

1 [Planning Code - Transportation Demand Management Program Requirement]

2
3 **Ordinance amending the Planning Code to establish a citywide Transportation Demand**
4 **Management (TDM) Program, to require Development Projects to incorporate design**
5 **features, incentives, and tools that support sustainable forms of transportation; to**
6 **create a new administrative fee to process TDM Plan applications and compliance**
7 **reports; and to make conforming amendments to various sections of the Planning**
8 **Code; affirming the Planning Department’s determination under the California**
9 **Environmental Quality Act, and making findings of public necessity, convenience, and**
10 **welfare under Planning Code Section 302, and findings of consistency with the General**
11 **Plan and the eight priority policies of Planning Code Section 101.1.**

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

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

20 Section 1. Findings. The Board of Supervisors of the City and County of San
21 Francisco hereby finds and determines that:

22 (a) The Planning Department has determined that the actions contemplated in this
23 ordinance comply with the California Environmental Quality Act (California Public Resources
24 Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of
25 Supervisors in File No. 160925, and is incorporated herein by reference. The Board affirms
this determination.

1 (b) On _____, the Planning Commission, in Resolution No. _____, the
2 Board of Supervisors adopted findings that the actions contemplated in this ordinance are
3 consistent, on balance, with the City’s General Plan and eight priority policies of Planning
4 Code Section 101.1. ~~The Board adopts these findings as its own. A copy of said Resolution~~
5 A Memorandum from the Planning Department discussing the ordinance’s consistency with
6 the General Plan and Planning Code Section 101.1 is on file with the Clerk of the Board of
7 Supervisors in File No. 160925, and is incorporated herein by reference. The Board adopts
8 those findings as its own.

9 (c) On August 4, 2016, the Planning Commission, in Resolution No. 19715,
10 approved this legislation, and recommended it for adoption by the Board of Supervisors. A
11 Memorandum from the Planning Department discussing how public necessity, convenience
12 and welfare require adoption of this ordinance is on file with the Clerk of the Board of
13 Supervisors in File No. 160925, and is incorporated herein by reference. The Board adopts
14 those findings as its own. ~~and adopted findings that it will serve the public necessity,~~
15 ~~convenience and welfare. Pursuant to Planning Code Section 302, the Board adopts these~~
16 ~~findings as its own. A copy of said Planning Commission Resolution No. 19715,~~
17 recommending adoption of this Ordinance, is on file with the Clerk of the Board of Supervisors
18 in File No. 160925 and is incorporated herein by reference.

19
20 Section 2. The Planning Code is hereby amended by adding Sections 169, 169.1,
21 169.2, 169.3, 169.4, 169.5, and 169.6, to read as follows:

22
23 **SEC. 169. TRANSPORTATION DEMAND MANAGEMENT PROGRAM.**

24 Sections 169 through 169.6 (hereafter referred to collectively as “Section 169”) set forth the
25 requirements of the Transportation Demand Management Program (TDM Program).

1
2 **SEC. 169.1. FINDINGS.**

3 (a) According to Plan Bay Area 2040, the long-range integrated transportation and land-
4 use/housing strategy for the San Francisco Bay Area through 2040 adopted in 2013 by the Association
5 of Bay Area Governments and the Metropolitan Transportation Commission, San Francisco is expected
6 to grow by approximately 191,000 jobs and 102,000 households from 2010 to 2040.

7 (b) This growth will generate an increased demand for transportation infrastructure and
8 services on an already constrained transportation system. One of the challenges posed by this growth
9 is the increased number of single occupancy vehicle trips, and the pressures they add to San
10 Francisco's limited public streets and rights-of-way, contributing to congestion, transit delays, and
11 public health and safety concerns caused by motorized vehicles, air pollution, greenhouse gas (GHG)
12 emissions, and noise, thereby negatively impacting the quality of life in the City.

