

[Dwelling Unit Parking Reduction in Neighborhood Commercial Districts]
 AMENDING PART II, CHAPTER II, OF THE SAN FRANCISCO MUNICIPAL CODE
 (PLANNING CODE) BY AMENDING SECTION 161(j) TO ADDITIONAL
 COMPATIBILITY FINDINGS FOR THE CONSIDERATION OF CONDITIONAL USE
 APPLICATIONS FOR OFF-STREET PARKING REDUCTIONS FOR DWELLING UNITS
 IN NEIGHBORHOOD COMMERCIAL DISTRICTS, ADOPTING FINDINGS
 PURSUANT TO PLANNING CODE SECTION 101.1.

Note: additions are underlined. Deletions are indicated by ((double parentheses)).

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

Section 1.

(a) General Findings.

The Board of Supervisors hereby finds and declares that the following existing conditions create a need to amend Planning Code Section 161(j):

Section 161(j) of the Planning Code establishes a conditional use process whereby the Planning Commission may approve a reduction in the off-street parking requirement for dwelling units in Neighborhood Commercial Districts upon making specific findings that the parking reduction is justified given the anticipated auto usage of the project and that the reduction would not be detrimental to the health, safety and general welfare of persons in the area.

These findings alone do not provide for consideration of the compatibility of such a proposal with either the surrounding development pattern, local area character or the intent of the specific neighborhood commercial district in which the proposal is located. Neighborhood

1 Commercial Districts are mixed-use districts consisting of commercial development on the lower
2 floors and residential uses on the upper floors. However, all such districts are not uniform in
3 composition, character or function. Some are more uniformly commercial, having continuous
4 pedestrian-oriented retail streets and little or no housing, while others are primarily residential in
5 character with a much smaller and scattered commercial presence.

6 As most Neighborhood Commercial Districts consist of relatively small-scale individual
7 developments within a pattern of narrow lots, the typical locations of driveways, garage doors
8 and parking spaces are often in conflict with pedestrian-oriented retail uses on the ground floor.

9 The appropriateness of a dwelling unit parking reduction at any given location should
10 consider the character and function of the specific district in which it is located and the
11 compatibility of the proposed building form and combination of uses with the surrounding
12 context.

13 Without the standard findings required for conditional uses under Section 303(c)(1-4), no
14 guidance is given in evaluating whether such a project is compatible with its surroundings as an
15 indication as to whether a dwelling unit parking reduction is appropriate at any given location.

16 One of the Priority General Plan Policies passed by the voters as an Initiative Ordinance in
17 1986 and found in Planning Code Section 101.1(b) states, that existing housing and
18 neighborhood character be conserved and protected in order to preserve the cultural and
19 economic diversity of our neighborhoods. Including findings requiring consideration of
20 neighborhood character and compatibility with existing development pattern to conditional use
21 authorizations for dwelling unit parking reductions in Neighborhood Commercial Districts will
22 directly further this policy by encouraging the conservation of neighborhood character.

23 The Board finds that it is necessary to the public health, safety and welfare that existing

1 neighborhood character of communities including and surrounding Neighborhood Commercial
2 Districts be preserved and enhanced and that consideration of compatibility with existing
3 development and the intent of the individual Neighborhood Commercial District in evaluating
4 conditional use applications for dwelling unit parking reductions in such districts would support
5 this objective.

6 (b) Priority Policy Findings.

7 Pursuant to Section 101.1 of the Planning Code, the Board of Supervisors makes the
8 following findings:

- 9 (1) The legislation is consistent with Priority Policy 1 in that it would enhance
10 neighborhood-serving businesses which provide employment and ownership opportunities
11 for local residents by encouraging compatible future development and building alterations
12 which support the character of the district.
- 13 (2) The legislation is consistent with Priority Policy 2 in that it would encourage the
14 conservation of neighborhood character by providing specific findings related to
15 compatibility with existing character and the intent of the specific Neighborhood
16 Commercial District as part of these specific conditional use authorizations.
- 17 (3) The legislation is consistent with Priority Policy 3 in that it would have no effect on city's
18 supply of affordable housing.
- 19 (4) The legislation is consistent with Priority Policy 4 in that it would not effect commuter
20 traffic or Muni transit service.
- 21 (5) The legislation is consistent with Priority Policy 5 in that it would not effect industrial or
22 service uses.
- 23 (6) The legislation is consistent with Priority Policy 6 in that it would have no adverse effect

1 on the city's earthquake preparedness.

