



# SAN FRANCISCO PLANNING DEPARTMENT

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December 11, 2012

Ms. Angela Calvillo, Clerk  
Supervisor Scott Wiener  
Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

**Re: Transmittal of Board File No. 120900; Planning Case No. 2012.1314 T  
Car Share Space Legislation  
Planning Commission Recommendation: *Approval with modifications***

1650 Mission St.  
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Dear Ms. Calvillo and Supervisor Wiener;

On December 6, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Wiener.

The proposed Ordinance would amend San Francisco Planning Code Section 166 to: 1) authorize owners of projects with residential units to elect to provide additional parking spaces for car-share use which will not count against any parking maximums; and 2) allow the car-share spaces to be used for other permitted uses other than parking a motorized vehicle if a car-share organization chooses not to use the space.

The proposal to amend Planning Code Section 166 would result in no physical impact on the environment. The proposed amendment is exempt from environmental review under Section 15060(c)(2) of the CEQA Guidelines.

***At the December 6<sup>th</sup> hearing, the Commission adopted Resolution Number 18755 with a recommendation of approval with modifications to the Board of Supervisors for the proposed ordinance.***

Specifically, the Commission recommended that the Board of Supervisors modify Supervisor Wiener's proposed Ordinance [Board File No. 120900] by incorporating the changes proposed by the Planning Commission, which are as follows:

1. Modify the Ordinance so that soft site car-share spaces that have been in place for a year or more can be retained at the request of the property owner in new development without reducing the permitted levels of private parking.
2. Change the proposed maximums for voluntary car-share spaces as follow:
  - 10 units to 24 units – 2 car-share spaces
  - 25 units to 49 units - 3 car-share spaces
  - Greater than 50 units - 5 car-share spaces
3. Add the following maximums for voluntary car-share spaces for commercial buildings:
  - 5,000 - 9,999 sq. ft. of commercial space – 2 car-share spaces

- 10,000 – 19,999 sq. ft. of commercial space – 3 car-share spaces
  - 20,000 sq. ft. or more of commercial space – 5 car-share spaces
4. Require signage above or next to each additional car-share parking space indicating that the parking space is for car-share parking and cannot be used for private automobile parking. The sign should also include the number someone can call for enforcement.
  5. Consider legislation that would allow MTA to enforce parking on private property or provide the Planning Department with more enforcement and citation power to better monitor these spaces.
  6. Amend the legislation to state that any optional car-share spots covered by this Ordinance shall only be allowed for projects that do not seek a Conditional Use to increased parking.

The Department recommends that the legislative sponsors advise the City Attorney at your earliest convenience if you wish to incorporate any changes recommended by the Commission. This electronic copy is our transmittal to the Board of Supervisors. Per instructions by the Clerk of the Board, no hard copies will be provided; however hardcopies will be provided upon request. Attached are documents relating to the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,



AnMarie Rodgers  
Manager of Legislative Affairs

cc: Alisa Miller, Assistant Clerk  
Andres Power, Aide to Supervisor Wiener  
Judith A. Boyajian, Deputy City Attorney

Attachments [one copy of each of the following]  
Planning Commission Resolution Number 18755  
Planning Commission Executive Summary



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Resolution No. 18755

HEARING DATE DECEMBER 6, 2012

*Project Name:* Amendments relating to Car-share Parking Space Controls  
*Case Number:* 2012.1314 T [Board File No. 12-0900]  
*Initiated by:* Supervisor Wiener/ Introduced September 11, 2012  
*Staff Contact:* Aaron Starr, Legislative Affairs  
Aaron.starr@sfgov.org, 415-558-6362  
*Reviewed by:* AnMarie Rodgers, Manager Legislative Affairs  
anmarie.rodgers@sfgov.org, 415-558-6395

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**RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT WITH MODIFICATIONS A PROPOSED ORDINANCE THAT WOULD AMEND THE SAN FRANCISCO PLANNING CODE BY AMENDING SECTION 166 TO 1) AUTHORIZE OWNERS OF PROJECTS WITH RESIDENTIAL UNITS TO ELECT TO PROVIDE ADDITIONAL PARKING SPACES FOR CAR-SHARE USE WHICH WILL NOT COUNT AGAINST ANY PARKING MAXIMUMS; 2) ALLOW THE CAR-SHARE SPACES TO BE USED FOR OTHER PERMITTED USES OTHER THAN PARKING A MOTORIZED VEHICLE IF A CAR-SHARE ORGANIZATION CHOOSES NOT TO USE THE SPACE; AND 3) MAKING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.**

