File No. 120220 Committee Item No. 2
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Land Use and Economic Development **Date** October 22, 2012

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Completed by: Alisa Miller **Date** October 19, 2012
Completed by: _____ **Date** _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

[Planning Code - Signage Requirements for Privately-Owned Public Open Spaces]

Ordinance amending the San Francisco Planning Code to: 1) consolidate into Section 138 the requirements for privately-owned public open space; 2) create a new Zoning Administrator Bulletin that will contain detailed design and graphics requirements for the required informational plaques; and 3) make environmental findings, Planning Code Section 302 findings, and findings of consistency with General Plan and Planning Code Section 101.1.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through 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.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 120220 and is incorporated herein by reference.

(b) Pursuant to Planning Code Section 302, the Board finds that the proposed ordinance will serve the public necessity, convenience and welfare for the reasons set forth in Planning Commission Resolution No. 18641, which reasons are incorporated herein by reference as though full set forth. A copy of Planning Commission Resolution No. 18641 is on file with the Board of Supervisors in File No. 120220.

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

forth in Planning Commission Resolution No.18641 and hereby incorporates those reasons hereby by reference.

Section 2. The San Francisco Planning Code is hereby amended by amending the specified subsections of Section 135, to read as follows:

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 of areas designed for use of the general public while owned and maintained by private owners as described in Section 138.*

(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.*

(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.* ~~a~~Any space credited as publicly-accessible usable open space, where permitted or required by this Code, shall meet the following standards:

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

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

(B) An unenclosed plaza at street grade, with seating areas and landscaping and no more than 10 percent of the total floor area devoted to facilities for food or beverage service, exclusive of seating areas as regulated in *Section 138(d)(5)* ~~*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 (11) of this Code.*~~:~~

~~*(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 for open space in these areas are subject to Section 138(h) of this Code.* ~~*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.** ~~:~~ *Signage requirements for open space in these areas are subject to Section 138(i) of this Code.* ~~*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.*~~

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

Section 3. The San Francisco Planning Code is hereby amended by amending the specified subsections of Section 135.3, to read as follows:

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	1 sq. ft. per 250 sq. ft. of occupied floor area of new or

establishments, personal service, wholesale, home and business service, arts activities, institutional and like uses	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 ~~*publicly accessible usable*~~ *privately-owned public* 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 ~~*the standards of*~~ *all requirements specified in* Section 135(h) *of this Code*.

(C) Up to 50 percent of the publicly accessible open space may be provided off-site, subject to Section 329 *of this Code* for projects to which that Section applies and Section 307(h) for other projects. Any such space shall meet the publicly accessible open space standards set forth Section 135(h) and be provided within 800 feet of the project. The publicly accessible off-site usable open space shall be constructed, completed, and ready for use no

later than the project itself, and shall receive its Certificate of Final Completion from the Department of Building Inspection prior to the issuance of any Certificate of Final Completion or Temporary Certificate of Occupancy for the project itself.

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

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

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

~~*(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.]**~~

(d) ~~*(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.

(e) ~~(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.

(f) ~~(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.

Section 4. The San Francisco Planning Code is hereby amended by amending the specified subsections of Section 138, to read as follows:

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

(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*~~ *first certificate of* occupancy*, as defined in Section 401 of this Code,* of the building whose open space requirement is being met off-site. *Failure to comply with the requirements of this subsection shall be grounds for enforcement under this Code, including*

but not limited to the provisions of Sections 176 and 176.1. ~~*The procedures of Section 149(d) governing issuance of a temporary permit of occupancy shall apply to this subsection.*~~

(f) **Open Space Provider.** The open space required by this Section may be provided: ~~*(i)*~~ individually by the project sponsor~~*; (ii)*~~ *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~~*; or (iii) w*~~*W*ith the approval of the ~~*City*~~ Planning Commission, ~~*by*~~ a public or private agency ~~*which will*~~ *may* develop and maintain the open space, *provided that (i) the project sponsor or sponsors pay for the* ~~*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*~~ *(ii)* provision ~~*is made,*~~ 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, ~~*provided that*~~ *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.*

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

(i) **Informational Plaque.** Prior to issuance of a permit of occupancy, ~~a~~ *one or more* plaque*s* shall be *designed and* placed in ~~a~~ publicly conspicuous location*s* *as described in this subsection* ~~*outside the building at street level, or at the site of an outdoor open space, identifing 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:

(1) state the right of the public to use the space; and

(2) state the hours of use; and

(3) describe its principal required features (e.g., number of seats, uses and/or other defining features; and

(4) 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.

