

File No. 091453

Committee Item No. 1

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date April 5, 2010

Board of Supervisors Meeting Date _____

Cmte Board

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OTHER

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Planning Commission Resolution No. 10033</u> |
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Completed by: Alisa Somera Date April 2, 2010

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

1 [Planning Code – Green Landscaping Ordinance]

2
3 Ordinance amending various sections of the Planning Code to address screening,
4 greening, street tree, and permeability requirements; creating definitions for “vehicle
5 use area,” “ornamental fencing,” and “permeable surface;” amending the Public Works
6 Code Sections 805, 806 and 807 to create requirements for the establishment of new
7 street trees, and replacement of dead street trees, and removal of street trees and
8 adding Section 802.1 to define climate appropriate standards for plantings in the public
9 right-of-way; and adopting findings, including environmental findings, Section 302
10 findings, and findings of consistency with the General Plan and the Priority Policies of
11 Planning Code Section 101.1.

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

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

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

18 (a) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
19 ordinance will serve the public necessity, convenience and welfare, for the reasons set forth in
20 Planning Commission Resolution No. 18033, and incorporates such reasons by this reference
21 thereto. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File
22 No. 091453.

23 (b) Pursuant to Planning Code Section 101.1, the Board of Supervisors finds that the
24 ordinance is consistent with the Priority Policies of Section 101.1(b) of the Planning Code and
25

1 with the General Plan and hereby incorporates a report containing those findings as if fully set
2 forth herein. A copy of said report is on file with the Clerk of the Board of Supervisors in File
3 No. 091453.

4 (c) The Planning Department has completed environmental review of this ordinance
5 pursuant to the California Environmental Quality Act ("CEQA") and Chapter 31 of the San
6 Francisco Administrative Code. Documentation of that review is on file with the Clerk of the
7 Board of Supervisors in File No. 091453 and is incorporated herein by
8 reference.

9 Section 2. The San Francisco Planning Code is hereby amended by adding Sections
10 102.31, 102.32, and 102.33 and by amending Sections 132, 142, 143, 156, 233, and 304 to
11 read as follows:

12 **SEC. 102.3. VEHICULAR USE AREAS.**

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

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

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

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

3 (d) The excavation and reconstruction of an existing vehicular use area if such excavation
4 involves the removal of 50% 200 square feet or more of the asphalt, concrete or other pavement
5 devoted to vehicular use. This provision does not apply to resurfacing of pavement due to emergency
6 work on underground storage tanks, other emergency utility access, or in response to a public health
7 and safety action required by the local, state, or federal government.

8 **SEC. 102.32. ORNAMENTAL FENCING.**

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

15 **SEC. 102.33. PERMEABLE SURFACES.**

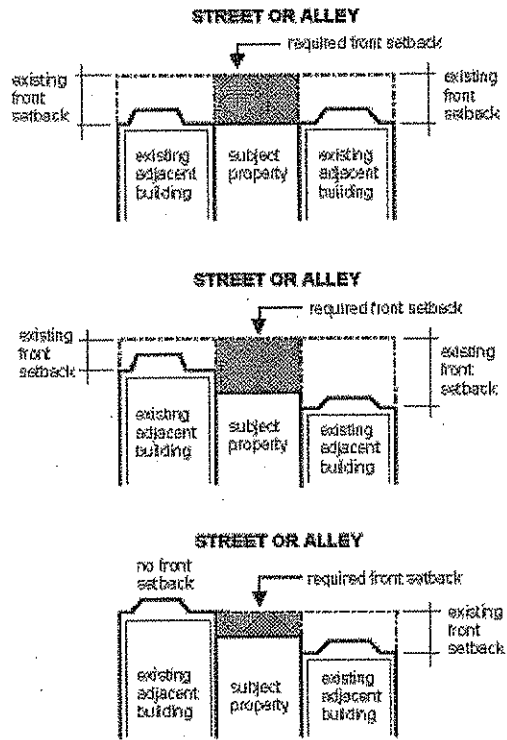
16 Permeable surfaces are those that allow stormwater to infiltrate the underlying soils.
17 Permeable surfaces shall include, but not be limited to, vegetative planting beds, porous asphalt,
18 porous concrete, single-sized aggregate, open-jointed blocks, stone, pavers or brick that are loose-set
19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

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

23 The following requirements for minimum front setback areas shall apply to every
24 building in all RH, RTO, and RM Districts, in order to relate the setbacks provided to the

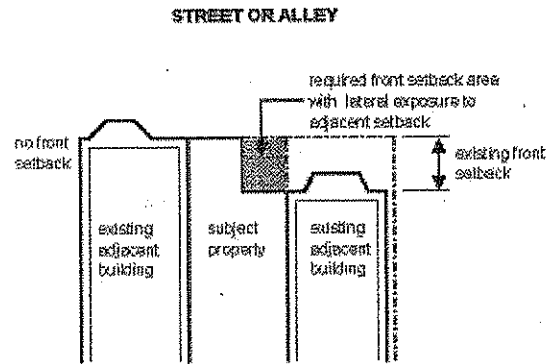
1 existing front setbacks of adjacent buildings. Buildings in RTO Districts which have more than
2 75 feet of street frontage are additionally subject to the Ground Floor Residential Design
3 Guidelines, as adopted and periodically amended by the Planning Commission. Planned Unit
4 Developments or PUDs, as defined in Section 304, shall also provide landscaping in required setbacks
5 in accord with Section 132 (g).

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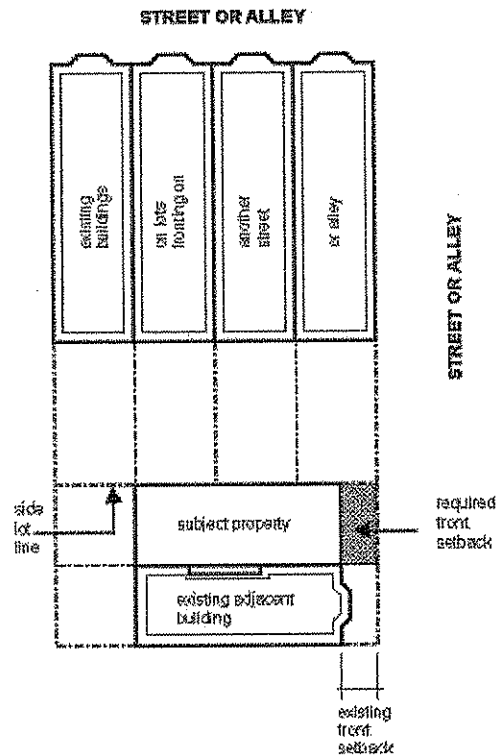
(b) Alternative Method of Averaging. If, under the rules stated in Subsection (a) above, an averaging is required between two adjacent front setbacks, or between one adjacent setback and another adjacent building with no setback, the required setback on the subject property may alternatively be averaged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

1 Subsection (c) below relating to subsequent development on an adjacent site shall be
2 considered to be as required by Subsection (a) above, in the form of a single line parallel to
3 the street or alley.



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11 (c) Method of Measurement. The extent of the front setback of each adjacent building
12 shall be taken as the horizontal distance from the property line along the street or alley to the
13 building wall closest to such property line, excluding all projections from such wall, all decks
14 and garage structures and extensions, and all other obstructions.
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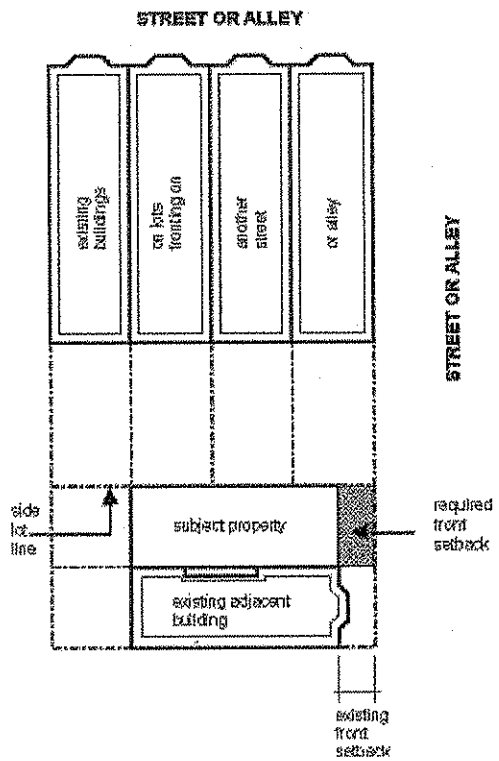
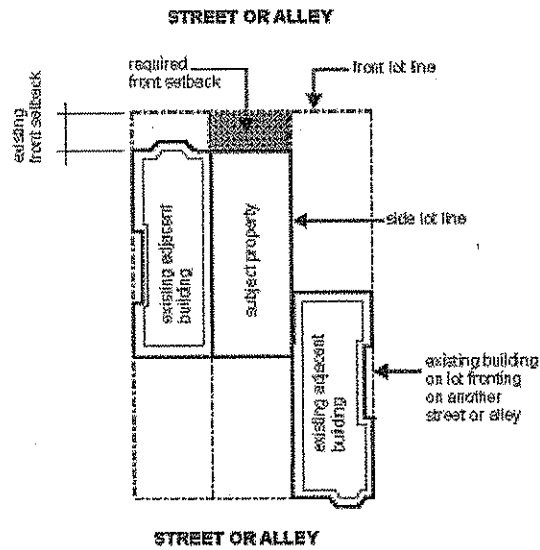
1 (d) Applicability to Special Lot Situations.