13 (c) The Transportation Sustainability Program, or TSP, is aimed at accommodating this
14 new growth while minimizing its impact on San Francisco's transportation system. It is a joint effort of
15 the Mayor's Office, the Planning Department, the San Francisco County Transportation Authority, and
16 the San Francisco Municipal Transportation Agency that has spanned many years and has involved a
17 robust process of public outreach and discussion. The TSP includes three separate but related policy
18 initiatives: the Transportation Sustainability Fee (TSF); the modernization of San Francisco's
19 environmental review process under the California Environmental Quality Act (CEQA); and the
20 Transportation Demand Management (TDM) Program.

21 (1) The first component, the TSF, seeks to fund transportation improvements to
22 support new growth by charging a development impact fee on new development. The City approved the
23 TSF in 2015 with the enactment of Ordinance No. 200-15 (Board of Supervisors File No. 150790).

24 (2) The second component, the modernization of the environmental review process
25 under CEQA, has been shepherded by the State under Senate Bill 743 (Stats. 2013. C. 386, now

1 codified in Public Resources Code Section 21099). SB 743 required the Office of Planning and
2 Research (OPR) to develop new guidelines to replace the existing transportation review standard,
3 focused on automobile delay, with new criteria that “promote the reduction of greenhouse gas
4 emissions, the development of multimodal transportation networks, and a diversity of land uses.” OPR
5 recommended a replacement metric of Vehicle Miles Traveled, or VMT, that is, the amount and
6 distance of automobile travel attributable to a project. The Planning Commission unanimously
7 approved a Resolution adopting changes consistent with implementation of SB 743, including the use of
8 Vehicle Miles Traveled as the metric for calculating transportation-related environmental impacts, at
9 its hearing on March 3, 2016 (Planning Commission Resolution No. 19579).

10 (3) The third component creates the TDM Program, detailed in Section 169. The
11 TDM Program seeks to promote sustainable travel modes by requiring new development projects to
12 incorporate design features, incentives, and tools that support transit, ride-sharing, walking, and
13 bicycle riding for the residents, tenants, employees, and visitors of their projects.

14 (d) State and regional governments have enacted many laws and policy initiatives that
15 promote the same sustainable transportation goals the TDM Program seeks to advance. For instance,
16 at the state level, the Congestion Management Law, Gov. Code Section 65088, establishes that to
17 reduce the state’s traffic congestion crisis and “keep California moving,” it is important to build
18 transit-oriented development, revitalize the state’s cities, and promote all forms of transportation.
19 Assembly Bill 32, the California Global Warming Solutions Act of 2006 (Chapter 488, Statutes of
20 2006), requires statewide GHG reductions to 1990 levels by 2020. Executive Orders B-30-15, S-3-05
21 and B-16-12 set forth GHG reduction targets beyond that year, to 2050. Senate Bill 375, the
22 Sustainable Communities and Climate Protection Act of 2008 (Chapter 728, Statutes of 2008) supports
23 the state's climate action goals to reduce GHG emissions through coordinated transportation and land
24 use planning with the goal of creating more sustainable communities. Under this statute, the
25 California Air Resources Board establishes GHG reduction targets for metropolitan planning

1 organizations, based on land use patterns and transportation systems specified in Regional
2 Transportation Plans and Sustainable Community Strategies. Plan Bay Area 2040 sets GHG and
3 Vehicle Miles Traveled reduction targets and a target for increasing non-automobile mode share for
4 the Bay Area.

5 (e) In addition, San Francisco has enacted many laws and policy initiatives that promote
6 the same sustainable transportation goals the TDM Program seeks to advance. The “Transit First
7 Policy,” in Section 8A.115 of the City Charter, declares that public transit is “an economically and
8 environmentally sound alternative to transportation by individual automobiles,” and that within the
9 City, “travel by public transit, by bicycle and on foot must be an attractive alternative to travel by
10 private automobile.” The GHG Reduction Ordinance, codified at Chapter 9 of the Environment Code,
11 sets GHG reduction emission targets of 25% below 1990 levels by 2017; 40% below 1990 levels by
12 2025; and 80% below 1990 levels by 2050. The City’s Climate Action Strategy, prepared pursuant to
13 the GHG Reduction Ordinance, has identified a target of having 50% of total trips within the City be
14 made by modes other than automobiles by 2017, and 80% by 2030. One of the ways identified to
15 achieve this target is through TDM for new development.

