



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Change HEARING DATE: JUNE 7TH , 2012

Project Name: **Signage Requirements for Privately-owned Public Open Spaces**

Case Number: 2012.0352T [Board File No. 120220]
Initiated by: Supervisor Chiu / Introduced March 6, 2012
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90-Day Deadline: June 13, 2012

Recommendation: **Recommend Approval with Modifications**

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PLANNING CODE AMENDMENTS

The proposed Ordinance would initiate amendments to the San Francisco Planning Code by 1) amending Sections 135(h)(4), 135.3(g), and 138 (i) to impose additional signage requirements for privately owned publicly-accessible open spaces; 2) amending Section 603(k) to make a conforming amendment; and 3) making environmental findings, Planning Code Section 302 findings, and findings of consistency with General Plan and Planning Code Section 101.1.

The Way It Is Now:

Privately-owned public open spaces (POPOS) are publicly accessible spaces in forms of plazas, terraces, atriums, small parks, and even snippets that are provided and maintained by private developers. In San Francisco, POPOS mostly appear in the Downtown office district area. Prior to 1985, developers provided POPOS under three general circumstances: voluntarily, in exchange for a density bonus, or as a condition of approval. The 1985 Downtown Plan created the first systemic requirements for developers to provide publicly accessible open space as a part of projects in C-3 Districts. The goal was to “provide in the downtown quality open space in sufficient quantity and variety to meet the needs of downtown workers, residents and visitors.”¹ The Downtown Plan also established guidelines that define eleven types of open spaces in Downtown. These guidelines prescribe detailed standards regarding each open space type size, location, access, seating, landscaping, food service, sunlight and wind, and public accessibility. Section 138 of the San Francisco Planning Code (herein after the “Code”) refers to these guidelines and establishes required amount of open space in C-3 Districts. It also regulates POPOS signage which is the

¹ Downtown Area Plan, 1985, Objective 9

focus of the proposed Ordinance. The Planning Department designed a customized plaque template for POPOS featuring a distinctive logo and required project sponsors to install the plaque at the space. However, while the Code specified what information to include in the plaque, it did not identify the location and the size of the plaque. As a result, many of these sites do not include proper informational signage, which has created a deficiency in informing the public about the existence of open space. Section 135 and 135.3 also provide provisions for POPOS in other Districts such as Downtown Residential and Eastern Neighborhood Mixed Use Districts. Some provisions in these two Sections regarding POPOS are not in consistency with provisions in Section 138.

The Way It Would Be:

The proposed Ordinance would amend Section 138 to include more specific requirements and standards for the informational plaques of POPOS. In order to maintain consistency in the Code, Section 135 and 135.3 of the Code will also be amended to match the same standards.

ISSUES AND CONSIDERATION

Valuable assets to the dense urban fabric of Downtown San Francisco's office district, POPOS offer office employees, residents, and visitors a breathing room to rest and refresh. POPOS bear a more critical role in Downtown considering the lack of traditional parks and open spaces in this part of the city. In a study conducted in 2009², San Francisco Planning and Urban Research evaluated POPOS in San Francisco and identified deficiencies in their design and function. These studies found that insufficient and deficient signage has made POPOS hard to find and sometimes invisible in Downtown. This issue has also been highlighted in the San Francisco Chronicle in an overview of POPOS in San Francisco³. Existing POPOS plaques are deficient and insufficient mainly because: 1) many of the existing POPOS plaques do not comply with all of the existing Code provisions; and 2) the existing provisions in the Code focus on the general content and location of POPOS plaques without providing detailed design and location specifications. Additionally, staff found some inconsistencies within the three Sections in the Code that regulate POPOS. Further analysis of these issues is provided below.

I. Signage design and content

While the Code currently requires informational plaques for POPOS, the requirements do not specifically prescribe the location, design, and the size of these plaques. Improving requirements for signage would significantly help the public's access to these spaces.

1. **Size of the sign:** Currently, section 138 does not specify any size requirements for the information plaque while Section 135(h) requires a 24 by 36 inch sign. Figures 1 to 3⁴ illustrate how existing POPOS use plaques with a variety of font and sign sizes. Regulating the size of the plaque or the text font could bring consistency and ensure readability for POPOS signage.

² SPUR, *Secrets of San Francisco*, January 2009, accessed May, 2012 from : http://www.spur.org/publications/library/report/secretsofsanfrancisco_010109; and

³ King, John. *Privately-owned Public Spaces: Guidance Needed*, February 19, 2012, accessed May 2012 from: <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2012/02/18/MN3S1N8PUQ.DTL>

⁴ Exhibit A

2. **Information on the sign:**

- a. **Public access-** POPOS are usually small or tucked away inside, on the back, or on the roof of buildings. These characteristics might create an impression that the space is private and only to be used by building occupants. The existing template for POPOS plaque includes a statement identifying the space as public open space. However, existing POPOS plaques use different statements to indicate this fact. A universal public open space statement for all POPOS plaques can help brand such spaces and better inform the public.
 - b. **A logo-** At the time that the Downtown Plan was approved, the Planning Department designed a logo for POPOS plaques (Figure 4). Almost all POPOS include this logo in their plaques, albeit with different designs and colors. Including this logo in the information plaque for all of the POPOS with a consistent design, size, and color could brand these spaces as one specific type of open space and provide consistency and context for users.
 - c. **Hours of operation-** Including hours of operation on the plaque clarify the duration for which the space is open.
 - d. **Principal features-** This is to inform the public about what amenities would be found in POPOS, helping users to decide if this space would match their needs. These features include: number of seating, restrooms, availability of food service, and accessibility. Although this is currently required by the Code, almost none of existing POPOS have provided such information in their plaques.
 - e. **Contact list-** In order to allow the public to inquire information about access or maintenance issues, or relay their complaints to the owner, the plaque should also include phone number, email and postal address of the owner or the maintenance agent for the site.
 - f. **Way finding directions-** POPOS that are built inside of a building or are accessed through a building are sometimes hard to find. Providing such information would help users find the space more easily. Figures 5 & 6 illustrate one good example of how this could be achieved.
3. **Location of the sign-** While the Code currently requires the plaque to be located in a conspicuous location, it does not define the term conspicuous in detail. Some existing POPOS have their plaques located in less conspicuous locations, for example on less visible side walls of the building, on glass, or on the ground (See Figure 7). For POPOS located inside buildings, it is even more important to install the sign on a conspicuous location, as the space is usually not visible from the outside.
4. **Placement of the sign-** Where the plaque should be positioned also affects visibility of the sign. In order to ensure a convenient visibility, the plaque should be placed within the average eye-level height. Figures 2, 8, and 9 show examples where the plaque is positioned at knee level or on the ground surface.
5. **Clarity of the sign-** The materials and coloring used to design the plaque also helps in making the sign more readable and visible. Figures 5 & 9 illustrate examples where a lack of contrast between lettering and background makes signs hard to find and read.

II. Enforcement

Currently, the Department enforces the existing requirements regarding POPOS by approving the satisfaction of provisions prior to issuance of a permit of occupancy. However, since some requirements were not laid out in detail in the existing code, many existing POPOS have not provided proper signage. The existing guidelines have not always been followed when providing signage for POPOS. The proposed Ordinance, as currently drafted, would apply only to future POPOS and would not correct existing POPOS signage. Applying improvements to existing POPOS palques could provide consistency and clarity for all POPOS in the city.

III. Inconsistencies in POPOS provisions in Sections 135 (h), 135.3, and 138

There are three sections in the Code that regulate POPOS in different areas of the city. Section 138 regulates privately-owned public open space in C3 districts. Section 135 regulates any usable open space for dwelling units in certain districts⁵ and determines standards for when these usable open spaces are provided as publicly accessible⁶. Finally, Section 135.3 regulates usable open space for uses other than dwelling units in certain districts⁷ and includes provisions when these spaces are publicly accessible⁸. Currently, there are some inconsistencies under these Sections regarding POPOS signage provision. Consolidating these provisions in one section of the Code and adding cross-references to other sections would bring consistency in regulating POPOS in the city.

