



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Change

HEARING DATE: DECEMBER 6, 2012

Project Name: **Amendments relating to Car-share Parking Space Controls**
Case Number: 2012.1314 T [Board File No. 12-0900]
Initiated by: Supervisor Wiener/ Introduced September 11, 2012
Staff Contact: Aaron Starr, Legislative Affairs
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Reviewed by: AnMarie Rodgers, Manager Legislative Affairs
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Recommendation: **Recommend Approval with Modifications**

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PLANNING CODE AMENDMENT

The proposed Ordinance would amend the San Francisco Planning Code Section 166 to: 1) authorize owners of projects with residential units to elect to provide additional parking spaces for car-share use which will not count against any parking maximums; 2) allow the car-share spaces to be used for other permitted uses other than parking a motorized vehicle if a car-share organization chooses not to use the space; and 3) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

The Way It Is Now:

Required car-share parking spaces can satisfy or may substitute for any required residential parking; however, such space shall not be counted against the maximum number of parking spaces allowed by the Planning Code as a principal use, an accessory use, or a conditional use.

Voluntarily adding car-share spaces above what is required in addition to maxing out your allowable parking for private automobiles is not permitted by the Planning Code.

The Way It Would Be:

The proposed Ordinance would allow a project with 49 residential units or less to add up to 5 car-share spaces and a project with 50 or more residential units to add up to 8 car-share spaces, without those spaces being counted against the maximum number of parking spaces allowed by the Code as a principal use, an accessory use, or a conditional use.

These additional care share spaces would be subject to the following criteria:

- (1) They shall meet the provisions of this Section 166¹.

¹ Section 166 outlines the rules that govern car sharing spaces. This section is reprinted in the proposed Ordinance.

- (2) The car-share parking spaces shall be deed-restricted and dedicated for car sharing, and must be offered and maintained in perpetuity.
- (3) At project entitlement, the property owner must submit a letter of intent from a certified car-share organization that articulates the car-share organization's intent to occupy the requested car-share spaces under this Subsection (g).
- (4) Use of the car-share vehicles shall not be limited to residents of the building.
- (5) If an additional car-share space is built, and a certified car-share organization chooses not to place vehicles in that space, the owner of the project may not sell, rent, or otherwise earn fees on the space but may use it for (i) bicycle parking, or (ii) permitted storage and other permitted uses but not for parking of any motorized vehicle; provided, however, that upon ninety (90) days of advance written notice to the property owner from a certified car-sharing organization, the property owner shall terminate any non car-sharing use for such space and shall make the space available to the car-share organization for its use of such space.

ISSUES AND CONSIDERATIONS

Car-sharing began in the United States just over 12 years ago². In San Francisco, City Car-Share began in 2001 and the Planning Commission instituted car-share requirements as part of project “Conditions of Approval” as early as June 2002³. Shortly thereafter, the Commission codified uniform requirements in the Planning Code with the 2005 adoption of the Rincon Hill Plan. As an early adopter of car-share, the City is still learning about how to best implement car-share and about how car-share relates to other policy goals.

Recent Changes to the City’s Car Share Program

In 2010, the Commission passed Resolution 18106 outlining the Commission’s policy for requiring more car share spaces than required by the Planning Code when granting entitlements for a project. The Motion stated that where transportation impacts of the specified project combined with the project location warrant additional mitigations, the Planning Commission may require additional car-share at the amounts reflected in the following table:

<i>Residential Units</i>		
Number of Residential Units	Number of Required Car-share spaces	Guidelines for Commission-Imposed Additional Car-share Spaces When Certain Findings are Made
0-49	None	1
50-200	1	2
201 or more	2, plus 1 for every 200 units over 200	3, plus 2 for every 200 units over 200

² Balish, Chris. How to Live Well Without Owning a Car, Ten Speed Press, pg 161, 2006.

³ On June 20, 2002 the Planning Commission adopted Motion No. 16443 for the project at 724 Van Ness Avenue/650 Turk noting, “The Project Sponsor has offered two parking spaces to City CarShare in order to provide for shared car use by Project residents as well as the general public.”

<i>Non-Residential Uses</i>		
Number of Parking Spaces (Non-Residential Uses or in a Non-Accessory Parking Facility)	Number of Required Car-share spaces	Guidelines for Commission-Imposed Additional Car-share Spaces When Certain Findings are Made
0-24	None	1
25-49	1	2
50 or more	1, plus 1 for every 50 spaces over 50	2, plus 1 for every 40 spaces

When the Commission passed these guidelines they were concerned that requiring excessive car share spaces or requiring soft sites to maintain their existing car share spaces would discourage the development of needed housing, especially low-income housing. Further, property owners described an increasing hesitance to voluntarily provide car-share parking on underutilized lots due to a perception that such use may be indefinitely required in the future. The majority of car-share parking spaces in San Francisco are currently provided voluntarily, outside of requirements of Planning Code Section 166 and Planning Commission Conditions of Approval. By passing these guidelines, the Commission recognized that voluntary car-share parking spaces are a valuable component to the success of San Francisco’s overall car-sharing program.

Benefits of Car-share Programs

While car sharing is not cost-effective for people who need a vehicle on a daily basis, it can provide significant financial savings (in lieu of auto ownership) to those who need a car on a less frequent basis. The availability of the service also reduces the total number of private automobiles and the total number of miles driven. According to a study that evaluated changes in travel demand data prior to and after the launch of the City CarShare Program in San Francisco, within two years, nearly 30% of members substituted their personal vehicles for City CarShare vehicles and over two-thirds deferred the purchase of a second car⁴ A 2006 Survey done for CommunAuto, a Quebec car-sharing organization, found that each shared vehicle replaces eight individually owned ones, leads to an 1,800-mile reduction in distance driven per year per member, and resulted in up to a 44 percent reduction in fuel consumption.⁵

It’s also important to remember that car-share services are just one part of a successful transit first policy and that they are intended to provide convenient access to a car when other more efficient forms of transit are not practical. Not having a limit on the number to car share spaces that are allowed in any one development, or allowing too many car share spaces in one location could increase vehicular traffic in a neighborhood and overburden city streets.

Enforcement

The Department has a complaint driven enforcement process where we rely on the public to let us know if a property is out of compliance with the Planning Code or specific conditional of approval. Because

⁴ <http://escholarship.org/uc/item/4f39b7b4#page-4>

⁵ http://www.toronto.ca/zoning/pdf/car_share_2009-04-02.pdf

these spaces could potential be used for private automobile parking, there is little incentive for someone to report that a required car-share space is not being used as intended. Further, these spaces are often located within a garage out of view from the public right-of-way. The Department's enforcement team does not have citation authority, making it difficult to enforce parking related violations of the Planning Code. The San Francisco Metropolitan Transportation Authority (SFMTA) does have citation power, but they cannot enforce parking regulation on private property under the City's existing laws.

Existing Pods on Soft Sites

Many car-share pods (groupings of car-share spaces) are located on "soft sites," such as gas stations and surface parking lots. When these sites are developed most of the existing car-share spaces are lost, which negatively affects nearby residents who have come to rely on those spaces for their transportation needs. The gas stations along Market Street that have recently redeveloped or are in the process of being redeveloped are a prime example of this situation.

Market Supply and Demand

The Planning Department doesn't have a strong sense of the current market demand for car-share spaces in San Francisco. The car-share industry hasn't approached the Department seeking greater car-share requirements in the Planning Code. As drafted, the Ordinance requires that property owners submit a letter of intent from a certified car-share organization that articulates the car-share organization's intent to occupy the requested car-share spaces; however, because there is no disincentive for car-share companies to sign a letter of intent, this does not necessarily indicate that there is a demand for those spaces. Also, the SFMTA is working on a program to allow car-share spaces in on-street parking spaces; the supply of available car-share spaces could be significantly increased if this were to happen.

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 modification* of the proposed Ordinance and adopt the attached Draft Resolution to that effect. The proposed modifications include:

1. Modify the Ordinance so that soft site car-share spaces that have been in place for a year or more can be retained at the request of the property owner in new development without reducing the permitted levels of private parking.
2. Change the proposed maximums for voluntary car-share spaces as follow:
 - 10 units to 24 units – 2 car-share spaces
 - 25 units to 49 units - 3 car-share spaces
 - Greater than 50 units - 5 car-share spaces
3. Add the following maximums for voluntary car-share spaces for commercial buildings:
 - 5,000 - 9,999 sq. ft. of commercial space – 2 car-share spaces
 - 10,000 – 19,999 sq. ft. of commercial space – 3 car-share spaces
 - 20,000 sq. ft. or more of commercial space – 5 car-share spaces

4. Require signage above or next to each additional car-share parking space indicating that the parking space is for car-share parking and cannot be used for private automobile parking. The sign should also include the number someone can call for enforcement.
5. Consider legislation that would allow MTA to enforce parking on private property or provide the Planning Department with more enforcement and citation power to better monitor these spaces.
6. Amend the legislation to state that any optional car-share spots covered by this Ordinance shall only be allowed for projects that do not seek a Conditional Use to increased parking.

BASIS FOR RECOMMENDATION

On balance this Ordinance is consistent with the General Plan and the City's transit first policy; car-share spaces have been shown to reduce the number of private automobiles and the total number of miles driven, and they allow residents to primarily rely on alternative modes of transportation by providing convenient access to cars when needed. However, the Department has concerns over how these new provisions would be enforced and how the Ordinance tiers the allowable car-share spaces.

Recommendation 1

It's the Department's understanding that this Ordinance evolved from a concern that car-share pods were being removed when soft sites, particularly along Market Street, were being developed. The Department is recommending that the Ordinance be amended so that these sites are allowed to keep their existing number of spaces if requested by the project sponsor.

Recommendation 2 and 3

As currently drafted, the Ordinance would allow small projects with little or no parking to have up to 5 car-share spaces. The Department finds this excessive given that smaller projects might not have any parking to begin with and most of these smaller projects wouldn't have garage space to accommodate publicly accessible car-share spaces. Instead, the Department is proposing a different scale that reduces the allowable number of additional car-share spaces for each tier and starts this allowance at 10 dwelling units. The Department finds this to be an appropriate starting point for additional car-share spaces because these buildings are more likely to have parking and garages with enough room to accommodate publicly accessed car-share spaces.

The Department also believes that it's appropriate to include commercial development in this legislation. Car-share companies market their services to businesses as a low cost alternative to having company cars or fleets. Employees may take transit to work or ride their bike, but need a car to go off site. In these situations having ample car-share spaces available would be a significant benefit to businesses and their employees while still advancing the City's transit first policy. The Department chose 5,000 sq. ft. as the starting point because that is typically when parking is required for commercial development.

Recommendation 4 and 5

If not properly monitored, this legislation could create a loophole that would allow additional private parking spaces. The Department believes that it will be difficult to ensure that these spaces are not used for private automobiles. These sites will be located on private property and within enclosed garages out of view from the public right-of-way. Clear signage is one mechanism that can reduce the likelihood of improper use; the other would be allowing SFMTA to enforce Planning Code parking controls. In

preliminary discussions, SFMTA indicated that they were receptive to the idea of taking over the enforcement role for parking on private property. However, the Department cannot delegate authority to another agency in its own Code, so these provisions would also have to appear in the Transportation Code for MTA to be able to enforce them.

Recommendation 6

The Department sees additional car-share spaces as an added amenity for development projects. The intention behind this recommendation is to create an incentive for developers to not seek additional parking through Conditional Use authorization.

ENVIRONMENTAL REVIEW

The proposal to amend Planning Code Section 166 (Car Sharing) would result in no physical impact on the environment. The proposed amendment is exempt from environmental review under Section 15060(c)(2) of the CEQA Guidelines.

PUBLIC COMMENT

As of the date of this report, the Planning Department has not received any comments about the proposed Ordinance; however, included in this packet is a letter from the SFMTA to Supervisor Wiener regarding the proposed Ordinance.

RECOMMENDATION: Recommendation of Approval with Modifications

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 12-0900
- Exhibit C: Letter from SFMTA



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution

HEARING DATE DECEMBER 6, 2012

Project Name: **Amendments relating to Car-share Parking Space Controls**
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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT WITH MODIFICATIONS A PROPOSED ORDINANCE THAT WOULD AMEND THE SAN FRANCISCO PLANNING CODE BY AMENDING SECTION 166 TO 1) AUTHORIZE OWNERS OF PROJECTS WITH RESIDENTIAL UNITS TO ELECT TO PROVIDE ADDITIONAL PARKING SPACES FOR CAR-SHARE USE WHICH WILL NOT COUNT AGAINST ANY PARKING MAXIMUMS; 2) ALLOW THE CAR-SHARE SPACES TO BE USED FOR OTHER PERMITTED USES OTHER THAN PARKING A MOTORIZED VEHICLE IF A CAR-SHARE ORGANIZATION CHOOSES NOT TO USE THE SPACE; AND 3) MAKING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

WHEREAS, on September 11, 2012, Supervisors Wiener introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 12-0900, which would amend the San Francisco Planning Code Section 166 to: 1) authorize owners of projects with residential units to elect to provide additional parking spaces for car-share use which will not count against any parking maximums; 2) allow the car-share spaces to be used for other permitted uses other than parking a motorized vehicle if a car-share organization chooses not to use the space; and 3) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on December 6, 2012; 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

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 modifications** the proposed ordinance. Specifically, the Commission recommends the following modifications:

1. Modify the ordinance so that soft site car-share spaces that have been in place for a year or more can be retained at the request of the property owner in new development without reducing the permitted levels of private parking.
2. Change the proposed maximums for voluntary car-share spaces as follow:
 - 10 units to 24 units – 2 car-share spaces
 - 25 units to 49 units - 3 car-share spaces
 - Greater than 50 units - 5 car-share spaces
3. Add the following maximums for voluntary car-share spaces for commercial buildings:
 - 5,000 - 9,999 sq. ft. of commercial space – 2 car-share spaces
 - 10,000 – 19,999 sq. ft. of commercial space – 3 car-share spaces
 - 20,000 sq. ft. or more of commercial space – 5 car-share spaces
4. Require signage above or next to each additional car-share parking space indicating that the parking space is for car-share parking and cannot be used for private automobile parking. The sign should also include the number someone can call for enforcement.
5. Consider legislation that would allow MTA to enforce parking on private property or provide the Planning Department with more enforcement and citation power to better monitor these spaces.
6. Amend the legislation to state that any optional car-share spots covered under this Ordinance shall only be allowed for projects that do not seek a Conditional Use to increased parking.

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. The Commission finds that this Ordinance is consistent with the General Plan and the City's transit first policy; car-share spaces have been shown to reduce the number of private automobiles and the total number of miles driven, and they allow residents to primarily rely on alternative modes of transportation by providing convenient access to cars when needed.
2. The Commission finds that this Ordinance should be amended so that proposed developments can keep the existing number of voluntary car-share spaces if requested by the project sponsor to help preserve an existing transit amenity for nearby residents.
3. As drafted, the Ordinance would allow small projects with little or no parking to have up to 5 car-share spaces. The Commission finds this excessive given that smaller projects might not have any parking to begin with and most of these smaller projects wouldn't have garage space to

accommodate publicly accessible car-share spaces. Instead, the Commission is proposing a different scale that reduces the allowable number of additional car-share spaces for each tier and starts this allowance at 10 dwelling units.

4. The Commission finds that it's appropriate to include commercial development in this legislation. Car-share companies market their services to businesses as a low cost alternative to having company cars or fleets. In commercial buildings having ample car-share spaces available would be a significant benefit to businesses and their employees while still advancing the City's transit first policy.
5. The Commission finds that it will be difficult to ensure that the additional car-share spaces are not used for private automobiles through the Planning Department's enforcement powers. Clear signage is one mechanism that can reduce the likelihood of improper use; the other would be allowing SFMTA to enforce Planning Code parking controls.

The Commission finds that additional car-share spaces would be an added amenity for development projects and should only be permitted for projects that do not seek more parking than allowed as of right.

1. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

II. 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 1.3

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.

As amended, the proposed Ordinance would meet San Francisco's transit needs by giving more priority to car-share services, which is an alternative to the private automobile.

Policy 1.6

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

As amended, the proposed Ordinance would provide greater choices for residents and workers to meet their transportation needs, and would accommodate car share services where they are most appropriate.

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.

Car-share spaces have been shown to reduce the number of private automobiles and the total number of miles driven, and they allow residents to primarily rely on alternative modes of transportation by providing convenient access to cars when needed.

8. 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;

As amended, the proposed Ordinance would allow existing car-share uses that currently serve nearby residents to remain.

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 have no adverse effect on existing housing or neighborhood character.

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

The proposed Ordinance would have no adverse effect on the City's supply of affordable housing.

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

As amended, the proposed Ordinance would help reduce commuter traffic from private automobiles, which will help insure that MUNI traffic is not impeded and will help reduce the burden on City streets.

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.

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

The proposed Ordinance will have no adverse impact on the City's preparedness to protect against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

Landmarks and historic buildings would not be negatively impacted by the proposed Ordinance.

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

The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed Ordinance.

- 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 and in the proposed Ordinance with the modification outlined above.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on December 6, 2012.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: December 6, 2012

LEGISLATIVE DIGEST

[Planning Code – Car Share Parking Spaces]

Ordinance amending the San Francisco Planning Code by amending Section 166 to 1) authorize owners of projects with residential units to elect to provide additional parking spaces for car-share use which will not count against any parking maximums, 2) allow the car-share spaces to be used for other permitted uses other than parking a motorized vehicle if a car-share organization chooses not to use the space; and 3) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Existing Law

Planning Code Section 166 establishes requirements for car-share parking spaces.

Amendments to Current Law

Section 166 is amended to allow a "property owner," defined as the owner of a property at the time of project approval and its successors and assigns, to elect to provide up to five car-share spaces for a project with 49 residential units or less and up to eight car-share spaces for a project with 50 residential units or more. These car-share spaces shall not be counted against the maximum number of parking spaces required or permitted by the Planning Code.

Any car-share spaces will be subject to the provisions of Section 166, must be deed-restricted and dedicated for car sharing, and must be offered and maintained in perpetuity. Use of the car-share vehicles is not limited to residents of the building. If an additional car-share space is built and a certified car-share organization chooses not to place vehicles in that space, the space may be used for other permitted uses but not for parking of a motorized vehicle, as long as the space is made available to the car-share organization upon 90 days' notice that it is needed.

Background Information

The intent of this legislation is to further the goals of Section 166 by creating an incentive for smaller projects to provide car-share spaces voluntarily.

1 [Planning Code - Car Share Parking Spaces]

2

3 **Ordinance amending the San Francisco Planning Code by amending Section 166 to**
 4 **1) authorize owners of projects with residential units to elect to provide additional**
 5 **parking spaces for car-share use which will not count against any parking maximums;**
 6 **2) allow the car-share spaces to be used for other permitted uses other than parking a**
 7 **motorized vehicle if a car-share organization chooses not to use the space; and 3)**
 8 **making environmental findings, Planning Code Section 302 findings, and findings of**
 9 **consistency with the General Plan and the Priority Policies of Planning Code Section**
 10 **101.1.**

11 NOTE: Additions are *single-underline italics Times New Roman*;
 12 deletions are ~~*strike-through italics Times New Roman*~~.
 13 Board amendment additions are double-underlined;
 14 Board amendment deletions are ~~strike-through normal~~.

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

16 Section 1. Findings.

17 (a) The Planning Department has determined that the actions contemplated in this
 18 ordinance comply with the California Environmental Quality Act (California Public Resources
 19 Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of
 20 Supervisors in File No. _____ and is incorporated herein by reference.

21 (b) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
 22 amendments will serve the public necessity, convenience, and welfare for the reasons set
 23 forth in Planning Commission Resolution No. _____ and the Board hereby incorporates such
 24 reasons herein by reference. A copy of Planning Commission Resolution No. _____ is on file
 25 with the Clerk of the Board of Supervisors in File No. _____.

Supervisor Wiener
BOARD OF SUPERVISORS

1 (c) This Board finds that these Planning Code amendments are consistent with the
2 General Plan and with the Priority Policies of Planning Code Section 101.1 for the reasons set
3 forth in Planning Commission Resolution No. _____ and the Board hereby incorporates such
4 reasons herein by reference.

5 Section 2. The San Francisco Planning Code is hereby amended by amending Section
6 166, to read as follows:

7 (a) **Findings.** The Board hereby finds and declares as follows: One of the challenges
8 posed by new development is the increased number of privately-owned automobiles it brings
9 to San Francisco's congested neighborhoods. Growth in the number of privately-owned
10 automobiles increases demands on the City's limited parking supply and often contributes to
11 increased traffic congestion, transit delays, pollution and noise. Car-sharing can mitigate the
12 negative impacts of new development by reducing the rate of individual car-ownership per
13 household, the average number of vehicle miles driven per household and the total amount of
14 automobile-generated pollution per household. Accordingly, car-sharing services should be
15 supported through the Planning Code when a car-sharing organization can demonstrate that it
16 reduces: (i) the number of individually-owned automobiles per household; (ii) vehicle miles
17 traveled per household; and (iii) vehicle emissions generated per household.

18 (b) **Definitions.** For purposes of this Code, the following definitions shall apply:

19 (1) A "car-share service" is a mobility enhancement service that provides an integrated
20 citywide network of neighborhood-based motor vehicles available only to members by
21 reservation on an hourly basis, or in smaller intervals, and at variable rates. Car-sharing is
22 designed to complement existing transit and bicycle transportation systems by providing a
23 practical alternative to private motor vehicle ownership, with the goal of reducing over-
24 dependency on individually owned motor vehicles. Car-share vehicles must be located at
25 unstaffed, self-service locations (other than any incidental garage valet service), and generally

1 be available for pick-up by members 24 hours per day. A car-share service shall provide
2 automobile insurance for its members when using car-share vehicles and shall assume
3 responsibility for maintaining car-share vehicles.

4 (2) A "certified car-share organization" is any public or private entity that provides a
5 membership-based car-share service to the public and manages, maintains and insures motor
6 vehicles for shared use by individual and group members. To qualify as a certified car-share
7 organization, a car-share organization shall submit a written report prepared by an
8 independent third party academic institution or transportation consulting firm that clearly
9 demonstrates, based on a statistically significant analysis of quantitative data, that such car-
10 sharing service has achieved two or more of the following environmental performance goals in
11 any market where they have operated for at least two years: (i) lower household automobile
12 ownership among members than the market area's general population; (ii) lower annual
13 vehicle miles traveled per member household than the market area's general population; (iii)
14 lower annual vehicle emissions per member household than the market area's general
15 population; and (iv) higher rates of transit usage, walking, bicycling and other non-automobile
16 modes of transportation usage for commute trips among members than the market area's
17 general population. This report shall be called a Car-sharing Certification Study and shall be
18 reviewed by Planning Department staff for accuracy and made available to the public upon
19 request. The Zoning Administrator shall only approve certification of a car-share organization
20 if the Planning Department concludes that the Certification Study is technically accurate and
21 clearly demonstrates that the car-share organization has achieved two or more of the above
22 environmental performance goals during a two-year period of operation. The Zoning
23 Administrator shall establish specific quantifiable performance thresholds, as appropriate, for
24 each of the three environmental performance goals set forth in this subsection.

1 (3) The Planning Department shall maintain a list of certified car-share organizations
2 that the Zoning Administrator has determined satisfy the minimum environmental performance
3 criteria set forth in subsection 166(b)(2) above. Any car-share organization seeking to benefit
4 from any of the provisions of this Code must be listed as a certified car-share organization.

5 (4) An "off-street car-share parking space" is any parking space generally complying
6 with the standards set forth for the district in which it is located and dedicated for current or
7 future use by any car-share organization through a deed restriction, condition of approval or
8 license agreement. Such deed restriction, condition of approval or license agreement must
9 grant priority use to any certified car-share organization that can make use of the space,
10 although such spaces may be occupied by other vehicles so long as no certified car-share
11 organization can make use of the dedicated car-share spaces. Any off-street car-share
12 parking space provided under this Section must be provided as an independently accessible
13 parking space. In new parking facilities that do not provide any independently accessible
14 spaces other than those spaces required for disabled parking, off-street car-share parking
15 may be provided on vehicle lifts so long as the parking space is easily accessible on a self-
16 service basis 24 hours per day to members of the certified car-share organization. Property
17 owners may enact reasonable security measures to ensure such 24-hour access does not
18 jeopardize the safety and security of the larger parking facility where the car-share parking
19 space is located so long as such security measures do not prevent practical and ready access
20 to the off-street car-share parking spaces.

21 (5) A "car-share vehicle" is a vehicle provided by a certified car-share organization for
22 the purpose of providing a car-share-service.

23 (6) A "property owner" refers to the owner of a property at the time of project approval
24 and its successors and assigns.

(c) Generally Permitted. Car-share spaces shall be generally permitted in the same manner as residential accessory parking. Any residential or commercial parking space may be voluntarily converted to a car-share space.

(d) Requirements for Provision of Car-Share Parking Spaces.

(1) In newly constructed buildings containing residential uses or existing buildings being converted to residential uses, if parking is provided, car-share parking spaces shall be provided in the amount specified in Table 166. In newly constructed buildings containing parking for non-residential uses, including non-accessory parking in a garage or lot, car-share parking spaces shall be provided in the amount specified in Table 166.

Table 166

REQUIRED CAR-SHARE PARKING SPACES

Number of Residential Units	Number of Required Car-Share Parking Spaces
0 - 49	0, <i>see subsection (g) for number of permitted car-share spaces</i>
50 - 200	1, <i>see subsection (g) for number of permitted car-share spaces</i>
201 or more	2, plus 1 for every 200 dwelling units over 200, <i>see subsection (g) for number of permitted car-share spaces</i>
Number of Parking Spaces Provided for Non-Residential Uses or in a Non-Accessory Parking Facility	Number of Required Car-Share Parking Spaces
0 - 24	0

1	25 - 49	1
2	50 or more	1, plus 1 for every 50 parking spaces over 50

3
4 (2) The required car-share spaces shall be made available, at no cost, to a certified
5 car-share organization for purposes of providing car-share services for its car-share service
6 subscribers. At the election of the property owner, the car-share spaces may be provided (i)
7 on the building site, (ii) on another off-street site within 800 feet of the building site.

8 (3) **Off-Street Spaces.** If the car-share space or spaces are located on the building
9 site or another off-street site:

10 (A) The parking areas of the building shall be designed in a manner that will make the
11 car-share parking spaces accessible to non-resident subscribers from outside the building as
12 well as building residents;

13 (B) Prior to Planning Department approval of the first building or site permit for a
14 building subject to the car-share requirement, a Notice of Special Restriction on the property
15 shall be recorded indicating the nature of requirements of this Section and identifying the
16 minimum number and location of the required car-share parking spaces. The form of the
17 notice and the location or locations of the car-share parking spaces shall be approved by the
18 Planning Department; (2) The required car-share spaces shall be made available, at no cost,
19 to a certified car-share organization for purposes of providing car-share services for its car-
20 share service subscribers. At the election of the property owner, the car-share spaces may be
21 provided (i) on the building site, (ii) on another off-street site within 800 feet of the building
22 site.

23 (C) All required car-share parking spaces shall be constructed and provided at no cost
24 concurrently with the construction and sale of units; and

1 (D) if it is demonstrated to the satisfaction of the Planning Department that no certified
2 car-share organization can make use of the dedicated car-share parking spaces, the spaces
3 may be occupied by non-car-share vehicles; provided, however, that upon ninety (90) days of
4 advance written notice to the property owner from a certified car-sharing organization, the
5 property owner shall terminate any non car-sharing leases for such spaces and shall make
6 the spaces available to the car-share organization for its use of such spaces.

7 (e) Provision of a required car-share parking space shall satisfy or may substitute for
8 any required residential parking; however, such space shall not be counted against the
9 maximum number of parking spaces allowed by this Code as a principal use, an accessory
10 use, or a conditional use.

11 (f) The Planning Department shall maintain a publicly-accessible list, updated
12 quarterly, of all projects approved with required off-street car-share parking spaces. The list
13 shall contain the Assessor's Block and Lot number, address, number of required off-street
14 car-share parking spaces, project sponsor or property owner contact information and other
15 pertinent information as determined by the Zoning Administrator.

16 **(g) Residential Projects.**

17 In addition to any permitted or required parking that may apply to the project, the property
18 owner may elect to provide up to five car-share spaces for a project with 49 residential units or less
19 and up to eight car-share spaces for a project with 50 residential units or more, which shall not be
20 counted against the maximum number of parking spaces allowed by this Code as a principal use, an
21 accessory use, or a conditional use. All car-share spaces are subject to the following:

22 (1) They shall meet the provisions of this Section 166.

23 (2) The car-share parking spaces shall be deed-restricted and dedicated for car sharing, and
24 must be offered and maintained in perpetuity.

1 (3) At project entitlement, the property owner must submit a letter of intent from a certified car-
2 share organization that articulates the car-share organization's intent to occupy the requested car-
3 share spaces under this Subsection (g).

4 (4) Use of the car-share vehicles shall not be limited to residents of the building.

5 (5) If an additional car-share space is built, and a certified car-share organization chooses not
6 to place vehicles in that space, the owner of the project may not sell, rent, or otherwise earn fees on the
7 space but may use it for (i) bicycle parking, or (ii) permitted storage and other permitted uses but not
8 for parking of any motorized vehicle; provided, however, that upon ninety (90) days of advance written
9 notice to the property owner from a certified car-sharing organization, the property owner shall
10 terminate any non car-sharing use for such space and shall make the space available to the car-share
11 organization for its use of such space.

12 Section 3. Effective Date. This ordinance shall become effective 30 days from the
13 date of passage.

14 Section 4. This section is uncodified. In enacting this Ordinance, the Board intends to
15 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
16 punctuation, charts, diagrams, or any other constituent part of the Planning Code that are
17 explicitly shown in this legislation as additions, deletions, Board amendment additions, and
18 Board amendment deletions in accordance with the "Note" that appears under the official title
19 of the legislation.

20
21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By: _____
24 JUDITH A. BOYAJIAN
25 Deputy City Attorney

Supervisor Wiener
BOARD OF SUPERVISORS



October 24, 2012

Supervisor Scott Wiener
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Re: SFMTA response to BOS File No. 120900 – car share parking space ordinance

Dear Supervisor Wiener:

Thank you for the opportunity to comment on the proposed ordinance to amend the San Francisco Planning Code to authorize owners of projects with residential units to elect to provide additional parking spaces for car-share use (BOS File No. 120900).

The SFMTA agrees with the intent of the ordinance, that car sharing should be encouraged and facilitated in order to achieve significant social and transportation benefits, recognizing that a significant constraint on the growth of car sharing is the ease of finding spaces for vehicles. In order to ensure the effect of the ordinance as written does not inadvertently increase the growth in the number of privately-owned automobiles, and therefore run counter to its intent, we raise two areas of concern that we suggest be addressed.

- 1) Enforcement: How the ordinance would be enforced
- 2) Number of spaces: How many additional spaces would be allowed

Enforcement

If additional spaces are allowed to be built, then it is critical that they are indeed used for either car sharing or some use other than storing private automobiles. Otherwise, the practical effect of the legislation could be to simply increase the total amount of parking supply for private automobiles. Meaningful enforcement is essential in preventing this counter-policy outcome; to support the ordinance; the SFMTA suggests that the Supervisor's office work with stakeholders to think through how these rules can be effectively enforced. To help bolster the city's enforcement, the SFMTA suggests the following changes:

- Explore ways in which more resources could be allocated to enforcement.
- Explore which agency is best suited to enforce these rules (if not SF Planning).
- Deed-restrict the use of parking spaces permitted under this ordinance.

To improve enforcement, the ordinance could also take steps to enable residents and car sharing organizations (who have a vested interest) to support enforcement of this rule, such as:

Edwin M. Lee
Mayor

Tom Nolan
Chairman

Cheryl Brinkman
Vice-Chairman

Leona Bridges
Director

Malcolm Heinicke
Director

Jerry Lee
Director

Joél Ramos
Director

Cristina Rubke
Director

Edward D. Reiskin
Director of Transportation

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- Require the Planning Department to keep a list of all privately-housed car share locations up to date on its website, and require quarterly notification to all certified car sharing organizations.
- Require a sign/plaque to be placed on the outside of each building informing the public that the building should have car sharing (or that it has spaces available for that purpose), with a way to contact the City to aid in enforcement.

Number of parking spaces allowed

Assuming that concerns about enforcement can be addressed, the SFMTA suggests the following changes to the ordinance related to the number of spaces built. Because the SFMTA is planning to expand the possibility of using on-street parking spaces for car sharing in 2013, the potential need for optional additional off-street spaces may be lower than currently expected. We therefore recommend amending the ordinance to allow a lower number of optional additional off-street parking spaces; these limits could be revisited in two years or thereafter after results from the SFMTA's expanded on-street car sharing pilot are known, which will also provide opportunity to observe demand for any optional off-street spaces that are built. Our suggestions for your consideration:

- Allow the optional additional parking spaces for car sharing only if a building has not sought a conditional use (CU) for increased overall parking. This will give developers further incentive to not seek CU for additional parking, which truly does increase overall private parking supply.
- Prohibit small projects (e.g., under 9 units or less) to have optional additional car sharing spaces – they are less necessary, could alter building forms in undesirable ways, and in any case would likely not be economical for developers.
- For projects above a certain size (e.g., 10 units or more), the number of optional additional spaces for car sharing that would be allowed should be:
 - reduced from amounts in proposed ordinance
 - progressive and proportional (i.e., a 30 unit building might be able to build 3 additional spaces, but a 12 unit building only one or two), with an upper bound cap.

Again, thank you for the opportunity to comment on this legislative proposal and for your leadership on this issue. Please do not hesitate to contact me with any questions you may have or if you wish to discuss further.

Sincerely,

Edward D. Reiskin
Director of Transportation

cc: John Rahaim
Director of Planning