

[Better Streets Plan Implementation]

Ordinance adopting the Better Streets Plan; amending Chapter 98.1 of the Administrative Code to require street improvements to conform with the policies and guidance of the San Francisco Better Streets Plan ("Better Streets Plan"); amending various sections of the Planning Code to consolidate requirements for street improvements; to require street improvements to follow the policies and guidance of the Better Streets Plan; to expand and modify existing requirements for provision of street trees; to require specified projects to submit a streetscape plan with application submission; and to describe additional requirements for certain areas of the city subject to neighborhood streetscape plans, including Downtown and Rincon Hill; amending various sections of the Public Works Code to be consistent with the Better Streets Plan, including waiving public right-of-way occupancy fees for Better Streets Plan elements; amending Sections 1335, 1336, and 1337 of the Subdivision Code to require streetscape, pedestrian, and stormwater improvements consistent with the Better Streets Plan as part of subdivision approvals; and making findings, including environmental findings and findings that the Planning Code amendments and General Plan amendments are consistent, on balance, with the General Plan and Planning Code Section 101.1.

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

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

Section 1. Findings.

1 (a) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
2 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in
3 Planning Commission Resolution No. _____ adopted on September __, 2010, and
4 incorporates those reasons herein by reference. A copy of said Planning Commission
5 Resolution is on file with the Clerk of the Board of Supervisors in File No. _____.

6 (b) The Board of Supervisors finds that this ordinance is, on balance, consistent
7 with the General Plan, as proposed for amendment, and the Priority Policies of Planning Code
8 Section 101.1(b) for the reasons set forth in Planning Commission Resolution No.
9 _____, and incorporates those reasons herein by reference.

10 (c) In accordance with the actions contemplated herein, the Planning Commission
11 on _____, 2010 in Resolution No. _____ adopted a mitigated negative
12 declaration, and approved findings pursuant to the California Environmental Quality Act
13 (California Public Resources Code sections 21000 et seq., "CEQA"), including the adoption of
14 a mitigation monitoring and reporting program. The letter from the Planning Department
15 transmitting the proposed Better Street Plan legislation and the proposed General Plan
16 amendments related thereto to the Board of Supervisors, the Mitigated Negative Declaration,
17 the CEQA Findings adopted by the Planning Commission with respect to the approval of the
18 legislation, including a mitigation monitoring and reporting program, the Planning Commission
19 motions and resolutions related to the Better Streets Plan legislation, are on file with the Clerk
20 of the Board in File No. _____. These and any and all other documents
21 referenced in this Ordinance and companion legislation have been made available to the
22 Board of Supervisors and may be found in either the files of the Planning Department, as the
23 custodian of records, at 1650 Mission Street in San Francisco, or in File No. _____
24 with the Clerk of the Board of Supervisors at 1 Dr. Carlton B. Goodlett Place, San Francisco,
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1 and are incorporated herein by reference. This Board hereby adopts the Planning
2 Commission's CEQA Findings as its own and incorporates these findings herein by reference.

3 Section 2. Better Streets Plan Adoption.

4 (a) Since 2007, various City departments have worked collaboratively to develop
5 the Better Streets Plan, an outgrowth of San Francisco Administrative Code Section 98.1. A
6 copy of this Plan is on file with the Clerk of the Board of Supervisors in File No.
7 _____ and is incorporated herein by reference.

8 (b) The Board of Supervisors hereby adopts the Better Streets Plan as an official
9 Plan of the City and County of San Francisco, and urges all City departments to rely on the
10 plan for their decisions regarding the design of streets and other public right-of-ways.

11 Section 3. The San Francisco Administrative Code is hereby amended by amending
12 Section 98.1, to read as follows:

13 **SEC. 98.1 BETTER STREETS POLICY; GOVERNING PRINCIPLES;**
14 **COORDINATION OF DEPARTMENTAL ACTIONS.**

15 (a) The Better Streets Policy is an official policy of the City and County of San
16 Francisco and shall read as follows: Design City streets in keeping with the Urban Design
17 Element of the City's General Plan, the City's Transit-First Policy, best practices in
18 environmental planning and pedestrian-oriented, multi-modal street design, and incorporation
19 of sustainable water management techniques to ensure continued quality of life, economic
20 well-being, and environmental health in San Francisco.

21 (b) In furtherance of the Better Streets Policy, the City recognizes that San
22 Francisco's streets constitute a large portion of the City's public space. Implementation of the
23 Better Streets Policy will ensure that such streets will continue to be:

1 (1) Corridors for all modes of transportation, with a particular emphasis on
2 pedestrians and transit priorities;

3 (2) Organizers of the City's development pattern and how individuals perceive such
4 a pattern; and

5 (3) An integral component of San Francisco's water management infrastructure.

6 (c) The Better Streets Policy also is intended to ensure that the City's public rights-
7 of-way become:

8 (1) Attractive, safe, and useable public open spaces corridors with generous
9 landscaping, lighting, and greenery;

10 (2) Sustainable and healthy components of the City's ecology, taking advantage of
11 available technologies to reduce the environmental impact of our street systems and to
12 comprehensively manage stormwater based on established principles of watershed planning;

13 (3) Providers of access to properties, public view corridors, light, and air; and

14 (4) Providers of habitat for urban wildlife.

15 (d) As part of an approval or decision concerning any public and private project that
16 impacts or is adjacent to a publicly-accessible right-of-way, all City departments shall
17 coordinate their various determinations regarding the planning, design, and use of public
18 rights-of-way in accordance with the Better Streets Policy and the following supporting
19 principles:

20 (1) Streets must be designed as a whole, cognizant of the facing buildings and uses
21 within them, such that the resulting street environment is of appropriate scale and character.

22 (2) Streets that support and invite multiple uses, including safe, active, and ample
23 space for pedestrians, bicycles, and public transit, are more conducive to the public life of an
24 urban neighborhood and efficient movement of people and goods than streets designed
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1 primarily to move automobiles. Decisions regarding the design and use of the City's limited
2 public street space shall prioritize space for pedestrians, bicycles, and public transit over
3 space for automobiles.

4 (3) Streets should be appropriately designed and maintained to ameliorate negative
5 effects of traffic on pedestrian areas and adjacent uses, to provide usable on-street open
6 spaces, to enhance property values, and to increase the safety and attractiveness of
7 neighborhoods.

8 (4) Streets should be appropriately designed and maintained to address the unique
9 characteristics and challenges of the watersheds in which they lie through design treatments
10 that reduce downstream flooding with untreated stormwater and combined sewer overflows
11 into the San Francisco Bay and Pacific Ocean. Decisions regarding City street design and use
12 shall include techniques that reduce impacts on the combined sewage and stormwater system
13 and increase permeable surface area through the planting of street trees and landscaping and
14 minimization of unnecessary pavement. Designs also shall incorporate strategies that
15 facilitate the health and maintenance of street trees and landscaping, such as use of drought-
16 tolerant plantings, passive rainwater retention systems, piping for recycled water, and other
17 water management technologies that minimize the need for potable irrigation water.

18 (5) The design of the City's streets shall minimize visual clutter. This concern shall
19 extend to the number, design, and placement of signs, signals, utility structures, and elements
20 oriented to vehicular traffic. Decisions regarding signs and signals for the control of vehicles
21 must consider and balance the visual impact of the design of the street on all users and the
22 image of the City.

23 (6) The control and signalization of vehicular traffic has significant impacts on the
24 quality and safety of the street experience for all users, including pedestrians, bicyclists, and
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1 public transit users and operators. Decisions regarding the systems and signals for the control
2 of vehicles, including, but not limited to, changes to signal timing, speed limits, and allowable
3 turning movements, must consider and balance the impact on the street experience and
4 safety of all users.

5 (7) The design of the right-of-way and adjacent development, including the
6 maintenance and removal of street trees and other landscaping, allowance of curb cuts, and
7 placement of utilities, have significant impact on the street environment. Decisions regarding
8 street design must consider and prioritize pedestrian safety, enjoyment, and comfort.

9 (8) Paved space on many of the City's streets is more than is needed for the safe
10 and efficient movement of transit, bicycles, and automobiles. The City will encourage
11 innovative solutions to reuse such excess street space as planted or open space areas. The
12 City also will consider establishing a program to encourage and make it possible for adjacent
13 neighborhoods to replace paved areas with usable open space, permeable surfaces,
14 plantings, stormwater retention areas, and other public amenities.

15 (9) New technologies and the rethinking of old techniques will provide opportunities
16 for more sustainable design of our public rights-of-way to increase opportunities for public use
17 and enjoyment, reduce pollution and water usage, better manage stormwater, and provide the
18 opportunity for environmental education where possible. The City will encourage and facilitate
19 the use of innovative solutions based on best practices in environmental planning and
20 pedestrian-oriented, multi-modal design for its publicly-accessible rights-of-way.

21 (10) Major new developments, both public and private, often include the rebuilding of
22 portions of public rights-of-way and should serve as models of the Better Streets Policy.
23 Special efforts should be made to ensure that such new developments lead by example.
24 Public projects should establish model street and open space designs and private projects
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1 should incorporate stronger street design and landscaping standards. The City should
2 encourage local residents, businesses, and other stakeholders to collaboratively develop such
3 designs and standards in order to foster the community's active use and sense of ownership
4 of these spaces over time.

5 (e) To carry out the intent of this Section, the City has developed, and the Board of
6 Supervisors adopted in Ordinance No. _____, a citywide streetscape master plan and a
7 comprehensive set of streetscape design guidelines, known as the "Better Streets Plan."

8 The Better Streets Plan identifies street types, and provides design guidelines for pedestrian and
9 streetscape elements such as street trees and landscaping, street lighting, sidewalk widths, sidewalk
10 extensions, sidewalk paving, and site furnishings.

11 (1) Streetscape and pedestrian improvements on existing right-of-ways.

12 (i) The Better Streets Plan shall govern design and dimensions of all pedestrian
13 and streetscape elements, including but not limited to those elements shown in Table 1 and defined in
14 the Better Streets Plan, on any public right-of-way.

15 (ii) All public and private sponsors that propose or are required to make changes to
16 any such right-of-way shall:

17 (A) Be consistent with the principles and guidelines for streetscape and pedestrian
18 elements and overall streetscape design found in the Better Streets Plan.

19 (B) Select streetscape elements from a City-approved palette of materials and
20 furnishings, where applicable.

21 (C) Select streetscape elements that are consistent with the overall character and
22 materials of the corridor and district.

23 (iii) Street improvements shall be subject to approval by all applicable City agencies.
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1 (2) Streetscape and pedestrian improvements on new right-of-ways. Any public and
2 private projects that create or develop new public right-of-ways, including streets, alleys and
3 pedestrian pathways; or that bring unaccepted streets up to City standards for accepted streets, shall:

4 (i) Meet or exceed recommended sidewalk widths for the appropriate street type as
5 described in the Better Streets Plan; Where a consistent front building setback of 3 feet or greater
6 extending for at least an entire block face is provided, the recommended sidewalk width may be
7 reduced by up to 2 feet.

8 (ii) Include all standard improvements for the appropriate street type as described in
9 the Better Streets Plan;

10 (iii) Include stormwater facilities as required by Public Works Code Article 4.2.

11 (3) Approvals.

12 (i) Any proposed changes to the public right-of-way shall be subject to approval by
13 the applicable city bodies with permitting jurisdiction over streetscape and pedestrian improvements,
14 and shall comply with all applicable ordinances.

15 (ii) Permitting bodies shall review proposed changes to streetscape and pedestrian
16 elements in the public right-of-way against the principles and guidelines of the Better Streets Plan.

17 (iii) Notwithstanding the provisions of this Section, any sponsor proposing to make
18 changes to the public right-of-way shall apply for and obtain all required permits for street use;
19 changes to the legislated sidewalk widths; and street improvements.

20 (4) Amendments. The Better Streets Plan may be amended from time to time by the Board
21 of Supervisors. The Board of Supervisors hereby delegates authority for non-material amendments to
22 the Directors of those agencies tasked with the design, construction, maintenance, and permitting of
23 features in the public right-of-way, including the Municipal Transportation Agency, Department of
24 Public Works, Planning Department, and Public Utilities Commission, in consultation with the
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Mayor's Office on Disability, provided, however, that no such amendment shall be effective until each affected agency approves the amendment after a public hearing.

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

<u>#</u>	<u>PHYSICAL ELEMENT</u>	<u>BETTER STREETS PLAN SECTION</u>
<u>1</u>	<u>Curb ramps</u>	<u>5.1</u>
<u>2</u>	<u>Marked crosswalks</u>	<u>5.1</u>
<u>3</u>	<u>Pedestrian-priority signal devices and timings</u>	<u>5.1</u>
<u>4</u>	<u>High-visibility crosswalks</u>	<u>5.1</u>
<u>5</u>	<u>Special crosswalk treatments</u>	<u>5.1</u>
<u>6</u>	<u>Restrictions on vehicle turning movements at crosswalks</u>	<u>5.1</u>
<u>7</u>	<u>Removal or reduction of permanent crosswalk closures</u>	<u>5.1</u>
<u>8</u>	<u>Mid-block crosswalks</u>	<u>5.1</u>
<u>9</u>	<u>Raised crosswalks</u>	<u>5.1</u>
<u>10</u>	<u>Curb radius guidelines</u>	<u>5.2</u>
<u>11</u>	<u>Corner curb extensions or bulb-outs</u>	<u>5.3</u>
<u>12</u>	<u>Extended bulb-outs</u>	<u>5.3</u>
<u>13</u>	<u>Mid-block bulb-outs</u>	<u>5.3</u>
<u>14</u>	<u>Center or side medians</u>	<u>5.4</u>

1	<u>15</u>	<u>Pedestrian refuge islands</u>	<u>5.4</u>
2	<u>16</u>	<u>Transit bulb-outs</u>	<u>5.5</u>
3	<u>17</u>	<u>Transit boarding islands</u>	<u>5.5</u>
4	<u>18</u>	<u>Flexible use of the parking lane</u>	<u>5.6</u>
5	<u>19</u>	<u>Parking lane planters</u>	<u>5.6</u>
6	<u>20</u>	<u>Chicanes</u>	<u>5.7</u>
7	<u>21</u>	<u>Traffic calming circles</u>	<u>5.7</u>
8	<u>22</u>	<u>Modern roundabouts</u>	<u>5.7</u>
9	<u>23</u>	<u>Sidewalk or median pocket parks</u>	<u>5.8</u>
10	<u>24</u>	<u>Reuse of 'pork chops' and excess right-of-way</u>	<u>5.8</u>
11	<u>25</u>	<u>Multi-way boulevard treatments</u>	<u>5.8</u>
12	<u>26</u>	<u>Shared public ways</u>	<u>5.8</u>
13	<u>27</u>	<u>Pedestrian-only streets</u>	<u>5.8</u>
14	<u>28</u>	<u>Public stairs</u>	<u>5.8</u>
15	<u>29</u>	<u>Street trees</u>	<u>6.1</u>
16	<u>30</u>	<u>Tree basin furnishings</u>	<u>6.1</u>
17	<u>31</u>	<u>Sidewalk planters</u>	<u>6.1</u>
18	<u>32</u>	<u>Above-ground landscaping</u>	<u>6.1</u>
19	<u>33</u>	<u>Stormwater management tools</u>	<u>6.2</u>
20	<u>34</u>	<u>Street and pedestrian lighting</u>	<u>6.3</u>
21	<u>35</u>	<u>Special paving</u>	<u>6.4</u>
22	<u>36</u>	<u>Site furnishings</u>	<u>6.5</u>