REQUIRED COMMISSION ACTION

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

RECOMMENDATIONS

The Department recommends that the Commission recommend *approval with modification* of the proposed Ordinances and adopt the attached Draft Resolution to that effect. The recommended modifications suggest additions to the content of informational plaques for better design and awareness. Proposed changes would also allow applying these new standards to the existing POPOS. The recommended modifications include:

I. Informational Plaque Improvements:

- a. Include the proposed provisions regarding location and placement of the plaque in the Code as suggested by the Supervisor with minor modifications but move provisions regarding design and size from the Code to a new Zoning Administrator bulletin which would be referenced in the Code. Exhibit B illustrates this bulletin and how it would regulate POPOS plaque design.

⁵ Dwelling units and group housing, R, NC, Mixed Use, C, and M districts

⁶ This option is only allowed for DTR and EN Mixed Use Districts.

⁷ Uses other than dwelling units, group housing, and live/work units within the South of Market, and Eastern Neighborhoods Mixed Use Districts, and DTR districts

⁸ This option is only allowed for DTR and EN Mixed Use Districts.

- b. Within this bulletin, regulate the font type and size in the signage instead of the plaque size.
 - c. Make the informational plaque template available in the Adobe Illustrator file format in order to make such signs consistent across the city and at the same time reduce the costs of designing the plaque for property managers and project sponsors
- II. Enforcement:** Include language in the Code to apply these standards to the existing POPOS.
- III. Consolidate Code Sections:** Consolidate POPOS requirements in Sections 138, 135 (h), and 135.3, by incorporating all provisions in Section 138 and adding cross-references to other two sections.

Basis for Recommendation of Support and Modifications

Insufficient and deficient signage for POPOS results in a lack of awareness for downtown workers, residents, and visitors regarding the existence of POPOS as well as their availability to the public. To address these concerns, this Ordinance as proposed by Supervisor Chiu, introduced some additional detailed specifications for POPOS informational plaques; size, content, and where it should be located and placed. The Department finds that including a well-designed logo in the information plaque would brand these POPOS as one type of open space. In addition, installing the plaque at every pedestrian access or entrance to the POPOS will better inform the public about the existence of these spaces. The Ordinance as proposed requires plaques to be installed within five feet of the space on the side walk or by the pedestrian entrance (in case of inside POPOS). This would ensure that when people are passing by the open space, they would notice the sign and understand where the space is located. Information about types of amenities and uses in the space also helps users to decide whether or not they would like to spend their time in this area.

Basis for Modification I: Sign Improvements- In order to both regulate the detailed design of POPOS informational plaque and keep the Code clean and succinct, the Department suggests creating a new Zoning Administrator bulletin that would include all the detailed design and graphics provisions. Provisions regarding fundamentals such as location and placement of plaques will remain in the Code. The Department suggests minor modifications to proposed code (See Exhibit C). These modifications would add way finding directions for POPOS located or accessed through indoor structures. Including way finding directions would ensure users can find the space and would not get lost in the building. A lack of proper way finding directions may deter users from using the space if it is not found after a few minutes of searching. Additionally, as a part of these modifications, staff proposes that if no improvements or building façade are found within five feet of the nearest sidewalk, the plaque may be installed on a free standing post.

Regarding plaques design, staff believes that the proposed size (24 x 24) for POPOS informational plaque is too large; it would both leave copious blank space in the sign and impose unnecessary high costs in building the plaque. Model signs produced by staff supported our conclusion that regulating font type and size of the text in the plaque can more efficiently control visibility of the plaque while maintaining graphically aesthetic signage. Staff found that size is only one element that contributes to the visibility of signage among others: material, location, placement, cleanliness, etc.

Staff has developed a toolkit for the plaque and suggests making it available for property managers and project sponsors in the Adobe Illustrator format. Using this toolkit for all POPOS informational plaque would provide consistency and integrity to all POPOS in the city. It will also significantly reduce financial costs of graphic design work. Staff suggests that improving visibility through size will be ensured as long as the text stating “Public Open Space” is about one inch tall. Detailed required dimensions are provided in the ZA Bulletin (See Exhibit B).

Basis for Modification II: Enforcement- The Ordinance as proposed does not require existing POPOS to abide by the new standards regarding the informational plaque. As a result, the Department proposes to include language in the Code to apply these new standards to existing POPOS. Staff proposed allowing one year for existing POPOS to comply with the new standards. This would brand all POPOS in the city and would help the greater public to more easily identify these spaces and use them. The Department sent mailed notices regarding this legislation to more than 60 property owners of POPOS identified in the Department’s records (Exhibit D). Additionally, the Department Code Enforcement staff has committed annual inspection of these spaces to ensure compliance with the Code.

Basis for Modification III: Consolidate Code Sections- The Ordinance as proposed consolidates all provisions for POPOS signage in Section 135 (h) of the Code and cross-references them in Sections 138 and 135.3. However, POPOS requirements were first integrated into the Code in Section 138 subsequent to the 1985 Downtown Area Plan. Section 135 focuses on regulating private and common open spaces for dwelling units in certain districts. It only addresses POPOS in one subsection (135 (h)) when project sponsors choose to provide their required private or common open spaces as publicly accessible. Consequently, staff finds that Section 138 is the most suitable place in the Code to house all the provisions regarding POPOS. Other sections in the Code should cross-reference this Section when regulating POPOS for other uses and districts. Additionally, staff also suggested some minor changes in the language of Sections 135 and 135.3 in order to further clarify that POPOS under Sections 135 and 135.3 are only provided optionally as an alternative to private and common open space and are not required as they are under Section 138 in C-3 Districts (for details of these changes see Exhibit C).

ENVIRONMENTAL REVIEW

Both the original proposed Ordinance and the proposed modification of the Ordinance have been reviewed and found not a project under the California Environmental Quality Act guidelines sections 15060 (c) (3) and 15378.

PUBLIC COMMENT

Staff has received two letters from the San Francisco Planning and Urban Research including some additional detail language to be included in the Code. Exhibit F includes these letters. Staff also received two inquiries regarding the mailed notices, requesting clarifications on what spaces are designated POPOS within their properties.

RECOMMENDATION:	Recommendation of Approval with Modifications
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Attachments:

- Exhibit A: Existing POPOS informational plaques
- Exhibit B: Zoning Bulletin 8- Privately-owned Public Open Spaces Informational plaques
- Exhibit C: Staff proposed changes to the Planning Code Sections 138, 135, and 135.3
- Exhibit D: Map of POPOS indicated in the Department's records
- Exhibit E: Draft Planning Commission Resolution
- Exhibit F: Draft Board of Supervisors Ordinance [Board File No. 12-0220]
- Exhibit G: Comments from SPUR

Exhibit A- Existing POPOS Informational Plaques

Figure 1- 101 2nd Street



Figure 2- 555 Mission St.

