



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 18011 HEARING DATE: JANUARY 14, 2010

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Project Name: **Parking & Garage Requirements in the North Beach NCD, Broadway NCD, Chinatown Mixed Use Districts & the creation of the Telegraph Hill-North Beach Residential Special Use District**

Case Number: 2009.1053TZ [Board File No. 09-1165]

Initiated by: Supervisor Chiu / Introduced October 6, 2009

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90-day Deadline: January 12, 2010

30-day Extension: February 11, 2010

Recommendation: **Approval with Modifications**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT WITH MODIFICATIONS AN ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO REQUIRE A CONDITIONAL USE AUTHORIZATION FOR THE INSTALLATION OF A GARAGE OPENING IN EXISTING BUILDINGS, REDUCE THE PARKING REQUIREMENTS IN CERTAIN NORTHEAST NEIGHBORHOODS, CREATE THE TELEGRAPH HILL-NORTH BEACH RESIDENTIAL SPECIAL USE DISTRICT, INCLUDING AMENDING SECTION SU01 OF THE ZONING MAP, AND AMENDING THE PUBLIC WORKS CODE BY AMENDING SECTION 732.2 TO PROHIBIT THE ISSUANCE OF MINOR SIDEWALK ENCROACHMENT PERMITS THAT WOULD FACILITATE THE INSTALLATION OF PARKING IN A RESIDENTIAL STRUCTURE; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE PRIORITY POLICIES OF PLANNING CODE SECTION 101

PREAMBLE

Whereas, on October 6, 2009, Supervisor Chiu introduced a proposed Ordinance under Board File Number 09-1165 that would amend several sections in the Planning Code that deal with off-street parking requirements and the installation of new garage openings in existing residential structures; and

Whereas, on January 14, 2010, the San Francisco Planning Commission (hereinafter "Commission") conducted duly noticed public hearings at a regularly scheduled meetings to consider the proposed Ordinance; and

Whereas, the proposed zoning changes have been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2); and

Whereas, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented by Department staff, and other interested parties; and

Whereas, the 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 Commission has reviewed the proposed Ordinance; and

MOVED, that the Commission hereby recommends that the Board of Supervisors recommends approval with modifications of the proposed ordinance and adopts the attached Draft Resolution to that effect. Specifically, the Commission recommends the following modifications:

New Off-Street Residential Parking Controls: Approval as Proposed

The Commission supports eliminating the off-street parking requirements and the initiation of residential maximum caps in the 4 areas proposed (Broadway NCD, North Beach NCD, Chinatown Mixed Use Districts, and the new Telegraph Hill-North Beach Residential SUD). Removing the 1-to-1 off-street parking ratio is in line with the Commission's current policies, as evidenced in the many large plan areas that have been adopted in the past several years.

New Telegraph Hill-North Beach Residential Special Use District: Approval as Proposed

The Commission supports the creation of the Telegraph Hill-North Beach Residential SUD for it is through this SUD that the parking controls for new construction and voluntary installations will be put in place.

Expansion of the Residential Special Use District: Proposed Addition to Legislation

The Commission supports the possible expansion of the New Telegraph Hill-North Beach Special Use District so that a larger area of off-street residential parking requirements would be amended. The proposed expanded boundaries are:

- Bay Street to the north;
- Polk Street to the west;
- California Street to the south; and
- Sansom Street to the east.

Conditional Use Authorization Criteria: Approval with Modifications

The Commission suggests the following Conditional Use criteria that the Commission must use (i.e., substituting those below for what is proposed), as well as the procedures listed below:

NEW Conditional Use Criteria:

1. Removal of residential unit
 - a. The proposed garage opening/addition of off-street parking will not cause the "Removal" of a dwelling unit or "Conversion of a Residential Unit" as defined in Section 317 of the Planning Code.¹
2. Decrease in habitable area
 - a. The proposed garage opening/addition of off-street parking will not substantially decrease the livability of a dwelling unit without increasing the floor area in a commensurate amount.
3. Adverse impact on historic resource
 - a. A garage opening on a historic resource must meet the requirements of Zoning Administrator Bulletin 2006.1a: *Procedures and Criteria for Adding Garages to Existing Residential Structures*, which assures that no adverse impacts will be made to a historic resource.
 - b. In considering a garage opening/addition of off-street parking, the Commission shall balance the reduction of an adverse impact to a historic resource with the inclusion of a minor sidewalk encroachment vs. the sidewalk accessibility issues that an encroachment will have on the pedestrian space.
 - i. NOTE: This will require the modification of the DPW Code change.
4. Number of parking spaces vs. loss of on-street parking spaces
 - a. The proposed curb cut required for the off-street parking will be configured in a manner that 1) will minimize the loss of on-street parking, and 2) will not cause the excessive loss of on-street parking.
 - b. Notwithstanding the above, the Commission will not authorize a proposal with a curb cut which removes more than two on-street parking spaces.

¹ Section 317: (b)(1) - "Conversion of Residential Unit" shall mean the removal of cooking facilities in a Residential Unit or the change of occupancy (as defined and regulated by the Building Code), or the change of use (as defined and regulated by the Planning Code), of any Residential Unit to a non-residential use. (b)(9) - "Removal" shall mean, with reference to a wall, roof or floor structure, its dismantling, its relocation or its alteration of the exterior function by construction of a new building element exterior to it. Where a portion of an exterior wall is removed, any remaining wall with a height less than the Building Code requirement for legal head room shall be considered demolished. Where exterior elements of a building are removed and replaced for repair or maintenance, in like materials, with no increase in the extent of the element or volume of the building, such replacement shall not be considered Removal for the purposes of this Section. The foregoing does not supersede any requirements for or restrictions on noncomplying structures and their reconstruction as governed by Article 1.7 of this Code.

5. Sidewalk Accessibility

- a. The proposed garage/addition of off-street parking will not: 1) include as part of the proposal a sidewalk encroachment permit if the project is located on a Neighborhood Commercial Street or Transit-Preferential Street as defined in Code Section 155(f), or 2) reduces the path of travel on the sidewalk to less than 6 feet; and 3) the slope of the sidewalk will not be greater than 2%.
- b. All parking of vehicles in a driveway shall be screened in accordance with Section 142 of the Planning Code.²

6. Design Guidelines

- a. The proposed project is consistent with the Residential Design Guidelines, including the Zoning Administrator Bulletin 2006.1A: *Procedures and Criteria for Adding Garages to Existing Residential Structures*.
- b. The proposed project will meet the landscape improvements requirements of Section 143.

7. No-Fault Evictions

- a. There have been no "no fault" evictions, as defined in Section 37.9(a)(7)-(13) of the San Francisco Administrative Code, within the past ten years.

8. Priority Policies

- a. The proposed off-street parking/garage installation is consistent with the Priority Policies of Section 101.1 of the Planning Code.

NEW Procedures:

1. DPW Review

- a. Prior to approval by the Planning Commission, the Department of Public Works ("DPW") will be consulted about whether the proposed garage opening will require a minor sidewalk encroachment permit or a street tree removal permit, and whether they will be granted.

2. MTA-DPT review

- a. Prior to approval by the Planning Commission, the Metropolitan Transportation Authority ("MTA") and/or Department of Public Transit ("DPT") will be consulted about whether the proposed garage opening/curb cut will impact the transportation network, the off-street parking supply for the block, and the safety for transit riders, bicyclists, and pedestrians.

² Section 142: Screening of Parking Areas in R, NC, and Eastern Neighborhoods Mixed Use Districts.

Off-street parking areas in R, NC and Eastern Neighborhoods Mixed Use Districts shall be screened as provided in this Section. (a) Every off-street parking space not within a building, where not enclosed by solid building walls, shall be screened from view from all streets and alleys through use of garage doors or by some other means. (b) Along rear yard areas and other interior open spaces, all off-street parking spaces, driveways and maneuvering areas not within buildings shall be screened from view and confined by solid building walls. (c) Off-street parking spaces in parking lots shall meet the requirements of Section 156 and other applicable provisions of Article 1.5 of this Code. Such parking areas shall be screened from view as provided in Section 156(d) of this Code.

