

Amendment of the Whole
March 29, 2006.

FILE NO. 060142

ORDINANCE NO.

1 [Public Works Code – sidewalk landscape permits.]

2

3 **Ordinance amending the Public Works Code by amending Section 801 to recognize**
4 **sidewalk landscaping as an important contributor to the City's quality of life and**
5 **amending Section 812 to include Arborist Technician in the list of designated**
6 **employees that can enforce the Urban Forestry Ordinance; by adding Section ~~812~~ 810B**
7 **to establish a permit process for sidewalk landscape installation and removal,**
8 **including permit fees and procedures to adjust fees on an annual basis; and making**
9 **environmental findings.**

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

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

14 Section 1. Environmental Findings. The Planning Department has determined that the
15 actions contemplated in this Ordinance are in compliance with the California Environmental
16 Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is
17 on file with the Clerk of the Board of Supervisors in File No. 060142 and is incorporated herein
18 by reference.

19 Section 2. The San Francisco Public Works Code is hereby amended by amending
20 Sections 801 to read as follows:

21 SEC. 801. PURPOSE.

22 The San Francisco Urban Forestry Ordinance is enacted to further the following
23 public purposes:

24 (a) To realize the optimum public benefits of trees on the City's streets and public
25 places, including favorable modification of microclimates, abatement of air and noise pollution,

1 reduction of soil erosion and runoff, enhancement of the visual environment, and promotion of
2 community pride;

3 (b) To integrate street planting and maintenance with other urban elements and
4 amenities, including but not limited to utilities, vehicular and pedestrian traffic, and
5 enhancement of views and solar access;

6 (c) To promote efficient, cost effective management of the City's urban forest by
7 coordinating public and private efforts within a comprehensive and professional management
8 system;

9 (d) To reduce the public hazard, nuisance, and expense occasioned by improper
10 tree selection, planting, and maintenance;

11 (e) To provide for the creation of an equitable, sustained, and reliable means of
12 funding urban-forest management throughout the City;

13 (f) To create and maintain a unified urban-forest resource, enhancing the City's
14 overall character and sense of place.

15 (g) To recognize that trees are an essential part of the City's aesthetic environment
16 and that the removal of important trees should be addressed through appropriate public
17 participation and dialogue, including the California Environmental Quality Act (Public
18 Resources Code Sections 21000 et seq.).

19 (h) To recognize that green spaces are vital to San Francisco's quality of life as they
20 provide a range of environmental benefits and bring beauty to our neighborhoods and commercial
21 districts.

22 (i) To ensure that landscaping in sidewalk areas is properly constructed and maintained in
23 order to maximize environmental benefits, protect public safety, and limit conflicts with infrastructure.

24

25

1 Section 2. The San Francisco Public Works Code is hereby amended by adding
2 Section 842810B, to read as follows:

3 SEC. 842810B SIDEWALK LANDSCAPE PERMITS.

4 (a) Permit for Installation or Removal of Sidewalk Landscaping. Permits to install or remove
5 sidewalk landscaping shall be subject to the rules and procedures applicable to planting and removal
6 of street trees under Section 806(b).

7 (b) Permit Decision.

8 (1) The Director of the Department, in his or her discretion, may approve, conditionally
9 approve, or disapprove the requested permit. When issuing permits, the Director may impose any
10 conditions consistent with the public health, safety, welfare, and convenience, including, but not limited
11 to, appropriate time, place, and manner restrictions and considerations to minimize neighborhood
12 impacts.

13 (2) All sidewalk landscape permits are revocable at the will of the Director. In
14 addition, when, in the judgment of the Director of Public Works, the public interest or convenience will
15 be served by the removal of the dirt, debris, materials and equipment or any portion thereof from the
16 sidewalk space, the Director shall modify, condition, or revoke the permit accordingly.

17 (c) Fees. The fee for a sidewalk landscape permit is \$ ~~200~~215.00. If two, three, or four
18 applicants on the same block submit a joint application for a sidewalk landscape permit, the fee is \$
19 ~~475~~185.00 for each applicant. If five or more applicants on the same block submit a joint application
20 for a sidewalk landscape permit, the fee is \$~~150~~160.00 for each applicant. Fees for removal of
21 sidewalk landscaping shall be the same as the fee charged for permits to remove street trees.