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

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

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

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

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

15 (g) Landscaping *and Permeable Surfaces.* The landscaping and permeable surface
16 requirements of this Section and Section (h) below shall be met by the permittee in the case of
17 construction of a new building; the addition of a new dwelling unit, a garage, or additional parking; or
18 paving or repaving more than 25 200 square feet of the front set-backsetback. All front setback
19 areas required by this Section 132 shall be appropriately landscaped, meet any applicable
20 water use requirements of Administrative Code Chapter 63, and in every case not less than
21 20 percent of the required setback area shall be and remain unpaved and devoted to plant
22 material, including the use of native/drought resistant climate appropriate plant material as
23 defined in Public Works Code Section 802.1. *For the purposes of this Section, permitted*
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1 obstructions as defined by Section 136 shall be excluded from the front set-back setback area used to
2 calculate the required landscape and permeable surface area.

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

7 Permeable surfaces are defined in Section 102.33.

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

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

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

18 **SEC. 142. SCREENING AND GREENING OF PARKING AND VEHICLE USE**
19 **AREAS, R AND NC AND EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.**

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

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

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

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

7 ~~_____~~ (c) (3) Off-street parking spaces in parking lots shall meet the requirements of Section
8 156 and other applicable provisions of Article 1.5 of this Code. Such parking areas shall be
9 screened from view as provided in Section 156(d) of this Code.

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

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

17 (2) Any repair rehabilitation or expansion of any existing vehicular use area, if such repair,
18 rehabilitation or expansion would increase the number of existing parking spaces by either more than
19 20% or by more than four spaces, whichever is greater; or

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

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

5 (1) Ornamental fencing or a solid wall that is 4 feet in height and a 5 foot deep permeable
6 surface with landscaping along the perimeter of the lot that is adjacent to a public right-of-way and
7 compliant with the applicable water use requirements of Administrative Code Chapter 63; or

8 (2) A combination of permeable landscaping compliant with the applicable water use
9 requirements of Administrative Code Chapter 63 and ornamental fencing where the permeable
10 surface and landscaping is the equivalent area of a 5 foot deep average perimeter landscaping that has
11 been otherwise configured to result in either: (i) a public space or amenity that is accessible from the
12 public right-of-way or (ii) a natural drainage system, such as combined swales, retention basins,
13 detention basins or rain gardens, to reduce stormwater runoff.

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

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

24 (2) Promote the reduction of stormwater runoff; and

1 (3) Use climate appropriate plant materials, as defined in Public Works Code Section
2 802.1, that are compliant with the applicable water use requirements of Administrative Code
3 Chapter 63.

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

6 (a) In any ~~R, SPD, RSD, NC, C 3, DTR, MUG, MUO, MUR, UMU, SLR, SLI AND SSO~~
7 ~~DISTRICTS~~ District, street trees shall be installed by the owner or developer in the case of
8 construction of a new building; relocation of a building; the addition of gross floor area equal to
9 20 percent or more of the gross floor area of an existing building; the addition of a new dwelling unit, a
10 garage, or additional parking; or paving or repaving more than 25 200 square feet of the front set-
11 backsetback and within the RED, SPD, RSD, MUG, MUO, MUR, UMU, SLR, SLI and SSO Districts,
12 in the case of change of 20 percent or more of the occupied floor area of an existing building to
13 another use.

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

18 (c) The species of trees selected shall be compliant with the applicable water use
19 requirements of Administrative Code Chapter 63, suitable for the site, and, in the case of trees
20 installed in the public right-of-way, the species and locations shall be subject to approval by
21 the Department of Public Works. Procedures and other requirements for the installation,
22 maintenance and protection of trees in the public right-of-way shall be as set forth in Article 16
23 of the Public Works Code.

1 (d) In any case in which the Department of Public Works cannot grant approval for
2 installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width,
3 interference with utilities or other reasons regarding the public welfare, and where installation
4 of such tree on the lot itself is also impractical, the tree planning requirements of this Section
5 143 may be modified as described in Subsection 143(f) or (g) or waived as described in Subsection
6 143(g) by the Zoning Administrator to the extent necessary.

7 (e) When a pre-existing site constraint prevents the installation of a street tree, as an
8 alternative to payment of any portion of the in-lieu fee, the Zoning Administrator may allow the
9 installation of sidewalk landscaping compliant with the applicable water use requirements of
10 Administrative Code Chapter 63 to satisfy the requirements of Section 143, subject to permit
11 approval from the Department of Public Works in accordance with Public Works Code Section 810B.

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

20 (f)(g) In Eastern Neighborhoods Mixed Use Districts, street trees shall be installed
21 along all street frontages in the public right of way as set forth in subsection (b). Street tree
22 basins shall be edged with decorative treatment, such as pavers or cobbles, in accordance
23 with City standards. ~~In the event that the Department of Public Works does not approve for any~~
24 ~~reason the installation of the number of trees required as set forth in subsection (b), an in-lieu fee for~~

1 ~~each missed street tree, in an amount set forth in Article 16 of the Public Works Code, shall be paid to~~
2 ~~the Adopt A Tree Fund. When a pre-existing site constraint prevents the installation of a street tree, as~~
3 ~~an alternative to payment of any portion of the in-lieu fee, the Zoning Administrator may allow the~~
4 ~~installation of sidewalk landscaping in accordance with all adopted standards and requirements.~~

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

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

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

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

14 ~~(3)~~ (2) branch a minimum of 8 feet above sidewalk grade;

15 ~~(4)~~ (3) where in the public right-of-way, be planted in a sidewalk opening at least 16
16 square feet, and have a minimum soil depth of 3 feet 6 inches;

17 ~~(5)~~ (4) where planted in individual basins rather than a landscaped planting bed, be
18 protected by a tree grate with a removable inner ring to provide for the tree's growth over time;

19 ~~(6)~~ (5) provide a below-grade environment with nutrient-rich soils, free from overly-
20 compacted soils, and generally conducive to tree root development;

21 ~~(7)~~ (6) be irrigated, maintained and replaced if necessary by the property owner, in
22 accordance with Sec. 174 of the Public Works Code, Article 16 and compliant with the applicable
23 water use requirements of Administrative Code Chapter 63; and

1 (8) (7) be planted in a continuous soil-filled trench parallel to the curb, such that the
2 basin for each tree is connected.

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

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

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

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

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

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

1 **SEC. 156. PARKING LOTS.**

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

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

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

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

21 (e) Any vehicle use area that has more than 25 linear feet adjacent to a public right-of-way or
22 is a parking lot for the parking of 10 or more automobiles shall be screened in accordance with the
23 standards described in Section 142, Screening and Greening of Parking and Vehicle Use Areas within
24 the NCT, C 3 O, C 3 R, C 3 S, or C 3 G Districts shall be screened from view from every street, except

1 ~~at driveways necessary for ingress and egress, by a solid fence, a solid wall, or a compact evergreen~~
2 ~~hedge, not less than four feet in height.~~

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

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

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

13 (i) Any parking lot approved pursuant to zoning categories .25, .27 and .29 of Sections
14 813 through 818 of this Code shall be screened in accordance with the standards described in
15 Section 142, Screening and Greening of Parking and Vehicle Use Areas from views from every street,
16 ~~except at driveways necessary for ingress and egress, by a solid fence or a solid wall not less than four~~
17 ~~feet in height~~, except where this requirement would prevent otherwise feasible use of the
18 subject lot as an open space or play area for nearby residents.

19 (j) Interior Landscaping. All permanent parking lots are required to provide 1 tree per 5
20 parking spaces in a manner that is compliant with the applicable water use requirements of
21 Administrative Code Chapter 63 and a minimum of 20% permeable surface, as defined by Section
22 102.33 Permeable Surfaces. The trees planted in compliance with this Section shall result in
23 canopy coverage of 50% of the parking lots' hardscape within 15 years of the installations of

1 these trees. Permeable surfaces and grading shall be coordinated so that stormwater can infiltrate
2 the surface in areas with less than 5% slope.

