

File No. 141266

Committee Item No. 2  
Board Item No. 13

**COMMITTEE/BOARD OF SUPERVISORS**  
AGENDA PACKET CONTENTS LIST

Committee: Land Use & Transportation

Date April 6, 2015

Board of Supervisors Meeting

Date Apr. 21, 2015

**Cmte Board**

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
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| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
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| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
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**OTHER** (Use back side if additional space is needed)

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Completed by: Andrea Ausberry Date April 2, 2015

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

[Planning Code - Off-Street Parking Exceptions]

1  
2 Ordinance amending the Planning Code to permit certain exceptions from off-street  
3 parking and loading requirements for lots that front on a curbside transit lane or  
4 bikeway, for lots in Residential Mixed Districts, and in order to bring buildings into  
5 greater conformity with yard, setback, and other building requirements; to include  
6 parking in excess of what is principally permitted and located above ground in the  
7 floor-area ratio calculation with an exception for pipeline projects in the Van Ness  
8 Special Use District; modifying other floor-area ratio provisions; affirming the Planning  
9 Department's California Environmental Quality Act determination; and making findings  
10 of consistency with the General Plan, and the eight priority policies of Planning Code,  
11 Section 101.1.

12 NOTE: Unchanged Code text and uncodified text are in plain Arial font.  
13 Additions to Codes are in *single-underline italics Times New Roman font*.  
14 Deletions to Codes are in ~~*italics Times New Roman font*~~.  
15 Board amendment additions are in double-underlined Arial font.  
16 Board amendment deletions are in ~~Arial font~~.  
17 Asterisks (\* \* \* \*) indicate the omission of unchanged Code  
18 subsections or parts of tables.

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

20 Section 1. Findings.

21 (a) The Planning Department has determined that the actions contemplated in this  
22 ordinance comply with the California Environmental Quality Act (California Public Resources  
23 Code Sections 21000, et seq.). The Board of Supervisors hereby affirms this determination.  
24 Said determination is on file with the Clerk of the Board of Supervisors in File No. 141266  
25 and is incorporated herein by reference.

1 (b) Pursuant to Planning Code Section 302, the Board of Supervisors finds that these  
2 Planning Code amendments will serve the public necessity, convenience, and welfare for the  
3 reasons set forth in Planning Commission Resolution No. 19325 and the Board incorporates  
4 such reasons as its own.

5 (c) On February 26, 2015, the Planning Commission, in Resolution No. 19325,  
6 adopted findings that the actions contemplated in this ordinance are consistent, on balance,  
7 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The  
8 Board adopts these findings as its own.

9  
10 Section 2. The Planning Code is hereby amended by revising Sections 102, 159, 160,  
11 161, and 401, to read as follows:

12 **SEC. 102 DEFINITIONS.**

13 \* \* \* \*

14 **Floor Area, Gross.**

15 \* \* \* \*

16 (a) Except as specifically excluded in this definition, "Gross Floor Area" shall include,  
17 but not be limited to, the following:

18 \* \* \* \*

19 (7) In districts other than C-3 Districts, floor space in accessory buildings, ~~except~~  
20 ~~for floor spaces used for accessory off-street parking or loading spaces as described in Section 204.5 of~~  
21 ~~this Code, and driveways and maneuvering areas incidental thereto; and~~

22 \* \* \* \*

23 (b) "Gross Floor Area" shall not include the following:

24 \* \* \* \*

1                   (6) *In districts other than C-3 Districts, floor space used for accessory off-street*  
2 *parking and loading spaces as described in Section 204.5 of this Code and up to a maximum of 150*  
3 *percent (150%) of the off-street accessory parking permitted by right in Sections 151 and 151.1 of this*  
4 *Code for C-3 Districts, and driveways and maneuvering areas incidental thereto Floor space dedicated*  
5 *to parking that does not exceed the amount principally permitted as accessory, and is located*  
6 *underground;*

7                   \* \* \* \*

8                   (20) *In the Van Ness Special Use District, projects where a complete application has*  
9 *been submitted to the Planning Department prior to January 1, 2015 and a site or building permit has*  
10 *been obtained prior to June 20, 2017 shall not have floor space that is devoted to principally permitted*  
11 *or conditionally permitted accessory off-street parking that is located underground counted toward the*  
12 *calculation of Gross Floor Area. The exception in this paragraph (20) shall terminate by operation of*  
13 *law on June 21, 2017 and after that date the City Attorney shall cause this paragraph (20) to be*  
14 *removed from the Planning Code.*

15                   **SEC. 159. REQUIRED OFF-STREET PARKING NOT ON THE SAME LOT AS THE**  
16 **STRUCTURE OR USE SERVED.**

17                   (a) *One- and two-unit dwellings in RH Districts.* Required off-street parking spaces for  
18 *one-unit family and two-unit family dwellings in RH Districts shall be located on the same lot*  
19 *as the dwelling served, or in a Private Automobile Parking Garage as defined in Section 102*  
20 *of this Code.*

21                   (b) *All other dwellings.* Required off-street parking spaces for all other dwellings shall  
22 *be located on the same lot as the dwelling served, as an accessory use, or within a walking*  
23 *distance of 600 feet, as either a principal or a conditional use, depending upon the use*  
24 *provisions applicable to the district in which such parking is located.*

1 (c) All uses other than dwellings. Required off-street parking spaces for all uses other  
2 than dwellings shall be located on the same lot as the use served, as an accessory use, or  
3 within a walking distance of 800 feet, as either a principal or a conditional use, depending  
4 upon the use provisions applicable to the district in which such parking is located.

5 (d) Walking distance defined. Walking distance for purposes of Subsections (b) and (c)  
6 above shall mean the distance from an outside entrance of a structure or use or part thereof,  
7 to each off-street parking space assigned to such structure or use or part thereof, along the  
8 shortest, most convenient pedestrian walkway open to the user or users of such off-street  
9 parking space.

10 (e) Requirements. In order to be credited toward the requirements of this Code, any off-  
11 street parking space located as above on a lot other than the lot on which the structure or use  
12 to be served is located must be available for the actual lifetime of the structure or use to be  
13 served. Such availability shall be assured either by ownership of both the lot containing the  
14 structure or use to be served and the lot containing the off-street parking space by at least  
15 one common owner, or by a lease or other instrument providing for the availability of the  
16 parking space for not less than the actual lifetime of the structure or use to be served; an  
17 attested copy of any such instrument shall be filed with the Planning Department prior to  
18 approval by said Department of any building permit application affected by this arrangement  
19 for provision of required off-street parking. In addition, in either case, a document in a form  
20 approved by the City Attorney shall be executed by the parties concerned, and by the Zoning  
21 Administrator, and recorded in the office of the County Recorder, serving as a notice of the  
22 restrictions under this Code applying to both the lot containing the structure or use to be  
23 served and to the lot containing the off-street parking space, by virtue of this arrangement for  
24 provision of required off-street parking.

