

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

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3 **Ordinance amending the San Francisco Planning Code to: 1) consolidate into Section**
4 **138 the requirements for privately-owned public open space; 2) create a new Zoning**
5 **Administrator Bulletin that will contain detailed design and graphics requirements for**
6 **the required informational plaques; and 3) make environmental findings, Planning**
7 **Code Section 302 findings, and findings of consistency with General Plan and Planning**
8 **Code Section 101.1.**

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

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

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Section 1. Findings.

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

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

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

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

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

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

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

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

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

4 In Neighborhood Commercial Districts, the amount of usable open space to be
5 provided shall be the amount required in the nearest Residential District, but the minimum
6 amount of open space required shall be in no case greater than the amount set forth in Table
7 135A for the district in which the building is located. The distance to each Residential District
8 shall be measured from the midpoint of the front lot line or from a point directly across the
9 street there from, whichever requires less open space.

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

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

1 (3) For dwellings specifically designed for and occupied by senior citizens or physically
2 handicapped persons, as defined and regulated by Section 209.1(m) of this Code, the
3 minimum amount of usable open space to be provided for use by each dwelling unit shall
4 be ½ the amount required for each dwelling unit as specified in Paragraph (d)(1) above.

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

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

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

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

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

9 (B) An unenclosed plaza at street grade, with seating areas and landscaping and no
10 more than 10 percent of the total floor area devoted to facilities for food or beverage service,
11 exclusive of seating areas as regulated in Section 138(d)(5) Subsection (2)(d), below;

12 (C) An unenclosed pedestrian pathway which complies with the standards of Section
13 270.2 and which is consistent with applicable design guidelines.

14 (D) Streetscape improvements with landscaping and pedestrian amenities that result
15 in additional pedestrian space beyond the pre-existing sidewalk width and conform to the
16 Better Streets Plan and any other applicable neighborhood streetscape plans per Section
17 138.1 or other related policies such as those associated with sidewalk widenings or building
18 setbacks, other than those intended by design for the use of individual ground floor residential
19 units; and

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

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

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

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

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

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

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

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

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

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

9 **(3) Maintenance.** Maintenance requirements for open space in these areas are subject to
10 Section 138(h) of this Code. ~~Open spaces shall be maintained at no public expense. The owner of the~~
11 ~~property on which the open space is located shall maintain it by keeping the area clean and free of~~
12 ~~litter and keeping in a healthy state any plant material that is provided. Conditions intended to assure~~
13 ~~continued maintenance of the open space for the actual lifetime of the building giving rise to the open~~
14 ~~space requirement may be imposed by the Commission or Department pursuant to applicable~~
15 ~~procedures in this Code.~~

16 **(4) Informational Plaque.** Signage requirements for open space in these areas are subject
17 to Section 138(i) of this Code. ~~Prior to issuance of a permit of occupancy, a plaque shall be placed in a~~
18 ~~publicly conspicuous location outside the building at street level, or at the site of any publicly-~~
19 ~~accessible open space. The plaque shall identify said open space feature and its location, stating the~~
20 ~~right of the public to use the space and the hours of use, describing its principal required features (e.g.,~~
21 ~~number of seats or other defining features) and stating the name, telephone number, and address of the~~
22 ~~owner or owner's agent responsible for maintenance. The plaque shall be of no less than 24 inches by~~
23 ~~36 inches in size unless specifically reduced by the Zoning Administrator in cases where the nature,~~
24 ~~size, or other constraints of the open space would make the proscribed dimensions inappropriate.~~

1	establishments, personal service,	added square footage
2	wholesale, home and business	
3	service, arts activities, institutional	
4	and like uses	
5		
6	Manufacturing and light	1 sq. ft. per 120 gross sq. ft. of occupied floor area of new or added square footage
7	industrial, storage without distribution	
8	facilities, and like uses in the South of	
9	Market Mixed Use Districts	
10		
11	Manufacturing and light industrial,	None required
12	storage without distribution facilities,	
13	and like uses in the Eastern	
14	Neighborhoods Mixed Use Districts	
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16		
17	Office uses, as defined in	1 sq. ft. per 90 sq. ft. of occupied floor area of new, converted or added square footage
18	890.70, in the South of Market Mixed	
19	Use Districts	
20		
21		
22	Office uses, as defined in	1 sq. ft. per 50 sq. ft. of occupied floor area of new, converted or added square footage
23	890.70, in the Eastern Neighborhoods	
24	Mixed Use Districts	
25		

<p>1 All non-residential uses in DTR 2 Districts 3</p>	<p>1 sq. ft. per 50 sq. ft. of occupied floor area of net new, converted or added square footage over 10,000 gross square feet</p>
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5 (1) Open space shall be provided for uses not listed in this subsection and Table
6 (other than live/work units, dwelling units and group housing whose open space requirements
7 are specified in Sections 135 and 135.2 of this Code), in the amount required for the listed use
8 determined by the Zoning Administrator to be most similar to the unlisted use in question.
9 Private or public parking structures and change of use or additions to an existing structure
10 which are limited to uses operating solely during nighttime hours and for which public access
11 to open space cannot feasibly be provided during daytime hours pursuant to Subsection
12 (c)(4), shall be exempt from this open space requirement.