16 (f) San Francisco has long acknowledged the importance of TDM strategies in the
17 Transportation Element of the City’s General Plan, the San Francisco County Transportation Plan,
18 and many Area Plans. For example, each of the Area Plans within Eastern Neighborhoods and the
19 Transit Center District Plan identify policies for the development of a TDM program within them.

20 (g) The TDM Program set forth in Section 169 requires new projects subject to its
21 requirements to incorporate design features, incentives, and tools to encourage new residents, tenants,
22 employees, and visitors to travel by sustainable transportation modes, such as transit, walking, ride-
23 sharing, and biking, thereby reducing Vehicle Miles Traveled associated with new development. The
24 goals of the TDM Program are to help keep San Francisco moving as it grows, and to promote better
25

1 environmental, health, and safety outcomes, consistent with the state, regional, and local policies
2 mentioned above.

3 (h) For projects that use Development Agreements and may not be required to comply fully
4 with the requirements of Section 169, it is the Board of Supervisors' strong preference that
5 Development Agreements should include similar provisions that meet the goals of the TDM Program.

6 (i) The Board of Supervisors finds that it is in the public interest to exempt
7 affordable housing from the fees and requirements of the TDM Program, in order to promote
8 this important City policy and priority, and also because these projects generally generate less
9 VMT. A 2014 study by Transform and California Housing Partnership Corporation, "Why
10 creating and preserving affordable homes near transit is a highly effective climate protection
11 strategy," finds that "Higher Income households [defined as above 120% of area median
12 income] drive more than twice as many miles and own more than twice as many vehicles as
13 Extremely Low-Income households [defined as 30% or less of AMI] living within 1/4 mile of
14 frequent transit," which demonstrates how the TDM value for on-site affordable housing units
15 is largely dependent on the level of affordability of the targeted households.

16 (j) The Board of Supervisors finds that it is in the public interest to exempt some
17 uses from the TDM Program fees, in order to promote other important City policies and
18 priorities, such as the goals and missions of City-funded charitable health and human service
19 organizations. As such, the Board of Supervisors finds that parking spaces dedicated to
20 service vehicles provided for City-funded charitable health and human service organizations
21 shall be excluded from the definition of a parking space in the TDM Program Standards.

22
23 **SEC. 169.2. DEFINITIONS.**

24 For purpose of Section 169, the following definitions shall apply. In addition, see the Planning
25 Commission Standards for the Transportation Demand Management Program (TDM Program

1 Standards), described in Section 169.6, for additional definitions of terms applicable to this Section
2 169.

3 Approval. Any required approval or determination on a Development Application that the
4 Planning Commission, Planning Department, or Zoning Administrator issues.

5 Development Application. As defined in Section 401.

6 Development Project. As defined in Section 401.

7 Transportation Demand Management, or TDM. Design features, incentives, and tools
8 implemented by Development Projects to reduce VMT, by helping residents, tenants, employees, and
9 visitors choose sustainable travel options such as transit, bicycle riding, or walking.

10 Transportation Demand Management Plan, or TDM Plan. A Development Project's plan
11 describing compliance with the TDM Program.

12 Transportation Demand Management Program, or TDM Program. The San Francisco policy
13 requiring Development Projects to incorporate TDM measures in their proposed projects, as set forth
14 in Section 169.

15 Vehicle Miles Traveled, or VMT. A measure of the amount and distance that a Development
16 Project causes people to drive, as set forth in more detail by the Planning Commission in the TDM
17 Program Standards prepared pursuant to Section 169.6.

18
19 **SEC. 169.3. APPLICABILITY.**

20 (a) Except as provided in subsection (b), Section 169 shall apply to any Development
21 Project in San Francisco that results in:

22 (1) Ten or more Dwelling Units, as defined in Section 102; or

23 (2) Ten or more bedrooms of in a Group Housing or Residential Care Facility,
24 as these terms are defined in Section 102; or

1 (3) Any new construction resulting in 10,000 occupied square feet or more of any
2 use other than Residential, as this term is defined in Section 102, excluding any area used for accessory
3 parking; or

4 (4) Any Change of Use resulting in 25,000 occupied square feet or more of any use
5 other than Residential, as this term is defined in Section 102, excluding any area used for accessory
6 parking, as set forth in the TDM Program Standards, if:

7 (A) The Change of Use involves a change from a Residential use to any use
8 other than Residential; or

9 (B) The Change of Use involves a change from any use other than
10 Residential, to another use other than Residential.

