

1 [Planning Code – Green Landscaping Ordinance]

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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  
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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.

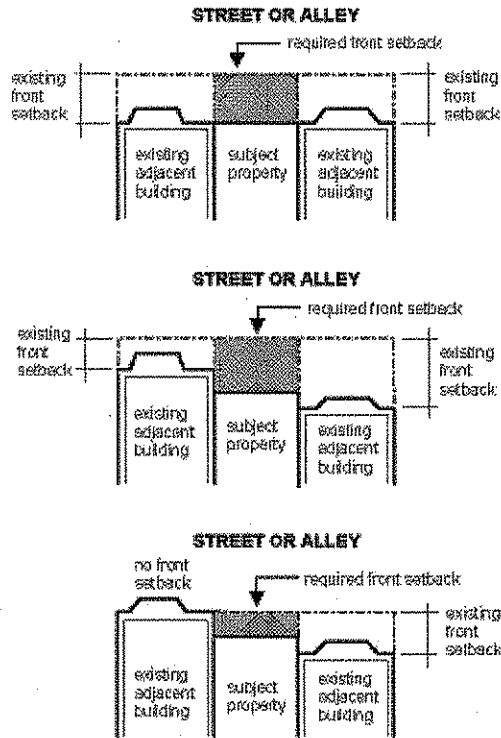
21           **SEC. 132. FRONT SETBACK AREAS, RTO, RH AND RM DISTRICTS AND FOR**  
22 **REQUIRED SETBACKS FOR PLANNED UNIT DEVELOPMENTS.**

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).

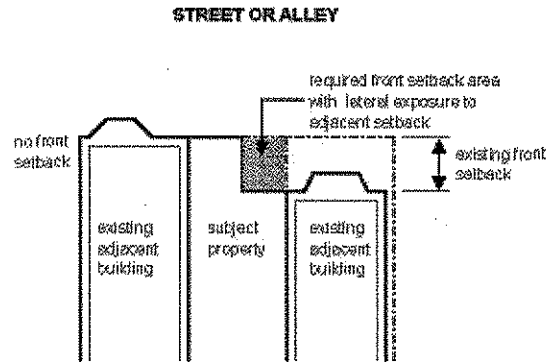
6 (a) Basic Requirement. Where one or both of the buildings adjacent to the subject  
7 property have front setbacks along a street or alley, any building or addition constructed,  
8 reconstructed or relocated on the subject property shall be set back to the average of the two  
9 adjacent front setbacks. 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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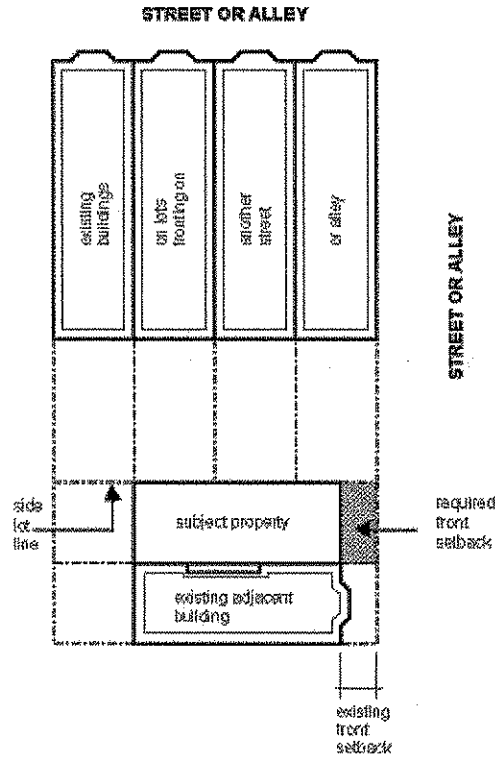
(b) Alternative Method of Averaging. If, under the rules stated in Subsection (a) above, an averaging is required between two adjacent front setbacks, or between one adjacent setback and another adjacent building with no setback, the required setback on the subject property may alternatively be averaged 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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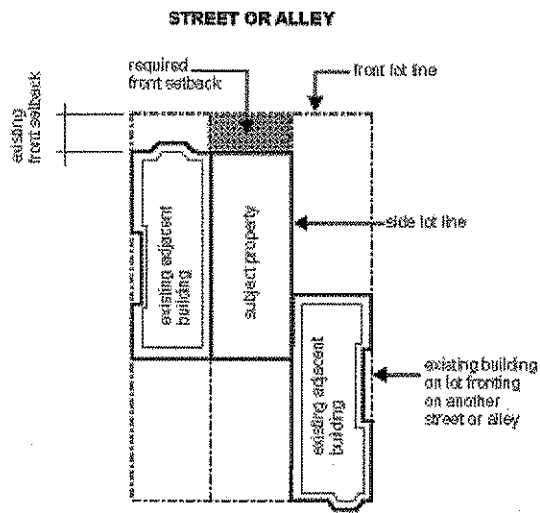
1 (d) Applicability to Special Lot Situations.