Table 2. Recommended Sidewalk Widths by Street Type

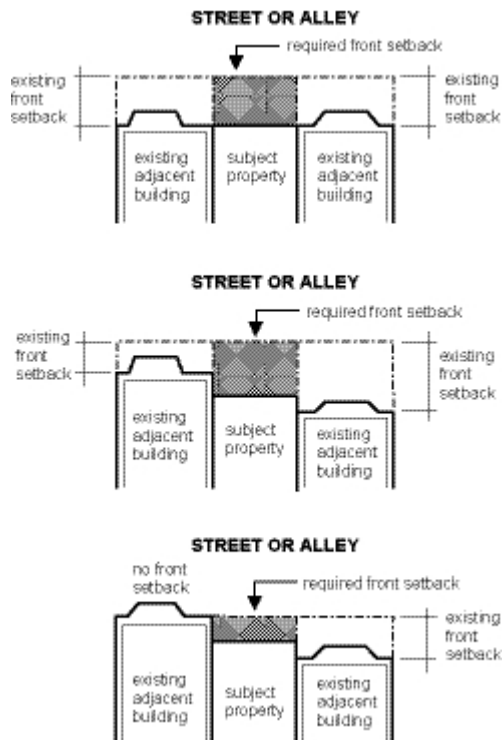
		<u>Recommended</u>
		<u>Sidewalk Width</u>
		<u>(Minimum</u>
	<u>Street Type (per Better</u>	<u>required for new</u>
-	<u>Streets Plan)</u>	<u>streets)</u>
		<u>See Downtown</u>
<u>Commercial</u>	<u>Downtown commercial</u>	<u>Streetscape Plan</u>
-	<u>Commercial thoroughway</u>	<u>15'</u>
	<u>Neighborhood</u>	
-	<u>commercial</u>	<u>15'</u>
<u>Residential</u>	<u>Downtown residential</u>	<u>15'</u>
-	<u>Residential thoroughway</u>	<u>15'</u>
-	<u>Neighborhood residential</u>	<u>12'</u>
<u>Industrial/Mixed-</u>		
<u>Use</u>	<u>Industrial</u>	<u>10'</u>
-	<u>Mixed-use</u>	<u>15'</u>
<u>Special</u>	<u>Parkway</u>	<u>17'</u>
	<u>Park edge (multi-use</u>	
-	<u>path)</u>	<u>25'</u>
-	<u>Multi-way boulevard</u>	<u>15'</u>
-	<u>Ceremonial</u>	<u>varies</u>
<u>Small</u>	<u>Alley</u>	<u>9'</u>
-	<u>Shared public way</u>	<u>n/a</u>
-	<u>Paseo</u>	<u>varies</u>

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2 Section 4. The San Francisco Planning Code is hereby amended by amending
3 Sections 132, 135, 138.1, 249.1, 428, 825, and 827, to read as follows:

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

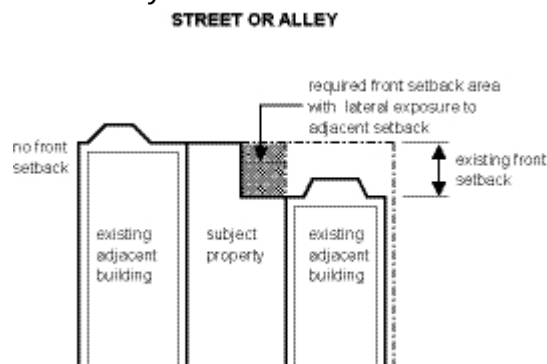
6 The following requirements for minimum front setback areas shall apply to every
7 building in all RH, RTO, and RM Districts, in order to relate the setbacks provided to the
8 existing front setbacks of adjacent buildings. Buildings in RTO Districts which have more than
9 75 feet of street frontage are additionally subject to the Ground Floor Residential Design
10 Guidelines, as adopted and periodically amended by the Planning Commission. Planned Unit
11 Developments or PUDs, as defined in Section 304, shall also provide landscaping in required
12 setbacks in accord with Section 132(g).

13 (a) **Basic Requirement.** Where one or both of the buildings adjacent to the subject
14 property have front setbacks along a street or alley, any building or addition constructed,
15 reconstructed or relocated on the subject property shall be set back to the average of the two
16 adjacent front setbacks. If only one of the adjacent buildings has a front setback, or if there is
17 only one adjacent building, then the required setback for the subject property shall be equal to
18 one-half the front setback of such adjacent building. In any case in which the lot constituting
19 the subject property is separated from the lot containing the nearest building by an
20 undeveloped lot or lots for a distance of 50 feet or less parallel to the street or alley, such
21 nearest building shall be deemed to be an "adjacent building," but a building on a lot so
22 separated for a greater distance shall not be deemed to be an "adjacent building."
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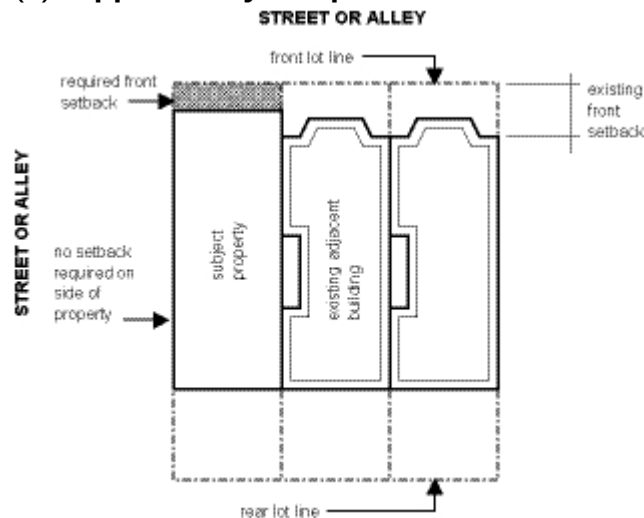
(b) **Alternative Method of Averaging.** If, under the rules stated in Subsection (a) above, an averaging is required between two adjacent front setbacks, or between one adjacent setback and another adjacent building with no setback, the required setback on the subject property may alternatively be averaged in an irregular manner within the depth between the setbacks of the two adjacent buildings, provided that the area of the resulting setback shall be at least equal to the product of the width of the subject property along the street or alley times the setback depth required by Subsections (a) and (c) of this Section; and provided further, that all portions of the resulting setback area on the subject property shall be directly exposed laterally to the setback area of the adjacent building having the greater setback. In any case in which this alternative method of averaging has been used for the subject property, the extent of the front setback on the subject property for purposes of Subsection (c) below relating to subsequent development on an adjacent site shall be

considered to be as required by Subsection (a) above, in the form of a single line parallel to the street or alley.



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

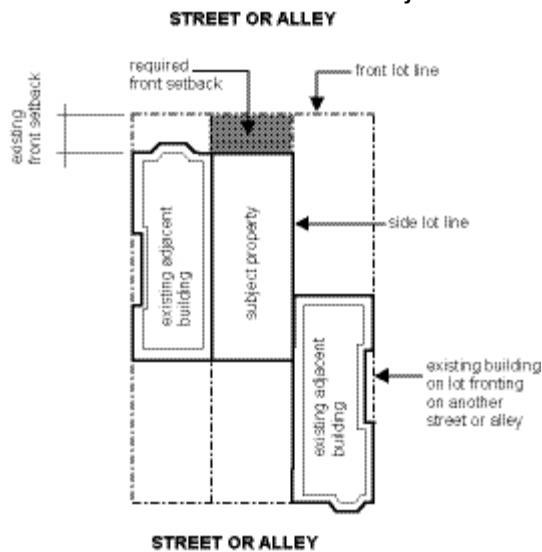
(d) **Applicability to Special Lot Situations.**

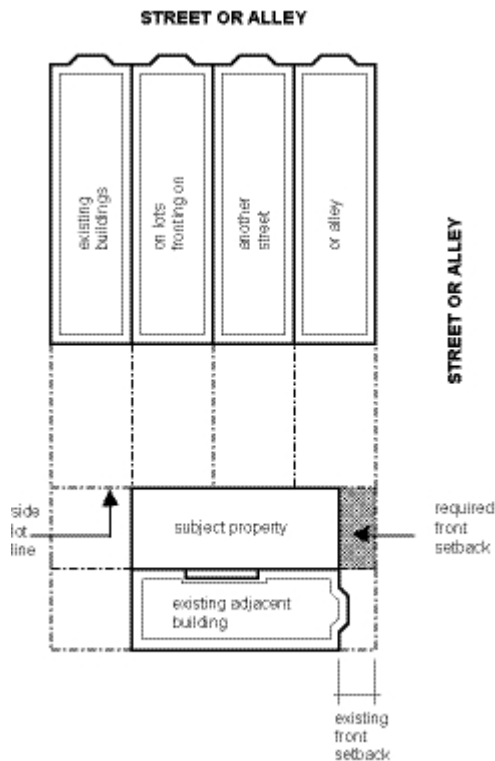


(1) **Corner Lots and Lots at Alley Intersections.** On a corner lot as defined by this Code, or a lot at the intersection of a street and an alley or two alleys, a front setback area shall be required only along the street or alley elected by the owner as the front of the

property. Along such street or alley, the required setback for the subject lot shall be equal to 1/2 the front setback of the adjacent building.

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





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

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

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

1 other vehicle shall be parked or stored within any such area, except as specified in Section
2 136.

3 (g) **Landscaping and Permeable Surfaces.** The landscaping and permeable surface
4 requirements of this Section and Section (h) below shall be met by the permittee in the case
5 of construction of a new building; the addition of a new dwelling unit, a garage, or additional
6 parking; or paving or repaving more than 200 square feet of the front setback. All front
7 setback areas required by this Section 132 shall be appropriately landscaped, meet any
8 applicable water use requirements of Administrative Code Chapter 63, and in every case not
9 less than 20 percent of the required setback area shall be and remain unpaved and devoted
10 to plant material, including the use of climate appropriate plant material as defined in Public
11 Works Code Section 802.1. For the purposes of this Section, permitted obstructions as
12 defined by Section 136 shall be excluded from the front setback area used to calculate the
13 required landscape and permeable surface area. If the required setback area is entirely taken up
14 by one or more permitted obstructions, the Zoning Administrator may allow the installation of sidewalk
15 landscaping that is compliant with applicable water use requirements of Chapter 63 of the
16 Administrative Code to satisfy the requirements of this section, subject to permit approval from the
17 Department of Public Works in accordance with Public Works Code Section 810B.

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

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

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

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

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

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

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

21 *(2) The Zoning Administrator is authorized to modify the additional landscaping requirements*
22 *for Planned Unit Developments. The Zoning Administrator shall allow modifications only when he or*
23 *she finds that modifications provide equal or greater ecological benefit than the above requirements,*
24 *including the use of climate appropriate plant materials as defined in Public Works Code Section*
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1 802.1. Acceptable modifications may include alternative landscape treatments such as landscaped
2 berms, detention or retention basins, perimeter plantings, pedestrian lighting, benches and seating
3 areas, or additional landscaping and tree planting elsewhere on the site or on the adjacent public
4 right-of-way itself, subject to permit approval from the Department of Public Works.

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

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

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

14 (a) **Character of Space Provided.** Usable open space shall be composed of an
15 outdoor area or areas designed for outdoor living, recreation or landscaping, including such
16 areas on the ground and on decks, balconies, porches and roofs, which are safe and suitably
17 surfaced and screened, and which conform to the other requirements of this Section. Such
18 area or areas shall be on the same lot as the dwelling units (or bedrooms in group housing)
19 they serve, and shall be designed and oriented in a manner that will make the best practical
20 use of available sun and other climatic advantages. "Private usable open space" shall mean
21 an area or areas private to and designed for use by only one dwelling unit (or bedroom in
22 group housing). "Common usable open space" shall mean an area or areas designed for use
23 jointly by two or more dwelling units (or bedrooms in group housing).

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

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

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

10 (c) **Permitted Obstructions.** In the calculation of either private or common usable
11 open space, those obstructions listed in Sections 136 and 136.1 of this Code for usable open
12 space shall be permitted.

13 (d) **Amount Required.** Usable open space shall be provided for each building in the
14 amounts specified herein and in Table 135 for the district in which the building is located;
15 provided, however, that in the Downtown Residential (DTR) Districts, open space shall be
16 provided in the amounts specified in Section 825.

17 In Neighborhood Commercial Districts, the amount of usable open space to be
18 provided shall be the amount required in the nearest Residential District, but the minimum
19 amount of open space required shall be in no case greater than the amount set forth in Table
20 135A for the district in which the building is located. The distance to each Residential District
21 shall be measured from the midpoint of the front lot line or from a point directly across the
22 street there from, whichever requires less open space.

23 (1) For dwellings other than SRO dwellings, except as provided in Paragraph (d)(3)
24 below, the minimum amount of usable open space to be provided for use by each dwelling
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1 unit shall be as specified in the second column of Table 135A if such usable open space is all
2 private. Where common usable open space is used to satisfy all or part of the requirement for
3 a dwelling unit, such common usable open space shall be provided in an amount equal to
4 1.33 square feet for each one square foot of private usable open space specified in the
5 second column of Table 135A. In such cases, the balance of the required usable open space
6 may be provided as private usable open space, with full credit for each square foot of private
7 usable open space so provided.

8 (2) For group housing structures and SRO units, the minimum amount of usable open
9 space provided for use by each bedroom shall be 1/3 the amount required for a dwelling unit
10 as specified in Paragraph (d)(1) above. For purposes of these calculations, the number of
11 bedrooms on a lot shall in no case be considered to be less than one bedroom for each two
12 beds. Where the actual number of beds exceeds an average of two beds for each bedroom,
13 each two beds shall be considered equivalent to one bedroom.

14 (3) For dwellings specifically designed for and occupied by senior citizens or physically
15 handicapped persons, as defined and regulated by Section 209.1(m) of this Code, the
16 minimum amount of usable open space to be provided for use by each dwelling unit shall be
17 ½ the amount required for each dwelling unit as specified in Paragraph (d)(1) above.