11 (5) For any Development Project that has been required to finalize and record a
12 TDM Plan pursuant to Section 169.4 below, any increase in accessory parking spaces or Parking
13 Garage spaces within such Development Project that results in an increase in the requirements of the
14 TDM Standards shall be required to modify such TDM Plan pursuant to Section 169.4(f) below.

15 (b) Exemptions. Notwithstanding subsection (a), Section 169 shall not apply to the
16 following:

17 (1) One Hundred Percent Affordable Housing Projects. Residential uses within
18 Development Projects where all residential units are affordable to households at or below ~~150%~~
19 120% of the Area Median Income, as defined in Section 401, shall not be subject to the TDM Program.
20 Any uses other than Residential within those projects, whose primary purpose is to provide services to
21 the Residential uses within those projects shall also be exempt. Other uses shall be subject to the TDM
22 program. All uses shall be subject to all other applicable requirements of the Planning Code.

23 (2) Parking Garages and Parking Lots, as defined in Section 102. However, parking
24 spaces within such Parking Garages or Parking Lots, when included within a larger Development
25

1 Project, may be considered in the determination of TDM Plan requirements, as described in the TDM
2 Program Standards.

3 (c) When determining whether a Development Project shall be subject to the TDM
4 Program, the Development Project shall be considered in its entirety. A Development Project shall not
5 seek multiple applications for building permits to evade the applicability of the TDM Program.

6 (d) The TDM Program shall not apply to any Development Project that receives Approval
7 of a ~~any~~ Development Application or Development Agreement before the effective date of this
8 Section.

9 (e) Development Projects with a Development Application filed or an Environmental
10 Application deemed complete on or before September 4, 2016 shall be subject to 50% of the
11 applicable target, as defined in the Planning Commission's Standards. Development Projects
12 with no Development Application filed or an Environmental Application deemed complete on
13 or before September 4, 2016, but that file a Development Application on or after September 5,
14 2016, and before January 1, 2018, shall be subject to 75% of the such target. Development
15 Projects with a Development Application on or after January 1, 2018 shall be subject to 100%
16 of the such target.

17
18 **SEC. 169.4. TRANSPORTATION DEMAND MANAGEMENT PLAN REQUIREMENTS.**

19 (a) A property owner shall submit a proposed TDM Plan along with the Development
20 Project's first Development Application. ~~For all projects that require a pre-application community~~
21 meeting, the Project Sponsor shall present a draft TDM Plan at that pre-application meeting
22 and solicit feedback from the local community to be taken into consideration in preparing the
23 proposed TDM Plan for submittal to the Planning Department. For all projects that require a
24 community meeting occur prior to project application, the Project Sponsor shall discuss
25 potential TDM measures and program standards at that meeting and solicit feedback from the

1 local community to be taken into consideration in preparing the proposed TDM Plan for
2 submittal to the Planning Department. If the Planning Department requires any preliminary
3 application or assessment prior to the project application, the project sponsor shall submit a
4 draft TDM plan at that time. The proposed TDM Plan shall document the Development Project's
5 proposed compliance with Section 169 and the Planning Commission's TDM Program Standards.

6 (b) The proposed TDM Plan shall be reviewed in conjunction with the approval of the first
7 Development Application for the Development Project.

8 (c) Compliance with the TDM Program, including compliance with a finalized TDM Plan,
9 shall be included as a Condition of Approval of the Development Project. The Planning Commission
10 shall not waive, reduce, or adjust the requirements of the TDM Program through the approval
11 processes described in Sections 304, 309, 329 or any other Planning Commission approval process
12 that allows for exceptions.