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

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6 **SEC. 223. AUTOMOTIVE.**

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

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TABLE INSET:

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3									PD	PD	PD			
4	E	C-	C-	C-	C-	C-	M-	M-	R-	R-	R-	PD		
5	I	2	3-	3-	3-	3-	1	2	1-	1-	1-	R-		
6			O	R	G	S	M		G	D	B	2		
7														SEC. 223.
8	-													AUTOMOTIVE.
9														(a) Sale or
10														rental of new or
11														used automobiles,
12														when conducted
13	-													entirely within an
14														enclosed building.
15														
16														(b) Sale or
17														rental of new or
18														used trucks, when
19														conducted entirely
20	-													within an enclosed
21														building.
22														
23														(c) Lot for
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-	*												sale or rental of new or used automobiles.
-	*												(d) Lot for sale or rental of new or used trucks.
-	*												(e) Sale or rental of new or used automobile trailers.
<u>P*</u>	A			A	A	A	A	A					(f) Automobile service station for the sale and dispensing of gasoline, other motor fuels and lubricating oil directly into motor vehicles. The following activities

shall be permitted at such a service station if normally conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of any R District:

(1) The sale and dispensing of greases and brake fluids, including motor vehicle lubrication; and the sale or installation of tires, batteries and other accessories;

(2) Miscellan

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-													<p>eous minor servicing and adjusting, which may include brakes, electrical equipment, fan belt, headlamps, sparkplugs, air filter, distributor points, carburetor, and generator charging rate;</p>
-													<p>(3) Installation of lamp globes, sparkplugs, oil filter or filtering element, windshield wiper blades and motors, radiator hose (without removal of radiator or water pump), battery cables and fan belt;</p>

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

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(g) Automobile service station as described above, with the following minor automobile repairs permitted therewith if conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet on any R District:

(1) Tuneup, including the repair or replacement of distributors, sparkplugs and carburetors;

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

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-													(8) Radiator mounting and dismounting, with repairs done elsewhere;
-													(9) Clutch adjustments;
-													(10) Repair or replacement of water pumps;
-													(11) Repair or replacement of generators, alternators and voltage regulators;
-													(12) Repair or replacement of starters;

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-													(13) Repair or replacement of fuel pumps;
-													(14) Such other repairs as may be designated by the Chief of the San Francisco Fire Department as minor repairs under Paragraph 8.09(a)(5)(o) of Part II, Chapter IV (Fire Code) of the San Francisco Municipal Code.
-											und er 7,5		(h) Repair garage for minor automobile repairs, limited to those repairs and other

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										00 gsf	activities permitted at an automobile service station as described above, and in addition the following minor automobile repairs; all such repairs and other activities shall be conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of any R District.
											(1) Body and fender repair limited to replacement of parts and spot paint

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												spraying; and
												(2) Removal and replacement of engines, transmissions and differentials, with repairs to these components done elsewhere.
											under 5,000 sqsf	(i) Repair garage for the following major automobile repairs, if conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of any R District:

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-												paint spraying.
-	*											(j) Automobile wash, when providing on the premises a reservoir of vehicle storage and standing area, outside the washing facilities, equal to at least 1/4 the hourly capacity in vehicles of such facilities; provided,
-												(1) that incidental noise is reasonably confined to the premises by adequate soundproofing or other device, and

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												(2) that complete enclosure within a building may be required as a condition of approval, notwithstanding any other provision of this Code; but the foregoing provisions shall not preclude the imposition of any additional conditions pursuant to Section 303 of this Code.
												(k) Tire recapping, if conducted on premises not less than 200 feet from any R District.

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

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

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													(o) Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is a public building requiring approval by the Board of Supervisors under other provisions of law.
<i>p*</i>	*												(p) Major (nonaccessory) parking garage not open to the public, as defined in Section 158 and as

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-													(r) Parcel delivery service, not subject to the above limitations.
-													(s) Ambulance service.
-													(t) Storage garage for commercial passenger vehicles and light delivery trucks.
-													(u) Storage yard for commercial vehicles or trucks, if conducted within an area completely enclosed by a wall or concealing fence not less than six feet

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														high.
														(v) Truck terminal facility, if located not less than 200 feet from any R District.

SEC. 304. PLANNED UNIT DEVELOPMENTS.

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

(a) Objectives. The procedures for Planned Unit Developments are intended for projects on sites of considerable size, developed as integrated units and designed to produce an environment of stable and desirable character which will benefit the occupants, the neighborhood and the City as a whole. In cases of outstanding overall design, complementary

1 to the design and values of the surrounding area, such a project may merit a well reasoned
2 modification of certain of the provisions contained elsewhere in this Code.

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

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

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

- 18 (1) Affirmatively promote applicable objectives and policies of the General Plan;
19 (2) Provide off-street parking adequate for the occupancy proposed;
20 (3) Provide open space usable by the occupants and, where appropriate, by the
21 general public, at least equal to the open spaces required by this Code;
22 (4) Be limited in dwelling unit density to less than the density that would be allowed by
23 Article 2 of this Code for a district permitting a greater density, so that the Planned Unit
24 Development will not be substantially equivalent to a reclassification of property;

1 (5) In R Districts, include commercial uses only to the extent that such uses are
2 necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1
3 Districts under this Code, and in RTO Districts include commercial uses only according to the
4 provisions of Section 230 of this Code;

5 (6) Under no circumstances be excepted from any height limit established by Article
6 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In
7 the absence of such an explicit authorization, exceptions from the provisions of this Code with
8 respect to height shall be confined to minor deviations from the provisions for measurement of
9 height in Sections 260 and 261 of this Code, and no such deviation shall depart from the
10 purposes or intent of those sections;

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

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

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

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

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

23 Section 3. The Public Works Code is hereby amended by adding Section 802.1 and
24 amending Sections 805, 806, and 807 to read as follows:

25 Mayor Newsom, Supervisor Chu, Supervisor Dufty
BOARD OF SUPERVISORS

1 **SEC. 802.1. ADDITIONAL DEFINITIONS.**

2 Unless the context specifically indicates otherwise,

3 (a) "Climate appropriate" means plants, shrubs, ground covers, or tree species that
4 meet at least one of the following conditions:

5 (1) The species has a water use ranking of "low" or "very low" in Region 1 (North-
6 Central Coast) as established in the California Department of Water Resources 2000
7 publication "Water Use Classification of Landscape Species" or subsequent editions as it may
8 be updated;

9 (2) The species has a water use ranking of "no water", "little water", or "little to
10 moderate water" in the climate zone for the planting location as established in the Sunset
11 Western Garden Book, Eighth Edition, published by Oxmoor House on February 1, 2007 or
12 subsequent editions as it may be updated;

13 (3) The plantings are part of an engineered stormwater management feature approved
14 by the General Manager of the Public Utilities Commission pursuant to the San Francisco
15 Stormwater Design Guidelines established by the Public Utilities Commission;

16 (4) The Department of Public Works, the Recreation and Park Department, or the
17 General Manager of the Public Utilities Commission has determined that the species, when
18 watered for sufficient plant health and appearance, is low water use based on the agency's
19 experience with the species, and the agency has added the species to the Low Water Use
20 and Climate Appropriate Plant List maintained by the General Manager of the Public Utilities
21 Commission;

22 (5) The species appears on the San Francisco Street Tree Species List established by
23 the Department of Public Works Bureau of Urban Forestry;

1 (6) The planting is part of a species test approved by the Department of Public Works
2 or the Recreation and Park Department; or

3 (7) The species has been permitted at the site by the Department Public Works or the
4 General Manager of the Public Utilities Commission based on wet soil conditions stemming
5 from proximity to naturally occurring water features such as a high water table, springs,
6 ponds, lakes, creeks, and wetlands.

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

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

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

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

3 (b) Responsibilities of the Department. The Department may, at the Director's
4 discretion, determine to undertake the regular routine and/or major maintenance of certain
5 street trees or corridors of street trees to promote consistency in the maintenance of trees or
6 in the public interest. Where the Department determines to undertake such regular
7 maintenance of street trees, the Director shall specify in writing by Departmental Order those
8 trees or corridors of trees for which it has undertaken maintenance responsibility and shall
9 specify in writing whether the Department will be responsible for routine or major
10 maintenance, or both. Such determinations by the Department shall be readily accessible to
11 property owners and members of the public. Where the Department has undertaken certain
12 maintenance responsibility for street trees in writing, the abutting property owner shall be
13 relieved of responsibility for such street tree maintenance.

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

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

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

23 (2) Replacement of Dead Street Trees. The permittee or agency responsible for a street
24 tree shall replace a dead street tree within six months of the demise or removal of the tree. Removal of

1 a dead street tree and planting of a replacement street tree shall be subject to all requirements set forth
2 in this Article for removal and planting. The Director is authorized to waive this replacement
3 requirement and may place conditions on any such waiver, which may include, but is not limited to,
4 replacement planting at an alternate location or payment of the in-lieu fee. Any such waiver shall be in
5 writing.