1            (f) Termination and modification. *The Zoning Administrator may authorize termination or*  
2 *modification of a requirement for off-street parking, and termination or modification of the*  
3 *corresponding legal instruments described in subsection 159(e) above, if the Zoning Administrator*  
4 *determines that all or a portion of the off-site parking in question is no longer necessary to fulfill a*  
5 *parking requirement of this Code.*

6            **SEC. 160. COLLECTIVE PROVISION AND JOINT USE OF REQUIRED OFF-STREET**  
7 **PARKING.**

8            (a) Collective provision of off-street parking. Collective provision of off-street parking  
9 spaces at the same location to meet the requirements of this Code for two or more structures  
10 or uses may be permitted, where the total quantity of spaces provided is at least equal to the  
11 total of the required spaces for all such structures or uses when computed separately.

12            (b) Joint use of off-street parking. Joint use of the same off-street parking spaces to  
13 meet the requirements of this Code for two or more structures or uses may be permitted,  
14 where the normal hours of operation of such structures or uses are such as to assure the  
15 feasibility of such joint use of parking, and where the total quantity of spaces provided is at  
16 least equal to the total of the required spaces for the structures or uses in operation at any  
17 given time.

18            (c) Requirements. In order to be credited toward the requirements of this Code, any off-  
19 street parking space made available for collective or joint use and located on a lot other than  
20 the lot on which the structure or use to be served is located must be available for the actual  
21 lifetime of the structure or use to be served, and such availability shall be assured in the  
22 manner provided for in Section 159(e) *of this Code above*. In addition, in the case of joint use of  
23 parking, an attested copy of a contract among all the parties concerned setting forth their  
24 agreement to such joint use shall be filed with the Department of City Planning prior to  
25 approval by said Department of any building permit application affected by the arrangement

1 for joint use of parking, and in any such case a notice of restrictions upon the affected  
2 properties shall be executed and recorded in the manner provided for in Section 159(e) *above*,  
3 making specific reference to said contract and describing the arrangement for joint use of  
4 parking.

5 (d) Termination and modification. The Zoning Administrator may authorize termination or  
6 modification of collective provision or joint use of off-street parking, and termination or modification of  
7 the corresponding legal instruments described in subsection (c) above, if the Zoning Administrator  
8 determines that all or a portion of the off-street parking in question is no longer necessary to fulfill a  
9 parking requirement of this Code.

10 **SEC. 161. EXEMPTIONS AND EXCEPTIONS FROM OFF-STREET PARKING, FREIGHT**  
11 **LOADING AND SERVICE VEHICLE REQUIREMENTS.**

12 The following exemptions shall apply to the requirements for off-street parking and  
13 loading spaces set forth in Sections 151 through 155 of this Code. These provisions, as  
14 exemptions, shall be narrowly construed. Reductions or waivers by the Zoning Administrator  
15 permitted by this Section shall be conducted pursuant to the procedures of Section 307(h)(2). Where  
16 exceptions in this Section require approval by the Planning Commission or Zoning  
17 Administrator, the Planning Commission or Zoning Administrator shall consider the criteria of  
18 Section 307(i).

19 \* \* \* \*

20 (b) Parking or Loading Across Very Wide Sidewalks. No off-street parking or loading  
21 shall be required where access to the lot cannot be provided other than by means of a  
22 driveway across a sidewalk 25 feet or more in width from the curb to the front lot line which  
23 would cause serious disruption to pedestrian traffic.

24 \* \* \* \*

1           (e) Exceptions to Improve Conformity with Setbacks, Yards, Open Space, and Other  
2 Requirements of the Code. The Zoning Administrator may reduce or waive the off-street parking  
3 requirement for existing buildings if removal of parking and associated structures increases conformity  
4 with required front setbacks, side yards, and rear yards, increases conformity with open space or street  
5 frontage requirements, reduces or eliminates any nonconforming encroachment onto public rights-of-  
6 way or other public property or easement, and/or reduces or eliminates any other code nonconformity.  
7 Public Parking in Lieu of Required Parking in NC Districts. In instances in which all public agencies  
8 involved have certified by resolution that the requirements of this Code (i) will be satisfied in whole or  
9 in part by public off-street parking facilities constructed or authorized to be constructed for a special  
10 assessment district or upon any other basis, or (ii) in NC Districts will be satisfied by a requirement of  
11 a cash contribution in an amount deemed sufficient to provide for the future construction of the  
12 required number of parking stalls, or by projects and programs which improve the management of on-  
13 street parking in the vicinity or which reduce demand for parking, off-street parking required for  
14 individual buildings and uses may be correspondingly reduced if the total off-street parking supply in  
15 the area will nevertheless meet the requirements of this Code for all buildings and uses in the area-

16           \* \* \* \*

17           (g) RM, NC and C-2 Districts. The Zoning Administrator may reduce the off-street  
18 parking requirements in RM, NC and C-2 Districts pursuant to the procedures and criteria of  
19 Sections 307(h)(2) and (i) of this Code.

20           \* \* \* \*

21           (l) Curbside Transit Lanes and Bikeways. No off-street parking or loading is required on any  
22 lot whose sole feasible automobile access is across a curbside transit lane or bikeway.

23 **SEC. 401. DEFINITIONS.**

24           In addition to the specific definitions set forth elsewhere in this Article, the following  
25 definitions shall govern interpretation of this Article:



1           \*\*\*\*

2           "Gross floor area." The total area of each floor within the building's exterior walls, as  
3 defined in Section 102 of this Code, except for areas devoted to off-street parking and except that  
4 for the purposes of determining the applicability of the TIDF, the exclusion from this definition  
5 set forth in Subsection (b)(12) of the definition of Gross Floor Area shall not apply. The  
6 provision for certain projects in the Van Ness Special Use District set forth in Section 102(b)(20) shall  
7 apply.

8           "Gross square feet of use." The meaning set forth in Section 102-9 of this Code, except  
9 for areas devoted to off-street parking and with the exception of the TIDF. With respect to the  
10 TIDF, the total square feet of gross floor area in a building and/or space within or adjacent to a  
11 structure devoted to all uses covered by the TIDF, including any common areas exclusively  
12 serving such uses and not serving residential uses. Where a structure contains more than one  
13 use, areas common to two or more uses, such as lobbies, stairs, elevators, restrooms, and  
14 other ancillary spaces included in gross floor area that are not exclusively assigned to one  
15 uses shall be apportioned among the two or more uses in accordance with the relative  
16 amounts of gross floor area, excluding such space, in the structure or on any floor thereof  
17 directly assignable to each use.