13 (d) The Development Project shall be subject to the TDM Program Standards in effect at
14 the time of its first Development Project ~~Application Approval~~. If the Planning Commission has issued
15 revised TDM Program Standards subsequent to ~~that~~ the date of the Development Project's first
16 Development ~~Project Approval~~ Application was filed, then the property owner may elect to have the
17 Development Project be subject to the later-approved TDM Program Standards, but if so, must meet all
18 requirements of such revised Standards.

19 (e) The Zoning Administrator shall approve and order the recordation of a Notice in the
20 Official Records of the Recorder of the City and County of San Francisco for the subject property prior
21 to the issuance of a building or site permit. This Notice shall include the Development Project's final
22 TDM Plan and detailed descriptions of each TDM measure.

23 (f) Upon application of a property owner, after a TDM Plan is finalized and the associated
24 building or site permit has been issued, a Development Project's TDM Plan may be modified in
25 accordance with procedures and standards adopted by the Planning Commission in the TDM Program

1 Standards. However, if such modification to an existing TDM Plan is required pursuant to Section
2 169.3(a)(5) above, the modified TDM Plan shall be finalized in accordance with the procedures and
3 requirements of the TDM Standards in effect at the time of the modification.

4 (g) Property owners shall pay administrative fees with the application, periodic
5 compliance review, and voluntary update review of their TDM Plans, as set forth in the
6 Planning Department Fee Schedule.

7
8 **SEC. 169.5. MONITORING, REPORTING AND COMPLIANCE.**

9 (a) Prior to the issuance of a first certificate of occupancy, the property owner shall
10 facilitate a site inspection by Planning Department staff to confirm that all approved physical
11 improvement measures in the Development Project's TDM Plan have been implemented and/or
12 installed. The property owner shall also provide documentation that all approved programmatic
13 measures in the Development Project's TDM Plan will be implemented. The process and standards for
14 determining compliance shall be specified in the Planning Commission's TDM Program Standards.

15 (b) Throughout the life of the Development Project, the property owner shall:

16 (1) Maintain a TDM coordinator, as defined in the Planning Commission's TDM
17 Program Standards, who shall coordinate with the City on the Development Project's compliance with
18 its approved TDM Plan.

19 (2) Allow City staff access to relevant portions of the property to conduct site visits,
20 surveys, inspection of physical improvements, and/or other empirical data collection, and facilitate in-
21 person, phone, and/or e-mail or web-based interviews with residents, tenants, employees, and/or
22 visitors. City staff shall provide advance notice of any request for access and shall use all reasonable
23 efforts to protect personal privacy during visits and in the use of any data collected during this process.

24 (3) Submit periodic compliance reports to the Planning Department, as required by
25 the Planning Commission's TDM Program Standards.

1
2 **SEC. 169.6. TRANSPORTATION DEMAND MANAGEMENT PROGRAM**

3 **STANDARDS.**

4 (a) The Planning Commission, with the assistance of the Planning Department and in
5 consultation with staff of the San Francisco Municipal Transportation Agency and the San Francisco
6 County Transportation Authority, shall adopt the Planning Commission Standards for the
7 Transportation Demand Management Program, or TDM Program Standards. The TDM Program
8 Standards shall contain the specific requirements necessary for compliance with the TDM Program.
9 The TDM Program Standards shall be updated from time to time, as deemed appropriate by the
10 Planning Commission, to reflect best practices in the field of Transportation Demand Management.

11 (b) When preparing, adopting, or updating the TDM Program Standards, the Planning
12 Commission shall consider the primary goals of Section 169, that is, to reduce VMT from new
13 development in order to maintain mobility as San Francisco grows, and to achieve better
14 environmental, health and safety outcomes. In addition, the Planning Commission shall consider the
15 following principles:

16 (1) The requirements of the TDM Program, as set forth in the TDM Program
17 Standards, shall be proportionate to the total amount of VMT that Development Projects produce, and
18 shall take into account site-specific information, such as density, diversity of land uses, and access to
19 travel options other than the private automobile in the surrounding vicinity.

20 (2) The TDM Program Standards shall provide flexibility for Development Projects
21 to achieve the purposes of the TDM Program in a way that best suits the circumstances of each
22 Development Project. To that end, the TDM Program Standards shall include a menu of TDM
23 measures from which to choose. Each measure in this TDM menu shall be designed to reduce VMT by
24 site residents, tenants, employees, or visitors, as relevant to the Development Project, and must be
25 under the control of the developer, property owner, or tenant.