WHEREAS, on September 11, 2012, Supervisors Wiener introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 12-0900, which would amend the San Francisco Planning Code Section 166 to: 1) authorize owners of projects with residential units to elect to provide additional parking spaces for car-share use which will not count against any parking maximums; 2) allow the car-share spaces to be used for other permitted uses other than parking a motorized vehicle if a car-share organization chooses not to use the space; and 3) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on December 6, 2012; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c); and

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

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

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **approve with modifications** the proposed ordinance. Specifically, the Commission recommends the following modifications:

1. Modify the ordinance so that soft site car-share spaces that have been in place for a year or more can be retained at the request of the property owner in new development without reducing the permitted levels of private parking.
2. Change the proposed maximums for voluntary car-share spaces as follow:
  - 10 units to 24 units – 2 car-share spaces
  - 25 units to 49 units - 3 car-share spaces
  - Greater than 50 units - 5 car-share spaces
3. Add the following maximums for voluntary car-share spaces for commercial buildings:
  - 5,000 - 9,999 sq. ft. of commercial space – 2 car-share spaces
  - 10,000 – 19,999 sq. ft. of commercial space – 3 car-share spaces
  - 20,000 sq. ft. or more of commercial space – 5 car-share spaces
4. Require signage above or next to each additional car-share parking space indicating that the parking space is for car-share parking and cannot be used for private automobile parking. The sign should also include the number someone can call for enforcement.
5. Consider legislation that would allow MTA to enforce parking on private property or provide the Planning Department with more enforcement and citation power to better monitor these spaces.
6. Amend the legislation to state that any optional car-share spots covered under this Ordinance shall only be allowed for projects that do not seek a Conditional Use to increased parking.

## FINDINGS

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

1. The Commission finds that this Ordinance is consistent with the General Plan and the City's transit first policy; car-share spaces have been shown to reduce the number of private automobiles and the total number of miles driven, and they allow residents to primarily rely on alternative modes of transportation by providing convenient access to cars when needed.
2. The Commission finds that this Ordinance should be amended so that proposed developments can keep the existing number of voluntary car-share spaces if requested by the project sponsor to help preserve an existing transit amenity for nearby residents.
3. As drafted, the Ordinance would allow small projects with little or no parking to have up to 5 car-share spaces. The Commission finds this excessive given that smaller projects might not have any parking to begin with and most of these smaller projects wouldn't have garage space to

accommodate publicly accessible car-share spaces. Instead, the Commission is proposing a different scale that reduces the allowable number of additional car-share spaces for each tier and starts this allowance at 10 dwelling units.

4. The Commission finds that it's appropriate to include commercial development in this legislation. Car-share companies market their services to businesses as a low cost alternative to having company cars or fleets. In commercial buildings having ample car-share spaces available would be a significant benefit to businesses and their employees while still advancing the City's transit first policy.
5. The Commission finds that it will be difficult to ensure that the additional car-share spaces are not used for private automobiles through the Planning Department's enforcement powers. Clear signage is one mechanism that can reduce the likelihood of improper use; the other would be allowing SFMTA to enforce Planning Code parking controls.

The Commission finds that additional car-share spaces would be an added amenity for development projects and should only be permitted for projects that do not seek more parking than allowed as of right.

1. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

## **II. TRANSPORTATION ELEMENT**

### **OBJECTIVE 1**

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

#### **Policy 1.3**

Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

*As amended, the proposed Ordinance would meet San Francisco's transit needs by giving more priority to car-share services, which is an alternative to the private automobile.*

#### **Policy 1.6**

Ensure choices among modes of travel and accommodate each mode when and where it is most appropriate.

*As amended, the proposed Ordinance would provide greater choices for residents and workers to meet their transportation needs, and would accommodate car share services where they are most appropriate.*

### **OBJECTIVE 11**

ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN

FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

*Car-share spaces have been shown to reduce the number of private automobiles and the total number of miles driven, and they allow residents to primarily rely on alternative modes of transportation by providing convenient access to cars when needed.*

8. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

*As amended, the proposed Ordinance would allow existing car-share uses that currently serve nearby residents to remain.*

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

*The proposed Ordinance would have no adverse effect on existing housing or neighborhood character.*

3. That the City's supply of affordable housing be preserved and enhanced;

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

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

*As amended, the proposed Ordinance would help reduce commuter traffic from private automobiles, which will help insure that MUNI traffic is not impeded and will help reduce the burden on City streets.*

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

*The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.*

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

*The proposed Ordinance will have no adverse impact on the City's preparedness to protect against injury and loss of life in an earthquake.*

7. That the landmarks and historic buildings be preserved;

*Landmarks and historic buildings would not be negatively impacted by the proposed Ordinance.*

8. That our parks and open space and their access to sunlight and vistas be protected from development;

*The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed Ordinance.*

- 8. Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance as described in this Resolution and in the proposed Ordinance with the modification outlined above.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on December 6, 2012.

