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

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

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

Section 1.

(a) General Findings.

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

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

These findings alone do not provide for consideration of the compatibility of such a
proposal with either the surrounding development pattern, local area character or the intent of
the specific neighborhood commercial district in which the proposal is located. Neighborhood
Commercial Districts are mixed-use districts consisting of commercial development on the lower floors and residential uses on the upper floors. However, all such districts are not uniform in composition, character or function. Some are more uniformly commercial, having continuous pedestrian-oriented retail streets and little or no housing, while others are primarily residential in character with a much smaller and scattered commercial presence.

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

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

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

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

The Board finds that it is necessary to the public health, safety and welfare that existing
neighborhood character of communities including and surrounding Neighborhood Commercial
Districts be preserved and enhanced and that consideration of compatibility with existing
development and the intent of the individual Neighborhood Commercial District in evaluating
conditional use applications for dwelling unit parking reductions in such districts would support
this objective.

(b) Priority Policy Findings.

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

(1) The legislation is consistent with Priority Policy 1 in that it would enhance
neighborhood-serving businesses which provide employment and ownership opportunities
for local residents by encouraging compatible future development and building alterations
which support the character of the district.

(2) The legislation is consistent with Priority Policy 2 in that it would encourage the
conservation of neighborhood character by providing specific findings related to
compatibility with existing character and the intent of the specific Neighborhood
Commercial District as part of these specific conditional use authorizations.

(3) The legislation is consistent with Priority Policy 3 in that it would have no effect on city’s
supply of affordable housing.

(4) The legislation is consistent with Priority Policy 4 in that it would not effect commuter
traffic or Muni transit service.

(5) The legislation is consistent with Priority Policy 5 in that it would not effect industrial or
service uses.

(6) The legislation is consistent with Priority Policy 6 in that it would have no adverse effect
on the city's earthquake preparedness.

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

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

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

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

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.

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

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

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

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

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

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

1. The anticipated parking demand to be generated by the particular use
contemplated;

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

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

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

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

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

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

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

(h) The off-street parking requirements for dwelling units in the North of Market Residential Special Use District, as described in Section 249.5 of this Code, may
be reduced by the Planning Commission pursuant to the procedures for
conditional use authorization set forth in Section 303 of this Code. In acting upon
any application for a reduction of requirements, the Planning Commission shall
consider the criteria set forth below in lieu of the criteria set forth in Section
303(c), and may grant the reduction if it finds that:

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

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

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

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

(2) Provision of the required number of freight loading and service vehicle
spaces on-site would result in the use of an unreasonable percentage of
ground-floor area, and thereby preclude more desirable use of the ground
floor for retail, pedestrian circulation or open space uses;
(3) A jointly used underground facility with access to a number of separate buildings and meeting the collective needs for freight loading and service vehicles for all uses in the buildings involved, cannot be provided; and

(4) Spaces for delivery functions can be provided at the adjacent curb without adverse effect on pedestrian circulation, transit operations or general traffic circulation, and off-street space permanently reserved for service vehicles is provided either on-site or in the immediate vicinity of the building.

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

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

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

(3) The project is consistent with the existing character and pattern of development in the area; and

(4) The project is consistent with the description and intent of the neighborhood commercial district in which it is located.

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

(1) Beginning on the effective date of Ordinance No. 412-88 (effective October 10, 1988), within any South of Market District, the Zoning Administrator, upon application pursuant to Section 307(g), may waive or reduce the required off-street parking for any nonresidential use where he or she determines that: (1) sufficient spaces to replace the waived or modified requirement will be provided within a parking facility open to the public sponsored by the San Francisco Parking authority or the City and County of San Francisco; (2) it is anticipated that the replacement spaces will be available not more than 10 years after the parking would otherwise
first be required to be available; (3) the facility in question is within a
walking distance, as defined in Section 159(d), of one-half mile; and (4)
the applicant agrees to pay a one-time fee of $15,000 (this amount shall be
adjusted annually effective April 1st of each calendar year by the
percentage of change in the Building Cost Index used by the San Francisco
Bureau of Building Inspection) for each space as to which the requirement
is waived or modified, which fee shall be deposited to the Off Street
Parking Fund for the purpose of acquiring property or rights to property,
through lease, purchase, or other means, and design, improvement and
maintenance of property, for the general purpose of providing publicly
accessible parking within the South of Market Base District, as defined in
City Planning Code Section 820 and identified on Sectional Map 3SU of
the Zoning Map of the City and County of San Francisco, which parking is
reasonably expected to be used by persons who live, work, shop, do
business or visit in the South of Market Base District. Said fee, and any
interest accrued by such fee, shall be used for the purposes stated herein
unless it is demonstrated that it is no longer needed. This payment shall be
paid in full to the City prior to the issuance of any temporary or other
certificate of occupancy for the subject property.

(m) Within the South of Market Base District, the required off-street parking for any
nonresidential principal or conditional use in structures designated as landmarks,
as contributory buildings within a historic district identified in the approved South
of Market Plan or as significant or contributory buildings pursuant to Article 11 of
this Code, may be modified or waived by the Zoning Administrator pursuant to
Section 307(g) of this Code when the Landmark Preservation Advisory Board
advises that the provision of parking would adversely affect the landmark,
significant or contributory character of the structure or that modification or waiver
would enhance the economic feasibility of preservation of the landmark or
structure.

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

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

LOUISE H. RENNE, CITY ATTORNEY

By: JUDITH A. BOYAJIAN

JUDITH A. BOYAJIAN
Deputy City Attorney

SAN FRANCISCO DEPARTMENT OF CITY AND \nCOMMUNITY DEVELOPMENT (DCD)

CATEGORICALLY EXEMPT FROM ENVIRONMENTAL \nCLASS Not a project per CEQA

STATUTES SECTION 21065.

Diane Wong 5/14/00
Ordinance amending Part II, Chapter II, of the San Francisco Municipal Code (Planning Code) by amending Section 161(j) to additional compatibility findings for the consideration of conditional use applications for off-street parking reductions for dwelling units in Neighborhood Commercial Districts, adopting findings pursuant to Planning Code Section 101.1.

November 20, 2000 Board of Supervisors — PASSED, ON FIRST READING
  Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

December 4, 2000 Board of Supervisors — FINALLY PASSED
  Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee
I hereby certify that the foregoing Ordinance was FINALLY PASSED on December 4, 2000 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

Date Approved

Mayor Willie L. Brown Jr.