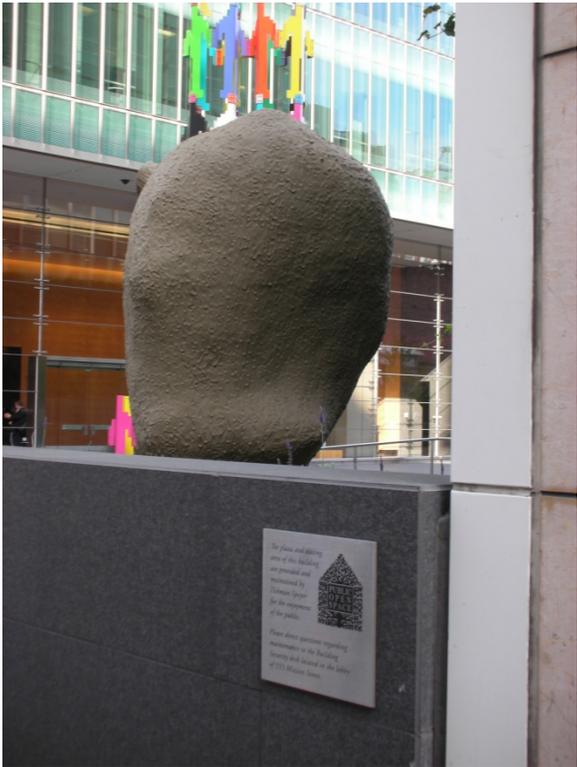


Figure 3- Empire Park



Figure 4- Existing POPOS Logo



Figure 5- Intercontinental Hotel at 5th and Howard-- Entrance sign

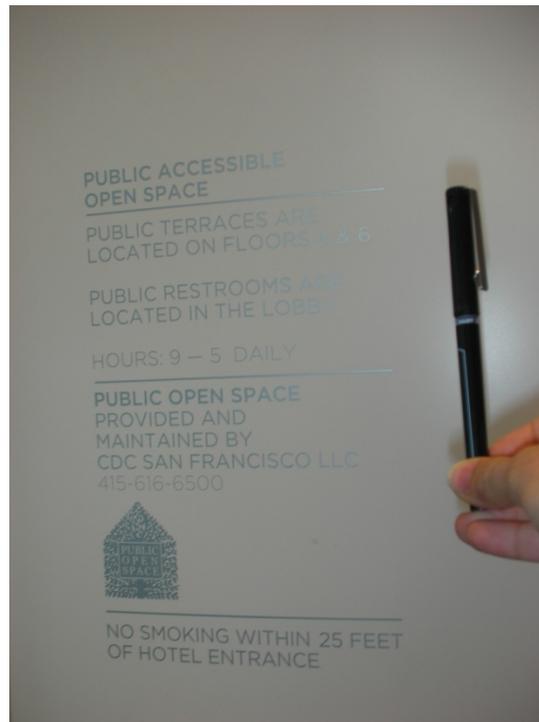


Figure 6- Intercontinental Hotel- Sign at the 5th floor hallway



Figure 7- POPOS plaque on the less visible side wall



Figure 8- 55 2nd St. Plaque placed on the ground outside the alley entrance

Figure 9- 1 Kearny, sign on reflective material





SAN FRANCISCO
PLANNING
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ZONING ADMINISTRATOR BULLETIN NO. 8

Privately-Owned Public Open Spaces Informational Plaque

Section 307 of the Planning Code mandates the Zoning Administrator to issue and adopt such rules, regulations and interpretations as are in the Zoning Administrator's opinion, necessary to administer and enforce the provisions of the Planning Code. [Section 7.502 of the San Francisco Charter charges the Zoning Administrator with the responsibility of administering and enforcing the Planning Code.]

Date:
June 2012

Relevant Code Sections:

Section 138 *Open Space Requirements In C-3 Districts*

Section 135 (h) *POPOS as Usable Open Space for Dwelling Units in DTR and EN Mixed Use Districts*

Section 135.3 *POPOS as Usable Open Space for Uses Other than Dwelling units in DTR and EN Mixed Use Districts*

TOPIC:

The following provisions are aimed to regulate the design of Privately-owned Public Open Spaces (POPOS) Informational Plaques.

PURPOSE:

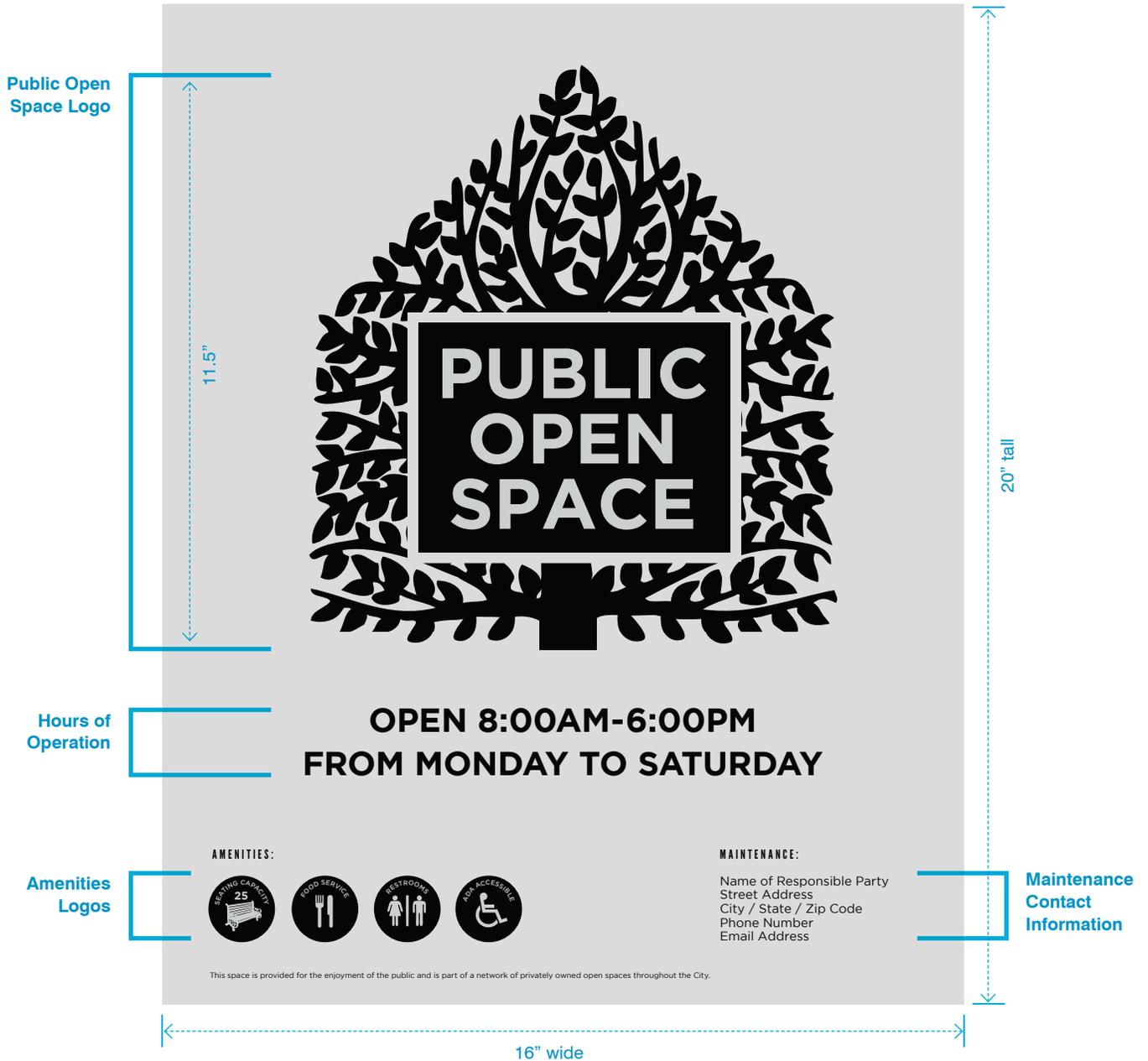
Section 138 of the Planning Code regulates the design, content and location of POPOS in C-3 Districts in the Downtown Area Plan. Sections 135(h) and 135.3 regulate POPOS when they are provided to fulfill the usable open space requirements in DTR and EN Mixed Use Districts. The standards in this bulletin provide detailed provisions on designing POPOS Informational Plaque.

