



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Change

HEARING DATE: FEBRUARY 18, 2010

Project Name: Green Landscaping Ordinance
Case Number: 2009.1172I [Board File No. 09-1453]
Initiated by: Mayor Newsom/ Supervisors Carmen Chu & Bevan Dufty
Introduced: December 15, 2009
Staff Contact: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395

Recommendation: **Recommend Approval with Modifications**

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PLANNING CODE AMENDMENT

The proposed Ordinance introduced by Mayor Newsom, Supervisors Carmen Chu and Bevan Dufty would amend various sections of the Planning Code to address screening, greening, street tree, and permeability requirements; creating definitions for "vehicle use area," "ornamental fencing," and "permeable surface;" it would also amend the Public Works Code Section 805 to create requirements for the establishment of new street trees and replacement of dead street trees.

The Way It Is Now:

The Proposed Ordinance amends five existing Sections of the Planning Code and one Section of the Public Works Code. Below is a concise summary of the pertinent components of the Sections proposed for amendment.

- **Section 132 – Front Setback Areas**

Currently the Section regulates front setback areas for one to three dwelling unit homes and for low to high density mixed apartment and house districts (RH, RTO and RM). The landscaping controls articulated in Subsection (g) requires that 20% of the front yard setback to remain unpaved and devoted to plant material including the use of native/drought resistant plant material.

- **Section 142 – Screening of Parking Areas**

This Section of the Code currently applies to residential, neighborhood commercial, and Eastern Neighborhoods Mixed Use Districts. It requires the following 1) every parking space within a building not enclosed by solid walls shall be screened by doors or similar means; 2) along rear yards and interior open spaces all parking spaces, driveways and maneuvering areas within buildings shall be screened by solid building walls; and 3) off-street parking spaces in parking lots shall be screened according to Section 156(d).

- **Section 143 – Street Trees**

This Section of the Code requires street trees in districts that are either residential, neighborhood commercial, South Park, Downtown, South of Market or Eastern Neighborhoods mixed use districts. This requirement currently only applies to applications that would construct a new building, relocate a building, or add gross floor area equal to 20 percent or more of the existing building. Project sponsors generally must plant one 24"-box tree for every 20 feet for frontage or pay the existing "in-lieu" fee. In the Downtown Residential districts there are further specifications regarding the size of the tree, the sidewalk basin, and other features.

- **Section 156 – Parking Lots**

This Section of the Code establishes provisions for parking lots that are both accessory to other uses or that are the principal use for the site. Current controls require parking for two or more cars and that adjoins a residential district or parking for 10 or more cars within the NCT, C-3-O, C-3-R, C-3-S, or C-3-G districts to be screened by a solid fence, wall, or compact evergreen hedge not less than four feet. Within the South of Market RED, SPD, RSD, SLR, SLI or SSO Districts parking must also be screened from views from every street by a solid fence.

- **Section 223 – Automotive**

This Section of the Code is a table that specifies the zoning districts where "automotive" uses are allowed and whether the use is permitted, not permitted or permitted by conditional use authorization.

- **Section 304 – Planned Unit Developments**

This Section of the Code establishes provisions for "Planned Unit Developments" for larger developments that are either under the jurisdiction of the Redevelopment Agency or are under one ownership and are larger than ½ acre.

Below is a concise summary of the existing Section of the Public Works Code that is proposed for amendment:

- **Public Works Code 805 – Responsibility for Maintenance of Street Trees**

This Section of the Public Works Code discusses the responsibility for maintenance of street trees.

The Way It Would Be:

The proposed Ordinance would create the following new Sections within the Planning Code:

- **New Section 102.3– Vehicle Use Area: Definition & Controls**

The proposed Ordinance would create a new definition, "vehicle use areas" that would describe unenclosed and partially enclosed areas for use by vehicles or for the maneuvering of vehicles. Examples of these spaces would be the maneuvering area around gas stations, car washes, repair shops etc. These "vehicular use areas" would be subject to proposed screening requirements in Section 142 in the following circumstances:

1. the creation of new vehicular use area;

2. existing vehicular use areas that are accessory to a principal use where the principal use is expanding by 20% or more or by 3000 square feet, whichever is less;
3. the addition of 4 or more parking spaces to an existing vehicular use area; or
4. the excavation or reconstruction of 50% or more of an existing vehicle use area, emergency utility work excavation is exempted.

- **Proposed New Section 102.32 – Ornamental Fencing: Definition & Controls**

The proposed Ordinance would create a new definition for “ornamental fencing” to describe a decorative metal fence made of wrought iron or giving the appearance of wrought iron. Some woven wire fencing may be used if the fencing is capped at the top and bottom and includes well-built columns that are at least 8” wide. (See illustration in Exhibit C.)

- **New Section 102.33– Permeable Surfaces: Definition**

This proposed new Section would create a definition for Permeable Surfaces. Permeable surfaces would be those that allow stormwater to infiltrate to the underlying soil and would include things such as planting beds, porous asphalt, aggregate, open jointed blocks and pavers that are loose-set without mortar.

The proposed Ordinance would amend the following existing Sections within the Planning Code:

- **Section 132 – Front Setback Areas**

The proposed Ordinance would amend this Section to add subsection (h) to require that the front setback not only include 20% plant materials as currently articulated in subsection (g), but also to require that at least 50% of the front setback to be permeable. The permeable requirement may be met by combining the 20% landscaping requirement with additional planted area or other groundcover that allows infiltration of water as defined by the proposed Section 102.33 Permeable Surfaces. Both the plant material requirement and the permeable surface requirement would include new “triggers” for when the requirements would apply. The requirements would apply to projects proposing construction of a new building; the addition of a new dwelling unit, a garage, or additional parking; or the paving or repaving of more than 25 square feet of the front setback. This Section would be made to apply to required setbacks for Planned Unit Developments.

- **Section 142 – Screening of Parking Areas**

The proposed Ordinance would expand the districts that needed to screen parking areas to include all districts. Parking and “vehicle use areas” that are less than 25 linear feet would continue to be screened per existing controls. Parking and “vehicle use areas” that are greater than 25 linear feet would be subject to new screening requirements. The new screening requirement would be triggered if a) the principal use associated with the area expands by 20% or more; b) the vehicle use area expands in size by 20% or by more than four spaces, whichever is

greater; or c) the vehicle use area is excavated and more than 50% is repaved¹. The new screening requirement for vehicle use areas would require one of two features, either:

1. ornamental fencing or a solid wall that is 4' high combined with a 5' across permeable surface or
2. a combination of permeable landscaping and ornamental fencing with the same area as option one would provide but configured so as to provide either a publicly accessible amenity or a natural drainage system to reduce runoff.

Further, this Section would be flexible in that the Zoning Administrator is authorized to modify the requirements of the subsection to allow alternative landscaping treatments where these treatments are either visible from the public right-of-way or are provided in the public right-of-way consistent with Section 810B of the Public Works Code. In allowing a substitution of the requirements, the Zoning Administrator must find that the alternative both 1) enhances the pedestrian experience and 2) promotes the reduction of stormwater runoff.

- **Section 143 – Street Trees**

The proposed Ordinance would expand the requirement to apply to all zoning districts. The Ordinance would also increase the “triggers” for when street trees would be required to include:

- 1) the addition of a new dwelling unit;
- 2) the addition of new parking or a new garage; and
- 3) the paving or repaving of more than 25 sf of the front set-back.

In instances where a street tree could not be planted², the Ordinance would allow the substitution of a street tree with a sidewalk landscaping subject to DPW approval. In the event that DPW cannot approve the tree or the sidewalk landscaping, an “in-lieu” fee would be charged per DPW Code. Note: this in-lieu fee currently exists, the proposed Ordinance merely includes a reference to this existing fee.

The proposed Ordinance would apply the specific controls for trees in the Downtown Transit Residential district to the Downtown Office districts (C-3) regarding the tree trunk size, the planting basin, soil specifications and related criteria.

Lastly, with regards to Section 143, the proposed Ordinance would add requirements that Planned Unit Developments of ½ acre or more provide a continuous soil trough that connects tree basins for healthier trees and specifications for the front yard setback. Specifically PUD’s

¹ The last provision does not apply if the work is done to maintain safety or other public purposes beyond the control of the property owner.

