/05/18	SITE PERMIT APPLICATION REVISIONS 2
07	04/01/19	SITE PERMIT APPLICATION REVISIONS 3

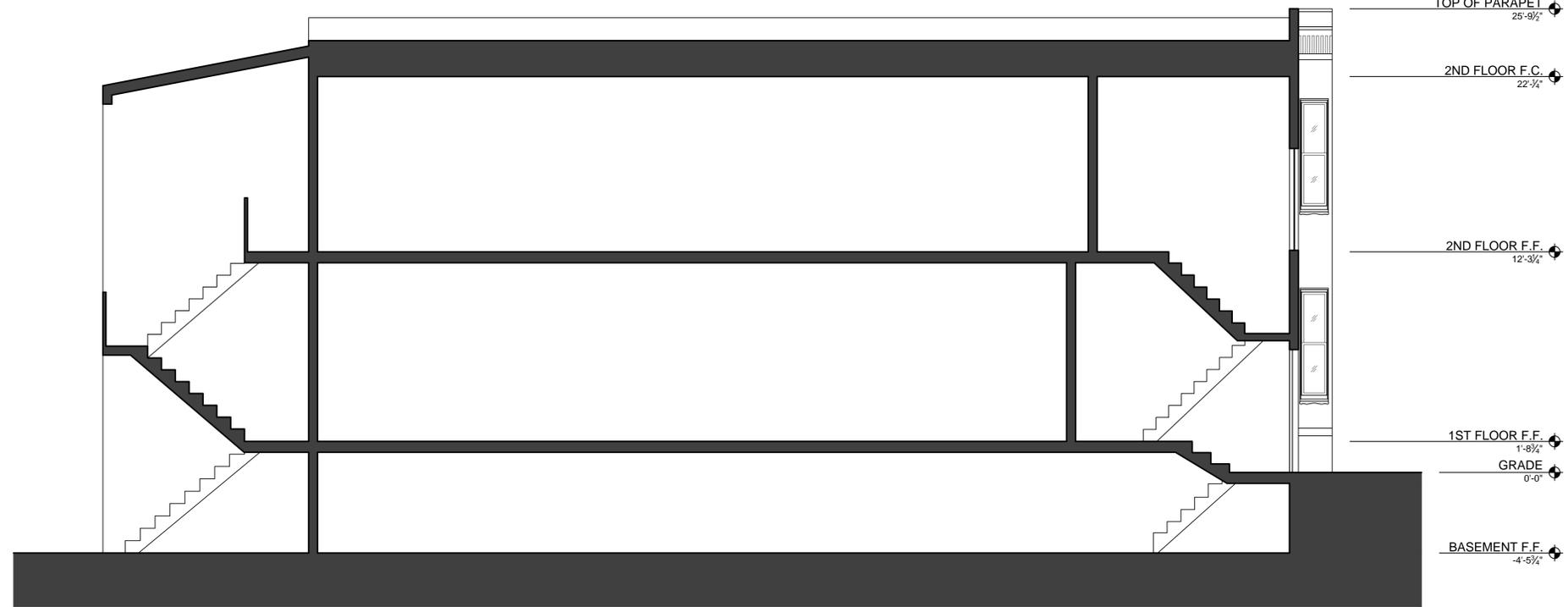
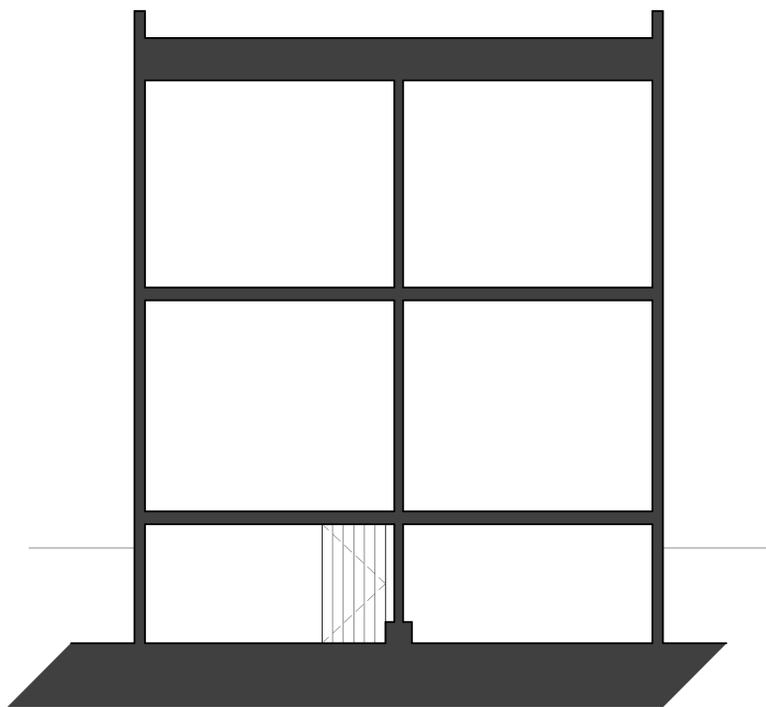
**727-731 NATOMA STREET**  
 PROJECT # 1401

OWNER  
 MATTHEW & JESSICA DIAMOND  
 16 CANYON CREST COURT  
 FRISCO, TX 75034

**SECTIONS EXISTING**

DATE: 04/01/2019  
 SCALE: 1/4" = 1'-0"  
 DRAWN: MLD  
 CHECKED: MLD

**A3.8**



TRANSVERSE SECTION

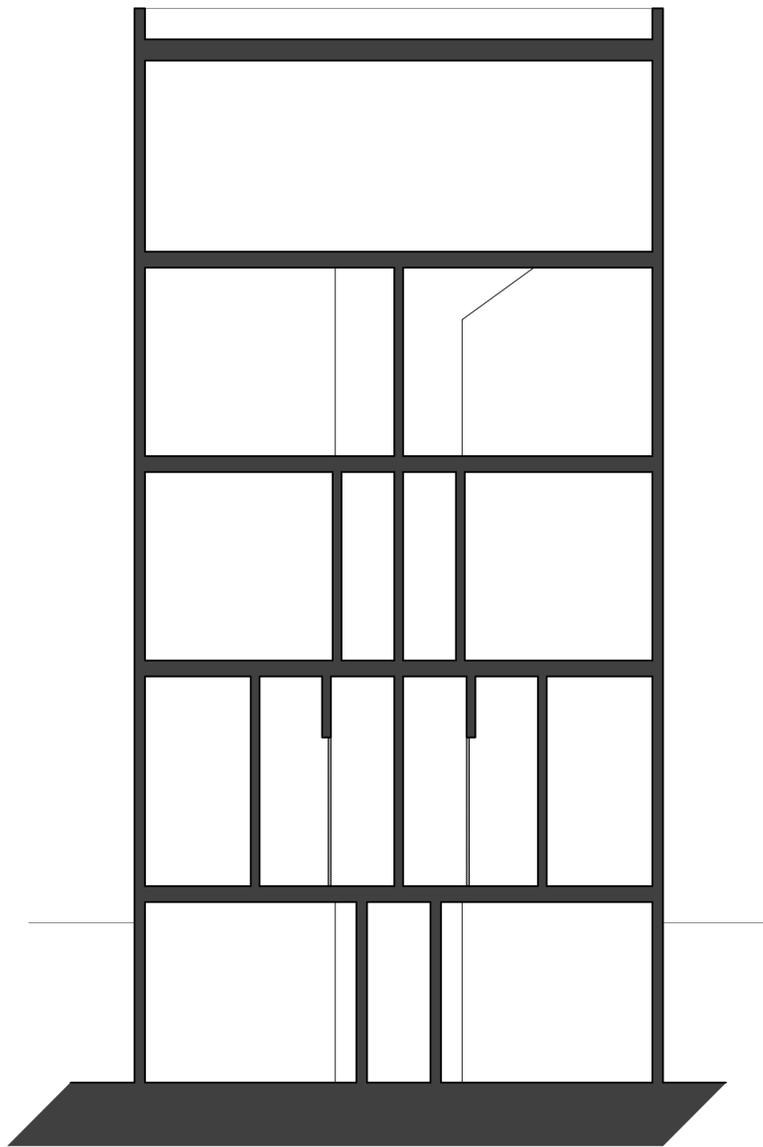
SCALE: 1/4" = 1'-0"

2

LONGITUDINAL SECTION

SCALE: 1/4" = 1'-0"

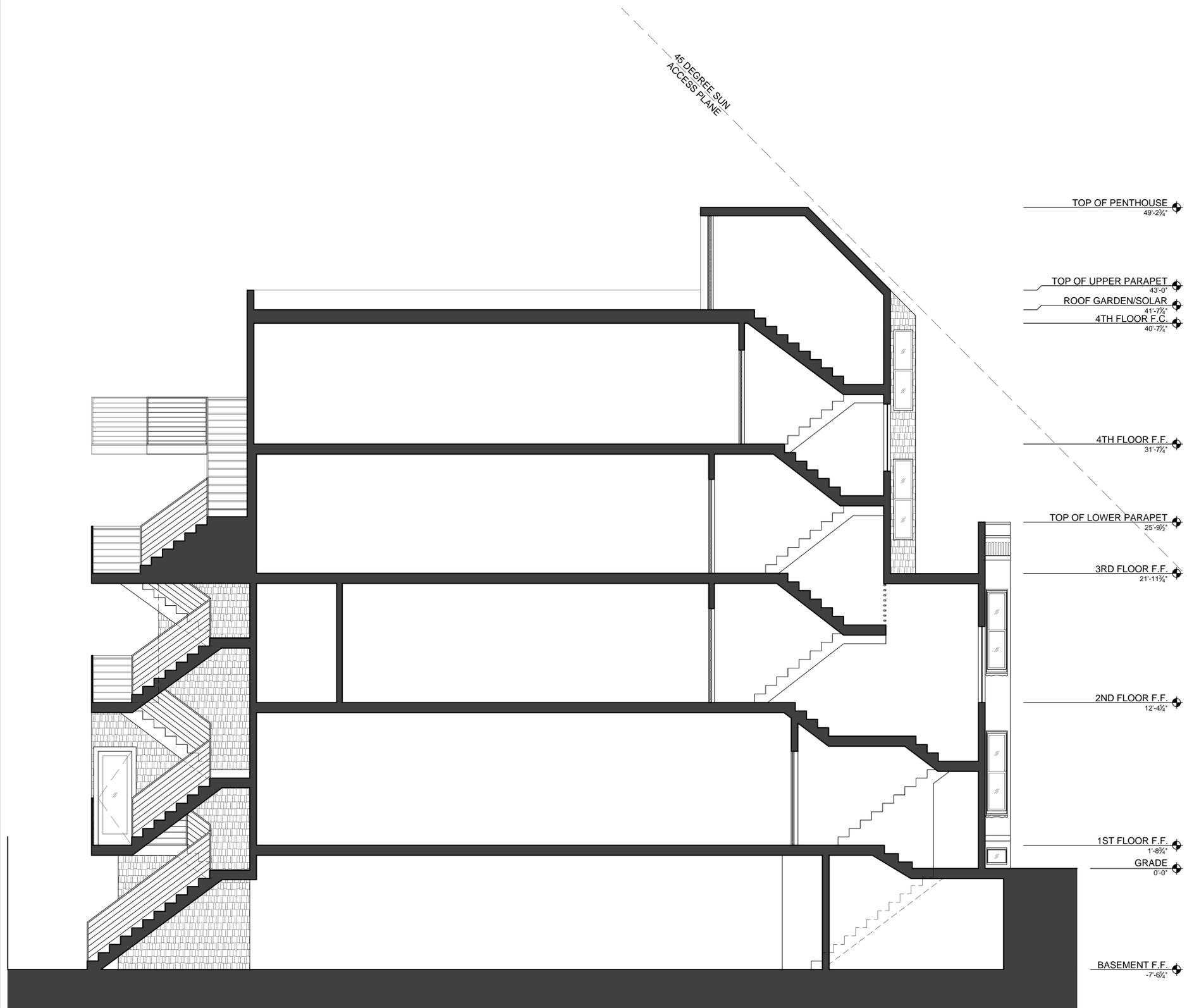
1



TRANSVERSE SECTION

SCALE: 1/4" = 1'-0"

2



LONGITUDINAL SECTION

SCALE: 1/4" = 1'-0"

1

DESIGNER

**ML|DESIGN**

16 Canyon Crest Court  
 Frisco TX 75034  
 T 415 509 0312  
 E mattldiamond@hotmail.com

SCALE



NOTES

No.	Date	Title
01	08/01/14	PPA SET
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**727-731 NATOMA STREET**  
 PROJECT # 1401

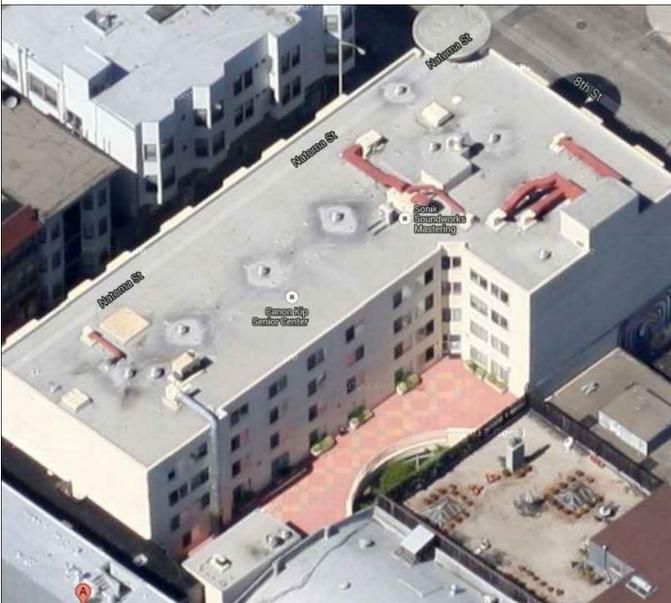
OWNER  
 MATTHEW & JESSICA DIAMOND  
 16 CANYON CREST COURT  
 FRISCO, TX 75034

**SECTIONS PROPOSED**

DATE: 04/01/2019  
 SCALE: 1/4" = 1'-0"  
 DRAWN: MLD  
 CHECKED: MLD

**A3.9**

No.	Date	Title
01	08/01/14	PPA SET
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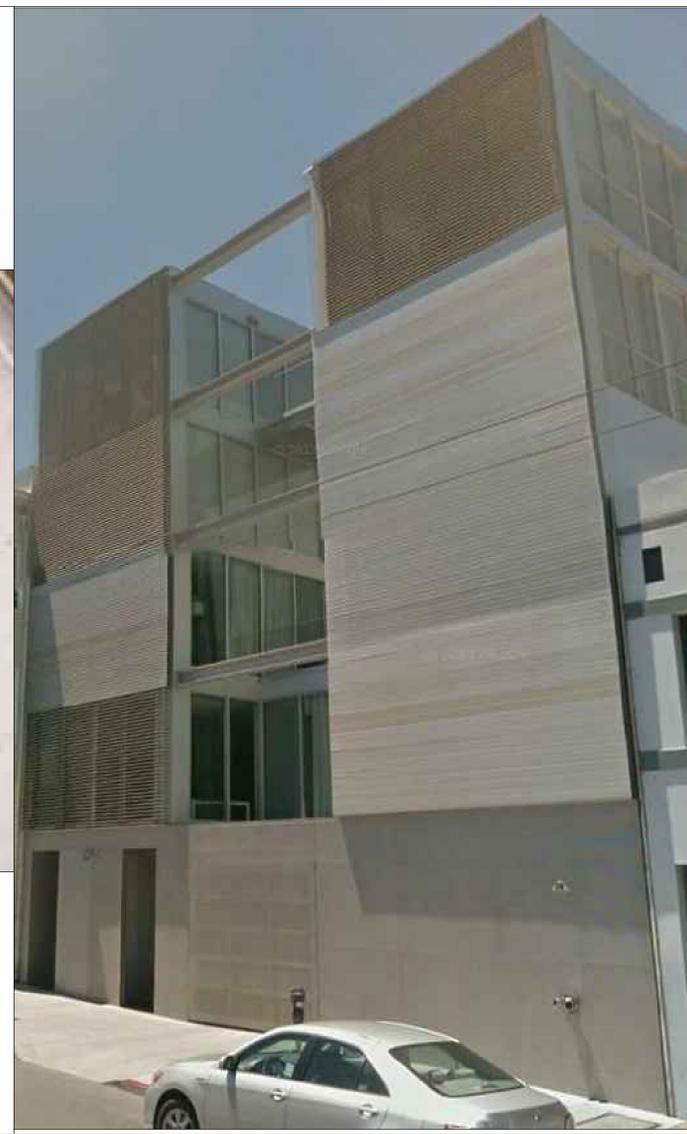
705 NATOMA  
REAR



727 NATOMA



727 NATOMA  
REAR



1234 HOWARD STREET - REAR  
(WEST NEIGHBOR)

705 NATOMA STREET - REAR  
(REAR NEIGHBOR)

727-731 NATOMA STREET  
(SUBJECT PROPERTY)

727-731 NATOMA STREET - REAR  
(SUBJECT PROPERTY)

1234 HOWARD STREET - REAR  
(WEST NEIGHBOR)



705 NATOMA



727 NATOMA



1234 HOWARD



741 NATOMA



747 NATOMA



757 NATOMA



1266 HOWARD

BUILDINGS ON THE SAME SIDE OF THE STREET

2



149 09TH



778 NATOMA



774 NATOMA



770 NATOMA



764 NATOMA



758 NATOMA



754 NATOMA



746 NATOMA



740 NATOMA



736 NATOMA



732 NATOMA



726 NATOMA



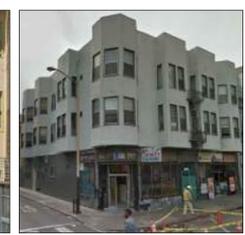
722 NATOMA



718 NATOMA



712 NATOMA



156 08TH

BUILDINGS ON THE FACING SIDE OF HTE STREET

1

727-731 NATOMA STREET  
PROJECT # 1401

OWNER  
 MATTHEW & JESSICA DIAMOND  
 16 CANYON CREST COURT  
 FRISCO, TX 75034

PROPERTY PHOTOS

DATE: 04/01/2019  
 SCALE: N/A  
 DRAWN: MLD  
 CHECKED: MLD



1234 Howard Hoa

Howard Remick Associates  
Architects + Master...

tanlee R Gatti Designs

Center

727 Natoma Street

EXHIBIT 2

Google

1234 Howard Hoa

Remick Associates  
Architects + Master...

Lee R Gatti Designs

Senior Center

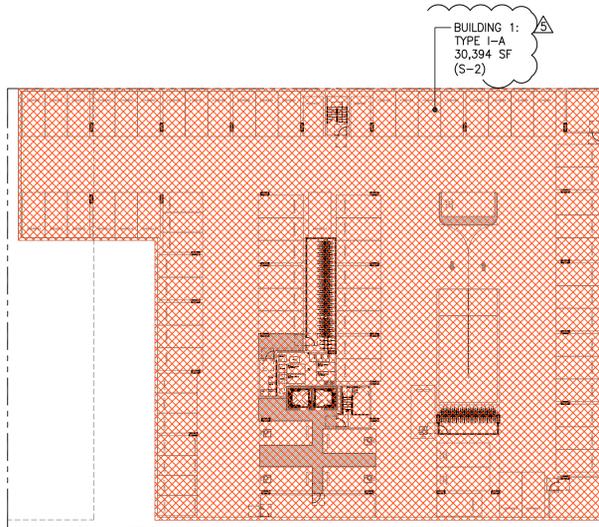
727 Natoma Street

EXHIBIT 3

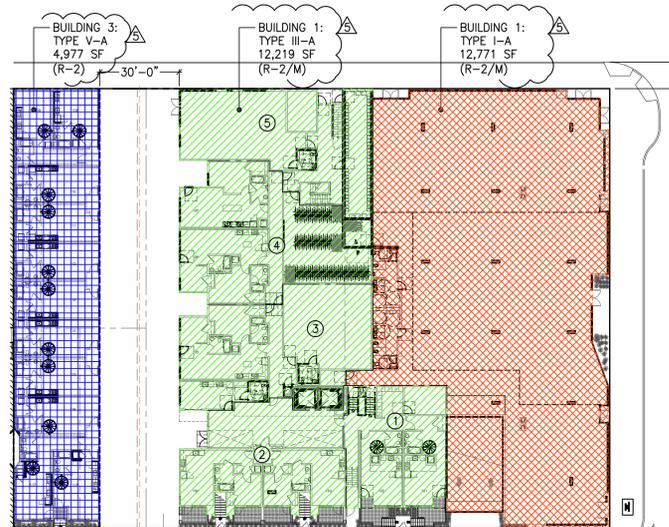
Google

Natoma St

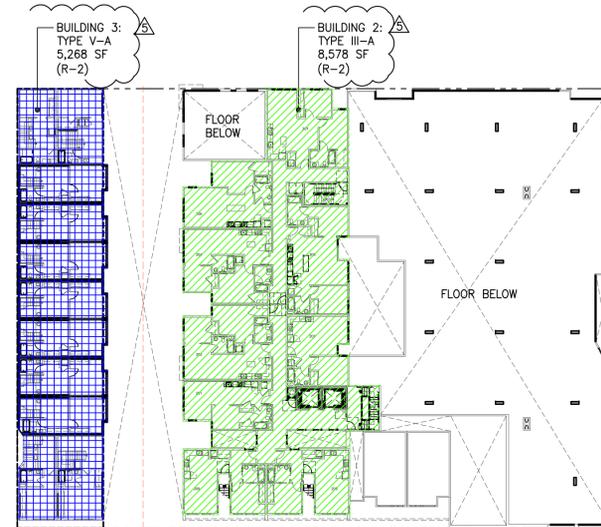
Natoma St



1 PLAN: BASEMENT LEVEL  
1/32"=1'-0"



2 PLAN: GROUND FLOOR  
1/32"=1'-0"



3 PLAN: SECOND FLOOR  
1/32"=1'-0"

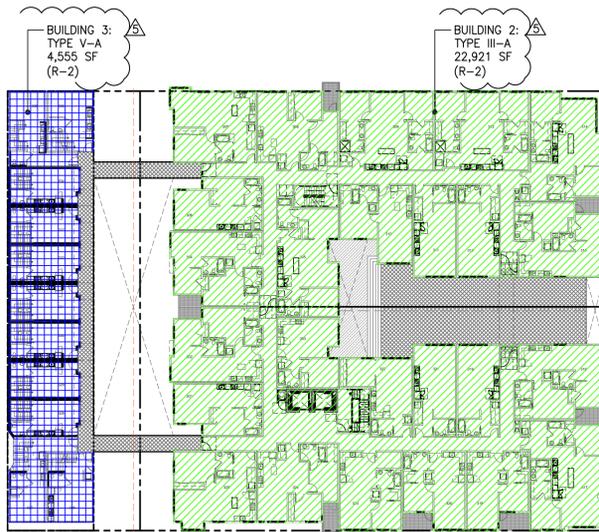
**LEGEND**

- BUILDING 1: TYPE IA
- BUILDING 2: TYPE VA
- BUILDING 3: TYPE VA
- PROPERTY LINE
- 2-HR FIRE WALL

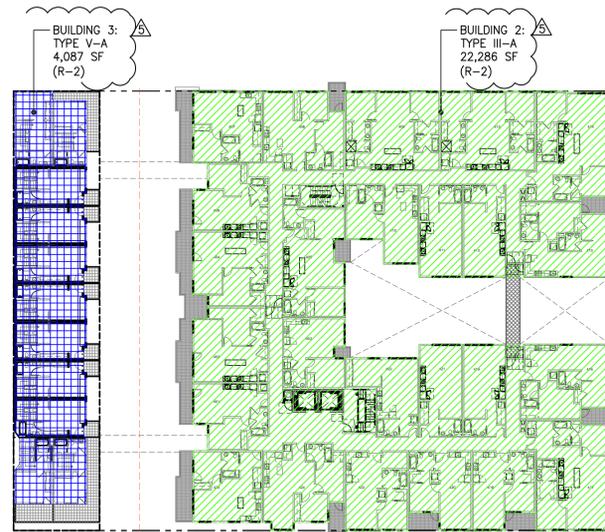
**PROJECT NORTH**    **TRUE NORTH**

**GROUND FLOOR 2-HR SEPARATIONS**  
 @ BUILDING 2 TYPE IIIA:  
 AREA 1: 1728 SF    AREA 4: 2919 SF  
 AREA 2: 2190 SF    AREA 5: 2515 SF  
 AREA 3: 2878 SF

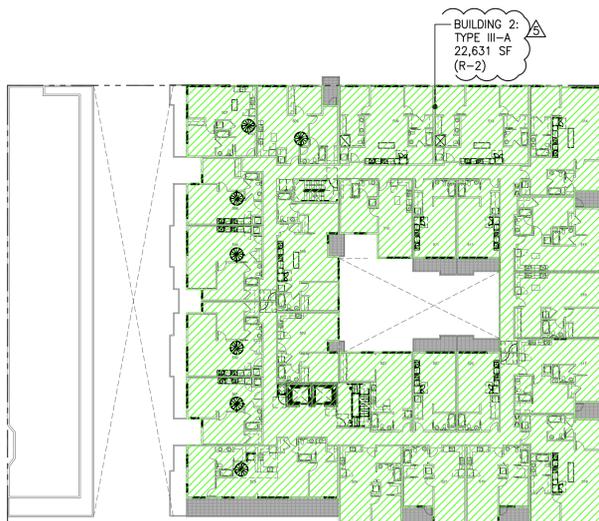
PER SEC 510.5: THE HEIGHT LIMIT FOR BLDGS OF IIIA & R-2 SHALL BE INCREASED TO 6 STORIES & 75 FT WHERE 1ST FLOOR ASSEMBLY ABOVE THE BASEMENT HAS A FIRE RESISTANCE RATING OF NOT LESS THAN 3-HRS AND THE FLOOR AREA IS SUBDIVIDED BY 2-HR FIRE WALLS INTO AREAS NOT MORE THAN 3,000 SF.