RULING:

The San Francisco Planning Department has adopted and shall implement the following standards for POPOS informational plaques, through the review and approval of proposals. All plaques shall include:

- The logo developed by the Planning Department which includes "Public Open Space" as shown in *Figure 1*.
- Days and hours of operation.
- Contact information (phone number, email and postal address) for the entity responsible for maintaining the space.
- Features offered in the space, including: number of seats, food services, restrooms, and ADA accessibility.

Figure 1
Sign Template and Dimensions



NOTE:

All signs are required to be 16" wide x 20" high, as set forth in the artwork template, and may not be modified.

The Public Open Space logo may not be modified.

This template is available on-line at: <http://popos.sfplanning.org>

SIGNAGE TEMPLATE & USAGE DESIGN GUIDELINES:

The San Francisco Planning Department has developed a template for these plaques in conjunction with the guidelines in this bulletin. Project sponsors can obtain a design toolkit which can be downloaded from the Planning Department web site at: <http://popos.sfplanning.org>. The toolkit contains the sign template artwork in vectorized formats (Illustrator and EPS files), along with the design and usage guidelines set forth in this bulletin. All POPOS Informational Plaques should use the template and may not modify the detailed dimensions or graphics set forth in this template (see *Figure 1*) and described below:



Public Open Space Logo:

- The logo art and placement may not be modified, and must remain 11.5" high and 10.5" wide, and occupy 1/3 of the total signage area.
- The "Public Open Space" text framed within the logo may not be modified. The text is set in the template and the letters must remain 1" high in Gotham Bold font. The template provides this logo with such provisions as default.

OPEN 8:00AM-6:00PM
FROM MONDAY TO SATURDAY

Hours of Operation:

- Recommended font usage: Gotham Bold; Sans serif font, bold
- The days and hours of operation should be set on two lines centered below the logo, and the letters in bold 48 point font (or letter height equivalent of 0.5").
- Line one should state *Open* followed by the hours of operation. Line two should state days of operation.



Amenities:

- Logos for features in the space (**use only if applicable**), as exactly provided in the template
 - Seating logo (it is recommended that the number of seating spaces/capacity should be stated within the logo)
 - Food service logo (availability of cafes, food carts or other types of food vendors within the space)
 - Restroom logo
 - Universal accessibility logo
- These amenities logos provided in the artwork template may not be modified and or scaled smaller than at 1.25" diameter in height.

MAINTENANCE:

Name of Responsible Party
Street Address
City / State / Zip Code
Phone Number
Email Address

Maintenance Contact Information:

- Recommended font usage: Gotham Medium or Book; Sans serif font regular
- Contact information shall be provided in five lines of text as displayed in the template with 18 point font size (or letter height equivalent of 0.175" high).

- Please provide full information for: the name/entity of the party responsible for maintenance of the space; mailing address; phone number; and e-mail.

This policy shall be implemented through the Design Review Process. If the Planning Department finds the proposed informational plaque does not comply with this Bulletin, the respective Building Permit Application shall be disapproved.



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**FOR MORE INFORMATION:
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*Planning staff are available by phone and at the PIC counter.
No appointment is necessary.*

Exhibit C- Draft Staff Proposed Changes to the Code Sections 138, 135, and 135.3

📌 SEC. 138. Privately-owned Public OPEN SPACE REQUIREMENTS IN C-3 DISTRICTS.

(a) **Requirement.** An applicant for a permit to construct a new building or an addition of gross floor area equal to 20 percent or more of an existing building (hereinafter "building") in C-3 Districts shall provide open space in the amount and in accordance with the standards set forth in this Section. All determinations concerning the adequacy of the amount of open space to be provided and its compliance with the requirements of this Section shall be made in accordance with the provisions of Section [309](#).

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

Minimum Amount of Open Space Required	
Use District	Ratio of Square Feet of Open Space to Gross Square Feet of Uses with Open Space Requirement
C-3-O	1:50
C-3-R	1:100
C-3-G	1:50
C-3-S	1:50
C-3-O (SD)	1:50

(c) **Location.** The open space required by this Section may be on the same site as the building for which the permit is sought, or within 900 feet of it on either private property or, with the approval of all relevant public agencies, public property, provided that all open space must be located entirely within the C-3 District. Open space is within 900 feet of the building within the meaning of this Section if any portion of the building is located within 900 feet of any portion of the open space. Off-site open space shall be developed and open for use prior to issuance of a temporary permit of occupancy of the building whose open space requirement is being met off-site. The procedures of Section [149](#)(d) governing issuance of a temporary permit of occupancy shall apply to this subsection.

(d) **Types and Standards of Open Space.** Except as otherwise provided in Subsection (e), the project applicant may satisfy the requirements of this Section by providing one or more of the following types of open space: A plaza, an urban park, an urban garden, a view terrace, a sun

terrace, a greenhouse, a small sitting area (a snippet), an atrium, an indoor park, or a public sitting area in a galleria, in an arcade, or in a pedestrian mall or walkway, as more particularly defined in the table entitled "Guidelines for Open Space" in the Open Space Section of the Downtown Plan, or any amendments thereto, provided that the open space meets the following minimum standards. The open space shall:

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

(e) **Approval of Open Space Type and Features.** The type, size, location, physical access, seating and table requirements, landscaping, availability of commercial services, sunlight and wind conditions and hours of public access shall be reviewed and approved in accordance with the provisions of Section [309](#), and shall generally conform to the "Guidelines for Open Space."

The Commission may, by resolution, declare certain types of open space ineligible throughout C-3 Districts, or in certain defined areas, if it determines that a disproportionate number of certain types of open space, or that an insufficient number of parks and plazas, is being provided in order to meet the public need for open space and recreational uses. Such resolution may exempt from its application projects whose permit applications are on file with the Department of City Planning. Over time, no more than 20 percent of the space provided under this Section shall be indoor space and at least 80 percent shall be outdoor space. Once an indoor space has been approved, another such feature may not be approved until the total square

footage of outdoor open space features approved under this Section exceeds 80 percent of the total square footage of all open spaces approved under this Section.

(f) **Open Space Provider.** ~~The open space required by this Section may be provided: (i) individually by the project sponsor; (ii) jointly by the project sponsor and other project sponsors, provided, that each square foot of jointly developed open space may count toward only one sponsor's requirement; or (iii) with the approval of the City Planning Commission, by a public or private agency which will develop and maintain the open space and to which a payment is made by the sponsor for the cost of development of the number of square feet the project sponsor is required to provide, and with which provision is made, satisfactory to the Commission, for the continued maintenance of the open space for the actual lifetime of the building giving rise to the open space requirement, provided that the Commission finds that there is reasonable assurance that the open space to be developed by such agency will be developed and open for use by the time the building, the open space requirement of which is being met by the payment, is ready for occupancy.~~ The open space required by this Section may be provided individually by the project sponsor or jointly by the project sponsor and other project sponsors, provided that each square foot of jointly developed open space may count toward only one sponsor's requirement. With the approval of the Planning Commission, a public or private agency may develop and maintain the open space, provided that (i) the project sponsor or sponsors pay for the cost of development of the number of square feet the project sponsor is required to provide, (ii) provision satisfactory to the Commission is made for the continued maintenance of the open space for the actual lifetime of the building giving rise to the open space requirement, and (iii) the Commission finds that there is reasonable assurance that the open space to be developed by such agency will be developed and open for use by the time the building, the open space requirement of which is being met by the payment, is ready for occupancy. ~~Property owners providing open space under this section will hold harmless the City and County of San Francisco, its officers, agents and employees, from any damage or injury caused by the design, construction, use, or maintenance of open space. Property owners are solely liable for any damage or loss occasioned by any act or negligence in respect to the design, construction, use, or maintenance of the open space~~

Comment [KH1]: Deleted to be replaced by simplified and better written language in 135.3

Comment [KH2]: Copied verbatim from 135.3

Comment [KH3]: Copied verbatim from 135 (h) (5)

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

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

Comment [KH4]: Copied verbatim from 135(h)

(i) **Informational Plaque.** Prior to issuance of a permit of occupancy, ~~a one or more~~ plaques shall be ~~designed and~~ placed in ~~a~~ publicly conspicuous locations as described in this subsection: ~~outside the building at street level, or at the site of an outdoor open space, identifying the open space feature and its location, stating the right of the public to use the space and the hours of use, describing its principal required features (e.g., number of seats,~~

availability of food service) and stating the name and address of the owner or owner's agent responsible for maintenance.

