

1 [Planning Code - Off-Street Parking Exceptions]

2

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

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

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

19 Section 1. Findings.

20 (a) The Planning Department has determined that the actions contemplated in this
21 ordinance comply with the California Environmental Quality Act (California Public Resources
22 Code Sections 21000, et seq.). The Board of Supervisors hereby affirms this determination.
23 Said determination is on file with the Clerk of the Board of Supervisors in File No. 140982 and
24 is incorporated herein by reference.

25

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 ~~R~~ 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

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