SAN FRANCISCO
PLANNING DEPARTMENT

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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

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:

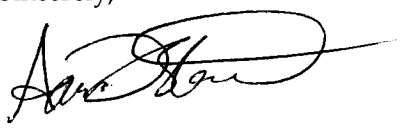
The Office of Supervisor London Breed should explore amending the proposed Ordinance to include a grandfathering clause for projects within the Van Ness Special Use District. This would be done to accommodate projects that are at a stage in development where changes to Floor Area Ratio calculations would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

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

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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**

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 DSITRICT 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 whole 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.

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

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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.[1] A change in the definition of gross floor area to include previously excluded areas would have multiple effects on imposed fees. First,

[1] 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.[2] By 2032 San Francisco will add another 175,000 inhabitants and reach a population of one million.[3] 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[4] and the Market and Octavia Area Plan has multiple policy objectives that encourage alternate modes of transportation for new development.[5] 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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[2] http://www.bayareacensus.ca.gov/counties/SanFranciscoCounty70.htm and http://quickfacts.census.gov/qfd/states/06/06075.html

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

[4] Planning Code 151.1 establishes off-street parking *maximums* for the MUG, MUO, MUR and UMU zoning districts.

[5] 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 aide 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:

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   "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.

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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.

RECOMMENDATION:	**Recommendation of Approval with Modification**

Attachments:

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