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

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

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

14 (d) (e) Department Relinquishment of Street Tree Maintenance. The Director may, in
15 his or her discretion, determine to relinquish tree maintenance responsibilities for certain trees
16 or corridors of trees. Prior to such relinquishment, the Director shall post the affected trees
17 and send notice to abutting property owners of the Department's intent to relinquish
18 maintenance responsibilities on a date certain. Within 10 days of the posting and mailing of
19 such notice, any affected property owner may object in writing to such relinquishment. At the
20 written request of any person, the Director will hold a hearing prior to relinquishing
21 maintenance responsibility for a particular tree or corridor of trees. The Director's decision on
22 such relinquishment shall be final and nonappealable.

23 Prior to relinquishing maintenance responsibilities, the Department shall perform all
24 necessary major tree maintenance. As of the date designated by the Director, all tree

1 maintenance and tree-related maintenance shall be the responsibility of the abutting property
2 owner.

3 **SEC 806. PLANTING AND REMOVAL OF STREET TREES.**

4 (a) **Planting and Removal by the Department.**

5 (1) **Planting.** The Department may determine to plant a new climate appropriate
6 tree(s) in a sidewalk or public right-of-way. When the Department determines to plant a new
7 street tree(s), the Department will undertake maintenance responsibility for such new street
8 tree and shall send a courtesy notice to the abutting property owner prior to planting such new
9 tree. Any objections to the proposed work must be submitted to the Director in writing and
10 postmarked within 30 days after notice by the Director. The Director shall consider such
11 objections and may hold a hearing, in the Director's discretion. The Director's decision on the
12 matter shall be final and nonappealable.

13 (2) **Removal of Street Trees.** No street tree shall be cut down or removed by the
14 Department unless:

15 (A) The Department gives 30 days' prior written notice to the owner of the
16 property abutting the affected tree; and

17 (B) Thirty days prior to the removal date, the Department notifies all interested
18 San Francisco organizations and, to the extent practical, all owners and occupants of
19 properties that are on or across from the block face where the affected tree is located. In
20 addition, 30 days prior to the removal date, the Department shall post a notice on the affected
21 tree.

22 (3) **Appeal of Tree Removal.**

23 (A) If within 30 days after the giving of notice for street tree removal, as
24 specified in Subsection (a)(2), or if within 15 days after the giving of notice for removal of a

1 hazard street tree, as specified in Subsection (a)(4), any person files with the Department
2 written objections to the removal, the Director shall hold a hearing to consider public testimony
3 concerning the proposed tree removal. Written notice of the date, time and place of the
4 hearing shall be posted on the affected tree, provided in a newspaper of general circulation,
5 and sent to the objecting party, the owner of the property abutting the affected tree, and all
6 interested San Francisco organizations, not less than seven days prior thereto.

7 (B) The Director shall issue his or her written decision and order on the
8 objections after the public hearing specified above.

9 (C) The Director's decision shall be final and appealable to the Board of
10 Appeals.

11 **(4) Removal of Hazard Street Trees.**

12 (A) No hazard street tree shall be cut down or removed by the Department
13 unless:

14 (i) The Department gives 15 days' prior written notice to the owner of the
15 property abutting the affected tree; and

16 (ii) Fifteen days prior to the removal date, the Department notifies all interested
17 San Francisco organizations and, to the extent practical, owners and occupants of properties
18 that are on or across the block face where the affected tree is located. In addition, 15 days
19 prior to the removal date, the Department shall post a notice on the affected tree.

20 (B) Hazard street tree shall have the same meaning as "hazard tree" in Section
21 802(o) except that a hazard street tree is located within the public right-of-way and is the
22 maintenance responsibility of the Department.

23 **(5) Emergency Removal.** In the case of manifest danger and immediate necessity, as
24 determined by the Director, the Department may remove any street tree immediately. After

1 such emergency removal, the Department shall provide notice of the necessity for such action
2 to the owner of the property abutting the affected tree, all interested San Francisco
3 organizations and, to the extent practical, all owners and occupants of properties that are on
4 or across from the block face where the affected tree was removed.

5 **(b) Planting and Removal by Persons Other Than the Department.**

6 **(1) Planting and Removal Permits.** It shall be unlawful for any person to plant or to
7 remove any street tree without a valid permit for such work issued by the Department. All
8 permits for the planting or removal of street trees issued by the Director for residential
9 properties shall be recorded on the Report of Residential Building Records in accordance with
10 Section 351 of the Housing Code. All work associated with a street tree permit must be
11 completed within six months of issuance, unless an extension has been granted by the
12 Department.

13 **(2) Planting.** An abutting property owner who desires a permit to plant a street tree
14 shall apply to the Department on the designated form. If approved by the Director, a permit to
15 plant the specified climate appropriate species of tree(s) shall be issued to the applicant.
16 There shall be no administrative fee imposed for a permit to plant a street tree unrelated to
17 property development. The Director's decision on a street tree planting permit shall be final
18 and appealable to the Board of Appeals.

19 **(3) Removal.**

20 **(A)** An abutting property owner who desires a permit to remove a street tree
21 shall apply to the Department on the designated form. The Department may grant or deny the
22 permit in accordance with the following procedures and requirements. If the Department
23 grants a tree removal permit, it shall require that ~~another~~ a street tree or trees of equivalent
24 replacement value to the one removed be planted in the place of the removed tree or impose

1 an in-lieu fee unless it makes written findings detailing the basis for waiving or modifying this
2 requirement.

3 (i) The fee for a permit to remove 1-3 street trees shall be \$607.00 when the
4 permit is requested to allow for development or construction; the fee for a permit to remove 1-
5 3 street trees shall be \$300.00 when the permit is requested to remove a hazard or a
6 diseased tree or to prevent damage to the sidewalk; the fee for a permit to remove 4-9 street
7 trees shall be \$808.00; and the fee to remove 10 or more street trees shall be \$1,214.00.

8 (ii) **Additional Fees.** In instances where administration or processing of any
9 application is or will exceed the fee amount established pursuant to subsection (i), the
10 Director, in his or her discretion, may require an applicant or permittee to pay a sum in excess
11 of the subject fee amounts. This additional sum shall be sufficient to recover actual costs that
12 the Department incurs and shall be charged on a time and materials basis. The Director also
13 may charge for any time and materials costs that other agencies, boards, commissions, or
14 departments of the City, including the City Attorney's Office, incur in connection with the
15 processing or administration of a particular application. Whenever additional fees are or will
16 be charged, the Director, upon request of the applicant or permittee, shall provide in writing
17 the basis for the additional fees or an estimate of the additional fees to be charged.

18 (iii) **Fee Review and Adjustment.** Beginning with fiscal year 2010-2011, the
19 fees that are established herein shall be reviewed and adjusted each year in accordance with
20 the procedures set forth in Public Works Code Section 2.1.2.

21 (B) Thirty days prior to the removal date, the Department shall give notice to all
22 interested San Francisco organizations and, to the extent practicable, the owners and
23 occupants of properties that are on or across from the block face or adjacent to where the
24 affected tree is located. In addition, 30 days prior to the removal date, the Department shall

1 post a notice on the affected tree. If within 30 days after the giving of such notice any person
2 files with the Department written objections to the removal, the Director shall hold a hearing
3 prior to removing the tree. Written notice of the date, time and place of the hearing shall be
4 posted on the affected tree and sent to the objecting party and all interested San Francisco
5 organizations not less than seven days prior thereto.

6 (C) The Director shall issue his or her written decision and order on the
7 objections after the public hearing specified above.

8 (D) The Director's decision shall be final and appealable to the Board of
9 Appeals.

10 (c) **Planting and Removal by City Agencies, Commissions, or Other**
11 **Departments.** If a City agency, commission, or department other than the Department of
12 Public Works desires to plant or remove a street tree, such agency, commission, or
13 department shall be subject to the provisions of Subsection (b); provided, however, that for
14 purposes of street tree removal, the notice and procedures for Director's hearings set forth in
15 Subsections (a)(2) and (a)(3) shall apply.

16 **SEC. 807. DEPARTMENT OF PUBLIC WORKS URBAN FORESTRY PROGRAM;**
17 **POWERS AND DUTIES.**

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

21 (b) **Neighborhood Planting Program.** The Department shall continue to encourage
22 and support neighborhood climate appropriate planting programs. Support may include, but
23 need not be limited to, provision of climate appropriate trees and materials, sidewalk cutting
24 and removal, planting labor, technical advice, and organizational assistance. Climate.

1 appropriate requirements in the neighborhood planting program do not apply to areas solely
2 dedicated to edible plants such as fruit and nut trees and vegetable gardens, except that
3 planted areas shall comply with any applicable water use requirements of Administrative Code
4 Chapter 63. The Department is hereby authorized to donate such funds, materials and labor
5 to neighborhood planting programs as are deemed by the Director to be in the public interest
6 and in the interest of the promotion of the urban forest.