1 (3) Each of the TDM measures in the TDM Program Standards shall be assigned a
2 number of points, reflecting its relative effectiveness to reduce VMT. This relative effectiveness
3 determination shall be grounded in literature review, local data collection, best practice research,
4 and/or professional transportation expert opinion, and shall be described in the TDM Program
5 Standards.

6 (c) One year after the effective date of the TDM Program, the Planning Department
7 shall prepare a report analyzing the implementation of the TDM Program and describing any
8 changes to the TDM Program Standards. Every four years, following the periodic updates to the
9 San Francisco Countywide Transportation Plan that the San Francisco County Transportation
10 Authority prepares, the Planning Department shall prepare a report containing the same
11 information analyzing the implementation of the TDM Program and describing any changes to
12 the TDM Program Standards. The Planning Department shall present such reports to the Planning
13 Commission, and and may present it them to the the Board of Supervisors during a public
14 hearings, if a Supervisor chooses to request a hearing on the matter.

15
16 Section 3. The Planning Code is hereby amended by revising Sections 102, 151, 163,
17 166, and 305, and 357 to read as follows:

18
19 **SEC. 102. DEFINITIONS.**

20 * * * *

21 **Floor Area, Gross.**

22 * * * *

23 (b) "Gross Floor Area" shall not include the following:

24 * * * *

1 (21) Any area devoted to bicycle parking, bicycle maintenance rooms, or car share
2 spaces when such features are provided as part of a Development Project’s compliance with
3 the Transportation Demand Management Program set forth in Section 169 of the Planning
4 Code.

5 * * * *

6
7 **SEC. 151. SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES.**

8 (a) Applicability. Off-street parking spaces shall be provided in the minimum quantities
9 specified in Table 151, except as otherwise provided in Section 151.1 and Section 161 of this
10 Code. Where the building or lot contains uses in more than one of the categories listed,
11 parking requirements shall be calculated in the manner provided in Section 153 of this Code.
12 Where off-street parking is provided which exceeds certain amounts in relation to the
13 quantities specified in Table 151, as set forth in subsection (c), such parking shall be
14 classified not as accessory parking but as either a principal or a conditional use, depending
15 upon the use provisions applicable to the district in which the parking is located. In
16 considering an application for a conditional use for any such parking, due to the amount being
17 provided, the Planning Commission shall consider the criteria set forth in Section 157 of this
18 Code. Minimum off-street parking requirements shall be reduced, to the extent needed, when such
19 reduction is part of a Development Project’s compliance with the Transportation Demand Management
20 Program set forth in Section 169 of the Planning Code.

21 * * * *

22
23 **SEC. 163. TRANSPORTATION MANAGEMENT PROGRAMS AND**
24 **TRANSPORTATION BROKERAGE SERVICES IN COMMERCIAL AND MIXED USE**
25 **DISTRICTS.**

1 (a) Purpose. This Section 163 is intended to assure that adequate ~~measures~~ services
2 are undertaken ~~and maintained~~ to minimize the transportation impacts of added office
3 employment and residential development in the downtown and South of Market area, in a
4 manner consistent with the objectives and policies of the General Plan, by facilitating the
5 effective use of transit, encouraging ridesharing, and employing other practical means to
6 reduce commute travel by single-occupant vehicles.

7 (b) Applicability. The requirements of this Section apply to any project meeting one of
8 the following conditions:

9 (1) In Commercial and Mixed Use Districts, projects where the ~~gross~~ occupied
10 square feet of new construction, conversion, or added floor area for office use equals at least
11 100,000 square feet;

12 (2) In the C-3-O(SD) District, where new construction, conversion, or added
13 floor area for residential use equals at least 100,000 square feet or 100 dwelling units;

14 (3) In the C-3-O(SD) District, projects where the ~~gross~~ occupied square feet of
15 new construction or added floor area for any non-residential use equals at least 100,000
16 square feet; or

17 (4) In the case of the SSO, WMUO, or MUO District, where the ~~gross~~ occupied
18 square feet of new, converted or added floor area for office use equals at least 25,000 square
19 feet.