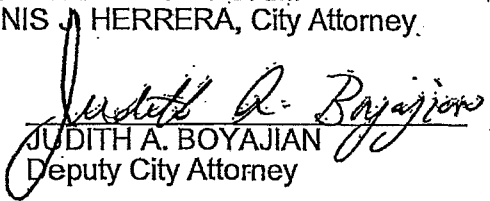
18  
19           Section 3. Effective Date. This Ordinance shall become effective 30 days from the  
20 date of passage. Enactment occurs when the Mayor signs the ordinance, the Mayor returns  
21 the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the  
22 Board of Supervisors overrides the Mayor's veto of the ordinance.

23  
24           Section 4. Scope of Ordinance. In enacting this ordinance, the Board intends to amend  
25 only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation

1 marks, charts, diagrams, or any other constituent part of the Municipal Code that are explicitly  
2 shown in this ordinance as additions, deletions, Board amendment additions, and Board  
3 amendment deletions in accordance with the "Note" that appears under the official title of the  
4 legislation.

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

8 By:

  
9 JUDITH A. BOYAJIAN  
Deputy City Attorney

10 n:\egana\as2015\1500269\00999469.doc

**LEGISLATIVE DIGEST**  
**(Substituted - 3/31/2015)**

[Planning Code - Off-Street Parking Exceptions]

**Ordinance amending the Planning Code to permit certain exceptions from off-street parking and loading requirements for lots that front on a curbside transit lane or bikeway, for lots in Residential Mixed Districts, and in order to bring buildings into greater conformity with yard, setback, and other building requirements; to include parking in excess of what is principally permitted and located above ground in the floor-area ratio calculation with an exception for pipeline projects in the Van Ness Special Use District; modifying other floor-area ratio provisions; affirming the Planning Department's California Environmental Quality Act determination; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

Existing Law

Article 1.5 of the Planning Code establishes minimum off-street parking and loading requirements for certain zoning districts. Section 159 sets requirements for off-street parking not on the same lot as the use served. Section 160 sets requirements for the collective provision and joint use of off-street parking. Deed restrictions are required for shared use and parking not provided on the same lot as the use served. Section 161 provides exemptions and exceptions from the Code's minimum requirements for off-street parking. Exemptions and exceptions include those for particular circumstances. Certain exceptions may be granted by the Zoning Administrator. Parking may still be provided, but it is voluntary and not required.

Planning Code Section 102 defines "Gross Floor Area" and establishes the rules for calculating a building's gross floor area, including which building and features do and do not count towards the gross floor area, except that parking located underground cannot exceed principally permitted amounts. Section 401 also has a definition of "Gross Floor Area," as well as a definition for "Gross square feet of use."

Amendments to Current Law

Planning Code Section 102 is amended to include certain floor space used for accessory off-street parking or loading spaces in the calculation of "Gross Floor Area" with an exception for projects in the Van Ness Special Use District where a complete application has been submitted to the Planning Department prior to January 1 2015 and a site or building permit has been obtained prior to June 20, 2017. Sections 159 and 160 are amended to permit the Zoning Administrator to authorize the removal or modification of deed restrictions where off-site or shared parking arrangements are no longer necessary to fulfill a parking requirement. Section 401 is amended to conform with the revisions to Section 102.

Section 161 is amended to: (1) exempt from the minimum off-street parking requirements properties whose sole street frontage abuts a curbside transit lane or bikepath, (2) permit exceptions to improve an existing building's conformity with front setback, side yard, rear yard, and other building standards of the Planning Code, and (3) authorize the Zoning Administrator to grant exceptions in Residential Mixed (RM) Districts, subject to certain findings and criteria. Section 102.9 is amended so that off-street parking in all districts is included in the calculation of gross floor area calculations.

### Background Information

In the past decade, parking requirements have changed considerably. Parking requirements have been eliminated in various Residential, Neighborhood Commercial, and Mixed-Use districts. Space-efficient parking (tandem, lifts, stackers, and valet parking) is now permitted by right. Street-facing parking is restricted, and active street-facing ground floor uses are required in most zoning districts. Rules for the calculation of gross floor area in C-3 Districts have been amended to both facilitate the conversion of above-ground parking to other uses, and to encourage new parking to be space-efficient and located underground.

This ordinance is intended to provide additional flexibility with regard to parking requirements for existing buildings, in order to:

- facilitate the use of space-efficient parking, and conversion of the freed space to other uses;
- permit the conversion of parking to active street-fronting uses;
- minimize parking and loading conflicts with dedicated bus and cycle lanes; and
- reestablish front yards, rear yards, and comply with other neighborhood building standards.

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# SAN FRANCISCO PLANNING DEPARTMENT

March 2, 2015

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

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Re: Transmittal of Planning Department Case Number 2014-003269PCA:  
Off-Street Parking Exceptions  
Board File No. 141266  
Planning Commission Recommendation: *Approval with Modification*

Dear Ms. Calvillo and Supervisor Breed,

On February 26, 2015, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed amendments to the Off-Street Parking Exceptions Ordinance introduced by Supervisor Breed. At the hearing, the Planning Commission recommended approval with modification.

The Commission recommended modifications are:

1. Clarify that the Zoning Administrator may reduce or waive the required off-street parking pursuant to the procedures of Section 307(h)(2). The following would be added to Subsection 161:

The following exemptions shall apply to the requirements for off-street parking and loading spaces set forth in Sections 151 through 155 of this Code. These provisions, as exemptions, shall be narrowly construed. Reductions or waivers by the Zoning Administrator permitted by this Section shall be conducted pursuant to the procedures of Section 307(h)(2). Where exceptions in this Section require approval by the Planning Commission or Zoning Administrator, the Planning Commission or Zoning Administrator shall consider the criteria of Section 307(i).

2. Change the term "bicycle path" to "bikeway" in proposed subsection 161(q). Section 161(q) would read as follows:

(q) Curbside Transit Lanes and Cycle Paths. No off-street parking or loading is required on any lot whose sole feasible automobile access is across a curbside transit lane or a bicycle path bikeway.

3. Exempt GFA devoted to off-street parking from development impact fee calculations. Section 401 would read as follows:

\*\*\*

"Gross floor area." The total area of each floor within the building's exterior walls, as defined in Section 102.9 of this Code, *except for areas devoted to off-street parking and* except that for the purposes of determining the applicability of the TIDF, the exclusion from this definition set forth in Section 102.9(b)(12) shall not apply.