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

(1) include the standard Privately-owned public open space logo developed by the Planning Department; and

(2) follow the Zoning Administrator Bulletin 8 for POPOS Informational Plaques in terms of detailed dimensions, font type and size, color, and other graphics; and

(3) be developed using the POPOS signage design toolkit provided by the Planning Department; and

(4) be made of opaque, non-reflective material, and provide a clear contrast between the lettering and the background; and

(C) The plaque shall be located as follows:

(1) ***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.

(2) 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) ***Existing POPOS.*** *Existing POPOS shall comply with the current signage requirements contained in this subsection (i) and in the Zoning Administrator Bulletin referred to in subsection (i)(B)(2) whenever:*

(1) the project seeks new approvals that trigger compliance with the signage requirements; or

(2) the existing signage is not in compliance with the requirements in effect at the time of a prior project approval; or

(3) the existing signage requires alteration in order to comply with Federal or State requirements for directional and informational signs.

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

SEC. 603. EXEMPTED SIGNS.

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

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

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

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

Specifically, the Board of Supervisors recognizes that both this ordinance and another ordinance currently pending before the Board entitled "Uses, Conformityof Uses, Parking Requirements for Uses, and Special Use Districts" amend Sections 135 and 138 of the Planning Code. The Board intends that, if adopted, the additions and deletions shown in both

ordinances be given full force and effect. To this end, the Board directs the City Attorney's Office and the publisher to harmonize the provisions of each ordinance.

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

By: Judith A. Boyajian
JUDITH A. BOYAJIAN
Deputy City Attorney

FILE NO. 120220

REVISED LEGISLATIVE DIGEST

(10/2/2012, Substituted in Board)

[Planning Code - Signage Requirements for Privately-Owned Public Open Spaces]

Ordinance amending the San Francisco Planning Code to: 1) consolidate into Section 138 the requirements for privately-owned public open space; 2) create a new Zoning Administrator Bulletin that will contain detailed design and graphics requirements for the required informational plaques; and 3) make environmental findings, Planning Code Section 302 findings, and findings of consistency with General Plan and Planning Code Section 101.1.

Existing Law

Planning Code Section 135(h) sets for the requirements for publicly-accessible open space for dwelling units and group housing in specified zoning districts; subsection (h)(4) sets forth the requirements for an informational plaque identifying such open space. Section 135.3 sets forth the requirements for usable open space for uses other than dwelling units, group housing and live/work units in specified zoning districts. Section 138 sets forth the open space requirements in C-3 Districts; subsection (i) sets forth the requirements for an informational plaque identifying such open space. Section 603 exempts certain signs from the requirements of Article 6; subsection (k) exempts information plaques or signs which identify to the public open space resources.

Amendments to Current Law

Planning Code Sections 135, 135.3, and 138 are amended to impose additional signage requirements for informational plaques identifying privately-owned publicly-accessible open spaces and make other clarifying text amendments. A conforming amendment is made to Section 603(k).

Background Information

The Planning Code requirements certain buildings to provide publicly-accessible open space as a condition of approval. A critical component of the City's privately-owned publicly-accessible open space requirements is making people aware of the fact that these amenities exist and their location. Improving the signage requirements for these spaces is necessary to implement the intent of these open space requirements.

BOARD of SUPERVISORS

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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

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

Not a project per CEQA Guidelines Sections 15060(c)(3) and 15378.

Nannie R. Turrell
March 15, 2012

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July 11, 2012

Supervisor Chiu and
Ms. Angela Calvillo, Clerk
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: **Transmittal of Planning Case Number 2012.0352T**
BF No. 12-0220: Signage Requirements for Privately-owned Public Open Spaces

Recommendation: **Approval with Modifications**

Dear Supervisor Chiu and Ms. Calvillo,

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 under Board of Supervisors File Number 12-0220.

At the June 7th Hearing, the Commission voted 6-0 to recommend approval with modifications of the proposed Ordinance which would modify existing signage requirements to lay out the specific details for design and content of informational plaques for Privately-owned Public Open Spaces.