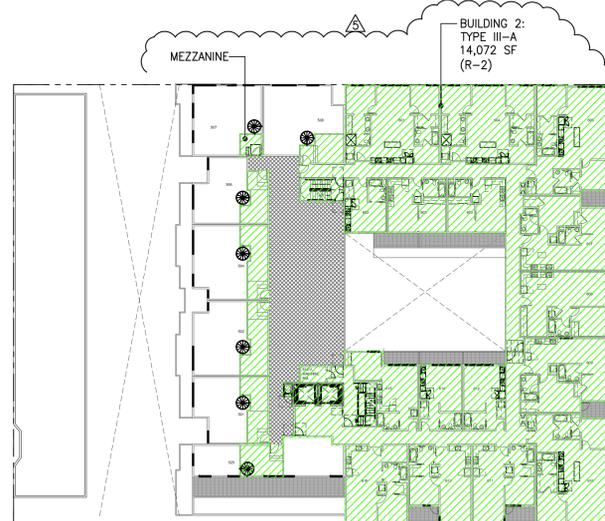
4 PLAN: THIRD FLOOR  
1/32"=1'-0"



5 PLAN: FOURTH FLOOR  
1/32"=1'-0"



6 PLAN: FIFTH FLOOR  
1/32"=1'-0"



7 PLAN: SIXTH FLOOR  
1/32"=1'-0"

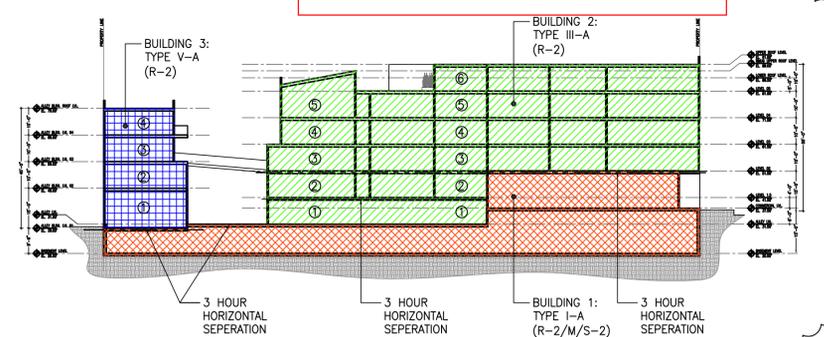
ALLOWABLE AREA PER STORY (CBC TABLE 503)

Allowed Area per CBC (IA) - Building 1			
Building Area Modification			
Area, T503 (At)	Parking (S-2)	Residential	Mercantile
	UNLIMITED	UNLIMITED	UNLIMITED
Proposed Area			
Basement	30,394 SF	0 SF	0 SF
Level 1	751 SF	0 SF	11,960 SF
Sum	31,145 SF	0 SF	11,960 SF
<b>Total Proposed Bldg. Area</b>	<b>43,105 SF</b>		

Allowed Area per CBC (IIIA) - Building 2	
Frontage Increase	
Width (W)	30
Perimeter (P)	893
Street Frontage (F)	630
$f = [1/P - 0.25]W/30$	0.45548 / 122
Building Area Modification	
Area, T503 (At)	Residential 24,000 SF
Sprinkler Increase (Is)	2
<b>Allowable Area per Floor:</b>	
Aa-[At+[Atx]f; +[Atxis]]	82,932 SF
<b>Total Allowable Area: Aa(2)=</b>	<b>165,863 SF</b>
Proposed Area	
Level 1	Residential 12,219 SF
Level 2	8,578 SF
Level 3	22,921 SF
Level 4	22,286 SF
Level 5	22,631 SF
Level 6	14,072 SF
<b>Total Proposed Bldg. Area</b>	<b>102,707 SF</b>

Allowed Area per CBC (VA) - Building 3	
Frontage Increase	
Width (W)	30
Perimeter (P)	421
Street Frontage (F)	226
$f = [1/P - 0.25]W/30$	0.28681 / 102
Building Area Modification	
Area, T503 (At)	Residential 12,000 SF
Sprinkler Increase (Is)	2
<b>Allowable Area per Floor:</b>	
Aa-[At+[Atx]f; +[Atxis]]	39,442 SF
<b>Total Allowable Area: Aa(2)=</b>	<b>78,884 SF</b>
Proposed Area	
1st Floor	Residential 4,377 SF
2nd Floor	5,268 SF
3rd Floor	4,555 SF
4th Floor	4,087 SF
N/A	
N/A	
<b>Total Proposed Bldg. Area</b>	<b>18,887 SF</b>

Exhibit 4



8 SECTION: DIAGRAM  
1/32"=1'-0"



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1298 HOWARD ST.

SAN FRANCISCO, CA



1298 HOWARD STREET  
 BLOCK/PARCEL/LOT:  
 #3728/019, 024, 025, 086, 087  
 SAN FRANCISCO, CA  
 PROJECT NO. 2013-13

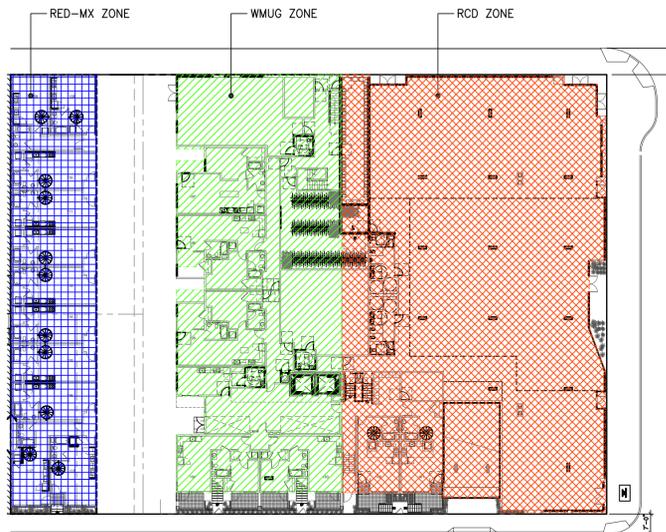
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CONTACT:  
 TOBY LEVY  
 (415) 777-0561 P  
 (415) 777-5117 F

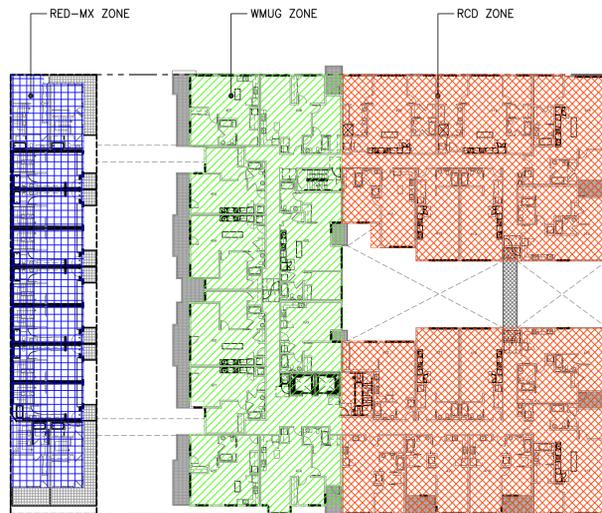
SCALE: AS NOTED

**BUILDING AREA CALCULATIONS**

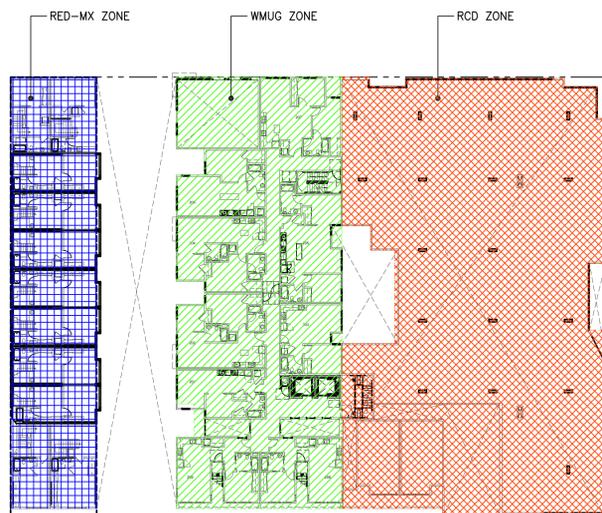
A0.10A



1 PLAN: GROUND FLOOR  
1/32"=1'-0"



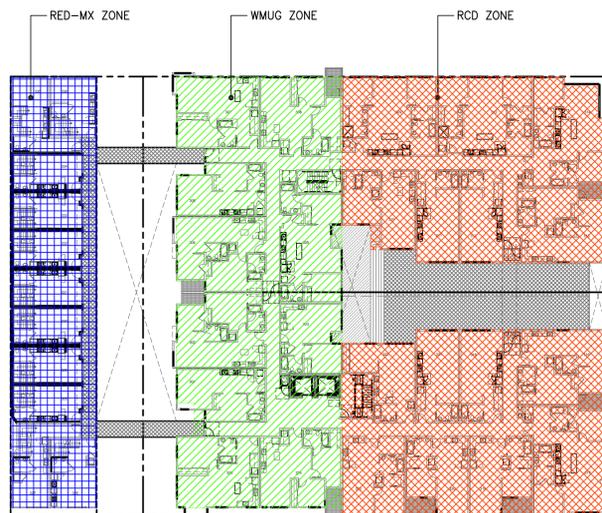
4 PLAN: FLOOR 4  
1/32"=1'-0"



2 PLAN: FLOOR 2  
1/32"=1'-0"



5 PLAN: FLOOR 5  
1/32"=1'-0"



3 PLAN: FLOOR 3  
1/32"=1'-0"



6 PLAN: FLOOR 6  
1/32"=1'-0"

**LEGEND**

- RCD ZONE
- WMUG ZONE
- RED-MX ZONE
- PROPERTY LINE

PROJECT NORTH    TRUE NORTH



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SCALE: AS NOTED

BUILDING OPEN AREA CALCULATIONS

## A0.10B

**1298 Howard Street**  
8/27/2017

Open space requirement. The project proposes 124 dwelling units. Planning Code Section 135 requires either 80 square feet of private common open space per unit or 54 square feet of publicly accessible open space per unit in the Eastern Neighborhoods Mixed Use Districts. In the RCD zoning district, 80 square feet of private open space or 100 square feet of common open space is required per dwelling unit.

Inner courts can be used if enclosed space is >70' in every horizontal dimension or (section 135 (g)(2))  
Alleys count towards open space (section 135(h)(1)(C))

Common Open Space Provided		Area Provided
Middle Back Alley		5303
5th Floor Roof Terrace		2222
Courtyard Over Padium		2072
Ground Floor 9th Street Commercial Entry		199
	<b>Total</b>	<b>9795</b>

**Residential Open Space Requirements:**

Zone	total # of units
<b>RED-MX</b>	<b>22</b>
Units that meet 100% private open space requirements (80 SF)	2
Remaining Units that require common open space	20
<b>WMUG</b>	<b>43</b>
Units that meet 100% private open space requirements (80 SF)	1
Remaining Units that require common open space	42
<b>RCD</b>	<b>64</b>
Units that meet 100% private open space requirements (80 SF)	4
Remaining Units that require common open space	60
<b>TOTALS</b>	<b>129</b>

**With Regards to the remaining Units that require Common Open Space:**

Zone	total # of units	SF Used Calculations
<b>RED-MX:</b> you can apply 54sf per unit from the alley	20	20 x 54 = 1,080sf 5,303sf (from alley) - 1,080sf = 4,223sf
<b>WMUG:</b> you can apply 54sf per unit from the alley	42	42 x 54 = 2,268sf 4,223sf (leftover from alley) - 2,268 = 1,955sf
Total of 1,955sf leftover from alley open space		
<b>RCD:</b> Requires 100sf of common open space for each remaining unit	60	60 x 100 = 6,000sf 6,000sf Satisfied by the remaining sum of the leftover common open space 1,955sf + 2,272sf + 2,072sf = 6,248sf 6,248sf - 6,000sf = 248sf Remaining of Unused Open Space Provided
<b>TOTALS</b>		<b>135</b>

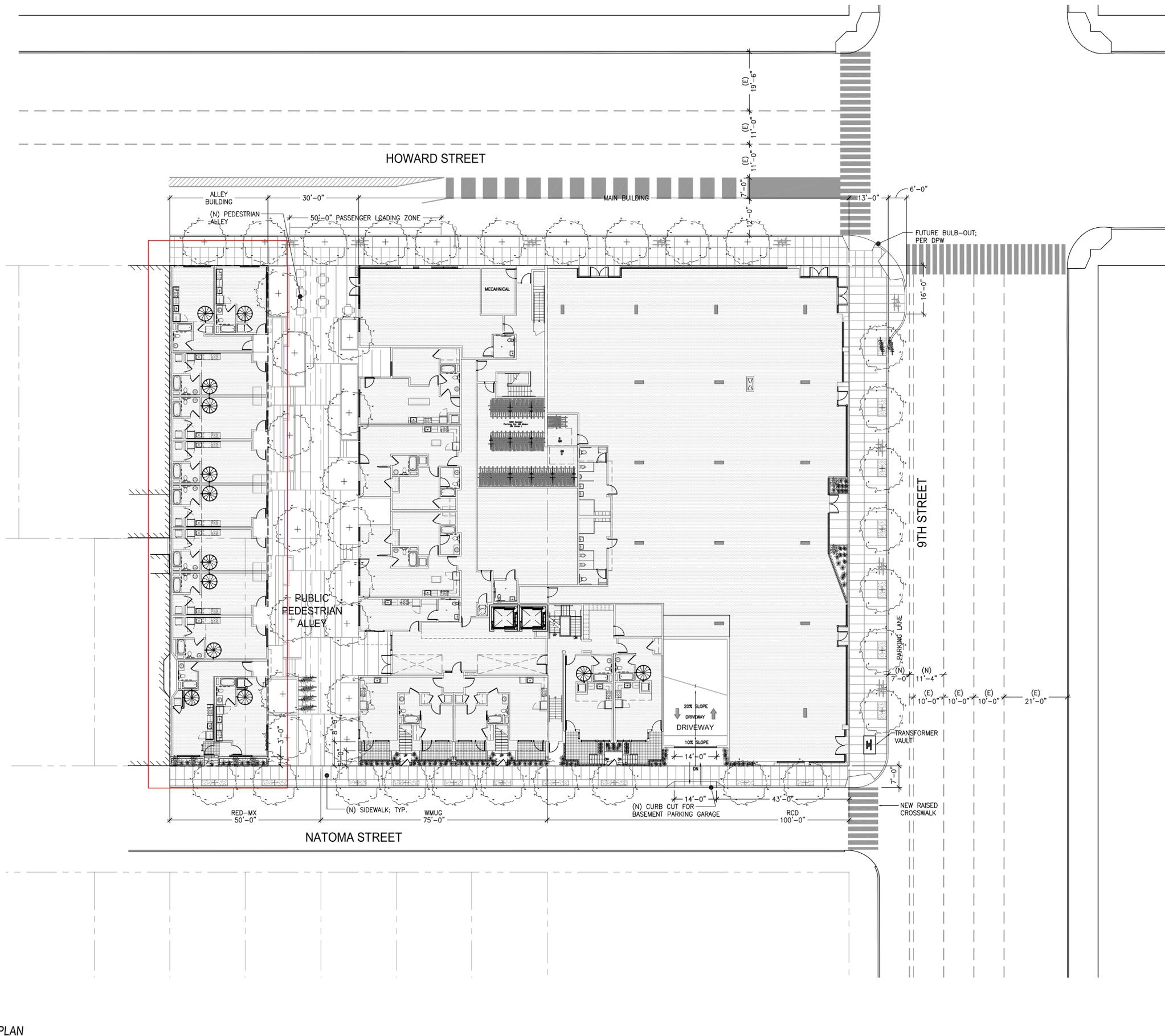
**Commercial Open Space Requirements**

Commercial Space Area and zone	Ratio of req'd open space	SF required Common Open Space
Retail in WMUG - 1,250sf	1sf/750sf	5
Retail in RCD - 1,000sf	1sf/250sf	4
Office in RCD - 11,300sf	1sf/90sf	126
<b>Total</b>		<b>135</b>

135sf Satisfied by the 199sf of open space at the Ground Floor 9th Street Commercial entrance  
199sf - 135sf = 64sf Remaining of Unused Open Space Provided

**TOTALS**    **135sf**    **64sf** Remaining of Unused Open Space Provided

OPEN SPACE TABLE



**GENERAL NOTES**

1. SEE SURVEY FOR EXISTING CONDITIONS.
2. SEE A0.7, A0.8 AND A0.9 FOR ADDITIONAL CLEARANCES AND DETAIL NOT SHOWN.
3. SEE A0.4 AND A0.5 FOR CODE AND EGRESS INFORMATION.
4. SEE FLOOR PLANS ON SHEETS A2.0-A2.7
5. ALL PENETRATIONS SHALL CONFORM PER CBC SECTION 713; SEE SHEET TBD FOR MORE INFORMATION
6. ROOF AND OVERFLOW DRAINS @ ROOF AND DECK AREAS SHALL CONNECT/FLOW TO PLANTERS TO CITY SEWER, S.C.D.
7. DIMENSIONS SHOWN HERE ARE PROVIDED TO SHOW SETBACK INFORMATION ONLY. SEE FLOOR PLANS FOR COMPLETE BUILDING DIMENSIONS.



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# 1298 HOWARD ST.

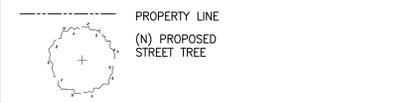
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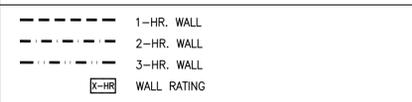
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**SITE LEGEND**



**WALL RATING LEGEND**

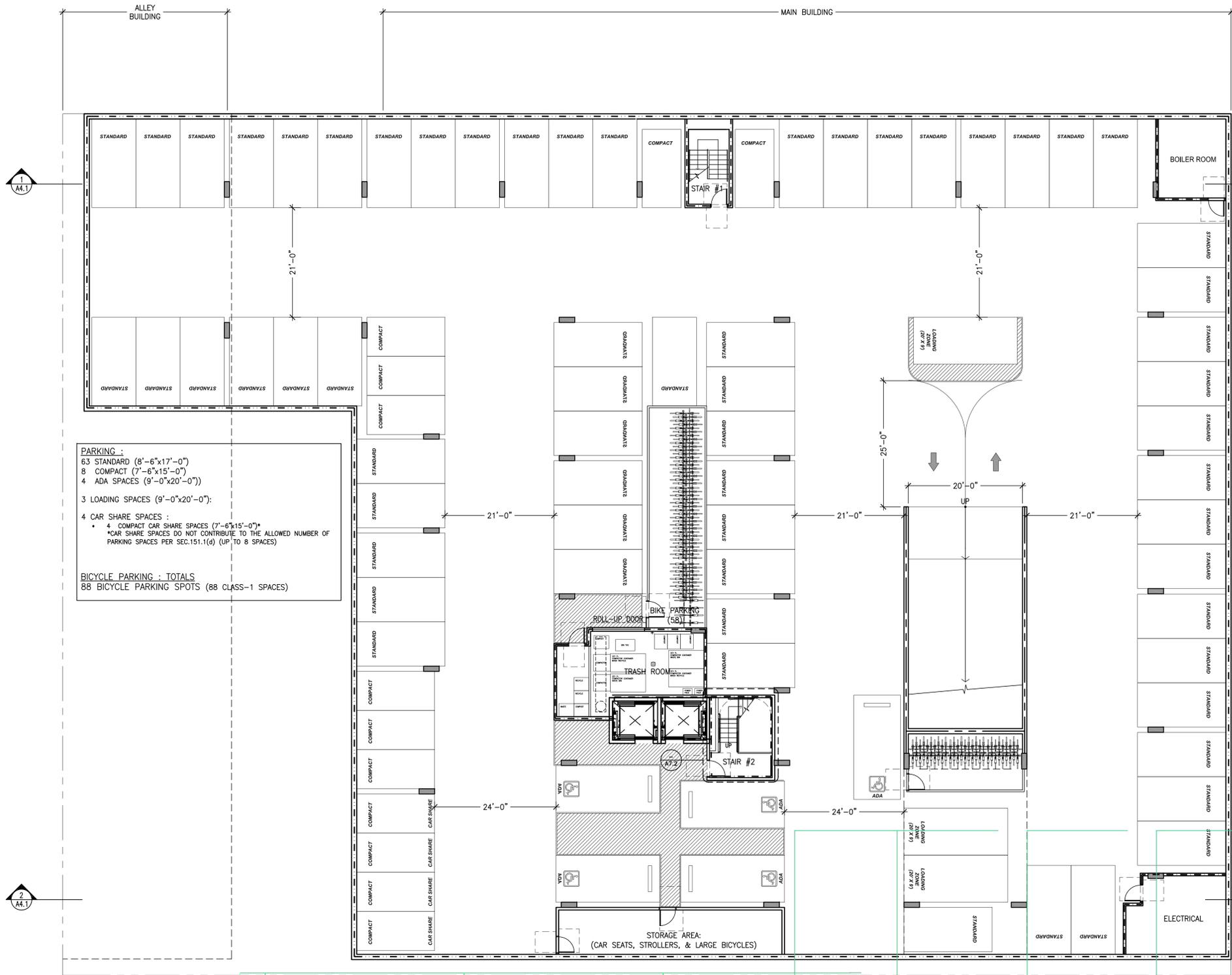


CONTACT:  
**TOBY LEVY**  
  
(415) 777-0561 P  
(415) 777-5117 F

SCALE: 1/16" = 1'-0"

**PLOT PLAN/  
SITE PLAN**

# A1.1



**PARKING :**  
 63 STANDARD (8'-6"x17'-0")  
 8 COMPACT (7'-6"x15'-0")  
 4 ADA SPACES (9'-0"x20'-0")  
 3 LOADING SPACES (9'-0"x20'-0")  
 4 CAR SHARE SPACES :  
 • 4 COMPACT CAR SHARE SPACES (7'-6"x15'-0")\*  
 \*CAR SHARE SPACES DO NOT CONTRIBUTE TO THE ALLOWED NUMBER OF PARKING SPACES PER SEC.151.1(d) (UP TO 8 SPACES)

**BICYCLE PARKING : TOTALS**  
 88 BICYCLE PARKING SPOTS (88 CLASS-1 SPACES)

**GENERAL NOTES**

- SEE CIVIL DRAWINGS FOR ADDITIONAL SCOPE OF WORK.
- SEE A0.7, A0.8 AND A0.9 FOR ADDITIONAL CLEARANCES AND DETAIL NOT SHOWN
- ALL PENETRATIONS SHALL CONFORM PER CBC SECTION 713; SEE SHEET TBD FOR MORE INFORMATION
- SEE A0.4 AND A0.5 FOR CODE AND EGRESS INFORMATION.
- SEE FLOOR PLANS ON SHEETS A2.0-A2.7
- PROVIDE FLOOR DRAINS; SLOPE 1/4" / FOOT.
- AT PARKING LEVELS: CONTRACTOR SHALL ENSURE THAT A MINIMUM OVERHEAD CLEARANCE OF 8'-2" IS PROVIDED IN THE PATH OF TRAVEL TO THE ACCESSIBLE PARKING SPACE.
- ALL STUD WALLS SHALL BE BUILT ON A MIN. 6" RAISED CONC. CURBS.
- FIRE EXTINGUISHER CABINETS ARE TO BE LOCATED ON ALL FLOORS. MAX. 150' SEPARATION (MOUNT AT COLUMNS IN GARAGE). RECESSED FIRE EXTINGUISHER CABINETS ARE TO BE PROVIDED AT FLOOR LEVELS 1-6, TYP.
- PROVIDE FLOOR DRAINS AT SLOPE OF 1/4" PER FOOT.

**BICYCLE PARKING**

- CLASS 1 - RESIDENTIAL**  
 1 FOR 1 PER UNIT UP TO 100 UNITS, PUBLICLY ACCESSIBLE  
 129 UNITS = 100 + 29/4 = 108 SPACES REQUIRED
- 188 SPACES PROVIDED:**  
 • 88 CLASS 1 SPACES PROVIDED AT BASEMENT PARKING LEVEL  
 • 100 CLASS 1 SPACES AT GROUND FLOOR BIKE ROOM
- CLASS 2 - RESIDENTIAL**  
 1 FOR EVERY 20 UNITS, PUBLICLY ACCESSIBLE  
 129 UNITS / 20 = 6.45 SPACES REQUIRED  
 = 7 SPACES REQUIRED
- CLASS 2 - COMMERCIAL**  
 1 PER 2,500 SF RETAIL = 3 SPACES  
 1 PER 5,000 SF OFFICE SPACE = 1.3 SPACES  
 = 5 SPACES REQUIRED
- 32 CLASS 2 SPACES PROVIDED:**  
 • 14 CLASS 2 SPACES PROVIDED IN PROJECT ALLEY  
 • 18 CLASS 2 SPACES ALONG SIDEWALK, HOWARD, 9TH, & NATOMA

**DIMENSION NOTES**

- STUD WALL FRAMING: ALL DIMENSIONS ARE TO FACE OF STUD, U.N.O.
- SEE ENLARGED PLANS/DETAILS FOR DIMENSIONS NOT SHOWN HERE.

**WALL RATING LEGEND**

- 1-HR. WALL
- 2-HR. WALL
- 3-HR. WALL

PROJECT NORTH      TRUE NORTH



**1 FLOOR PLAN - LEVEL 00**  
 3/32" = 1'-0"

**1298 Howard Street**  
 Parking per Section 151.2  
 4/9/2017  
 Parking Requirements

Category	Area (sq ft)	Code	Spots	Notes
Standard	1,200	8'-6" x 17'-0"	63	
Compact	1,200	7'-6" x 15'-0"	8	
ADA	1,200	9'-0" x 20'-0"	4	
Car Share	1,200	7'-6" x 15'-0"	4	
Trailer	1,200	9'-0" x 20'-0"	3	
<b>Total</b>			<b>82</b>	



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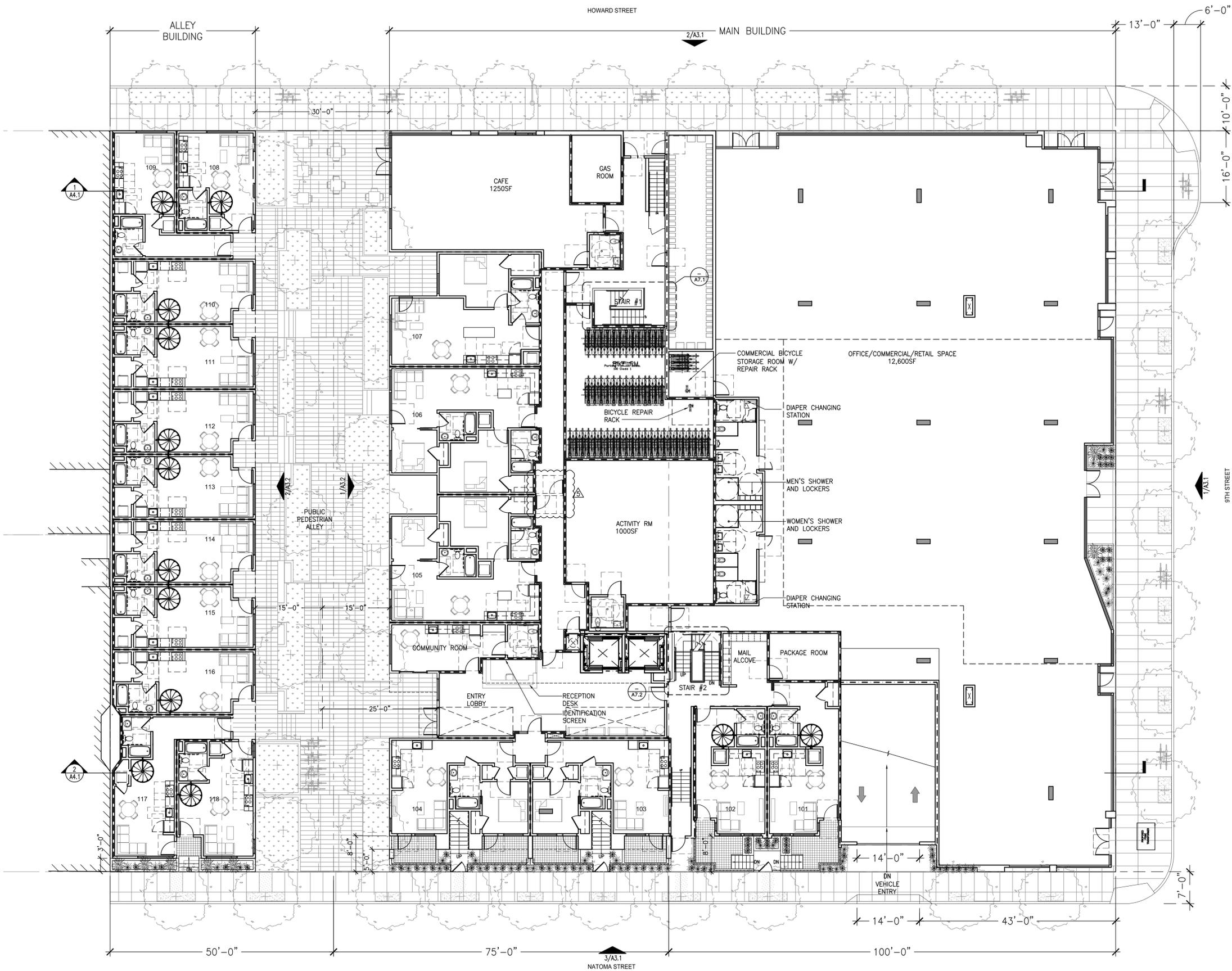
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CONTACT:  
**TOBY LEVY**  
 (415) 777-0561 P  
 (415) 777-5117 F

SCALE: 3/32" = 1'-0"

**BASEMENT PLAN**

**A2.0**



**GENERAL NOTES**

- SEE CIVIL DRAWINGS FOR ADDITIONAL SCOPE OF WORK.
- SEE A0.7, A0.8 AND A0.9 FOR ADDITIONAL CLEARANCES AND DETAIL NOT SHOWN
- SEE A0.4 AND A0.5 FOR CODE AND EGRESS INFORMATION.
- SEE FLOOR PLANS ON SHEETS A2.0-A2.7
- PROVIDE 1 HOUR CONSTRUCTION WITH SOUND INSULATION BETWEEN RESIDENTIAL UNITS AND BETWEEN RESIDENTIAL UNITS AND PUBLIC AREAS (50 STC MIN.) PER CBC SECTION 1207.
- PROVIDE CLASS 'A' 4 PLY BUILT-UP ROOFING SYSTEM.
- EXHAUST SHAFTS SHALL COMPLY WITH CBC SECTION 708.11, PROTECTED BY APPROVED FIRE DAMPERS. S.M.D. FOR MORE INFORMATION.
- CONTRACTOR TO PROVIDE SOLID & CONTINUOUS BACKING FOR ALL WALL MTD. FIXTURES, ACCESSORIES, MILLWORK, EQUIPMENT RACKS, SHELVING, ETC. ALL BLOCKING TO BE SAME GAUGE AS FRAMING OR GREATER.
- ALL PENETRATIONS SHALL CONFORM PER CBC SECTION 713; SEE SHEET TBD FOR MORE INFORMATION
- ROOF AND OVERFLOW DRAINS @ ROOF AND DECK AREAS SHALL CONNECT/FLOW TO PLANTERS TO CITY SEWER, S.C.D.
- FIRE EXTINGUISHER CABINETS TO BE LOCATED ON ALL FLOORS, MAX. 150'-0" SEPARATION. RECESSED FIRE EXTINGUISHER CABINETS ON ALL RESIDENTIAL FLOORS, TYP.
- ALL HABITABLE ROOMS SHALL BE HEATED PER CBC 1204.1
- ALL UNITS TO HAVE UNIT ENTRY SIGNAGE
- PROVIDE FLOOR DRAINS; SLOPE 1/4"/FOOT.
- PAINT ALL EXPOSED MECHANICAL, PLUMBING, ELECTRICAL AND FIRE LINES THROUGHOUT

**BICYCLE PARKING**

**CLASS 1 - RESIDENTIAL**  
 1 FOR 1 PER UNIT UP TO 100 UNITS, PUBLICLY ACCESSIBLE  
 129 UNITS = 100 + 29/4 = 108 SPACES REQUIRED  
**188 SPACES PROVIDED:**  
 • 88 CLASS 1 SPACES PROVIDED AT BASEMENT PARKING LEVEL  
 • 100 CLASS 1 SPACES AT GROUND FLOOR BIKE ROOM

**CLASS 2 - RESIDENTIAL**  
 1 FOR EVERY 20 UNITS, PUBLICLY ACCESSIBLE  
 129 UNITS / 20 = 6.45 SPACES REQUIRED  
 = 7 SPACES REQUIRED

**CLASS 2 - COMMERCIAL**  
 1 PER 2,500 SF RETAIL = 3 SPACES  
 1 PER 5,000 SF OFFICE SPACE = 1.3 SPACES  
 = 5 SPACES REQUIRED  
**32 CLASS 2 SPACES PROVIDED:**  
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**DIMENSION NOTES**

- STUD WALL FRAMING: ALL DIMENSIONS ARE TO FACE OF STUD, U.N.O.
- SEE ENLARGED PLANS/DETAILS FOR DIMENSIONS NOT SHOWN HERE.