"Gross square feet of use." The meaning set forth in Section 102.9 of this Code, *except for areas devoted to off-street parking and* with the exception of the TIDF. With respect to the TIDF, the total square feet of gross floor area in a building and/or space within or adjacent to a structure devoted to all uses covered by the TIDF, including any common areas exclusively serving such uses and not serving residential uses. Where a structure contains more than one use, areas common to two or more uses, such as lobbies, stairs, elevators, restrooms, and other ancillary spaces included in gross floor area that are not exclusively assigned to one uses shall be apportioned among the two or more uses in accordance with the relative amounts of gross floor area, excluding such space, in the structure or on any floor thereof directly assignable to each use.

\*\*\*

The Planning Commission also made the following additional finding:

*The Office of Supervisor London Breed should explore amending the proposed Ordinance to include a grandfathering clause for projects within the Van Ness Special Use District. This would be done to accommodate projects that are at a stage in development where changes to Floor Area Ratio calculations would have significant design and financial effects.*

The proposed amendments have been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2) and 15378.

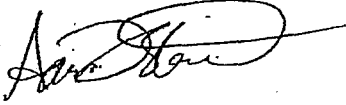
Supervisor, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Planning Commission.

Please find attached documents relating to the actions of the Planning Commission. If you have any questions or require further information please do not hesitate to contact me.

Transmittal Materials

CASE NO. 2014-003269PCA  
Off-Street Parking Exceptions

Sincerely,



Aaron D. Starr  
Manager of Legislative Affairs

cc:

Kate Stacey, Deputy City Attorney  
Judith A. Boyajian, Deputy City Attorney  
Conor Johnston, Aide to Supervisor Breed  
Andrea Ausberry, Board of Supervisors

Attachments:

Planning Commission Resolution  
Planning Department Executive Summary







# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution 19325

HEARING DATE FEBRUARY 26, 2015

*Project Name:* Off-Street Parking Exceptions  
*Case Number:* 2014-003269PCA [Board File No. 141266]  
*Initiated by:* Supervisor Breed / Introduced December 30, 2014  
*Staff Contact:* Diego R Sánchez, Legislative Affairs  
 diego.sanchez@sfgov.org, 415-575-9082  
*Reviewed by:* Aaron Starr, Manager Legislative Affairs  
 aaron.starr@sfgov.org, 415-558-6362  
*Recommendation:* Recommend Approval with Modifications

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND PLANNING CODE SECTIONS 102.9, 159, 160, 161 AND 401 TO AMEND THE DEFINITION OF GROSS FLOOR AREA, TO EXEMPT RESIDENTIAL PROJECTS IN THE RM ZONING DISTRICT FROM THE REQUIREMENT TO PROVIDE REQUIRED OFF-STREET PARKING SPACES ON THE SAME LOT, TO ALLOW THE ZONING ADMINISTRATOR TO TERMINATE OR MODIFY INAPPLICABLE OFF-STREET PARKING REQUIREMENTS, TO WAIVE THE OFF-STREET PARKING REQUIREMENT WHERE SOLE AUTOMOBILE ACCESS TO THAT LOT IS ACROSS A SIDEWALK OF 25 FEET OR MORE IN WIDTH, TO WAIVE THE OFF-STREET PARKING REQUIREMENT TO BRING BUILDINGS INTO GREATER CONFORMITY WITH YARD, SETBACK OR OTHER PLANNING CODE REQUIREMENTS, TO REDUCE THE OFF-STREET PARKING REQUIREMENT FOR PROJECTS IN THE RM ZONING DISTRICT AND TO WAIVE THE OFF-STREET PARKING OR LOADING REQUIREMENT WHEN SOLE AUTOMOBILE ACCESS IS ACROSS A CURBSIDE TRANSIT LANE OR BIKEWAY; AND TO AMEND THE DEFINITION OF GROSS FLOOR AREA AND GROSS SQUARE FEET OF USE IN PLANNING CODE SECTION 401; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, on December 30, 2015, Supervisor Breed introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 141266, which would amend Planning Code Sections 102.9, 159, 160, 161 and 401 to amend the definition of gross floor area, to exempt residential projects in the RM zoning district from the requirement to provide off-street parking spaces on the same lot, to allow the Zoning Administrator to terminate or modify inapplicable off-street parking requirements, to waive the off-street parking requirement where sole automobile access to that lot is across a sidewalk of 25 feet or more in width, to waive the off-street parking requirement to bring buildings into greater conformity with yard, setback or other Planning Code requirements, to reduce the off-street parking or loading requirement when sole automobile access is across a curbside transit lane or bikeway and to amend the definition of gross floor area and gross square feet of use in Planning Code Section 401;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on February 26, 2015; 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 15378; 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 modification, the proposed ordinance.

**The Commission recommended modifications are:**

1. Clarify that the Zoning Administrator may reduce or waive the required off-street parking pursuant to the procedures of Section 307(h)(2). The following would be added to Subsection 161:

The following exemptions shall apply to the requirements for off-street parking and loading spaces set forth in Sections 151 through 155 of this Code. These provisions, as exemptions, shall be narrowly construed. Reductions or waivers by the Zoning Administrator permitted by this Section shall be conducted pursuant to the procedures of Section 307(h)(2). Where exceptions in this Section require approval by the Planning Commission or Zoning Administrator, the Planning Commission or Zoning Administrator shall consider the criteria of Section 307(i).

2. Change the term "bicycle path" to "bikeway" in proposed subsection 161(q). Section 161(q) would read as follows:

(q) Curbside Transit Lanes and Cycle Paths. No off-street parking or loading is required on any lot whose sole feasible automobile access is across a curbside transit lane or a ~~bicycle path~~ bikeway.

3. Exempt GFA devoted to off-street parking from development impact fee calculations. Section 401 would read as follows:

\*\*\*

"Gross floor area." The total area of each floor within the building's exterior walls, as defined in Section 102.9 of this Code, except for areas devoted to off-street parking and except that for the purposes of determining the applicability of the TIDF, the exclusion from this definition set forth in Section 102.9(b)(12) shall not apply.

"Gross square feet of use." The meaning set forth in Section 102.9 of this Code, *except for areas devoted to off-street parking and* with the exception of the TIDF. With respect to the TIDF, the total square feet of gross floor area in a building and/or space within or adjacent to a structure devoted to all uses covered by the TIDF, including any common areas exclusively serving such uses and not serving residential uses. Where a structure contains more than one use, areas common to two or more uses, such as lobbies, stairs, elevators, restrooms, and other ancillary spaces included in gross floor area that are not exclusively assigned to one uses shall be apportioned among the two or more uses in accordance with the relative amounts of gross floor area, excluding such space, in the structure or on any floor thereof directly assignable to each use.