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

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

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

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

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

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

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

1 (C) Areas within inner and outer courts, as defined by this Code, must either
2 conform to the standards of Subparagraph (f)(2)(B) above or be so arranged that the height of
3 the walls and projections above the court on at least three sides (or 75 percent of the
4 perimeter, whichever is greater) is such that no point on any such wall or projection is higher
5 than one foot for each foot that such point is horizontally distant from the opposite side of the
6 clear space in the court, regardless of the permitted obstruction referred to in Subsection
7 135(c) above.

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

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

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

21 (1) **Minimum Dimensions and Minimum Area.** Any space credited as common
22 usable open space shall be at least 15 feet in every horizontal dimension and shall have a
23 minimum area of 300 square feet.
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1 (2) **Use of Inner Courts.** The area of an inner court, as defined by this Code, may be
2 credited as common usable open space, if the enclosed space is not less than 20 feet in
3 every horizontal dimension and 400 square feet in area; and if (regardless of the permitted
4 obstructions referred to in Subsection 135(c) above) the height of the walls and projections
5 above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is
6 such that no point on any such wall or projection is higher than one foot for each foot that
7 such point is horizontally distant from the opposite side of the clear space in the court.

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

13 (h) **Publicly-Accessible Usable Open Space Standards:** In DTR Districts and the
14 Eastern Neighborhoods Mixed Use Districts, any space credited as publicly-accessible usable
15 open space, where permitted or required by this Code, shall meet the following standards:

16 (1) Open space shall be of one or more of the following types:

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

19 (B) An unenclosed plaza at street grade, with seating areas and landscaping
20 and no more than 10 percent of the total floor area devoted to facilities for food or beverage
21 service, exclusive of seating areas as regulated in Subsection (2)(d), below;

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

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

7 (2) Open space shall meet the following standards:

8 (A) Be in such locations and provide such ingress and egress as will make the
9 area convenient, safe, secure and easily accessible to the general public;

10 (B) Be appropriately landscaped;

11 (C) Be protected from uncomfortable winds;

12 (D) Incorporate ample seating. Any seating which is provided shall be available
13 for public use and may not be exclusively reserved or dedicated for any food or beverage
14 services located within the open space;

15 (E) Be well signed and accessible to the public during daylight hours;

16 (F) Be well lit if the area is of the type requiring artificial illumination;

17 (G) Be designed to enhance user safety and security;

18 (H) Be of sufficient size to be attractive and practical for its intended use; and

19 (I) Have access to drinking water and toilets if feasible and appropriate.

20 (3) **Maintenance:** Open spaces shall be maintained at no public expense. The owner
21 of the property on which the open space is located shall maintain it by keeping the area clean
22 and free of litter and keeping in a healthy state any plant material that is provided. Conditions
23 intended to assure continued maintenance of the open space for the actual lifetime of the
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1 building giving rise to the open space requirement may be imposed by the Commission or
2 Department pursuant to applicable procedures in this Code.

3 (4) **Informational Plaque:** Prior to issuance of a permit of occupancy, a plaque shall
4 be placed in a publicly conspicuous location outside the building at street level, or at the site
5 of any publicly-accessible open space. The plaque shall identify said open space feature and
6 its location, stating the right of the public to use the space and the hours of use, describing its
7 principal required features (e.g., number of seats or other defining features) and stating the
8 name, telephone number, and address of the owner or owner's agent responsible for
9 maintenance. The plaque shall be of no less than 24 inches by 36 inches in size unless
10 specifically reduced by the Zoning Administrator in cases where the nature, size, or other
11 constraints of the open space would make the proscribed dimensions inappropriate.

12 (5) Property owners providing open space under this section will hold harmless the
13 City and County of San Francisco, its officers, agents and employees, from any damage or
14 injury caused by the design, construction, use, or maintenance of open space. Property
15 owners are solely liable for any damage or loss occasioned by any act or negligence in
16 respect to the design, construction, use, or maintenance of the open space.

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

18 (1) **Eastern Neighborhoods Mixed Use Districts.** In the Eastern Neighborhoods
19 Mixed Use Districts, the provision of off-site publicly accessible open space may be credited
20 toward the residential usable open space requirement, subject to Section 329 for projects to
21 which that Section applies and Section 307(h) for other projects. Any such space shall meet
22 the publicly accessible open space standards set forth in Section 135(h) and be provided
23 within 800 feet of the project. No more than 50 percent of a project's required usable open
24 space shall be off-site. The publicly accessible off-site usable open space shall be
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1 constructed, completed, and ready for use no later than the project itself, and shall receive its
2 Certificate of Final Completion from the Department of Building Inspection prior to the
3 issuance of any Certificate of Final Completion or Temporary Certificate of Occupancy for the
4 project itself.

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

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

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

3 (3) **Ocean Avenue NCT.** In the Ocean Avenue NCT District, the provision of off-site
4 publicly accessible open space may be credited toward the residential usable open space
5 requirement subject to the procedures of Section 303. Any such open space shall meet the
6 publicly accessible open space standards set forth in Section 135(h) and be provided within
7 800 feet of the project. No more than 50 percent of a project's usable open space requirement
8 may be satisfied off-site. The publicly accessible off-site usable open space shall be
9 constructed, completed, and ready for use no later than the project itself, and shall receive its
10 certificate of final completion from the Department of Building Inspection prior to the issuance
11 of any certificate of final completion or temporary certificate of occupancy for the project itself.

12 **SEC. 138.1. STREETSCAPE AND PEDESTRIAN ~~STREETSCAPE~~ IMPROVEMENTS**
13 **~~IN C-3 DISTRICTS.~~**

14 ~~In meeting its open space requirement through the provision of off site open space, a residential~~
15 ~~project may provide space jointly with other project sponsors or public or private entities according to~~
16 ~~the rules of subsection (i)(2)(B) above.~~

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

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

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

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

#	<u>PHYSICAL ELEMENT</u>	<u>BETTER STREETS PLAN SECTION</u>
<u>1</u>	<u>Curb ramps*</u>	<u>5.1</u>
<u>2</u>	<u>Marked crosswalks*</u>	<u>5.1</u>
<u>3</u>	<u>Pedestrian-priority signal devices and timings</u>	<u>5.1</u>
<u>4</u>	<u>High-visibility crosswalks</u>	<u>5.1</u>
<u>5</u>	<u>Special crosswalk treatments</u>	<u>5.1</u>
<u>6</u>	<u>Restrictions on vehicle turning movements at crosswalks</u>	<u>5.1</u>
<u>7</u>	<u>Removal or reduction of permanent crosswalk closures</u>	<u>5.1</u>
<u>8</u>	<u>Mid-block crosswalks</u>	<u>5.1</u>

1	<u>9</u>	<u>Raised crosswalks</u>	<u>5.1</u>
2	<u>10</u>	<u>Curb radius guidelines</u>	<u>5.2</u>
3	<u>11</u>	<u>Corner curb extensions or bulb-outs*</u>	<u>5.3</u>
4	<u>12</u>	<u>Extended bulb-outs</u>	<u>5.3</u>
5	<u>13</u>	<u>Mid-block bulb-outs</u>	<u>5.3</u>
6	<u>14</u>	<u>Center or side medians</u>	<u>5.4</u>
7	<u>15</u>	<u>Pedestrian refuge islands</u>	<u>5.4</u>
8	<u>16</u>	<u>Transit bulb-outs</u>	<u>5.5</u>
9	<u>17</u>	<u>Transit boarding islands</u>	<u>5.5</u>
10	<u>18</u>	<u>Flexible use of the parking lane</u>	<u>5.6</u>
11	<u>19</u>	<u>Parking lane planters</u>	<u>5.6</u>
12	<u>20</u>	<u>Chicanes</u>	<u>5.7</u>
13	<u>21</u>	<u>Traffic calming circles</u>	<u>5.7</u>
14	<u>22</u>	<u>Modern roundabouts</u>	<u>5.7</u>
15	<u>23</u>	<u>Sidewalk or median pocket parks</u>	<u>5.8</u>
16	<u>24</u>	<u>Reuse of 'pork chops' and excess right-of-way</u>	<u>5.8</u>
17	<u>25</u>	<u>Multi-way boulevard treatments</u>	<u>5.8</u>
18	<u>26</u>	<u>Shared public ways</u>	<u>5.8</u>
19	<u>27</u>	<u>Pedestrian-only streets</u>	<u>5.8</u>
20	<u>28</u>	<u>Public stairs</u>	<u>5.8</u>
21	<u>29</u>	<u>Street trees*</u>	<u>6.1</u>
22	<u>30</u>	<u>Tree basin furnishings*</u>	<u>6.1</u>
23	<u>31</u>	<u>Sidewalk planters*</u>	<u>6.1</u>
24	<u>32</u>	<u>Above-ground landscaping</u>	<u>6.1</u>
25			

1	<u>33</u>	<u>Stormwater management tools*</u>	<u>6.2</u>
2	<u>34</u>	<u>Street and pedestrian lighting*</u>	<u>6.3</u>
3	<u>35</u>	<u>Special paving*</u>	<u>6.4</u>
4	<u>36</u>	<u>Site furnishings*</u>	<u>6.5</u>
5			
6	<u>Standard streetscape elements marked with a *. (Requirement varies by street</u>		
7	<u>type: see the Better Streets Plan)</u>		

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

11 (1) Street trees.

12 (i) Application. In any District, street trees shall be required under the following
13 conditions: construction of a new building; relocation of a building; the addition of gross floor area
14 equal to 20 percent or more of the gross floor area of an existing building; the addition of a new
15 dwelling unit, a garage, or additional parking; or paving or repaving more than 200 square feet of the
16 front setback.

17 (ii) Standards.

18 (A) All districts. In any district, street trees shall:

19 (aa) Comply with Public Works Code Article 16 and any other applicable ordinances;

20 (bb) Be suitable for the site;

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

1 (dd) Provide a below-grade environment with nutrient-rich soils, free from overly-
2 compacted soils, and generally conducive to tree root development;

3 (ee) Be watered, maintained and replaced if necessary by the property owner, in
4 accordance with Sec. 174 and Article 16 of the Public Works Code and compliant with applicable
5 water use requirements of Chapter 63 of the Administrative Code.

6 (B) DTR, RC, C, NC and Mixed-Use Districts, and Planned Unit Developments. In
7 DTR, RC, C, NC and Mixed-Use Districts, and Planned Unit Developments, in addition to the
8 requirements of subsections (aa) – (ee) above, all street trees shall:

9 (aa) Have a minimum 2 inch caliper, measured at breast height;

10 (bb) Branch a minimum of 80 inches above sidewalk grade;

11 (cc) Be planted in a sidewalk opening at least 16 square feet, and have a minimum soil
12 depth of 3 feet 6 inches;

13 (dd) Include street tree basins edged with decorative treatment, such as pavers or
14 cobbles. Edging features may be counted toward the minimum sidewalk opening per (cc) if they are
15 permeable surfaces per Section 102.33.

16 (C) Street trees shall be planted in a continuous soil-filled trench parallel to the curb,
17 such that the basin for each tree is connected, if all the following conditions are present: (1) the subject
18 lot is in one of the Districts specified in Subsection 138.1(c)(1)(ii)(B); (2) the project is on a lot that (a)
19 is greater than ½-acre in total area, (b) contains 250 feet of total lot frontage on one or more publicly-
20 accessible right-of-ways, or (c) the frontage encompasses the entire block face between the nearest two
21 intersections with any other publicly-accessible right-of-ways, and (3) the project includes (a) new
22 construction; (b) addition of 20% or more of gross floor area to an exiting building; or (c) alteration to
23 greater than 50% of the existing square footage of a building.

1 (aa) The trench may be covered by allowable permeable surfaces as defined in Section
2 102.33, except at required tree basins, where the soil must remain uncovered.

3 (bb) The Zoning Administrator may modify or waive the continuous trench requirement
4 where a continuous trench is not possible due to the location of existing utilities, driveways, sub-
5 sidewalk basements, or other pre-existing surface or sub-surface features.

6 (iii) **Approvals and waivers.**

7 (A) Trees installed in the public right-of-way shall be subject to Department of Public
8 Works approval. Procedures and other requirements for the installation, maintenance and protection
9 of trees in the public right-of-way shall be as set forth in Article 16 of the Public Works Code.

10 (B) In any case in which the Department of Public Works cannot grant approval for
11 installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference
12 with utilities or other reasons regarding the public welfare, and where installation of such tree on the
13 lot itself is impractical, the tree planting requirements of this Section 138.1(c)(1) may be modified or
14 waived by the Zoning Administrator as described herein:

15 (aa) For each required tree that the Zoning Administrator waives, the permittee shall
16 pay an "in-lieu" street tree fee pursuant to Section 428.

17 (bb) When a pre-existing site constraint prevents the installation of a street tree, as an
18 alternative to payment of any portion of the in-lieu fee, the Zoning Administrator may allow the
19 installation of sidewalk landscaping that is compliant with applicable water use requirements of
20 Chapter 63 of the Administrative Code, to satisfy the requirements of Section 138.1(c)(1), subject to
21 permit approval from the Department of Public Works in accordance with Public Works Code Section
22 810B.

23 (cc) In C-3, industrial, and South of Market Mixed Use Districts, the Zoning
24 Administrator may allow the installation of planter boxes or tubs or similar landscaping in place of
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1 trees when that is determined to be more desirable in order to make the landscaping compatible with
2 the character of the surrounding area, or may waive the requirement in C-3, industrial, and mixed use
3 districts, districts where landscaping is considered to be inappropriate because it conflicts with policies
4 of the Downtown Plan, a component of the General Plan, such as the Downtown Plan policy favoring
5 unobstructed pedestrian passage or the Commerce and Industry Element policies to facilitate industry.

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

7 **(i) Application.**

8 (A) In any district, streetscape and pedestrian elements in conformance with the Better
9 Streets Plan shall be required, if all the following conditions are present: (1) the project is on a lot that
10 (a) is greater than ½-acre in total area, (b) contains 250 feet of total lot frontage on one or more
11 publicly-accessible right-of-ways, or (c) the frontage encompasses the entire block face between the
12 nearest two intersections with any other publicly-accessible right-of-ways, and (2) the project includes
13 (a) new construction; (b) addition of 20% or more of gross floor area to an exiting building; or (c)
14 alteration to greater than 50% of the existing square footage of a building.

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

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

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

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

(bb) Streetscape elements shall be consistent with the overall character and materials of the district, and shall have a logical transition or termination to the sidewalk and/or roadway adjacent to the fronting property.