**WALL RATING LEGEND**

- 1-HR. WALL
- 2-HR. WALL
- 3-HR. WALL

PROJECT NORTH



TRUE NORTH



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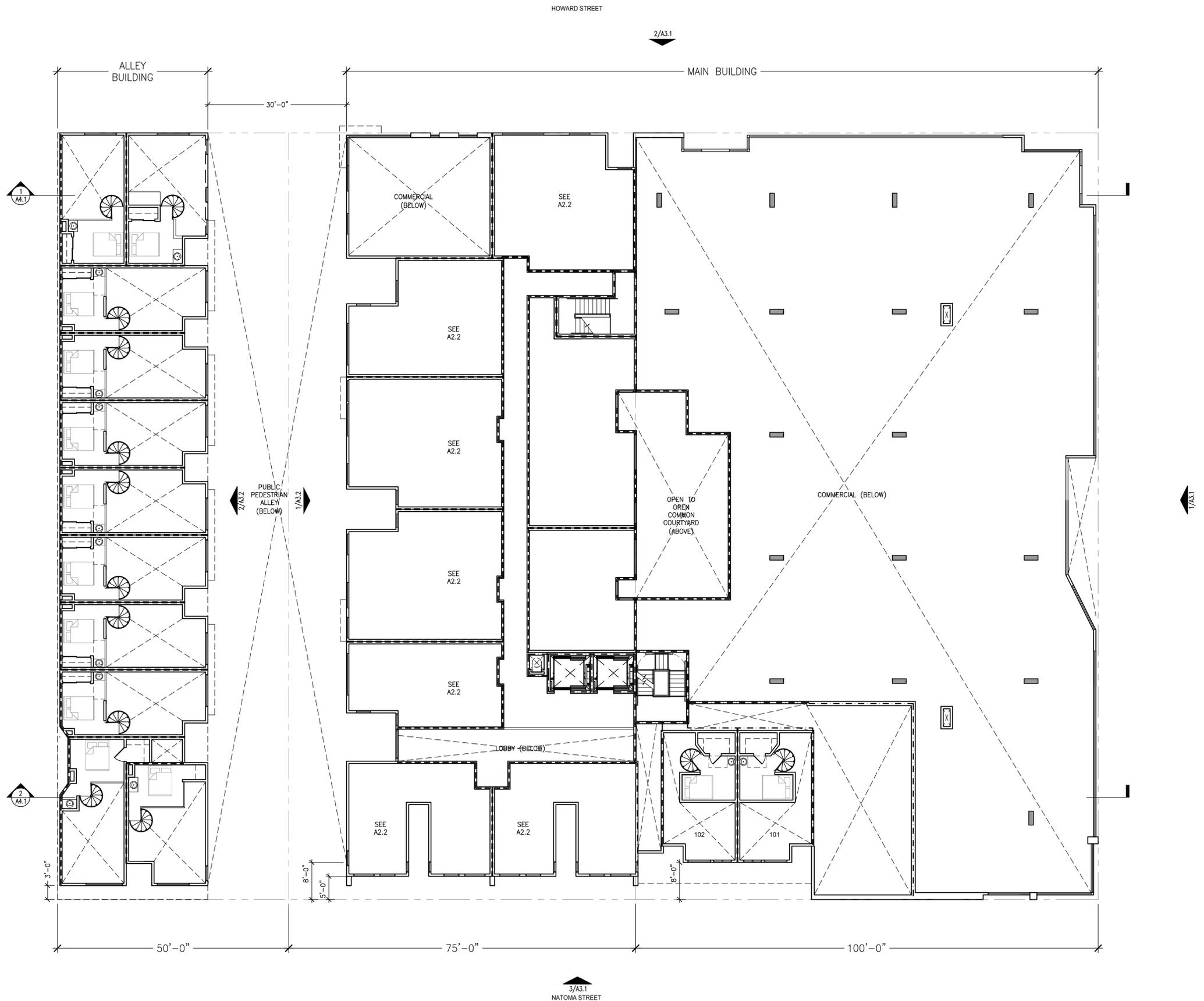
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SCALE: 3/32" = 1'-0"

**GROUND FLOOR PLAN**

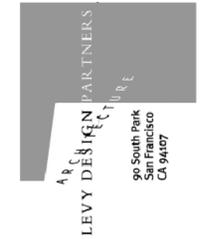
**A2.1A**

**1 FLOOR PLAN - LEVEL 01**  
 3/32" = 1'-0"



**GENERAL NOTES**

1. SEE CIVIL DRAWINGS FOR ADDITIONAL SCOPE OF WORK.
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9. PROVIDE CLASS 'A' 4 PLY BUILT-UP ROOFING SYSTEM.
10. EXHAUST SHAFTS SHALL COMPLY WITH CBC SECTION 708.11, PROTECTED BY APPROVED FIRE DAMPERS. S.M.D. FOR MORE INFORMATION.
11. CONTRACTOR TO PROVIDE SOLID & CONTINUOUS BACKING FOR ALL WALL MTD. FIXTURES, ACCESSORIES, MILLWORK, EQUIPMENT RACKS, SHELVING, ETC. ALL BLOCKING TO BE SAME GAUGE AS FRAMING OR GREATER.
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16. ALL UNITS TO HAVE UNIT ENTRY SIGNAGE
17. PROVIDE FLOOR DRAINS; SLOPE 1/4"/FOOT.
18. PAINT ALL EXPOSED MECHANICAL, PLUMBING, ELECTRICAL AND FIRE LINES THROUGHOUT



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**BICYCLE PARKING**

- CLASS 1 - RESIDENTIAL**  
1 FOR 1 PER UNIT UPTO 100 UNITS, PUBLICLY ACCESSIBLE  
129 UNITS = 100 + 29/4 = 108 SPACES REQUIRED
- 188 SPACES PROVIDED:**
- 88 CLASS 1 SPACES PROVIDED AT BASEMENT PARKING LEVEL
  - 100 CLASS 1 SPACES AT GROUND FLOOR BIKE ROOM
- CLASS 2 - RESIDENTIAL**  
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**DIMENSION NOTES**

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2. SEE ENLARGED PLANS/DETAILS FOR DIMENSIONS NOT SHOWN HERE.

**WALL RATING LEGEND**

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PROJECT NORTH	TRUE NORTH

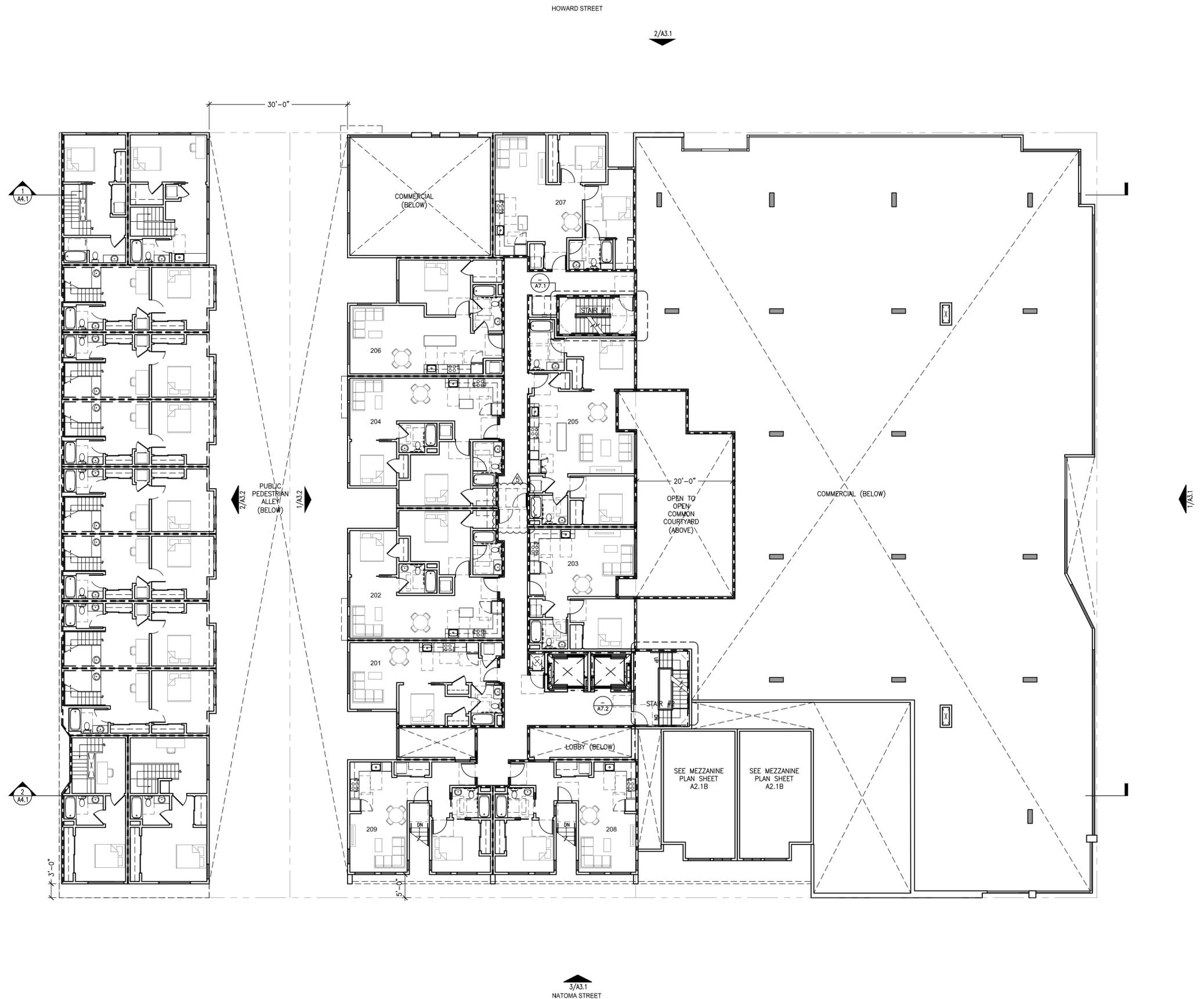
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SCALE: 3/32" = 1'-0"

**MEZZANINE PLAN**

**A2.1B**

**1 FLOOR PLAN - MEZZANINE LEVEL FLOOR PLAN**  
3/32" = 1'-0"



**GENERAL NOTES**

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- ALL UNITS TO HAVE UNIT ENTRY SIGNAGE
- PROVIDE FLOOR DRAINS; SLOPE 1/4"/FOOT.
- PAINT ALL EXPOSED MECHANICAL, PLUMBING, ELECTRICAL AND FIRE LINES THROUGHOUT



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**1298 HOWARD ST.**  
SAN FRANCISCO, CA



1298 HOWARD STREET  
BLOCK/PARCEL/LOT:  
#3728/019, 024, 025, 086, 087  
SAN FRANCISCO, CA  
PROJECT NO. 2013-13

DATE	SET ISSUE
03-10-14	EE SUBMITTAL
06-05-14	SITE PERMIT SUBMITTAL
01-26-16	PLANNING RE-SUBMITTAL
11-04-16	PLANNING RE-SUBMITTAL
12-20-16	PLANNING RE-SUBMITTAL
02-13-17	PLANNING RE-SUBMITTAL
03-27-17	PLAN REVISION
06-23-17	SITE PERMIT RE-SUBMITTAL
08-28-17	SITE PERMIT RE-SUBMITTAL

**DIMENSION NOTES**

- STUD WALL FRAMING: ALL DIMENSIONS ARE TO FACE OF STUD, U.N.O.
- SEE ENLARGED PLANS/DETAILS FOR DIMENSIONS NOT SHOWN HERE.

**WALL RATING LEGEND**

- 1-HR. WALL
- 2-HR. WALL
- 3-HR. WALL

PROJECT NORTH	TRUE NORTH

CONTACT:  
**TOBY LEVY**  
(415) 777-0561 P  
(415) 777-5117 F

SCALE: 3/32" = 1'-0"

**FLOOR 2  
PLAN**

**A2.2**

**1 FLOOR PLAN - LEVEL 2**  
3/32" = 1'-0"



**GENERAL NOTES**

1. SEE CIVIL DRAWINGS FOR ADDITIONAL SCOPE OF WORK.
2. SEE A0.7, A0.8 AND A0.9 FOR ADDITIONAL CLEARANCES AND DETAIL NOT SHOWN.
3. SEE A0.4 AND A0.5 FOR CODE AND EGRESS INFORMATION.
4. SEE FLOOR PLANS ON SHEETS A2.0-A2.7
8. PROVIDE 1 HOUR CONSTRUCTION WITH SOUND INSULATION BETWEEN RESIDENTIAL UNITS AND BETWEEN RESIDENTIAL UNITS AND PUBLIC AREAS (50 STC MIN.) PER CBC SECTION 1207.
9. PROVIDE CLASS 'A' 4 PLY BUILT-UP ROOFING SYSTEM.
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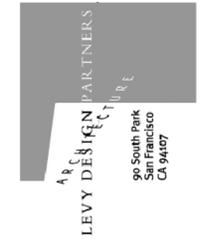
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**WALL RATING LEGEND**

- 1-HR. WALL
- 2-HR. WALL
- 3-HR. WALL

PROJECT NORTH	TRUE NORTH



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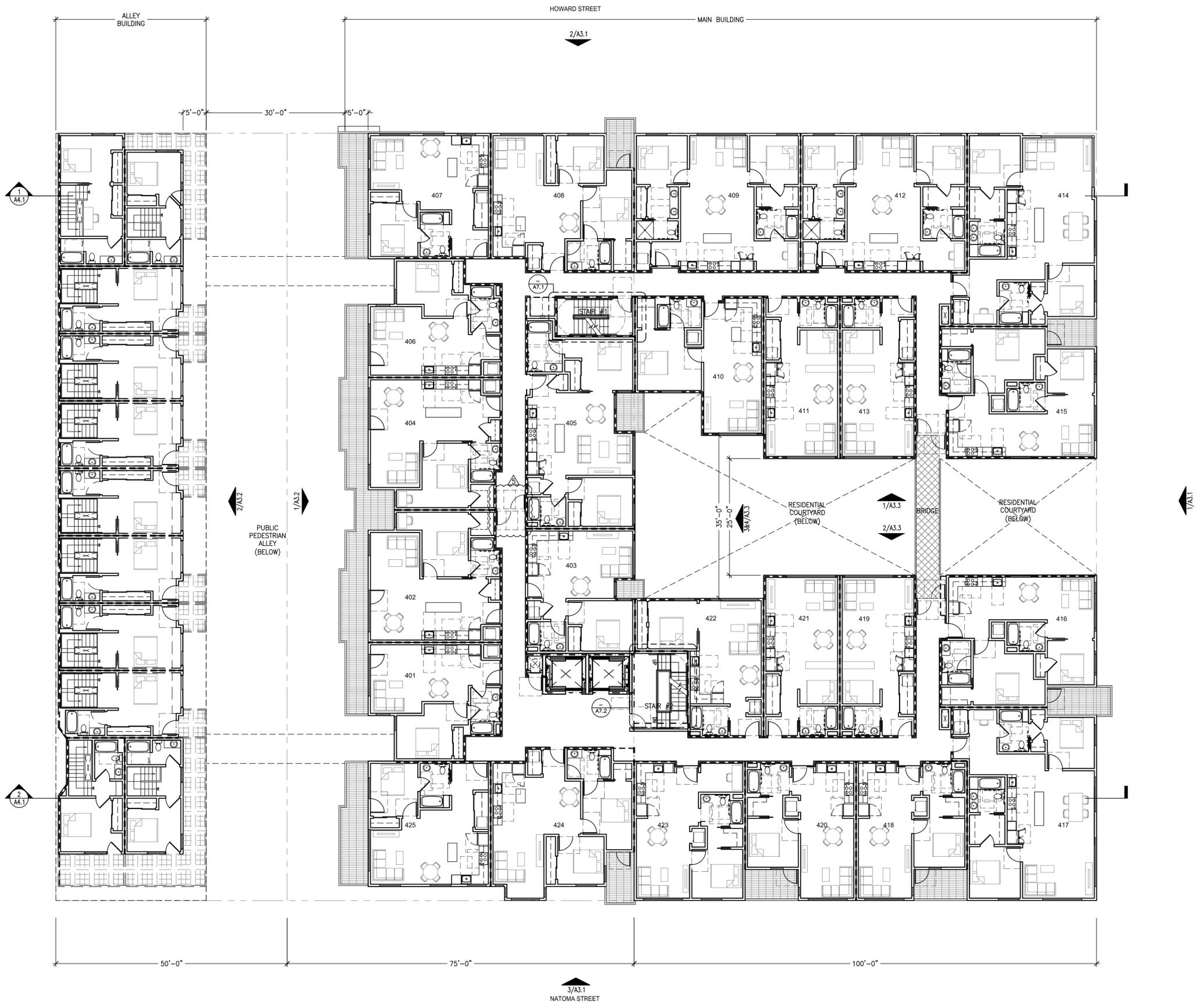
CONTACT:  
**TOBY LEVY**  
(415) 777-0561 P  
(415) 777-5117 F

SCALE: 3/32" = 1'-0"

**FLOOR 3 PLAN**

# A2.3

**1 FLOOR PLAN - LEVEL 03**  
3/32" = 1'-0"



**GENERAL NOTES**

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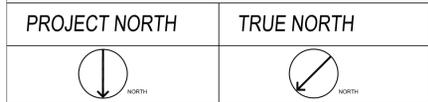
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**DIMENSION NOTES**

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- 1-HR. WALL
- 2-HR. WALL
- 3-HR. WALL



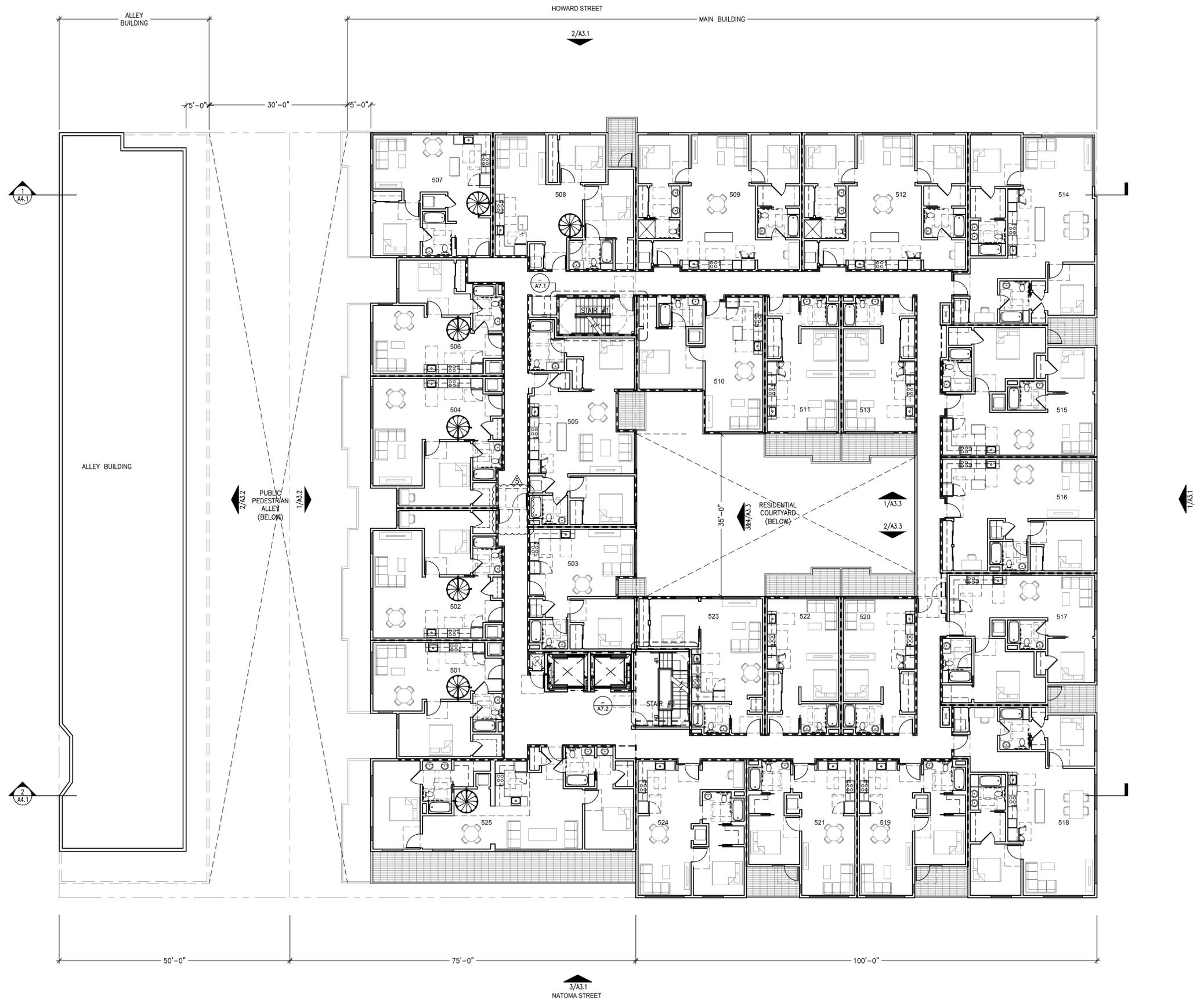
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SCALE: 3/32" = 1'-0"

**FLOOR 4  
PLAN**

**A2.4**

**1 FLOOR PLAN - LEVEL 04**  
3/32" = 1'-0"



**GENERAL NOTES**

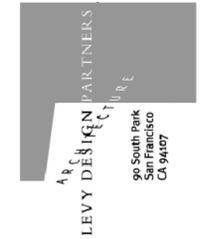
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- 3-HR. WALL



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CONTACT:  
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(415) 777-5117 F

SCALE: 3/32" = 1'-0"

**FLOOR 5  
PLAN**

**A2.5**

**1 FLOOR PLAN - LEVEL 05**  
3/32" = 1'-0"

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# 1298 HOWARD ST.

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CONTACT:  
**TOBY LEVY**

(415) 777-0561 P  
 (415) 777-5117 F

SCALE: AS NOTED

EXTERIOR  
 ELEVATIONS

# A3.2



**1** ELEVATION : NATOMA STREET  
 3/32" = 1'-0"

GENERAL NOTES	SHEET NOTES	DIMENSION NOTES
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Howard St

Howard St

Ho

757

1298 Howard  
Building 3

EXHIBIT

Natoma St

Natoma St

Natoma St

**EXHIBIT 6**Report for: **705 NATOMA ST**

## Assessor

**Parcel** 3728007  
**Address** 705 NATOMA ST

<b>Assessed Values</b>		<b>Construction Type</b>	-
<b>Land</b>	\$9,088,934.00	<b>Use Type</b>	Residential Hotel & SRO
<b>Structure</b>	\$6,222,330.00	<b>Units</b>	-
<b>Fixtures</b>	-	<b>Stories</b>	5
<b>Personal Property</b>	-	<b>Rooms</b>	104
<b>Last Sale</b>	12/15/2016	<b>Rooms</b>	-
<b>Last Sale Price</b>	\$6,483,977.00	<b>Bathrooms</b>	-
<b>Year Built</b>	1994	<b>Basement</b>	-
<b>Building Area</b>	38,500 sq ft	<b>Parcel Shape</b>	Other (not square or rectangular)
<b>Parcel Area</b>	11,247 sq ft	<b>Parcel Depth</b>	-
<b>Parcel Frontage</b>	-		

## Planning Applications

Permits are required in San Francisco to operate a business or to perform construction activity. The Planning Department reviews most applications for these permits to ensure that the projects comply with the Planning Code [↗](#). The 'Project' is the activity being proposed. For a glossary of terms, visit Planning Code section 102, or the Help section of this site.

**2017-014313GEN Generic (GEN) 701-705 NATOMA ST - 91.339EFKVC**



## EXHIBIT 7



Report for: **1234 HOWARD ST**



## Planning Applications

Permits are required in San Francisco to operate a business or to perform construction activity. The Planning Department reviews most applications for these permits to ensure that the projects comply with the Planning Code [↗](#). The 'Project' is the activity being proposed. For a glossary of terms, visit Planning Code section 102, or the Help section of this site.