\*\*\*

## 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. San Francisco is a desirable place to live and work in large part because it is a dense urban pedestrian- and bicycle-friendly environment with a relatively robust public transit system.
2. This reliance on a multi-modal transportation system has helped San Francisco manage traffic congestion and air pollution to the benefit of the City's quality of life. It has also added to its general charm.
3. Within the last half decade, new off-street parking regulations were created that eliminated the need to provide a minimum number of spaces. This new flexibility was enacted largely in the eastern portions of San Francisco where emphasis on creating new, walkable and bike-able neighborhoods is focused.
4. Irrespective of geography, providing flexible off-street parking standards that respect the existing pedestrian, bicycling and public transit infrastructure contributes to the quality of those citywide systems. More importantly, flexible off-street parking standards also contribute to the livability of the City as a whole.
5. The Office of Supervisor London Breed should explore amending the proposed Ordinance to include a grandfathering clause for projects within the Van Ness Special Use District. This would be done to accommodate projects that are at a stage in development where changes to Floor Area Ratio calculations would have significant design and financial effects.
6. **General Plan Compliance.** The proposed amendments to the Planning Code are not addressed in the General Plan; the Commission finds that the proposed Ordinance is not inconsistent with the Objectives and Policies of the General Plan.

## URBAN DESIGN ELEMENT

### OBJECTIVE 1

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

#### Policy 1.3

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

*Relaxing off-street parking requirements reduces an additional design consideration and subsequently provides the designer increased flexibility to create buildings that are contextual. In the case of conversions of use, allowing the elimination of accessory buildings can help bring those buildings closer in conformity with the prevailing context.*

### OBJECTIVE 3

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

#### Policy 3.3

Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

*Locating off-street parking at grade often results in a missed opportunity for creating exceptional ground floors that motivate interest and interaction from pedestrians. By creating an incentive to locate off-street parking below grade, the possibility of high quality design at prominent locations is enhanced.*

### OBJECTIVE 4

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

#### Policy 4.13

Improve pedestrian areas by providing human scale and interest.

#### Policy 4.14

Remove and obscure distracting and cluttering elements.

#### Policy 4.15

Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

*Providing an opportunity to locate off-street parking below grade or eliminate it entirely benefits the quality of the public realm given that off-street parking is an element that detracts from the urban environment, is an element that can negatively affect adjacent pedestrian improvements and is an element that deters from the livability and character of vibrant and interesting neighborhoods.*

## 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 1.2**

Ensure the safety and comfort of pedestrians throughout the city.

**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.

**Policy 1.6**

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

*Eliminating the off-street parking requirement for properties whose sole automobile access is across a bikeway as well as where a sidewalk of 25 feet in width or more must be crossed helps to minimize automobile conflicts with pedestrians and improves the pedestrian experience.*

**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.

**Policy 11.3**

Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

*Relaxing the requirement for off-street parking where the sole automobile access is across a curbside transit lane reduces the automobile-transit conflicts prevalent in San Francisco and helps developers address transit concerns.*

**OBJECTIVE 14**

DEVELOP AND IMPLEMENT A PLAN FOR OPERATIONAL CHANGES AND LAND USE POLICIES THAT WILL MAINTAIN MOBILITY AND SAFETY DESPITE A RISE IN TRAVEL DEMAND THAT COULD OTHERWISE RESULT IN SYSTEM CAPACITY DEFICIENCIES.

**Policy 14.3**

Improve transit operation by implementing strategies that facilitate and prioritize transit vehicle movement and loading.

**Policy 14.4**

Reduce congestion by encouraging alternatives to the single occupant auto through the reservation of right-of-way and enhancement of other facilities dedicated to multiple modes of transportation.

**Policy 14.8**

Implement land use controls that will support a sustainable mode split, and encourage development that limits the intensification of automobile use.

*Eliminating the off-street parking requirement for properties whose sole auto access is across a curbside transit lane minimizes automobile-transit conflicts which improves transit service and encourages use of the transit system. The elimination of the off-street parking requirement for properties whose sole auto access is across a bicycle path is a land use control that supports a sustainable mode split and encourages development to forgo automobile provision.*

**OBJECTIVE 24**

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

**Policy 24.4**

Preserve pedestrian-oriented building frontages.

*Allowing the elimination of accessory buildings housing off-street parking can help improve the pedestrian environment when those buildings are adjacent to public rights of way.*

**OBJECTIVE 27**

ENSURE THAT BICYCLES CAN BE USED SAFELY AND CONVENIENTLY AS A PRIMARY MEANS OF TRANSPORTATION, AS WELL AS FOR RECREATIONAL PURPOSES.

**Policy 27.1**

Expand and improve access for bicycles on city streets and develop a well-marked, comprehensive system of bike routes in San Francisco.

**Policy 27.3**

Remove conflicts to bicyclists on all city streets.

*Eliminating the off-street parking requirement for properties where the sole auto access entails crossing a bicycle path provides an incentive to not provide parking. This improves bicycle access to City streets by eliminating a potential point of conflict between bicycles and automobiles.*

**MARKET AND OCTAVIA AREA PLAN**

**OBJECTIVE 3.1**

ENCOURAGE NEW BUILDINGS THAT CONTRIBUTE TO THE BEAUTY OF THE BUILT ENVIRONMENT AND THE QUALITY OF STREETS AS PUBLIC SPACE.

**Policy 3.1.1**

Ensure that new development adheres to principles of good urban design.

*In accord with the Fundamental Design Principles for Ground Floor Treatment, the proposed Ordinance provides incentives to locate parking, if it is provided at all, in locations other than at the street level.*

**OBJECTIVE 5.2**

DEVELOP AND IMPLEMENT PARKING POLICIES FOR AREAS WELL SERVED BY PUBLIC TRANSIT THAT ENCOURAGE TRAVEL BY PUBLIC TRANSIT AND ALTERNATIVE TRANSPORTATION MODES AND REDUCE TRAFFIC CONGESTION

**Policy 5.2.1**

Eliminate minimum off-street parking requirements and establish parking caps for residential and commercial parking

**Policy 5.2.3**

Minimize the negative impacts of parking on neighborhood quality

**Policy 5.2.4**

Support the choice to live without a car.

*The proposed Ordinance provides flexibility in the provision of off-street parking for many types of projects, including in certain instances the choice to not provide off-street parking. This flexibility can help lessen any negative impacts of parking on neighborhood quality and supports the choice to live without a car.*

**OBJECTIVE 5.5**

ESTABLISH A BICYCLE NETWORK THAT PROVIDES A SAFE AND ATTRACTIVE ALTERNATIVE TO DRIVING FOR BOTH LOCAL AND CITYWIDE TRAVEL NEEDS.

**Policy 5.5.1**

Improve bicycle connections, accessibility, safety, and convenience throughout the neighborhood, concentrating on streets most safely and easily traveled by bicyclists.

