

SAN FRANCISCO

PLANNING COMMISSION

RESOLUTION NO. 17579

RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE AMENDING THE SAN FRANCISCO PLANNING CODE BY AMENDING SECTIONS 151, 154, 155, 157, 167, 303(C)(2)(B), 790.10 AND 890.10 TO MODIFY CONTROLS TO REDUCE THE REQUIRED NUMBER OF PARKING SPACES FOR HOUSING FOR SENIORS AND PHYSICALLY HANDICAPPED PERSONS, AFFORDABLE HOUSING, GROUP HOUSING, SRO UNITS AND RESIDENTIAL CARE FACILITIES; TO REVISE THE MINIMUM DIMENSIONS FOR OFF-STREET PARKING SPACES, TO ENCOURAGE SPACE-EFFICIENT PARKING AND TO NO LONGER REQUIRE INDEPENDENTLY ACCESSIBLE PARKING AND DEFINE INDEPENDENTLY ACCESSIBLE PARKING TO INCLUDE PARKING ACCESSED BY AUTOMATED GARAGES OR CAR ELEVATORS AND VALET PARKING; TO DELETE A REQUIREMENT FOR INDEPENDENTLY ACCESSIBLE PARKING AND REQUIRE PARKING DESIGN TO PREVENT BICYCLE AND TRANSIT LANE CONFLICTS; TO PROVIDE FOR A DEMONSTRATION THAT CAR-SHARE PARKING CANNOT SATISFY THE NEED FOR NON-ACCESSORY PARKING AS A CONDITIONAL USE; TO PROVIDE FOR OPTIONAL PARKING IN ALL NEW RESIDENTIAL BUILDINGS OR CONVERSIONS TO RESIDENTIAL BUILDINGS OF 10 UNITS OR MORE; TO PROVIDE FOR CONSIDERATION OF WHETHER A USE SEEKING A CONDITIONAL USE PERMIT IS PROVIDING CAR-SHARE PARKING; TO INCLUDE A CAR-SHARE PARKING SPACE AS PART OF A COMMUNITY RESIDENTIAL PARKING USE; TO INCLUDE A CAR-SHARE PARKING SPACE AS PART OF A COMMUNITY COMMERCIAL PARKING GARAGE USE, AND ADOPTING ENVIRONMENTAL FINDINGS AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

WHEREAS, on January 15, 2008, Supervisor Aaron Peskin in introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 080095 which would amend the Planning Code in order to modify requirements and controls for off-street parking and loading.

The proposed amendments have been determined to be subject to a General Rule Exclusion (GRE) under CEQA Guidelines Sections 15061(b)(3).

The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on April 10, 2008.

Numerous planning efforts have examined and are examining parking in the context of improving San Francisco's sustainable transportation and quality of life, including Transbay, Market/Octavia, Rincon Hill, Balboa Park, and Eastern Neighborhoods. Each plan is at a different stage in the approval process. This legislation proposes amendments similar to, and in some cases building directly off of, the parking controls developed through recently adopted and currently pending planning efforts. The key difference is that the proposed Ordinance is more modest than the parking controls advancing under the City's community planning process. This moderation may be appropriate given the broader application of this proposed Ordinance.

One of the amendments of this Ordinance would separate the cost of housing from the cost of parking for new structures of ten or more units in all zoning districts. This amendment could assist with the production of more affordable housing. According to a recent report by the San Francisco Planning and Urban Research Association (SPUR)¹, constructing parking costs between \$40,000 and \$75,000 per unit in San Francisco.

According to Planning Code Section 166, "Car-sharing can mitigate the negative impacts of new development by reducing the rate of individual car-ownership per household, the average number of vehicle miles driven per household and the total amount of automobile-generated pollution per household. Accordingly, car-sharing services should be supported through the Planning Code when a car-sharing organization can demonstrate that it reduces: (i) the number of individually-owned automobiles per household; (ii) vehicle miles traveled per household; and (iii) vehicle emissions generated per household."

A basic assumption of the Transportation Element is that a desirable living environment and a prosperous business environment cannot be maintained if traffic levels continue to increase in any significant way. A balance must be restored to the city's transportation system, and various methods must be used to control and reshape the impact of automobiles on the city. These include improving and promoting public transit, ridesharing, bicycling and walking as alternatives to the single-occupant automobile.

Safety and livability along the city streets are primary concerns. The City should reduce conflicts caused by driveways, parking, and deliveries to commercial uses.

The Commission finds that the proposed Ordinance complies with Priority Policies and other applicable provisions of the General Plan, and for reasons set forth elsewhere in this Resolution: recommends approval of the proposed ordinance, with four modifications as follows:

¹ San Francisco Planning and Urban Research, "Affordable by Design-- A proposal to create middle income housing in San Francisco", January 8, 2008. http://www.spur.org/documents/2008.01Interiors_FINAL.pdf

1. PLANNING CODE SECTION 157: CONDITIONAL USE APPLICATIONS FOR PARKING EXCEEDING ACCESSORY AMOUNTS: ADDITIONAL CRITERIA

Amendment Proposed by the Planning Commission for Board Consideration:

The Commission recommends that propose language be modified to read: "Demonstration that the apparent demand for additional parking cannot be satisfied by the provision by the applicant of one or more car share parking space or spaces in addition to those that may already be required by Section 166 of this Code." Because car share spaces are already required, the current language suggests that applicants can just point to those spaces *that they are already required to provide* and say that they are satisfying this criteria, but this does not appear to be the intent.