Supervisor, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission. The attached resolution and exhibits provides more detail about the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

AnMarie Rodgers
Legislative Affairs

Cc: City Attorneys Cheryl Adams and Andrea Ruiz-Esquide

Attachments (one copy of the following): Planning Commission Resolution No. 18641
Department Executive Summary
Exhibit B- Zoning Administrator Bulletin No. 8

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Planning Commission Resolution

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
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, makes recommendations to add to the Zoning Administrator Bulletin, 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 that are not in compliance with existing signage requirements; and to consolidate Sections 135, 135.3, and 138 to reflect consistency in their requirements for POPOS and make the Code succinct and clear.**
- **The recommended additions to the Zoning Administrator bulletin include requiring employers at buildings that have POPOS to train their staff on how to direct the public to use the open space, and identifying smoking rules within the open space.**

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 studies[1] 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.

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[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

AYES:

NAYS:

ABSENT:

ADOPTED:

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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
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**

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 consistence 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 2009[2], 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 Francisco[3]. 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 3[4] 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.

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[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/MN3S1N8PUO.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 districts[5] and determines standards for when these usable open spaces are provided as publicly accessible[6]. Finally, Section 135.3 regulates usable open space for uses other than dwelling units in certain districts[7] and includes provisions when these spaces are publicly accessible[8]. 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.

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[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, cleanness, 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

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 B

SAN FRANCISCO
PLANNING
DEPARTMENT

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:

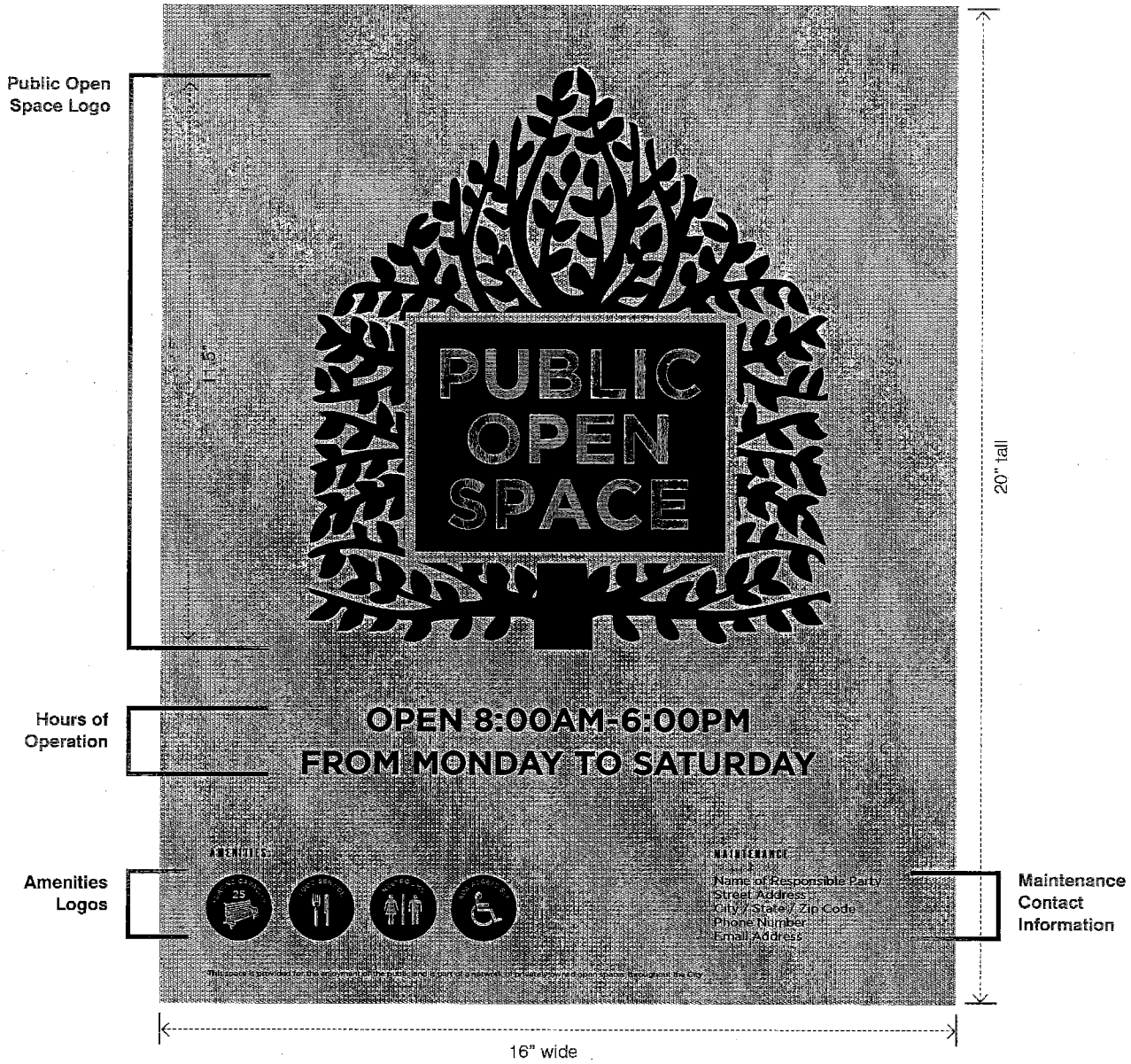
Section 138 of the Planning Code regulates the design, content and location of POPOS in C-3 Districts in the Downtown Area Plan. Sections 135(h) and 135.3 regulate POPOS when they are provided to fulfill the usable open space requirements in DTR and EN Mixed Use Districts. The standards in this bulletin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