*The proposed Ordinance waives the off-street parking requirement for properties whose sole automobile access is across a designated bikeway. This improves bicycle safety, should the off-street parking not be provided.*

**MISSION AREA PLAN**

**OBJECTIVE 3.2**

PROMOTE AN URBAN FORM AND ARCHITECTURAL CHARACTER THAT SUPPORTS WALKING AND SUSTAINS A DIVERSE, ACTIVE AND SAFE PUBLIC REALM.

**Policy 3.2.3**

Minimize the visual impact of parking.

*The proposed Ordinance allows certain properties to forgo the provision of off-street parking and creates incentives to locate off-street parking in paces other than the ground floor. This is in accord with the goal of minimizing the visual impact of parking.*

**BAYVIEW HUNTERS POINT AREA PLAN**

**OBJECTIVE 2**

IMPROVE USE OF LAND ON THIRD STREET BY CREATING COMPACT COMMERCIAL AREAS, ESTABLISHING NODES FOR COMPLEMENTARY USES, AND RESTRICTING UNHEALTHY USES.

**Policy 2.1**

Improve the physical and social character of Third Street to make it a more livable environment.

*The proposed Ordinance allows properties whose sole automobile access to forgo the provision of off-street parking. Because Third Street has a bikeway demarcated with sharrows, the proposed Ordinance provides an opportunity to situate active uses at the street level. This is in accord with the intent of this policy.*

7. **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;

*The proposed Ordinance would enhance neighborhood-serving retail uses by allowing certain required off-street parking to be located in areas that create less conflict with patrons who either walk or bicycle to these retail uses.*

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 help conserve and protect neighborhood character by offering flexibility in the provision and location of required off-street parking.*

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

*The proposed Ordinance can help preserve and enhance the City's supply of affordable housing by allowing spaces in residential buildings that would otherwise be required for off-street parking to be used for other purposes, including affordable housing.*

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

*The proposed Ordinance eliminates conflicts between MUNI and private automobiles by removing off-street parking requirements when the sole automobile access to a property would cross a curbside transit lane.*

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 as the proposed Ordinance concerns itself with relaxing off-street parking requirements.*

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

*The proposed Ordinance would not have an impact on City's preparedness against injury and loss of life in an earthquake because the proposed Ordinance concerns itself with relaxing off-street parking requirements.*

7. That the landmarks and historic buildings be preserved;



*The proposed Ordinance would not have an impact on the City's Landmarks and historic buildings because the proposed Ordinance concerns itself with relaxing off-street parking requirements.*

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

*The proposed Ordinance would not have an impact on the City's parks and open space and their access to sunlight and vistas because the proposed Ordinance concerns itself with relaxing off-street parking requirements.*

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.

Resolution 19325  
February 26, 2015

CASE NO. 2014-003269PCA  
Off-Street Parking Exceptions

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

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on February 26, 2015.

Jonas P. Ionin  
Commission Secretary

AYES: Antonini, Hillis, Johnson, Moore, Richards, Wu, Fong

NOES:

ABSENT:

ADOPTED: February 26, 2015



**SAN FRANCISCO  
PLANNING DEPARTMENT**

**Executive Summary  
Planning Code Text Change  
HEARING DATE: FEBRUARY 26, 2015**

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

*Project Name:* Off-Street Parking Exceptions  
*Case Number:* 2014-003269PCA [Board File No. 141266]  
*Initiated by:* Supervisor Breed / Introduced December 30, 2014  
*Staff Contact:* Diego R Sánchez, Legislative Affairs  
 diego.sanchez@sfgov.org, 415-575-9082  
*Reviewed by:* Aaron Starr, Manager Legislative Affairs  
 aaron.starr@sfgov.org, 415-558-6362  
*Recommendation:* Recommend Approval with Modifications

**PLANNING CODE AMENDMENT**

The proposed Ordinance would amend Planning Code Section 102.9 to include off-street parking into the definition of Gross Floor Area unless it is in principally permitted as accessory and located below grade; amend Planning Code Section 159 to exempt RM districts from providing off-street parking for one- and two-dwelling unit projects on the same lot as the dwelling served; amend Planning Code Sections 159 and 160 to allow the Zoning Administrator to terminate or modify off-street parking requirements if all or a portion of the required off-street parking is no longer necessary to fulfill a parking requirement of the Planning Code; and to amend Planning Code Section 161 to waive the parking requirement for properties whose sole automobile access is across a 25 foot wide sidewalk, a curbside transit lane or a bicycle lane, for properties within the RM district or for properties where removal of parking or associated structures increases conformity with Planning Code requirements for yards, setbacks and open spaces.

**The Way It Is Now:**

1. The Planning Code does not include area devoted to off-street parking in the definition of Gross Floor Area in zoning districts other than the C-3 districts.
2. The Planning Code requires off-street parking for one- and two-dwelling unit projects in RH and RM districts to be located on the same lot as the dwelling served.
3. The Planning Code does not provide the Zoning Administrator with a codified means to terminate or modify inapplicable off-street parking requirements.
4. The Planning Code does not provide an exemption from off-street parking requirements for properties whose sole automobile access is across a 25 foot wide sidewalk, a curbside transit lane or a bicycle lane, for properties within the RM district or for properties where removal of parking or associated structures increases conformity with Planning Code requirements for yards, setbacks and open spaces.

**The Way It Would Be:**

1. Areas devoted to off-street parking would be included in the Planning Code definition of Gross Floor Area in all zoning districts unless that off-street parking is in an amount principally permitted as accessory and located underground.
2. One- and two-dwelling unit projects in RM districts would be allowed to locate any required parking within a 600 foot walking distance.
3. The Zoning Administrator would be able to terminate or modify inapplicable off-street parking requirements for projects providing off-street parking either on another lot or collectively pursuant to a specified section in the Planning Code.
4. Projects whose sole automobile access is across a 25 foot wide sidewalk, a curbside transit lane or a bicycle lane, or are within the RM district or where removal of parking or associated structures increases conformity with Planning Code requirements for yards, setbacks and open spaces would be allowed to seek an exception from required parking pursuant to Planning Code Section 307.

**ISSUES AND CONSIDERATIONS**

**Development Impact Fees, Gross Floor Area and the Nexus Analysis**

California law allows municipalities to levy fees upon new development to help defray the costs to supply the infrastructure that development necessitates. To impose these fees, a municipality must legislatively accept a nexus analysis connecting the need for any fees to new development.

In making that connection the nexus analysis must accomplish a number of tasks. First, it must identify the purpose of and manner in which the fees will be used. It must also identify reasonable relationships between the fee-funded infrastructure, the need for that infrastructure and the type of development paying the fee. The nexus analysis must also identify the proportionality of the cost associated with that infrastructure and the development paying the fee.