Jonas P. Ionin  
Commission Secretary

AYES: Commissioners Antonini, Borden, Fong, Hillis, Moore, Sugaya and Wu

NOES: none

ABSENT: none

ADOPTED: December 6, 2012



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Planning Code Text Change

HEARING DATE: DECEMBER 6, 2012

*Project Name:* **Amendments relating to Car-share Parking Space Controls**  
*Case Number:* 2012.1314 T [Board File No. 12-0900]  
*Initiated by:* Supervisor Wiener/ Introduced September 11, 2012  
*Staff Contact:* Aaron Starr, Legislative Affairs  
Aaron.starr@sfgov.org, 415-558-6362  
*Reviewed by:* AnMarie Rodgers, Manager Legislative Affairs  
anmarie.rodgers@sfgov.org, 415-558-6395  
*Recommendation:* **Recommend Approval with Modifications**

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### PLANNING CODE AMENDMENT

The proposed Ordinance would amend the San Francisco Planning Code Section 166 to: 1) authorize owners of projects with residential units to elect to provide additional parking spaces for car-share use which will not count against any parking maximums; 2) allow the car-share spaces to be used for other permitted uses other than parking a motorized vehicle if a car-share organization chooses not to use the space; and 3) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

#### The Way It Is Now:

Required car-share parking spaces can satisfy or may substitute for any required residential parking; however, such space shall not be counted against the maximum number of parking spaces allowed by the Planning Code as a principal use, an accessory use, or a conditional use.

Voluntarily adding car-share spaces above what is required in addition to maxing out your allowable parking for private automobiles is not permitted by the Planning Code.

#### The Way It Would Be:

The proposed Ordinance would allow a project with 49 residential units or less to add up to 5 car-share spaces and a project with 50 or more residential units to add up to 8 car-share spaces, without those spaces being counted against the maximum number of parking spaces allowed by the Code as a principal use, an accessory use, or a conditional use.

These additional care share spaces would be subject to the following criteria:

- (1) They shall meet the provisions of this Section 166<sup>1</sup>.

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<sup>1</sup> Section 166 outlines the rules that govern car sharing spaces. This section is reprinted in the proposed Ordinance.



- (2) The car-share parking spaces shall be deed-restricted and dedicated for car sharing, and must be offered and maintained in perpetuity.
- (3) At project entitlement, the property owner must submit a letter of intent from a certified car-share organization that articulates the car-share organization's intent to occupy the requested car-share spaces under this Subsection (g).
- (4) Use of the car-share vehicles shall not be limited to residents of the building.
- (5) If an additional car-share space is built, and a certified car-share organization chooses not to place vehicles in that space, the owner of the project may not sell, rent, or otherwise earn fees on the space but may use it for (i) bicycle parking, or (ii) permitted storage and other permitted uses but not for parking of any motorized vehicle; provided, however, that upon ninety (90) days of advance written notice to the property owner from a certified car-sharing organization, the property owner shall terminate any non car-sharing use for such space and shall make the space available to the car-share organization for its use of such space.

## ISSUES AND CONSIDERATIONS

Car-sharing began in the United States just over 12 years ago<sup>2</sup>. In San Francisco, City Car-Share began in 2001 and the Planning Commission instituted car-share requirements as part of project "Conditions of Approval" as early as June 2002<sup>3</sup>. Shortly thereafter, the Commission codified uniform requirements in the Planning Code with the 2005 adoption of the Rincon Hill Plan. As an early adopter of car-share, the City is still learning about how to best implement car-share and about how car-share relates to other policy goals.

### Recent Changes to the City's Car Share Program

In 2010, the Commission passed Resolution 18106 outlining the Commission's policy for requiring more car share spaces than required by the Planning Code when granting entitlements for a project. The Motion stated that where transportation impacts of the specified project combined with the project location warrant additional mitigations, the Planning Commission may require additional car-share at the amounts reflected in the following table:

<i>Residential Units</i>		
<b>Number of Residential Units</b>	<b>Number of Required Car-share spaces</b>	<b>Guidelines for Commission-Imposed Additional Car-share Spaces When Certain Findings are Made</b>
0-49	None	1
50-200	1	2
201 or more	2, plus 1 for every 200 units over 200	3, plus 2 for every 200 units over 200

<sup>2</sup> Balish, Chris. How to Live Well Without Owning a Car, Ten Speed Press, pg 161, 2006.

