

1 [Planning Code - Continuation of Nonconforming Public Parking Lots in CMUO and MUR]

2
3 **Ordinance amending the Planning Code to authorize the continuance of**
4 **nonconforming public parking lots in the Central SoMa Mixed Use-Office (CMUO) and**
5 **Mixed Use-Residential (MUR) Districts through December 31, 2026; enabling an**
6 **existing public parking lot operator in CMUO and MUR Districts to apply for a**
7 **conditional use authorization for a five-year extension; affirming the Planning**
8 **Department's determination under the California Environmental Quality Act; making**
9 **findings of consistency with the General Plan, and the eight priority policies of**
10 **Planning Code, Section 101.1; and adopting findings of public necessity, convenience,**
11 **and welfare under Planning Code, Section 302.**

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. CEQA and Land Use Findings.

21 (a) The Planning Department has determined that the actions contemplated in this
22 ordinance comply with the California Environmental Quality Act (California Public Resources
23 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
24 Supervisors in File No. 241173 and is incorporated herein by reference. The Board affirms
25 this determination.

1 (b) On March 6, 2025, the Planning Commission, in Resolution No. 21697, adopted
2 findings that the actions contemplated in this ordinance are consistent, on balance, with the
3 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board
4 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
5 Board of Supervisors in File No. 241173, and is incorporated herein by reference.

6 (c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
7 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in
8 Planning Commission Resolution No. 21697, and incorporates such reasons by this reference
9 thereto. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File
10 No. 241173 and available on the Board's website.

11
12 Section 2. Background and Findings.

13 (a) Over the years, the City has gradually phased out surface parking lot uses in the
14 South of Market Area to facilitate new, transit-oriented development in proximity to amenities
15 and regional job centers. For example, in December 2018, the City enacted the Central SoMa
16 Plan and associated Planning Code amendments in Ordinance No. 296-18, on file with the
17 Clerk of the Board of Supervisors in File No. 180184, which made surface parking lots not
18 permitted in the Central SoMa Mixed Use Office (CMUO) District. Surface parking lots are
19 also not permitted in the Mixed Use Residential (MUR) District. Under the Planning Code,
20 surface parking lots can continue operations for five years and 90 days after the use becomes
21 nonconforming. For surface parking lots in the CMUO District, the five-year, 90-day period
22 ended in early 2024. The termination of the five year, 90-day period for parking lots in the
23 MUR District varies from 2020 to 2023, depending on when the affected parcel was zoned as
24 MUR; these uses have continued due to administrative oversight.
25

1 (b) The challenging economic environment in San Francisco post-COVID-19 pandemic
2 has stalled many development projects that were previously approved for surface parking lot
3 sites. While the City's development climate recovers, public parking lots will enable San
4 Francisco residents and visitors to access businesses and other destinations in the City.
5 Granting a short-term extension of the nonconforming use period for public parking lot uses
6 serves the public interest. To that end, this ordinance enables public parking lots in the
7 CMUO and MUR Districts to continue operations through December 31, 2026. In addition, the
8 ordinance provides that any discontinuance of parking lot operations after January 1, 2024
9 while a commercial parking permit renewal application is pending under Police Code Section
10 1215 is not a discontinuance or abandonment of the use under the Planning Code. After an
11 operator's ability to operate through December 31, 2026 expires, the operator may apply for a
12 conditional use authorization for a five-year extension, subject to certain conditions.

13
14 Section 3. Article 1.7 of the Planning Code is hereby amended by revising Sections
15 156 and 184, to read as follows:

16
17 **SEC. 156. PARKING LOTS.**

18 * * * *

19 (f) **Parking Lots in the CMUO, MUR, C-3, and NCT Districts.** No permanent parking
20 lot shall be permitted in the CMUO, MUR, C-3, and NCT Districts. New temporary parking lots
21 may be approved as Conditional Uses, except as provided in subsections (f)(1)-(2), in the C-3-
22 O(SD) District, pursuant to the provisions of Section 303 for a period not to exceed five years
23 from the date of approval.

24 _____ (1) No new parking lots may be approved in the C-3-O(SD) District; however,
25 existing parking lots may receive Conditional Use approval for a two-year extension of existing

1 *parking lots in the C-3-O(SD) District may be approved* pursuant to this subsection (f), provided
2 that ~~they~~ the parking lots meet the requirements of subsection (h).

3 (2) No new parking lots may be approved in the CMUO and MUR Districts; however,
4 upon the expiration of a Public Parking Lot's ability to operate pursuant to Section 184(d), existing
5 Public Parking Lots may receive Conditional Use approval for a five-year extension pursuant to this
6 subsection (f), provided that the parking lots meet the requirements of subsection (h).