(A) The plaque shall include the following information:

- (i) State the right of the public to use the space; and
- (ii) State the hours of use; and
- (iii) Describe its principal required features (e.g., number of seats, uses and/or other defining features; and
- (iv) State the current name, telephone number, electronic mail address and postal address of the owner or owner's agent responsible for public access and maintenance; and

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

- (i) Include the standard Privately-owned public open space logo developed by the Planning Department; and
- (ii) Follow the Zoning Administrator Bulletin 8 for POPOS Informational Plaques in terms of detailed dimensions, font type and size, color, and other graphics; and
- (iii) Be developed using the POPOS signage design toolkit provided by the Planning Department.
- (iv) be made of opaque, non-reflective material, and provide a clear contrast between the lettering and the background

(C) The plaque should be located as follows:

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

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

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

(E) **Implementation.** Existing POPOS signage shall be required to comply with these requirements within one year after the enactment of this legislation.

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

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

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

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

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

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

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

(d) **Amount Required.** Usable open space shall be provided for each building in the amounts specified herein and in [Tables 135A](#) and [B](#) for the district in which the building is located.

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

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

(2) For group housing structures and SRO units, the minimum amount of usable open space provided for use by each bedroom or SRO unit shall be 1/3 the amount required for a dwelling unit as specified in Paragraphs (d)(1) above and (d)(4) and (d)(5), below. For purposes of these calculations, the number of bedrooms on a lot shall in no case be considered to be less than one bedroom for each two beds. Where the actual number of beds exceeds an average of two beds for each bedroom, each two beds shall be considered equivalent to one bedroom.

(3) For dwellings specifically designed for and occupied by senior citizens or physically handicapped persons, as defined and regulated by Section [209.1\(m\)](#) of this Code, the minimum

amount of usable open space to be provided for use by each dwelling unit shall be ½ the amount required for each dwelling unit as specified in Paragraph (d)(1) above.

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

(5) **Eastern Neighborhoods Mixed Use Districts.** The minimum amount of usable open space to be provided for use by each dwelling unit shall be as specified in [Table 135B](#). For group housing structures and SRO units, the minimum amount of usable open space provided for use by each bedroom shall be 1/3 the amount required for a dwelling unit as specified in [Table 135B](#). *Usable open space requirements in these areas may be fulfilled by providing privately-owned public open space as specified in Table 135B.*

District	Square Feet Of Usable Open Space Required For Each Dwelling Unit If All Private	Ratio of Common Usable Open Space That May Be Substituted for Private
RH-1(D), RH-1	300	1.33
RH-1(S)	300 for first unit; 100 for minor second unit	1.33
RH-2	125	1.33
RH-3	100	1.33
RM-1, RC-1, RTO, RTO-M	100	1.33
RM-2, RC-2, SPD	80	1.33
RM-3, RC-3, RED	60	1.33
RM-4, RC-4, RSD	36	1.33

C-3, C-M, SLR, SLI, SSO, M-1, M-2	36	1.33
C-1, C-2	Same as for the R District establishing the dwelling unit density ratio for the C-1 or C-2 District property	
NC-1, NC-2, NCT-1, NCT-2, NC-S, Inner Sunset, Sacramento Street, West Portal Avenue, Ocean Avenue, Glen Park	100	1.33
NC-3, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Haight Street, Union Street, Valencia Street, 24th Street-Mission, 24th Street-Noe Valley, NCT-3, SoMa, Mission Street	80	1.33
Broadway, Hayes-Gough, Upper Market Street, North Beach, Polk Street	60	1.33
Chinatown Community Business, Chinatown Residential Neighborhood Commercial, Chinatown Visitor Retail	48	1.00
DTR	This table not applicable. 75 square feet per dwelling. See Sec. 135(d)(4) .	
TABLE 135B MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING IN THE EASTERN NEIGHBORHOODS MIXED USE DISTRICTS		
Square feet of usable open space per dwelling unit, if not publicly accessible	Square feet of usable open space per dwelling unit, if publicly accessible	Percent of open space that may be provided off site
80 square feet	54 square feet	50%

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

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

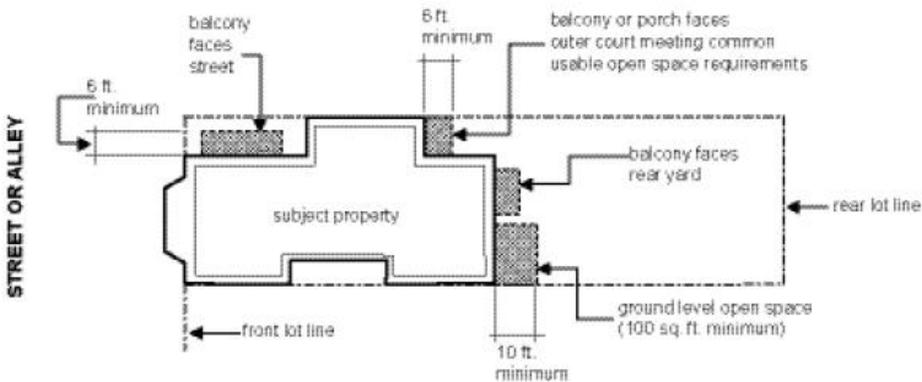
(1) **Minimum Dimensions and Minimum Area.** Any space credited as private usable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 square feet if located on a deck, balcony, porch or roof, and shall have a minimum horizontal

dimension of 10 feet and a minimum area of 100 square feet if located on open ground, a terrace or the surface of an inner or outer court.

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

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

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



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

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

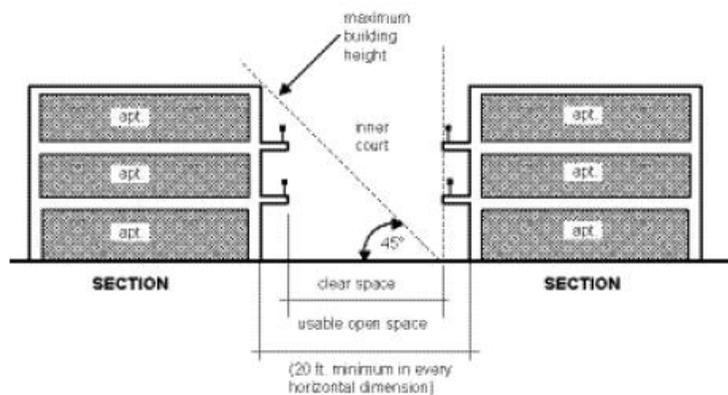
(4) **Use of Solariums.** In C-3 Districts, the area of a totally or partially enclosed solarium shall be credited as private usable open space if (i) such area is open to the outdoors through openings or clear glazing on not less than 50 percent of its perimeter and (ii) not less

than 30 percent of its overhead area and 25 percent of its perimeter are open or can be opened to the air.