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

(C) **Minimum sidewalk width.** New publicly-accessible right-of-ways proposed as part of development projects shall meet or exceed the recommended sidewalk widths for the appropriate street type per Table 2. Where a consistent front building setback of 3 feet or greater extending for at least an entire block face is provided, the recommended sidewalk width may be reduced by up to 2 feet.

Table 2. Recommended Sidewalk Widths by Street Type

	<u>Street Type (per Better</u>	<u>Recommended</u>
-		

	<u>Streets Plan)</u>	<u>Sidewalk Width</u> <u>(Minimum</u> <u>required for new</u> <u>streets)</u>
<u>Commercial</u>	<u>Downtown commercial</u>	<u>See Downtown</u> <u>Streetscape Plan</u>
-	<u>Commercial thoroughway</u>	<u>15'</u>
-	<u>Neighborhood</u> <u>commercial</u>	<u>15'</u>
<u>Residential</u>	<u>Downtown residential</u>	<u>15'</u>
-	<u>Residential thoroughway</u>	<u>15'</u>
-	<u>Neighborhood residential</u>	<u>12'</u>
<u>Industrial/Mixed-</u> <u>Use</u>	<u>Industrial</u>	<u>10'</u>
-	<u>Mixed-use</u>	<u>15'</u>
<u>Special</u>	<u>Parkway</u>	<u>17'</u>
-	<u>Park edge (multi-use</u> <u>path)</u>	<u>25'</u>
-	<u>Multi-way boulevard</u>	<u>15'</u>
-	<u>Ceremonial</u>	<u>varies</u>
<u>Small</u>	<u>Alley</u>	<u>9'</u>
-	<u>Shared public way</u>	<u>n/a</u>
-	<u>Paseo</u>	<u>varies</u>

1 (iii) **Review and approvals.**

2 (A) The streetscape plan required by this section shall be submitted to the Planning
3 Department no later than 60 days prior to any Department or Planning Commission approval action,
4 and shall be considered for approval at the time of other project approval actions. The Planning
5 Department may require any or all standard streetscape elements for the appropriate street type per
6 Table 1 and the Better Streets Plan, if it finds that these improvements are necessary to meet the goals
7 and objectives of the General Plan of the City and County of San Francisco. In making its
8 determination about required streetscape and pedestrian elements, the Planning Department shall
9 consult with other City agencies tasked with the design, permitting, use, and maintenance of the public
10 right-of-way.

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

19 (C) **Waiver.** Any City agency tasked with the design, permitting, use, and maintenance
20 of the public right-of-way, may waive any or all Department required improvements of the streetscape
21 plan as described in this Subsection under that agency's jurisdiction if said agency determines that such
22 improvement or improvements is inappropriate, interferes with utilities to an extent that makes
23 installation financially infeasible, or would negatively affect the public welfare. Any such waiver shall
24 be from the Director or General Manager of the affected agency, shall be in writing to the applicant

1 and the Department, and shall specify the basis for the waiver. Waivers, if any, shall be obtained prior
2 to commencement of construction of the streetscape improvements unless extenuating circumstances
3 arise during the construction of said improvements. If such a waiver is granted, the Department
4 reserves the right to impose alternative requirements that are the same as or similar to the elements in
5 the adopted streetscape plan after consultation with the affected agency. This Subsection shall not
6 apply to the waiver of the street tree requirement set forth in Section 138.1(c)(1).

7 (d) **Neighborhood Streetscape Plans.** In addition to the requirements listed in Subsection
8 138.1(c), the Planning Department in coordination with other city agencies, and after a public hearing,
9 may adopt streetscape plans for particular streets, neighborhoods, and districts, containing standards
10 and guidelines to supplement the Better Streets Plan. Development projects in areas listed in this sub-
11 section that propose or are required through this section to make pedestrian and streetscape
12 improvements to the public right-of-way shall conform with the standards and guidelines in the
13 applicable neighborhood streetscape plan in addition to those found in the Better Streets Plan.

14 (1) **Downtown Streetscape Plan.** The Planning Department shall develop in coordination with
15 the Department of Public Works, and the Planning Commission shall adopt, a Downtown Streetscape
16 Plan which shall provide design guidelines for pedestrian streetscape elements such as the location and
17 type of street trees and landscaping, sidewalk paving material, and the design and location of street
18 furniture.

19 ~~(b) In accordance with the provisions of Section 309 of the Planning Code governing~~

20 ~~(ii) In any C-3 Districts, street trees and sidewalk paving as set forth in the~~
21 ~~Downtown Streetscape Plan shall be installed when:~~

22 ~~(1) An owner or developer constructs a new building;~~

23 ~~(2) There is a substantial alteration of an existing building; or~~

1 ~~(3) There is an addition of floor area equal to 20 percent or more of an existing building by the~~
2 ~~applicant under the following conditions:~~

3 ~~_____ (A) Any new construction;~~

4 ~~_____ (B) The addition of floor area equal to 20 percent or more of an existing building; or~~

5 ~~_____ (C) Alteration to greater than 50% of the existing square footage of a building.~~

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

15 ~~(d) Any streetscape improvements in the pedestrian right of way required by this Section shall~~
16 ~~comply with the following requirements:~~

17 ~~(1) Improvements in the public right of way, regardless of other requirements in this Code,~~
18 ~~shall meet the guidelines of the Downtown Streetscape Plan adopted by the Planning Commission.~~

19 ~~(2) The proposed improvements shall be subject to approval by the Director of Public Works,~~
20 ~~the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), the Art Commission,~~
21 ~~the Bureau of Light, Heat, and Power of the Public Utility Commission and the Committee on~~
22 ~~Pedestrian Program Policy (C-3P), and shall comply with all applicable ordinances.~~

23 ~~(3) The Planning Commission shall have authority to require a property owner to hold~~
24 ~~harmless the City and County of San Francisco, its officers, agents and employees, from any damage or~~
25

1 ~~injury caused by the design, construction or maintenance of open space, and to require the owner or~~
2 ~~owners or subsequent owner or owners of the property to be solely liable for any damage or loss~~
3 ~~occasioned by any act or neglect in respect to the design, construction or maintenance of the open~~
4 ~~space. Notwithstanding the provisions of this Section, an applicant shall be required to hold harmless~~
5 ~~and indemnify the City and County of San Francisco as specified in any other necessary permits.~~

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

8 (5) ~~Notwithstanding the provisions of this Section, an applicant shall obtain all required~~
9 ~~permits for sidewalks and street improvements and pay all required fees.~~

10 (6) ~~All determinations concerning the adequacy of the streetscape improvements to be provided~~
11 ~~and their compliance with the requirements of this section shall be made in accordance with the~~
12 ~~provisions of Section 309.~~

13 ~~(e) Location.~~

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

18 ~~(f) Types and Standards of Streetscape Improvements.~~

19 (1) ~~The Planning Commission shall determine whether the project applicant may satisfy the~~
20 ~~requirements of this Section by providing one or more of the following types of streetscape~~
21 ~~improvements: benches, bicycle racks, paving treatments, sidewalk widenings, lighting, trees and~~
22 ~~plantings; depending on the level of street as more particularly defined in the Downtown Streetscape~~
23 ~~Plan.~~

24 (2) ~~The improvements shall meet the following standards:~~
25

1 ~~—— (i) A minimum of six feet shall be left clear at all times for through pedestrian passage,~~
2 ~~—— (ii) The pedestrian level of service shall not fall to Level D or below, as defined by the~~
3 ~~Highway Capacity Manual published by the Federal Transportation Research Board, and~~
4 ~~—— (iii) Shall be situated in such locations and provide such ingress and egress as will~~
5 ~~make the area easily accessible to the general public.~~

6 ~~(g) Maintenance.~~

7 ~~(1) Fronting property owners shall maintain streetscape improvements at no public expense.~~
8 ~~Conditions intended to assure continued maintenance of the improvements for the actual lifetime of the~~
9 ~~building giving rise to the streetscape improvement requirement may be imposed in accordance with~~
10 ~~the provisions of Section 309.~~

11 ~~(h) Informational Plaque.~~

12 ~~(1) Prior to issuance of permit of occupancy, a plaque shall be placed in a publicly~~
13 ~~conspicuous location outside the building at street level, or at the site of a streetscape improvement,~~
14 ~~stating the right of the public use, and the name and address of the owner or owner's agent responsible~~
15 ~~for maintenance.~~

16 **(2) Rincon Hill Streetscape Plan.**

17 (i) In the Rincon Hill Downtown Residential Mixed Use (RH-DTR) and Folsom and
18 Main Residential/Commercial Special Use Districts, the boundaries of which are shown in Section Map
19 No. 1 of the Zoning Map, for all frontages abutting a public sidewalk, the project sponsor is required to
20 install sidewalk widening, street trees, lighting, decorative paving, seating and landscaping in
21 accordance with the Streetscape Plan of the Rincon Hill Area Plan, developed by the Planning
22 Department and approved by the Board of Supervisors for: (A) any new construction; (B) the addition
23 of floor area equal to 20 percent or more of an existing building; or (C) alteration to greater than 50%
24 of the existing square footage of a building.

1 (ii) Prior to approval by the Board of Supervisors of a Streetscape Plan for Rincon Hill,
2 the Planning Commission, through the procedures of Section 309.1, shall require an applicant to install
3 sidewalk widening, street trees, lighting, decorative paving, seating, and landscaping in keeping with
4 the intent of the Rincon Hill Area Plan of the General Plan and in accordance with this section of the
5 Planning Code

6 **(e) Additional provisions.**

7 (1) **Maintenance.** Unless otherwise determined, fronting property owners shall maintain all
8 streetscape improvements required by this section, including street trees, landscaping, bicycle racks,
9 benches, special paving, and other site furnishings at no public expense per the requirements of Public
10 Works Code Section 706 (sidewalks and site furnishings) and 805 (street trees), except for standard
11 street lighting from a City-approved palette of street lights and any improvements within the roadway.
12 Conditions intended to assure continued maintenance of the improvements for the actual lifetime of the
13 building giving rise to the streetscape improvement requirement may be imposed as a condition of
14 approval by the Planning Department.

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

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

1 **SEC. 249.1. - FOLSOM AND MAIN RESIDENTIAL/COMMERCIAL SPECIAL USE**
2 **DISTRICT.**

3 (a) **Purpose.** In order to convert an under-utilized and outmoded industrial area to a
4 unique residential neighborhood close to downtown which will contribute significantly to the
5 City's housing supply, create tapered residential buildings, provide an appropriate mixture of
6 retail sales and personal services to support new residential development, provide a buffer of
7 office and parking use between the bridge and freeway ramps and the housing sites, and
8 allow the existing industrial, service and office uses to remain, there shall be the Folsom and
9 Main Residential/Commercial Special Use District as designated on Sectional Map 1SU of the
10 Zoning Map.

11 (b) **Controls.** The following zoning controls are applicable in the
12 Residential/Commercial Special Use District.

13 *(1) Sidewalk Treatment.*

14 ~~————— (A) The Commission may require an applicant to install lighting, decorative paving,
15 ~~seating and landscaping on public sidewalks, provided that the conditions imposed by the Commission~~
16 ~~meet any applicable ordinances and applicable requirements of the Department of Public Works, the~~
17 ~~Bureau of Light, Heat and Power of the Public Utilities Commission and the Art Commission~~
18 ~~pertaining to street lighting, sidewalk paving and sidewalk landscaping. The Commission, prior to the~~
19 ~~issuance of guidelines by the Department of City Planning, shall require the owner or owners of~~
20 ~~property abutting the public sidewalk to hold harmless the City and County of San Francisco, its~~
21 ~~officers, agents and employees, from any damage or injury caused by reason of the design, construction~~
22 ~~or maintenance of the improvements, and shall require the owner or owners or subsequent owner or~~
23 ~~owners of the respective property to be solely liable for any damage or loss occasioned by any act or~~
24 ~~neglect in respect to the design, construction or maintenance of the sidewalk improvements.~~~~

1 ~~————— (B) Street trees shall be installed by the owner or developer in the case of construction~~
2 ~~of a new building, relocation of a building, or addition of floor area equal to 20 percent or more of an~~
3 ~~existing building when such construction, relocation or addition occurs on any site in the special use~~
4 ~~district. The provisions of Section 143(b), (c) and (d) shall apply.~~

5 ~~————— (C) Notwithstanding the provisions of this Subsection, an applicant shall obtain all~~
6 ~~required permits for sidewalks and street improvements and pay all required fees.~~

7 ~~(2)~~ (1) Reduction of Ground-Level Wind Currents.

8 (A) **Requirement.** New buildings and additions to existing buildings shall be
9 shaped, or other wind-baffling measures shall be adopted, so that the developments will not
10 cause ground-level wind currents to exceed, more than 10 percent of the time year-round,
11 between 7:00 a.m. and 6:00 p.m., the comfort level of 11 m.p.h. equivalent wind speed in
12 areas of substantial pedestrian use and seven m.p.h. equivalent wind speed in public seating
13 areas. The term "equivalent wind speed" shall mean an hourly mean wind speed adjusted to
14 incorporate the effects of gustiness or turbulence on pedestrians.

15 When preexisting ambient wind speeds exceed the comfort level, or when a
16 proposed building or addition may cause ambient wind speeds to exceed the comfort level,
17 the building shall be designed to reduce the ambient wind speeds to meet the requirements.
18 The provisions of this Section 249.1(b)(3) shall not apply to any buildings or additions to
19 existing buildings for which a draft EIR has been published prior to January 1, 1985.

20 (B) **Exception.** The Zoning Administrator may allow the building or addition to
21 add to the amount of time the comfort level is exceeded by the least practical amount if (1) it
22 can be shown that a building or addition cannot be shaped and other wind-baffling measures
23 cannot be adopted to meet the foregoing requirements without creating an unattractive and
24 ungainly building form and without unduly restricting the development potential of the building
25

1 site in question, and (2) it is concluded that, because of the limited amount by which the
2 comfort level is exceeded, the limited location in which the comfort level is exceeded, or the
3 limited time during which the comfort level is exceeded, the addition is insubstantial.

4 The Zoning Administrator shall not grant an exception and no building or
5 addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard
6 level of 26 miles per hour for a single hour of the year.

7 (C) **Procedures.** Procedures and methodologies for implementing this Section
8 shall be specified by the Office of Environmental Review of the Department of City Planning.

9 ~~(3)~~ (2) Uses.