### 2006.1166 Project Profile (PRJ) 1234 HOWARD ST

Opened: 9/12/2006

Status: Closed

Assigned Planner: Planning Information Center: [pic@sfgov.org](mailto:pic@sfgov.org) / 415-558-6377

18 NEW CONSTRUCTION

### 2006.1166Q Condo-REF (CND) 1234 HOWARD ST

Opened: 9/12/2006

Status: Closed - Approved 10/30/2006

Assigned Planner: Ben Fu: [BEN.FU@SFGOV.ORG](mailto:BEN.FU@SFGOV.ORG) / 415-558-6613

### 2004.1105 Project Profile (PRJ) 1234 HOWARD ST

Opened: 6/25/2004

Status: Closed

Assigned Planner: Planning Information Center: [pic@sfgov.org](mailto:pic@sfgov.org) / 415-558-6377

Demolition of a Category III building (under Article 11) and construction of 18 dwelling units with 18 off-street

### 2004.1105A Certificate of Appropriateness (COA) 1234 HOWARD ST

Opened: 10/21/2004

Status: Closed 10/24/2005

Assigned Planner: WHASTIE: [pic@sfgov.org](mailto:pic@sfgov.org) / 415-558-6377

### 2004.1105V Variance (VAR) 1234 HOWARD ST

Opened: 6/25/2004

Status: Closed - Approved 5/4/2005

Assigned Planner: WHASTIE: [pic@sfgov.org](mailto:pic@sfgov.org) / 415-558-6377

**2002.0954 Project Profile (PRJ) 1234 HOWARD ST**

Opened: 9/5/2002

Status: Closed

Assigned Planner: Planning Information Center: pic@sfgov.org / 415-558-6377

03/07/2003 Shadow Study Prop. K The proposal involves the demolition of a two-story, 8,250 sf warehouse

**2002.0954C Conditional Use Authorization (CUA) 1234 HOWARD ST**

Opened: 9/5/2002

Status: Closed - Withdrawn 4/20/2005

Assigned Planner: WHASTIE: pic@sfgov.org / 415-558-6377

**2002.0954E Environmental (ENV) 1234 HOWARD ST**

Opened: 9/19/2002

Status: Closed - CEQA Clearance Issued 9/4/2004

Assigned Planner: AAGUILAR: pic@sfgov.org / 415-558-6377

**2002.0954K Shadow Study (SHD) 1234 HOWARD ST**

Opened: 3/7/2003

Status: Closed 5/9/2005

Assigned Planner: Julian Banales: julian.banales@sfgov.org / 415-558-6339

**1697PRV Project Review Meetings (PRV) Questions about an 18 unit condominium with 16 parking spaces.**

Opened: 8/6/2002 6:33:10 PM

Status: Closed - Informational 8/7/2002

Assigned Planner: Julian Banales: julian.banales@sfgov.org / 415-558-6339

Questions about an 18 unit condominium with 16 parking spaces.

**1382PRV Project Review Meetings (PRV) 1234 Howard Street. A proposal for 18-21 residential units with ground floor commercial.**

Opened: 4/10/2002 3:21:18 PM

Status: Closed - Informational 4/16/2002

Assigned Planner: Mat Snyder: mathew.snyder@sfgov.org / 415-575-6891

1234 Howard Street. A proposal for 18-21 residential units with ground floor commercial.

**1997.087 Project Profile (PRJ) 229 08TH ST**

Opened: 2/6/1997

Status: Closed

Assigned Planner: Planning Information Center: pic@sfgov.org / 415-558-6377

Construct 5 unit new condominium.

**1997.087Q Condo-REF (CND) 229 08TH ST**

Opened: 2/6/1997

Status: Closed - Approved 2/11/1997

Assigned Planner: LMA: pic@sfgov.org / 415-558-6377

Permitted Short Term Rentals

None

# Western SoMa Area Plan

EXHIBIT 8

## INTRODUCTION

The early waterfront activity, coupled with the coming of the railroad, established South of Market as the economic engine of San Francisco. From the early Gold Rush days to the reconstruction of the city following the 1906 earthquake, the movement of goods and the need for essential services gave rise to SoMa's blue collar legacy. Factories and warehouses stretched from the Embarcadero to the Mission. SoMa's unique street grid, with blocks more than twice the size of those elsewhere in the city, reflect the traditions and character of an industrial neighborhood.

Alleys began to bisect those enormous blocks, creating residential enclaves for the working class population. Boarding houses and single room occupancy hotels dotted the landscape. As multiple generations of immigrants passed through South of Market to settle throughout the city, some chose to stay.

South of Market is of particular importance to the Filipino and LGBTQ communities. This is a cultural heritage we seek to preserve. Filipino veterans of World War II crowded into our alleys with their children and families and filled our schools and churches, their bayanihan (community spirit) shining as brightly as their parol lanterns which light up our holidays.

Following the war, gay men and women began to establish their own social institutions, political organizations, homes and traditions. The Lesbian, Gay, Bisexual, Transgender and Queer communities add a richness to our cultural fabric. The Folsom Street Fair (which turned the words "Folsom Street" into an internationally accepted synonym for kink) is the third largest outdoor event in the State of California.

During the 1990s, spurred on by the growth of multi-media and the "dot com boom," thousands of new housing and "live/work" units were built but the economy, infrastructure and culture of South of Market were unprepared for such rapid and unplanned gentrification. Many traditional jobs disappeared. Printing, manufacturing, auto repair – many of the service and light industries – were pushed out by rising real estate prices and the changing demographics.

Early warning signs – displacement of small businesses, population shifts, social instability, escalating conflicts between competing uses – screamed out for more comprehensive planning. Citywide discontent brought about a return to district elections and a progressive sweep of the Board of Supervisors. SoMa was first in line to demand better planning.

The Western SoMa Citizens Planning Task Force was the community's response: a grassroots community-based citizens body that brought together a broad range of stakeholders. The Task Force is an experiment in both representative democracy, in that it consists of 26 members appointed by the Board to represent all aspects of community life, and participatory democracy, where everyone shares in a visioning, values and validation process. The Task Force adopted the following "Values Statement" on September 28, 2005:

"The Western SoMa Citizens Planning Task Force shall promote neighborhood qualities and scale that maintain and enhance, rather than destroy, today's living, historic and sustainable neighborhood character of social, cultural and economic diversity, while integrating appropriate land use, transportation and design opportunities into equitable, evolving and complete neighborhoods. Throughout the life of this Task Force, the membership shall respect one another, be responsive to the constituencies they represent and foster a citizen-based democratic decision-making process."

In a unique partnership between the San Francisco Planning Department and the Western SoMa community, with valuable assistance from the Department of Public Health, the Transportation Authority and MTA, the Mayor's Office of Housing and the Office of Economic and Workforce Development and our colleagues at Asian Neighborhood Design, with invaluable contributions from students at San Francisco State University, Cal Poly San Luis Obispo, UC Berkeley and many others, the "Citizen Planners" of the Western SoMa Task Force examined in great detail the past history, present realities and future potential of this neighborhood.

The Task Force sought to stabilize the community through small, incremental steps, such as neighborhood notification, which accorded the residents of SoMa the simple courtesy of knowing in advance when new developments were planned for their community and by enacting formula retail controls. Limitations on market-rate SRO construction were adopted. The threat posed by large institutions to the service and light industries was abated. Careful research, open dialog and the willingness to compromise have led the Planning Commission and Board of Supervisors to support every initiative, often unanimously, that the Task Force has brought forward.

This Plan is the result of decisions developed through hundreds of hours of committee meetings and has been vetted through three Town Hall meetings. It is one of the first plans ever to be thoroughly scrutinized at every step of the drafting process by the application of the Department of Public Health's "Healthy Development Measurement Tool."

In August of 2006, by consensus, the Task Force adopted the following Planning Principles. They provide the foundation for this Plan:

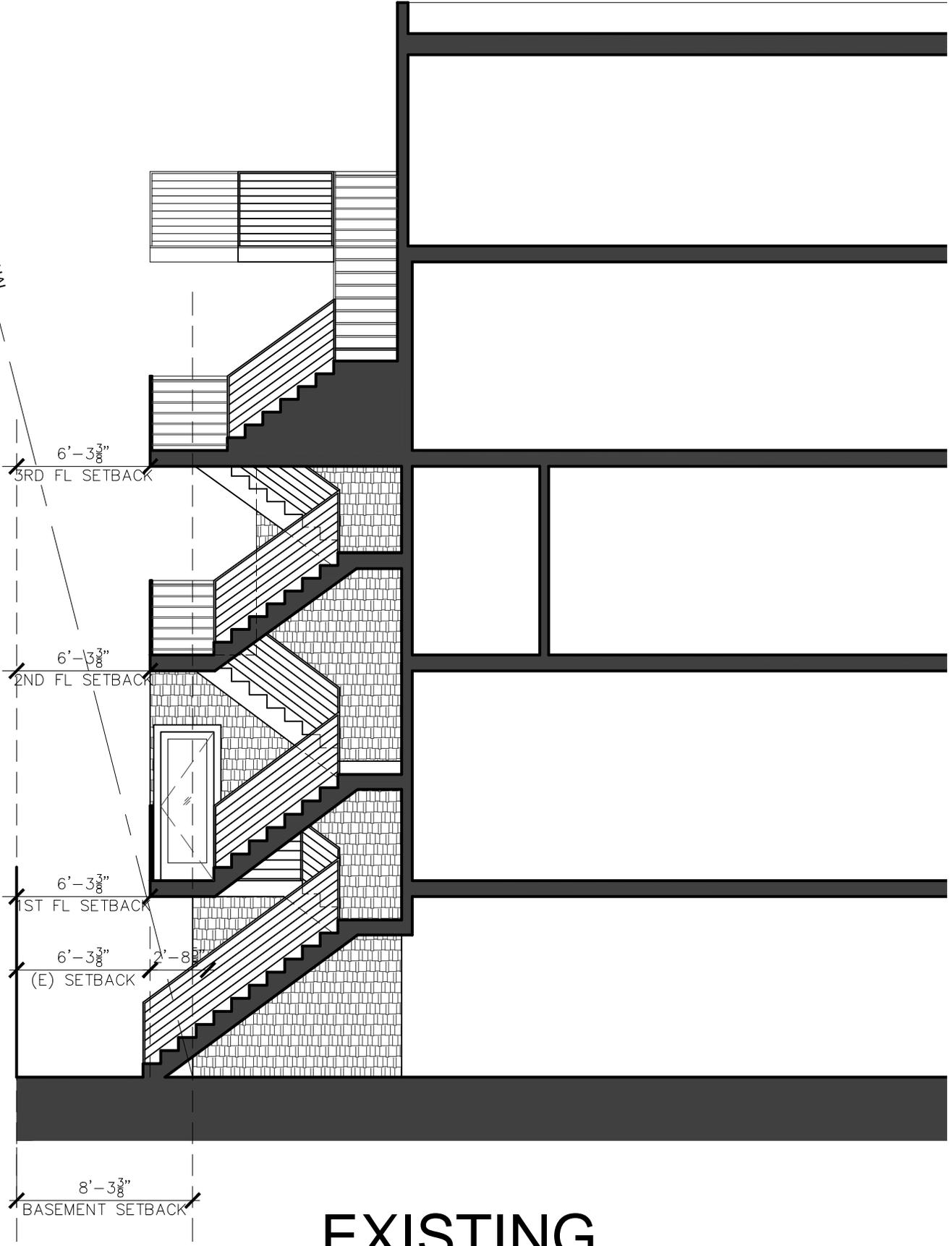
- Mitigate to the fullest extent possible neighborhood impacts resulting from new development.
- Stabilize the neighborhood against speculative land use proposals and developments.
- Promote safety in all areas of the public realm (e.g., streets, sidewalks, parks, etc.).
- Maintain and encourage the existing community cultural diversity.
- Proposed new land use development shall primarily serve the needs of existing residents and businesses. Citywide and regional needs are subordinate to existing local needs.
- Maintain and promote diversity (e.g., day/night, living/working, spectrum of uses, etc.) Of neighborhood land uses.
- Provide clear and simple community planning policies and zoning recommendations.
- Generally maintain the existing scale and density of the neighborhood.
- Promote environmental sensitivity in new development projects.
- Encourage nurturing characteristics and maximize opportunities for seniors, families, youth and children.
- Develop and maintain local accountability and monitoring mechanism.
- Provide periodic reassessment of the community plan.
- Maximize general environmental quality and health.

There are ideas and elements in the Western SoMa Plan not found in any other community plan in the City: safety and the public welfare; social heritage preservation; economic and workforce development; sustainable growth management programs. The Task Force is responsible for bringing to the larger Eastern Neighborhoods process the fundamental notion that we must build complete neighborhoods.

Long-time residents and newcomers to the neighborhood, market-rate developers, non-profit housing providers, tenants rights activists, community-based organizations, SRO hotel residents, small business owners, artists, organized labor, transportation, public health and urban planners and advocates for the disabled, youth, pedestrians and bicyclists, parks and open space, preservation and the entertainment industry have all contributed to the process. This is our neighborhood, our community and our plan.

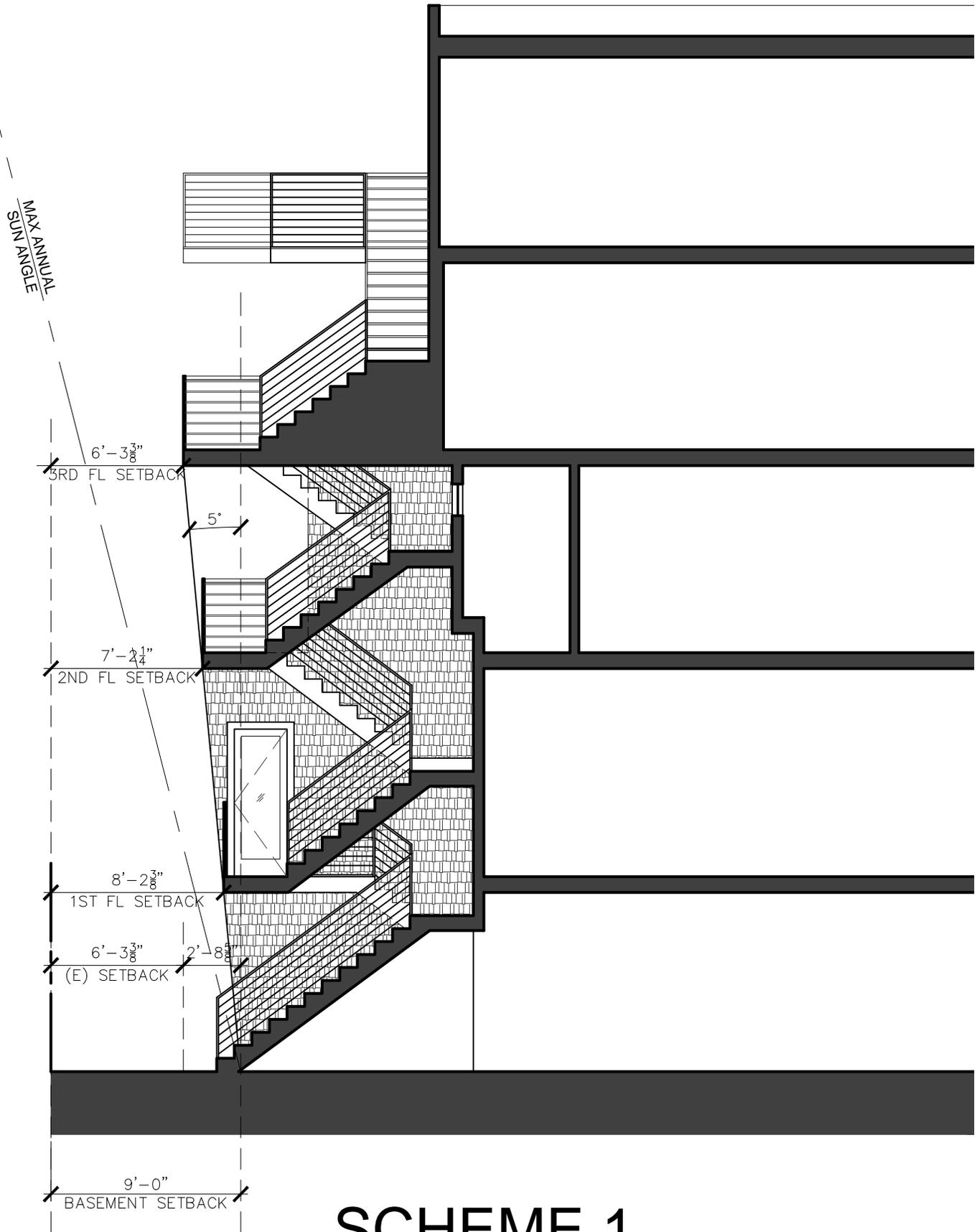
EXHIBIT AS0

MAX ANNUAL  
SUN ANGLE



EXISTING

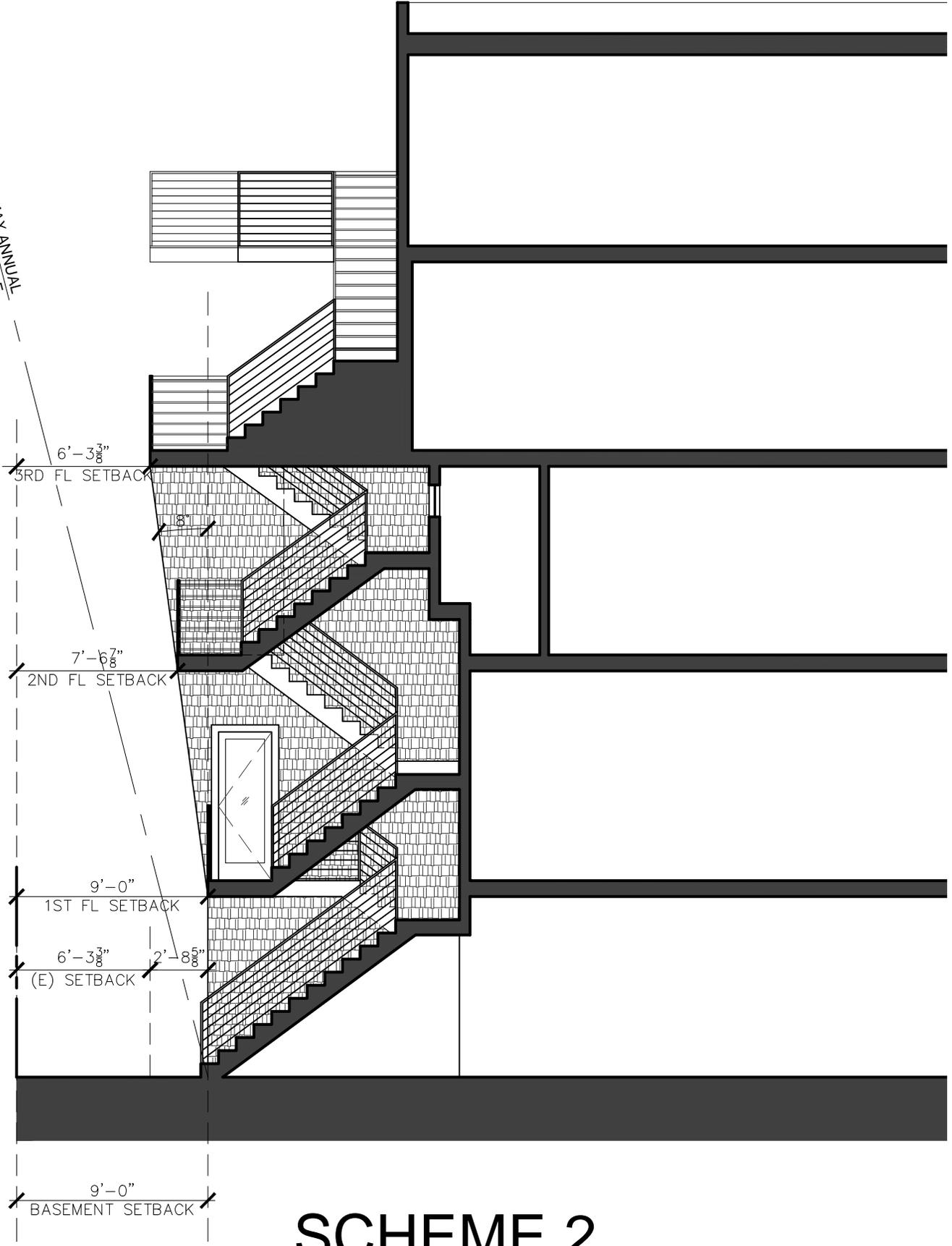
EXHIBIT AS1



SCHEME 1

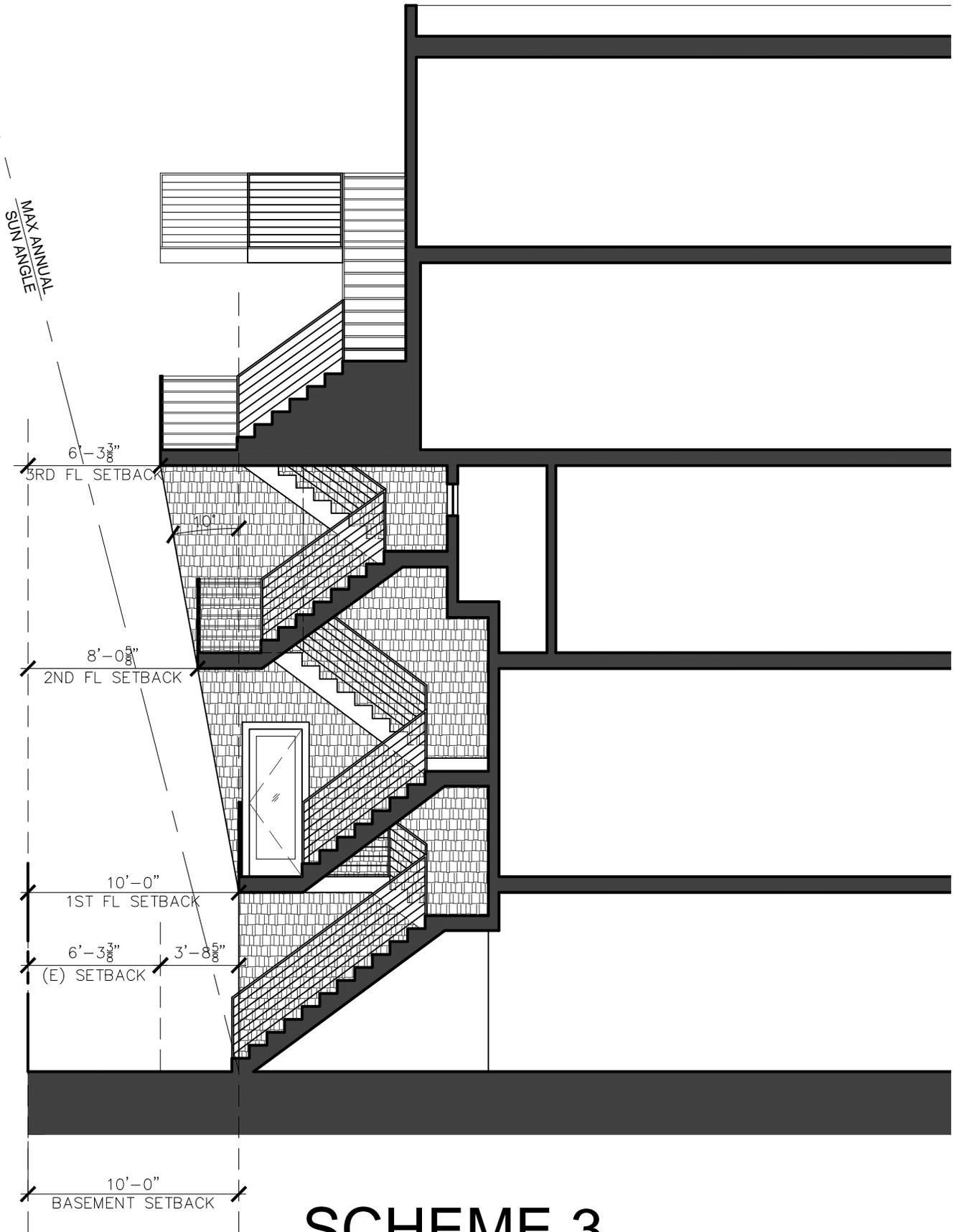
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MAX ANNUAL  
SUN ANGLE