<sup>3</sup> On June 20, 2002 the Planning Commission adopted Motion No. 16443 for the project at 724 Van Ness Avenue/650 Turk noting, "The Project Sponsor has offered two parking spaces to City CarShare in order to provide for shared car use by Project residents as well as the general public."

<i>Non-Residential Uses</i>		
Number of Parking Spaces (Non-Residential Uses or in a Non-Accessory Parking Facility)	Number of Required Car-share spaces	Guidelines for Commission-Imposed Additional Car-share Spaces When Certain Findings are Made
0-24	None	1
25-49	1	2
50 or more	1, plus 1 for every 50 spaces over 50	2, plus 1 for every 40 spaces

When the Commission passed these guidelines they were concerned that requiring excessive car share spaces or requiring soft sites to maintain their existing car share spaces would discourage the development of needed housing, especially low-income housing. Further, property owners described an increasing hesitance to voluntarily provide car-share parking on underutilized lots due to a perception that such use may be indefinitely required in the future. The majority of car-share parking spaces in San Francisco are currently provided voluntarily, outside of requirements of Planning Code Section 166 and Planning Commission Conditions of Approval. By passing these guidelines, the Commission recognized that voluntary car-share parking spaces are a valuable component to the success of San Francisco’s overall car-sharing program.

**Benefits of Car-share Programs**

While car sharing is not cost-effective for people who need a vehicle on a daily basis, it can provide significant financial savings (in lieu of auto ownership) to those who need a car on a less frequent basis. The availability of the service also reduces the total number of private automobiles and the total number of miles driven. According to a study that evaluated changes in travel demand data prior to and after the launch of the City CarShare Program in San Francisco, within two years, nearly 30% of members substituted their personal vehicles for City CarShare vehicles and over two-thirds deferred the purchase of a second car<sup>4</sup> A 2006 Survey done for CommunAuto, a Quebec car-sharing organization, found that each shared vehicle replaces eight individually owned ones, leads to an 1,800-mile reduction in distance driven per year per member, and resulted in up to a 44 percent reduction in fuel consumption.<sup>5</sup>

It’s also important to remember that car-share services are just one part of a successful transit first policy and that they are intended to provide convenient access to a car when other more efficient forms of transit are not practical. Not having a limit on the number to car share spaces that are allowed in any one development, or allowing too many car share spaces in one location could increase vehicular traffic in a neighborhood and overburden city streets.

**Enforcement**

The Department has a complaint driven enforcement process where we rely on the public to let us know if a property is out of compliance with the Planning Code or specific conditional of approval. Because

<sup>4</sup> <http://escholarship.org/uc/item/4f39b7b4#page-4>

<sup>5</sup> [http://www.toronto.ca/zoning/pdf/car\\_share\\_2009-04-02.pdf](http://www.toronto.ca/zoning/pdf/car_share_2009-04-02.pdf)

these spaces could potential be used for private automobile parking, there is little incentive for someone to report that a required car-share space is not being used as intended. Further, these spaces are often located within a garage out of view from the public right-of-way. The Department's enforcement team does not have citation authority, making it difficult to enforce parking related violations of the Planning Code. The San Francisco Metropolitan Transportation Authority (SFMTA) does have citation power, but they cannot enforce parking regulation on private property under the City's existing laws.

### **Existing Pods on Soft Sites**

Many car-share pods (groupings of car-share spaces) are located on "soft sites," such as gas stations and surface parking lots. When these sites are developed most of the existing car-share spaces are lost, which negatively affects nearby residents who have come to rely on those spaces for their transportation needs. The gas stations along Market Street that have recently redeveloped or are in the process of being redeveloped are a prime example of this situation.

### **Market Supply and Demand**

The Planning Department doesn't have a strong sense of the current market demand for car-share spaces in San Francisco. The car-share industry hasn't approached the Department seeking greater car-share requirements in the Planning Code. As drafted, the Ordinance requires that property owners submit a letter of intent from a certified car-share organization that articulates the car-share organization's intent to occupy the requested car-share spaces; however, because there is no disincentive for car-share companies to sign a letter of intent, this does not necessarily indicate that there is a demand for those spaces. Also, the SFMTA is working on a program to allow car-share spaces in on-street parking spaces; the supply of available car-share spaces could be significantly increased if this were to happen.