20 (c) Requirement. For all applicable projects, the ~~project sponsor~~ property owner shall be
21 required to provide on-site transportation brokerage services for the actual lifetime of the
22 project, as provided in this Subsection. Prior to the issuance of a temporary permit of
23 occupancy ~~(for this purpose Section 149(d) shall apply)~~, the ~~project sponsor~~ property owner shall
24 execute an agreement with the Planning Department for the provision of on-site transportation
25 brokerage services, ~~and preparation of a transportation management program to be approved by the~~

1 *Director of Planning and implemented by the provider of transportation brokerage services. The*
2 *transportation management program and transportation brokerage services shall be designed:*

3 *(1) To promote and coordinate effective and efficient use of transit by tenants and their*
4 *employees, including the provision of transit information and sale of transit passes on-site;*

5 *(2) To promote and coordinate ridesharing activities for all tenants and their*
6 *employees within the structure or use;*

7 *(3) To reduce parking demand and assure the proper and most efficient use of on-site*
8 *or off-site parking, where applicable, such that all provided parking conforms with the requirements of*
9 *Article 1.5 of this Code and project approval requirements;*

10 *(4) To promote and encourage the provision and proliferation of car-sharing services*
11 *convenient to tenants and employees of the subject buildings in addition to those required by Section*
12 *166, and to promote and encourage those tenants and their employees to prioritize the use of car-share*
13 *services for activities that necessitate automobile travel, including the promotion and sale of individual*
14 *and business memberships in certified car-sharing organizations, as defined by Section 166(b)(2).*

15 *(5) To promote and encourage project occupants to adopt a coordinated flex-time or*
16 *staggered work hours program designed to more evenly distribute the arrival and departure times of*
17 *employees within normal peak commute periods;*

18 *(6) To participate with other project sponsors in a network of transportation brokerage*
19 *services for the respective downtown, South of Market area, or other area of employment concentration*
20 *in Mixed Use Districts;*

21 *(7) To carry out other activities determined by the Planning Department to be*
22 *appropriate to meeting the purpose of this requirement.*

23 **SEC. 166. CAR SHARING.**

24 * * * *

25 (g) Optional Car-Share Spaces.

1 (1) Amount of Optional Spaces. In addition to any permitted or required parking
2 that may apply to the project, the property owner may elect to provide additional car-share
3 parking spaces in the maximum amount specified in Table 166A; provided, however, that the
4 optional car-share parking spaces authorized by this subsection (g) are not permitted for a
5 project that receives a Conditional Use authorization to increase parking. Additional car-share
6 parking spaces shall be allowed beyond the maximum amount specified in Table 166A, to the extent
7 needed, when such additional car-share parking spaces are part of a Development Project's
8 compliance with the Transportation Demand Management Program set forth in Section 169 of the
9 Planning Code.

10 * * * *

11

12 **SEC. 305. VARIANCES.**

13 (a) General. The Zoning Administrator shall hear and make determinations regarding
14 applications for variances from the strict application of quantitative standards in this Code. He
15 shall have power to grant only such variances as may be in harmony with the general purpose
16 and intent of this Code and in accordance with the general and specific rules contained
17 herein, and he shall have power to grant such variances only to the extent necessary to
18 overcome such practical difficulty or unnecessary hardship as may be established in
19 accordance with the provisions of this Section. No variance shall be granted in whole or in
20 part which would have an effect substantially equivalent to a reclassification of property; or
21 which would permit any use, any height or bulk of a building or structure, or any type or size or
22 height of sign not expressly permitted by the provisions of this Code for the district or districts
23 in which the property in question is located; or which would grant a privilege for which a
24 conditional use procedure is provided by this Code; or which would change a definition in this
25 Code; or which would waive, reduce or adjust the inclusionary housing requirements of