2 (7) The legislation is consistent with Priority Policy 7 in that it would not change the rules
3 regarding landmarks and historic buildings.

4 (8) The legislation is consistent with Priority Policy 8 in that it would not effect parks and
5 open spaces.

6 Section 2. Planning Code Section 161 is hereby amended to read as follows.

7 SEC. 161. EXEMPTIONS FROM OFF-STREET PARKING, FREIGHT LOADING AND
8 SERVICE VEHICLE REQUIREMENTS.

9 The following exemptions shall apply to the requirements for off-street parking and
10 loading spaces set forth in Sections 151 through 155 of this Code. These provisions, as
11 exemptions, shall be narrowly construed.

12 (a) No off-street parking shall be required for a one-family or two-family dwelling
13 where the lot on which such dwelling is located is entirely inaccessible by
14 automobile because of topographic conditions.

15 (b) No off-street loading shall be required where access to the lot cannot be provided
16 other than by means of a driveway across a sidewalk 25 feet or more in width
17 from the curb to the front lot line which would cause serious disruption to
18 pedestrian traffic.

19 (c) In recognition of the compact and congested nature of the downtown area and
20 portions of Chinatown, the accessibility of this area by public transit, and
21 programs for provision of public parking facilities on an organized basis at specific
22 locations, no off-street parking shall be required for any use, other than dwellings
23 where a requirement is specified, in any C-3, Chinatown Visitor Retail, or

1 Chinatown Residential Neighborhood Commercial Districts.

2 (d) In recognition of the small scale of development, the desirability of retention and
3 conversion of many existing buildings of established character, the need to relieve
4 congestion, and the provision of public parking facilities on an organized basis at
5 specific locations, no off-street parking shall be required for any use other than
6 dwellings in the Washington Broadway Special Use District Numbers 1 and 2 as
7 described in Section 239 of this Code and in the Chinatown Community Business
8 District, where the size of the lot does not exceed 20,000 square feet.

9 (e) In recognition of the close neighborhood orientation of the uses provided for in
10 Residential-Commercial Combined Districts of high density, no off-street parking
11 shall be required for any principal use in an RC-4 District for which the form of
12 measurement is occupied floor area, where the occupied floor area of such use
13 does not exceed 10,000 square feet.

14 (f) In recognition of the policies set forth in the Northeastern Waterfront Plan, a part
15 of the General Plan, the unique nature of the area and the difficulty of providing
16 vehicular access thereto, the Planning Department or Planning Commission in
17 specific cases may determine an appropriate reduction in off-street parking
18 requirements in Waterfront Special Use District Numbers 1 and 3 as described in
19 Sections 240.1 and 240.3 of this Code, in authorizing any principal or conditional
20 use, respectively, under those sections. In considering any such reduction, the
21 Planning Department for principal uses, and the Planning Commission for
22 conditional uses, shall consider the following criteria:

23 (1) The anticipated parking demand to be generated by the particular use

1 contemplated;

2 (2) Accessibility to the proposed site from freeway ramps or from major
3 thoroughfares;

4 (3) Minimization of conflict of vehicular and pedestrian movements;

5 (4) The service patterns of forms of transportation other than the automobile;

6 (5) The pattern of land uses and the availability of parking in the vicinity;

7 (6) The policies set forth in the Northeastern Waterfront Plan, including
8 policies concerning the relative emphasis that should be given to pedestrian
9 and vehicular movement; and

10 (7) Such other criteria as may be deemed appropriate in the circumstances of
11 the particular case.

12 (g) In instances in which all public agencies involved have certified by resolution that
13 the requirements of this Code (i) will be satisfied in whole or in part by public
14 off-street parking facilities constructed or authorized to be constructed for a
15 special assessment district or upon any other basis, or (ii) in C-3 and NC Districts
16 will be satisfied by a requirement of a cash contribution in an amount deemed
17 sufficient to provide for the future construction of the required number of parking
18 stalls, off-street parking required for individual buildings and uses may be
19 correspondingly reduced if the total off-street parking supply in the area will
20 nevertheless meet the requirements of this Code for all buildings and uses in the
21 area.