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

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

11 (1) The Department shall have the authority to review and comment on site
12 development plan applications received by the City's Central Permit Bureau that pertain to the
13 planting, alteration, or removal of street trees. The Department shall also have the authority to
14 review and comment on site development plan applications that pertain to the alteration or
15 removal of landmark trees designated pursuant to Section 810(a) of this Article and significant
16 trees pursuant to Section 810A of this Article. Protection of such trees during construction
17 shall be required in accordance with Section 808(c) of this Article. Removal of such trees shall
18 be subject to the applicable rules and procedures for removal set forth in Section 806, 810, or
19 810A of this Article.

20 (2) If the Zoning Administrator modifies or waives the requirements of Planning Code
21 Section 143 pursuant to Planning Code Section 143(d), the Department shall impose an in-
22 lieu fee of the property owner so excused. Further, if a property owner is required to plant a
23 street tree pursuant to Planning Code Section 143, the Department shall require that the
24 property owner maintain such tree or replace any such tree that subsequently dies or is

1 removed by any person, or pay an in-lieu fee. The Department shall follow the requirements
2 set forth herein for tree replacement or payment of an in-lieu fee unless it makes written
3 findings detailing the basis for waiving said requirements.

4 (e) **Adopt-A-Tree Fund.** Pursuant to Section 10.117-77 of the Administrative Code,
5 the Department shall maintain an Adopt-A-Tree Fund to enhance the urban forestry program.

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

1 (g) **Tree Adoption Program.** The Department shall develop and implement a tree
2 adoption program to allow persons to donate money for the purpose of climate appropriate
3 tree planting and maintenance. Money donated to the City and County for the purpose of tree
4 planting and maintenance shall be deposited into the Adopt-A-Tree Fund.
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9

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

12 By: 
13 John D. Malamut
14 Deputy City Attorney
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19
20
21
22
23
24
25

LEGISLATIVE DIGEST

[Planning Code – Green Landscaping Ordinance.]

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

Existing Law

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

Amendments to Current Law

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

Background Information

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

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

December 22, 2009

File No. 091453

Bill Wycko
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Mr. Wycko:

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

File: 091453

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

The legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

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

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

Attachment

cc: Nannie Turrell, Major Environmental Analysis
Brett Bollinger, Major Environmental Analysis

Environmental Review Referral

SAN FRANCISCO DEPARTMENT OF CITY PLANNING
EXEMPT FROM ENVIRONMENTAL REVIEW

*Not a project per CEQA
Guidelines Section 15060(c)(2)
Nannie R. Sumell
December 22, 2009*

7/23/09



SAN FRANCISCO PLANNING DEPARTMENT

March 3, 2010

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

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Re: **Transmittal of Planning Department Case Number 2009.1172T:
Green Landscaping Ordinance**

BOS File No: 09-1453

Planning Commission Recommendation: Approval with Modifications

Dear Ms. Calvillo,

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

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

The proposed changes have been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2).

At the February 18th hearing, the Commission voted to recommend approval with modifications of the proposed Ordinance. Specifically, the Commission recommends the following modifications:

Recommended Modifications

1. **Section 132- Technical Clarifications.** The proposed amendments list RTO as a new addition to this Section. RTO was incorporated into this Section in April 3, 2008 by Ordinance Number 298-08. Some of the proposed text hyphenates setback as "set-back" whereas the Planning Code typically does not hyphenate this word.
2. **Sections 132, 142, 143, and 156- Content Change.** At the request of the San Francisco Public Utilities Commission, the Planning Commission recommends adding text stating that landscaping requirements must comply with Chapter 63 of the Administrative Code

and proposed amendments to the Public Works Code. See Attachment A, a letter from the SFPUC dated 2/17/10 for more detail.

3. **Request for Consideration.** The Planning Commission supports the intent of the legislation and believes consideration should be given to broadening the legislation so it would apply additional building applications. The Commission requests that Planning Staff and the Board of Supervisors consider additional triggers whereby the requirements of the Ordinance would apply to more projects. The Commission further recommends adding only those triggers that do not require a nexus study.

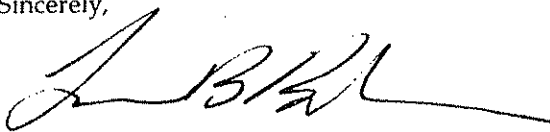
At the Commission's request, the Department would propose the following additional triggers for your consideration:

1. intensification of a use, such as a change of use from residential to commercial; and/or
2. a project which requires an encroachment permit into the public right of way from the Department of Public Works.

Further, since the hearing before the Commission, it has come to our attention that the Department of Building Inspection only requires permits for the paving of 200 square feet or more. Therefore as the legislation is currently written, certain improvements would "trigger" the Green Landscaping requirements but would not otherwise require a permit. This may lead to impractical expectations of property owners and may present substantial obstacles to effective enforcement. Therefore, the Department recommends adjusting all thresholds that are based on paving or repaving to a minimum of 200 square feet.

Please find attached documents relating to the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,



John Rahaim
Director of Planning

cc:

Mayor Newsom
Astrid Haryati, Director of Greening Mayor's Office
Supervisor Carmen Chu
Supervisor Bevan Dufty

Attachments (one copy of the following):

Planning Commission Resolution No. 18033
Planning Commission Executive Summary for Case No. 2009.1172T
Attachment A: Letter from the SFPUC dated 2/17/2010



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 18033 Planning Code Text Change HEARING DATE: FEBRUARY 18, 2010

1650 Mission St.
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San Francisco,
CA 94103-2479

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415.558.6409

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

Recommendation: Recommend Approval with Modifications

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

PREAMBLE

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

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

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

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

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

Whereas, the Commission has reviewed the proposed Ordinance; and

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

Specifically, the Commission recommends the following modifications:

Recommended Modifications

- **Section 132- Technical Clarifications.** The proposed amendments list RTO as a new addition to this Section. RTO was incorporated into this Section in April 3, 2008 by Ordinance Number 298-08. Some of the proposed text hyphenates setback as "set-back" whereas the Planning Code typically does not hyphenate this word.
- **Sections 132, 142, 143, and 156- Content Change.** At the request of the San Francisco Public Utilities Commission, the Planning Commission recommends adding text stating that landscaping requirements must comply with Chapter 63 of the Administrative Code and proposed amendments to the Public Works Code. See Attachment A, a letter from the SFPUC dated 2/17/10 for more detail.
- **Request for Consideration.** The Planning Commission supports the intent of the legislation and believes consideration should be given to broadening the legislation so it would apply additional building applications. The Commission requests that Planning Staff and the Board of Supervisors consider additional triggers whereby the requirements of the Ordinance would apply to more projects. The Commission further recommends adding only those triggers that do not require a nexus study.

FINDINGS

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

1. The proposed Ordinance seeks to achieve a more comprehensive greening effort in the city, combining environmental and aesthetic goals, called "Green Landscaping Ordinance". The improvements, including landscaping and perimeter site controls, complement existing and recently proposed standards such as the Better Streets Plan, the Green Building Ordinance, and the Stormwater Requirement and Design Guidelines;

2. The proposed Ordinance will enhance new development and significant alterations to achieve the following environmental and aesthetic goals:
 - a. healthier and more plentiful plantings through screening, parking lot, and street tree controls;
 - b. increased permeability through front yard and parking lot controls; and
3. improved screening by creating an ornamental fencing requirement and requiring screening for newly defined "vehicle use areas";
4. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

I. URBAN DESIGN ELEMENT

POLICY 4.12

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

Fundamental Principals for Neighborhood Environment

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

II. ENVIRONMENTAL PROTECTION ELEMENT

OBJECTIVE 8

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

POLICY 8.2

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

III. RECREATION AND OPEN SPACE ELEMENT

POLICY 2.9

Maintain and expand the urban forest.

5. The proposed replacement project is consistent with the eight General Plan priority policies set forth in Section 101.1 in that:
 - A) The existing neighborhood-serving retail uses will be preserved and enhanced through the addition of more attractive landscaping.
 - B) The existing housing and neighborhood character will not be adversely impacted by the proposed Ordinance.

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

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

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

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

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

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

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

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

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

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

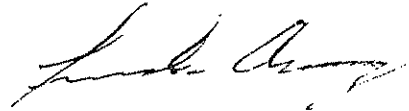
- H) Parks and open space and their access to sunlight and vistas will be protected from development:

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

Resolution No. 18033
Hearing Date: February 18, 2010

CASE NO. 2009.1172T
Green Landscaping Ordinance

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



Linda Avery
Commission Secretary

AYES: Miguel, Olague, Borden, Lee, and Moore

NAYS: Antonini and Sugaya

ABSENT: none

ADOPTED: February 18, 2010



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Change HEARING DATE: FEBRUARY 18, 2010

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

Recommendation: **Recommend Approval with Modifications**

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PLANNING CODE AMENDMENT

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

The Way It Is Now:

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

- **Section 132 – Front Setback Areas**

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

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

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

- **Section 143 – Street Trees**

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

- **Section 156 – Parking Lots**

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

- **Section 223 – Automotive**

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

- **Section 304 – Planned Unit Developments**

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

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

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

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

The Way It Would Be:

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

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

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

1. the creation of new vehicular use area;

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

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

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

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

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

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

- **Section 132 – Front Setback Areas**

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

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

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

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

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

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

- **Section 143 – Street Trees**

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

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

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

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

Lastly, with regards to Section 143, the proposed Ordinance would add requirements that Planned Unit Developments of ½ acre or more provide a continuous soil trough that connects tree basins for healthier trees and specifications for the front yard setback. Specifically PUD's would be required to provide a water source for each residential setback area to enable small

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

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

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

- **Section 156 – Parking Lots**

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

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

- **Section 223 – Automotive**

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

- **Section 304 – Planned Unit Developments**

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

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

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

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

REQUIRED COMMISSION ACTION

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

RECOMMENDATION

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

Recommended Modifications

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

BASIS FOR RECOMMENDATION

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

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

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

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

Discussion of Public Requests for Modification

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

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

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

Discussion of Other Agency Request for Modification

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

ENVIRONMENTAL REVIEW

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

PUBLIC COMMENT

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

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

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

RECOMMENDATION: Recommendation of Approval with Modifications



SAN FRANCISCO PUBLIC UTILITIES COMMISSION

1155 Market St., 11th Floor, San Francisco, CA 94103 • Tel. (415) 554-3155 • Fax (415) 554-3161 • TTY (415) 554.3488



Date: February 17, 2010

To: President Ron Miguel & Members of the SF Planning Commission

From: Bart Broome, Government Relations Manager

CC: Supervisors Carmen Chu and Bevan Dufty

Re: Green Landscaping Ordinance Hearing February 18, 2010

GAVIN NEWSOM
MAYOR

F.X. CROWLEY
PRESIDENT

FRANCESCA VIOTOR
VICE PRESIDENT

ANN MOLLER CAEN
COMMISSIONER

JULIET ELLIS
COMMISSIONER

ANSON B. MORAN
COMMISSIONER

ED HARRINGTON
GENERAL MANAGER

The San Francisco Public Utilities Commission (SFPUC) has worked with the Mayor's Office, the Planning Department, and the Department of Public Works on amendments to the Green Landscaping Ordinance that would reduce the water consumption impacts of expanding the amount of irrigated plantings in San Francisco. The SFPUC requests that your Commission include these amendments as part of your recommendations to the Board of Supervisors regarding the Green Landscaping Ordinance.

Due to the environmental impacts of finding additional water sources, the uncertainty of current supplies due to climate change, and the expanding California water crisis in the San Francisco Bay Delta exacerbated by drought, the SFPUC has agreed to meet our City's growing demand for water through conservation measures. That agreement was part of the programmatic environmental impact report certified by the Planning Commission in October 2008 for the seismic improvement to our water system and it mandates that we reduce water consumption by 10 million gallons per day in San Francisco by 2018.

The Green Landscaping Ordinance will increase water demand and that increased demand must be offset with water conservation measures which can be very expensive to property owners, public agencies, and SFPUC rate payers. The SFPUC recognizes the value in greening our city through the Green Landscaping Ordinance and we have developed amendments that would help achieve the laudable goals of both water conservation and urban greening.

These amendments are attached and would do the following:

- Amend the Planning Code to require that landscaped areas in front setbacks and vehicular use areas, and tree plantings mandated in parking lots and in the public right-of-way, comply with the City's current Water Efficient Irrigation Ordinance. This ordinance located in Chapter 63 of the SF Administrative Code will be updated later this spring with more stringent water use requirements mandated by the state.

- Amend the Planning Code to require that alternative landscape treatments approved by the Zoning Administrator to meet the vehicular use area screening requirement use low water use plant materials and comply with the Water Efficient Irrigation Ordinance.
- Amend the Planning Code to require that additional landscape requirements for Planned Unit Developments modified by the Zoning Administrator include the use of low water use plant materials.
- Amend the Public Works Code to include a definition for "low water use" that allows DPW to permit exceptions based on certain circumstances.
- Amend the Public Works Code to require the use of low water use trees when planted in the public right-of-way, including trees planted as part of the Arterial Planting Program and the Tree Adoption Program.
- Amend the Public Works Code to require the use of low water use plants and trees for landscaping improvements done through the Neighborhood Planting Program. An exception is provided for areas solely dedicated to vegetable gardening and the cultivation of fruit or nut trees.

The above requested amendments have been vetted by the Planning Department and the Department of Public Works. A representative of the SFPUC will be present in the Planning Commission's February 18th hearing to review the amendments and answer your questions. Again it is our hope that your Commission will include these amendments as part of your recommendations to the Board of Supervisors.

Green Landscaping Ordinance SFPUC Water Conservation Amendments

SFPUC amendments are underlined and highlighted. Page numbers are from the ordinance text as introduced at the Board of Supervisors.

PLANNING CODE AMENDMENTS

Section 132 (g) beginning on Page 8

(g) Landscaping and Permeable Surfaces. The landscaping and permeable surface requirements of this Section and Section (h) below shall be met by the permittee in the case of construction of a new building; the addition of a new dwelling unit, a garage, or additional parking; or paving or repaving more than 25 square feet of the front set-back . All front setback areas required by this Section 132 shall be appropriately landscaped, meet any applicable water use requirements of Chapter 63 of the Administrative Code, and in every case not less than 20 percent of the required setback area shall be and remain unpaved and devoted to plant material, including the use of native/drought resistant low water use plant material as defined in Section 802 of the Public Works Code. For the purposes of this Section, permitted obstructions as defined by Section 136 shall be excluded from the front set-back area used to calculate the required landscape and permeable surface area.

Section 142 (c) and (d) beginning on Page 10

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

- (1) Ornamental fencing or a solid wall that is 4 feet in height and a 5 foot deep permeable surface with landscaping along the perimeter of the lot that is adjacent to a public right-of-way and that is compliant with applicable water use requirements of Chapter 63 of the Administrative Code; or*
- (2) A combination of permeable landscaping compliant with applicable water use requirements of Chapter 63 of the Administrative Code, and ornamental fencing where the permeable surface and landscaping is the equivalent area of a 5 foot deep average perimeter landscaping that has been otherwise configured to result in either: (i) a public space or amenity that is accessible from the public right-of-way or (ii) a natural drainage system, such as combined swales, retention basins, detention basins or rain gardens, to reduce stormwater runoff.*

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

- (1) Provide a visual effect that promotes and enhances the pedestrian experience through the use of quality urban design; and*
- (2) Promote the reduction of stormwater runoff; and*
- (3) Use low water use plant materials, as defined in Section 802 of the Public Works Code, and compliant with applicable water use requirements of Chapter 63 of the Administrative Code.*

Section 143 (c) beginning on Page 12

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

Section 143 (e) beginning on Page 12

(e) When a pre-existing site constraint prevents the installation of a street tree, as an alternative to payment of any portion of the in-lieu fee, the Zoning Administrator may allow the installation of sidewalk landscaping that is compliant with applicable water use requirements of Chapter 63 of the Administrative Code, to satisfy the requirements of Section 143, subject to permit approval from the Department of Public Works in accordance with Public Works Code Section 810B.

Section 143 (i) and (j) beginning on Page 13

~~(g)~~(i) DTR and C-3 Districts. In DTR and C-3 Districts, in addition to the requirements of subsections (a)- ~~(d)~~ (h) above, all street trees shall:
(1) be open to the sky and free from all encroachments for that entire width, planted at least one foot back from the curb line;

- ~~(2)~~ (1) have a minimum 2 inch caliper, measured at breast height;
~~(3)~~ (2) branch a minimum of 8 feet above sidewalk grade;
~~(4)~~ (3) where in the public right-of-way, be planted in a sidewalk opening at least 16 square feet, and have a minimum soil depth of 3 feet 6 inches;
~~(5)~~ (4) where planted in individual basins rather than a landscaped planting bed, be protected by a tree grate with a removable inner ring to provide for the tree's growth over time;
~~(6)~~ (5) provide a below-grade environment with nutrient-rich soils, free from overly compacted soils, and generally conducive to tree root development;
~~(7)~~ (6) be irrigated, maintained and replaced if necessary by the property owner, in accordance with Article 16 and Sec. 174 of the Public Works Code, Article 16 and compliant with applicable water use requirements of Chapter 63 of the Administrative Code; and
~~(8)~~ (7) be planted in a continuous soil-filled trench parallel to the curb, such that the basin for each tree is connected.

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

Section 143 (j) (3) beginning on Page 15

(3) The Zoning Administrator is authorized to modify the additional landscaping requirements for Planned Unit Developments. The Zoning Administrator shall allow modifications only when he or she finds that modifications provide equal or greater ecological benefit than the above requirements, including the use of low water use plant materials as defined in Section 802 of the Public Works Code. Acceptable modifications may include alternative landscape treatments such as landscaped berms, detention or retention basins, perimeter plantings, pedestrian lighting, benches and seating areas, or additional landscaping and tree planting are provided elsewhere on the site or on the adjacent public right-of-way itself, subject to permit approval from the Department of Public Works.

Section 156 (j) beginning on Page 17

- (j) Interior Landscaping. All permanent parking lots are required to provide 1 tree per 5 parking spaces in a manner that is compliant with applicable water use requirements of Chapter 63 of the Administrative Code, and a minimum of 20% permeable surface, as defined by Section 102.33 Permeable Surfaces. Permeable surfaces and grading shall be coordinated so that stormwater can infiltrate the surface in areas with less than 5% slope.*
- (k) Street Tree Requirement. All parking lots shall meet the street tree requirements specified in Section 143.*

PUBLIC WORKS CODE AMENDMENTS

Page 39 beginning on Line 15

Section 3. The Public Works Code is hereby amended by amending Sections 802, 805, 806, and 807 to read as follows:

NOTE: Sections 802, 806 and 807 are not amended in the introduced version of the Green Landscaping Ordinance, but are added here in their entirety with SFPUC changes underlined and highlighted.

SEC. 802. - DEFINITIONS.

Unless the context specifically indicates otherwise,

- (a) "Administrative cost" shall mean 20 percent of the Department's actual replacement cost, or a minimum of \$100, whichever is greater.
- (b) "City" shall mean the City and County of San Francisco.
- (c) "Community Boards" of San Francisco shall mean the neighborhood mediation/dispute settlement service established under the auspices of The Community Board Program, Inc.
- (d) "Department" shall mean the Department of Public Works of the City and County of San Francisco.
- (e) "Director" shall mean the Director of the Department of Public Works or the Director's designee.
- (f) "Ex officio" shall mean a current employee of any City department, or California or federal agency whose appointment to the Urban Forestry Council has been approved by the Director of the Department of the Environment.
- (g) "Injure" or "injury" shall mean any act which harms or damages a tree, including but not limited to impact, cutting, carving, painting, transplanting, or knocking over, and includes but is not limited to the following: injurious attachment of any rope, wire, nail, advertising poster, or other contrivance to any tree subject to the provisions of this Article; intentionally or negligently allowing any gaseous, liquid, or solid substance that is harmful to a tree to come into contact with a tree; setting fire or intentionally or negligently permitting any fire to burn when such fire or the heat therefrom will injure any part of any tree; pruning which in and of itself will kill or cause a tree to decline; or severing of all or part of a tree.
- (h) "In-lieu fee" shall mean a fee deposited into the Adopt-A-Tree Fund and imposed by the Director. The in-lieu fee shall be equal to the replacement value of a tree(s) to be removed or trees that have been destroyed or as otherwise

specified in Section 811. In the case of trees required to be planted by Section 143 of the City Planning Code, yet excused under Section 143(d) of the Planning Code, the in-lieu fee shall be equal to the City's cost to plant and water a tree for three years. The minimum in lieu fee shall be \$1,489.00. Beginning with fiscal year 2007-2008, this fee shall be reviewed and adjusted each year in accordance with the procedures set forth in Public Works Code Section 2.1.2.

(i) "Interested San Francisco organization" shall mean a San Francisco organization or individual that has made a written request to the Department for notification of proposed tree removals in a specified area(s) or neighborhood(s).

(j) "Landmark tree" shall mean a tree so designated pursuant to Section 810 of this Article.

(k) "Landscape material" shall mean any tree, shrub, groundcover or other plant.

(l) "Low water use" means plants, shrubs, ground covers, or trees that meet at least one of the following conditions:

(1) The species has a water use ranking of "low" or "very low" in Region 1 (North-Central Coast) as established in the California Department of Water Resources 2000 publication "Water Use Classification of Landscape Species" or subsequent editions as it may be updated;

(2) The species has a water use ranking of "no water", "little water", or "little to moderate water" in the climate zone for the planting location as established in the Sunset Western Garden Book, Eighth Edition, published by Oxmoor House on February 1, 2007 or subsequent editions as it may be updated;

(3) The plantings are part of an engineered stormwater management feature approved by the General Manager of the Public Utilities Commission pursuant to the San Francisco Stormwater Design Guidelines established by the Public Utilities Commission;

(4) The Department of Public Works has determined that the species, when irrigated for sufficient plant health and appearance, is low water use based on the Department's experience with the species, and the Department has added the species to the Low Water Use Plant Exception List maintained by the Department;

(5) The species appears on the San Francisco Street Tree Species List established by the Department of Public Works Bureau of Urban Forestry;

(6) The planting is part of a species test approved by the Department of Public Works; or

(7) The species has been permitted at the site by the Department Public Works based on wet soil conditions stemming from proximity to naturally

occurring water features such as a high water table, springs, ponds, lakes, creeks, and wetlands.

~~(m)~~ (m) "Maintenance" shall mean those actions necessary to promote the life, growth, health, or beauty of a tree. Maintenance includes both routine and major activities. "Routine maintenance" shall include adequate watering to ensure the tree's growth and sustainability; weed control; removal of tree-well trash; staking; fertilizing; routine adjustment and timely removal of stakes, ties, tree guards, and tree grates; bracing; and sidewalk repairs related to the tree's growth or root system pursuant to Section 706 of this Code. "Major maintenance" shall include structural pruning as necessary to maintain public safety and to sustain the health, safety, and natural growth habit of the tree; pest and disease-management procedures as needed and in a manner consistent with public health and ecological diversity; replacement of dead or damaged trees. Pruning practices shall be in compliance with International Society of Arboriculture Best Management Practices and ANSI Pruning Standards, whichever is more protective of tree preservation.

~~(m)~~ (n) "Median strip" shall mean the dividing area in the public way between opposing lanes of vehicular traffic.

~~(n)~~ (o) "Notice" shall mean written notice by personal delivery or by mailing, either by letter or postal card, postage prepaid to the last known address as the same appears on the City's most recent assessment rolls.

~~(o)~~ (p) "Hazard tree" shall mean any tree that poses an imminent hazard to person or property. The Director may determine that a tree is a hazard if it or any part of it: (1) appears dead, dangerous, or likely to fall, even after proper maintenance activities are performed to eliminate dead or dangerous parts; (2) obstructs or damages a street, sidewalk, or other existing structure; (3) harbors a serious disease or infestation threatening the health of other trees; (4) interferes with vehicular or pedestrian traffic; or (5) poses any other significant hazard or potential hazard, as determined by the Director; provided, however, that feasible measures have been applied to abate any such hazard, such as applicable maintenance activities listed in Section 802(l) of this Article. The Director's determination shall be in writing.

~~(p)~~ (q) "Person" shall mean any individual, firm, partnership, association, corporation, company, or organization of any kind.

~~(q)~~ (r) "Planting" shall mean putting or setting into the ground or into a container to grow and irrigating until self-sufficient.

~~(r)~~ (s) "Removal" shall mean any intentional or negligent moving, carrying away, elimination or taking away of part or all of a tree.

~~(s)~~ (t) "Replacement value" shall mean the actual cost to the Department of replacing a tree or landscape material removed or destroyed with a comparable size and species of tree or with comparable landscape material. Certain trees or landscape material, because of their size, species or historical significance, cannot be replaced from available nursery stock. In such case, "replacement value" shall be determined pursuant to the valuation formula adopted by the

International Society of Arboriculture, as amended from time to time, plus the Department's actual costs to replace the tree. "Replacement value" shall include the Department's administrative costs.

~~(t)~~ (u) "Sidewalk" shall mean the area between the curbing and the abutting private property lot line, whether paved or unpaved, as legislated by the Board of Supervisors and as reflected in the Department's official maps.

~~(u)~~ (v) "Significant Tree" shall mean a tree so defined in Section 810A of this Article.

~~(v)~~ (w) "Street" shall mean the vehicular travel-way portion of any public street, avenue, boulevard, lane, road, parkway, freeway, or other public way.

~~(w)~~ (x) "Street tree" shall mean any tree growing within the public right-of-way, including unimproved public streets and sidewalks, and any tree growing on land under the jurisdiction of the Department.

~~(x)~~ (y) "Tree" shall mean any large perennial plant having a woody trunk(s), branches, and leaves. Trees also shall include palm trees.

~~(y)~~ (z) "Urban forest" shall mean all trees on public streets and rights-of-way within the borders of the City and County of San Francisco, any trees growing on land subject to the jurisdiction of the Department, and any other trees subject to the provisions of this Article.

~~(z)~~ (aa) "Urban Forestry Council" shall mean the Urban Forestry Council as established under the Environment Code Chapter 12.

NOTE: "Water Use Classification of Landscape Species" can be found at this link <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf> and the list of plant species with water use rankings begins on Page 62. As part of the SFPUC's Water Efficient Irrigation Ordinance and companion Rules and Regulations, the SFPUC will be posting on our website a list of plant species with their water use rankings.

The San Francisco Stormwater Design Guidelines apply to development projects in which the area of disturbed ground is equal to or greater than 5,000 square feet. The Stormwater Design Guidelines allow for the use of some plants that may not be ranked as "low water use" in limited circumstances for the purpose of stormwater control and reduction. The Guidelines and the approved Vegetation Pallet can be found at this link. http://sfwater.org/mto_main.cfm/MC_ID/14/MSC_ID/361/MTO_ID/543

NOTE: SEC 805 was not changed from what was included in the introduced version of the Green Landscaping Ordinance.

SEC. 806. - PLANTING AND REMOVAL OF STREET TREES.

(a) Planting and Removal by the Department.

(1) Planting. The Department may determine to plant a new low water use tree(s) in a sidewalk or public right-of-way. When the Department determines to plant a new street tree(s), the Department will undertake maintenance responsibility for such new street tree and shall send a courtesy notice to the abutting property owner prior to planting such new tree. Any objections to the proposed work must be submitted to the Director in writing and postmarked within 30 days after notice by the Director. The Director shall consider such objections and may hold a hearing, in the Director's discretion. The Director's decision on the matter shall be final and nonappealable.

(2) Removal of Street Trees. No street tree shall be cut down or removed by the Department unless:

(A) The Department gives 30 days' prior written notice to the owner of the property abutting the affected tree; and

(B) Thirty days prior to the removal date, the Department notifies all interested San Francisco organizations and, to the extent practical, all owners and occupants of properties that are on or across from the block face where the affected tree is located. In addition, 30 days prior to the removal date, the Department shall post a notice on the affected tree.

(3) Appeal of Tree Removal.

(A) If within 30 days after the giving of notice for street tree removal, as specified in Subsection (a)(2), or if within 15 days after the giving of notice for removal of a hazard street tree, as specified in Subsection (a)(4), any person files with the Department written objections to the removal, the Director shall hold a hearing to consider public testimony concerning the proposed tree removal. Written notice of the date, time and place of the hearing shall be posted on the affected tree, provided in a newspaper of general circulation, and sent to the objecting party, the owner of the property abutting the affected tree, and all interested San Francisco organizations, not less than seven days prior thereto.

(B) The Director shall issue his or her written decision and order on the objections after the public hearing specified above.

(C) The Director's decision shall be final and appealable to the Board of Appeals.

(4) Removal of Hazard Street Trees.

(A) No hazard street tree shall be cut down or removed by the Department unless:

(i) The Department gives 15 days' prior written notice to the owner of the property abutting the affected tree; and

(ii) Fifteen days prior to the removal date, the Department notifies all interested San Francisco organizations and, to the extent practical, owners and occupants of properties that are on or across the block face where the affected tree is located. In addition, 15 days prior to the removal date, the Department shall post a notice on the affected tree.

(B) Hazard street tree shall have the same meaning as "hazard tree" in Section 802(o) except that a hazard street tree is located within the public right-of-way and is the maintenance responsibility of the Department.

(5) Emergency Removal. In the case of manifest danger and immediate necessity, as determined by the Director, the Department may remove any street tree immediately. After such emergency removal, the Department shall provide notice of the necessity for such action to the owner of the property abutting the affected tree, all interested San Francisco organizations and, to the extent practical, all owners and occupants of properties that are on or across from the block face where the affected tree was removed.

(b) Planting and Removal by Persons Other Than the Department.

(1) Planting and Removal Permits. It shall be unlawful for any person to plant or to remove any street tree without a valid permit for such work issued by the Department. All permits for the planting or removal of street trees issued by the Director for residential properties shall be recorded on the Report of Residential Building Records in accordance with Section 351 of the Housing Code. All work associated with a street tree permit must be completed within six months of issuance, unless an extension has been granted by the Department.

(2) Planting. An abutting property owner who desires a permit to plant a street tree shall apply to the Department on the designated form. If approved by the Director, a permit to plant the specified low water use species of tree(s) shall be issued to the applicant. There shall be no administrative fee imposed for a permit to plant a street tree unrelated to property development. The Director's decision on a street tree planting permit shall be final and appealable to the Board of Appeals.

(3) Removal.

(A) An abutting property owner who desires a permit to remove a street tree shall apply to the Department on the designated form. The Department may grant or deny the permit in accordance with the following procedures and requirements. If the Department grants a tree removal permit, it shall require that another street tree be planted in the place of the removed tree or impose an in-lieu fee unless it makes written findings detailing the basis for waiving this requirement.

(i) The fee for a permit to remove 1-3 street trees shall be \$607.00 when the permit is requested to allow for development or construction; the fee for a permit to remove 1-3 street trees shall be \$300.00 when the permit is requested to remove a hazard or a diseased tree or to prevent damage to the sidewalk; the fee for a permit to remove 4-9 street trees shall be \$808.00; and the fee to remove 10 or more street trees shall be \$1,214.00.

(ii) Additional Fees. In instances where administration or processing of any application is or will exceed the fee amount established pursuant to subsection (i), the Director, in his or her discretion, may require an applicant or permittee to pay a sum in excess of the subject fee amounts. This additional sum shall be sufficient to recover actual costs that the Department incurs and shall be charged on a time and materials basis. The Director also may charge for any time and materials costs that other agencies, boards, commissions, or departments of the

City, including the City Attorney's Office, incur in connection with the processing or administration of a particular application. Whenever additional fees are or will be charged, the Director, upon request of the applicant or permittee, shall provide in writing the basis for the additional fees or an estimate of the additional fees to be charged.

(iii) Fee Review and Adjustment. Beginning with fiscal year 2010-2011, the fees that are established herein shall be reviewed and adjusted each year in accordance with the procedures set forth in Public Works Code Section 2.1.2.

(B) Thirty days prior to the removal date, the Department shall give notice to all interested San Francisco organizations and, to the extent practicable, the owners and occupants of properties that are on or across from the block face or adjacent to where the affected tree is located. In addition, 30 days prior to the removal date, the Department shall post a notice on the affected tree. If within 30 days after the giving of such notice any person files with the Department written objections to the removal, the Director shall hold a hearing prior to removing the tree. Written notice of the date, time and place of the hearing shall be posted on the affected tree and sent to the objecting party and all interested San Francisco organizations not less than seven days prior thereto.

(C) The Director shall issue his or her written decision and order on the objections after the public hearing specified above.

(D) The Director's decision shall be final and appealable to the Board of Appeals.

(c) Planting and Removal by City Agencies, Commissions, or Other Departments. If a City agency, commission, or department other than the Department of Public Works desires to plant or remove a street tree, such agency, commission, or department shall be subject to the provisions of Subsection (b); provided, however, that for purposes of street tree removal, the notice and procedures for Director's hearings set forth in Subsections (a)(2) and (a)(3) shall apply.

SEC. 807. - DEPARTMENT OF PUBLIC WORKS URBAN FORESTRY PROGRAM; POWERS AND DUTIES.

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

(b) Neighborhood Planting Program. The Department shall continue to encourage and support neighborhood low water use planting programs. Support may include, but need not be limited to, provision of low water use trees and materials, sidewalk cutting and removal, planting labor, technical advice, and organizational assistance. Low water use requirements in the Neighborhood Planting Program do not apply to areas solely dedicated to edible plants such as fruit and nut trees and vegetable gardens, except that planted areas shall comply with any applicable water use requirements of Chapter 63 of the Administrative Code. The Department is hereby authorized to donate such funds, materials and

labor to neighborhood planting programs as are deemed by the Director to be in the public interest and in the interest of the promotion of the urban forest.

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

(d) Authority over Site Development Plans.

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

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

(e) Adopt-A-Tree Fund. Pursuant to Section 10.117-77 of the Administrative Code, the Department shall maintain an Adopt-A-Tree Fund to enhance the urban forestry program.

(f) In-Lieu Planting Program. The Department shall develop and implement an In-Lieu Planting Program to offset the loss of street trees, significant trees, and landmark trees due to removal, destruction, or death. The In-Lieu Planting Program shall also compensate for the loss of trees required to be planted by Section 143 of the Planning Code, yet excused by the Zoning Administrator pursuant to Planning Code Section 143(d). The Department shall impose an in-lieu fee in accordance with a fee schedule adopted by the Director where a street tree is destroyed, removed or is excused from planting where otherwise required by Planning Code Section 143. The Department also shall assess an in-lieu fee or such other penalty as set forth in Section 811 as mitigation for violation of the requirements of this Article. The Department shall follow the requirements set forth herein for payment of an in-lieu fee unless it makes written findings detailing the basis for waiving said requirements. As set forth in Section 811, in lieu fees shall be deposited in the Adopt-A-Tree Fund.

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