7 **(g) Interior Landscaping and Street Trees.**

8 (1) All permanent parking lots are required to provide one tree per five parking
9 spaces in a manner that is compliant with the applicable water use requirements of
10 Administrative Code Chapter 63 and a minimum of 20% Permeable Surface, as defined in
11 Section 102 of this Code. The trees planted in compliance with this subsection (g) shall result
12 in canopy coverage of 50% of the parking lots' hardscape within 15 years of the installations
13 of these trees. Permeable Surfaces and grading shall be coordinated so that stormwater can
14 infiltrate the surface in areas with less than 5% slope.

15 (2) All parking lots shall meet the street tree requirements specified in Section
16 138.1(c)(1) of this Code.

17 **(h) Extension of Existing Parking Lots in the C-3-O(SD), CMUO, and MUR**
18 **Districts.** The conditions of approval for the extension of an existing parking lot in the C-3-
19 O(SD) District and the extension of an existing Public Parking Lot in the CMUO and MUR Districts
20 shall include the following:

21 (1) a minimum of one parking space for car sharing vehicles meeting all of the
22 requirements in Section 166 for every 20 spaces in said lot;

23 (2) a minimum of two Class 2 bicycle parking spaces for every 50 linear feet of
24 frontage in a highly visible area on the property adjacent to a public sidewalk or approval
25

1 attained from the appropriate City agencies to install such bicycle parking on a public sidewalk
2 on the same block;

3 (3) interior landscaping compliant with the requirements in subsection (g)
4 above, provided that if a site permit has been approved by the Planning Department for
5 construction of a building on the subject lot that would replace the parking lot in less than two
6 years, the trees may be planted in movable planters and the lot need not provide Permeable
7 Surfaces described in ~~S~~ subsection (g).

8
9 **SEC. 184. SHORT-TERM CONTINUANCE OF CERTAIN NONCONFORMING USES.**

10 Except as provided in subsection s (c)-(d) below, the period of time during which the
11 following nonconforming uses may continue or remain shall be limited to five years from the
12 effective date of this Code (May 2, 1960), or of the amendment thereto which caused the use
13 to be nonconforming. Every such nonconforming use shall be completely eliminated within 90
14 days after the expiration of such period.

15 (a) A Parking Lot or any other nonconforming commercial or industrial use of land
16 where no enclosed building is involved in such use, except for permanent off-street Parking
17 Lots in the C-3-O, C-3-R, and C-3-G Districts existing on the effective date of Ordinance No.
18 414-85, provided that such lots are screened in the manner required by Section 156(e); such
19 permanent uses shall be eliminated no later than five years and 90 days from the effective
20 date of an amendment to this Code that makes such permanent uses nonconforming.

21 * * * *

22 (c) In the Mission Street Neighborhood Commercial Transit District, a Parking Lot that
23 is on the site of a designated landmark under Article 10 of this Code as of the effective date of
24 this Ordinance No. 135-20 may continue its Use as a Parking Lot for five additional years from
25 the original expiration date provided by this Section 184.

1 (d) In the CMUO and MUR Districts, a Public Parking Lot that was legally established prior to
2 December 31, 2023 may continue its Use as a Public Parking Lot through December 31, 2026 or the
3 original expiration date provided by this Section 184, whichever is later. Any Public Parking Lot use
4 that ceased operations after January 1, 2024 pending renewal of a commercial parking permit under
5 Police Code Section 1215 shall not constitute abandonment or discontinuance of the use under
6 Planning Code Section 183.

7
8 Section 4. Effective Date. This ordinance shall become effective 30 days after
9 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
10 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
11 of Supervisors overrides the Mayor's veto of the ordinance.

12
13 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
14 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
15 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
16 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
17 additions, and Board amendment deletions in accordance with the "Note" that appears under
18 the official title of the ordinance.

19 APPROVED AS TO FORM:
20 DAVID CHIU, City Attorney

21 By: /s/
22 GIULIA GUALCO-NELSON
23 Deputy City Attorney

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City and County of San Francisco

Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 241173

Date Passed: March 25, 2025

Ordinance amending the Planning Code to authorize the continuance of nonconforming public parking lots in the Central SoMa Mixed Use-Office (CMUO) and Mixed Use-Residential (MUR) Districts through December 31, 2026; enabling an existing public parking lot operator in CMUO and MUR Districts to apply for a conditional use authorization for a five-year extension; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

March 17, 2025 Land Use and Transportation Committee - RECOMMENDED AS COMMITTEE REPORT

March 18, 2025 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Chan, Chen, Dorsey, Engardio, Fielder, Mahmood, Mandelman, Melgar, Sauter, Sherrill and Walton

March 25, 2025 Board of Supervisors - FINALLY PASSED

Ayes: 9 - Chan, Chen, Dorsey, Engardio, Fielder, Mahmood, Mandelman, Melgar and Sherrill

Excused: 2 - Sauter and Walton

File No. 241173

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 3/25/2025 by the Board of Supervisors of the City and County of San Francisco.

f Angela Calvillo
Clerk of the Board

Daniel Lurie
Mayor

4.3.2025

Date Approved