22 (h) The off-street parking requirements for dwelling units in the North of Market
23 Residential Special Use District, as described in Section 249.5 of this Code, may

1 be reduced by the Planning Commission pursuant to the procedures for
2 conditional use authorization set forth in Section 303 of this Code. In acting upon
3 any application for a reduction of requirements, the Planning Commission shall
4 consider the criteria set forth below in lieu of the criteria set forth in Section
5 303(c), and may grant the reduction if it finds that:

6 (1) The reduction in the parking requirement is justified by the reasonably
7 anticipated auto usage by residents of and visitors to the project; and

8 (2) The reduction in the parking requirement will not be detrimental to the
9 health, safety, convenience, or general welfare of persons residing or
10 working in the vicinity.

11 (i) In recognition of the fact that site constraints in C-3 Districts may make provision
12 of required freight loading and service vehicle spaces impractical or undesirable, a
13 reduction in or waiver of the provision of freight loading and service vehicle
14 spaces for uses in C-3 Districts may be permitted, in accordance with the
15 provisions of Section 309 of this Code. In considering any such reduction or
16 waiver, the following criteria shall be considered:

17 (1) Provision of freight loading and service vehicle spaces cannot be
18 accomplished underground because site constraints will not permit ramps,
19 elevators, turntables and maneuvering areas with reasonable safety;

20 (2) Provision of the required number of freight loading and service vehicle
21 spaces on-site would result in the use of an unreasonable percentage of
22 ground-floor area, and thereby preclude more desirable use of the ground
23 floor for retail, pedestrian circulation or open space uses;

- 1 (3) A jointly used underground facility with access to a number of separate
2 buildings and meeting the collective needs for freight loading and service
3 vehicles for all uses in the buildings involved, cannot be provided; and
4 (4) Spaces for delivery functions can be provided at the adjacent curb without
5 adverse effect on pedestrian circulation, transit operations or general traffic
6 circulation, and off-street space permanently reserved for service vehicles
7 is provided either on-site or in the immediate vicinity of the building.

8 (j) The off-street parking requirements for dwelling units in NC Districts, as
9 described in Article 7 of this Code, may be reduced by the Planning Commission
10 pursuant to the procedures for conditional use authorization set forth in Section
11 303 of this Code. In acting upon any application for a reduction of requirements,
12 the Planning Commission shall consider the criteria set forth below in lieu of the
13 criteria set forth in Section 303(c), and may grant the reduction if it finds that:

- 14 (1) The reduction in the parking requirement is justified by the reasonably
15 anticipated auto usage by residents of and visitors to the project; ((and))
16 (2) The reduction in the parking requirement will not be detrimental to the
17 health, safety, convenience, or general welfare of persons residing or
18 working in the vicinity;((.))
19 (3) The project is consistent with the existing character and pattern of
20 development in the area; and
21 (4) The project is consistent with the description and intent of the
22 neighborhood commercial district in which it is located.

23 (k) For arts activities in the RED, RSD, SPD, SLR, SLI or SSO Districts which will

1 operate primarily during evenings and weekends, the Zoning Administrator may
2 reduce or waive the off-street parking requirement when he or she determines
3 pursuant to Section 307(g) that within an 800 foot walking distance from the site
4 the anticipated demand from the proposed project, in combination with the
5 existing nighttime and/or weekend demand for parking within the same geographic
6 area at the time of the permit application, would not exceed 90 percent of the
7 on-street or off-street parking spaces available to the public within the subject
8 area. The applicant shall provide to the Zoning Administrator an acceptable
9 parking survey and study which shows evidence of existing parking resources and
10 demand and anticipated demand generated by the proposed project and nearby
11 land uses. The Zoning Administrator may impose conditions on reduction or
12 waiver of the requirement, including, but not limited to, advertising of nearby
13 transit and parking facilities, requiring valet parking services and/or leasing
14 parking spaces on nearby lots during performance or exhibition activities.

15 (l) Beginning on the effective date of Ordinance No. 412-88 (effective
16 October 10, 1988), within any South of Market District, the Zoning
17 Administrator, upon application pursuant to Section 307(g), may waive or
18 reduce the required off-street parking for any nonresidential use where he
19 or she determines that: (1) sufficient spaces to replace the waived or
20 modified requirement will be provided within a parking facility open to the
21 public sponsored by the San Francisco Parking authority or the City and
22 County of San Francisco; (2) it is anticipated that the replacement spaces
23 will be available not more than 10 years after the parking would otherwise