1 Sections 415 through 415.9; or which would reduce or waive any portion of the usable open
2 space applicable under certain circumstances in the Eastern Neighborhoods Mixed Use
3 Districts pursuant to Section 135(i) and 135.3(d); or which would waive or reduce the quantity
4 of bicycle parking required by Sections 155.2 through 155.3 where off-street automobile
5 parking is proposed or existing; *or which would waive, reduce or adjust the requirements of the*
6 *TDM Program in Sections 169 et seq.* A variance may be granted for the bicycle parking layout
7 requirements in Section 155.1 of this Code. If the relevant Code provisions are later changed
8 so as to be more restrictive before a variance authorization is acted upon, the more restrictive
9 new provisions, from which no variance was granted, shall apply. The procedures for
10 variances shall be as specified in this Section and in Sections 306 through 306.5.

11 * * * *

12
13 Section 4. Ordinance 149-16 (Board of Supervisors File No. 160632, effective August
14 31, 2016) repealed the entirety of Section 357, which this Ordinance sought to amend. As a
15 result of the Board’s action, amendments to Section 357 are no longer being proposed.

16
17 Section 5. Add the following to the Planning Department Fee Schedule (referenced in
18 Board of Supervisors’ Ordinance 149-16), as a new subsection (c) in the Section entitled
19 “TRANSPORTATION REVIEW ASSOCIATED WITH PROJECT APPLICATIONS.”

20 (c) Transportation Demand Management Program fees. The fee for review of a
21 Development Project’s Transportation Demand Management Plan (TDM Plan) shall be
22 \$6,000, plus time and materials in excess of this initial one-time fee. The fee for periodic
23 compliance review required under the Transportation Demand Management Program (TDM
24 Program) Standards shall be \$1,000. In addition, the fee for voluntary Transportation
25 Demand Management Plan/TDM Plan update review shall be \$1,300. Development Projects

1 consisting of 24 Dwelling Units or less shall be exempt from the periodic compliance review
2 fee and the voluntary update review fee, but shall be otherwise subject to the TDM Program
3 as set forth in Planning Code Section 169 et seq, including the required payment of the
4 application fee. Any land use that requires a TDM Plan, but will be occupied by a non-profit
5 organization that will receive funding from the City to provide services at the subject property
6 shall be exempt from all TDM fees, provided it files fee waiver applications with the Planning
7 Department. Non-profit organizations wishing to be exempt from these fees shall file their fee
8 waiver applications together with their TDM Plan (to waive the application fee), every two
9 years after issuance of a certificate of occupancy (to waive the compliance fees), and as
10 needed (to waive the voluntary update review fee). Aside from these fee waivers, these non-
11 profit organizations shall be subject to the TDM Program as set forth in Planning Code
12 Section 169 et seq. The non-profit fee waivers listed above shall be revoked if a change
13 occurs in the use or tenancy of the project, such that the minimum requirements for such a
14 waiver are no longer met.

15

16 Section 46. Effective Date. This ordinance shall become effective 30 days after
17 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
18 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
19 of Supervisors overrides the Mayor's veto of the ordinance.

20

21 Section 57. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
22 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
23 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
24 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
25 additions, and Board amendment deletions in accordance with the "Note" that appears under

1 the official title of the ordinance. Notwithstanding the previous sentence, if the City enacts the
2 ordinance in Board of Supervisors File No. 160632, which, among other things, deletes
3 Planning Code Section 357 in its entirety and places the transportation study fees referenced
4 in Planning Code Section 357 into the uncodified Section 4 of that ordinance, it is the intent of
5 the Board of Supervisors that this ordinance not conflict with the ordinance in File No. 160632.
6 Accordingly, if the City enacts the ordinance in File No. 160632 with the deletion of Planning
7 Code Section 357 in its entirety, it is the intent of the Board of Supervisors that Section 357 be
8 likewise deleted from this ordinance, but that subsection (c) of Planning Code Section 357,
9 which is added by this ordinance, be treated as an uncodified provision of this ordinance, and
10 serve as the basis for the inclusion of the fee established in subsection (c) in the Planning
11 Department Schedule of Fees.

12 APPROVED AS TO FORM:
13 DENNIS J. HERRERA, City Attorney

14 By: _____
15 ANDREA RUIZ-ESQUIDE
16 Deputy City Attorney

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