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

17 (A) The amount of open space required pursuant to Table 135.3 may be reduced by
18 33 percent if it is publicly accessible usable open space.

19 (B) Publicly accessible usable open space is required to meet ~~the standards of all~~
20 requirements specified in Section 135(h) of this Code.

21 (C) Up to 50 percent of the publicly accessible open space may be provided off-site,
22 subject to Section 329 of this Code for projects to which that Section applies and Section
23 307(h) for other projects. Any such space shall meet the publicly accessible open space
24 standards set forth Section 135(h) and be provided within 800 feet of the project. The publicly
25 accessible off-site usable open space shall be constructed, completed, and ready for use no

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

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

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

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

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

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

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

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

4 ~~(2) Be appropriately landscaped;~~

5 ~~(3) Be protected from uncomfortable wind;~~

6 ~~(4) Incorporate ample seating and, if appropriate, access to food service, which will enhance~~
7 ~~public use of the area;~~

8 ~~(5) Be well signed and accessible to the public during daylight hours;~~

9 ~~(6) Have adequate access to sunlight if sunlight access is appropriate to the type of area;~~

10 ~~(7) Be well lighted if the area is of the type requiring artificial illumination;~~

11 ~~(8) Be designed to enhance user safety and security;~~

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

13 ~~(10) Have access to toilets, if feasible.~~

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

20 ~~(d) [Renumbered.]~~

21 ~~(e) [Renumbered.]~~

22 (d) (f) **Costs and Restrictions.** All costs of the open space, including without limitation
23 those associated with design, development, liability insurance, regular maintenance, and safe
24 operation of this open space, shall be borne by the property owner. Liability insurance
25 satisfactory to the City Attorney, naming the City and County of San Francisco and its officers

1 and employees as additional insureds, shall be provided for all such spaces. The property
2 owner shall record with the County Recorder a special restriction on the property satisfactory
3 in substance to the Department and sufficient to give notice to subsequent owners, tenants
4 and other persons having other economic interests in the property of the open space
5 requirement and the means by which the requirement has been, and must continue to be,
6 satisfied.

7 ~~(e)~~ A sign satisfying the requirements of Section 603(k) shall be prominently posted
8 at the entrance to the open space area declaring that the area is open to the public.

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

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

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

17 (c) **Location.** The open space required by this Section may be on the same site as the
18 building for which the permit is sought, or within 900 feet of it on either private property or,
19 with the approval of all relevant public agencies, public property, provided that all open space
20 must be located entirely within the C-3 District. Open space is within 900 feet of the building
21 within the meaning of this Section if any portion of the building is located within 900 feet of any
22 portion of the open space. Off-site open space shall be developed and open for use prior to
23 issuance of a ~~temporary permit of first certificate of occupancy, as defined in Section 401 of this~~
24 Code, of the building whose open space requirement is being met off-site. Failure to comply
25 with the requirements of this subsection shall be grounds for enforcement under this Code, including

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

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

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

1 (i) **Informational Plaque.** Prior to issuance of a permit of occupancy, ~~a one or more~~
2 plaques shall be designed and placed in ~~a~~ publicly conspicuous locations as described in this
3 subsection outside the building at street level, or at the site of an outdoor open space, identifying the
4 open space feature and its location, stating the right of the public to use the space and the hours of use,
5 describing its principal required features (e.g., number of seats availability of food service) and stating
6 the name and address of the owner or owner's agent responsible for maintenance.

7 (A) The plaque shall include the following information:

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

9 (2) state the hours of use; and

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

12 (4) state the current name, telephone number, electronic mail address and postal address of the
13 owner or owner's agent responsible for public access and maintenance.

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

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

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

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

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

23 (C) The plaque shall be located as follows:

24 (1) **Exterior.** If the open space is located outside of a building and is at least partially adjacent
25 to a public sidewalk, a plaque shall be placed on each building face adjacent to the space. Each

1 plaque shall be located as close as possible to the nearest adjacent public sidewalk, but in no case
2 shall any portion of each plaque be located more than five feet from the nearest sidewalk.
3 Alternately, a plaque may be attached to an improvement within the open space or a free standing
4 post so long as the entire plaque is located within five feet of and is clearly visible from an adjacent
5 public sidewalk.

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

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

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

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

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

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

23 Section 5. The San Francisco Planning Code is hereby amended by amending Section
24 603(k), to read as follows:
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1 **SEC. 603. EXEMPTED SIGNS.**

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

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

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

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

17 Specifically, the Board of Supervisors recognizes that both this ordinance and another
18 ordinance currently pending before the Board entitled "Uses, Conformity of Uses, Parking
19 Requirements for Uses, and Special Use Districts" amend Sections 135 and 138 of the
20 Planning Code. The Board intends that, if adopted, the additions and deletions shown in both
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1 ordinances be given full force and effect. To this end, the Board directs the City Attorney's
2 Office and the publisher to harmonize the provisions of each ordinance.

3

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

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7 By: _____
8 JUDITH A. BOYAJIAN
9 Deputy City Attorney

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