DPW Code Change: Approval with Modifications

1. The Commission suggests that this proposed change be *removed* as a city-wide requirement. In some instances, particularly due to site constraints and topography, an encroachment permit may allow a parking/garage installation without negatively impacting the public realm. The Commission/Department should be able to use this tool to mitigate impacts.
2. Amend the proposed DPW Code Section 723 to state the following:
 - a. If a proposed encroachment permit will be used to facilitate the installation of off-street parking in an existing structure in the North Beach NCD, Broadway NCD, Chinatown Mixed Use Districts, or the Telegraph Hill-North Beach Residential SUD, as defined by the Planning Code, then such permit will only be issued upon the approval of a Conditional Use Authorization by the Planning Commission.
 - b. NOTE: Prior to the Conditional Use hearing, DPW will forward a recommendation about the proposed garage opening which will outline whether a minor sidewalk encroachment permit will be granted.

Miscellaneous

1. 41 foot Street Issue
 - a. Suggest including all alleyways in the Chinatown Mixed Use Districts as prohibited from new curb cuts into Section 155.
2. Columbus Avenue Restrictions
 - a. The Commission supports adding Columbus Avenue from North Point to Washington Streets to the list of streets in Section 161 where new garage entranceways, driveways, and other off-street vehicular access is prohibited.
3. NEW ADDITION TO SECTION 161:
 - a. In addition to adding Columbus Avenue to Section 161, which would prohibit new curb cuts, the Commission also supports including the following:
 - i. Broadway from the Embarcadero on the East to Polk Street on the west.

NOTE: there are several technical amendments that the Commission is recommending. Certain sections of the Code that is cited in the Ordinance are outdated or incomplete, and there are some clean-up changes that must be made. The Commission is recommending that these changes be made, but the itemized list will be forwarded to the Board of Supervisors separately from the Planning Commission's recommendation.

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 Planning Code sets up parking requirements for all types of development. The intent is to assure that off-street parking and loading facilities are provided in amounts and in a manner that will be consistent with the objectives and policies of the General Plan, as part of a balanced transportation system that makes suitable provisions for use of both private vehicles and transit.
2. With respect to off-street parking, the Code is intended to require needed facilities but discourage excessive amounts of parking, to avoid adverse effects upon the surrounding areas and uses, and to encourage effective use of public transit as an alternative to travel by private automobile.
3. Over the past several years, the Commission and City has enacted several long-range area-wide plans which included lowering the parking requirements for new construction and voluntary installations. These requirements are consistent with what is proposed in the Ordinance for the Neighborhood Commercial Districts and the Chinatown Mixed Use Districts. The Commission supports lowering these requirements.
4. The Commission also understands the need to create the Telegraph Hill-North Beach Residential Special Use District. It is through this SUD that the parking requirements for new construction and voluntary installations will be put in place. This area of San Francisco has a very high percentage of existing off-street parking and a low percentage of on-street parking. In light of the City's Transit-First Policies, as well as the Better Streets program and General Plan goals, the Commission supports the creation of this SUD to lower the parking thresholds.
5. The Commission strongly recommends that the proposed Conditional Use criteria be amended.
6. The criteria forwarded by the Commission outlines the best practices in terms of design review, coordination with DPW and MTA, as well as attempting to mitigate and reduce the loss of on-street parking spaces for the installation of off-street parking spaces
7. The Commission does not think that a city-wide ban on minor encroachment permits should be enacted.
8. Therefore, the Commission recommends *approval with modifications of the proposed Ordinance*.
9. **General Plan Compliance.** The proposed Ordinance is, on balance, consistent with the following Objectives and Policies of the General Plan:

I. TRANSPORTATION ELEMENT.

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

Policy 34.5: 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.

Policy 40.4: Driveways and curb cuts should be designed to avoid maneuvering on sidewalks or in street traffic, and when crossing sidewalks, they should be only as wide as necessary to accomplish this function.

Policy 24.4: Preserve pedestrian-oriented building frontages.