10 (A) Permitted uses are (i) those listed in Sections 209.1 and 209.2 of this Code
11 and (ii) those permitted in an RC-4 District, plus the uses listed in subsection (e)(1)(B) below;
12 provided that, for newly constructed buildings or additions of twenty percent (20%) or more of
13 an existing building's gross floor area, at least six net square feet of residential use is provided
14 for each one net square foot of non-residential use on any lot. Additions of less than twenty
15 percent (20%) of a building's gross floor area are exempt from the six to one residential
16 requirements. Once granted, this exemption from the residential development requirement for
17 building additions may not be repeated for any single property. Any addition of more than
18 twenty percent (20%) of gross square feet of building area shall be required to provide the
19 housing on a 6 to 1 basis for all of the additional building area. All areas used for parking for
20 either residential or non-residential uses shall be excluded in the calculation of the
21 residential/non-residential ratio. For the purposes of application of this 6 to 1 ratio, hotels, inns
22 or hostels as defined under Section 209.2(d) and (e) shall be considered a non-residential
23 rather than a residential use.

1 (B) The use provisions applicable to an RC-4 District shall be applicable to the
2 "Residential/Commercial" Subdistrict with the following modifications or additions:

3 (i) all uses listed under Section 209.3 ("Institutions") shall be permitted as of
4 right as principal uses;

5 (ii) all uses listed under Section 209.4 ("Community Facilities") shall be
6 permitted as of right as principal uses;

7 (iii) utility uses listed in Section 209.6 shall be permitted as conditional uses, with
8 such utility uses to include telecommunications and internet communication co-location, web-
9 hosting and other similar facilities, provided such uses are primarily conducted within
10 enclosed buildings;

11 (iv) in lieu of Section 209.7, automotive uses shall be those permitted in Section
12 223(a), Section 223(m) (except that such use shall be permitted as a principal use for only five
13 (5) years after the construction of the building, after which a conditional use authorization shall
14 be required), and Section 223(p) (except that such parking lot shall be a conditional use
15 limited to two years per each conditional use authorization);

16 (v) Section 209.8 shall not be applicable;

17 (vi) all uses listed in Section 218 shall be permitted as of right as principal uses;

18 (vii) all uses listed in Section 219(c) shall be permitted as of right above the
19 ground floor or below the ground floor, and all office uses listed in Section 219(c) shall be
20 permitted on the ground floor as conditional uses;

21 (viii) all uses listed in Section 222 shall be permitted as of right above or below
22 the ground level, and shall be conditional uses at the ground level

23 (ix) all uses listed in Section 221(a)—(f) shall be permitted as of right as principal
24 uses;

(x) all uses listed in Section 224(a) shall be permitted as conditional uses;
(xi) all uses listed in Section 225(b) shall be permitted as of right as principal uses;
(xii) all uses listed in Section 226(a) shall be permitted as of right as principal uses;
(xiii) commercial wireless facilities as per Section 227(h) or (i) shall be permitted as conditional uses;
(xiv) all uses listed in Section 227(r) shall be permitted as of right as principal uses.

(C) A nonconforming use may be changed to any equally or more conforming use without providing the 6 to 1 ratio of required residential space.

(D) No use, even though listed as a permitted use or otherwise allowed, shall be permitted in the Residential/Commercial Subdistrict which, by reason of its nature or manner of operation, creates conditions that are hazardous, noxious, or offensive through the emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive noise.

~~(4)~~ (3) **Density.**

(A) Residential Density. There shall be no density limit for residential uses in the Residential/Commercial Subdistrict. The provisions of Sections 207.1 and 208 related to residential density shall not apply.

(B) Non-residential Density. There shall be a density limit for non-residential uses, which shall be measured as a Floor Area Ratio (FAR), as defined by Section 102.9, 102.10, 102.11 and 124 of this Code. The maximum nonresidential FAR for newly constructed buildings or additions of twenty percent (20%) or more of an existing building shall be 0.75.

1 Otherwise the FAR for the Residential/Commercial Subdistrict shall be 5 to 1. The provisions
2 of Section 123, 124, 125 and 127 relating to Floor Area Ratio shall apply.

3 (C) Area used for parking for commercial uses or residential uses including
4 parking permitted as of right or by conditional use shall not be considered as commercial
5 FAR.

6 ~~(5)~~ (4) **Open Space.**

7 (A) Open space shall be provided at the ratio of thirty-six net square feet of open
8 space for each dwelling unit if all private, with a ratio of 1.33 of common usable open space
9 that may be substituted for private; open space shall be provided at the ratio of one square
10 foot of open space per 50 square feet of gross floor area for all other uses.

11 (B) The open space requirement for residential use may be met by providing
12 one or more of the following types of open space: private usable open space as set forth
13 below; common open space, including an unenclosed park or plaza at grade or above, or an
14 enclosed or partly enclosed pool or a health club, accessible to residents and guests of
15 residents and not to the general public, and "publicly accessible open space" as set forth in
16 (C)(i) below. Where any publicly accessible open space is used to satisfy the open space
17 requirements for both residential and non-residential use, the open space area must be of an
18 area at least equal to the sum of the separate open space requirements to be satisfied by that
19 open space. Up to forty percent (40%) of the open space requirement for residential uses may
20 be met by providing private open spaces, provided that any such private open space counted
21 toward a portion of the open space requirement has a minimum area of 36 square feet, with a
22 minimum dimension of four feet in any direction.

23 (C) The open space requirement for non-residential uses shall be met by
24 providing "publicly accessible open space," which is defined as open space situated in such
25

1 locations and which provides such ingress and egress as will make the area accessible to the
2 general public and which is open to the public daily for at least twelve daylight hours.

3 (i) Publicly accessible open space. One or more of the following types of open
4 space shall satisfy the definition of publicly accessible open space:

5 (AA) An unenclosed park or garden at grade or above;

6 (BB) An unenclosed plaza with seating areas and landscaping and no more than
7 ten percent (10%) of the floor area devoted to food or beverage service;

8 (CC) An enclosed pedestrian pathway, which extends through the building,
9 which is accessed from a public street at grade, which is landscaped and has access to
10 natural light and ventilation, and in which retail space may face the pedestrian path inside the
11 building provided that no more than twenty percent (20%) of the floor area of the required
12 open space may be devoted to seating areas within the pedestrian path;

13 (DD) A sun terrace or solarium with landscaping;

14 (EE) Sidewalk widening following a regular pattern of setbacks;

15 (FF) A recreation facility on the roof of a parking garage;

16 (GG) An unenclosed pedestrian street that traverses a large block in an east-
17 west direction;

18 (HH) A publicly-accessible area with a scenic overlook;

19 (II) A publicly-accessible area within 900 feet of the site;

20 (JJ) Streetscapes on surrounding streets, as approved by the Planning
21 Department; or

22 (KK) Other similar open space features as more particularly defined in the
23 Recreation and Open Space Section of the Rincon Hill Plan, a part of the General Plan. If a
24 sidewalk widening is used to meet the open space requirement, the Planning Commission
25

1 shall require approval of the open space proposal by the Department of Public Works prior to
2 Planning Commission approval of the project.

3 (ii) The required publicly accessible open space shall, as determined by the
4 Zoning Administrator:

5 (AA) Be in such locations and provide such ingress and egress as will make the
6 area convenient, safe, secure and easily accessible to the general public;

7 (BB) Be appropriately landscaped;

8 (CC) Be accessible to public water and toilet facilities;

9 (DD) Be protected from uncomfortable winds;

10 (EE) Incorporate ample seating and, if appropriate, access to limited amounts of
11 food and beverage service, which will enhance public use of the area;

12 (FF) Be well signed and accessible to the public during daylight hours;

13 (GG) Have adequate access to sunlight if sunlight access is appropriate to the
14 type of area;

15 (HH) Be well lighted if the area is of the type requiring artificial illumination;

16 (II) Be designed to enhance user safety and security;

17 (JJ) Be of sufficient size to be attractive and practical for its intended use; and

18 (KK) The owner of the property on which the open space is located shall
19 maintain it by keeping the area clean and free of litter and keeping in a healthy state any plant
20 material that is provided. The Zoning Administrator shall have authority to require a property
21 owner to hold harmless the City and County of San Francisco, its officers, agents and
22 employees, from any damage or injury caused by the design, construction or maintenance of
23 open space, and to require the owner or owners or subsequent owner or owners of the
24
25

1 property to be solely liable for any damage or loss occasioned by an act or neglect in respect
2 to the design, construction or maintenance of the open space.

3 (D) The provisions of Section 135 concerning usable open space shall not apply.

4 ~~(6)~~ (5) Parking Requirements.

5 (A) There shall be no more than one parking space for each dwelling unit.

6 Parking in excess of one parking space for each dwelling unit shall not be classified as an
7 accessory use, notwithstanding the provisions of Section 204.5(c) of this Code.

8 (B) Parking for retail uses shall be provided at a ratio of one space for each 500
9 occupied square feet of retail space for the first 60,000 occupied square feet of retail space on
10 any project site; any parking for retail square footage in excess of 60,000 square feet per
11 project shall not exceed a ratio of one space per each 1,500 occupied square feet of retail
12 space.

13 (C) Parking for all office uses and any other non-retail commercial use shall be
14 provided at a ratio of one space for each 1,500 occupied square feet of space.

15 (D) At street level, parking shall not front on Folsom Street, and within 25 feet
16 horizontal distance from other street rights of way cannot occupy more than twenty percent
17 (20%) at street level of the cumulative street frontage in the Residential/Commercial
18 Subdistrict.

19 (E) In addition to the amounts of parking set forth above, additional parking shall
20 be allowed as of right for any project that submitted an application for environmental review
21 prior to December 31, 2001, where such parking is necessary to replace parking for any
22 agency or department of the United States Federal Government that is located on, or
23 immediately adjacent to, a development site.

24 ~~(7) Streetscape.~~ (6) Street-Facing Use Requirements.
25

1 (A) Ground floor retail space (including personal service and restaurants) and
2 space devoted to building and pedestrian circulation is required along the street frontage for a
3 minimum of fifty percent (50%) of the street frontage; exceptions to this standard may be
4 granted administratively by the Zoning Administrator if (s)he deems the exception to provide a
5 more attractive, usable and visually interesting pedestrian streetscape.

6 (B) Uses along a street frontage at grade level shall be visually interesting and
7 attractive to pedestrians. Curb cuts shall be minimized. No parking ingress or egress shall be
8 permitted that would disrupt or delay transit service.

9 ~~(8)~~ (7) **Site Coverage.** There shall be no limit on site coverage. One hundred percent
10 (100%) site coverage shall be permitted.

11 ~~(9)~~ (8) **Dwelling Unit Exposure.** In light of the high-density nature of the
12 Residential/Commercial Subdistrict, the dwelling unit exposure requirements of Section 140
13 shall not apply.

14 ~~(10)~~ (9) **Height and Tower Separation Standards.**

15 (A) There shall be an 85-foot maximum height for the podium/base of a building.

16 (B) There shall be an overall height limit of 400 feet in the
17 Residential/Commercial Subdistrict.

18 (C) There shall be a 50 foot minimum tower height differential between towers
19 on the same development site.

20 (D) In the Residential/Commercial Subdistrict, there shall be a minimum 82½
21 foot separation between towers.

22 (E) All space above the 200-foot height level shall be devoted to residential use.

23 **(11) Bulk Standards.** The Residential/Commercial Subdistrict shall be subject to "W"
24 Bulk District controls, as follows:
25

1 (A) Base (0—85 feet): Unlimited. The site coverage limitations of Section
2 249.1(b)(1) shall not apply.

3 (B) Buildings over 85 in height, but less than 300 feet in (1) height, shall be
4 limited to a maximum plan length of 100 feet and a maximum diagonal length of 125 feet.

5 (2) Buildings over 300 feet in height shall not exceed a maximum plan
6 length of 115 feet and a maximum diagonal length of 145 feet.

7 (3) Minor increases in Plan length for the purposes of improved design
8 may be approved pursuant to Section 271.

9 (C) A 10% volume reduction is required for the upper tower of any building that
10 is 300 feet in height or taller. The upper tower is defined as the top one-third portion of a free
11 standing tower; for a tower that sits atop a podium or base, the upper tower is defined as the
12 top one-third of the height of the tower as measured from the top of the podium or base.

13 (D) Folsom Street Setback: Above the 85 foot base, at least 50% of the entire
14 Folsom Street frontage shall be set back a minimum of 12½ feet. No setback will be required
15 for any portion of the frontage occupied by a tower with a height in excess of 85 feet, unless
16 that tower or towers occupies more than 50% of the total Folsom Street frontage.

17 (E) The floor plates on either tower shall not exceed an average of 11,000 gross
18 square feet over the entire tower.

19 **SECTION 428. STREET TREES IN-LIEU FEE.**

20 ~~—— (a) In any District, street trees shall be installed by the owner or developer in the case of~~
21 ~~construction of a new building; relocation of a building; the addition of gross floor area equal to 20~~
22 ~~percent or more of the gross floor area of an existing building; the addition of a new dwelling unit; a~~
23 ~~garage, or additional parking; or paving or repaving more than 200 square feet of the front setback.~~

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

5 ~~———— (c) The species of trees selected shall be compliant with the applicable water use requirements~~
6 ~~of Administrative Code Chapter 63, suitable for the site, and, in the case of trees installed in the public~~
7 ~~right of way, the species and locations shall be subject to approval by the Department of Public Works.~~
8 ~~Procedures and other requirements for the installation, maintenance and protection of trees in the~~
9 ~~public right of way shall be as set forth in Article 16 of the Public Works Code.~~

10 ~~———— (d) In any case in which the Department of Public Works cannot grant approval for installation~~
11 ~~of a tree in the public right of way, on the basis of inadequate sidewalk width, interference with utilities~~
12 ~~or other reasons regarding the public welfare, and where installation of such tree on the lot itself is~~
13 ~~also impractical, the tree planning requirements of this Section 428 may be modified as described in~~
14 ~~Subsection 428(f) or (g) or waived as described in Subsection 428(g) by the Zoning Administrator to~~
15 ~~the extent necessary.~~

16 ~~———— (e) When a pre-existing site constraint prevents the installation of a street tree, as an alternative~~
17 ~~to payment of any portion of the in-lieu fee, the Zoning Administrator may allow the installation of~~
18 ~~sidewalk landscaping compliant with the applicable water use requirements of Administrative Code~~
19 ~~Chapter 63 to satisfy the requirements of Section 428, subject to permit approval from the Department~~
20 ~~of Public Works in accordance with Public Works Code Section 8LOB.~~

21 ~~———— (f) In C-3, industrial, and South of Market Mixed Use Districts, the Zoning Administrator may~~
22 ~~allow the installation of planter boxes or tubs or similar landscaping in place of trees when that is~~
23 ~~determined to be more desirable in order to make the landscaping compatible with the character of the~~
24 ~~surrounding area, or may waive the requirement in C-3, industrial, and mixed use districts, districts~~

1 ~~where landscaping is considered to be inappropriate because it conflicts with policies of the Downtown~~
2 ~~Plan, a component of the General Plan, such as the Downtown Plan policy favoring unobstructed~~
3 ~~pedestrian passage or the Commerce and Industry Element policies to facilitate industry.~~