In establishing that connection, the nexus analysis also outlines a methodology to arrive at a maximum supportable fee that may be imposed on particular types of development. To arrive at that fee the methodology makes a number of assumptions on the characteristics of types of development. Included in these assumptions are the average sizes of residential unit, or commercial unit, per population unit. In all cases, the imposed impact fee cannot exceed what the nexus analysis determines to be the maximum supportable fee.

Article 4 of the Planning Code lists the development impact fees that the Planning Department applies to new development and outlines the circumstances under which fees are owed. Many of the fees are based upon the gross floor area of particular uses that a development proposes to add or convert to. Of note, the 2014 Citywide Nexus Analysis does not include the floor areas devoted to off-street parking in its assumptions on the average residential unit size or commercial unit size.<sup>1</sup> A change in the definition of gross floor area to include previously excluded areas would have multiple effects on imposed fees. First,

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<sup>1</sup>[http://www.sf-planning.org/ftp/files/plans-and-programs/plan-implementation/20140403\\_SFCityWideNexusAnalysis\\_March2014.pdf](http://www.sf-planning.org/ftp/files/plans-and-programs/plan-implementation/20140403_SFCityWideNexusAnalysis_March2014.pdf)

it would affect the total magnitude of development impact fees imposed on any one project. It would also affect the rate of fees imposed on a gross floor area basis.

#### Off-Street Parking Policies in Context of a Growing yet Land Constrained City

San Francisco, like many other US cities, has been experiencing a revival in interest and a growth in population. In the twenty year period since 1990, San Francisco's population grew by 100,000 people.<sup>2</sup> By 2032 San Francisco will add another 175,000 inhabitants and reach a population of one million.<sup>3</sup> Unlike other cities, however, San Francisco is bounded by bodies of water on three sides and lacks greenfields to absorb new development. This makes San Francisco a land constrained city. Decisions on the use of existing space are therefore of great importance.

In response, and with San Francisco's dense urban pattern in mind, planning policies and codes are reconsidering off-street parking requirements for all uses. Recently adopted Area Plans are taking this direction, especially for properties in proximity to public transit. For example, the Eastern Neighborhoods Area Plan created zoning districts without minimum off-street parking requirements<sup>4</sup> and the Market and Octavia Area Plan has multiple policy objectives that encourage alternate modes of transportation for new development.<sup>5</sup> These relaxed off-street parking requirements allow for space in buildings to be allocated for other purposes. In the context of a housing shortage, utilizing these spaces for residential uses makes sense.

#### Off-Street Parking Policies and Urban Design Goals

Across the US demand for walkable and bicycle friendly urban spaces is growing. San Francisco is fortunate as its built environment is very amenable to walking and bicycling. Few US cities possess this amenity to the extent that San Francisco does. It is therefore paramount to the success and attraction of San Francisco to maintain its status as a pedestrian- and bicyclist-friendly city.

Despite efforts to preserve and enhance such spaces, the Planning Code can inadvertently encourage locating automobile uses at street level. This arises when off-street parking is required or when it is required to be provided on-site.

Unfortunately this can detract from the quality of San Francisco's pedestrian and bicycling environment. For example, locating garages and parking lots at grade can conflict with the goal of maintaining safe and humanly scaled pedestrian areas. Parking lots can also add distracting and cluttering elements to the public realm such as barrier gates, buzzers and lights.

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<sup>2</sup> <http://www.bayareacensus.ca.gov/counties/SanFranciscoCounty70.htm> and <http://quickfacts.census.gov/qfd/states/06/06075.html>

<sup>3</sup> "San Francisco at 1 million: City's population is booming once again." Dan Schreiber. San Francisco Examiner. Dec 29, 2013.

<sup>4</sup> Planning Code 151.1 establishes off-street parking *maximums* for the MUG, MUO, MUR and UMU zoning districts.

<sup>5</sup> For example, Objective 5.2: Develop and Implement Parking Policies for Areas Well Served by Public Transit that Encourage Travel by Public Transit and Alternative Transportation Modes and Reduce Traffic Congestion; Objective 5.5: Establish a Bicycle Network that Provides a Safe and Attractive Alternative to Driving for Both Local and Citywide Travel Needs

Residential neighborhoods and retail corridors with heavy pedestrian activity would benefit greatly from fewer automobile-pedestrian crossings. The same would hold for streets that enjoy bicycle lanes.

In this context providing flexibility in the design of street level spaces by relaxing off-street parking requirements can aid in the preservation and enhancement of street level spaces. This is crucial to the health of the built environment because the street level is the principal interface with the public.

### 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 modifications* of the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department's proposed recommendations are as follows:

1. Clarify that the Zoning Administrator may reduce or waive required off-street parking pursuant to the procedures of Section 307(h)(2). The following would be added to Section 161:

*Reductions or waivers by the Zoning Administrator permitted by this Section shall be conducted pursuant to the procedures of Section 307(h)(2).*

2. Change the term "bicycle path" to "bikeway" in proposed subsection 161(q).
3. Exempt GFA devoted to off-street parking from the development impact fee calculations. Planning Code Section 401 is amended as follows:

\*\*\*

"Gross floor area." The total area of each floor within the building's exterior walls, as defined in Section 102.9 of this Code, *except for areas devoted to off-street parking and* except that for the purposes of determining the applicability of the TIDE, the exclusion from this definition set forth in Section 102.9(b)(12) shall not apply.

"Gross square feet of use." The meaning set forth in Section 102.9 of this Code, *except for areas devoted to off-street parking and* with the exception of the TIDE. With respect to the TIDE, the total square feet of gross floor area in a building and/or space within or adjacent to a structure devoted to all uses covered by the TIDE, including any common areas exclusively serving such uses and not serving residential uses. Where a structure contains more than one use, areas common to two or more uses, such as lobbies, stairs, elevators, restrooms, and other ancillary spaces included in gross floor area that are not exclusively assigned to one uses shall be apportioned among the two or more uses in accordance with the relative amounts of gross floor area, excluding such space, in the structure or on any floor thereof directly assignable to each use.

\*\*\*

## BASIS FOR RECOMMENDATION

The Department supports the proposed Ordinance because it furthers existing policy goals aimed at improving the built environment and provides flexibility in the provision and location of required off-street parking. San Francisco is a city known for its physical beauty and relatively high levels of pedestrian and bicycle activity. Enhancing these assets is beneficial to the allure of the City and keeps the City competitive with other municipalities.

**Recommendation 1: Clarify that the Zoning Administrator may reduce or waive required off-street parking pursuant to the procedures of Section 307(h)(2).**

Planning Code Section 307 outlines a number of Zoning Administrator duties and powers. Among those is the ability to grant complete or partial relief from various quantitative building standards, including off-street parking requirements. Section 307 also provides a specific review process for granting such relief (Subsection 307(h)(2)). This review process is incorporated into a related building permit application or project authorization. In this way, the process is fee neutral and expedited.