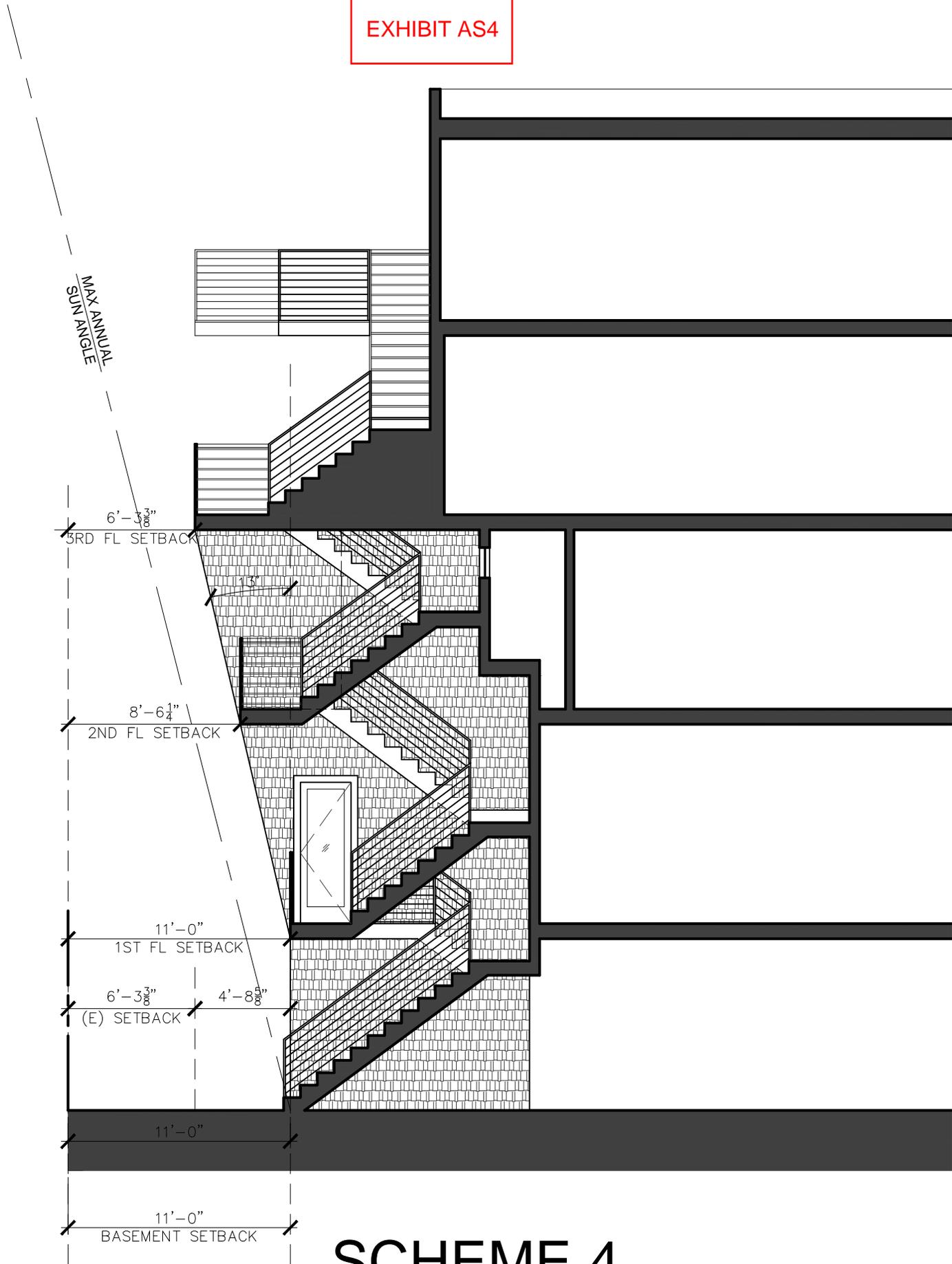
SCHEME 2

EXHIBIT AS3



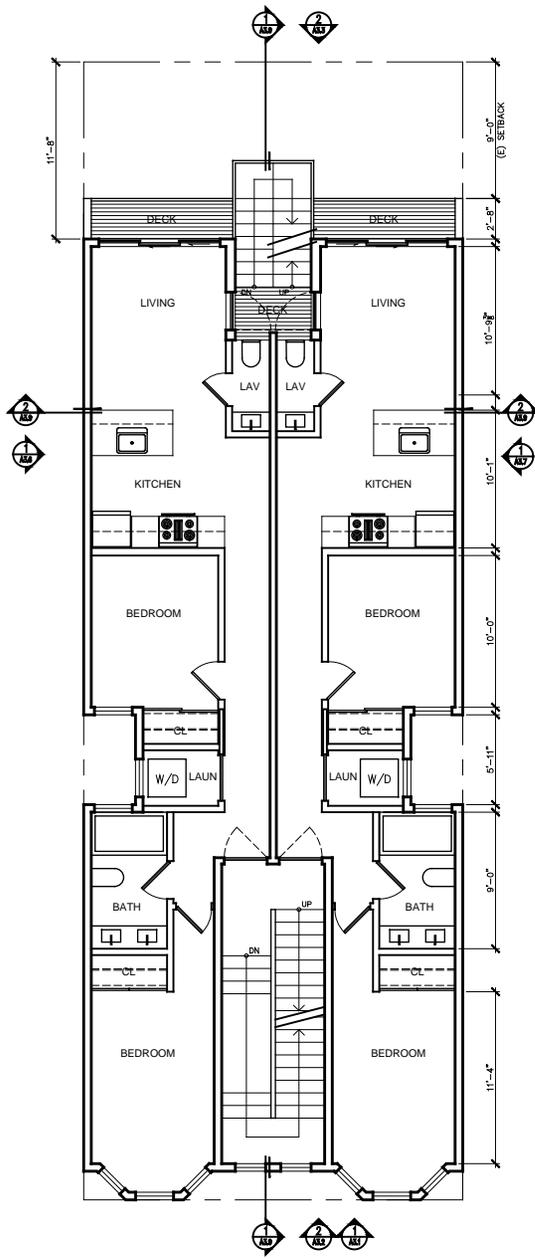
**SCHEME 3**

EXHIBIT AS4

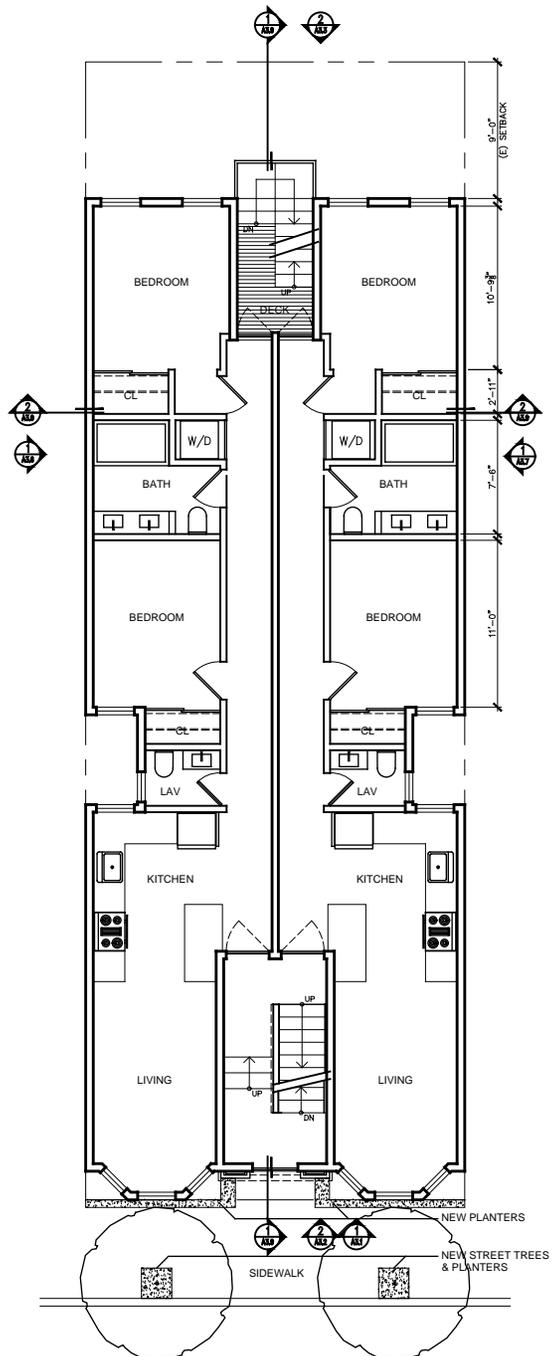


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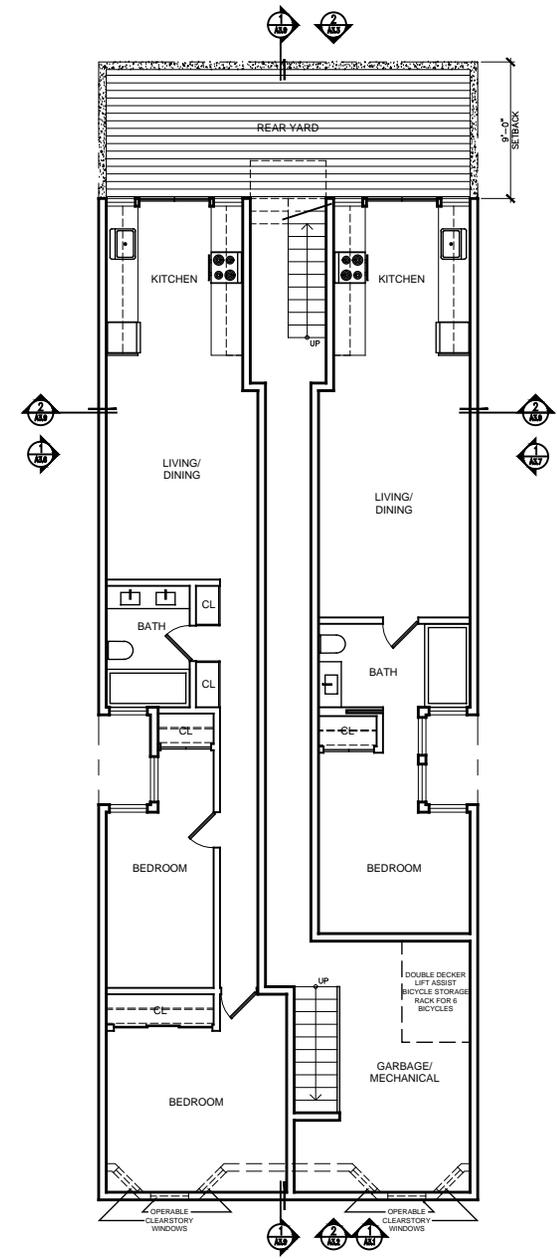
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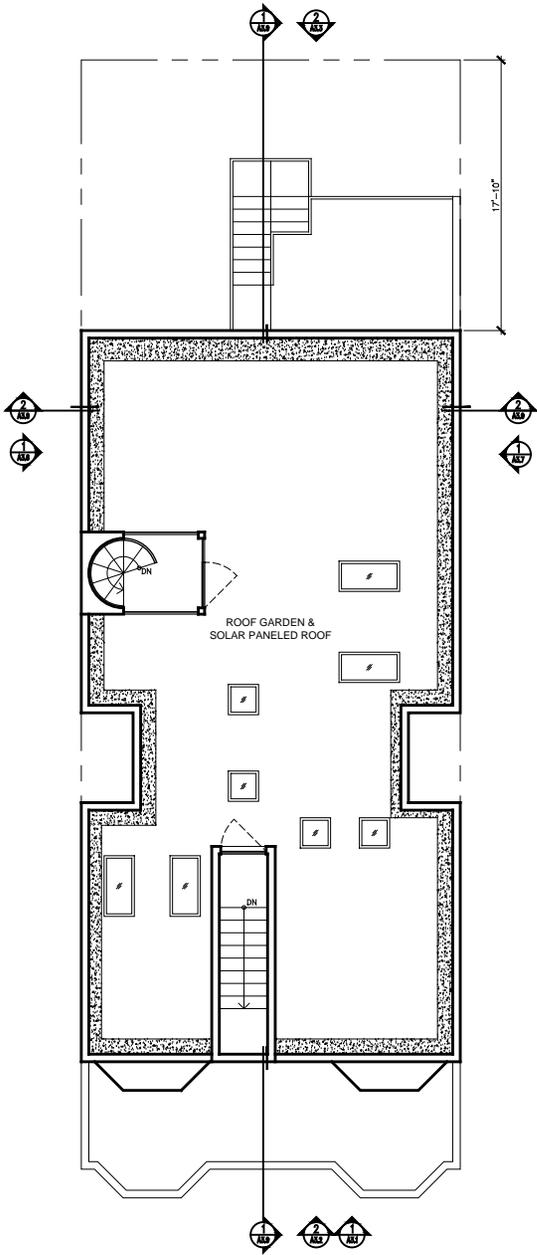
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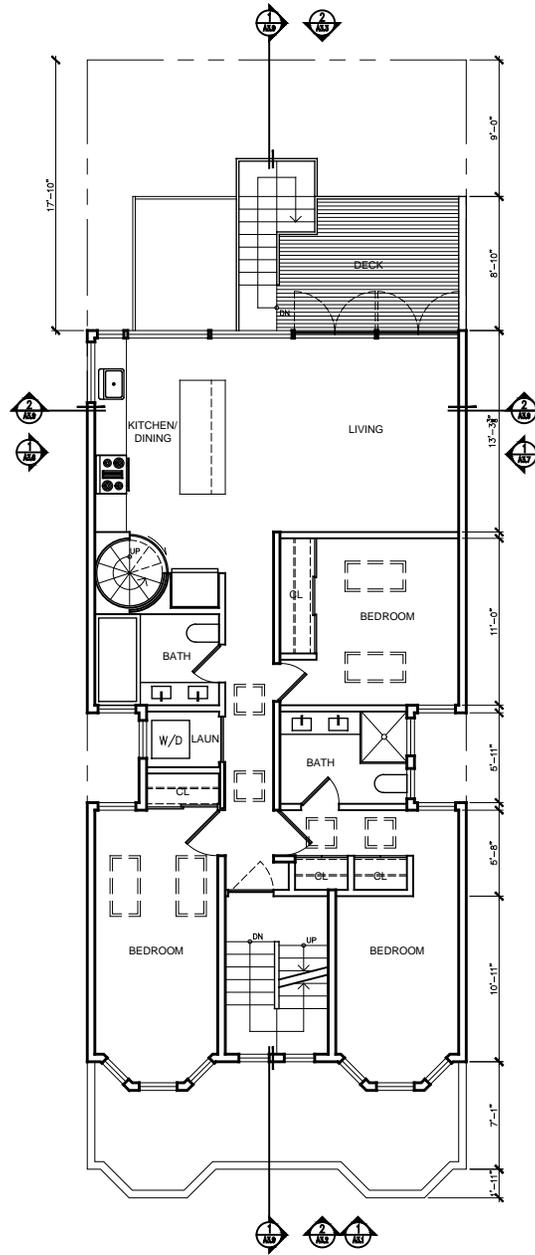
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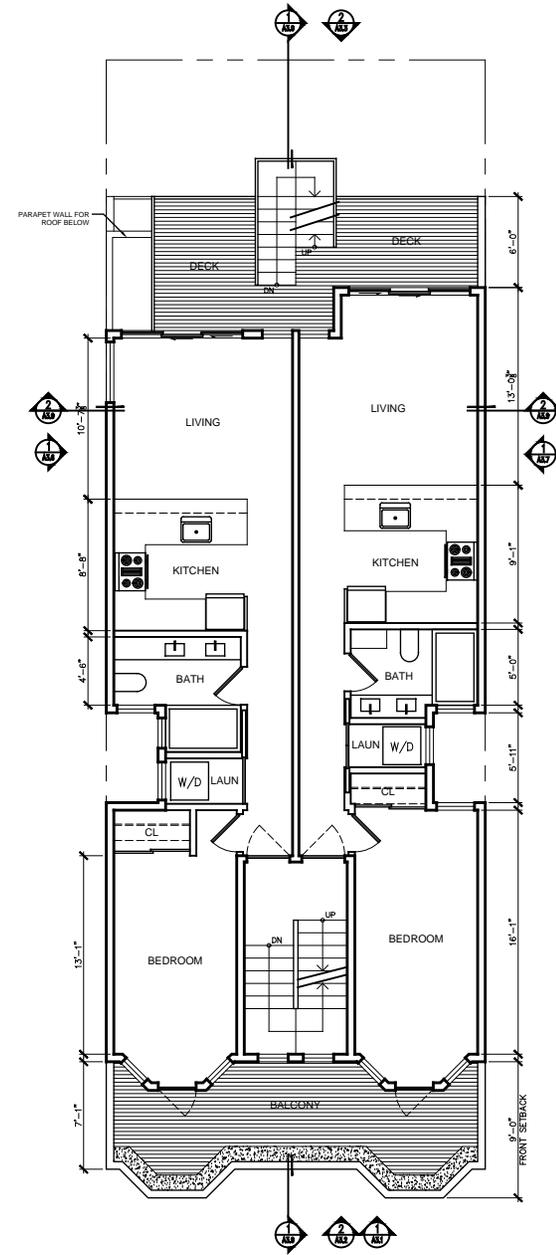
PROPOSED  
BASEMENT



PROPOSED  
ROOF PLAN

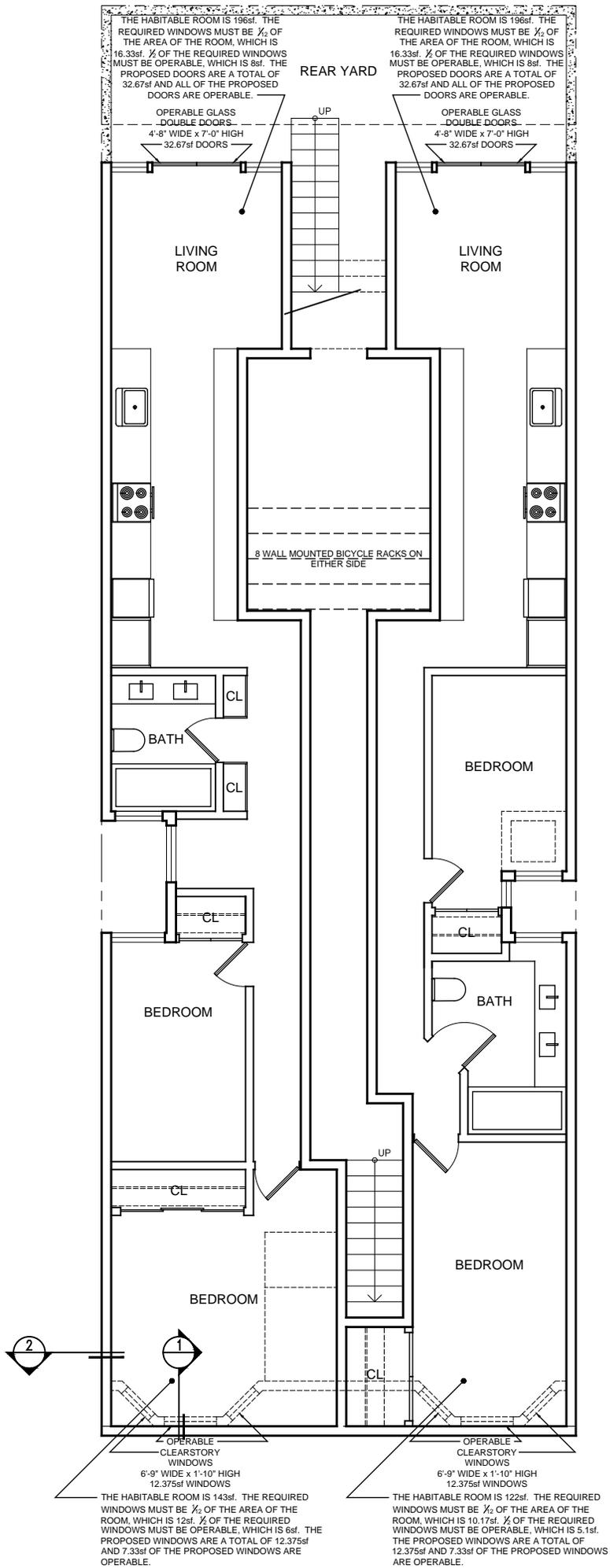


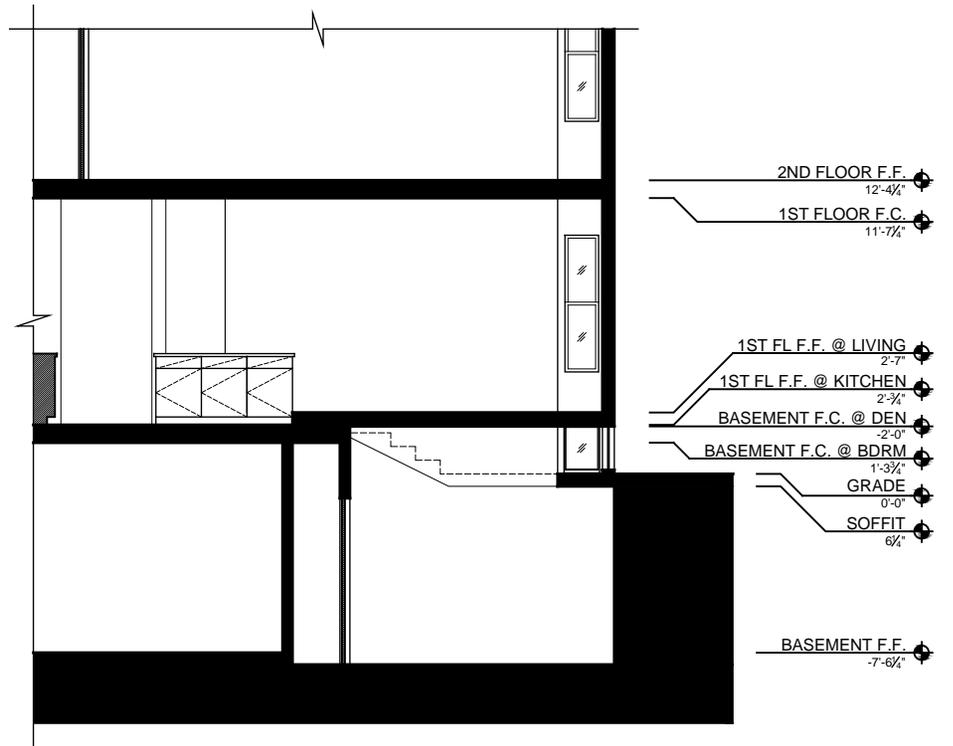
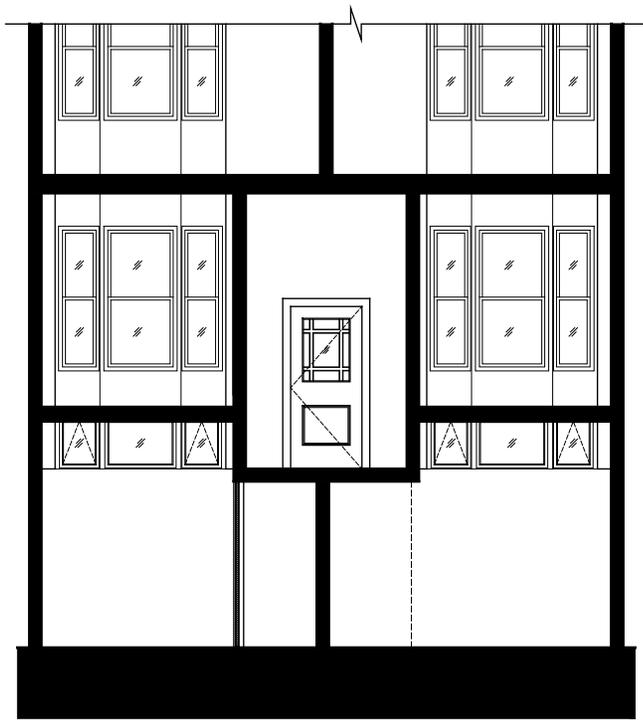
PROPOSED  
4TH FLOOR



PROPOSED  
3RD FLOOR

EXHIBIT AS6A





## 727-731 Natoma Street Front Exposure Code Analyses

Planning code Section 140 requires one habitable room in every dwelling unit to have windows that face onto an open area. It allows for Street Facing or Outer Court Facing windows to comply with the requirement. An Outer Court is defined in Planning Code Section 102. Planning Code Section 140 also states that the required habitable room and windows must comply with Housing Code Sections 503 and 504. I have provided habitable rooms in both Basement Units that each have two sets of windows facing onto two code complying spaces. The first set of windows are clerestory windows facing onto the street. The second set of windows are glazed doors facing onto an outer court. The habitable room and both sets of windows meet the requirements of Housing Code Sections 503 and 504. Clerestory windows are not defined or referenced anywhere in the Planning Code but are referenced twice in the Housing Code. Housing Code Section 504 specifically calls out clerestory windows as permitted under that code section. Housing Code Section 401 includes clerestory windows in their definition of windows. Planning Code Section 140 specifically states that the required windows are defined by Section 504 of the Housing Code.

### PLANNING CODE SECTIONS

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

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

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

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

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

(c) **Exceptions.**

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

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

*(The rest of this code section is not cited.)*

 SEC. 102. DEFINITIONS.

**Court.** Any space on a lot other than a yard that, from a point not more than two feet above the floor line of the lowest story in the building on the lot in which there are windows from rooms abutting and served by the court, is open and unobstructed to the sky, except for obstructions permitted by this Code. An "outer court" is a court, one entire side or end of which is bounded by a front setback, a rear yard, a side yard, a front lot line, a street, or an alley. An "inner court" is any court that is not an outer court.

*(The rest of this code section is not cited.)*

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

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

*(The rest of this code section is not cited.)*

## HOUSING CODE SECTIONS

 SEC. 503. ROOM DIMENSIONS.

(a) **Ceiling Heights.** Unless legally constructed as such, no habitable room shall have a ceiling height less than seven feet six inches. Any room, other than a habitable room, shall have a ceiling height of not less than seven feet.

(b) **Superficial Floor Area.** Every dwelling unit and congregate residence shall have at least one room which shall have **not less than 120 square feet of superficial floor area.** Every room which is used for both cooking and living or both living and sleeping purposes shall have not less than 144 square feet of superficial floor area. Every room used for sleeping purposes shall have not less than 70 square feet of superficial floor area. When more than two persons occupy a room used for sleeping purposes the required superficial floor area shall be increased at the rate of 50 square feet for each occupant in excess of two. Guest rooms with cooking shall contain the combined required superficial areas of a sleeping and a kitchen, but not less than 144 square feet. Other habitable rooms shall be not less than 70 square feet.

Notwithstanding any provision of this Section, children under the age of six shall not be counted for purposes of determining whether a family with minor children complies with the provisions of this Code.

(c) **Width.** No habitable room except a kitchen shall be less than seven feet in width. Rooms used as guest rooms with cooking shall have a 10-foot minimum width.

(d) **Housing Access.** To promote access to housing by families, it shall be unlawful for the owner, lessor, lessee, sublessee, real estate broker, assignee, or other person having the rights of ownership, the right of possession, or other right to rent or lease any dwelling unit or any agent or employee of such person to refuse to rent or lease, or otherwise deny, a dwelling unit to a family, as defined in Section [401](#) of this Code, on the basis of the actual or potential number of occupants if the total number of persons occupying a room for sleeping purposes does not violate the minimum superficial floor area standards prescribed in Subsection (b) of this Section.

(e) **Remedies.** A violation of Subsection (d) of this Section shall be subject to the civil remedies specified in Section [204](#)(e) of this Code.

*(The rest of this code section is not cited.)*

**SEC. 504. LIGHT AND VENTILATION.**

**General.** For the purpose of determining the light or ventilation required by this Section, any room may be considered as a portion of an adjoining room when one-half of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth of the floor area of the interior room or 25 square feet, whichever is greater.

Exterior openings for natural light or ventilation required by this Section shall open directly onto a public way or a yard or court located on the same lot as the building.

**EXCEPTIONS:**

1. Required windows may open into a roof porch where the porch:
  - a. Abuts a public way, yard or court; and
  - b. Has a ceiling height of not less than seven feet; and
  - c. Has a longer side at least 65 percent open and unobstructed.
2. Skylights.

(a) **Natural Light and Ventilation – Habitable Room.** Guest rooms and habitable rooms within a dwelling unit or congregate residence shall have an aggregate window area of not less than one-twelfth of the floor area or 10 square feet, whichever is greater. In one-family and two-family dwellings not more than one story and basement in height, a skylight is permitted over a required court or side yard if the skylight ventilating area equals the minimum required window area for rooms ventilated by such court and where another source of ventilation to the court exists or is provided, e.g., a tunnel entrance. In no case shall a skylight be permitted when a sleeping room opens into an enclosed court or side yard.

**Openable Window Area.** In guest rooms and habitable rooms within a dwelling unit or congregate residence one-half of the required window area in all rooms and hallways shall be openable.

Clerestory windows are permitted, provided they meet the requirements for ventilation as set forth in this Code.

(b) Reserved.

(c) **Mechanical Ventilation.** An approved system of mechanical ventilation or air conditioning may be used in lieu of openable exterior windows. Such system shall provide not less than two air changes per hour, except that in bathrooms, containing a bathtub, shower or combination thereof, laundry rooms and similar rooms such system shall provide five air changes per hour. A minimum of 15 cubic feet per occupant of the air supply shall be taken from the outside per Section 1202.5 of the [Building Code](#). The point of discharge of exhaust air shall be at least three feet from any opening into the building.

Bathrooms that contain only a water closet, lavatory or combination thereof and similar rooms may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

In single-family dwellings, separate switches for the light and ventilation are permissible.

Any person in charge of a building in which an exhaust fan system of ventilation is installed and used pursuant to this chapter, who fails, neglects or refuses to operate and maintain the system in good order and repair so that the air in each for which it is provided is not completely changed within the specie intervals, is guilty of a misdemeanor.