1 first be required to be available; (3) the facility in question is within a
2 walking distance, as defined in Section 159(d), of one-half mile; and (4)
3 the applicant agrees to pay a one-time fee of \$15,000 (this amount shall be
4 adjusted annually effective April 1st of each calendar year by the
5 percentage of change in the Building Cost Index used by the San Francisco
6 Bureau of Building Inspection) for each space as to which the requirement
7 is waived or modified, which fee shall be deposited to the Off Street
8 Parking Fund for the purpose of acquiring property or rights to property,
9 through lease, purchase, or other means, and design, improvement and
10 maintenance of property, for the general purpose of providing publicly
11 accessible parking within the South of Market Base District, as defined in
12 City Planning Code Section 820 and identified on Sectional Map 3SU of
13 the Zoning Map of the City and County of San Francisco, which parking is
14 reasonably expected to be used by persons who live, work, shop, do
15 business or visit in the South of Market Base District. Said fee, and any
16 interest accrued by such fee, shall be used for the purposes stated herein
17 unless it is demonstrated that it is no longer needed. This payment shall be
18 paid in full to the City prior to the issuance of any temporary or other
19 certificate of occupancy for the subject property.

- 20 (m) Within the South of Market Base District, the required off-street parking for any
21 nonresidential principal or conditional use in structures designated as landmarks,
22 as contributory buildings within a historic district identified in the approved South
23 of Market Plan or as significant or contributory buildings pursuant to Article 11 of

1 this Code, may be modified or waived by the Zoning Administrator pursuant to
2 Section 307(g) of this Code when the Landmark Preservation Advisory Board
3 advises that the provision of parking would adversely affect the landmark,
4 significant or contributory character of the structure or that modification or waiver
5 would enhance the economic feasibility of preservation of the landmark or
6 structure.

7 (n) With respect to dwelling units in the Chinatown Mixed Use Districts, the parking
8 requirement may be reduced to not less than one space for each four dwelling
9 units, if the Zoning Administrator determines pursuant to Section 307(g) that the
10 reduced parking requirement is sufficient to serve the reasonably anticipated auto
11 ownership by residents of and auto usage by visitors to the project.

12 (o) Within the South of Market Base District, upon approval by the Zoning
13 Administrator pursuant to Section 307(g), the required off-street parking for bars,
14 restaurants, arts, nighttime entertainment, pool halls, and neighborhood-serving
15 retail or personal service activities may be modified, reduced or waived through
16 participation in a Parking Management Program approved by the Zoning
17 Administrator which may include, but need not be limited to, participation in a
18 coordinated off-site satellite parking facilities program, shuttle service, specified
19 signage and designated advertising procedures. (Added by Ord. 414-85, App.

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1 9/17/85; amended by Ord. 69-87, App. 3/13/87; Ord. 131-87, App. 4/24/87; Ord.
2 115-90, App. 4/6/90; Ord. 15-98, App. 1/16/98)

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4 APPROVED AS TO FORM:

5 LOUISE H. RENNE, CITY ATTORNEY

6
7 By: 

8 JUDITH A. BOYAJIAN

9 Deputy City Attorney

10 **SAN FRANCISCO DEPARTMENT OF CITY PLANNING**
CATEGORICALLY EXEMPT FROM ENVIRONMENTAL

CLASS Not a project per CEQA

Statutes Section 21065.

Diane Wong 5/24/00



City and County of San Francisco

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

Tails Ordinance

File Number: 001421

Date Passed:

Ordinance amending Part II, Chapter II, of the San Francisco Municipal Code (Planning Code) by amending Section 161(j) to additional compatibility findings for the consideration of conditional use applications for off-street parking reductions for dwelling units in Neighborhood Commercial Districts, adopting findings pursuant to Planning Code Section 101.1.

November 20, 2000 Board of Supervisors — PASSED, ON FIRST READING

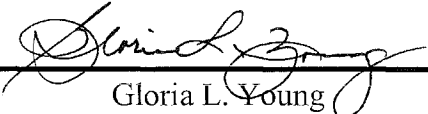
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

December 4, 2000 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

File No. 001421

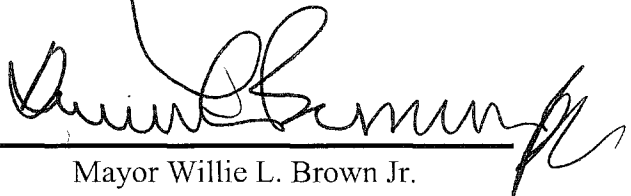
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on December 4, 2000
by the Board of Supervisors of the City and
County of San Francisco.



Gloria L. Young
Clerk of the Board

DEC 15 2000

Date Approved



Mayor Willie L. Brown Jr.