4 ~~———(g) In Eastern Neighborhoods Mixed Use Districts, street trees shall be installed along all street~~
5 ~~frontages in the public right of way as set forth in subsection (b). Street tree basins shall be edged with~~
6 ~~decorative treatment, such as pavers or cobbles, in accordance with City standards.~~

7 ~~———(h) For each required tree that the Zoning Administrator waives, the permittee shall pay an~~
8 ~~"in lieu" street tree fee. This fee shall be the amount specified in the Public Works Code Article 16 and~~
9 ~~be payable prior to issuance of any certificate of occupancy. The fee amount shall be deposited in the~~
10 ~~Department of Public Works 'Adopt A Tree Fund.~~

11 ~~———(i) DTR and C 3 Districts. In DTR and C 3 Districts, in addition to the requirements of~~
12 ~~subsections (a) (h) above, all street trees shall:~~

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

14 ~~———(2) branch a minimum of 8 feet above sidewalk grade;~~

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

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

19 ~~———(5) provide a below grade environment with nutrient rich soils, free from overly compacted~~
20 ~~soils, and generally conducive to tree root development;~~

21 ~~———(6) be irrigated, maintained and replaced if necessary by the property owner, in~~
22 ~~accordance with Public Works Code, Article 16 and compliant with the applicable water use~~
23 ~~requirements of Administrative Code Chapter 63; and~~

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

3 ~~———— (j) Planned Unit Developments as defined by Section 304 of this Code are required to meet the~~
4 ~~street tree requirements described in Section 428 (a) ~ (h) and shall meet the following additional~~
5 ~~landscaping requirements:~~

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

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

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

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

15 ~~———— (3) The Zoning Administrator is authorized to modify the additional landscaping requirements~~
16 ~~for Planned Unit Developments. The Zoning Administrator shall allow modifications only when he or~~
17 ~~she finds that modifications provide equal or greater ecological benefit than the above requirements,~~
18 ~~including the use of climate-appropriate plant materials as defined in Public Works Code Section~~
19 ~~802.1. Acceptable modifications may include alternative landscape treatments such as landscaped~~
20 ~~berms, detention or retention basins, perimeter plantings, pedestrian lighting, benches and seating~~
21 ~~areas, or additional landscaping and tree planting are provided elsewhere on the site or on the~~
22 ~~adjacent public right-of-way itself, subject to permit approval from the Department of Public Works.~~
23 ~~If the Zoning Administrator waives the requirement for a street tree under Section 138.1, the~~
24 ~~application shall pay a in-lieu fee. This fee shall be the amount specified in the Public Works Code~~

1 Article 16 and be payable prior to issuance of any certificate of occupancy. The fee amount shall be
2 deposited in the Department of Public Works 'Adopt-A-Tree Fund.'

3 **SEC. 825. DTR DISTRICTS.**

4 (a) **Description.** Downtown Residential (DTR) Districts are transit-oriented, high-
5 density mixed-use residential neighborhoods in and around downtown. These areas are
6 generally transitioning from a variety of commercial and industrial to residential uses. The
7 intent of this district is to enable a mix of new day and nighttime activities, with an emphasis
8 on encouraging new housing within walking distance or a short transit-ride of downtown,
9 supported by a mix of retail, and neighborhood services to meet the needs of residents and
10 the larger downtown community.

11 High-density residential uses, including residential towers in select locations, are
12 allowed and encouraged within the limits set by height and bulk controls. Given the district's
13 proximity to downtown, a range of commercial uses is permitted on the lower stories, with
14 active pedestrian-oriented retail, service, and entertainment uses on the ground floor. Along
15 special streets, pedestrian-oriented uses are required on the first floor. Ground floor entries to
16 individual dwelling units are encouraged on streets that will become primarily residential.

17 There is generally no pattern of mid-block open space or of rear yards. While lot
18 coverage is limited for all levels with residential uses, traditional rear yard open spaces are not
19 required except in the limited instances where there is an existing pattern of them. Specific
20 height and bulk controls establish appropriate heights for both towers and mid-rise
21 development, and ensure adequate spacing between towers and preserve light and air to
22 streets and open spaces. Setbacks are required where necessary to buffer ground floor
23 residential uses or to ensure sunlight access to streets and open spaces. To support the
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1 intensification of land uses in these districts, detailed traffic, streetscape and open space
2 improvements will take place over time.

3 Downtown Residential Districts include all of the individual DTR districts governed this
4 Code except the Transbay Downtown Residential District (TB-DTR), as set forth in Section
5 828, is governed by the Transbay Redevelopment Plan and its Development Controls and
6 Design Guidelines.

7 (b) **Building and Development Standards.** In addition to or in-lieu of the requirements
8 and standards elsewhere in this Code, the following building and development standards are
9 applicable in the Downtown Residential Districts.

10 (1) **Street-Facing Use Requirements.** Pedestrian-oriented commercial, residential,
11 institutional uses, and community services are required ground floor uses on all street facing
12 frontages per the standards of Section 145.1 and 145.4, except for the minimum frontage
13 required for fire doors, parking and loading access, and other utilities.

14 (2) **Lot Coverage.** The requirements of Section 134 shall not apply in DTR Districts.
15 Except as more specifically limited in the Section governing an individual DTR district, lot
16 coverage is limited to 80 percent at all residential levels except on levels in which all
17 residential units face onto a public right-of-way or mid-block pedestrian path meeting the
18 minimum standards of this Section. The unbuilt portion of the lot shall be open to the sky
19 except for those obstructions permitted in yards pursuant to Section 136(c). Exceptions to the
20 20 percent open area requirement may be granted, pursuant to the provisions of Section
21 309.1, for conversions of existing non-residential structures where it is determined that
22 provision of 20 percent open area would require partial demolition of the existing non-
23 residential structure.

1 (3) **Dwelling Unit Exposure.** The requirements of Section 140 shall apply, Reductions
2 in this requirement may be granted though the procedures of Section 309.1.

3 (4) **Lighting.** Pedestrian-scaled lighting shall be provided as an integral element of all
4 building facades and shall be designed and located to accentuate the uses facing the street.
5 Pedestrian-scaled lighting shall be incorporated into all facades and landscaped setback
6 areas in the form of wall sconces, entry illumination and low-level lighting set into edging
7 features. Lighting should be designed to accentuate ground floor retail and residential entries.
8 Incandescent or color-corrected lighting sources must be used.

9 ~~(5) Sidewalk Treatment.~~

10 ~~(A) To carry out policies contained in the San Francisco General Plan related to sidewalk~~
11 ~~treatments in an applicable plan area, the Planning Commission may require an applicant to widen or~~
12 ~~modify sidewalk alignments and to install lighting, decorative paving, seating, bicycle racks,~~
13 ~~landscaping, and other pedestrian amenities on public sidewalks.~~

14 ~~(B) The conditions imposed by the Planning Commission and any sidewalk treatments installed~~
15 ~~by an applicant shall comply with any applicable ordinances, adopted streetscape plans, and with any~~
16 ~~applicable regulations of the Art Commission, the Department of Public Works and the Bureau of~~
17 ~~Light, Heat and Power of the Public Utility Commission regarding street lighting, sidewalk paving,~~
18 ~~seating and sidewalk landscaping.~~

19 ~~(C) The Commission conditions imposed pursuant to subsection (B) shall require the abutting~~
20 ~~property owner or owners to hold harmless the City and County of San Francisco, its officers, agents,~~
21 ~~and employees, from any damage or injury caused by reason of the design, construction, use, or~~
22 ~~maintenance of the sidewalk treatments that the owner will maintain, and shall require the owner or~~
23 ~~owners or subsequent owner or owners of the respective property to be solely liable for any damage or~~
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1 ~~loss occasioned by any act or negligence with respect to the design, construction, use, or maintenance~~
2 ~~of the sidewalk treatments that the owner maintains.~~

3 ~~(D) Notwithstanding the provisions of this Section, an applicant shall apply for all required~~
4 ~~permits related to the legislated sidewalk width changes and sidewalk treatments and pay all required~~
5 ~~fees.~~

6 ~~(E) The owner of the property is required to maintain all those improvements other than~~
7 ~~lighting.~~

8 ~~(6) Street Trees. Street trees shall be installed by the owner or developer in the case of~~
9 ~~construction of a new building, relocation of a building, or addition of gross floor area equal to 20~~
10 ~~percent or more of the gross floor area of an existing building. Street trees shall be provided according~~
11 ~~to the provisions of Section 143(b), (c) and (d).~~

12 ~~(7)~~ **(5) Off-Street Parking and Loading.** Restrictions on the design and location of off-
13 street parking and loading and access to off-street parking and loading are necessary to
14 reduce their negative impacts on neighborhood quality and the pedestrian environment.
15 Unless specified otherwise in an individual DTR district, the following off-street parking and
16 loading controls shall apply:

17 **(A) Required Below-Grade.** All off-street parking in DTR districts shall be built
18 below street grade. The design of parking on sloping sites must be reviewed through the
19 procedures of Section 309.1, according to the following standards:

20 (i) For sloping sites with a grade change of at least ten feet laterally along the
21 street, no less than 50 percent of the perimeter of all floors with off-street parking shall be
22 below the level of said sloping street; and

23 (ii) For sites that slope upwards from a street, no less than 50 percent of the
24 perimeter of all floors with off-street parking shall be below the average grade of the site; and
25

1 (iii) Any above-grade parking shall be set back from the street facing facades
2 and wrapped with active uses, as defined by Section 145.1, for a depth of no less than 25 feet
3 at the ground floor and 15 feet on floors above.

4 (B) **Parking and Loading Access.**

5 (i) **Width of openings.** Any single development is limited to a total of two facade
6 openings of no more than 11 feet wide each or one opening of no more than 22 feet wide for
7 access to off-street parking and one facade opening of no more than 15 feet wide for access
8 to off-street loading. Shared openings for parking and loading are encouraged. The maximum
9 permitted width of a shared parking and loading garage opening is 27 feet.

10 (ii) Sidewalk narrowings or porte cocheres to accommodate passenger loading
11 and unloading are not permitted. For the purpose of this section, a "porte cochere" is defined
12 as an off-street driveway, either covered or uncovered, for the purpose of passenger loading
13 or unloading, situated between the ground floor facade of the building and the sidewalk.

14 **SEC. 827. - RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (RH-**
15 **DTR).**

16 The Rincon Hill Downtown Residential Mixed Use District (RH-DTR), the boundaries of
17 which are shown in Section Map No. 1 of the Zoning Map, is established for the purposes set
18 forth below.

19 The RH-DTR District is adjacent to the southern edge of the downtown, generally
20 bounded by Folsom Street, the Bay Bridge, the Embarcadero, and Essex Street. High-density
21 residential uses and supporting commercial and institutional uses are allowed and
22 encouraged within the limits set by height, bulk, and tower spacing controls. Folsom Street is
23 intended to develop as the neighborhood commercial heart of the Rincon Hill and Transbay
24 neighborhoods, and pedestrian-oriented uses are required on the ground floor. Individual
25

1 townhouse dwelling units with ground floor entries directly to the street are required on streets
2 that will become primarily residential, including First, Fremont, Beale, Main, and Spear
3 Streets.

4 While lot coverage is limited for all levels with residential uses that do not face onto
5 streets or alleys, traditional rear yard open spaces are not required except in the limited
6 instances where there is an existing pattern of them, such as smaller lots on the Guy Place
7 block. Specific height, bulk, and setback controls establish appropriate heights for both towers
8 and mid-rise podium development and ensure adequate spacing between towers in order to
9 establish a neighborhood scale and ensure light and air to streets and open spaces. Setbacks
10 are required where necessary to provide transition space for ground floor residential uses and
11 to ensure sunlight access to streets and open spaces. Off-street parking must be located
12 below grade.

13 Given the need for services and open space resulting from new development, projects
14 will provide or contribute funding for the creation of public open space and community facilities
15 as described in the Rincon Hill Area Plan of the General Plan. The Rincon Hill Streetscape
16 Plan, part of the Area Plan, proposes to enhance and redesign most streets in the district to
17 create substantial new open space amenities, improve pedestrian conditions, and improve the
18 flow of local traffic and transit. Detailed standards for the provision of open spaces, mid-block
19 pathways, and residential entries are provided to ensure that new buildings contribute to
20 creating a public realm of the highest quality in Rincon Hill.

21 **(a) Building Standards.**

22 **(1) Development Concept.** The development concept is for podium development up to
23 85 feet in height, with slender residential towers spaced to provide ample light and air to the
24 district. New development will contribute to the creation of a substantial amount of public open
25

1 space, as well as provide private common areas, courtyards, and balconies. Streets will be
2 improved to provide widened sidewalks with substantial public open space. Ground floor uses
3 will be pedestrian-oriented in character, consisting primarily of retail on Folsom Street, and
4 individual townhouse-style residential units on First, Fremont, Beale, Main, and Spear Streets,
5 as well as on alleys and mid-block pathways. Parking will be located below grade, and
6 building utilities (loading bays, service doors, garage doors) will be located in sidewalk vaults
7 or on secondary frontages.

8 (2) **Street-Facing Use Requirements.** Pedestrian-oriented retail, residential,
9 institutional uses, and community services are required ground floor uses on all street facing
10 frontages, except for the minimum frontage required for fire doors, parking and loading
11 access, and other utilities.

12 (A) **Required Ground Floor Retail Spaces.** For frontages facing Folsom Street,
13 ground floor space suitable for retail use is required for no less than 75 percent of all
14 frontages, as specified in Section 145.4.

15 (B) **Required Individual Ground Floor Residential Units.** For building
16 frontages facing Fremont, First, Main, Beale and Spear Streets more than 60 feet from an
17 intersection with Folsom, Harrison, or Bryant Streets, and for building frontages facing Guy
18 Place and Lansing Street, individual ground floor residential units with direct pedestrian
19 access to the sidewalk are required at intervals of no greater than 25 feet, except where
20 residential lobbies, parking and loading access, utilities, and open space are necessary and
21 provided pursuant to the allowances of Section 827 and other sections of this Code. Individual
22 ground floor residential units are also encouraged along Harrison Street, Bryant Street, and
23 alleys and mid-block pedestrian paths where appropriate.
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1 **(3) Required Streetwall.** Building area below 85 feet in height is required to be built to
2 100 percent of all property lines facing public rights-of-way, except where setbacks are
3 required by this Section and except where publicly accessible open space is provided
4 according to the provisions of this Section. Recesses, insets and breaks between buildings
5 are permitted to provide vertical articulation to the facade, provided the overall integrity of the
6 streetwall is maintained.