22 (1) Fee Review and Adjustment. Beginning with fiscal year 2007-2008, the fees
23 that are established herein shall be reviewed and adjusted each year in accordance with the
24 procedures set forth in Section 2.1.2.

1 (d) Minimum Accessibility Requirements.

2 ~~_____ (1) Application. Permit application shall include a drawing of the proposed~~
3 ~~landscape and any relevant site plans. The applicant shall: (a) accurately label landscape~~
4 ~~elements and plants, (b) depict location and dimensions of landscape elements and plants,~~
5 ~~and (c) provide additional information that describes the project.~~

6 ~~_____ (2) Plant Species and Trees.~~

7 ~~_____ (a) Plants cannot pose a hazard to public health. To conserve water,~~
8 ~~plant species requiring minimal irrigation and adopted to local site and climate conditions are~~
9 ~~recommended. All plant species are subject to Departmental approval.~~

10 ~~_____ (b) Tree plantings as part of the landscape design are strongly~~
11 ~~encouraged, provided, however, that the permittee shall obtain a street tree planting permit~~
12 ~~from the Department in accordance with this Article prior to installation of the street tree(s).~~

13 _____
14 ~~_____ (3) Accessibility, Path of Travel, and Design Considerations.~~

15 ~~_____ (a) In no case shall the new sidewalk-landscape result in an unobstructed~~
16 ~~sidewalk width of less than 48 inches or increase the cross-slope of the portion of the sidewalk~~
17 ~~designated as an accessible path-of-travel.~~

18 ~~_____ (b) Where curbside parking exists, the design shall include a minimum~~
19 ~~24-inch clearance area from the face of the curb that extends from one end of the landscaped~~
20 ~~area to the other. This area shall remain accessible and clear of landscaping. In addition,~~
21 ~~where there is a street fixture, such as streetlight, utility pole, mailbox, public trash receptacle,~~
22 ~~public bicycle rack, and other street fixture, the design shall provide for a 36-inch clear path~~
23 ~~perpendicular to the curb, as measured from the centerline of the fixture. The only street~~
24 ~~fixture that is excluded from this requirement is a parking meter.~~

1 ~~(2)~~ ~~(c)~~ *For each curbside parking space (approximately 20 feet of curb*
2 *length), the design shall include a minimum 48-inch wide accessible curbside parking path that is*
3 *perpendicular and connects the curb to the sidewalk path of travel. This path shall be: (i) located at*
4 *the approximate centerline of each curbside parking space; (ii) made of concrete, pavers, or brick; and*
5 *(iii) set on a firm base.*

6 ~~(d)~~ Except for the curbside parking path specified in Subsection (3)(c),
7 surfaces may be made of pavers, permeable pavers, bricks, compacted crushed stone,
8 concrete, permeable concrete, or other firm and level material that is clear of tripping hazards.
9 Any such material shall be set on a firm base.

10 ~~(e)~~ Sidewalk landscaping plantings shall not exceed 3 feet in height in
11 the following locations: (i) Within 25 feet in front of a traffic sign or signal or (ii) if the property
12 is within 25 feet of a street intersection, within 25 feet of the property line on the approach to
13 an intersection and 10 feet of the property line on the exit from an intersection as the traffic
14 flows.

15 ~~(f)~~ A raised edging treatment shall be required at both ends of the
16 landscaped area to indicate the presence of landscaping to visually-impaired pedestrians.
17 The edging treatment shall be at least 6 inches but no more than 15 inches tall as measured
18 from the grade of the sidewalk and may be made of wood, stone, decorative metal, or other
19 materials. The Department shall specifically review all edging treatments. The Department
20 may require a minor sidewalk encroachment permit or other permit if a permittee proposes
21 taller raised structures or certain types of decorative or protective fencing.

22 ~~(g)~~ The grade of the planted area shall be at least one-inch lower than
23 the grade of sidewalk and landscaping and edging treatments shall allow water to drain from
24 the sidewalk into the landscaped area.