FOR MORE INFORMATION:
Call or visit the San Francisco Planning Department

SAN FRANCISCO
PLANNING
DEPARTMENT

Central Reception
1650 Mission Street, Suite 400
San Francisco CA 94103-2479

TEL: **415.558.6378**
FAX: **415.558.6409**
WEB: **http://www.sfplanning.org**

Planning Information Center (PIC)
1660 Mission Street, First Floor
San Francisco CA 94103-2479

TEL: **415.558.6377**
Planning staff are available by phone and at the PIC counter. No appointment is necessary.

120220

Student Housing Impacts have NOT been adequately assessed on family rental housing stock. - Land-Use / SFBOS

Aaron Goodman to: alisa.miller 03/24/2012 08:24 AM
Cc: scott.wiener, eric.l.mar, malia.cohen, board.of.supervisors, john.rahaim

SF Board of Supervisors Land-Use Committee (Monday March 26th meeting)

I am unable to attend the next hearings on

Items 113374 and 120191 (efficiency units) and 120220 (regarding signage on privately owned open-space areas that are publicly accessibly) all affect areas of student housing and land owned in Parkmerced that is publicly accessible from the street, and would promote signage changes on site that are un-sightfull (see large signs placed on SFSU owned property in Parkmerced). The imposed signage changes are unecessary and cause urban blight in terms of urban character. Trees were also removed in parkmerced that were notable species along Font for signage entry features to the open-space medians in Parkmerced. Efficiency unit legislation also will allow denser student housing on prior low-scale density housing on University Park South. This will also adversely affect housing meant for families in Parkmerced. Stonestown will also be affected further if plans for redensification by the university progress.

please see the attached memo on the impacts of Student Housing on Family Housing and existing communities. regarding 113374.

Thank you for your attention to this issue and impacts un-assessed by the city in terms of student housing impacts. Please study the impacts of growth changes by universities and adequately assess impact fees that correct the issues through densification of exisiting campus areas vs. demolition and destruction of sound units.

The study of CSU impacts and fee increases connect DIRECTLY to the purchase of land in 2000-2004 of Stonestown and UPS, and proposals to develop this land, hiring of consultants and costs of capital planning staff. The proposal for a "creative-arts-center" on prior open-space of Parkmerced tenants violates the SF General Plan and indicates a lack of adequate compensation to residents for the loss of there open-space and public ammenities in Parkmerced (play-field, basketball courts, tennis and hardball courts, shoe-horse area, garden areas, and community building.)

Although the deal was in the past, it is imperative that the impacts be adequately assessed in terms of impacts on families, and rental housing stock in the city and county of San Francisco.

Sincerely

A.Goodman

2012_3_26_landusememo.pdf

(attachment is in reference to File No. 111374 and not included with this file.)

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

☒ 1. For reference to Committee: Land Use

An ordinance, resolution, motion, or charter amendment.

☐ 2. Request for next printed agenda without reference to Committee.

☐ 3. Request for hearing on a subject matter at Committee:

☐ 4. Request for letter beginning "Supervisor inquires"

☐ 5. City Attorney request.

☐ 6. Call File No. from Committee.

☐ 7. Budget Analyst request (attach written motion).

☐ 8. Substitute Legislation File No.

☐ 9. Request for Closed Session (attach written motion).

☐ 10. Board to Sit as A Committee of the Whole.

☐ 11. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission

☒ Planning Commission ☐ Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a different form.

Sponsor(s):

Supervisor Chiu

Subject:

Ordinance Amending the Planning Code to impose Signage Requirements for Privately-Owned Publicly-Accessible Open Spaces

The text is listed below or attached:

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.

Signature of Sponsoring Supervisor: Pamela

For Clerk's Use Only:

120220