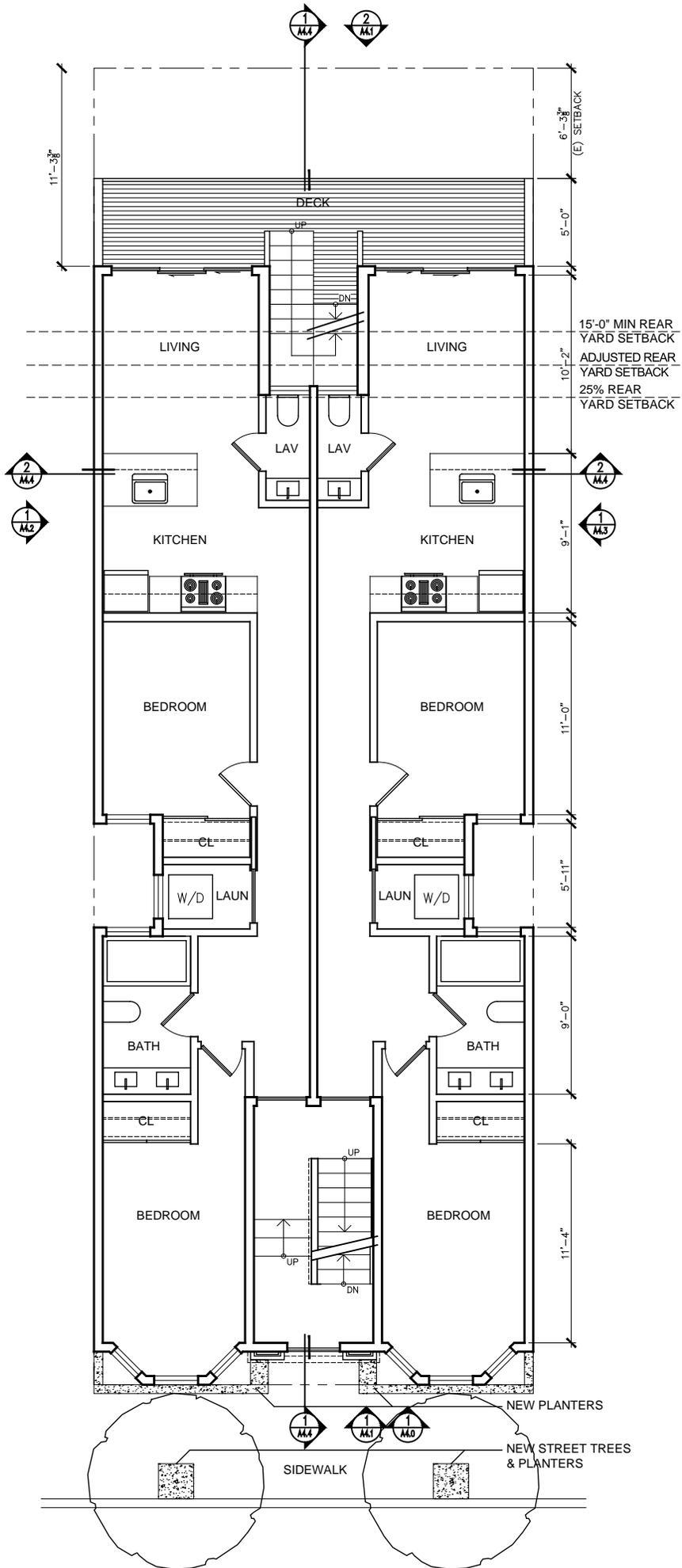
*(The rest of this code section is not cited.)*

**SEC. 401. DEFINITIONS.**

**Window.** "Window" shall mean a glazed opening, including glazed doors, which open upon a yard, court, or recess from a court, or a vent shaft open and unobstructed to the sky. Clerestory windows shall be included in this definition.

*(The rest of this code section is not cited.)*

EXHIBIT AS7



ALTERNATIVE GROUND FLOOR PLAN

## EXHIBIT PCS1

**SEC. 823. WESTERN SOMA SPECIAL USE DISTRICT.**

(a) The Western SoMa Special Use District, as shown on Section Maps 1SU, 7SU, and 8SU of the Zoning Map, is governed by Section 303.1 of this Code, and Board of Supervisors [Resolution No. 731-04](#).

(b) **Design Standards.** The construction of new buildings and alteration of existing buildings in the Western SoMa Special Use District shall be consistent with the design policies and guidelines of the "WSoMa Design Standards" as adopted and periodically amended by the Planning Commission.

(c) **Controls.** All provisions of the Planning Code shall apply except as otherwise provided in this Section.

(1) **Rear Yard.** The requirements of Section 134 shall apply except as follows:

(A) **Front Setback Credit for Rear Yards in the RED-MX District.** The required rear yard in the RED-MX District may be reduced by the distance of any provided front setback, as measured from the property line to the main building wall. The front setback shall be measured as the line of greatest depth of any portion of the front building wall that occupies at least 1/2 the width between the side lot lines of the property. However, in no case shall the rear yard be reduced to less than 15 feet.

(B) **Modification.** Only corner lots are eligible for rear yard modifications from the Zoning Administrator pursuant to Sections 134(f), 134(e), and 307(h) of this Code.

(2) **Open Space.** The requirements of Section 135 shall apply except as follows:

(A) **Publicly Accessible Open Space.** Dwelling units within Eastern Neighborhood Mixed Use Districts shall provide 80 square feet per unit of useable open space regardless of whether the open space is privately or publicly accessible. Off-site, publicly accessible open space shall not qualify as required common open space pursuant to Section 135 of this Code.

(B) **Roof Decks.** Roof decks shall not qualify as required private or common useable open space pursuant to Section 135 of this Code. For the purpose of this section, a roof deck shall be defined as a deck located on the roof of the highest story of a building, or a deck at the highest story of a building if the enclosed gross floor area of that story is less than 50 percent of the gross square footage of the footprint of the subject building.

(3) **Exposure.** The dwelling unit exposure requirements of Section 140 of this Code shall apply to all bedrooms in group housing developments in newly constructed buildings, such that each bedroom faces directly on one of the open areas specified in Section 140.

(4) **Nonconforming Uses.** A legal nonconforming nighttime entertainment use located in a building that is demolished may be re-established within a newly constructed replacement building on the same lot with a conditional use authorization pursuant to Section 303 of this Code, and pursuant to the following criteria:

(A) The gross floor area of the re-established nonconforming nighttime entertainment use may be increased up to 25 percent more than the area it occupied in the building proposed for demolition;

(B) If the nonconforming nighttime entertainment use is not re-established in the new building within three years of vacating the building proposed for demolition it shall be considered abandoned pursuant to Planning Code Section 183.

(5) **Vertical Architectural Elements.** Vertical architectural elements, pursuant to Section 263.21 of this Code, shall not be permitted.

(6) **Good Neighbor Policies.** Good Neighbor Policies for certain uses in the Eastern Neighborhood Mixed Use Districts, pursuant to Section 803.5(b) of this Code, shall apply throughout the Western SoMa Special Use District regardless of the underlying zoning district.

(7) **Single Room Occupancy (SRO) Units.** SRO units, as defined in Section 890.88(c) of this Code, shall have a minimum size of 275 gross square feet.

(8) **Recreation Facilities.** The demolition of recreation facilities, as defined in Section 890.81 of this Code, shall be governed by the following:

(A) Demolition of an existing recreation facility shall require conditional use authorization from the Planning Commission,

pursuant to Section 303 of this Code. In granting such conditional use authorization, the Planning Commission must also find the following:

- (i) The project sponsor demonstrates that the loss of the recreational facility and the associated services to the neighborhood or to the population of existing users can be met by other recreational facilities that:
  - a. are either existing or proposed as part of the associated project;
  - b. are or will be within the boundaries of the Western SoMa Special Use District; and
  - c. will provide similar facilities, services, and affordability as the recreational facility proposed to be removed.

(9) **Buffers from Nighttime Entertainment and Animal Services.** Additional requirements applicable to Nighttime Entertainment uses and Kennels, as defined in Section 102, are as follows:

(A) **Nighttime Entertainment.** No portion of a non-accessory Nighttime Entertainment use, as defined in Section 102 of this Code, shall be permitted within 200 linear feet of any property within a RED or RED-MX District. This buffer shall not apply to (i) any Nighttime Entertainment use within the WMUO District where a Nighttime Entertainment use that was established with a building permit application or a permit from the Entertainment Commission or San Francisco Police Department was in operation within five years prior to submission of a building permit application to re-establish a Nighttime Entertainment use or (ii) a Nighttime Entertainment Use established within the Regional Commercial District pursuant to Section 703.9(b) of this Code.<sup>1</sup>

(B) **Animal Services.** No portion of an animal service use, as defined in Section 224 of this Code, and that operates as a 24-hour facility, shall be permitted within 200 linear feet of an existing building containing a legal residential use, as defined in Section 890.88, within an RED or RED-MX District.

(10) **Formula Retail Uses.** In addition to existing findings required in Planning Code Section 303.1 for formula retail uses requiring conditional use authorization in the Western SoMa Special Use District, the Planning Commission shall consider the following criteria.

(A) **Size.** The new formula retail use shall be similar in size to other nearby retail uses. For the purposes of this subsection, "nearby" shall mean all other retail uses on the subject and opposite block face.

(B) **Clustering.** The new formula retail use shall have sufficient separation from other formula retail uses in the area and would thereby avoid clustering. For purposes of this subsection, "sufficient separation" shall mean no more than two formula retail uses on the proposed block face and two formula retail uses on the opposite block face.

(C) **Design.** The new formula retail use should:

- (i) not be located in a stand-alone building, have a drive-thru window, or have multiple curb cuts;
- (ii) be integrated with non-formula uses within the same building or development;
- (iii) have its primary retail frontage, and provide pedestrian access, from a public sidewalk and not from a parking lot;
- (iv) provide publicly accessible open space whenever possible.

(D) **Other.** The new formula retail use should participate in formalized local resident job hiring programs.

(11) **Major Developments Requesting Height Bonuses.**

(A) **Applicability.** The controls of this Subsection shall apply to any project that meets all of the following thresholds:

- (i) The project site is greater than .5 acre;
- (ii) The project is located within a split height district;
- (iii) The project proposes a building with a height above its permitted base height;
- (iv) The project is not located in the SALI District.

(B) **Controls.** The project shall require conditional use authorization from the Planning Commission pursuant to Section 303 of this Code, and shall not require a Large Project Authorization if otherwise required under Section 329, and shall be subject to the following criteria:

- (i) As a component of such conditional use authorization, the project may seek specific exceptions to the provisions of this Code as provided under Section 329;
- (ii) The space-efficient parking criteria of Section 151.1(g)(1)(B)(i) shall only apply to parking on the ground floor and above, and shall not apply to parking located below grade in basement levels;
- (iii) Horizontal mass reductions controls, pursuant to Section 270.1 of this Code, shall not apply;
- (iv) The project shall demonstrate that it minimizes the impacts of proposed non-residential uses on any adjacent properties in the RED and RED-MX Districts. Specifically, the following potential conflicts shall be addressed:
  - a. **Social Interaction.** Given the diversity of uses and users in Western SoMa, large developments should appropriately buffer conflicting uses, such as housing and late night uses, and commercial uses and playgrounds.
  - b. **Hours of Operation.** Hours of operation for commercial uses within the project shall consider their proximity and potential impacts to residential uses within the project and near the development site.
  - c. **Site Access.** Avoid loading and vehicular entries near pedestrian entries, open space, and high traffic areas, and locations that would disturb other users on the site.
  - d. **Environmental Conflicts.** Commercial uses that create noise, fumes, and light shall be designed to minimize any impacts on sensitive users of the site. Buildings shall be designed to minimize the impact of wind and shadows on open spaces on the development site and adjacent properties.
  - e. **Architectural Design.** Locate fenestration, decks, doors, and open spaces to minimize potential on-site conflicts between uses and users (e.g. residential and commercial uses).
- (v) Projects on development sites of 3 acres or greater are permitted to contain up to 24,999 gross square feet of office use, and up to 24,999 gross square feet of retail use, regardless of the controls of the underlying zoning district.
- (vi) Projects on development sites greater than .5 acre, but less than 3 acres, shall be subject to the Tier B affordable housing requirements of Section 419.3(b)(2) of this Code.

(Added by Ord. 206-06, File No. 060483, App. 7/25/2006; amended by Ord. [35-08](#), File No. 080156, App. 3/17/2008; Ord. [42-13](#), File No. 130002, App. 3/28/2013, Eff. 4/27/2013; Ord. [56-13](#), File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. [204-14](#), File No. 140724, App. 10/9/2014, Eff. 11/8/2014; Ord. [235-14](#), File No. 140844, App. 11/26/2014, Eff. 12/26/2014; Ord. [14-18](#), File No. 171097, App. 2/9/2018, Eff. 3/12/2018; Ord. [115-19](#), File No. 181153, App. 6/28/2019, Eff. 7/29/2019)

#### AMENDMENT HISTORY

Section header and division (a) amended; former divisions (b) and (c) deleted and new divisions (b) and (c) added; Ord. [42-13](#), Eff. 4/27/2013. Division (a) amended; Ord. [56-13](#), Eff. 4/27/2013. Divisions (a) and (c)(9)(A) amended; Ord. [204-14](#), Eff. 11/8/2014. References amended in divisions (a) and (c)(10); Ord. [235-14](#), Eff. 12/26/2014. Division (c)(9)(A) amended; Ord. [14-18](#), Eff. 3/12/2018. Divisions (c)(9) and (c)(9)(A) amended; Ord. [115-19](#), Eff. 7/29/2019.

#### CODIFICATION NOTE

- 1. So in Ord. [115-19](#).

## EXHIBIT PCS2

Print

## San Francisco Planning Code

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

The rear yard requirements established by this Section 134 shall apply to every building in the districts listed below. To the extent that these provisions are inconsistent with any Special Use District or Residential Character District, the provisions of the Special Use District or Residential Character District shall apply.

**These requirements are intended to assure the protection and continuation of established midblock, landscaped open spaces, and maintenance of a scale of development appropriate to each district, consistent with the location of adjacent buildings.**

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

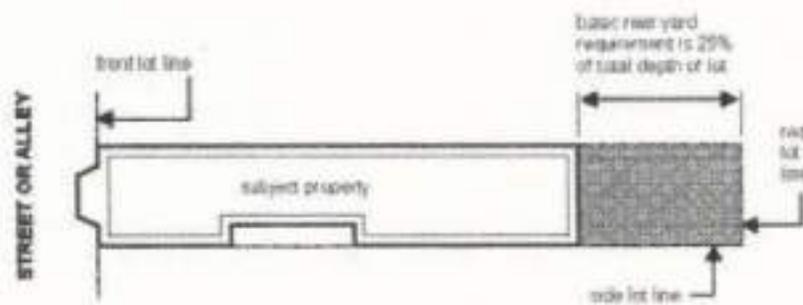
(1) **RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC-3, RC-4, NC Districts other than the Pacific Avenue NC District, C, M, MUG, WMUG, MUO, CMUO, MUR, UMU, RED, RED-MX, and SPD Districts.** Except as specified in this subsection, the minimum rear yard depth shall be equal to 25% of the total depth of the lot on which the building is situated, but in no case less than 15 feet.

(A)<sup>1</sup> For buildings containing only SRO Units in the Eastern Neighborhoods Mixed Use Districts, the minimum rear yard depth shall be equal to 25% of the total depth of the lot on which the building is situated, but the required rear yard of SRO buildings not exceeding a height of 65 feet shall be reduced in specific situations as described in subsection (c) below.

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

(A)<sup>1</sup> **RH-1(D), RH-1, RH-1(S), RM-3, RM-4, 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, Divisadero Street NCT, Excelsior-Outer Mission Street, Inner Clement Street, Upper Fillmore Street, Judah Street, Noriega Street, North Beach, Taraval Street, Union Street, Valencia Street, 24th Street-Mission, Glen Park, Regional Commercial District and Folsom Street Districts.** Rear yards shall be provided at the second story, and at each succeeding story of the building, and at the First Story if it contains a Dwelling Unit.

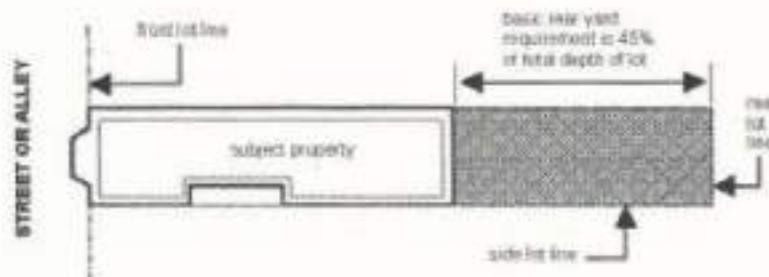


(C) **RC-3, RC-4, NC-3, NCT-3, Broadway, Fillmore Street NCT, Hayes- Gough NCT, Japantown, SoMa NCT, Mission Street NCT, Polk Street, Pacific Avenue, C, M, SPD, MUR, MUG, MUO, and UMU Districts.** Rear yards shall be provided at the lowest story containing a Dwelling Unit, and at each succeeding level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

(D) **Upper Market NCT.** 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).

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

(2) **RH-2, RH-3, RTO, RTO-M, RM-1 and RM-2 Districts, and the Pacific Avenue NC District.** The minimum rear yard depth shall be equal to 45 percent of the total depth of the lot on which the building is situated, except to the extent that a reduction in this requirement is permitted by 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 subsection (a)(2) above and as stated in subsection (a)(1) above for SRO buildings located in the Eastern Neighborhoods Mixed Use Districts not exceeding a height of 65 feet, shall be reduced in specific situations as described in this subsection (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.

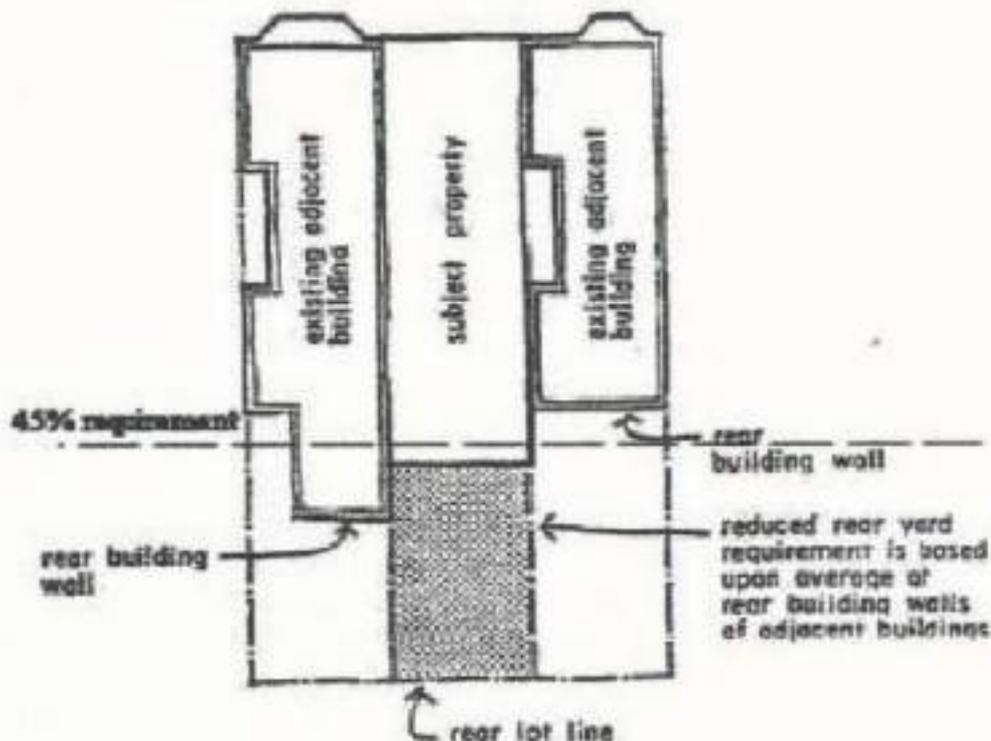
(1) **General Rule.** In such districts, the forward edge of the required rear yard shall be reduced to a line on the subject lot, parallel to the rear lot line of such lot, which is an average between the depths of the rear

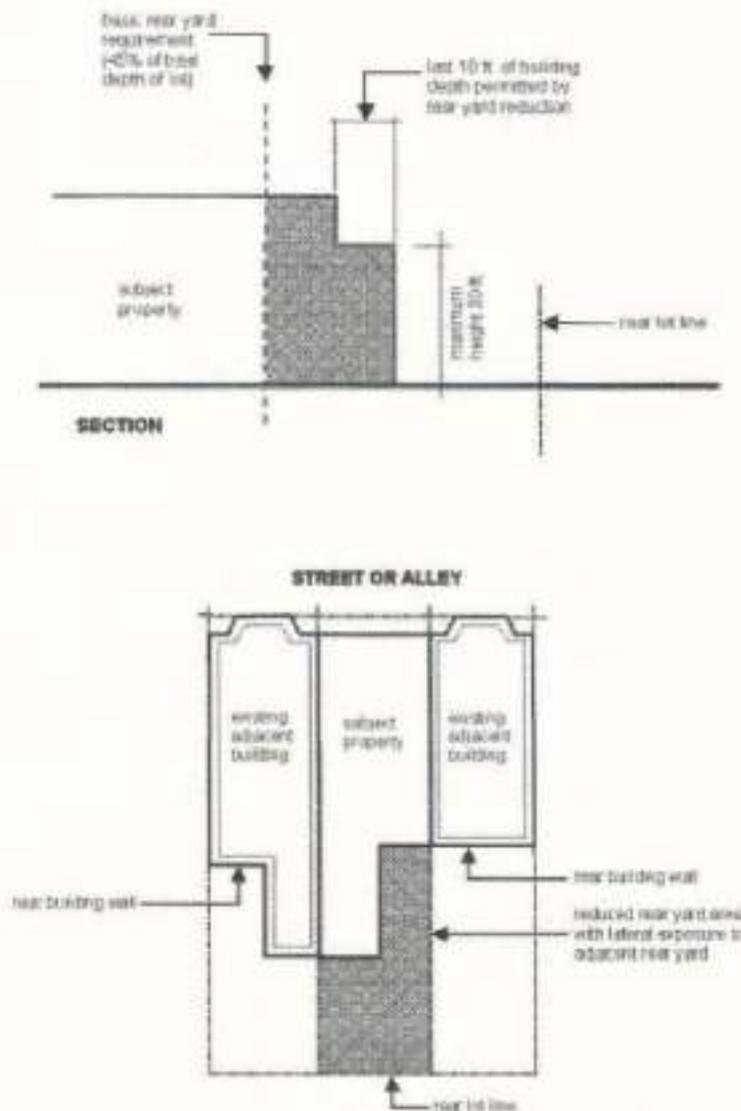
building walls of the two adjacent buildings. Except for SRO buildings, in any case in which a rear yard requirement is thus reduced, the last 10 feet of building depth thus permitted on the subject lot shall be limited to a height of 30 feet, measured as prescribed by Section 260 of this Code, or to such lesser height as may be established by Section 261 of this Code.

(2) **Alternative Method of Averaging.** If, under the rule stated in 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  $\frac{1}{2}$  the width between the side lot lines of the lot on which such adjacent building is located, and which has a height of at least 20 feet above grade, or two stories, whichever is less, excluding all permitted obstructions listed for rear yards in Section 136 of this Code. Where a lot adjoining the subject lot is vacant, or contains no dwelling or group housing structure, or is located in an RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC, RED, RED-MX, MUG, WMUG, MUR, UMU, SPD, RSD, SLR, SLI, SSO, NC, C, M or P District, such adjoining lot shall, for purposes of the calculations in this Subsection (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.



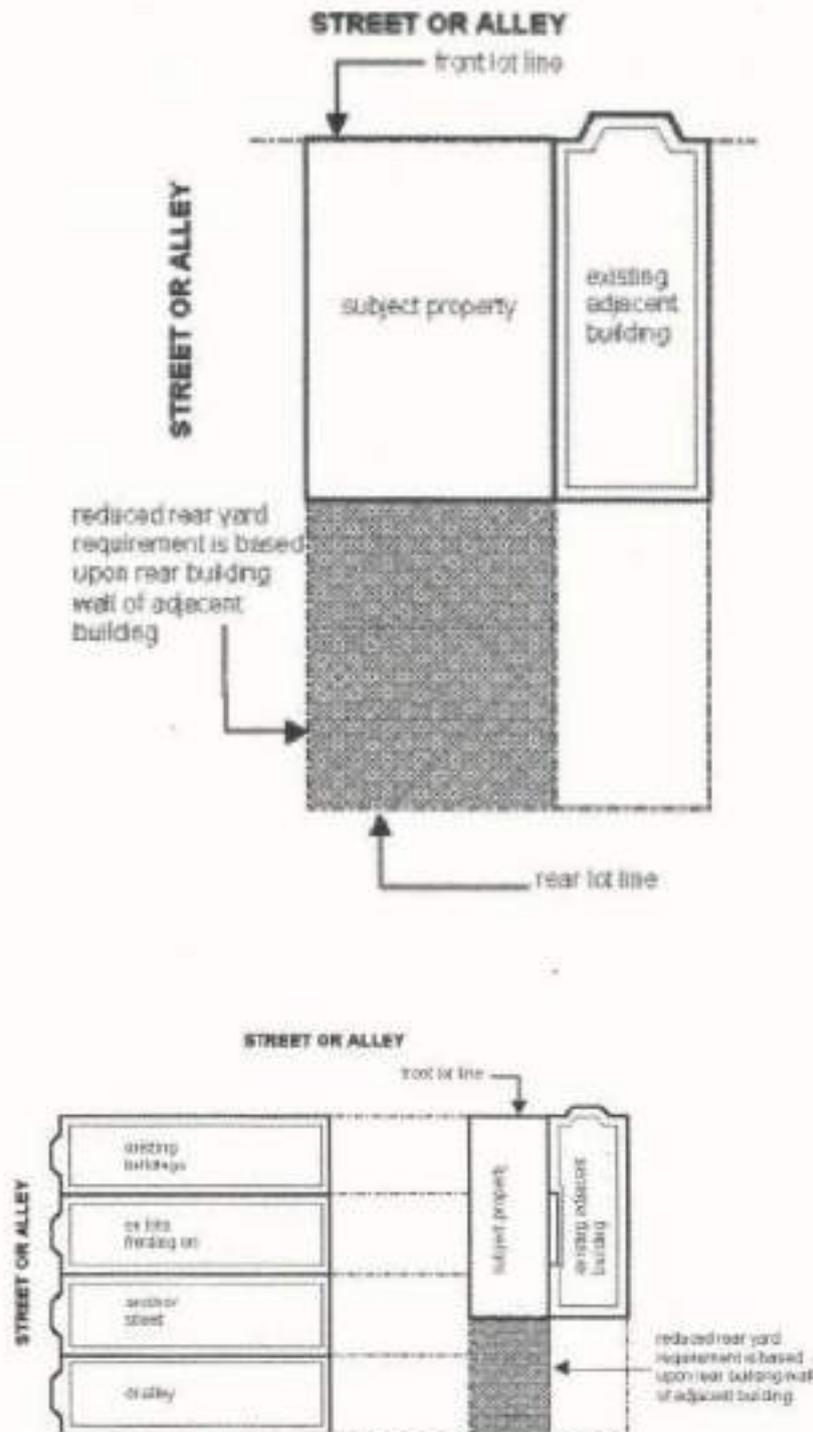


(A) **Corner Lots and Lots at Alley Intersections.** On a corner lot as defined by this Code, or a lot at the intersection of a street and an alley or two alleys, the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building.

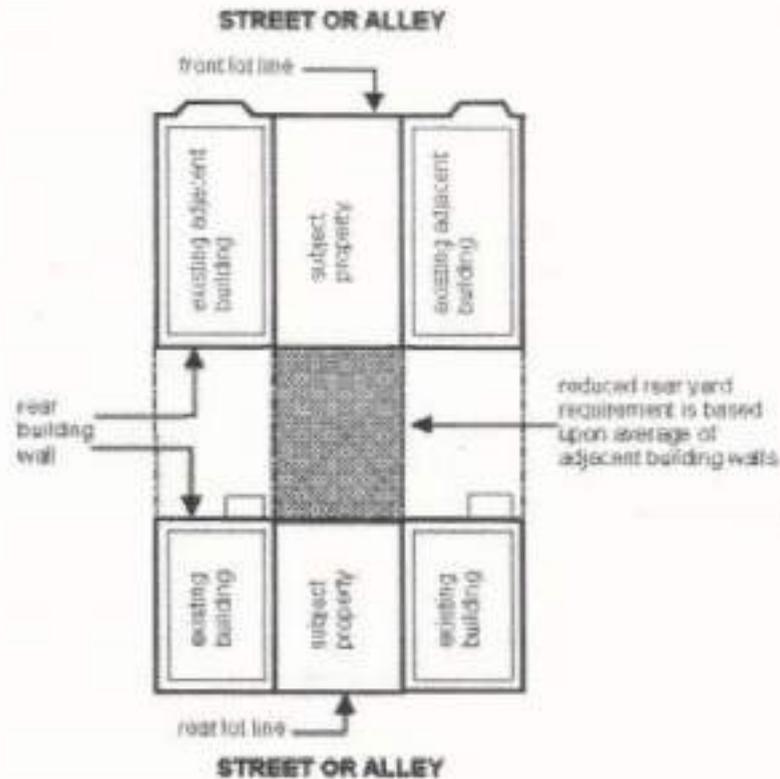
(B) **Lots Abutting Properties with Buildings that Front on Another Street or Alley.** In the case of any lot that abuts along one of its side lot lines upon a lot with a building that fronts on another street or alley, the lot on which it so abuts shall be disregarded, and the forward edge of the required 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.