2. PLANNING CODE SECTION 890.10: AUTOMOBILE PARKING GARAGE, COMMUNITY COMMERCIAL

Amendment Proposed by the Planning Commission for Board Consideration:

Unlike the proposed amendments to 790.10 in Article 7 which is directed towards residential parking, 890.10 in Article 8 controls commercial parking for employees, clients and visitors. The Commission recommends, not amending Section 890.10 but instead amending Sections 890.7 "Automobile Parking Lot, Community Residential" and 890.8 "Automobile Parking Garage, Community Residential" to add car-share to these residential parking definitions.

3. ADDITIONAL PLANNING CODE AMENDMENTS TO SECTIONS 150(d) and 204.5(b): RENTING OF PARKING SPACES TO NEIGHBORHOOD RESIDENTS

This proposed amendment is not currently within the proposed Ordinance sponsored by Supervisor Peskin, but is within the spirit of the legislation. The Commission would recommend that the proposed Ordinance be amended to allow residential accessory parking, including required spaces, in residential districts to be rented or leased to residents who live in the area (within 1/4-mile of the parking spot). Currently there is an open and flourishing, but technically illegal, market for renting parking spaces. Today, accessory parking can only be used by the residents of that building and cannot be rented out. Preventing people who aren't using their spaces from renting them to neighbors or others in the area is counter to City policy. However, it would be consistent with City policy to only allow the spaces to be rented to neighborhood residents and not to commuters who don't live in the area. Residential parking should not be used to encourage commuter parking or commercial parking. For this reason, the parking should be only available to residents within an easy walk (1/4-mile) of the parking.

Amendment Proposed by the Planning Commission for Board Consideration:

1. Section 150(d) add final sentence: "**Any required residential parking space may be leased or rented on a monthly basis to serve the resident of any dwelling unit within 1,250-feet of said parking space, as provided under Section 204.5(b)(1) of this Code, and such lease or rental shall not be considered a reduction or elimination of required spaces.**"

2. Amend Section 204.5(b) to read:

"(b) **Unless rented on a monthly basis to serve a dwelling unit within 1,250-feet pursuant to Section 204.5(b)(1) below,** accessory parking or loading facilities shall be for use by the occupants, patrons, employees or services of the structure or use to which they are accessory. Accessory parking facilities for any dwelling in any R District shall be limited, further, to storage of private passenger automobiles, private automobile trailers and boats, and trucks of a rated capacity not exceeding 3/4 ton. **Notwithstanding any provision of this Code to the contrary, the following shall be permitted as an accessory use:**

(1) **Lease, for a term of no less than one month, of a lawfully existing off-street parking space that is required or permitted to serve a dwelling unit on the same lot, for use by any resident of a dwelling unit located on a different lot within 1,250 feet of such parking space.**"

4. PLANNING CODE AMENDMENT SECTION 154 & 155: CLARIFY DEFINITION OF INDEPENDENTLY ACCESSIBLE TO INCLUDE LIFTS, VALET AND CERTAIN TANDEM SPACES.

The proposed Ordinance amends Section 154 and Section 155 to state that "independently accessible" spaces are not required. The Commission considered this amendment but felt that there was need to ensure that required parking spaces be reasonably accessible. The proposed legislation references specifies that parking by lifts or "space-efficient" means shall satisfy required parking. The Commission recommends amending the definition of "space-efficient parking" to add tandem spaces where no more than one car needs to be moved to access the desired parking space.

Section 154 Amendment Proposed by the Planning Commission for Board Consideration: The Commission proposes adding the red, double underlined text to the existing code text (regular font) and the Proposed new text (single, underlined blue font).

Existing Planning Code Text

Supervisor Peskin's Current Proposal

Proposed Modification to Peskin's Proposed Ordinance

SECTION 154.

(a) Parking Spaces. Required parking spaces ~~are not required~~ may be either ~~to be~~ independently accessible or space-efficient as described in 154 (a) (4) & (5), except as required elsewhere in the Building Code for spaces specifically designated for persons with physical disabilities. Space-efficient parking is encouraged.

(4) Parking spaces in mechanical parking structures that allow a vehicle to be accessed without having to move another vehicle under its own power shall be deemed to be independently accessible. Parking spaces that are accessed by a valet attendant and are subject to such conditions as may be imposed by the Zoning Administrator to insure the availability of attendant service at the time the vehicle may reasonably be needed or desired by the user for whom the space is required, shall be deemed to be independently accessible. Any conditions imposed by the Zoning Administrator pursuant to this Section shall be recorded as a Notice of Special Restriction.