7 **(4) Lot Coverage.** Lots fronting only on the north side of Guy Place are permitted up to
8 80 percent lot coverage.

9 **(5) Upper Story Setback.** To ensure adequate sunlight to streets, alleys, and
10 pedestrian pathways, upper story setbacks are required as follows:

11 (A) All buildings are required to set back at least 10 feet above a height of 65
12 feet along Spear, Main, Beale, Fremont and First Streets. This requirement shall not apply to
13 street frontage occupied by a building taller than 85 feet. This upper story setback
14 requirement shall also not apply to the first 60 linear feet of frontage from corners at Folsom,
15 Harrison, and Bryant Streets.

16 (B) Buildings greater than 60 linear feet from a major street along Guy Place,
17 Lansing Street, and any proposed or existing private or public mid-block pedestrian pathways,
18 are required to be set back at least 10 feet above 45 feet in height from said right-of-way.

19 (C) In order to increase sun access to mid-block pathways and uses along such
20 pathways, all building frontage on the southeast side of mid-block pathways not occupied by a
21 building taller than 85 feet must set back upper stories by 10 feet above a building height of
22 45 feet. For projects on the south side of a mid-block pedestrian pathway taller than 65 feet,
23 an additional upper story setback of 10 feet is required above a building height of 65 feet.

1 (i) **Modifications.** For any lot on the north side of a required mid-block
2 pedestrian pathway, a modification from the required upper story setback of 10 feet above a
3 height of 45 feet may be granted according to the provisions of Section 309.1, provided that,
4 in total, the building is set back by a volume equal to what would be required by meeting the
5 standard in (C) above, and the modification would substantially improve the accessibility,
6 design and character of the mid-block pedestrian pathway.

7 (6) **Ground Floor Residential Units.** Where ground floor residential units are required
8 along Spear, Main, Beale, Fremont, and First Streets, the design standards of the Ground
9 Floor Residential Design Guidelines apply. Ground floor residential units along Guy Place and
10 Lansing Street, within the footprint of towers taller than 105 feet, and those that are proposed
11 in locations where they are not required, are encouraged to meet the standards in this
12 subsection to the greatest degree possible.

13 (7) **Ground Floor Commercial Design.** Ground floor commercial spaces must meet
14 the standards set in Section 145.1 and 145.4.

15 (8) **Off-Street Parking and Loading.**

16 (A) **Parking and Loading Access.**

17 (i) **Width of openings.** The maximum permitted width of all combined parking
18 and loading openings on Guy Place and Lansing Street for any single project is 20 feet.

19 (ii) **Folsom Street.** Access to off-street parking is not permitted on Folsom
20 Street for lots with frontage on another street. For lots fronting solely on Folsom Street,
21 access to parking on a Folsom Street frontage is permitted only through the processes
22 established by Section 309.1 by demonstrating that every effort has been made to minimize
23 negative impact on the pedestrian quality of the street. Loading may not be accessed from
24 Folsom Street.
25

1 **(9) Open Space.**

2 ~~(1) (i)~~ In addition to the standards of Section 135, open space intended to fulfill the
3 requirements of off-site or publicly-accessible open space may include streetscape
4 improvements with landscaping and pedestrian amenities on Guy Place and Lansing Street,
5 beyond basic street tree planting or street lighting as otherwise required by this Code, in
6 accordance with the Streetscape Plan of the Rincon Hill Area Plan.

7 ~~(10) Streetscape Standards.~~

8 ~~(A) Sidewalk Treatments.~~

9 ~~(i) For all frontages abutting a public sidewalk, the project sponsor is required to install~~
10 ~~sidewalk widening, street trees, lighting, decorative paving, seating and landscaping in accordance~~
11 ~~with the Streetscape Plan of the Rincon Hill Area Plan, developed by the Planning Department and~~
12 ~~approved by the Board of Supervisors.~~

13 ~~(ii) Prior to approval by the Board of Supervisors of a Streetscape Plan for Rincon Hill, the~~
14 ~~Planning Commission, through the procedures of Section 309.1, shall require an applicant to install~~
15 ~~sidewalk widening, street trees, lighting, decorative paving, seating, and landscaping in keeping with~~
16 ~~the intent of the Rincon Hill Area Plan of the General Plan and in accordance with subsections (iii)—~~
17 ~~(vi) below.~~

18 ~~(iii) Sidewalk treatments shall comply with any applicable ordinances and with any applicable~~
19 ~~regulation of the Art Commission, the Department of Public Works and the Bureau of Light, Heat and~~
20 ~~Power of the Public Utility Commission regarding street lighting, sidewalk paving, and sidewalk~~
21 ~~landscaping.~~

22 ~~(iv) The Streetscape Plan and any Commission requirement pursuant to subsection (ii) shall require the~~
23 ~~abutting property owner or owners to hold harmless the City and County of San Francisco, its officers,~~
24 ~~agents, and employees, from any damage or injury caused by reason of the design, construction or~~
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~~maintenance of the improvements, and shall require the owner or owners or subsequent owner or owners of the respective property to be solely liable for any damage or loss occasioned by any act.~~

~~(v) Notwithstanding the provisions of this Section, an applicant shall apply for all required permits for changes to the legislated sidewalk widths and street improvements and pay all required fees.~~

~~(vi) The owner of the property is required to maintain all those improvements other than lighting.~~

~~(B)~~ (10) **Mid-Block Pedestrian Pathways.** For developments on Assessor's Blocks 3744—3748, the Commission may require, pursuant to Section 309.1, the applicant to provide a mid-block pedestrian pathway for the entire depth of their property where called for by the Rincon Hill Area Plan of the General Plan. This pathway shall be designed in accordance with the standards of this Section.

(i) **Design.** The design of the pathway shall meet the following minimum requirements:

(AA) Have a minimum width of 20 feet from building face to building face;

(BB) Have a minimum clear walking width of 10 feet free of any obstructions.

(CC) Be open to the sky and free from all encroachments for that entire width, except for those permitted in front setbacks by Section 136 of this Code;

(DD) Provide such ingress and egress as will make the area easily accessible to the general public;

(EE) Be protected from uncomfortable wind, as called for elsewhere in this Code;

(FF) Be publicly accessible, as defined elsewhere in this Section;

1 (GG) Be provided with special paving, furniture, landscaping, and other
2 amenities that facilitate pedestrian use;

3 (HH) Be provided with ample pedestrian lighting to ensure pedestrian comfort
4 and safety;

5 (II) Be free of any changes in grade or steps not required by the natural
6 topography of the underlying hill; and

7 (JJ) Be fronted by active ground floor uses, such as individual townhouse
8 residential units, to the greatest extent possible.

9 (ii) Prior to issuance of a permit of occupancy, informational signage directing
10 the general public to the pathway shall be placed in a publicly conspicuous outdoor location at
11 street level stating its location, the right of the public to use the space and the hours of use,
12 and the name and address of the owner or owner's agent responsible for maintenance.

13 (iii) The owner of the property on which the pathway is located shall maintain it
14 by keeping the area clean and free of litter and keeping in a functional and healthy state any
15 street furniture, lighting and/or plant material that is provided.

16 (iv) Notwithstanding the provisions of this subsection, an applicant shall obtain
17 all required permits for changes to the legislated sidewalk and street improvements and pay
18 all required fees.

19 (v) The property owner or owners must hold harmless the City and County of
20 San Francisco, its officers, agents, and employees, from any damage or injury caused by
21 reason of the design, construction or maintenance of the improvements, and shall require the
22 owner or owners or subsequent owner or owners of the respective property to be solely liable
23 for any damage or loss occasioned by any act.

1 Section 5. The San Francisco Public Works Code is hereby amended by amending
2 Sections 2.4.13, 703.1, 723.2, 786.7, 807, and 812, to read as follows:

3 **SEC. 2.4.13. - TRANSIT, PEDESTRIAN, ~~AND BICYCLE~~, AND STORMWATER**
4 **IMPROVEMENTS AS PART OF PLANNING, CONSTRUCTION, RECONSTRUCTION, AND**
5 **REPAVING PROJECTS.**

6 (a) Whenever the Department or other Municipal Excavator undertakes a project
7 involving the planning, construction, reconstruction, or repaving of a public right-of-way, such
8 project shall include, to the maximum extent practicable and feasible, the following transit,
9 pedestrian, ~~and bicycle~~, and stormwater improvements:

- 10 (1) Street and pedestrian-scale sidewalk lighting;
- 11 (2) Pedestrian and bicycle safety improvement measures, as established in any official
12 City adopted bicycle or pedestrian safety plan or other City adopted planning documents;
- 13 (3) Appropriate access in accordance with the Americans with Disabilities Act;
- 14 (4) Public transit facilities accommodation, including, but not limited to designation of
15 the right-of-way as a transit preferential street designation or bus rapid transit corridor;
- 16 (5) Traffic calming devices;
- 17 (6) Landscaping;
- 18 ~~(7) Streetscape amenities; and~~
- 19 (7) Low-impact design stormwater facilities consistent with the Stormwater Design Guidelines;
- 20 (8) Other pedestrian and streetscape elements listed as appropriate to the relevant street type as
21 identified and defined in the Better Streets Plan; and
- 22 ~~(8)~~ (9) Other street and sidewalk improvements consistent with the City's "~~Transit~~
23 ~~First~~" ~~Policy~~" (Section 16.102 of the City Charter) and "Better Streets Policy" (Chapter 98.1
24 of the San Francisco Administrative Code).
- 25

1 **(b) (e)** The Director, in consultation with the ~~Executive~~ Directors of the San Francisco
2 Municipal Transportation Agency, Department of Public Health, ~~and other affected City~~
3 ~~departments, including the~~ Planning Department, ~~and~~ Department on the Environment, San
4 Francisco Public Utilities Commission, and Mayor's Office on Disability shall develop orders,
5 regulations, or amendments to the Department's Standard Plans and Specifications that
6 address the improvements set forth in Subsection (a).

7 **(c) (d)** To the maximum extent practicable and feasible, the Director shall condition all
8 excavation and street improvement permits on the inclusion of the improvements set forth in
9 Subsection (a). If such conditions would exceed the Director's regulatory authority, the
10 Director shall coordinate with other City departments to provide, to the maximum extent
11 practicable and feasible, said improvements on behalf of the City. As part of the decision on
12 any permit or authorization pursuant to the Public Works Code, the Director shall take into
13 account the permit activity's positive and negative impacts on the integration, enhancement,
14 or preservation of the improvements set forth in Subsection (a).

15 **SEC. 703.1. BRICK, QUARRY-TILE OR EXPOSED CONCRETE AGGREGATE**
16 **SIDEWALK SURFACES.**

17 The Director of Public Works is hereby authorized to grant revocable permits to owners
18 of fronting property or their duly authorized agents to construct sidewalk surfaces of brick,
19 quarry-tile, ~~or~~ exposed concrete aggregate, or other commonly-used sidewalk paving material as
20 approved by the Department of Public Works.

21 All sidewalks shall be placed in accordance with specifications and rules which the
22 Director of Public Works is hereby authorized to prepare in conformity herewith and as
23 required for public convenience and safety, such specifications and rules to apply to the
24 quality and proportions of the required materials, the method of construction, and the type of
25

1 finish. The finished surface of the sidewalk shall rise 1/5 inch per foot from curb grade to the
2 property line unless a deviation therefrom is approved by order of this special permit.

3 The Director of Public Works is hereby authorized to order the owner of the fronting
4 property to remove the brick, quarry-tile, or exposed concrete aggregate sidewalk surfaces
5 and to construct a concrete sidewalk in accordance with the provisions of Section 703 hereof,
6 when in the judgment of said Director public interest and convenience require such removal
7 and reconstruction.

8 The order shall specify the time within which the work is to be completed, and also the
9 time within which the owner must declare, in writing to the Director, his intention to do the
10 work.

11 The Director, upon receiving written notice of the intention to comply by the owner, or
12 his authorized agent, may if requested by the owner, grant a reasonable extension of the time
13 specified in the order for the completion of the work.

14 **SEC. 723.2. MINOR SIDEWALK ENCROACHMENTS.**

15 (a) The Director of Public Works may grant permission, revocable at his or her will, to
16 an owner of property abutting any court, alley or street to install and maintain minor
17 encroachments such as fences, retaining walls, steps or stairways and other minor structures
18 in the sidewalk fronting such property where such encroachments are desirable or convenient
19 in conjunction with the owner's use and enjoyment of the property, or required for the safety,
20 convenience and comfort of the public using the sidewalk.

21 (b) Such encroachments shall not occupy more than 10 percent of the area of the
22 sidewalk fronting the property nor more than 25 percent of the width of the sidewalk, unless
23 the Director of Public Works determines that such restrictions are not applicable due to the
24 nature of the encroachment. The Director may require further restrictions or modifications and
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1 impose such conditions as he or she deems necessary. No advertisement shall be permitted
2 on the encroachments.

3 (c) In considering the issuance of permits under the provisions of this Section, the
4 Director of Public Works shall give due regard to the location, neighborhood pattern,
5 anticipated pedestrian traffic, access requirements of the Fire Department, and to the
6 convenience and necessities of the owners, occupants or tenants of offices, stores or shops in
7 the vicinity.

8 (d) The owner of the real property or the owner's authorized agent applying for a
9 permit under the provisions of this Section shall agree to hold harmless the City and County of
10 San Francisco, its officers, agents, and employees, from any damage or injury caused by
11 reason of the installation or maintenance of the encroachment in the sidewalk, and the owner
12 or owners or subsequent owner or owners of the respective real property shall be solely liable
13 for any damage or loss occasioned by any act or neglect in respect to the installation or
14 maintenance of the encroachments in the sidewalk.

15 (e) Each permit issued under the provisions of this Section shall not become effective
16 until the permit has been signed by the owner or the owner's authorized agent and a copy
17 thereof has been recorded in the office of the Recorder of the City and County of San
18 Francisco. Within 15 days following the approval, denial or revocation of a permit by the
19 Director, any person may file a notice of appeal as follows:

20 (1) Appeals of the revocation or denial of a permit issued by the Director for the
21 following encroachments that impede or otherwise impact the Central Subway Corridor, as
22 defined in Section 723.3(3) of this Code; subsidewalk encroachments below the public right-
23 of-way or other encroachments in, on, and/or below the public right-of-way may be appealed
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1 to the Board of Supervisors by filing a notice of appeal with the Clerk of the Board of
2 Supervisors.

3 (2) Appeals of the approval, denial or revocation of all other permits may be appealed
4 by filing a notice of appeal with the Board of Appeal.

5 (3) In the alternative, when the encroachment is related to building construction,
6 rehabilitation or maintenance, any person may appeal the encroachment permit decision to
7 the Building Inspection Commission. A person waives his or her right to appeal to the
8 Building Inspection Commission encroachment permit decisions relating to building
9 construction, rehabilitation or maintenance by instead filing the appeal with the Board of
10 Supervisors or the Board of Appeals. No encroachment permit decision may be appealed to
11 both bodies.