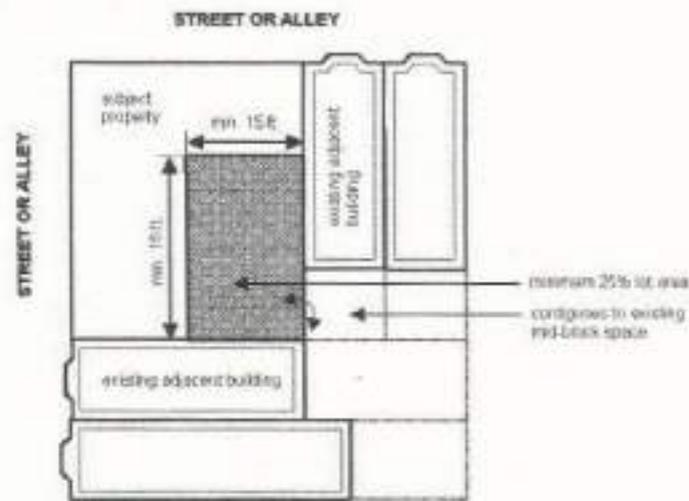
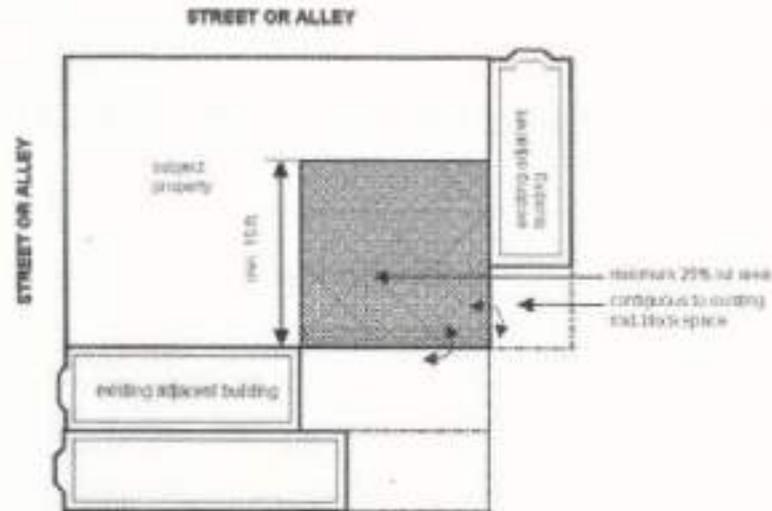
**(f) Modification of Requirements in the Eastern Neighborhoods Mixed Use Districts.** The rear yard requirement in Eastern Neighborhoods Mixed Use Districts may be modified or waived by the Planning Commission pursuant to Section 329. The rear yard requirement in Eastern Neighborhoods Mixed Use Districts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

- (1) A comparable, but not necessarily equal amount of square footage as would be created in a code conforming rear yard is provided elsewhere within the development;
- (2) The proposed new or expanding structure will not significantly impede the access to light and air from adjacent properties or adversely affect the interior block open space formed by the rear yards of adjacent properties; and
- ~~(3) The modification request is not combined with any other residential open space modification or exposure variance for the project, except exposure modifications in designated landmark buildings under Section 307(h)(1).~~

**(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; Ord. 42-13, File No. 130002, App. 3/28/2013, Eff. 4/27/2013; Ord. 56-13, File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. 188-15, File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. 229-15, File No. 151126, App. 12/22/2015, Eff. 1/21/2016; Ord. 129-17, File No. 170203, App. 6/30/2017, Eff. 7/30/2017; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019)

#### AMENDMENT HISTORY

Division (a)(1)(C) amended; Ord. 140-11, Eff. 8/4/2011. Division (f) amended; Ord. 196-11, Eff. 11/3/2011. Division (a)(1)(B) amended; Ord. 35-12, Eff. 3/22/2012. Section header, introductory paragraph, and divisions (a)(1), (a)(1)(B), and (a)(1)(C) amended; division (a)(1)(E) added; divisions (c)(3) and (f) amended; Ord. 42-13, Eff. 4/27/2013. Divisions (a)(1)(C) and (c)(4) amended; Ord. 56-13, Eff. 4/27/2013. Introductory paragraph and divisions (a)(1), (a)(1)(C), (a)(2), (c), and (c)(1) amended; Ord. 188-15, Eff. 12/4/2015. Divisions (a)(1), (a)(1)(A), and (a)(1)(C) amended; Ord. 229-15, Eff. 1/21/2016. Section header and divisions (a)(1) and (a)(1)(B)-(E) amended; Ord. 129-17, Eff. 7/30/2017. Section header amended; division (a)(1) amended and split into (a)(1) and new (a)(1)(A)<sup>1</sup>; new division (a)(1)(B)<sup>1</sup> added; divisions (a)(1)(C) and (c) amended; Ord. 296-18, Eff. 1/12/2019.

## EXHIBIT PCS3

**SEC. 847. RED-MX – RESIDENTIAL ENCLAVE-MIXED DISTRICT.**

Residential Enclave-Mixed Districts (RED-MX) encompass some of the clusters of low-scale, medium density, predominantly residential neighborhoods located along the narrow side streets of the Western SoMa area. Many parcels in these residential enclaves are underdeveloped and represent opportunities for new residential and low-intensity commercial uses.

While residential uses are encouraged throughout these districts, group housing is limited, and student housing and single-room-occupancy units are prohibited. Small-scale retail, restaurants, arts activities, and other commercial uses are principally permitted to create the potential for more active, mixed use alleys. Some automobile-related and production, distribution, and repair uses are also permitted with limitations. Existing commercial activities in nonresidential structures may continue as nonconforming uses subject to the termination requirements of Article 1.7. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

Table 847

**RED-MX – RESIDENTIAL ENCLAVE-MIXED DISTRICT ZONING CONTROL TABLE**

<i>No.</i>	<i>Zoning Category</i>	<i>§ References</i>	<i>Residential Enclave-Mixed Controls</i>
<b>BUILDING STANDARDS</b>			
847.01	Height	See Zoning Map	Generally 45 feet See Sectional Zoning Maps 1 and 7
847.02	Bulk	§ 270	See Sectional Zoning Maps 1 and 7
<b>USE STANDARDS</b>			
847.03	Residential Density	§§ 124(b), 208	No density limit #
847.04	Non-Residential Density	§§ 102.9, 123, 124, 127	Generally, 1.0 to 1 floor area ratio
847.05	Usable Open Space for Dwelling Units and Group Housing	§§ 135, 823	80 sq.ft. per unit
847.07	Usable Open Space for Other Uses	§ 135.3	Varies by use
847.09	Outdoor Activity Area	§ 890.71	P if located in front; C if located elsewhere § 145.2
847.10	Walk-up Facility	§ 890.140	NP
847.12	Residential Conversion	§ 317	NP C in Article 10 Landmark Buildings
847.13	Residential Demolition	§ 317	C
<b>USES</b>			
<b>Residential Use</b>			
847.14	Dwelling Units	§ 102.7	P
847.15	Group Housing	§ 890.88(b)	C
847.16	SRO Units	§§ 823, 890.88(c)	NP
847.16a	Student Housing	§ 102.36	NP

## EXHIBIT PCS4

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

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

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

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

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

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

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

- (1) The open space shall meet all state licensing requirements;
- (2) Not more than 50% of a single common open space may be used by the Child Care Facility; and
- (3) The hours of use of the common open space by the Child Care Facility are limited to Monday through Friday, 9 am to 6 pm.

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

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

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

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

exceeds an average of two beds for each bedroom, each two beds shall be considered equivalent to one bedroom.

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

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

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

(A) **Minimum amount.**

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

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

(B) **Compliance.**

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

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

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

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

(A) site constraints,

(B) the special needs of anticipated residents, or

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

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

**TABLE 135A**

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

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

<b>TABLE 135B</b>		
<b>MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING IN THE EASTERN NEIGHBORHOODS MIXED USE DISTRICTS</b>		
<i>Square feet of usable open space per dwelling unit, if not publicly accessible</i>	<i>Square feet of usable open space per dwelling unit, if publicly accessible</i>	<i>Percent of open space that may be provided off site</i>
80 square feet	54 square feet	50%

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

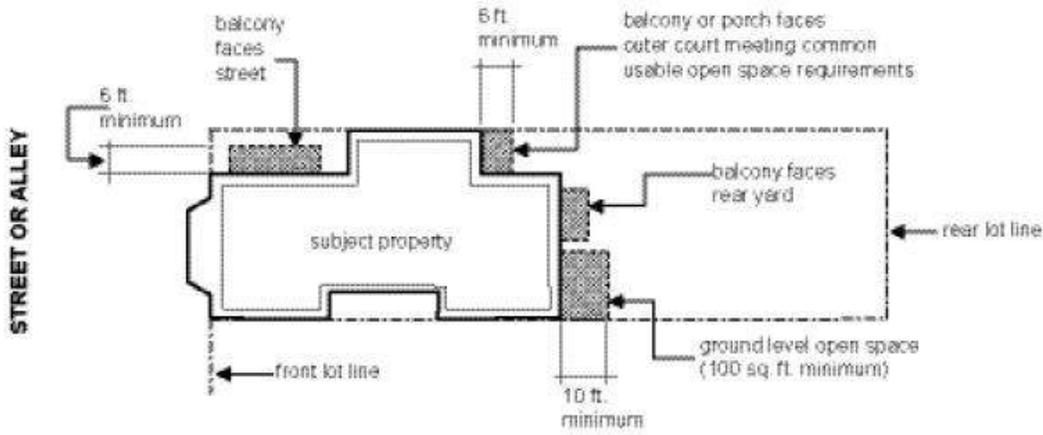
**(f) Private Usable Open Space: Additional Standards.**

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

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

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

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



(C) Areas within inner and outer courts, as defined by this Code, must either conform to the standards of Subparagraph (f)(2)(B) above or be so arranged that the height of the walls and projections above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court, regardless of the permitted obstruction referred to in Subsection 135(c) above.

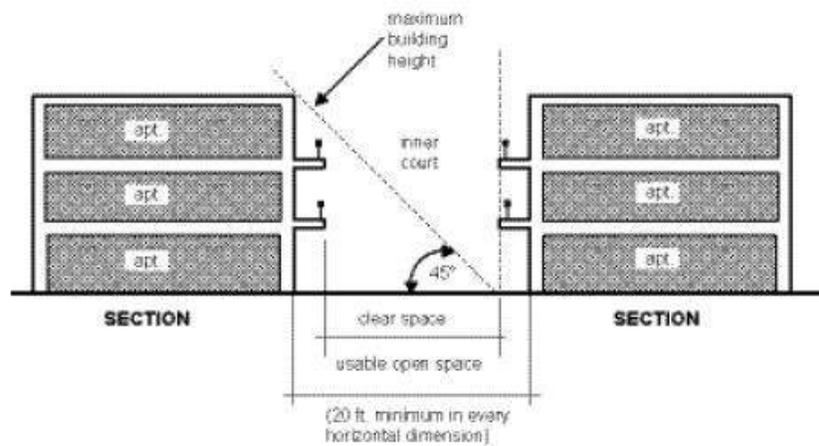
(3) **Fire Escapes as Usable Open Space.** Normal fire escape grating shall not be considered suitable surfacing for usable open space. The steps of a fire escape stairway or ladder, and any space less than six feet deep between such steps and a wall of the building, shall not be credited as usable open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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

(6) **Approval of Open Space Type and Features.** Approval of open space in these areas is subject to requirements of Section 138(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) **On Site.** At least 36 square feet per residential unit of required open space must be provided on-site. Pursuant to the procedures of Section 309.1, the Planning Commission may reduce the minimum on-site provision of required residential open space to not less than 18 square feet per unit in order to both create additional publicly-accessible open space serving the district and to foster superior architectural design on constrained sites.

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

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

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

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

#### AMENDMENT HISTORY

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

#### Editor's Note:

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

## EXHIBIT PCS5

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

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

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

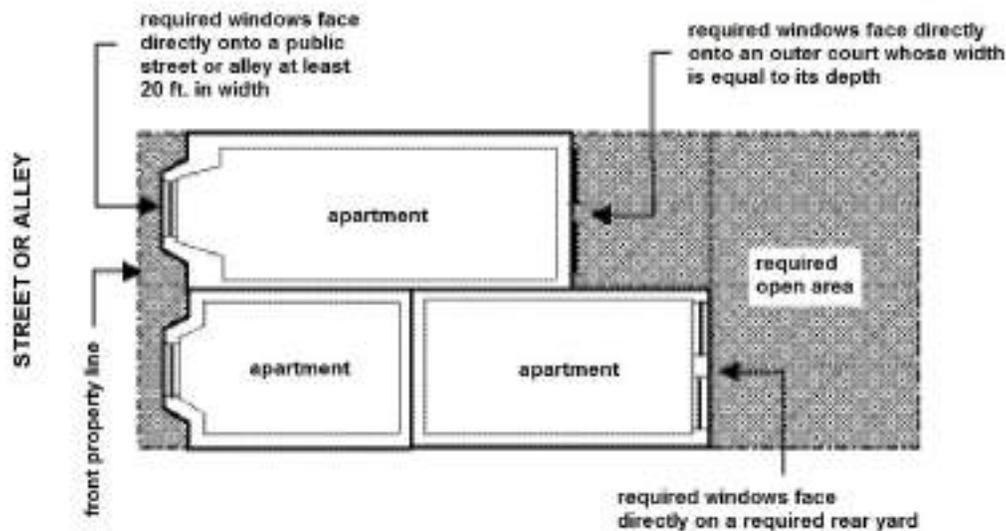
(2) An open area (whether an inner court or a space between separate buildings on the same lot) which is unobstructed (except for fire escapes not projecting more than necessary for safety and in no case more than four feet six inches, chimneys, and those obstructions permitted in Sections 136(c)(14),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

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

(c) **Exceptions.**

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

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



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

#### AMENDMENT HISTORY

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

#### Editor's Note:

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

EXHIBIT PCS6

C

**Cannabis Retail.** A Retail Sales and Service Use that sells or otherwise provides cannabis and cannabis-related products for adult use, and that may also include the sale or provision of cannabis for medicinal use. A Cannabis Retail establishment may only be operated by the holder of (a) a valid license from the State of California (License Type 10—Retailer, as defined in California Business and Professions Code, Division 10) and (b) a valid permit from the City’s Office of Cannabis. This use is subject to operating and location restrictions set forth in Section 202.2(a).

(Added by Ord. [229-17](#); see Sec. 102 history note.)

**Canopy.** A light roof-like structure, supported by the exterior wall of a building and on columns or wholly on columns, consisting of a fixed or movable frame covered with approved cloth, plastic or metal, extending over entrance doorways only, with the purpose of providing protection from sun and rain and/or embellishment of the façade, as further regulated in Section 3105 of the Building Code.

**Cat Boarding.** A Retail Sales and Service Use that provides boarding only for cats.

**Catering.** A Non-Retail Sales and Service Use that involves the preparation and delivery of goods including the following items: food, beverages; balloons, flowers, plants, party decorations and favors; or cigarettes/candy.

**Chair/Foot Massage.** See Massage, Chair/Foot.

**Child Care Facility.** An Institutional Community Use defined in California Health and Safety Code Section 1596.750 that provides less than 24-hour care for children by licensed personnel and meets the open-space and other requirements of the State of California and other authorities.

**City.** The City and County of San Francisco.

**Commercial Use.** A land use with the sole or chief emphasis on making financial gain, including but not limited to Agricultural Uses, Industrial Uses, Sales and Service Uses, Retail Entertainment Uses, and Auto Uses.

**Commission.** The San Francisco Planning Commission.

**Community Facility.** An Institutional Community Use that includes community clubhouses, neighborhood centers, community cultural centers, or other community facilities not publicly owned but open for public use in which the chief activity is not carried on as a gainful business and whose chief function is the gathering of persons from the immediate neighborhood in a structure for the purposes of recreation, culture, social interaction, health care, or education other than Institutional Uses as defined in this Section.

**Community Facility, Private.** An Institutional Community Use that includes a private lodge, private clubhouse, and private recreational facility other than a Community Facility as defined in this section, and which is not operated as a gainful business.

**Community Recycling Collection Center.** A Utility and Infrastructure Use that collects, stores, or handles recyclable materials, including glass and glass bottles, newspaper, aluminum, paper and paper products, plastic and other materials which may be processed and recovered, if within a completely enclosed container or building, having no openings other than fixed windows or exits required by law, provided that: (1) Flammable materials are collected and stored in metal containers; and (2) Collection hours are limited to 9:00 a.m. to 7:00 p.m. daily. It does not include the storage, exchange, packing, disassembling or handling of junk, waste, used furniture and household equipment, used cars in operable condition, used or salvaged machinery, or salvaged housewrecking and structural steel materials and equipment.

**Condition(s) of Approval.** A condition or set of written conditions imposed by the Planning Commission or another permit-approving or issuing City agency or appellate body to which a project applicant agrees to adhere and fulfill when it receives approval for the construction of a development project subject to this Article.

**Conditional (or Conditionally Permitted) Use.** Conditional Use allows the Planning Commission to consider uses or projects that may be necessary or desirable in a particular neighborhood, but which are not allowed as a matter of right within a particular zoning district. Whether a use is conditional in a given district is indicated in this Code. Sections of this Code that govern Conditional Uses include, but are not limited to Sections 178, 179, 303, and 303.1.

(Added by Ord. [129-17](#); amended by Ord. [208-19](#); see Sec. 102 history note.)

**Corner Lot.** See Lot, Corner.

**Cottage Food Operation.** An Accessory Use to a Dwelling Unit as defined in Section 113758 of the California State Health and Safety Code.

**Court.** Any space on a lot other than a yard that, from a point not more than two feet above the floor line of the lowest story in the building on the lot in which there are windows from rooms abutting and served by the court, is open and unobstructed to the sky, except for obstructions permitted by this Code. An "outer court" is a court, one entire side or end of which is bounded by a front setback, a rear yard, a side yard, a front lot line, a street, or an alley. An "inner court" is any court that is not an outer court.

EXHIBIT PCS7

**SEC. 307. OTHER POWERS AND DUTIES OF THE ZONING ADMINISTRATOR.**



**New Ordinance Notice**

**Publisher's Note:** This section has been **AMENDED** by new legislation (Ord. 71-20, approved 5/1/2020, effective 6/1/2020). The text of the amendment will be incorporated under the new section number when the amending legislation is effective.

In addition to those specified in Sections 302 through 306 of this Code, the Zoning Administrator shall have the following powers and duties in administration and enforcement of this Code.

(a) **Rules, Regulations and Interpretations.** The Zoning Administrator shall, consistent with the expressed standards, purposes and intent of this Code and pursuant to its objectives, issue and adopt such rules, regulations and interpretations as are in the Zoning Administrator's opinion necessary to administer and enforce the provisions of this Code. Such rules and regulations, and any such interpretations that will be of general application in future cases, shall be made a part of the permanent public records of the Planning Department. The Zoning Administrator shall respond to all written requests for determinations regarding the classification of uses and the interpretation and applicability of the provisions of this Code.

(b) **Compliance with This Code.** The Zoning Administrator shall have authority to take appropriate actions to secure compliance with this Code, through review of permit applications, surveys and record-keeping, enforcement against violations as described in Section 176, and other means.

(c) **Inspection of Premises.** In the performance of any prescribed duties, the Zoning Administrator and employees of the Planning Department authorized to represent the Zoning Administrator shall have the right to enter any building or premises for the purposes of investigation and inspection; provided, that such right of entry shall be exercised only at reasonable hours, and that in no case shall entry be made to any building in the absence of the owner or tenant thereof without the written order of a court of competent jurisdiction.

(d) **Code Maintenance.** The Zoning Administrator shall periodically review and study the effectiveness and appropriateness of the provisions of this Code, for the purpose of recommending necessary changes to the Director of Planning and the Planning Commission.

(e) **Exercise of Powers and Duties by Others.** In cases where absence, incapacity, vacancy of the office, conflict of interest or other sufficient reasons prevent action by the Zoning Administrator, the Director of Planning may designate any officer or employee of the Department to carry out any function of the Zoning Administrator so affected.

(f) **Cooperation With Other Departments.** The Zoning Administrator shall furnish to the various departments, officers and employees of the City vested with the duty or authority to issue permits or licenses (including but not limited to the Department of Public Works, Department of Public Health, Police Department and Fire Department) such information as will insure the proper administration of this Code and of all the rules, regulations, interpretations and other determinations of the Planning Department relative thereto. It shall be the duty of said departments, officers and employees to cooperate with the Zoning Administrator in the performance of the Zoning Administrator's duties, and to assist in the enforcement of the provisions of this Code.

(g) **Exceptions from Certain Specific Code Standards through Administrative Review in the Chinatown Mixed Use Districts.** The Zoning Administrator may allow complete or partial relief from rear yard, open space and wind and shadow standards as authorized in the applicable sections of this Code, when modification of the standard would result in a project better fulfilling the criteria set forth in the applicable section. The procedures and fee for such review shall be the same as those which are applicable to Variances, as set forth in Sections 306.1 through 306.5 and 308.2.

(h) **Exceptions from Certain Specific Code Standards through Administrative Review.** The Zoning Administrator may allow complete or partial relief from certain standards specifically identified below, in Section 161, or elsewhere in this Code when modification of the standard would result in a project fulfilling the criteria set forth below and in the applicable section.

(1) **Applicability.**

(A) **Eastern Neighborhood Mixed Use Districts.** For projects not subject to Section 329, relief may be provided for the following requirements: rear yard; non-residential open space; off-street loading requirements; and off-street parking limits up to the maximum quantities described in Section 151.1.

(B) **Dwelling Unit Exposure for Historic Buildings.** Relief may also be provided for dwelling unit exposure requirements for buildings which are designated landmark buildings or contributory buildings within designated historic districts per Article 10 of this Code, any building designated Category I-IV per Article 11 of this Code, and/or buildings recorded with the State Historic Preservation Office as eligible for the California Register, when the following criteria are met: (i) literal enforcement of Section 140 would result in the material impairment of the historic resource; and (ii) the project complies with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7 (2001)) and/or Section 1006 and any related Article 10 appendices of this Code. This administrative exception does not apply to new additions to historic buildings.

(C) **Residential Open Space for Historic Buildings.** For a landmark building designated per Article 10 of this Code, a contributing building located within a designated historic district per Article 10, or any building designated Category I-IV per Article 11 of this Code, the provision of off-site publicly accessible open space, meeting the requirements of Section 135(h), may be credited toward the residential usable open space requirement.

(D) **Conversion of Non-conforming Uses to Residential Uses.** The Zoning Administrator may modify or waive dwelling unit exposure requirements, rear yard requirements, open space requirements for inner courts, and the substitution of off-site publicly accessible open space for required residential open space, provided that:

(i) the Residential Use, whether Dwelling Units or<sup>1</sup> Housing, or SRO units, are Principally Permitted in the district or districts in which the project is located;

(ii) the nonconforming use is eliminated by such conversion, provided further that the structure is not enlarged, extended or moved to another location; and

(iii) the requirements of the Building Code, the Housing Code and other applicable portions of the Municipal Code are met.

(E) **Better Roofs; Living Roof Alternative.** For projects subject to Section 149 and 249.78(d)(3), the Zoning Administrator may waive portions of the applicable requirements as provided in Section 149(e) and 249.78(d)(3)(D), respectively.

(F) **Bay Windows.** Bay windows that maintain the same massing as those allowed as a permitted obstruction in Planning Code Section 136, but do not otherwise meet the requirements of Section 136, may be provided complete or partial relief with the advice of the Planning Director that said windows otherwise meet all applicable design guidelines.

(2) **Procedures.** The review of a modification requested under this Section shall be conducted as part of, and incorporated into, a related building permit application or other required project authorizations; no additional fee shall be required. Under no circumstances shall such modification provide relief from any fee, including those related to usable open space pursuant to Sections 135(j) and 135.3(d). The provisions of this Subsection (h) shall not preclude such additional conditions as may be deemed necessary by the Zoning Administrator to further the purposes of this Section or other Sections of this Code.

(i) **Criteria for the Reduction or Modification of Off-Street Parking Requirements.** In approving a reduction or modification of off-street requirements authorized by this Code, the Zoning Administrator or the Planning Commission shall consider and apply the following criteria:

(1) the reduction in the parking requirement is justified by the reasonably anticipated automobile usage by residents of and visitors to the project; and

(2) the reduction in the parking requirement will not be detrimental to the health, safety, convenience, or general welfare of persons residing in or working in the vicinity; and

(3) the minimization of conflict of vehicular and pedestrian movements; and

(4) the availability of transportation modes other than the automobile; and

(5) the pattern of land use and character of development in the vicinity; and

(6) such other criteria as the Zoning Administrator deems appropriate in the circumstances of the particular case.

(j) **Conversion from Student Housing to Non-Student Residential Use.** If a residential project no longer qualifies as Student Housing as defined in Planning Code Section 102, the Zoning Administrator may allow the conversion of the Student Housing to any permitted residential use in the zoning district in which the Student Housing is located upon determination that the converted

Student Housing has complied with any applicable Inclusionary Affordable Housing Requirements as outlined in Planning Code Section 415.3(c)(5)(C)(iii), and that all other Planning Code requirements applicable to that residential use have been met or modified through appropriate procedures.

(k) **Waiver or Modification of Required Bicycle Parking.** The Zoning Administrator shall conduct the review of any administrative waiver under Section 307(k) as part of, and incorporate into, a related building permit application or other required project authorization and shall not require an additional fee or application.

(1) **Waiver or Modification of Class 1 Bicycle Parking Requirements.**

(A) **Alternative Locations.** The Zoning Administrator may grant approval that Class 1 bicycle parking be located on an offsite lot, under certain circumstances. Uses subject to Section 155.2 may apply for alternative locations approval only when off-street automobile parking does not exist on the subject lot. Existing City-owned buildings subject to 155.3 may apply for alternative locations approval when compliance with subsection 155.3(b) may not be feasible because of demonstrable hardship including when off-street automobile parking does not exist on the subject lot. In acting upon all these cases, the Zoning Administrator shall be guided by the following criteria:

(i) Such alternative facilities shall be well lit and secure.

(ii) The alternative facility bicycle entrance shall be no more than 500 feet from the entrance of the primary building, unless there are no feasible locations within a 500 foot radius that can be provided. However, in no event shall an alternative location be approved that is farther from the entrance of the building than the closest automobile parking garage.

(B) **Temporary Exemptions.** The Zoning Administrator may issue a temporary exemption for bicycle parking subject to Section 155.3 of this Code for one year, under the following circumstances:

(i) For required Class 1 bicycle parking requirements in City-owned and leased buildings, if no feasible alternative parking facility exists nearby that can be approved pursuant to Subsection (k)(1)(A) above, or securing an alternative location would be unduly costly and pose a demonstrable hardship on the Landlord or on the City where the City owns the building. In order to obtain this exemption, the Responsible City Official shall certify to the Zoning Administrator in writing that the Landlord or the City where the City owns the building, will not prohibit Employees from storing a bicycle in a Workspace provided that such bicycles are stored in a way that the Fire Code is not violated and that the normal business of the building is not disrupted. The Responsible City Official shall provide the required bicycle parking within one year of the issuance of such exemption, or shall obtain a new exemption for each year until such bicycle parking is provided.

(ii) For required bicycle parking in non-accessory automobile garages or lots with 500 or more spaces. In order to obtain this exemption, the Responsible City Official shall provide to the Zoning Administrator in writing an analysis demonstrating that the demand for bicycle parking in that location is less than the amount required by Section 155.3 of this Code. This exemption may only be provided for any required bicycle parking above fifty Class 2 spaces. The exemptions for these garages may be issued for up to one year. The Responsible City Official shall provide the required bicycle parking within one year of the issuance of such exemption, or shall obtain a new exemption for each year until such bicycle parking is provided.