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

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

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



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

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

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

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

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

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

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

(2) **Standards of Open Space-** Open space shall meet the ~~following standards-~~*described in Section 138(d)(1) through 138(d)(11).*

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

~~———— (B) Be appropriately landscaped;~~

~~———— (C) Be protected from uncomfortable winds;~~

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

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

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

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

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

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

(3) **Maintenance:** *Maintenance requirements of open space in these areas are subject to Section 138 (h).* ~~Open spaces shall be maintained at no public expense. The owner of the property on which the open space is located shall maintain it by keeping the area clean and free of litter and keeping in a healthy state any plant material that is provided. Conditions intended to assure continued maintenance of the open space for the actual lifetime of the building giving rise~~

to the open space requirement may be imposed by the Commission or Department pursuant to applicable procedures in this Code.

(4) **Informational Plaque:** ~~Prior to issuance of a permit of occupancy, a plaque shall be placed in a publicly conspicuous location outside the building at street level, or at the site of any publicly accessible open space. The plaque shall identify said open space feature and its location, stating the right of the public to use the space and the hours of use, describing its principal required features (e.g., number of seats or other defining features) and stating the name, telephone number, and address of the owner or owner's agent responsible for maintenance. The plaque shall be of no less than 24 inches by 36 inches in size unless specifically reduced by the Zoning Administrator in cases where the nature, size, or other constraints of the open space would make the proscribed dimensions inappropriate.~~ Signage requirements for open space in these areas are subject to Section 138 (i).

(5) **Open Space Provider.** Requirements regarding how to provide and maintain open space are subject to Section 138 (f). ~~Property owners providing open space under this section will hold harmless the City and County of San Francisco, its officers, agents and employees, from any damage or injury caused by the design, construction, use, or maintenance of open space. Property owners are solely liable for any damage or loss occasioned by any act or negligence in respect to the design, construction, use, or maintenance of the open space.~~

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

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

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

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

(A) At least 36 square feet per residential unit of required open space must be provided on-site. Pursuant to the procedures of Section 309.1, the Planning Commission may reduce the minimum on-site provision of required residential open space to not less than 18

square feet per unit in order to both create additional publicly-accessible open space serving the district and to foster superior architectural design on constrained sites.

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

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

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

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

TABLE 135.3
 MINIMUM USABLE OPEN SPACE REQUIREMENTS FOR USES OTHER THAN DWELLING UNITS, GROUP HOUSING AND LIVE/WORK UNITS IN THE SOUTH OF MARKET, EASTERN NEIGHBORHOODS MIXED USE, AND DTR DISTRICTS

Use	Square Feet of
-----	----------------

	Usable Open Space Required
Retail, eating and/or drinking establishments, personal service, wholesale, home and business service, arts activities, institutional and like uses	1 sq. ft. per 250 sq. ft. of occupied floor area of new or added square footage
Manufacturing and light industrial, storage without distribution facilities, and like uses in the South of Market Mixed Use Districts	1 sq. ft. per 120 gross sq. ft. of occupied floor area of new or added square footage
Manufacturing and light industrial, storage without distribution facilities, and like uses in the Eastern Neighborhoods Mixed Use Districts	None required
Office uses, as defined in 890.70, in the South of Market Mixed Use Districts	1 sq. ft. per 90 sq. ft. of occupied floor area of new, converted or added square footage
Office uses, as defined in 890.70, in the Eastern Neighborhoods Mixed Use Districts	1 sq. ft. per 50 sq. ft. of occupied floor area of new, converted or added square footage
All non-residential uses in DTR Districts	1 sq. ft. per 50 sq. ft. of occupied floor area of net new, converted or added square footage over 10,000 gross square feet

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

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

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

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

(C) Up to 50 percent of the publicly accessible open space may be provided off-site, subject to Section 329 for projects to which that Section applies and Section 307(h) for other projects. Any such space shall meet the publicly accessible open space standards set forth Section 135(h) and be provided within 800 feet of the project. The publicly accessible off-site usable open space shall be constructed, completed, and ready for use no later than the project itself, and shall receive its Certificate of Final Completion from the Department of Building Inspection prior to the issuance of any Certificate of Final Completion or Temporary Certificate of Occupancy for the project itself.

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

(A) Such open space shall meet *all requirements specified in standards for publicly accessible open space of Section 135(h)*.

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

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

~~(b) **Types of Open Space.** One or more of the following types of open space may be provided to satisfy the requirements of this section: a plaza, an urban park, an urban garden, a view terrace, a sun terrace, a greenhouse, a small sitting area (a snippet), an atrium, an indoor park, or a public sitting area in a galleria, arcade, or pedestrian mall or walkway.~~

~~The required open space shall, as determined by the Zoning Administrator:~~

~~(1) Be in such locations and provide such ingress and egress as will make the area convenient, safe, secure and easily accessible to the general public;~~

~~(2) Be appropriately landscaped;~~

- ~~— (3) Be protected from uncomfortable wind;~~
- ~~— (4) Incorporate ample seating and, if appropriate, access to food service, which will enhance public use of the area;~~
- ~~— (5) Be well signed and accessible to the public during daylight hours;~~
- ~~— (6) Have adequate access to sunlight if sunlight access is appropriate to the type of area;~~
- ~~— (7) Be well lighted if the area is of the type requiring artificial illumination;~~
- ~~— (8) Be designed to enhance user safety and security;~~
- ~~— (9) Be of sufficient size to be attractive and practical for its intended use; and~~
- ~~— (10) Have access to toilets, if feasible.~~

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

(d) **[Renumbered.]**

(e) **[Renumbered.]**

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

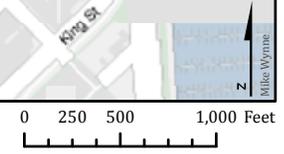
(g) A sign satisfying the requirements of Section [603\(k\)](#) shall be prominently posted at the entrance to the open space area declaring that the area is open to the public.

(h) **Approval and Construction.** The open space shall be reviewed and approved as part of the site or building permit application for the project giving use to the open space requirement. No temporary or other certificate of occupancy shall be issued for any structure constructed under the permit until the open space is complete.

Exhibit D- POPOS Cases - Downtown



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SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution

HEARING DATE: JUNE 7TH , 2012

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San Francisco,
CA 94103-2479

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415.558.6378

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415.558.6409

Planning
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Project Name: **Signage Requirements for Privately-owned
Public Open Spaces**

Case Number: 2012.0352T [Board File No. 120220]
Initiated by: Supervisor Chiu / Introduced March 6, 2012
Staff Contact: Kimia Haddadan, 415.575.9068
kimia.haddadan@sfgov.org

Reviewed by: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415.558.6395

90-Day Deadline: June 13, 2012

Recommendation: **Recommend Approval with Modifications**

RECOMMENDING THAT THE BOARD OF SUPERVISORS PASS AN ORDINANCE WITH MODIFICATIONS THAT WOULD INITIATE AMENDMENTS TO THE SAN FRANCISCO PLANNING CODE BY 1) AMENDING SECTIONS 135(H)(4), 135.3(G), AND 138(I) TO IMPOSE ADDITIONAL SIGNAGE REQUIREMENTS FOR PRIVATELY OWNED PUBLICLY-ACCESSIBLE OPEN SPACES; 2) AMENDING SECTION 603(K) TO MAKE A CONFORMING AMENDMENT; AND 3) MAKING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH GENERAL PLAN AND PLANNING CODE SECTION 101.1.