25

1 ~~_____ (h) Due to environmental and accessibility reasons, raised planters are~~
2 ~~strongly discouraged; provided, however, that in locations where in-ground plantings are not~~
3 ~~allowed or conditions make in-ground plantings impractical, the Department may authorize~~
4 ~~use of such planters.~~

5 ~~_____ (4) Street Fixtures and Utilities.~~

6 ~~_____ (a) Permittees shall not alter any Department-approved encroachments,~~
7 ~~parking signs, street lights, utility poles, or other above-ground infrastructure owned or~~
8 ~~controlled by utilities without prior approval of the Department and any affected utility.~~

9 ~~_____ (b) All points of access to underground utilities shall remain~~
10 ~~unobstructed. Further, plantings and landscape design features adjacent to such point of~~
11 ~~access shall be installed no closer than 6 inches from the points of access.~~

12 ~~(e) Sidewalk-landscape permits are prohibited in the following cases: (a) where the~~
13 ~~existing sidewalk is less than 7 feet wide or (b) if the proposed landscape area is: (i) adjacent~~
14 ~~to existing bus zones where the sidewalk is less than or equal to 15 feet; (ii) adjacent to~~
15 ~~existing designated blue (disabled) parking zones; (iii) adjacent to an existing crosswalk zone;~~
16 ~~(iv) within a curb return; (v) within or in any way affecting an existing or potential curb ramp~~
17 ~~location; or (vi) within 5 feet of a fire hydrant.~~

18 ~~(fe) The permit holder shall be responsible for maintaining the sidewalk-landscape area in a~~
19 ~~condition that is safe to pedestrians and vehicular traffic and free of litter and unsightly weeds. The~~
20 ~~permit holder also shall be responsible to maintain the health of plants with appropriate pruning,~~
21 ~~watering, and other care.~~

22 ~~(gf) Waiver of Requirements. The Director, in his or her discretion, may waive any of the~~
23 ~~substantive requirements for a sidewalk landscape permit. The Director may issue a waiver only after~~
24 ~~holding a public hearing on the waiver request and issuing a written decision concerning whether the~~
25

1 waiver will be granted, conditionally granted, or denied. When issuing such waivers, the Director may
2 impose any conditions consistent with the public health, safety, welfare, and convenience.

3 (hg) Regulations. In addition to the requirements set forth in this Section, the Director, after a
4 public hearing, may adopt such orders, policies, regulations, rules, or standard plans and
5 specifications as he or she deems necessary in order to preserve and maintain the public health, safety,
6 welfare, and convenience. Such orders, policies, regulations, or rules may include, but are not limited
7 to, permit application materials, planting guidelines, planting locations, materials, key design
8 dimensions for planting areas, site conditions, replanting, landscape design modifications, and
9 accessibility of sidewalks and streets. When such orders, policies, regulations or rules will affect the
10 operations and enforcement of the Department of Parking and Traffic or the Municipal Railway, the
11 Director shall consult with and provide an opportunity to comment to the General Manager of the
12 Municipal Transportation Agency prior to adoption of such orders, policies, regulations, or rules.

13 Section 3. The San Francisco Public Works Code is hereby amended by amending
14 Section 812 as follows:

15 SEC. 812. ENFORCEMENT OF ORDINANCE; DESIGNATED EMPLOYEES.

16 The classes of employees of the City and County of San Francisco set forth
17 below shall have the duty of enforcing the provisions of this Article including, but not limited to,
18 the unauthorized removal, injury or destruction of street trees or landmark trees:

Classification No.	Class Title
3418	Gardener Supervisor
3422	Park Section Supervisor
3426	Urban Forester
<u>3434</u>	<u>Arborist Technician</u>

- 1 3436 Tree Topper Supervisor I
- 2 5170 Superintendent, Street Environmental Services
- 3 5173 Assistant Superintendent, Street Environmental
- 4 Services
- 5 7281 Street Cleaning Supervisor II
- 6 8280 Environmental Control Officer

7

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

10 By: _____
11 John D. Malamut
 Deputy City Attorney

12
13
14
15
16
17
18
19
20
21
22
23
24
25