(2) **Temporary Exemptions, Waiver or Modification of Required Class 2 Bicycle Parking.** Temporary exemptions for Class 2 bicycle parking shall be granted as allowed in subsection 1(B) above. The Zoning Administrator may administratively waive some or all of the Class 2 bicycle parking requirement in any case when all of findings (A)-(D) are affirmatively met for some or all of the Class 2 requirements:

(A) No off-street auto parking is provided on-site in a garage or lot;

(B) No on-site publicly-accessible open space is provided where it would be appropriate to locate some or all of the required Class 2 bicycle parking as allowed per Section 155.1(b)(2) of this Code;

(C) The provision of on-site Class 2 bicycle parking is not desirable or feasible based on the physical character, pedestrian circulation, historic character or urban design of the building and block;

(D) The San Francisco Municipal Transportation Agency, Department of Public Works, or other relevant agency will not grant approval to install Class 2 bicycle racks in the public right-of-way adjacent to the subject lot sufficient to meet the requirements because the bicycle rack would: (i) interfere with utilities or the general public welfare or (ii) adversely affect the design and configuration of existing or planned streetscape improvements.

(E) **In Lieu Fee in Case of Waiver or Variance for Class 2 Parking.** For each required Class 2 bicycle parking space that the Zoning Administrator waives as a result of a variance per Section 305 or waives in accordance with subsection (D)(ii) above,

the project sponsor shall pay an in lieu bicycle parking fee as provided by Section 430 *et seq.* of this Code.

(l) **Exceptions from Certain Specific Code Standards Through Administrative Review for Accessory Dwelling Units Constructed Pursuant to Section 207(c)(4) of this Code.** The Zoning Administrator may allow complete or partial relief from the density limits and from the bicycle parking, rear yard, exposure, and/or open space requirements of this Code when modification of the requirement would facilitate the construction of an Accessory Dwelling Unit, as defined in Section 102 and meeting the requirements of Section 207(c)(4) of this Code.

(1) **Exposure.** The exposure requirements of Section 140 apply, except that subsection (a)(2) may be satisfied through windows facing an open area that is at least 225 square feet, with no horizontal direction being less than nine feet, and that is not required to expand on subsequent floors. Permitted obstructions that are outlined in Section 140 and fire escapes, not projecting more than 4 feet 6 inches, would be allowed in such open area. In considering any request for complete or partial relief from these Code requirements, the Zoning Administrator shall facilitate the construction of such Accessory Dwelling Units to the extent feasible and shall consider any criteria elsewhere in this Section 307 that he or she determines to be applicable. Nothing in this Section shall be interpreted as allowing for an existing nonconforming use to be deemed conforming.

(2) **Bicycle Parking.** The requirements of Sections 155.1 and 155.2 shall apply, except that (A) in a building with no new corridors, an existing three-foot corridor may satisfy the requirement of a legal nonconforming access corridor for purposes of bicycle parking access in existing buildings and (B) vertical bicycle parking may satisfy up to 100% of required bicycle parking.

(m) The Zoning Administrator may partially waive the exposure requirements of Section 140(b) for group housing so that when a qualifying window faces an open area per subsection 140(a)(2), such open area may be no less than 15 feet in every horizontal direction and may not be required to expand on subsequent floors.

(Amended by Ord. 443-78, App. 10/6/78; Ord. 69-87, App. 3/13/87; Ord. 131-87, App. 4/24/87; Ord. 115-90, App. 4/6/90; 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. [188-12](#), File No. 111374, App. 9/11/2012, Eff. 10/11/2012; Ord. [56-13](#), File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. [183-13](#), File No. 130528, App. 8/7/2013, Eff. 9/6/2013; Ord. [49-14](#), File No. 131063, App. 4/17/2014, Eff. 5/17/2014; Ord. [232-14](#), File No. 120881, App. 11/26/2014, Eff. 12/26/2014; Ord. [22-15](#), File No. 141253, App. 2/20/2015, Eff. 3/22/2015; Ord. [30-15](#), File No. 140954, App. 3/26/2015, Eff. 4/25/2015; Ord. [161-15](#), File No. 150804, App. 9/18/2015, Eff. 10/18/2015; Ord. [162-15](#), File No. 150805, App. 9/18/2015, Eff. 10/18/2015; Ord. [164-15](#), File No. 150348, App. 9/23/2015, Eff. 10/23/2015, Retro. 5/20/2015; Ord. [162-16](#), File No. 160657, App. 8/4/2016, Eff. 9/3/2016; Ord. [221-16](#), File No. 160965, App. 11/10/2016, Eff. 12/10/2016, Oper. 1/1/2017; Ord. [129-17](#), File No. 170203, App. 6/30/2017, Eff. 7/30/2017; Ord. [195-18](#), File No. 180268, App. 8/10/2018, Eff. 9/10/2018; Ord. [296-18](#), File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. [116-19](#), File No. 181156, App. 6/28/2019, Eff. 7/29/2019; Ord. [43-20](#), File No. 190454, App. 3/20/2020, Eff. 4/20/2020)

#### AMENDMENT HISTORY

Divisions (a), (c), (d), (f), and (h)(1) amended; division (i) added; Ord. [63-11](#), Eff. 5/7/2011. Division (j) added; Ord. [188-12](#), Eff. 10/11/2012. Undesignated introductory paragraph amended; Ord. [56-13](#), Eff. 4/27/2013. Division (k) added; Ord. [183-13](#), Eff. 9/6/2013. Division (l) added; Ord. [49-14](#), Eff. 5/17/2014. Division (h) amended; former division (h)(1) amended and redesignated as new divisions (h)(1)(A) and (B); new divisions (h)(1)(C) and (D) added; Ord. [232-14](#), Eff. 12/26/2014. Division (j) amended; Ord. [22-15](#), Eff. 3/22/2015. Division (l) amended; Ord. [30-15](#), Eff. 4/25/2015. Division (l) amended; Ords. [161-15](#) and [162-15](#), Eff. 10/18/2015. Division (m) added; Ord. [164-15](#), Eff. 10/23/2015. Undesignated introductory paragraph and division (l) amended; Ord. [162-16](#), Eff. 9/3/2016. Division (h)(1)(E) added; Ord. [221-16](#), Oper. 1/1/2017. Undesignated introductory paragraph and division (g) amended; Ord. [129-17](#), Eff. 7/30/2017. Division (l) amended and redesignated as divisions (l) and (l)(1); division (l)(2) added; Ord. [195-18](#), Eff. 9/10/2018. Divisions (g) and (h)(1)(E) amended; Ord. [296-18](#), Eff. 1/12/2019. Division (l) amended; Ord. [116-19](#), Eff. 7/29/2019. Divisions (h)(1)(D)-(h)(1)(D)(iii) amended; division (h)(1)(F) added; Ord. [43-20](#), Eff. 4/20/2020.

#### Editor's Note:

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

#### CODIFICATION NOTE

1. So in Ord. [43-20](#).

EXHIBIT HCS1

## SEC. 503. ROOM DIMENSIONS.

(a) **Ceiling Heights.** Unless legally constructed as such, no habitable room shall have a ceiling height less than seven feet six inches. Any room, other than a habitable room, shall have a ceiling height of not less than seven feet.

(b) **Superficial Floor Area.** Every dwelling unit and congregate residence shall have at least one room which shall have not less than 120 square feet of superficial floor area. Every room which is used for both cooking and living or both living and sleeping purposes shall have not less than 144 square feet of superficial floor area. Every room used for sleeping purposes shall have not less than 70 square feet of superficial floor area. When more than two persons occupy a room used for sleeping purposes the required superficial floor area shall be increased at the rate of 50 square feet for each occupant in excess of two. Guest rooms with cooking shall contain the combined required superficial areas of a sleeping and a kitchen, but not less than 144 square feet. Other habitable rooms shall be not less than 70 square feet.

Notwithstanding any provision of this Section, children under the age of six shall not be counted for purposes of determining whether a family with minor children complies with the provisions of this Code.

(c) **Width.** No habitable room except a kitchen shall be less than seven feet in width. Rooms used as guest rooms with cooking shall have a 10-foot minimum width.

(d) **Housing Access.** To promote access to housing by families, it shall be unlawful for the owner, lessor, lessee, sublessee, real estate broker, assignee, or other person having the rights of ownership, the right of possession, or other right to rent or lease any dwelling unit or any agent or employee of such person to refuse to rent or lease, or otherwise deny, a dwelling unit to a family, as defined in Section 401 of this Code, on the basis of the actual or potential number of occupants if the total number of persons occupying a room for sleeping purposes does not violate the minimum superficial floor area standards prescribed in Subsection (b) of this Section.

(e) **Remedies.** A violation of Subsection (d) of this Section shall be subject to the civil remedies specified in Section 204(e) of this Code.

(Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 123-93, App. 4/29/93; Ord. 350-95, App. 11/3/95; Ord. 256-07, App. 11/6/2007)

EXHIBIT HCS2

## SEC. 504. LIGHT AND VENTILATION.

**General.** For the purpose of determining the light or ventilation required by this Section, any room may be considered as a portion of an adjoining room when one-half of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth of the floor area of the interior room or 25 square feet, whichever is greater.

Exterior openings for natural light or ventilation required by this Section shall open directly onto a public way or a yard or court located on the same lot as the building.

### EXCEPTIONS:

1. Required windows may open into a roof porch where the porch:
  - a. Abuts a public way, yard or court; and
  - b. Has a ceiling height of not less than seven feet; and
  - c. Has a longer side at least 65 percent open and unobstructed.
2. Skylights.

(a) **Natural Light and Ventilation – Habitable Room.** Guest rooms and habitable rooms within a dwelling unit or congregate residence shall have an aggregate window area of not less than one-twelfth of the floor area or 10 square feet, whichever is greater. In one-family and two-family dwellings not more than one story and basement in height, a skylight is permitted over a required court or side yard if the skylight ventilating area equals the minimum required window area for rooms ventilated by such court and where another source of ventilation to the court exists or is provided, e.g., a tunnel entrance. In no case shall a skylight be permitted when a sleeping room opens into an enclosed court or side yard.

**Openable Window Area.** In guest rooms and habitable rooms within a dwelling unit or congregate residence one-half of the required window area in all rooms and hallways shall be openable.

Clerestory windows are permitted, provided they meet the requirements for ventilation as set forth in this Code.

(b) Reserved.

(c) **Mechanical Ventilation.** An approved system of mechanical ventilation or air conditioning may be used in lieu of openable exterior windows. Such system shall provide not less than two air changes per hour, except that in bathrooms, containing a bathtub, shower or combination thereof, laundry rooms and similar rooms such system shall provide five air changes per hour. A minimum of 15 cubic feet per occupant of the air supply shall be taken from the outside per Section 1202.5 of the Building Code. The point of discharge of exhaust air shall be at least three feet from any opening into the building.

Bathrooms that contain only a water closet, lavatory or combination thereof and similar rooms may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

In single-family dwellings, separate switches for the light and ventilation are permissible.

Any person in charge of a building in which an exhaust fan system of ventilation is installed and used pursuant to this chapter, who fails, neglects or refuses to operate and maintain the system in good order and repair so that the air in each for which it is provided is not completely changed within the specie intervals, is guilty of a misdemeanor.

(d) **Exit Corridors.** Every exit corridor in all apartment houses or hotels shall be ventilated as follows:

(1) **Windows Required.** In an apartment house or hotel, every exit corridor shall have at least one window unless it is lighted and ventilated by a skylight, a ventilated connecting hallway, or a mechanical ventilation system pursuant to the provisions of this Section.

(2) **Window Area and Location.** Each required window shall be 10 square feet in area, at least 50 percent of which shall be openable.

(3) Existing transoms in corridor walls shall be removed and the openings covered or closed with incombustible materials fastened so as to prevent the opening of the transoms. A transom is defined as a window above a door or any other window in a

hallway, corridor or passageway, other than exterior windows.

(4) Doors opening to corridors from guest rooms or dwelling units shall be maintained in a normally closed position except when used for entrance or egress to the room or dwelling unit.

(5) **Skylight Permitted.** Skylights shall be permitted in lieu of the required windows in exit corridors in the topmost story of apartment houses and hotels.

(6) **Skylight Area and Location.**

(i) Each skylight shall have an effective horizontal area of glass of at least eight square feet.

(ii) Each skylight shall be so arranged that its entire ventilating area may be readily opened, or its ventilators may be fixed permanently in an open position providing not less than 400 square inches of ventilating area.

(7) **Mechanical Ventilation.** An exit corridor of an apartment house or hotel may, in lieu of any window, be:

(i) Lighted and ventilated by a connecting exit corridor equipped with a window or skylight meeting the requirements of this chapter; or

(ii) Ventilated by an approved mechanical system of ventilation designed and operated to produce not less than two complete changes of air per hour.

(8) **Stairway Ventilation.**

(i) Each enclosed stairway shall be vented at the top by means of a skylight or other approved means of ventilation. If by other approved means, the net ventilating area shall be not less than five percent of the cross-sectional area of the stairwell.

(ii) Construction of skylights shall conform to the Building Code.

(e) **Electrical Convenience Outlets.** Every habitable room shall have at least one electrical convenience outlet and every kitchen shall have at least two electrical convenience outlets; or in a kitchen in which all major appliances such as range, refrigerator, stove, oven, disposal unit and/or dishwasher are built into the wall or cabinets of said kitchen, or in which there is no major electrical appliance or in which the major appliance is operated from a central unit in the building, one electrical convenience outlet shall be furnished for each 12 feet of continuous counter and for each separate counter area. Ceiling and wall lighting fixture outlets shall not be included in the required number of the required outlets.

Rooms with running water shall require wall switches for control of the lighting outlets.

All new outlets, fixtures and wiring shall comply with the Electrical Code.

(f) **Dormitories – Capacity.** No dormitory shall contain sleeping accommodations for more than 15 persons, nor shall any dormitory be so overcrowded as to be inconsistent with the requirement of this chapter for rooms used for sleeping purposes, or for the amount of sleeping room floor area per occupant.

The bed frames shall be made of hard, smooth, incombustible, nonabsorbent material; the beds to be arranged as follows:

(1) Not less than three feet of horizontal space between beds.

(2) Not less than one foot of clear space between the floor of the dormitory and the underside of the lower bed.

(g) **Artificial Light.** In every apartment house and in every hotel there shall be installed artificial light sufficient in volume to illuminate properly every exit corridor, passageway, public stairway, fire escape egress, elevator, public water closet compartment, or toilet room to prevent safety hazard.

(Added by Ord. 399-89, App. 11/6/89; amended by Ord. 160-92, App. 6/4/92; Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95; Ord. 192-02, App. 9/17/2002; Ord. 136-05, App. 6/28/2005; Ord. 256-07, App. 11/6/2007)

## SEC. 401. DEFINITIONS.

**Apartment.** "Apartment" means a dwelling unit as defined in this Code.

**Apartment House.** "Apartment house" is any building or portion thereof which contains three or more dwelling units and, for the purpose of this Code, includes residential condominiums.

**Basement.** "Basement" is any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

**Bathroom.** A room containing a bathtub, tub or shower compartment; water closet and lavatory or other similar approved facilities provided immediately adjacent thereto.

**Bay Window.** A rectangular, curved or polygonal window, projecting beyond the exterior wall of the building.

**Building.** "Building" shall mean any building or structure, or portion thereof, which is used, designed or intended for residential use, for living, sleeping, cooking or eating purposes or any combination thereof.

**Building Code.** The San Francisco Building Code, Part II, Chapter I, of the San Francisco Municipal Code.

**Building (Existing).** A building erected prior to the adoption of this Code, or one for which a legal building permit and a "Certificate of Final Completion" has been issued.

**Building Official.** "Building Official" is the Director of the Department of Building Inspection, City and County of San Francisco. The Director is the authorized representative in the enforcement of this Code.

**Ceiling Height.** The distance between the finished floor and the finished ceiling.

**City.** The City and County of San Francisco.

**Congregate Residence.** "Congregate Residence" is any building or portion thereof which contains facilities for living, sleeping and sanitation, as required by this Code, and may include facilities for eating and cooking, for occupancy by other than a family. A congregate residence may be a shelter, convent, monastery, dormitory, fraternity or sorority house but does not include jails, hospitals, nursing homes, hotels, or lodging houses.

**Deterioration.** The condition of a building or a portion of a building characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay or neglect, or lack of maintenance, or excessive use.

**Director of the Department of Building Inspection.** The Director of the Department of Building Inspection, City and County of San Francisco, sometimes referred to as the Director, who shall herein have charge and control of all matters set forth in this Code.

**Dormitory.** A room occupied by more than two guests.

**Dwelling.** Any building or portion thereof which contains not more than two dwelling units.

**Dwelling Unit.** A "dwelling unit" is any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation as required by the Code, for not more than one family.

**Electrical Code.** The San Francisco Electrical Code, Part II, Chapter III of the San Francisco Municipal Code.

**Equivalent Public Way.** "Equivalent public way" is approved space on private property complying with all of the following:

- (1) Connects with boundary street or streets.
- (2) Is at least 40 feet in width, open to the sky, when the structures served by the equivalent public way are protected throughout with an approved automatic fire-extinguishing system installed in conformance with Chapter 9 of the Building Code.
- (3) Is accessible to Fire Department vehicles and equipment.
- (4) Access is recorded as being irrevocable for the life of the structure for which access is required, stating this is a requirement of the City.

**Exit.** See Section 1002 of the Building Code.

**Family.** One or more persons related or unrelated, living together as a single integrated household in a dwelling unit.

**Fire Code.** The San Francisco Fire Code Part II, Chapter IV, of the San Francisco Municipal Code.

**Fire Hazard or Nuisance.** "Fire hazard" shall mean anything or the lack of any equipment or any act, which increases or may cause an increase of the hazard or menace to life or property from fire, explosion or panic to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire; or which may obstruct, delay or hinder the saving of life from fire, explosion or panic or may have become the cause of any obstruction, delay, suppression or hindrance, to the prevention or extinguishment of fire.

**Garage.** A building or portion thereof in which a motor vehicle containing flammable or combustible liquids or gas in its tank is stored, repaired or kept, or in which bicycles, scooters, and other personal items used by the tenants of the building or buildings on the premises are stored or kept.

**Garage, Private.** A building or a portion of a building, not more than 1,000 square feet in area, in which motor vehicles, bicycles, scooters, and other personal items used by the tenants of the building or buildings on the premises are stored or kept.

**Guest Room.** A room occupied, or intended, arranged or designed for occupation by one or more guests. Every 100 square feet of superficial floor area in a dormitory is a guest room. A guest is any person paying in money, goods or services for the use of a sleeping facility. Guest rooms with cooking shall have approved kitchen units as set forth in Section 507 of this Code.

**Guest Room Suite.** A contiguous group of two or more habitable rooms, not part of a dwelling unit, having one entry door. Each habitable room within a guest room suite shall individually conform to the requirements set forth in Section 503(b) of this Code.

**Habitable Space (Room).** Any room or space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space areas are not considered habitable space.

**Handrail.** A rail capable of being readily grasped by the hand to provide support on ramps or stairs.

**Height of Building.** Height of building shall be determined in accordance with Chapter 2 of the Building Code.

**Hotel.** "Hotel" is any building containing six or more guest rooms, or guest room suites, intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

Guest rooms with cooking facilities as defined in Section 507 of this Code located therein are permitted. Hotel does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention home or other institution in which human beings are housed and detained under legal restraint.

**Housekeeping Room/Unit with Cooking Facilities.** Housekeeping unit or room containing one guestroom with electric cooking facilities, in existence and legalized by permit prior to 1969 in a residential building built before 1960.

**Kitchen.** Any room used, or intended or designed to be used, for cooking, preserving and preparing food.

**Kitchen, Community.** See Section 507 of this Code.

**Life Hazard.** "Life hazard" is any act, condition, or omission or lack of construction, equipment, material or maintenance, that increases or may cause an increase in the menace to life to occupants within a building or structure from fire, explosion, earthquake, panic or structural failure above the level of safety established in this Code.

**Lodging House.** "Lodging house" is any building or portion thereof, containing not more than five guest rooms where rent is paid in money, goods, labor or otherwise.

**Main Entrance or Exit.** "Main entrance or exit" is that entrance from a street, alley or other open space serving as a way of approach to a building to which is apportioned the greater aggregate of the required outside exit width.

**Mechanical Code.** The San Francisco Mechanical Code Part II, Chapter XIV, of the San Francisco Municipal Code.

**Mechanical Ventilation.** The ventilation of any area or space by mechanical means.

**Mold and Mildew.** Any visible or otherwise demonstrable growth of microscopic organisms or fungi (mold or mildew) that feeds on damp conditions in the interior of a residential building, sufficiently chronic or severe to cause a health hazard or damage a residential structure or part thereof, excluding the presence of mold or mildew which is minor in nature caused by inappropriate

housekeeping practices or the improper use of natural or mechanical ventilation.

**Motel.** "Motel" shall mean "hotel" as defined in this Code.

**Municipal Code.** The Municipal Code of the City and County of San Francisco.

**Nuisance.** The following shall be defined as nuisances:

- (1) Any public nuisance known at common law or in equity jurisprudence;
- (2) Any attractive nuisance which may prove detrimental to children, whether in a building or on the premises of a building. This includes open wells, abandoned basements, or excavations; abandoned iceboxes, refrigerators and motor vehicles, or any structurally unsound fences or structures, or lumber, trash, fences, debris, or vegetation which may prove a hazard for inquisitive minors;
- (3) Whatever is dangerous to human life or is detrimental to health;
- (4) Overcrowding a room with occupants;
- (5) Insufficient ventilation or illumination;
- (6) Inadequate or insanitary sewage or plumbing facilities;
- (7) Insanitary conditions or anything offensive to the senses or dangerous to health;
- (8) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings;
- (9) Fire hazard;
- (10) Substandard building;
- (11) Any "apartment," "dwelling unit," "habitable space" or "building" as defined in this Code, which is the subject of a final hazard reduction order under Section 1628 of the San Francisco Health Code, or an emergency order under Section 1630 of the San Francisco Health Code;
- (12) Mold and mildew as defined by this chapter.

**Openable Window Area.** That portion of a window opening left clear and unobstructed when the window is in an open position.

**Overcrowding.** Use of occupancy of a room, dwelling unit, guest room or guestroom suite in excess of that permitted by this Code.

**Owner.** The owner or owners of the freehold of the premises or a lesser estate therein, a vendee in possession, or the lessee or joint lessees of the whole thereof.

**Pantry.** A space accessible to a dining room or kitchen for the storage of food, dishes or utensils.

**Partition.** An interior vertical separation running from floor to ceiling and dividing one part of an enclosed area from another.

**Person.** Any person, firm, association, organization, partnership, business trust, corporation, company, municipal, state or federal agency, executors, administrators, successors, assigns or agents or their heirs.

**Plumbing Code.** The San Francisco Plumbing Code Part II, Chapter VII, of the San Francisco Municipal Code.

**Porch.** A porch is a projection of appendage on the exterior of a building, which has a roof the ceiling height of which cannot be less than seven feet. Where one balcony is placed one story above another balcony, the balconies shall be considered as porches.

**Premises.** Land including improvements or appurtenances or any part thereof.

**Repairs.** The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

**Required.** As required in this Code.

**Roof Structure.** "Roof structure" is any building or structure erected upon the roof of a building, designed to protect machinery or mechanical devices located on such roof and not used for any of the occupancies set forth in Chapter 3 of the Building Code.

**Rooming House.** Same as "lodging house."

**Service Room.** "Service room" shall mean any room used for storage, bath or utility purposes, and not included in the definition of "habitable rooms."

**Shaft.** Any shaft used for air, light or ventilation, or for vertical openings within a building. A vent shaft is one used solely to ventilate a water-closet compartment, bathroom, toilet, utility room or other service room.

**Stairwell.** A volume formed by the enclosure of any stair, or that would have been formed if the stairs were enclosed.

**Story.** "Story" is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under-floor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement or unused under-floor space shall be considered a story.

Story, first, is the lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor is not more than four feet below grade, as defined herein, for more than 50 percent of the total perimeter, or more than eight feet below grade, as defined herein, at any point.

**Substandard Building.** See Chapter 10 of this Code.

**Superficial Floor Area.** "Superficial floor area" is the net floor area within the enclosing walls of the room in which the ceiling height is not less than seven feet six inches, excluding built-in equipment such as wardrobes, cabinets, kitchen units, or fixtures which are not readily removable.

**Toilet Room.** A room containing one or more water closets or urinals.

**Unsafe Building.** See Section 102A of the Building Code.

**Unusable Space.** A space or area which is not readily accessible and which has not more than three feet vertical clearance at any point.

**Use.** "Use" shall mean as used or designed or intended to be used.

**Ventilating Area.** The net area of an opening for the unobstructed passage of air. An approved screen is not considered as obstructing the area provided that the required ventilating area is maintained.

**Water Closet Compartment.** Same as "toilet room."

**Weathering.** Deterioration, decay or damage caused by exposure to the elements.

**Window.** "Window" shall mean a glazed opening, including glazed doors, which open upon a yard, court, or recess from a court, or a vent shaft open and unobstructed to the sky. Clerestory windows shall be included in this definition.

(Added by Ord. 399-89, App. 11/6/89; amended by Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95; Ord. 256-07, App. 11/6/2007; Ord. [160-14](#), File No. 140009, App. 7/31/2014, Eff. 8/30/2014)

WIKIPEDIA

EXHIBIT BCS2

# Clerestory

In architecture, a **clerestory** (/ˈklɪrɪˌstɔːri/ *KLEER-stor-ee*; lit. *clear storey*, also **clearstory**, **clearstorey**, or **overstorey**) is a high section of wall that contains windows above eye level. The purpose is to admit light, fresh air, or both.

Historically, *clerestory* denoted an upper level of a Roman basilica or of the nave of a Romanesque or Gothic church, the walls of which rise above the rooflines of the lower aisles and are pierced with windows.

Similar structures have been used in transportation vehicles to provide additional lighting, ventilation, or headroom.

## Contents

### History

- Ancient world
- Early Christian and Byzantine basilicas
- Romanesque period
- Gothic period

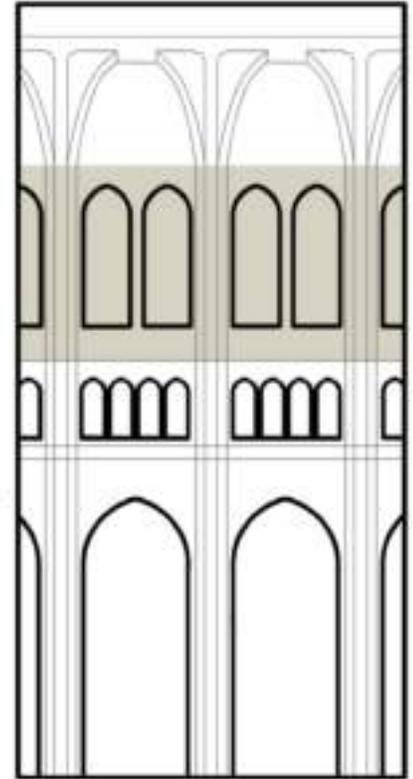
### Modern clerestory windows for energy-efficient buildings

### Transportation

### See also

### References

### External links



Interior elevation of a Gothic cathedral, with clerestory highlighted.

## History

### Ancient world

The technology of the clerestory appears to originate in the temples of ancient Egypt. The term "clerestory" is applicable to Egyptian temples, where the lighting of the hall of columns was obtained over the stone roofs of the adjoining aisles, through slits pierced in vertical slabs of stone. Clerestory appeared in Egypt at least as early as the Amarna period.<sup>[1]</sup>

In the Minoan palaces of Crete such as Knossos, by contrast, lightwells were employed in addition to clerestories.<sup>[2]</sup>

According to Biblical accounts, the Hebrew temple built by King Solomon



The church of St. Nicolai, Stralsund - the clerestory is the level between the two green roofs, reinforced here by flying buttresses