PREAMBLE

Whereas, on March 6, 2012 Supervisor Chiu introduced a proposed Ordinance under Board File Number 12-0220 that would amend Planning Code Section 135(h)(4), 135.3(g), and 138(i) to impose additional signage requirements for privately owned publicly-accessible open spaces; 2) amending Section 603(k) to make a conforming amendment; and 3) making environmental findings, Planning Code Section 302 findings, and findings of consistency with General Plan and Planning Code Section 101.1; and

Whereas, since the introduction of the proposed Ordinance, the Planning Department recommended modifications to the proposed Ordinance; and

Whereas, on June 7th, 2012 the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance and the proposed modification; and

Whereas, the proposed Ordinance have been found exempt from the California Environmental Quality Act per section 15060 (c) (3) and 15378 on March 15, 2012; and

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

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

Whereas, the Commission has reviewed the proposed Ordinance; and

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

The recommended modifications include modifying the Supervisor's proposed Ordinance to create a new Zoning Administrator bulletin that contains detailed design and graphics requirements for the POPOS informational plaque; and to provide a toolkit in the Adobe Illustrator file format that includes default dimensions, font type and size for the plaque's features; and to apply the new requirements to the existing POPOS; and to consolidate Sections 135, 135.3, and 138 to reflect consistency in their requirements for POPOS and make the Code succinct and clear.

FINDINGS

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

1. In the past few years, some studies¹ have evaluated POPOS in San Francisco and identified deficiencies in their design and function. These studies found that insufficient and deficient signage has made POPOS hard to find and sometimes invisible in Downtown. Existing POPOS plaques are deficient and insufficient mainly because: 1) many of the existing POPOS plaques do not comply with all of the existing Code provisions; and 2) the existing provisions in the Code focus on the general content and location of POPOS plaques without providing detailed design and location specifications. Additionally, staff found some inconsistencies within the three Sections in the Code that regulate POPOS.

¹ SPUR, *Secrets of San Francisco*, January 2009, accessed May, 2012 from : http://www.spur.org/publications/library/report/secretsofsanfrancisco_010109; and

King, John. *Privately-owned Public Spaces: Guidance Needed*, February 19, 2012, accessed May 2012 from: <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2012/02/18/MN3S1N8PUQ.DTL>

2. In order to both regulate the detailed design of POPOS informational plaque and keep the Code clean and succinct, the Department suggests creating a new Zoning Administrator bulletin that would include all the detailed design and graphics provisions. Provisions regarding fundamentals such as location and placement of plaques will remain in the Code. The Department suggests minor modifications to proposed code. These modifications would add way finding directions for POPOS located or accessed through indoor structures. Additionally, as a part of these modifications, staff proposes that if no improvements or building façade are found within five feet of the nearest sidewalk, the plaque may be installed on a free standing post.
3. Staff has developed a toolkit for the plaque and suggests making it available for property managers and project sponsors in the Adobe Illustrator format. Using this toolkit for all POPOS informational plaque would provide consistency and integrity to all POPOS in the city. It will also significantly reduce financial costs of graphic design work. Staff suggests that improving visibility through size will be ensured as long as the text stating “Public Open Space” is about one inch tall.
4. The Ordinance as proposed does not require existing POPOS to abide by the new standards regarding the informational plaque. As a result, the Department proposes to include language in the Code to apply these new standards to existing POPOS. Staff proposed allowing one year for existing POPOS to comply with the new standards. This would brand all POPOS in the city and would help the greater public to more easily identify these spaces and use them. Additionally, the Department Code Enforcement staff has committed annual inspection of these spaces to ensure compliance with the Code.
5. Staff finds that Section 138 is the most suitable place in the Code to house all the provisions regarding POPOS. Other sections in the Code should cross-reference this Section when regulating POPOS for other uses and districts. Additionally, staff also suggested some minor changes in the language of Sections 135 and 135.3 in order to further clarify that POPOS under Sections 135 and 135.3 are only provided optionally as an alternative to private and common open space and are not required as they are under Section 138 in C-3 Districts.
6. **General Plan Compliance.** The proposed Ordinance is, on balance, consistent with the following Objectives and Policies of the General Plan:

Downtown Plan

POLICY 9.1

Require usable indoor and outdoor open space, accessible to the public, as part of new downtown development.

A requirement to provide needed open space should be extended to non-residential uses in the downtown. Each development should be required to provide open space in a quantity that is directly proportional to the amount of nonresidential space in the building.

The proposed Ordinance would enhance implementation of this policy by ensuring that provided open space is visible and the public is best informed of its existence.

POLICY 10.3

Keep open space facilities available to the public.

Locked gates or restricted passages negate the purpose of "open" space. All outdoor ground level features which are accessible from the public sidewalk, such as parks, plazas, snippets, and sitting areas in arcades, should always be open to the public during daylight hours. On the other hand, features which require entry through the building such as atriums, greenhouses, sitting areas in gallerias, sun and view terraces can more reasonably be restricted to normal business hours since office workers (shoppers, in the case of a galleria) are the primary users of the space.

The proposed Ordinance would enhance implementation of this policy by informing the public of open accessibility of the space through proper signage.

POLICY 10.4

Provide open space that is clearly visible and easily reached from the street or pedestrian way.

Open spaces should be accessible, visible, and generally be at or near grade level to facilitate use. Plazas and parks more than three feet above or below grade are less inviting, and as a result, are less frequently used. Any plaza or park not at street level should be connected to the street system by wide, visible, and inviting stairways or ramps. Terraces located on upper levels or on top of buildings should be readily accessible to the public. Their availability should be marked visibly at street level. Adequate signs in hallways and elevators should aid in locating the facility.

The proposed Ordinance would implement this policy by requiring way finding directions included in the informational plaque as well as more direction signage inside the building.

Eastern Neighborhoods Plan

POLICY 5.1.2

Require new residential and commercial development to contribute to the creation of public open space.

POLICY 5.2.4

Encourage publicly accessible open space as part of new residential and commercial development.

The proposed Ordinance would enhance the implementation of these policies by ensuring that the open space provided is visible and the public are best informed of its existence.

7. The proposed replacement project is generally consistent with the eight General Plan priority policies set forth in Section 101.1 in that:
 - A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

The proposed Ordinance will have no adverse impact on the neighborhood-serving retail uses.

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

The proposed Ordinance will have no adverse effect on existing housing and neighborhood character.

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

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

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

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

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

The proposed Ordinance will not result in displacement of industrial or service sectors.

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

The proposed Ordinance would not affect the preparedness against injury and loss of life in an earthquake.

- G) That landmark and historic buildings will be preserved:

The proposed Ordinance would not adversely affect landmark and historic buildings.

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

The proposed Ordinance would not adversely affect parks and open spaces in terms their access to sunlight and vistas.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on February 23, 2012.

Linda Avery
Commission Secretary

Exhibit E- Draft Resolution
Hearing Date: June 7th , 2012
BF 12-0220

CASE NO. 2012.0352T
Signage Requirements for Privately-
owned Public Open Spaces

AYES:

NAYS:

ABSENT:

ADOPTED:

Exhibit F

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

March 15, 2012

Planning Commission
Attn: Linda Avery
1660 Mission Street, 5th Floor
San Francisco, CA 94103

Dear Commissioners:

On March 6, 2012, Supervisor Chiu introduced the following proposed legislation:

File No. 120220

Ordinance amending the San Francisco Planning Code by: 1) amending Sections 135(h)(4), 135.3(g), and 138(i) to impose additional signage requirements for privately-owned publicly-accessible open spaces; 2) amending Section 603(k) to make a conforming amendment; and 3) making environmental findings, Planning Code Section 302 findings, and findings of consistency with General Plan and Planning Code Section 101.1.