² DPW Work Order #19,946 restricts the planting of trees in the following circumstances: 1) within 25' of a traffic sign; 2) within 25' of the approach to an intersection and 10' of the exit of the intersection; 3) within 9-21' of a streetlight (depending on size of light); 4) within 6' of a utility pole; 5) within 3' of a parking sign; 6) within 3-5' of utility lines, fire hydrants and street furniture; 7) within 10' of a fire escape; 8) within a bus zone if the sidewalk is less than 15'; 9) within a restricted parking “blue zone”; 10) within 12-15' of existing trees; and 11) within 3-5' of a parking meter.

would be required to provide a water source for each residential setback area to enable small garden and to setback below grade parking so that a minimum soil depth of at least 3'-6" is preserved. Again, the Zoning Administrator would be able to modify these requirements if substitutions are provided that offer equal or greater ecological benefit.

- **Section 156 – Parking Lots**

This Section of the Code would establish 2 tiers of screening requirements for parking and the proposed "vehicle use areas".

1. The smallest parking and vehicle use areas that are less than 25 linear feet along the right-of-way would retain the existing screening standards: screened from view by a solid fence, wall or compact evergreen hedge not less than 4' high.
2. Parking or vehicle use areas that are greater than 25 linear feet along the right-of-way would be screened according to the controls proposed in Section 142.

- **Section 223 – Automotive**

The proposed Ordinance would add a note to the beginning of this table stating that automotive uses that have vehicular use areas shall meet the screening requirements of Section 142. It would also remove references to the C-1 district as there are no C-1 parcels remaining in San Francisco.

- **Section 304 – Planned Unit Developments**

The proposed Ordinance would amend this Section to cross-reference the new requirement described in Section 143 Street Trees and Section 132 Front Setbacks (g) and (f).

The proposed Ordinance would amend the following Section of the Public Works Code:

- **Public Works Code 805 – Responsibility for Maintenance of Street Trees**

The proposed Ordinance would expand this section of the Public Works Code to state that property owners must ensure that trees are adequately cared for during the three year establishment period. Property owners may be fined for failure to provide proper care. Further, if a tree dies it must be removed and replaced within six months. The Director of DPW may allow alternative planting locations for the replacement tree or may allow payment of the in-lieu fee instead of a physical replacement.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

RECOMMENDATION

The Department recommends that the Commission recommend *approval with two, minor modifications* to the proposed Ordinance and adopt the attached Draft Resolution to that effect.

Recommended Modifications

- **Section 132- Technical Clarifications.** The proposed amendments list RTO as a new addition to this Section. RTO was incorporated into this Section in April 3, 2008 by Ordinance Number 298-08. Some of the proposed text hyphenates setback as “set-back” whereas the Planning Code typically does not hyphenate this word.
- **Section 132- Content Change.** At the request of the San Francisco Public Utilities Commission, the Department recommends adding text stating that landscaping in the front setback must comply with Chapter 63 of the Administrative Code.

BASIS FOR RECOMMENDATION

The proposed Ordinance seeks to achieve a more comprehensive greening effort in the city, combining environmental and aesthetic goals, called “Green Landscaping Ordinance”. The improvements, including landscaping and perimeter site controls complement existing and recently proposed standards such as the Better Streets Plan, the Green Building Ordinance, and the Stormwater Requirement and Design Guidelines. The proposed Ordinance complements a national movement to return to gardening that includes everyone from First Lady Michele Obama to local slow food guru, Alice Waters.

The Department believes the proposed controls will enhance new development and significant alterations to achieve the following environmental and aesthetic goals:

1. healthier and more plentiful plantings through screening, parking lot, and street tree controls;
2. increased permeability through front yard and parking lot controls; and
3. improved screening by creating an ornamental fencing requirement and requiring screening for newly defined “vehicle use areas”.

The proposed Ordinance reconsiders some basic requirements to both increase the “green” components in the landscape and to add flexibility in how the requirements may be satisfied, thereby allowing developers more options to meet the City’s expectations.

Discussion of Public Requests for Modification

Some members of the public have advocated for an alternate “trigger” or method of requiring street trees by tying the provision of street trees to the value of the construction project. For instance, requiring a street tree for any construction over \$75,000. While it may be possible to develop a fee or requirement along such lines, this method of calculating the street tree requirement likely would result in characterization of the fee/street requirement as development exaction and/or fee. Such a program would be subject to State and federal law on development fees. Further, the City’s practice prior to adopting such fees or requirements is to perform the requisite analyses that demonstrates a connection or nexus between the impact of the project and the required fee/requirement.

On the other hand, the staff’s recommended approach to street tree requirements is to treat this as part of the urban design/zoning requirements associated with permit review in the same manner as other zoning requirements such as set backs, height limits, facade design, etc. The staff’s recommended approach also

eliminates the need to perform a costly fee analysis and to ensure that the proposed alternate method meets all the legal requirements imposed through state and federal law. The Department recommends not changing the triggers from those identified in the proposed Ordinance. The proposed Ordinance as written will greatly expand the impact of Section 143 and the number of instances when street trees will be required.

Discussion of Other Agency Request for Modification

The San Francisco Public Utilities Commission has reviewed the proposed Ordinance and has requested some modifications to the Ordinance. The SFPUC's embraces new permeable surfaces that may be created by the proposed Ordinance. Specifically, SFPUC staff found that complying with the Ordinance may "greatly reduce the overall runoff coefficient by 17%". At the same time, the PUC is preparing an irrigation ordinance to comply with state law that will set absolute limits on water usage. To that end, the SFPUC would like to insert language to clarify that plants and street trees required by Sections 132, 142, and 143 of the Planning Code must comply with Chapter 63 of the Administrative Code and/or the applicable articles of the Public Works Code. Chapter 63 of the Administrative Code is regulated by the SFPUC and currently applies to irrigated landscaped areas of 1000 square feet or more. In the future, specific low water plants may be required. Therefore, it is appropriate to reference both the Administrative Code and Public Works Code which provide further planting regulations.

ENVIRONMENTAL REVIEW

The proposed amendment is exempt from environmental review under Section 15060(c)(2) of the CEQA Guidelines.

PUBLIC COMMENT

As of the date of this report, the Planning Department staff have meet with Alan Grossman, executive director of the SF Urban Forest Coalition and received email correspondence from Jake Sigg, Board of Directors for the San Francisco Chapter of the Native Plant Society. Mr. Grossman's primary interest is changing a trigger for the street tree requirement as described on page six of this report under the title "Discussion of Public Requests for Modification". Mr. Sigg's concern is that the City not mandate particular plant species be used. From his letter:

"I looked at plants of the list on the website <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>. The plants stipulated as Low or Very Low for the North Central Coast were mostly incorrect, and after two pages I stopped perusing, as I found the list to be useless as a guide to the type of plants you want for the Planning Code or Public Works Code. That list should be worked on by gardeners, as opposed to . . . practitioners without lots of direct experience with the land. I have had a lifetime of experience with both exotic and native plants and could work on a list, but it would take far more time than I have available. You really should not use the list as is.

Not all native plants are drought tolerant, so that should be noted. There are many native and non-native plants that are tolerant of drought. However, drought tolerance should not be the sole criterion. City policy, as well as current trends worldwide, encourage providing habitat value for wildlife. For that purpose it is hard to beat native plants.”

RECOMMENDATION: Recommendation of Approval with Modifications

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 09-1453
- Exhibit C: Illustrations of Ornamental Fencing



SAN FRANCISCO PLANNING DEPARTMENT

Draft Planning Commission Resolution Planning Code Text Change HEARING DATE: FEBRUARY 18, 2010

Project Name: **Green Landscaping Ordinance**
Case Number: 2009.1172I [Board File No. 09-1453]
Initiated by: Mayor Newsom/ Supervisors Carmen Chu & Bevan Dufty
Introduced: December 15, 2009
Staff Contact: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395

Recommendation: **Recommend Approval with Modifications**

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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND VARIOUS SECTIONS OF THE PLANNING CODE TO ADDRESS SCREENING, GREENING, STREET TREE, AND PERMEABILITY REQUIREMENTS; CREATING DEFINITIONS FOR "VEHICLE USE AREA," "ORNAMENTAL FENCING," AND "PERMEABLE SURFACE;" IT WOULD ALSO AMEND THE PUBLIC WORKS CODE SECTION 805 TO CREATE REQUIREMENTS FOR THE ESTABLISHMENT OF NEW STREET TREES AND REPLACEMENT OF DEAD STREET TREES.