Policy 26.1: Retain streets and alleys not required for traffic, or portions thereof, for through pedestrian circulation and open space use.

Objective 30: Ensure that the provision of new or enlarged parking facilities does not adversely affect the livability and desirability of the city and its various neighborhoods.

II. URBAN DESIGN ELEMENT.

Fundamental Principles for Neighborhood Environment #10: Parking garages lack visual interest if they have extensive rows of doors, blank walls or exposed vehicles. Extensive curb cuts prevent planting and other enhancement of the street, eliminate curb-side parking and are potentially dangerous to pedestrians.

Policy 4.4: Design walkways and parking facilities to minimize danger to pedestrians. Driveways across sidewalks should be kept to a practical minimum, with control maintained over the number and width of curb cuts.

Conservation Principle #3B: New blank facades introduced into areas of older, more detailed buildings detract from neighborhood character.

Conservation Principle #5: Preservation of San Francisco's strong and continuous downtown street facades will ensure maintenance of that area's distinctive character and urban quality. A consistent commercial façade on neighborhood shopping streets will give definition to those areas and promote activity.

Conservation Principle #12: Street space provides an important form of public open space, especially in areas of high density that are deficient in other amenities.

Policy 2.8: Maintain a strong presumption against the giving up of street areas for private ownership or use, or for construction of public buildings.

Neighborhood Environment Principle #10D: The inclusion of stores at ground level maintains continuity of pedestrian activity on what would otherwise be a sterile street frontage of parking garages in a commercial area.

Neighborhood Environment Principle #16: Continuity of interest and activities at ground level in commercial buildings adjacent to pedestrian ways creates rich street life and enhances pedestrian experiences.

Neighborhood Environment Principle #16C: Major office buildings contribute more to street life if they have commercial activity at ground level.

Neighborhood Environment Principle #18: Alleys and small streets which are usable as part of the general network of pedestrian and service ways are potential areas of activity and interest.

II. CHINATOWN AREA PLAN.

Objective 1: Preserve the distinctive urban character, physical environment, and cultural heritage of Chinatown.

Policy 1.2: Promote a building form that harmonizes with the scale of existing buildings and width of Chinatown's streets.

Policy 1.4: Protect the historic and aesthetic resources of Chinatown.

Objective 3: Stabilize and where possible increase the supply of housing.

Policy 3.1: Conserve existing housing.

Objective 7: Manage transportation impacts to stabilize or reduce the difficulties of walking, driving, delivering goods, parking, or using transit in Chinatown.

1. The proposed replacement project is generally consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

The proposed Ordinance would not significantly impact existing neighborhood-serving retail uses or opportunities for employment in or ownership of such businesses.

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

The proposed Ordinance will not improve the existing housing and neighborhood character by regulating the installation of off-street parking and garage openings in existing buildings, thus allowing the cultural and economic diversity of the District 3 neighborhoods.

- C) The City's supply of affordable housing will be preserved and enhanced:

The proposed Ordinance will help preserve the City's supply of affordable housing by preventing the loss of dwelling units for the installation of off-street parking.

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

The proposed Ordinance will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

The proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

Preparedness against injury and loss of life in an earthquake is unaffected by the proposed amendments. Any construction or alteration associated with formula retail establishment would be executed in compliance with all applicable construction and safety measures.

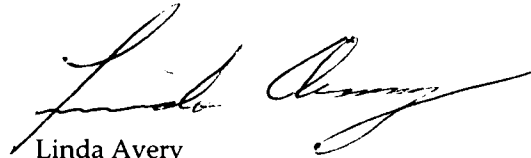
- G) That landmark and historic buildings will be preserved:

Landmarks and historic buildings would be unaffected by the proposed amendments. Should a potential off-site parking-garage installation be located within a landmark or historic building, such site would be evaluated under typical Planning Code provisions and comprehensive Planning Department policies. Any proposals for an Article 10 building will be reviewed by the Historic Preservation Commission.

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

The proposed Ordinance will not impact the City's parks and open space.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on January 14, 2010.



Linda Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: January 14, 2010