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

Angela Calvillo, Clerk of the Board

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

By: Alisa Miller, Committee Clerk

Land Use & Economic Development Committee

Attachment

- c: John Rahaim, Director of Planning
- Scott Sanchez, Zoning Administrator
- Bill Wycko, Chief, Major Environmental Analysis
- AnMarie Rodgers, Legislative Affairs
- Nannie Turrell, Major Environmental Analysis
- Brett Bollinger, Major Environmental Analysis

1 [Planning Code - Signage Requirements for Privately-Owned Publicly-Accessible Open
2 Spaces]

3 **Ordinance amending the San Francisco Planning Code by: 1) amending Sections**
4 **135(h)(4), 135.3(g), and 138(i) to impose additional signage requirements for privately-**
5 **owned publicly-accessible open spaces; 2) amending Section 603(k) to make a**
6 **conforming amendment; and 3) making environmental findings, Planning Code Section**
7 **302 findings, and findings of consistency with General Plan and Planning Code Section**
8 **101.1.**

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

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

14 Section 1. Findings.

15 (a) The Planning Department has determined that the actions contemplated in this
16 ordinance comply with the California Environmental Quality Act (California Public Resources
17 Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of
18 Supervisors in File No. _____ and is incorporated herein by reference.

19 (b) Pursuant to Planning Code Section 302, the Board finds that the proposed
20 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in
21 Planning Commission Resolution No. _____, which reasons are incorporated herein by
22 reference as though full set forth. A copy of Planning Commission Resolution No. _____ is
23 on file with the Board of Supervisors in File No. _____.

24 (c) The Board of Supervisors finds that this ordinance is in conformity with the General
25 Plan and the Priority Policies of Planning Code Section 101.1 for the reasons set forth in

1 Planning Commission Resolution No. _____ and hereby incorporates those reasons
2 hereby by reference.

3
4 Section 2. The San Francisco Planning Code is hereby amended by amending Section
5 135(h)(4), to read as follows:

6 SEC. 135(h)(4). **Informational Plaque:** ~~Prior to issuance of a permit of occupancy, a A~~
7 plaque or plaques shall be placed in a publicly conspicuous location as described in this
8 subsection outside the building at street level, or at the site of any publicly accessible open space. The
9 plaque or plaques shall identify said open space feature and its location, stating the right of the
10 public to use the space and the hours of use, describing its principal required features (e.g.,
11 number of seats, uses and/or other defining features) and stating the name, telephone number,
12 electronic mail address and postal address of the owner or owner's agent responsible for public
13 access and maintenance. The plaque or plaques shall:

14 (A) each be of no less than 24 inches by 36 24 inches in size unless specifically reduced
15 by the Zoning Administrator in cases where the nature, size, or other constraints of the open
16 space would make the proscribed dimensions inappropriate; and

17 (B) use a standard Publicly-Accessible Usable Open Space logo developed by the Planning
18 Department; and

19 (C) provide a clear contrast between the lettering and the background; and

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

22 (E) be located as follows:

23 (i) If the open space is located outside of a building and is at least partially adjacent to a
24 public sidewalk, a plaque shall be placed on each building face adjacent to the space. Each plaque
25 shall be located as close as possible to the nearest adjacent public sidewalk, but in no case shall any

1 portion of each plaque be located more than five feet from the nearest sidewalk. Alternately, a plaque
2 may be attached to an improvement within the open space so long as the entire plaque is located within
3 five feet of an adjacent public sidewalk.

4 (ii) If the open space is located inside a building, or if the open space is located outside a
5 building but is primarily accessed through a building, or if the open space is not otherwise easily
6 visible from the nearest public sidewalk, a plaque shall be placed on each building face which contains
7 a pedestrian entrance to the building (exclusive of service, emergency, maintenance and related
8 entrances). Such plaque must be at least partially visible within five horizontal feet of any such
9 entrance door.

10
11 Section 3. The San Francisco Planning Code is hereby amended by amending Section
12 135.3(g), to read as follows:

13 SEC. 135.3(g) A ~~sign~~ plaque satisfying the requirements of Section ~~603(k)~~ 135(h)(4) of
14 this Code shall be prominently posted at the entrance to the open space area declaring that
15 the area is open to the public.

16
17 Section 4. The San Francisco Planning Code is hereby amended by amending Section
18 138(i), to read as follows:

19 SEC. 138(i). **Informational Plaque.** ~~Prior to issuance of a permit of occupancy, a~~ A plaque
20 or plaques shall be placed in a publicly conspicuous location as described in Section 135(h)(4) of
21 this Code outside the building at street level, or at the site of an any publicly-accessible outdoor open
22 space. ~~The plaque shall satisfy the requirements of Section 135(h)(4) identifying the open space feature~~
23 ~~and its location, stating the right of the public to use the space and the hours of use, describing its~~
24 ~~principal required features (e.g., number of seats availability of food service) and stating the name and~~
25 ~~address of the owner or owner's agent responsible for maintenance.~~

1 Section 5. The San Francisco Planning Code is hereby amended by amending Section
2 603(k), to read as follows:

3 **SEC. 603. EXEMPTED SIGNS.**

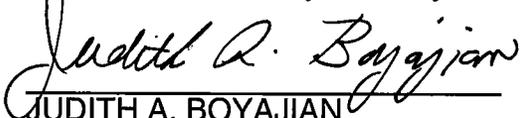
4 Nothing in this Article 6 shall apply to any of the following signs:

5 (k) Information plaques or signs which identify to the public open space resources,
6 architectural features, creators of artwork, or otherwise provide information required by this
7 Code or by other City agencies, or an identifying sign which directs the general public and/or
8 patrons of a particular establishment to open space or parking resources, provided that such
9 sign shall not project more than three inches from the wall and that its dimensions shall be no
10 greater than 24 inches by 24 inches one by two feet.

11
12 Section 6. Effective Date. This ordinance shall become effective 30 days from the
13 date of passage.

14
15 Section 7. This section is uncodified. In enacting this Ordinance, the Board intends to
16 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
17 punctuation, charts, diagrams, or any other constituent part of the Planning Code that are
18 explicitly shown in this legislation as additions, deletions, Board amendment additions, and
19 Board amendment deletions in accordance with the "Note" that appears under the official title
20 of the legislation.

21
22 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

23 By: 
24 JUDITH A. BOYAJIAN
25 Deputy City Attorney

Supervisor Chiu
BOARD OF SUPERVISORS

Exhibit G- SPUR's comments on the proposed Ordinance

Beginning in Line 1, page 2. of the Chiu ordinance add the words in bold italics and delete the words lined out:.

. Alternately, a plaque may be attached to an improvement within the open space so long as the entire plaque is located within five feet of ***and is clearly visible from*** an adjacent public sidewalk.

(ii) If the open space is located inside a building, or if the open space is located outside a building but is primarily accessed through a building, or if the open space is not otherwise easily visible from the nearest public sidewalk, a plaque shall be placed ***within five feet of each*** ~~on each building face which contains a~~ pedestrian entrance to the building (exclusive of service, emergency, maintenance and related entrances).. ~~Such plaque must be at least partially visible within five horizontal feet of any such entrance door.~~ ***The plaque shall describe the location of the open space and how it is accessed and way-finding signs shall be placed within the building (e . g .in the lobby and at the elevator) clearly indicating the path to the open space.***

At line 19, page 2 of the Chiu proposed ordinance, add the words in bold italics:

(B) use a standard Publicly-Accessible Usable Open Space logo developed by the Planning Department

(C) To enhance visibility and readability, the plaque should be made of opaque, non-reflective material, and provide a clear contrast between the lettering and the background .Within the logo the words "PUBLIC OPEN SPACE" should appear in, at a mimimum, one inch high letters

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

Note: (Is it possible to include a drawing of ta sample logo based on the one below? The more standardized the signage the better.)



鑑
虹
園

每日早晨開放



五、甘肅路第五〇五號
園主
提供園地及設備
服務再交公眾

EMPIRE PARK
IS PROVIDED AND IS TO BE MAINTAINED
FOR THE ENJOYMENT OF THE PUBLIC.
BY THE OWNERS OF
505 MONTGOMERY STREET.
OPEN DAILY DURING DAYLIGHT HOURS.