PREAMBLE

Whereas, on December 15, 2009, Mayor Newsom and Supervisors Chu and Dufty introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 09-1453 which would amend various sections of the Planning Code to address screening, greening, street tree, and permeability requirements; creating definitions for "vehicle use area," "ornamental fencing," and "permeable surface;" it would also amend the Public Works Code Section 805 to create requirements for the establishment of new street trees and replacement of dead street trees; and

Whereas, on February 18, 2010, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas, the proposed zoning changes have been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2); and

Whereas, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties; and

Whereas, the all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

Whereas, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Commission hereby recommends that the Board of Supervisors recommends *approval of the proposed Ordinance* and adopts the attached Draft Resolution to that effect.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The proposed Ordinance seeks to achieve a more comprehensive greening effort in the city, combining environmental and aesthetic goals, called "Green Landscaping Ordinance". The improvements, including landscaping and perimeter site controls, complement existing and recently proposed standards such as the Better Streets Plan, the Green Building Ordinance, and the Stormwater Requirement and Design Guidelines;
2. The proposed Ordinance will enhance new development and significant alterations to achieve the following environmental and aesthetic goals:
 - a. healthier and more plentiful plantings through screening, parking lot, and street tree controls;
 - b. increased permeability through front yard and parking lot controls; and
3. improved screening by creating an ornamental fencing requirement and requiring screening for newly defined "vehicle use areas";
4. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

I. URBAN DESIGN ELEMENT

POLICY 4.12

Install, promote and maintain landscaping in public and private areas.

Fundamental Principles for Neighborhood Environment

#2 In areas where houses have no front yards, a sense of nature can be provided by planting in the sidewalk area.

II. ENVIRONMENTAL PROTECTION ELEMENT

OBJECTIVE 8

ENSURE THE PROTECTION OF PLANT AND ANIMAL LIFE IN THE CITY.

POLICY 8.2

Protect the habitats of known plant and animal species that require a relatively natural environment.

III. RECREATION AND OPEN SPACE ELEMENT

POLICY 2.9

Maintain and expand the urban forest.

5. The proposed replacement project is consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

A) The existing neighborhood-serving retail uses will be preserved and enhanced through the addition of more attractive landscaping.

B) The existing housing and neighborhood character will not be adversely impacted by the proposed Ordinance.

C) The City's supply of affordable housing will be preserved and enhanced:

The proposed Ordinance will have no adverse effect on the City's supply of affordable housing.

D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

The proposed Ordinance will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

The proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

Preparedness against injury and loss of life in an earthquake is unaffected by the proposed amendments. Any new construction or alteration associated with a use would be executed in compliance with all applicable construction and safety measures.

G) That landmark and historic buildings will be preserved:

Landmarks and historic buildings would be unaffected by the proposed amendments. Should a proposed use be located within a landmark or historic building, such site would be evaluated under typical Planning Code provisions and comprehensive Planning Department policies.

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed amendments. If anything, the proposed Ordinance would better compliment our existing public landscapes with more attractive private landscapes that allow for increased permeability

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on February 18, 2010.

Linda Avery
Commission Secretary

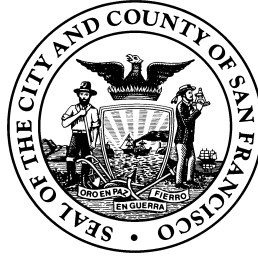
AYES:

NAYS:

ABSENT:

ADOPTED: February 18, 2010

BOARD of SUPERVISORS



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San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

December 22, 2009

Planning Commission
1660 Mission Street, 5th Floor
San Francisco, CA 94103

Dear Commissioners:

On **December 15, 2009**, Mayor Newsom introduced the following proposed legislation:

File: 091453

Ordinance amending various sections of the Planning Code to address screening, greening, street tree, and permeability requirements; creating definitions for "vehicle use area," "ornamental fencing," and "permeable surface;" amending the Public Works Code Section 805 to create requirements for the establishment of new street trees and replacement of dead street trees; and adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

The proposed ordinance is being transmitted pursuant to Planning Code Section 302(b) for public hearing and recommendation of approval or disapproval. The ordinance is pending before the Land Use & Economic Development Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

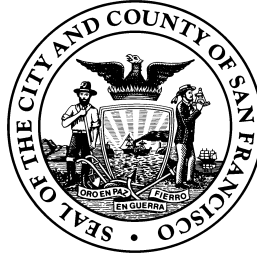
A handwritten signature in cursive script that reads "Alisa Somera".

By: Alisa Somera, Committee Clerk
Land Use & Economic Development Committee

Attachment

cc: John Rahaim, Director of Planning
Larry Badiner, Zoning Administrator
AnMarie Rodgers, Legislative Affairs
Tara Sullivan, Legislative Affairs
Brett Bollinger, Major Environmental Analysis
Kate Stacy, Deputy City Attorney

BOARD of SUPERVISORS



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FOR YOUR INFORMATION SEE THE ATTACHED LEGISLATION

DATE SENT: December 22, 2009

FILE #: 091453

DESCRIPTION: Planning Code – Green Landscaping Ordinance

FROM:

- Budget & Finance
- City Operations & Neighborhood Services
- City & School District Select
- Government Audit & Oversight
- Land Use & Economic Development
- Rules
- Public Safety

This item is scheduled to be heard in Committee on: N/A

URGENT (response needed within one week) **OR:** No date set yet

Hearing or Legislation referred to:

- Building Inspection Commission *Charter Section D3.750-5*
- Ethics Commission *Campaign & Governmental Conduct Code Section 1.103*
- Historic Preservation Commission *Charter Section 4.135*
- Planning - Code Amendment *Planning Code Section 302(b) and 306(a) (90 days to respond)*
- Planning - Environmental review – *30 days to respond*
- Planning - Environmental review (fees) *CEQA CA Public Resources Code § 21000 et seq – 10 days to respond*
- Planning - Interim Controls *Planning Code Section 306.7(c)*
- Retirement Board *Campaign & Governmental Code or Elections Code*
- Small Business Commission *M01-33*
- Youth Commission *Charter Section 3.720-2; Charter Section 4.124 (12 day to respond)*
- FYI - Department of Public Works

FILE NO. 091453

ORDINANCE NO.

1 [Planning Code – Green Landscaping Ordinance.]
2

3 **Ordinance amending various sections of the Planning Code to address screening,**
4 **greening, street tree, and permeability requirements; creating definitions for “vehicle**
5 **use area”, “ornamental fencing”, and “permeable surface”; amending the Public Works**
6 **Code Section 805 to create requirements for the establishment of new street trees and**
7 **replacement of dead street trees; and adopting findings, including environmental**
8 **findings, Section 302 findings, and findings of consistency with the General Plan and**
9 **the Priority Policies of Planning Code Section 101.1.**

10 Note: Additions are single-underline italics Times New Roman;
11 deletions are ~~strikethrough italics Times New Roman~~.
12 Board amendment additions are double underlined.
13 Board amendment deletions are ~~strikethrough-normal~~.

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

15 Section 1. Findings. The Board of Supervisors of the City and County of San
16 Francisco hereby find and determine that:

17 (a) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
18 ordinance will serve the public necessity, convenience and welfare, for the reasons set forth in
19 Planning Commission Resolution No. _____, and incorporates such reasons by this
20 reference thereto. A copy of said resolution is on file with the Clerk of the Board of
21 Supervisors in File No. _____.

22 (b) Pursuant to Planning Code Section 101.1, the Board of Supervisors finds that the
23 ordinance is consistent with the Priority Policies of Section 101.1(b) of the Planning Code and
24 with the General Plan and hereby incorporates a report containing those findings as if fully set
25 forth herein. A copy of said report is on file with the Clerk of the Board of Supervisors in File
No. _____.

1 (c) The Planning Department has completed environmental review of this ordinance
2 pursuant to the California Environmental Quality Act ("CEQA") and Chapter 31 of the San
3 Francisco Administrative Code. Documentation of that review is on file with the Clerk of the
4 Board of Supervisors in File No. _____ and is incorporated herein by
5 reference.

6 Section 2. The San Francisco Planning Code is hereby amended by adding Sections
7 102.31, 102.32, and 102.33 and by amending Sections 132, 142, 143, 156, 233, and 304 to
8 read as follows:

9 **SEC. 102.3. VEHICULAR USE AREAS.**

10 Vehicular use areas are defined as any area of the lot not located within any enclosed or
11 partially enclosed structure and that is devoted to a use by or for motor vehicles including parking
12 (accessory or non-accessory); and automotive uses as defined in Section 223 that are not enclosed by a
13 structure, including but not limited to storage of automobiles, trucks or other vehicles; gasoline
14 stations; car washes; motor vehicle repair shops; loading areas; and service areas. Vehicular use
15 areas shall be subject to landscaping and screening requirements per Section 142(b) under the
16 following circumstances:

17 (a) Construction or installation of any vehicular use area;

18 (b) Existing vehicular use areas that are accessory to an existing principal use if the property
19 will add gross floor area equal to 20 percent or more of the gross floor area of the existing buildings
20 on the lot or 3000 square feet, whichever is less;

21 (c) The repair, rehabilitation or expansion of any existing vehicular use are, if such change
22 would increase the number of existing parking spaces by 4 or more spaces; or

23 (d) The excavation and reconstruction of an existing vehicular use area if such excavation
24 involves the removal of 50% or more of the asphalt, concrete or other pavement devoted to vehicular
25

1 use. This provision does not apply to resurfacing of pavement due to emergency work on underground
2 storage tanks, other emergency utility access, or in response to a public health and safety action
3 required by the local, state, or federal government.

4 **SEC. 102.32. ORNAMENTAL FENCING.**

5 A decorative metal fence shall be made of wrought iron or fencing that gives the appearance of
6 wrought-iron fencing, but expressly excludes plastic-based materials, barbed wire, similar non-
7 decorative fences as well as traditional chain-link or woven wire fences. Chain-link or woven wire
8 fences may be used if the fencing visible from the public right-of-way is bordered by rails on the top
9 and bottom and has well-built columns that are at least 8" wide and are topped with caps. The
10 columns shall be spaced no more than 8' apart.

11 **SEC. 102.33. PERMEABLE SURFACES.**

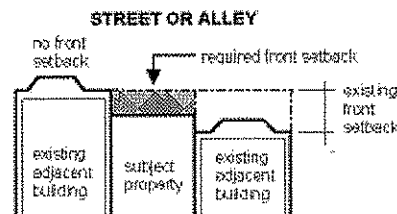
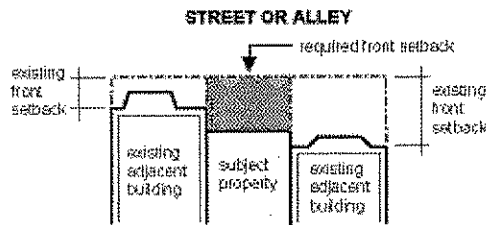
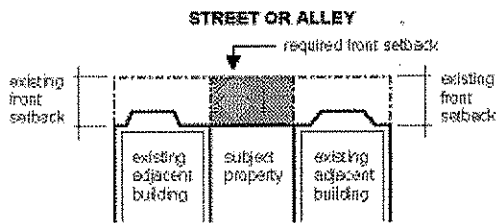
12 Permeable surfaces are those that allow stormwater to infiltrate the underlying soils.
13 Permeable surfaces shall include, but not be limited to, vegetative planting beds, porous asphalt,
14 porous concrete, single-sized aggregate, open-jointed blocks, stone, pavers or brick that are loose-set
15 and without mortar. Permeable surfaces are required to be contained so neither sediment nor the
16 permeable surface discharges off the site.

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

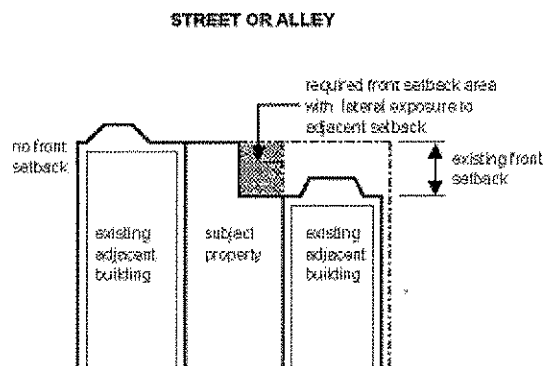
19 The following requirements for minimum front setback areas shall apply to every
20 building in all RH, RTO, and RM Districts, in order to relate the setbacks provided to the
21 existing front setbacks of adjacent buildings. Buildings in RTO Districts which have more than
22 75 feet of street frontage are additionally subject to the Ground Floor Residential Design
23 Guidelines, as adopted and periodically amended by the Planning Commission. Planned Unit
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1 Developments or PUDs, as defined in Section 304, shall also provide landscaping in required setbacks
2 in accord with Section 132 (g).

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



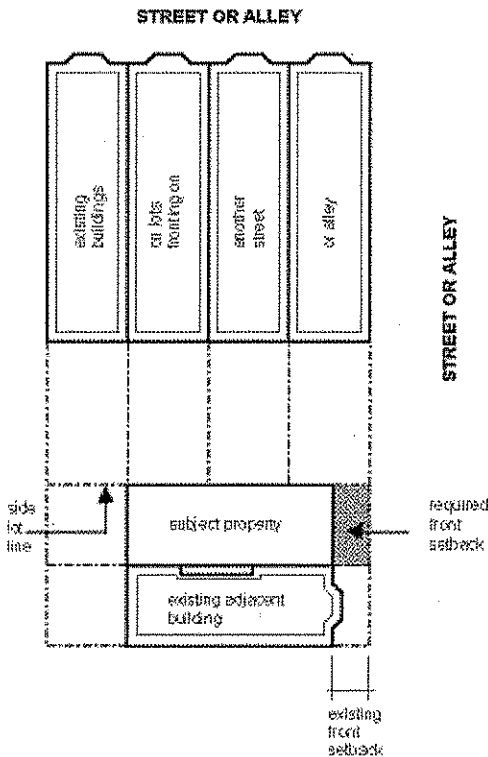
1 (b) Alternative Method of Averaging. If, under the rules stated in Subsection (a)
2 above, an averaging is required between two adjacent front setbacks, or between one
3 adjacent setback and another adjacent building with no setback, the required setback on the
4 subject property may alternatively be averaged in an irregular manner within the depth
5 between the setbacks of the two adjacent buildings, provided that the area of the resulting
6 setback shall be at least equal to the product of the width of the subject property along the
7 street or alley times the setback depth required by Subsections (a) and (c) of this Section; and
8 provided further, that all portions of the resulting setback area on the subject property shall be
9 directly exposed laterally to the setback area of the adjacent building having the greater
10 setback. In any case in which this alternative method of averaging has been used for the
11 subject property, the extent of the front setback on the subject property for purposes of
12 Subsection (c) below relating to subsequent development on an adjacent site shall be
13 considered to be as required by Subsection (a) above, in the form of a single line parallel to
14 the street or alley.



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23 (c) Method of Measurement. The extent of the front setback of each adjacent building
24 shall be taken as the horizontal distance from the property line along the street or alley to the
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1 building wall closest to such property line, excluding all projections from such wall, all decks
2 and garage structures and extensions, and all other obstructions.

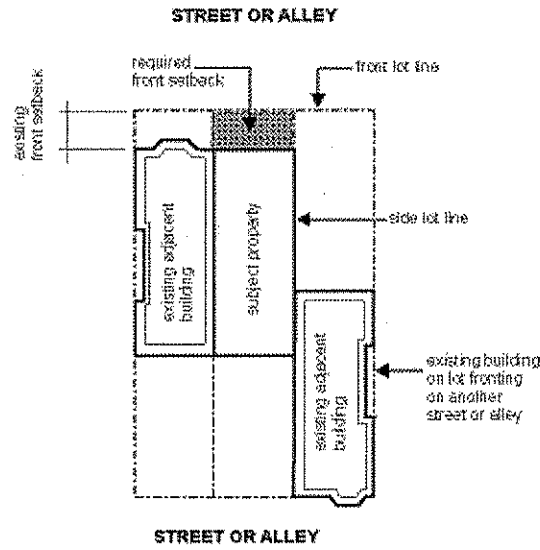
3 (d) Applicability to Special Lot Situations.



