7 Performance Requirements in the Streets
This chapter explains when right-of-way projects are required to comply with the SMR.

Application of Combined Sewer Area Performance Requirements to Right-of-Way Improvements

In addition to parcel-only projects, the combined sewer area stormwater performance requirements apply to a subset of right-of-way (ROW) projects developed in conjunction with large, multi-parcel development projects subject to the Subdivision Code (available at [http://www.amlegal.com/library/ca/sfrancisco.shtml](http://www.amlegal.com/library/ca/sfrancisco.shtml)) and those that create private ROW. Impervious surface that is created and/or replaced by this subset of ROW projects must be included in calculations determining whether projects meet the 5,000 square foot impervious surface threshold and are therefore subject to the combined sewer area stormwater performance requirements.
The following diagrams illustrate scenarios where the combined sewer area performance requirements do and do not apply to the ROW:

**Graphics Legend:**
- Area subject to combined sewer area performance requirements.
- Area not subject to combined sewer areas performance requirements.

1. Created and/or replaced impervious surfaces within a development project that will be new public ROW dedicated to the City.

*This scenario occurs when large parcels are redeveloped and subdivided, creating new public ROWs that are eventually dedicated to and accepted by the City. Paper streets, or streets that have been dedicated but not accepted by the City, are also covered by this scenario.*
2. Created and/or replaced impervious surfaces within a development project that are or will be private streets, roads, or pedestrian walks.

This scenario occurs when private parcels are redeveloped and create private ROWs that are not dedicated to or accepted by the City.

3. Created and/or replaced impervious surfaces within a development project that are located in existing public ROWs and that will be permanently closed to vehicular traffic or vacated.

This scenario occurs when a development project includes a permanent street closure or vacation. Street vacations occur when what was formerly a public ROW becomes a private parcel (this is the opposite of creating a new street). A permanent street closure occurs when a street is permanently closed to vehicular traffic.
4. Existing public ROWs (either adjacent to or bisecting the Development Project) that are being disturbed in conjunction with a Development Project.

This scenario occurs when an existing public ROW is adjacent to or bisects Development Project(s) subject to the SMO. Even if improvements to the existing public ROWs are required, those ROWs in the combined sewer area are not subject to the Stormwater Management Ordinance (SMO) as long as the public ROW was previously dedicated to and accepted by the City. Note: Different rules apply to existing public ROW projects in the City’s separate sewer areas, which are described in the following section.

5. Improvements to existing public ROWs NOT associated with a Development Project.

This scenario occurs when there is an improvement project for an existing dedicated and accepted public ROW but there is no associated Development Project(s). Note: Different rules apply to existing public ROW improvement projects in the City’s separate sewer areas, which are described in the following section.
Application of Separate Sewer Area Large Project Performance Requirements to Right-of-Way Improvements

Large Project stormwater performance requirements apply to public ROW projects that fall into two categories: 1) public ROW areas developed in conjunction with large, multi-parcel development projects which meet a set of specific criteria and 2) new or retrofitted public ROW areas not associated with development projects which meet another set of specific criteria. Note that in the first case, the impervious surface that is created and/or replaced by these ROW projects should be included in calculations determining whether development projects meet the 5,000 square foot impervious surface threshold and are therefore subject to the Large Project stormwater performance requirements. Large project performance requirements also apply to private ROW projects.

The Large Project performance requirements do not apply to the following types of ROW projects:

- New ROW projects that create less than 5,000 square feet of new impervious ROW and are not associated with a development project do not need to comply with the separate sewer area performance requirements.

- Projects on existing public ROW that add more than 5,000 square feet of impervious surface in the form of new bike lanes or sidewalk do not need to comply with the separate sewer area performance requirements.

The Large Project performance requirements apply to the following types of ROW projects:

**Graphics Legend:**
- Area subject to separate sewer area performance requirements.

1. Created and/or replaced impervious surfaces within a development project that will be newly dedicated or newly accepted public ROWs.

*This scenario occurs when large parcels are redeveloped and subdivided, creating new public ROWs that are eventually dedicated to and accepted by the City. Paper streets, or streets that have been dedicated but not accepted by the City, are also covered by this scenario.*
2. Created and/or replaced impervious surfaces within a development project that are or will be private streets, roads, or pedestrian walks.

This scenario occurs when private parcels are redeveloped and create private ROWs that are not dedicated to or accepted by the City.

3. Created and/or replaced impervious surfaces within a development project that are located in existing public ROWs and that will be permanently closed to vehicular traffic or vacated.

This scenario occurs when a development project includes a permanent street closure or vacation. Street vacations occur when what was formerly a public ROW becomes a private parcel (this is the opposite of creating a new street). A permanent street closure occurs when a street is permanently closed to vehicular traffic.
4. New ROW projects that create 5,000 square feet or more of new impervious surface, *whether developed in conjunction with a parcel project or not*. These projects must meet performance requirements to the extent feasible.

5. Widening of existing ROW with additional traffic lanes that create 5,000 square feet or more of new impervious surface, *whether developed in conjunction with a parcel project or not* (does not include widening of existing streets to include new bike lanes or sidewalks). These projects must meet performance requirements to the extent feasible.
Permeable pavers contribute to this project’s compliance with the SMR in San Francisco. Photo: Krystal Zamora