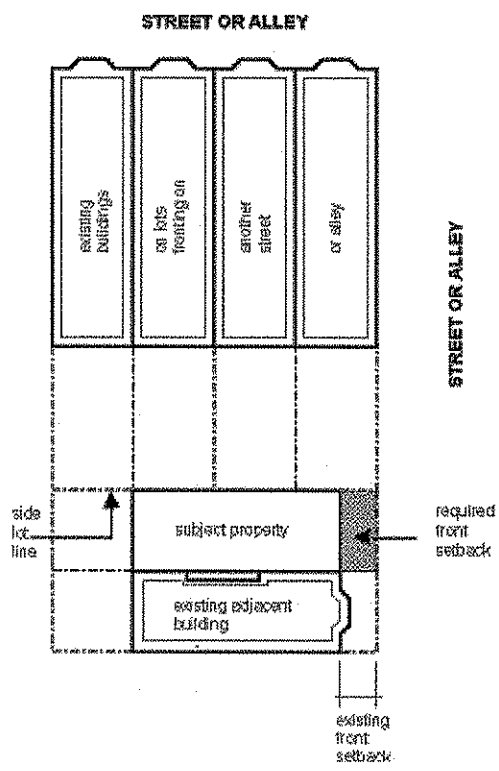
16 (1) Corner Lots and Lots at Alley Intersections. On a corner lot as defined by this  
17 Code, or a lot at the intersection of a street and an alley or two alleys, a front setback area  
18 shall be required only along the street or alley elected by the owner as the front of the  
19 property. Along 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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STREET OR ALLEY





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 ~~——(e)~~ (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           ~~(e)(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.

5 **SEC. 223. AUTOMOTIVE.**

6 All automotive uses that have vehicular use areas defined in Section 102.31 shall meet the  
7 screening requirements for vehicular use areas in Section 142.  
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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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1	-	*											sale or rental of new or used automobiles.
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4													(d) Lot for sale or rental of new or used trucks.
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7	-	*											(e) Sale or rental of new or used automobile trailers.
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15													(f) Automobile service station for the sale and dispensing of gasoline, other motor fuels and lubricating oil directly into motor vehicles. The following activities
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19	<u>p*</u>												
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													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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												<p>(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:</p>
-	*											<p>(1) Tuneup, including the repair or replacement of distributors, sparkplugs and carburetors;</p>

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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 gsf	(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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																(1) Internal engine repair or rebuilding;
-																(2) Repair or rebuilding of transmissions, differentials or radiators;
-																(3) Reconditioning of badly worn or damaged motor vehicles or trailers;
-																(4) Collision service, including body, frame or fender straightening or repair; and
																(5) Full body

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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

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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<u>P*</u> -	*												(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.
<u>C</u>													(p) Major (nonaccessory) parking garage not open to the public, as defined in Section 158 and as

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												regulated therein and in Sections 155 and 157 and other provisions of Article 1.5 of this Code.
												(q) Parcel delivery service, limited to facilities for the unloading, sorting and reloading of local retail merchandise for home deliveries, where the operation is conducted entirely within a completely enclosed building; including garage facilities for local delivery trucks, but excluding repair shop facilities.

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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

1													high.
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3													(v) Truck
4													terminal facility, if
5													located not less than
6													200 feet from any R
7													District.

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10 **SEC. 304. PLANNED UNIT DEVELOPMENTS.**

11 In districts other than C-3, the Eastern Neighborhoods Mixed Use Districts, the DTR  
12 Districts, or the South of Market Mixed Use Districts, the Planning Commission may authorize  
13 as conditional uses, in accordance with the provisions of Section 303, Planned Unit  
14 Developments subject to the further requirements and procedures of this Section. After review  
15 of any proposed development, the ~~City~~ Planning Commission may authorize such  
16 development as submitted or may modify, alter, adjust or amend the plan before  
17 authorization, and in authorizing it may prescribe other conditions as provided in Section  
18 303(d). The development as authorized shall be subject to all conditions so imposed and shall  
19 be excepted from other provisions of this Code only to the extent specified in the  
20 authorization.

21 (a) Objectives. The procedures for Planned Unit Developments are intended for  
22 projects on sites of considerable size, developed as integrated units and designed to produce  
23 an environment of stable and desirable character which will benefit the occupants, the  
24 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 Duffy  
**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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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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25 Mayor Newsom, Supervisor Chu, Supervisor Dufty  
**BOARD OF SUPERVISORS**



City and County of San Francisco

Tails  
Ordinance

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

File Number: 091453

Date Passed: April 13, 2010

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 Sections 805, 806 and 807 to create requirements for the establishment of new street trees, replacement of dead street trees, and removal of street trees and adding Section 802.1 to define climate appropriate standards for plantings in the public right-of-way; 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.

April 06, 2010 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

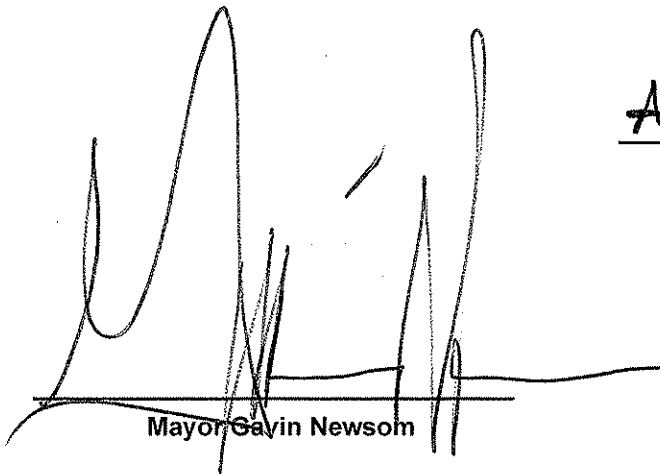
Excused: 1 - Alioto-Pier

April 13, 2010 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

File No. 091453

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 4/13/2010 by the Board of Supervisors of the City and County of San Francisco.



Mayor Gavin Newsom



Angela Calvillo  
Clerk of the Board

4/22/2010

Date Approved