## **REQUIRED COMMISSION ACTION**

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

## **RECOMMENDATION**

The Department recommends that the Commission recommend *approval with modification* of the proposed Ordinance and adopt the attached Draft Resolution to that effect. The proposed modifications include:

1. Modify the Ordinance so that soft site car-share spaces that have been in place for a year or more can be retained at the request of the property owner in new development without reducing the permitted levels of private parking.
2. Change the proposed maximums for voluntary car-share spaces as follow:
  - 10 units to 24 units – 2 car-share spaces
  - 25 units to 49 units - 3 car-share spaces
  - Greater than 50 units - 5 car-share spaces
3. Add the following maximums for voluntary car-share spaces for commercial buildings:
  - 5,000 - 9,999 sq. ft. of commercial space – 2 car-share spaces
  - 10,000 – 19,999 sq. ft. of commercial space – 3 car-share spaces
  - 20,000 sq. ft. or more of commercial space – 5 car-share spaces

4. Require signage above or next to each additional car-share parking space indicating that the parking space is for car-share parking and cannot be used for private automobile parking. The sign should also include the number someone can call for enforcement.
5. Consider legislation that would allow MTA to enforce parking on private property or provide the Planning Department with more enforcement and citation power to better monitor these spaces.
6. Amend the legislation to state that any optional car-share spots covered by this Ordinance shall only be allowed for projects that do not seek a Conditional Use to increased parking.

## **BASIS FOR RECOMMENDATION**

On balance this Ordinance is consistent with the General Plan and the City's transit first policy; car-share spaces have been shown to reduce the number of private automobiles and the total number of miles driven, and they allow residents to primarily rely on alternative modes of transportation by providing convenient access to cars when needed. However, the Department has concerns over how these new provisions would be enforced and how the Ordinance tiers the allowable car-share spaces.

### **Recommendation 1**

It's the Department's understanding that this Ordinance evolved from a concern that car-share pods were being removed when soft sites, particularly along Market Street, were being developed. The Department is recommending that the Ordinance be amended so that these sites are allowed to keep their existing number of spaces if requested by the project sponsor.

### **Recommendation 2 and 3**

As currently drafted, the Ordinance would allow small projects with little or no parking to have up to 5 car-share spaces. The Department finds this excessive given that smaller projects might not have any parking to begin with and most of these smaller projects wouldn't have garage space to accommodate publicly accessible car-share spaces. Instead, the Department is proposing a different scale that reduces the allowable number of additional car-share spaces for each tier and starts this allowance at 10 dwelling units. The Department finds this to be an appropriate starting point for additional car-share spaces because these buildings are more likely to have parking and garages with enough room to accommodate publicly accessed car-share spaces.

The Department also believes that it's appropriate to include commercial development in this legislation. Car-share companies market their services to businesses as a low cost alternative to having company cars or fleets. Employees may take transit to work or ride their bike, but need a car to go off site. In these situations having ample car-share spaces available would be a significant benefit to businesses and their employees while still advancing the City's transit first policy. The Department chose 5,000 sq. ft. as the starting point because that is typically when parking is required for commercial development.

### **Recommendation 4 and 5**

If not properly monitored, this legislation could create a loophole that would allow additional private parking spaces. The Department believes that it will be difficult to ensure that these spaces are not used for private automobiles. These sites will be located on private property and within enclosed garages out of view from the public right-of-way. Clear signage is one mechanism that can reduce the likelihood of improper use; the other would be allowing SFMTA to enforce Planning Code parking controls. In

preliminary discussions, SFMTA indicated that they were receptive to the idea of taking over the enforcement role for parking on private property. However, the Department cannot delegate authority to another agency in its own Code, so these provisions would also have to appear in the Transportation Code for MTA to be able to enforce them.

**Recommendation 6**

The Department sees additional car-share spaces as an added amenity for development projects. The intention behind this recommendation is to create an incentive for developers to not seek additional parking through Conditional Use authorization.

**ENVIRONMENTAL REVIEW**

The proposal to amend Planning Code Section 166 (Car Sharing) would result in no physical impact on the environment. The proposed amendment is exempt from environmental review under Section 15060(c)(2) of the CEQA Guidelines.

**PUBLIC COMMENT**

As of the date of this report, the Planning Department has not received any comments about the proposed Ordinance; however, included in this packet is a letter from the SFMTA to Supervisor Wiener regarding the proposed Ordinance.

<b>RECOMMENDATION:</b> <b>Recommendation of Approval with Modifications</b>
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**Attachments:**

- Exhibit A:        Draft Planning Commission Resolution
- Exhibit B:        Board of Supervisors File No. 12-0900
- Exhibit C:        Letter from SFMTA