(5) Space-efficient parking is parking in which vehicles are stored and accessed by valet, mechanical stackers or lifts, ~~certain tandem spaces~~ or other space-efficient means. ~~Tandem spaces shall only count towards satisfying the parking requirement if no more than one car needs to be moved to access the desired parking space.~~ Space-efficient parking is encouraged, and may be used to satisfy minimum-parking requirements so long as the project sponsor can demonstrate that all required parking can be accommodated by the means chosen.

SECTION 155 GENERAL STANDARDS AS TO LOCATION AND ARRANGEMENT OF OFF-STREET PARKING, FREIGHT LOADING AND SERVICE VEHICLE FACILITIES.

Amendment Proposed by the Planning Commission for Board Consideration: The proposed Ordinance would strike the entirety of Section 155(1) shown below. Instead of striking the Section 155(1) , the Commission proposes adding the red, double underlined text.

SECTION 155.

(1) For residential uses, independently accessible off-street parking spaces shall include spaces accessed by automated garages, or car elevators, lifts or other space-efficient parking as defined in Sec 154a(4) and Sec 154a(5) provided that no more than one car needs to be moved under its own power to access ~~another car~~ any one space.

The Commission also finds that the establishment of parking limitations is only one component of implementing the City's Transit First Policy. To complement and support such limitations as might be under the jurisdiction of the Planning Commission, the City must more successfully carry out the vision for a world-class transit network, gracious and walkable streets, an unbroken bicycle network, a dependable and reasonably priced taxi system, and non-auto forms of transportation.

The proposed Ordinance is consistent with the following provisions of the San Francisco General Plan:

1. Policy 16.5 of the Transportation Element: "Reduce parking demand through limiting the absolute amount of spaces and prioritizing the spaces for short-term and ride-share uses."

2. Policy 17.1 of the Transportation Element: "Discourage the provision of new long-term parking downtown and near major employment centers."

1. Policy 20.2 of the Transportation Element: "Reduce, relocate or prohibit automobile facility features on transit preferential streets, such as driveways and loading docks, to avoid traffic conflicts and automobile congestion."

2. Policy 24.2 of the Transportation Element: "Preserve pedestrian-oriented building frontages."

3. Policy 32.1 of the Transportation Element: "Discourage new long-term commuter parking spaces for single-occupant automobiles in and around downtown. Limit the long-term parking spaces to the number that already exists."

5. Objective 34 of the Transportation Element: "Relate the amount of parking in residential areas and neighborhood commercial districts to the capacity of the city's street system and land use patterns...Just as the street system cannot accommodate all potential traffic, so the city cannot provide for an unlimited level of automobile storage."

6. Policy 34.1 of the Transportation Element: "Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping."

7. Policy 34.3 of the Transportation Element: "Permit minimal or reduced off-street parking supply for new buildings in residential and commercial areas adjacent to transit centers and along transit preferential streets."

8. Policy 34.5 of the Transportation Element: "Minimize the construction of new curb cuts in areas where on-street parking is in short supply and locate them in a manner such that they retain or minimally diminish the number of existing on-street parking spaces."

9. Policy 11.7 of the 2004 Housing Element: "Where there is neighborhood support, reduce or remove minimum parking requirements for housing, increasing the amount of lot area available for housing units."

10. Policy 4.4 of the Urban Design Element: "Design walkways and parking facilities to minimize danger to pedestrians."

The proposed Ordinance is also consistent with Section 101.1(b) of the Planning Code in that:

1. The proposed amendments would preserve and promote neighborhood-serving retail uses and future opportunities for resident employment in and ownership of such businesses as it would encourage lower automobile ownership and thereby encourage City residents to meet their daily needs in closer proximity to where they live and work.
2. The proposed amendments would not adversely impact existing housing and neighborhood character. The amendment would improve the character of new housing development downtown and the character of the area by encouraging active uses and minimizing the extent of auto-oriented features on building facades.
3. The City's supply of affordable housing would be preserved and enhanced by the proposed controls in that the provision of parking increases the cost of residential units. Limiting the amount of parking permitted and requiring parking costs to be separated from housing costs allows a larger percentage of residents to afford to purchase or rent housing and allows residents without cars to afford housing.
4. Commuter traffic will not impede Muni transit service or overburden streets and neighborhood parking. The ordinance will limit the total amount of parking and seeks to limit conflicts between automobile access and transit-oriented streets.
5. The proposed amendments will not impact the viability of the City's diverse economic base or service sector, nor would it impact future opportunities for resident employment and ownership in this sector.
6. The proposed ordinance will not adversely affect the City's greatest possible earthquake preparedness.
7. The proposed ordinance will facilitate greater preservation of historic buildings by reducing the amount of space that must be dedicated towards parking which can cause difficulties during the rehabilitation and reuse of historic buildings and limiting the extent to which historic buildings are modified to accommodate off-street parking.
8. The proposed ordinance will not affect open space, sunlight, or public vistas.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance with the aforementioned modifications.

PLANNING COMMISSION

Hearing on April 10, 2008

Case No. 2008.0103T
Requirements for Off-Street Parking & Loading
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NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance with the aforementioned modifications.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on



Linda Avery

Commission Secretary

AYES: Olague, Antonini, S. Lee, W. Lee, Moore, Sugaya

NOES:

ABSENT:

ADOPTED: April 10, 2008