12 (f) For purposes of this Section, an encroachment permit is related to building
13 construction, rehabilitation or maintenance when the object of the encroachment permit
14 affects the applicant's ability to construct, repair or maintain the building.

15 (g) Pending decision by the Board of Supervisors, the Board of Appeals or the Building
16 Inspection Commission, the permit decision by the Director shall be suspended.

17 (h) Before issuance of the permit, the applicant shall be required to pay to the
18 Department of Public Works a fee as set forth in Section 2.1.1 et seq. and a public right-of-
19 way occupancy assessment fee as set forth in subsection (k).

20 (i) Nothing in this Section shall be construed as authorizing the Director of Public
21 Works to grant permit for any encroachment which he or she determines to be inimical to the
22 health, welfare, safety and best interest of the general public, or in violation of the Charter or
23 laws of the City and County of San Francisco or laws of the State of California.

1 (j) The Board of Supervisors, the Board of Appeals or the Building Inspection
2 Commission may affirm, reverse or modify any permit decision made by the Director of Public
3 Works under the provisions of this Section. The decision by the Board of Supervisors, the
4 Board of Appeals or the Building Inspection Commission is final.

5 (k) The Board of Supervisors reserves the right to exact a public right-of-way
6 occupancy assessment fee for the use of the sidewalk or other public right-of-way space
7 permitted under the provisions of this Section.

8 (1) In accordance with Subsection (k) the public right-of-way occupancy assessment
9 fee for minor sidewalk encroachments, whether permitted or unpermitted and as specified in
10 Subsection (k)(2), shall be an annual fee of \$3.00 per square foot of occupancy of the
11 sidewalk or other public right-of-way space. For purposes of calculating the assessment fee,
12 the Department shall charge no less than \$100.00 per year even though the calculated square
13 footage charge for the encroachment may result in a smaller assessment fee.

14 (2) The following categories of minor sidewalk encroachments are subject to the public
15 right-of-way occupancy assessment fee:

16 (a) Encroachments in, on, above, or below the public right-of-way that are
17 affixed or appurtenant to any building whose owner obtained a site permit for new
18 construction on or after August 29, 2005. This Subsection (k)(2)(a) also shall apply to any
19 commercial, industrial, or mixed-use building whose owner obtained a site permit for new
20 construction prior to August 29, 2005; provided, however, that such building is not located in
21 any Neighborhood Commercial District as designated in Planning Code Article 7 and that the
22 encroachment associated with such building was installed or encroachment permit obtained
23 prior to August 29, 2005. This Subsection shall specifically include, but not be limited to, doors
24 that open over the public right-of-way and subsidewalk basements; provided, however, that
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1 this Subsection shall exclude encroachments for shoring and tiebacks. This Subsection shall
2 not apply to a building that has been converted from a commercial, industrial, or mixed-use
3 building into building containing only residential use.

4 (b) Encroachments associated with a commercial, industrial, or mixed-use
5 building that change the vertical or horizontal plane of an existing sidewalk and modify the
6 existing sidewalk slope pattern in order to provide access necessary to comply with the
7 Americans with Disabilities Act; provided, however, that the building obtained a site permit for
8 new construction on or after August 29, 2005.

9 (c) Any enclosure of the public right-of-way that is used exclusively for private
10 benefit and was installed on or after August 29, 2005. This Subsection (k)(2)(c) also shall
11 apply to any enclosure installed prior to August 29, 2005 that is associated with a commercial,
12 industrial, or mixed-use building; provided, however, that the building is not located in any
13 Neighborhood Commercial District as designated in Planning Code Article 7,

14 (d) Underground storage tanks.

15 (3) For purposes of Subsection (k)(2), the term "site permit" also shall mean "building
16 permit."

17 (4) Notwithstanding Subsection (k)(2), no public right-of-way occupancy assessment
18 fee shall be charged against the owner of an historic or architecturally significant building who
19 has installed or seeks a permit to install a minor sidewalk encroachment in order to conform
20 with an applicable Municipal Code; provided, however that this exception shall not apply if the
21 encroachment is a sub-sidewalk basement. For purposes of this Subsection, an historic or
22 architecturally significant building shall be a building so designated pursuant to Planning Code
23 Article 10 or specifically identified as an architecturally significant building on the Planning
24 Department's database or on a list maintained by the Planning Department.

1 ~~(5)~~ Notwithstanding Subsection (k)(2), no public right-of-way occupancy assessment fee shall
2 be charged against the owner of a property for elements installed as a requirement under Planning
3 Code Section 138.1.

4 ~~(5)(6)~~ The public right-of-way occupancy assessment fee shall be subject to the review
5 and adjustment procedures as forth in Sections 2.1.1 et seq.

6 ~~(6)(7)~~ The public right-of-way occupancy assessment fee shall not be charged to any
7 federal, state, or local governmental agencies, commissions, or departments.

8 ~~(7)(8)~~ Notwithstanding this Subsection (m), the public right-of-way assessment fee for
9 underground vaults shall be as specified in Section 2.1.1 et seq.

10 (I) Notwithstanding the fees specified herein, if a project involves voluntary seismic
11 retrofit upgrades to soft-story, wood-frame buildings, as defined by the Director of the
12 Department of Building Inspection, such project applicant shall be exempt from the
13 proportionate share of fees specified under this Section and Sections 2.1.1 et seq. that is
14 related to such retrofit work.

15 **SEC. 786.7. PUBLIC RIGHT-OF-WAY OCCUPANCY ASSESSMENT FEE FOR**
16 **STREET ENCROACHMENTS.**

17 (a) The Board of Supervisors reserves the right to exact a public right-of-way
18 occupancy assessment fee for the use of the street or other public right-of-way space
19 permitted under the provisions of Sections 786 et seq.

20 (b) In accordance with Subsection (a) the public right-of-way occupancy assessment
21 fee for street encroachments, whether permitted or unpermitted, shall be an annual fee of
22 \$3.00 per square foot of occupancy of the street or other public right-of-way space. For
23 purposes of calculating the assessment fee, the Department shall charge no less than
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1 \$100.00 per pear even though the calculated square footage charge for the encroachment
2 may result in a smaller assessment fee.

3 (c) If the Board of Supervisors has imposed an annual public right-of-way occupancy
4 assessment fee for a street encroachment permit, the permittee shall pay the greater of the
5 Board-adopted fee or the assessment fee set forth in Subsection (b).

6 (d) The public right-of-way occupancy assessment fee shall be subject to the review
7 and adjustment procedures as set forth in Sections 2.1.1 et seq.

8 (e) The public right-of-way occupancy assessment fee shall not be charged to any
9 federal, state or local governmental agencies, commission, or departments.

10 (f) Notwithstanding Subsection (b), no public right-of-way occupancy assessment fee shall be
11 charged against the owner of a property for elements installed as a requirement under Planning Code
12 Section 138.1.

13 **SEC. 807. DEPARTMENT OF PUBLIC WORKS URBAN FORESTRY PROGRAM;**
14 **POWERS AND DUTIES.**

15 (a) **Arterial Planting Program.** The Department shall continue its program of
16 appropriate street tree planting along major traffic routes and commercial streets throughout
17 the City.

18 (b) **Neighborhood Planting Program.** The Department shall continue to encourage
19 and support neighborhood planting programs. Support may include, but need not be limited
20 to, provision of trees and materials, sidewalk cutting and removal, planting labor, technical
21 advice, and organizational assistance. The Department is hereby authorized to donate such
22 funds, materials and labor to neighborhood planting programs as are deemed by the Director
23 to be in the public interest and in the interest of the promotion of the urban forest.

1 (c) **Public Education.** The Department shall undertake an on-going program of public
2 outreach and education in order to promote public understanding of the City's urban forest
3 and public adherence to the standards and procedures established under this Article.

4 (d) **Authority over Site Development Plans.**

5 (1) The Department shall have the authority to review and comment on site
6 development plan applications received by the City's Central Permit Bureau that pertain to the
7 planting, alteration, or removal of street trees. The Department shall also have the authority to
8 review and comment on site development plan applications that pertain to the alteration or
9 removal of landmark trees designated pursuant to Section 810(a) of this Article and significant
10 trees pursuant to Section 810A of this Article. Protection of such trees during construction
11 shall be required in accordance with Section 808(c) of this Article. Removal of such trees shall
12 be subject to the applicable rules and procedures for removal set forth in Section 806, 810, or
13 810A of this Article.

14 (2) If the Zoning Administrator modifies or waives the requirements of Planning Code
15 Section ~~143~~ 138.1 pursuant to Planning Code Section ~~143(d)~~ 138.1(c)(1)(iii), the Department
16 shall impose an in-lieu fee of the property owner so excused. Further, if a property owner is
17 required to plant a street tree pursuant to Planning Code Section ~~143~~ 138.1, the Department
18 shall require that the property owner maintain such tree or replace any such tree that
19 subsequently dies or is removed by any person, or pay an in-lieu fee. The Department shall
20 follow the requirements set forth herein for tree replacement or payment of an in-lieu fee
21 unless it makes written findings detailing the basis for waiving said requirements.

22 (e) **Adopt-A-Tree Fund.** Pursuant to Section 10.117-77 of the Administrative Code,
23 the Department shall maintain an Adopt-A-Tree Fund to enhance the urban forestry program.
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1 (f) **In-Lieu Planting Program.** The Department shall develop and implement an In-
2 Lieu Planting Program to offset the loss of street trees, significant trees, and landmark trees
3 due to removal, destruction, or death. The In-Lieu Planting Program shall also compensate for
4 the loss of trees required to be planted by Section ~~143~~138.1 of the Planning Code, yet excused
5 by the Zoning Administrator pursuant to Planning Code Section ~~143(d)~~138.1(c)(1)(iii). The
6 Department shall impose an in-lieu fee in accordance with a fee schedule adopted by the
7 Director where a street tree is destroyed, removed or is excused from planting where
8 otherwise required by Planning Code Section ~~143~~138.1. The Department also shall assess an
9 in-lieu fee or such other penalty as set forth in Section 811 as mitigation for violation of the
10 requirements of this Article. The Department shall follow the requirements set forth herein for
11 payment of an in-lieu fee unless it makes written findings detailing the basis for waiving said
12 requirements. As set forth in Section 811, in lieu fees shall be deposited in the Adopt-A-Tree
13 Fund.

14 (g) **Tree Adoption Program.** The Department shall develop and implement a tree
15 adoption program to allow persons to donate money for the purpose of tree planting and
16 maintenance. Money donated to the City and County for the purpose of tree planting and
17 maintenance shall be deposited into the Adopt-A-Tree Fund.

18 **SEC. 812. ENFORCEMENT OF ORDINANCE; DESIGNATED EMPLOYEES.**

19 The classes of employees of the City and County of San Francisco set forth below shall
20 have the duty of enforcing the provisions of this Article including, but not limited to, the
21 unauthorized removal, injury or destruction of street trees or landmark trees:
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Classification No.	Class Title
3418	Gardener Supervisor
3422	Park Section Supervisor
3426	Urban Forester
3434	Arborist Technician
3436	Tree Topper <u>Arborist Technician</u> Supervisor I
5170	Superintendent, Street Environmental Services
5173	Assistant Superintendent, Street Environmental Services
7281	Street Cleaning Supervisor II
8280	Environmental Control Officer

Section 6. The San Francisco Subdivision Code is hereby amended by amending Sections 1335, 1336, and 1337, to read as follows:

SEC. 1335. PUBLIC FACILITIES.

(a) **General.** Public facilities listed in this Section shall meet the design and construction standards in the Subdivision Regulations.

(b) **Streets.**

(1) **Dedicated Public Streets.** A subdivision shall have direct access to a dedicated public street. Title to a new or widened dedicated public street shall be conveyed to the City by proper deed prior to approval of the Final Map. Newly created publicly-accessible right-of-

1 ways created as part of subdivisions shall conform with the policies and guidelines of the Better Streets
2 Plan.

3 (2) **Private Streets.** Easements for government facilities in private streets shall meet
4 the requirements of Section 1339 of this Code.

5 (c) **Pedestrian Ways.** A pedestrian way through a block shall be required when the
6 length of that block exceeds the criteria in the Subdivision Regulations.

7 (d) **Sanitary and Drainage Facilities.** The subdivider shall provide sewerage and
8 drainage facilities, connected to City facilities, to serve adequately all lots, dedicated areas
9 and all other areas comprising the subdivision.

10 (e) **Fire Protection.** The subdivider shall provide for the installation of fire hydrants,
11 gated connections and other appurtenances and facilities needed for adequate fire protection,
12 including a street fire-alarm box system.

13 (f) **Street Lighting.** The subdivider shall provide street-lighting facilities along all
14 streets, alleys and pedestrian ways for the purposes of traffic safety and crime deterrence.

15 **SEC. 1336. UTILITIES.**

16 (a) The subdivider shall provide a domestic water system, connected to the San
17 Francisco Water Department's water distribution system. He shall also provide electric, gas
18 and communication services connected to the appropriate public utility's distribution system.

19 (b) Stormwater facilities. In the case of all newly constructed subdivisions, the subdivider shall
20 provide facilities for the on-site detention, retention, infiltration and/or conveyance of stormwater,
21 following the principles of low-impact design for stormwater management, in accordance with the
22 Better Streets Plan and the Stormwater Design Guidelines.

23 **SEC.1337. BEAUTIFICATION.**
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1 (a) **Undergrounding of Utilities.** All new utility lines shall be undergrounded as
2 specified in Article 18 of the Public Works Code.

3 (b) **Street Trees and Landscaping.** Trees planted along a public street, within the
4 right-of-way, and all landscaping within said right-of-way shall conform to the requirements of
5 Article 16 of the Public Works Code. In the case of all newly constructed subdivisions, the
6 subdivider shall provide street trees and landscaping conforming to the policies of the Master
7 Plan. Maintenance of said trees and landscaping shall be the responsibility of the abutting
8 property owners.

9 (c) Pedestrian and streetscape elements. Pedestrian and streetscape elements within any new
10 publicly-accessible right-of-way shall conform with the policies and guidelines of the Better Streets
11 Plan.

12 ~~(e)~~(d) **Open Areas.** Where required pursuant to the Master Plan, the subdivider shall
13 provide for the landscaping of open areas and the maintenance thereof. Such open areas
14 shall be restricted to such use by recorded covenants which run with the land in favor of the
15 future owners of the property within the subdivision. No such covenant shall be terminated
16 without the consent of the Board.

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

21
22 By: _____
John D. Malamut
23 Deputy City Attorney
24
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