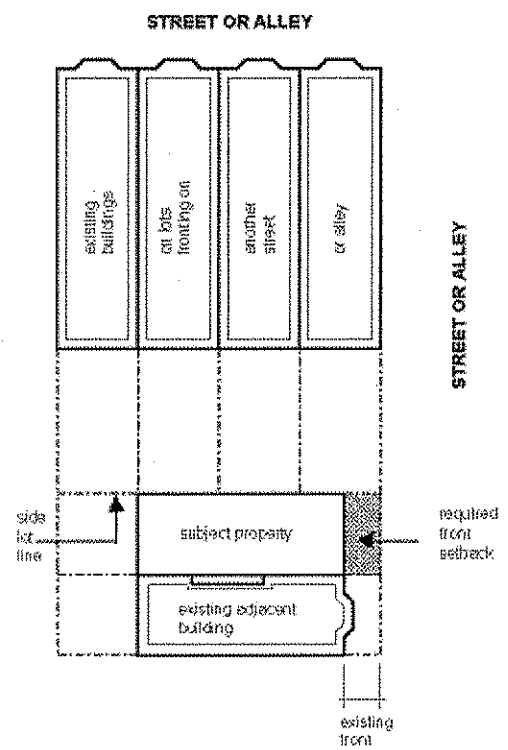
18 (1) Corner Lots and Lots at Alley Intersections. On a corner lot as defined by this
19 Code, or a lot at the intersection of a street and an alley or two alleys, a front setback area
20 shall be required only along the street or alley elected by the owner as the front of the
21 property. Along such street or alley, the required setback for the subject lot shall be equal to
22 1/2 the front setback of the adjacent building.

23 (2) Lots Abutting Properties That Front on Another Street or Alley. In the case of any
24 lot that abuts along its side lot line upon a lot that fronts on another street or alley, the lot on
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1 which it so abuts shall be disregarded, and the required setback for the subject lot shall be
2 equal to the front setback of the adjacent building on its opposite side.
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1 (3) Lots Abutting RC, C, M and P Districts. In the case of any lot that abuts property in
2 an RC, C, M or P District, any property in such district shall be disregarded, and the required
3 setback for the subject lot shall be equal to the front setback of the adjacent building in the
4 RH, RTO, or RM District.

5 (e) Maximum Requirements. The maximum required front setback in any of the cases
6 described in this Section 132 shall be 15 feet from the property line along the street or alley,
7 or 15 percent of the average depth of the lot from such street or alley, whichever results in the
8 lesser requirement. The required setback for lots located within the Bernal Heights Special
9 Use District is set forth in Section 242 of this Code.

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

15 (g) Landscaping and Permeable Surfaces. The landscaping and permeable surface
16 requirements of this Section and Section (h) below shall be met by the permittee in the case of
17 construction of a new building; the addition of a new dwelling unit, a garage, or additional parking; or
18 paving or repaving more than 25 square feet of the front set-back. All front setback areas required
19 by this Section 132 shall be appropriately landscaped, and in every case not less than 20
20 percent of the required setback area shall be and remain unpaved and devoted to plant
21 material, including the use of native/drought resistant plant material. For the purposes of this
22 Section, permitted obstructions as defined by Section 136 shall be excluded from the front set-back area
23 used to calculate the required landscape and permeable surface area.

1 (h) Permeable Surfaces. The front setback area shall be at least 50% permeable so as to
2 increase stormwater infiltration. The permeable surface may be inclusive of the area counted towards
3 the landscaping requirement; provided, however, that turf pavers or similar planted hardscapes shall
4 be counted only toward the permeable surface requirement and not the landscape requirement.
5 Permeable surfaces are defined in Section 102.33.

6 (1) The Zoning Administrator, after consultation with the Director of Public Works, may waive
7 the permeable surface requirement if the site does not qualify as a suitable location pursuant to
8 Department of Public Works rules and regulations.

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

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

16 **SEC. 142. SCREENING AND GREENING OF PARKING AND VEHICLE USE**
17 **AREAS, ~~R AND NC AND EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.~~**

18 Off-street parking and "vehicle use areas" adjacent to the public right-of-way in R and NC
19 and Eastern Neighborhoods Mixed Use Districts shall be screened as provided in this Section.

20 (a) Screening of parking and vehicle use areas less than 25 linear feet adjacent to a public
21 right-of-way:

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

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

4 ———(e) (3) Off-street parking spaces in parking lots shall meet the requirements of Section
5 156 and other applicable provisions of Article 1.5 of this Code. Such parking areas shall be
6 screened from view as provided in Section 156(d) of this Code.

7 (b) Vehicular use areas that are greater than 25 linear feet along the public right-of-way. All
8 lots containing vehicular use areas where such area has more than 25 linear feet along any public
9 right-of-way shall provide screening in accordance with the requirements of this Section and the
10 Ornamental Fencing Section 102.32. The following instances shall trigger the screening requirements
11 for these vehicle use areas:

12 (1) Any existing vehicular use area that is accessory to an existing principal use if such use
13 expands gross floor area equal to 20 percent or more of the gross floor area of an existing building;

14 (2) Any repair rehabilitation or expansion of any existing vehicular use area, if such repair,
15 rehabilitation or expansion would increase the number of existing parking spaces by either more than
16 20% or by more than four spaces, whichever is greater; or

17 (3) The excavation and reconstruction of an existing vehicular use area if such excavation and
18 reconstruction involves the removal of 50% or more of the asphalt, concrete or other surface devoted to
19 vehicular use. This provision does not apply to the resurfacing due to emergency work to underground
20 utilities if such work is intended to maintain safety or other public purpose beyond the control of the
21 property owner.

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

3 (1) Ornamental fencing or a solid wall that is 4 feet in height and a 5 foot deep permeable
4 surface with landscaping along the perimeter of the lot that is adjacent to a public right-of-way; or

5 (2) A combination of permeable landscaping and ornamental fencing where the permeable
6 surface and landscaping is the equivalent area of a 5 foot deep average perimeter landscaping that has
7 been otherwise configured to result in either: (i) a public space or amenity that is accessible from the
8 public right-of-way or (ii) a natural drainage system, such as combined swales, retention basins,
9 detention basins or rain gardens, to reduce stormwater runoff.

10 (d) The Zoning Administrator is authorized to modify the requirements of subsection thereby
11 allowing alternative landscape treatments to partially or wholly satisfy this screening requirement
12 provided that alternative landscape treatments such as landscaped berms, perimeter plantings,
13 pedestrian lighting, benches and seating areas, or additional landscaping and tree plantings are
14 provided elsewhere on the site and will be visible from the public right-of-way or are provided in the
15 public right-of-way as regulated by Section 810B of the Public Works Code. The Zoning Administrator
16 may authorize such modification only upon finding that the proposed alternative landscape treatment
17 would:

18 (1) Provide a visual effect that promotes and enhances the pedestrian experience through the
19 use of quality urban design; and

20 (2) Promote the reduction of stormwater runoff.

21 **SEC. 143. STREET TREES**, ~~R, SPD, RSD, NC, C 3, DTR, MUG, MUO, MUR, UMU, SLR,~~
22 ~~SLI AND SSO DISTRICTS.~~

23 (a) In any ~~R, SPD, RSD, NC, C 3, DTR, MUG, MUO, MUR, UMU, SLR, SLI AND SSO~~
24 ~~DISTRICTS~~-District, street trees shall be installed by the owner or developer in the case of

1 construction of a new building; relocation of a building; the addition of gross floor area equal to
2 20 percent or more of the gross floor area of an existing building; the addition of a new dwelling unit, a
3 garage, or additional parking; or paving or repaving more than 25 square feet of the front set-back and
4 within the RED, SPD, RSD, MUG, MUO, MUR, UMU, SLR, SLI and SSO Districts, in the case of
5 change of 20 percent or more of the occupied floor area of an existing building to another use.

6 (b) The street trees installed shall be a minimum of one tree of 24-inch box size for
7 each 20 feet of frontage of the property along each street or alley, with any remaining fraction
8 of 10 feet or more of frontage requiring an additional tree. Such trees shall be located either
9 within a setback area on the lot or within the public right-of-way along such lot.

10 (c) The species of trees selected shall be suitable for the site, and, in the case of trees
11 installed in the public right-of-way, the species and locations shall be subject to approval by
12 the Department of Public Works. Procedures and other requirements for the installation,
13 maintenance and protection of trees in the public right-of-way shall be as set forth in Article 16
14 of the Public Works Code.

15 (d) In any case in which the Department of Public Works cannot grant approval for
16 installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width,
17 interference with utilities or other reasons regarding the public welfare, and where installation
18 of such tree on the lot itself is also impractical, the tree planning requirements of this Section
19 143 may be modified as described in Subsection 143(f) or (g) or waived as described in Subsection
20 143(g) by the Zoning Administrator to the extent necessary.

21 (e) When a pre-existing site constraint prevents the installation of a street tree, as an
22 alternative to payment of any portion of the in-lieu fee, the Zoning Administrator may allow the
23 installation of sidewalk landscaping to satisfy the requirements of Section 143, subject to permit
24 approval from the Department of Public Works in accordance with Public Works Code Section 810B.
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1 ~~(e)~~(f) In C-3, industrial, and South of Market Mixed Use Districts, the Zoning
2 Administrator may allow the installation of planter boxes or tubs or similar landscaping in
3 place of trees when that is determined to be more desirable in order to make the landscaping
4 compatible with the character of the surrounding area, or may waive the requirement in C-3,
5 industrial, and mixed use districts, districts where landscaping is considered to be
6 inappropriate because it conflicts with policies of the Downtown Plan, a component of the
7 General Plan, such as the Downtown Plan policy favoring unobstructed pedestrian passage or
8 the Commerce and Industry Element policies to facilitate industry.

9 ~~(f)~~(g) In Eastern Neighborhoods Mixed Use Districts, street trees shall be installed
10 along all street frontages in the public right of way as set forth in subsection (b). Street tree
11 basins shall be edged with decorative treatment, such as pavers or cobbles, in accordance
12 with City standards. ~~In the event that the Department of Public Works does not approve for any
13 reason the installation of the number of trees required as set forth in subsection (b), an in-lieu fee for
14 each missed street tree, in an amount set forth in Article 16 of the Public Works Code, shall be paid to
15 the Adopt A Tree Fund. When a pre-existing site constraint prevents the installation of a street tree, as
16 an alternative to payment of any portion of the in-lieu fee, the Zoning Administrator may allow the
17 installation of sidewalk landscaping in accordance with all adopted standards and requirements.~~

18 (h) For each required tree that the Zoning Administrator waives, the permittee shall pay an
19 “in-lieu” street tree fee. This fee shall be the amount specified in the Public Works Code Article 16
20 and be payable prior to issuance of any certificate of occupancy. The fee amount shall be deposited in
21 the Department of Public Works' Adopt-A-Tree Fund.

22 ~~(g)~~(i) DTR and C-3 Districts. In DTR and C-3 Districts, in addition to the requirements
23 of subsections (a)- ~~(d)~~(h) above, all street trees shall:

1 ~~(1) be open to the sky and free from all encroachments for that entire width, planted at least~~
2 ~~one foot back from the curb line;~~

3 ~~(2) (1)~~ have a minimum 2 inch caliper, measured at breast height;

4 ~~(3) (2)~~ branch a minimum of 8 feet above sidewalk grade;

5 ~~(4) (3)~~ where in the public right-of-way, be planted in a sidewalk opening at least 16
6 square feet, and have a minimum soil depth of 3 feet 6 inches;

7 ~~(5) (4)~~ where planted in individual basins rather than a landscaped planting bed, be
8 protected by a tree grate with a removable inner ring to provide for the tree's growth over time;

9 ~~(6) (5)~~ provide a below-grade environment with nutrient-rich soils, free from overly-
10 compacted soils, and generally conducive to tree root development;

11 ~~(7) (6)~~ be irrigated, maintained and replaced if necessary by the property owner, in
12 accordance with *Sec. 174 of the Public Works Code, Article 16*; and

13 ~~(8) (7)~~ be planted in a continuous soil-filled trench parallel to the curb, such that the
14 basin for each tree is connected.

15 *(j) Planned Unit Developments as defined by Section 304 of this Code are required the street*
16 *tree requirements described in Section 143 (a) – (h) and shall meet the following additional*
17 *landscaping requirements:*

18 *(1) A continuous soil trough with structural soils shall be provided that connects the root*
19 *systems of these street trees to increase tree health is required unless there is a physical constraint.*

20 *(2) Where ground floor setbacks are required, landscaping is also required in the setbacks per*
21 *Section 132(g). All building setback areas not occupied by steps, porches or other permitted*
22 *obstructions shall be permeable as defined in Section 102.33. Setbacks should be designed to provide*
23 *access to landscaped areas, encouraging active use by residents.*

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

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

6 (3) The Zoning Administrator is authorized to modify the additional landscaping requirements
7 for Planned Unit Developments. The Zoning Administrator shall allow modifications only when he or
8 she finds that modifications provide equal or greater ecological benefit than the above requirements.
9 Acceptable modifications may include alternative landscape treatments such as landscaped berms,
10 detention or retention basins, perimeter plantings, pedestrian lighting, benches and seating areas, or
11 additional landscaping and tree planting are provided elsewhere on the site or on the adjacent public
12 right-of-way itself, subject to permit approval from the Department of Public Works.

13 **SEC. 156. PARKING LOTS.**

14 (a) A "parking lot" is hereby defined as an off-street open area or portion thereof
15 solely for the parking of passenger automobiles. Such an area or portion shall be considered
16 a parking lot whether or not on the same lot as another use, whether or not required by this
17 Code for any structure or use, and whether classified as an accessory, principal or conditional
18 use.

19 (b) Where parking lots are specified in Articles 2 or 7 of this Code as a use for which
20 conditional use approval is required in a certain district, such conditional use approval shall be
21 required only for such parking lots in such district as are not qualified as accessory uses
22 under Section 204.5 of this Code. The provisions of this Section 156 shall, however, apply to
23 all parking lots whether classified as accessory, principal or conditional uses.

1 (c) In considering any application for a conditional use for a parking lot for a specific
2 use or uses, where the amount of parking provided exceeds the amount classified as
3 accessory parking in Section 204.5 of this Code, the ~~City~~ Planning Commission shall consider
4 the criteria set forth in Section 157.

5 (d) Any vehicle use area that is less than 25 linear feet adjacent to a public right-of-way or
6 parking lot for the parking of two or more automobiles which adjoins a lot in any R District, or
7 which faces a lot in any R District across a street or alley, shall be screened from view
8 therefrom, except at driveways necessary for ingress and egress, by a solid fence, a solid
9 wall, or a compact evergreen hedge, not less than four feet in height.

10 (e) Any vehicle use area that has more than 25 linear feet adjacent to a public right-of-way or
11 is a parking lot for the parking of 10 or more automobiles shall be screened in accordance with the
12 standards described in Section 142, Screening and Greening of Parking and Vehicle Use Areas ~~within~~
13 ~~the NCT, C-3-O, C-3-R, C-3-S, or C-3-G Districts shall be screened from view from every street, except~~
14 ~~at driveways necessary for ingress and egress, by a solid fence, a solid wall, or a compact evergreen~~
15 ~~hedge, not less than four feet in height.~~

16 (f) All artificial lighting used to illuminate a parking lot for any number of automobiles in
17 any ~~R, NC, C, or South of Market~~ District shall be so arranged that all direct rays from such
18 lighting fall entirely within such parking lot.

19 (g) No parking lot for any number of auto-mobiles shall have conducted upon it any
20 dead storage or dismantling of vehicles, or any repair or servicing of vehicles other than of an
21 emergency nature.

22 (h) No permanent parking lot shall be permitted in C-3-O, C-3-R, C-3-G and NCT
23 Districts; temporary parking lots may be approved as conditional uses pursuant to the
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1 provisions of Section 303 for a period not to exceed two years from the date of approval;
2 permanent parking lots in C-3-S Districts shall be permitted only as a conditional use.

3 (i) Any parking lot approved pursuant to zoning categories .25, .27 and .29 of Sections
4 813 through 818 of this Code shall be screened in accordance with the standards described in
5 Section 142, Screening and Greening of Parking and Vehicle Use Areas from views from every street,
6 except at driveways necessary for ingress and egress, by a solid fence or a solid wall not less than four
7 feet in height, except where this requirement would prevent otherwise feasible use of the
8 subject lot as an open space or play area for nearby residents.

9 (j) Interior Landscaping. All permanent parking lots are required to provide 1 tree per 5
10 parking spaces and a minimum of 20% permeable surface, as defined by Section 102.33 Permeable
11 Surfaces. Permeable surfaces and grading shall be coordinated so that stormwater can infiltrate the
12 surface in areas with less than 5% slope.

13 (k) Street Tree Requirement. All parking lots shall meet the street tree requirements specified
14 in Section 143.

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16 **SEC. 223. AUTOMOTIVE.**

17 All automotive uses that have vehicular use areas defined in Section 102.31 shall meet the
18 screening requirements for vehicular use areas in Section 142.

TABLE INSET:

										PD	PD	PD	PD	
C	C-	C-	C-	C-	C-	C-	M-	M-	R-	R-	R-	R-		
1	2	3-	3-	3-	3-	M	1	2	1-	1-	1-	R-		
		O	R	G	S				G	D	B	2		
														SEC. 223.
-														AUTOMOTIVE.
														(a) Sale or
														rental of new or
														used automobiles,
														when conducted
														entirely within an
														enclosed building.
														(b) Sale or
														rental of new or
														used trucks, when
														conducted entirely
														within an enclosed
														building.
														(c) Lot for
-	*													sale or rental of new

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													or used automobiles.
-	*												(d) Lot for sale or rental of new or used trucks.
-	*												(e) Sale or rental of new or used automobile trailers.
<u>p*</u>	A			A	A	A	A	A					(f) Automobile service station for the sale and dispensing of gasoline, other motor fuels and lubricating oil directly into motor vehicles. The following activities shall be permitted at

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													batteries;
													(5) The installation and servicing of smog control devices; and
													(6) Automobile washing and polishing of an incidental nature, when performed primarily by hand and not including the use of any mechanical conveyor blower or steam-cleaning device.
													(g) Automobile service station as described above,

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-													(3) Shock absorber replacement;
-													(4) Muffler exchange, with no open flame or torch;
-													(5) Wheel balancing and alignment;
-													(6) Wheel bearing and seals replacement;
-													(7) Replacement of universal joints;
-													(8) Radiator mounting and dismounting, with

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-													(2) Repair or rebuilding of transmissions, differentials or radiators;
-													(3) Reconditioning of badly worn or damaged motor vehicles or trailers;
-													(4) Collision service, including body, frame or fender straightening or repair; and
-													(5) Full body paint spraying.
-	*												(j) Automobile wash, when providing on the

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C												(m) Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is not a public building requiring approval by the Board of Supervisors under other provisions of law and is completely enclosed.
C*	*											(n) Storage garage open to the public for passenger automobiles, as

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-												(t) Storage garage for commercial passenger vehicles and light delivery trucks.
-												(u) Storage yard for commercial vehicles or trucks, if conducted within an area completely enclosed by a wall or concealing fence not less than six feet high.
-												(v) Truck terminal facility, if located not less than 200 feet from any R District.

1 **SEC. 304. PLANNED UNIT DEVELOPMENTS.**

2 In districts other than C-3, the Eastern Neighborhoods Mixed Use Districts, the DTR
3 Districts, or the South of Market Mixed Use Districts, the Planning Commission may authorize
4 as conditional uses, in accordance with the provisions of Section 303, Planned Unit
5 Developments subject to the further requirements and procedures of this Section. After review
6 of any proposed development, the ~~City~~ Planning Commission may authorize such
7 development as submitted or may modify, alter, adjust or amend the plan before
8 authorization, and in authorizing it may prescribe other conditions as provided in Section
9 303(d). The development as authorized shall be subject to all conditions so imposed and shall
10 be excepted from other provisions of this Code only to the extent specified in the
11 authorization.

12 (a) Objectives. The procedures for Planned Unit Developments are intended for
13 projects on sites of considerable size, developed as integrated units and designed to produce
14 an environment of stable and desirable character which will benefit the occupants, the
15 neighborhood and the City as a whole. In cases of outstanding overall design, complementary
16 to the design and values of the surrounding area, such a project may merit a well reasoned
17 modification of certain of the provisions contained elsewhere in this Code.

18 (b) Nature of Site. The tract or parcel of land involved must be either in one
19 ownership, or the subject of an application filed jointly by the owners of all the property
20 included or by the Redevelopment Agency of the City. It must constitute all or part of a
21 Redevelopment Project Area, or if not must include an area of not less than 1/2 acre,
22 exclusive of streets, alleys and other public property that will remain undeveloped.

23 (c) Application and Plans. The application must describe the proposed development in
24 detail, and must be accompanied by an overall development plan showing, among other
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1 things, the use or uses, dimensions and locations of structures, parking spaces, and areas, if
2 any, to be reserved for streets, open spaces and other public purposes. The application must
3 include such pertinent information as may be necessary to a determination that the objectives
4 of this Section are met, and that the proposed development warrants the modification of
5 provisions otherwise applicable under this Code.

6 (d) Criteria and Limitations. The proposed development must meet the criteria
7 applicable to conditional uses as stated in Section 303(c) and elsewhere in this Code. In
8 addition, it shall:

- 9 (1) Affirmatively promote applicable objectives and policies of the General Plan;
10 (2) Provide off-street parking adequate for the occupancy proposed;
11 (3) Provide open space usable by the occupants and, where appropriate, by the
12 general public, at least equal to the open spaces required by this Code;
13 (4) Be limited in dwelling unit density to less than the density that would be allowed by
14 Article 2 of this Code for a district permitting a greater density, so that the Planned Unit
15 Development will not be substantially equivalent to a reclassification of property;
16 (5) In R Districts, include commercial uses only to the extent that such uses are
17 necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1
18 Districts under this Code, and in RTO Districts include commercial uses only according to the
19 provisions of Section 230 of this Code;
20 (6) Under no circumstances be excepted from any height limit established by Article
21 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In
22 the absence of such an explicit authorization, exceptions from the provisions of this Code with
23 respect to height shall be confined to minor deviations from the provisions for measurement of
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1 height in Sections 260 and 261 of this Code, and no such deviation shall depart from the
2 purposes or intent of those sections;

3 (7) In NC Districts, be limited in gross floor area to that allowed under the floor area
4 ratio limit permitted for the district in Section 124 and Article 7 of this Code;

5 (8) In NC Districts, not violate the use limitations by story set forth in Article 7 of this
6 Code; and

7 (9) In RTO and NCT Districts, include the extension of adjacent alleys or streets onto
8 or through the site, and/or the creation of new publicly-accessible streets or alleys through the
9 site as appropriate, in order to break down the scale of the site, continue the surrounding
10 existing pattern of block size, streets and alleys, and foster beneficial pedestrian and vehicular
11 circulation.

12 (10) Provide street trees as per the requirements of Section 143(j) of the Code.

13 (11) Provide landscaping and permeable surfaces in any required setbacks in accordance with
14 Section 132 (g) and (h).

15 Section 3. The Public Works Code is hereby amended by amending Sections 805 to
16 read as follows:

17 **SEC. 805. RESPONSIBILITY FOR MAINTENANCE OF STREET TREES.**

18 (a) Responsibilities of Property Owners. Except as specified in Subsections 805(b)
19 and (c) below, it shall be the duty of owners of lots or portions of lots immediately abutting on,
20 fronting on or adjacent to any street tree to maintain such street tree. This duty shall include
21 both routine and major maintenance of the street tree. It shall be the responsibility of all public
22 agencies, including City, State and federal agencies, to maintain street trees abutting on such
23 public agency's property in accordance with this Section. In addition, and in accordance with
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1 Section 706 of this Code, abutting property owners shall be responsible for the care and
2 maintenance of the sidewalk and sidewalk areas adjacent to any street tree.

3 Any person who suffers injury or property damage as a legal result of the failure of the
4 owner to so maintain a street tree, sidewalk and sidewalk areas shall have a cause of action
5 for such injury or property damage against such property owner. In addition to its rights under
6 Section 706 of this Code, the City and County of San Francisco shall have a cause of action
7 for indemnity against such property owner for any damages the City may be required to pay
8 as satisfaction of any judgment or settlement of any claim that results from injury to persons or
9 property as a legal result of the failure of the owner to maintain a street tree in accordance
10 with this Section.

11 The Department shall have available to interested persons, upon request, public
12 pruning standards to ensure that street trees receive proper care.

13 (b) Responsibilities of the Department. The Department may, at the Director's
14 discretion, determine to undertake the regular routine and/or major maintenance of certain
15 street trees or corridors of street trees to promote consistency in the maintenance of trees or
16 in the public interest. Where the Department determines to undertake such regular
17 maintenance of street trees, the Director shall specify in writing by Departmental Order those
18 trees or corridors of trees for which it has undertaken maintenance responsibility and shall
19 specify in writing whether the Department will be responsible for routine or major
20 maintenance, or both. Such determinations by the Department shall be readily accessible to
21 property owners and members of the public. Where the Department has undertaken certain
22 maintenance responsibility for street trees in writing, the abutting property owner shall be
23 relieved of responsibility for such street tree maintenance.

1 Where the Department assumes maintenance responsibilities after the effective date of
2 this Article, it shall send written notice of that fact to the abutting property owner.

3 (c) Street Tree Establishment and Replacement of Dead Street Trees.

4 (1) Establishment of Street Trees. The establishment period for newly planted street
5 trees shall be three years from the date of planting. If the street tree is not adequately established at
6 the end of this period, the Director shall treat this as an injury to the tree, as defined in Section 802(g),
7 and may seek penalties for violation, as set forth in Section 811. The Director may establish rules,
8 regulations, or any other form of written guidelines concerning standards for proper care and
9 maintenance during the establishment period.

10 (2) Replacement of Dead Street Trees. The permittee or agency responsible for a street
11 tree shall replace a dead street tree within six months of the demise or removal of the tree. Removal of
12 a dead street tree and planting of a replacement street tree shall be subject to all requirements set forth
13 in this Article for removal and planting. The Director is authorized to waive this replacement
14 requirement and may place conditions on any such waiver, which may include, but is not limited to,
15 replacement planting at an alternate location or payment of the in-lieu fee. Any such waiver shall be in
16 writing.

17 (d) Department Inventory and Publication of Street Tree Responsibilities. The
18 Department shall use its best efforts to maintain an inventory of all trees under its jurisdiction.

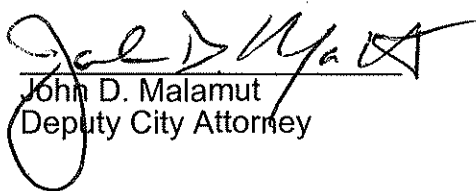
19 As of the effective date of this Article, the Department shall continue to maintain street
20 trees listed in its database as Department-maintained trees. Such information shall be made
21 available to the public upon request.

22 Within 120 days of the effective date of this Article, the Department shall publish in a
23 newspaper of general circulation in the City a list of all trees or corridors of trees maintained
24 by the Department.

1 ~~(d)~~ (e) Department Relinquishment of Street Tree Maintenance. The Director may, in
2 his or her discretion, determine to relinquish tree maintenance responsibilities for certain trees
3 or corridors of trees. Prior to such relinquishment, the Director shall post the affected trees
4 and send notice to abutting property owners of the Department's intent to relinquish
5 maintenance responsibilities on a date certain. Within 10 days of the posting and mailing of
6 such notice, any affected property owner may object in writing to such relinquishment. At the
7 written request of any person, the Director will hold a hearing prior to relinquishing
8 maintenance responsibility for a particular tree or corridor of trees. The Director's decision on
9 such relinquishment shall be final and nonappealable.

10 Prior to relinquishing maintenance responsibilities, the Department shall perform all
11 necessary major tree maintenance. As of the date designated by the Director, all tree
12 maintenance and tree-related maintenance shall be the responsibility of the abutting property
13 owner.

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18 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

19 By: 
20 John D. Malamut
21 Deputy City Attorney

FILE NO. 091453

LEGISLATIVE DIGEST

[Planning Code – Green Landscaping Ordinance.]

Ordinance amending various sections of the Planning Code to address screening, greening, street tree, and permeability requirements; creating definitions for “vehicle use area”, “ornamental fencing”, and “permeable surface”; amending the Public Works Code Section 805 to create requirements for the establishment of new street trees and replacement of dead street trees; and adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Existing Law

The Planning Code contain various provisions concerning screening, landscaping, and street tree requirements associated with various uses. The Public Works Code Article 16 governs the regulatory process for planting, removing, and maintaining street trees.

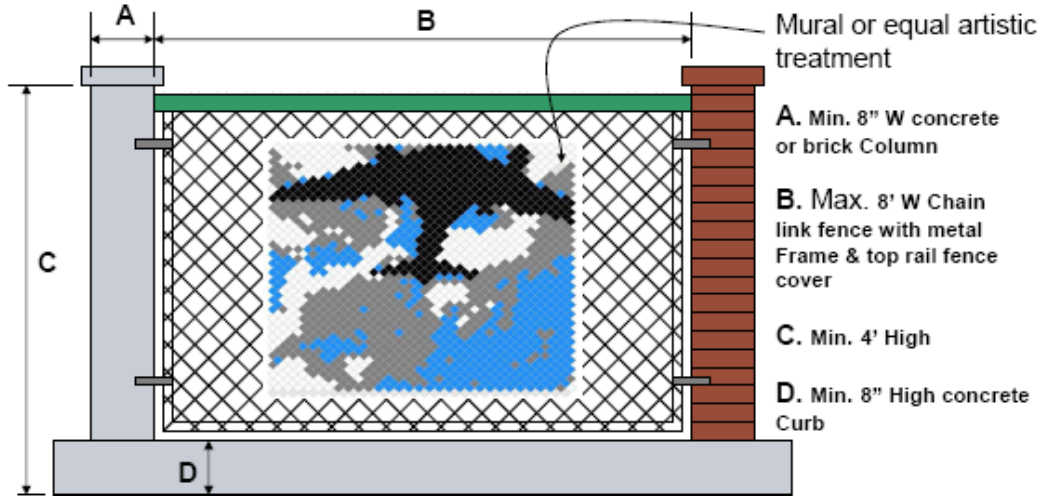
Amendments to Current Law

This Ordinance would create or modify Planning Code provisions on greening, screening, and landscaping, including street tree requirements, and provide for a process by which the Zoning Administrator could modify some these provisions under certain circumstances. The legislation would add definitions for vehicular use area, ornamental fencing, and permeable surfaces. The Ordinance would amend the Public Works Code to delineate an establishment period for street trees and process to address the replacement of dead street trees. The Ordinance would make environmental findings and findings of consistency with the City's General Plan and Planning Code Section 101.1.

Background Information

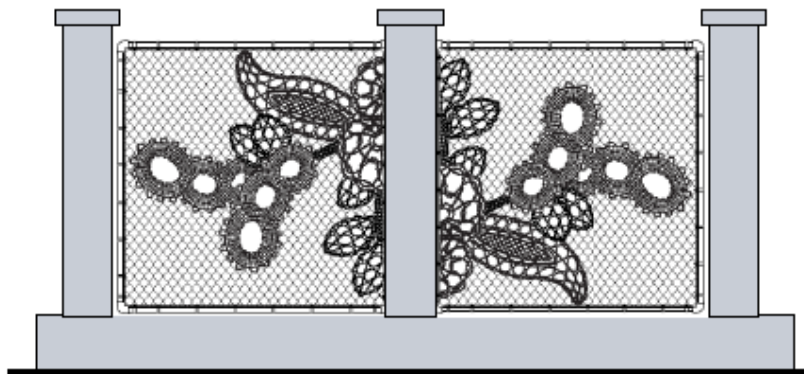
This Ordinance seeks to enhance environmental benefits and the City's aesthetic quality through increasing permeable surfaces, street planting, and landscaping in the City.

Decorative Chainlink Fence



A chainlink fence visible from a street **must provide** visual interest through the use of different materials, strong posts & cap. 50% of the chainlink fence panel should have fence art made with snap-in-cups, mural or attach flat art objects. Advertisement banners are prohibited.

Decorative Chainlink Fence



"Fencing is a sign how we modified and cultivated our environment. Like brambles fences are rising rampantly around us. What would happen if a patch of embroidered wire would meet with and continue as an industrial fence. Hostility versus kindness, industrial versus craft."

Company - LACE FENCE Marconistraat, 52 3029AK Rotterdam, The Netherlands
No local source for decorative lace chainlink fence
This may instigate local interest and production



Company - LACE FENCE Marconistraat, 52 3029AK Rotterdam, The Netherlands
No local source for decorative lace chainlink fence
This may instigate local interest and production

LOCAL ACCEPTABLE EXAMPLE: Federal Reserve Bank



Better design approach for chainlink fence

Federal Reserve Bank
101 Market St, San Francisco