Referencing Subsection 307(h)(2) in the proposed Ordinance clarifies that requests for relief from off-street parking are handled similarly to other, existing processes. This eliminates doubt regarding procedure and provides certainty on costs for the Planning Department and project sponsors.

**Recommendation 2: Change the term "bicycle path" to "bikeway" in proposed subsection 161(q).**

Under the California Vehicle Code and California Highway Design Manual, the term "bicycle path" encompasses only off-road bicycle paths such as those in Golden Gate Park. The term "bikeway" encompasses all on-street bicycling facilities, including those demarcated with sharrows. Given that the intent of the ordinance is to protect on-street bicycling facilities "bikeway" is the preferred term.

**Recommendation 3: Exempt GFA devoted to off-street parking from development impact fee calculations.**

Because areas devoted to parking were not considered in the City's current nexus analysis for development impact fees, changing the basis upon which they are imposed requires a new nexus analysis. This new study would analyze whether including parking areas into the fee calculation is supported by the nexus studies and if the current fees are sufficient to cover the additional fees from parking. Further, this change arguably necessitates a larger outreach process to affected parties. The proposed Ordinance does not explicitly mention the intent to alter development impact fees. And while the Ordinance was properly noticed, interested parties may be unaware of the change.

However, the recommend modification does not affect the intent of the proposed Ordinance given that the proposed flexibility on off-street parking provision or the requirement that parking be located underground to not count toward FAR is unaffected. The proposed Ordinance is structured to provide incentives and options to locate parking in areas other than at street level irrespective of whether areas devoted to off-street parking are included in the calculation of development impact fees. In this manner, the proposed Ordinance remains whole in its intent.

### ENVIRONMENTAL REVIEW

The proposal to amend Planning Code Sections 102.9 (Gross Floor Area), 159 (Required Off-Street Parking Not on the Same Lot as the Structure or Use Served), 160 (Collective Provision and Joint Use of Required Off-Street Parking) and 161 (Exemptions and Exceptions from Off-Street Parking, Freight Loading and Service Vehicle Requirements) would result in no physical change in the environment. The proposed amendment is exempt from environmental review under Section 15060(c)(2) and 15378 of the CEQA Guidelines.

### PUBLIC COMMENT

As of the date of this report, the Planning Department has not received any public comment in regard to the proposed Ordinance.

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

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 141266



BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

December 30, 2014

File No. 141266

Sarah Jones  
Environmental Review Officer  
Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Ms. Jones:

On December 9, 2014, the Supervisor Breed introduced the following legislation:

File No. 141266

Ordinance amending the Planning Code to permit certain exceptions from off-street parking and loading requirements for lots that front on curbside transit lanes or bicycle paths, for lots in Residential Mixed districts, and in order to bring buildings into greater conformity with yard, setback, and other building requirements; to include parking in excess of what is principally permitted and located above ground in the floor area ratio calculation; modifying other floor area ratio provisions; and affirming the Planning Department's California Environmental Quality Act determination, and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "A. Ausberry".

By: Andrea Ausberry, Assistant Clerk  
Land Use & Economic Development Committee

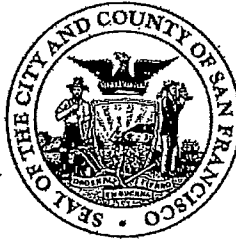
Attachment

c: Joy Navarrete, Environmental Planning  
Jeanie Poling, Environmental Planning

Not defined as a project under CEQA Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

- Jeanie Poling 11/2/15

BOARD of SUPERVISORS



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San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: Ed Reiskin, Executive Director, Municipal Transportation Agency  
Greg Suhr, Chief, Police Department

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Economic Development  
Committee, Board of Supervisors

DATE: January 7, 2015

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Breed on December 09, 2014:

**File No. 141266**

**Ordinance amending the Planning Code to permit certain exceptions from off-street parking and loading requirements for lots that front on curbside transit lanes or bicycle paths, for lots in Residential Mixed districts, and in order to bring buildings into greater conformity with yard, setback, and other building requirements; to include parking in excess of what is principally permitted and located above ground in the floor area ratio calculation; modifying other floor area ratio provisions; and affirming the Planning Department's California Environmental Quality Act determination, and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Janet Martinsen, Municipal Transportation Agency  
Kate Breen, Municipal Transportation Agency  
Dillon Auyoung, Municipal Transportation Agency  
Christine Fountain, Police Department

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

December 30, 2014

Planning Commission  
Attn: Jonas Ionin  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Commissioners:

On December 9, 2014, Supervisor Breed introduced the following legislation:

**File No. 141266**

**Ordinance amending the Planning Code to permit certain exceptions from off-street parking and loading requirements for lots that front on curbside transit lanes or bicycle paths, for lots in Residential Mixed districts, and in order to bring buildings into greater conformity with yard, setback, and other building requirements; to include parking in excess of what is principally permitted and located above ground in the floor area ratio calculation; modifying other floor area ratio provisions; and affirming the Planning Department's California Environmental Quality Act determination, and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

The proposed ordinance is being transmitted pursuant to Planning Code Section 302(b) for public hearing and recommendation. The ordinance is pending before the Land Use and Economic Development Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "A. Ausberry".

By: Andrea Ausberry, Assistant Clerk  
Land Use and Economic Development Committee

c: John Rahaim, Director of Planning  
Aaron Starr, Acting Manager of Legislative Affairs  
AnMarie Rodgers, Senior Policy Manager  
Scott Sanchez, Zoning Administrator  
Sarah Jones, Chief, Major Environmental Analysis  
Jeanie Poling, Environmental Planning  
Joy Navarrete, Environmental Planning

Print Form

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [141266]
- 9. Reactivate File No. [ ]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission     Youth Commission     Ethics Commission
- Planning Commission     Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.**

**Sponsor(s):**

Breed

**Subject:**

Planning Code - Off-Street Parking Exceptions

**The text is listed below or attached:**

Ordinance amending the Planning Code to permit certain exceptions from off-street parking and loading requirements for lots that front on a curbside transit lane or bikeway, for lots in Residential Mixed districts, and in order to bring buildings into greater conformity with yard, setback, and other building requirements; to include parking in excess of what is principally permitted and located above ground in the floor area ratio calculation with an exception for pipeline projects in the Van Ness Special Use District; modifying other floor area ratio provisions; and affirming the Planning Department's California Environmental Quality Act determination, and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Signature of Sponsoring Supervisor: \_\_\_\_\_

*London Breed*

For Clerk's Use Only:

