

REVISED LEGISLATIVE DIGEST
(Substituted – February 25, 2025)

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

Ordinance amending the Planning Code to authorize the continuance of 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.

Existing Law

Surface parking lots are not permitted in the Central SoMa Mixed Use-Office (CMUO) and Mixed Use-Residential (MUR) Districts. Under Planning Code Section 184, these parking lots must cease operations no later than five years and ninety days after the use becomes nonconforming.

Planning Code Section 183 governs abandonment and discontinuance of nonconforming uses. Abandonment occurs where a nonconforming use has been discontinued for three years, or there is otherwise evident a clear intent to abandon the use. If the use does not involve an enclosed building, abandonment occurs where the nonconforming use is discontinued for six months. Once a nonconforming use has been abandoned, it cannot be reestablished under the Planning Code.

In the Downtown Commercial (C-3) and Neighborhood Commercial Transit (NCT) Districts, a parking lot operator may obtain a conditional use authorization to establish a temporary parking lot for up to five years. (Planning Code Section 156.) In the C-3-O(SD) District, however, the duration of the CUA is limited to two years and the operator must meet specified conditions, including landscaping requirements, bicycle parking, and providing a minimum of one parking space for car sharing vehicles for every 20 spaces in the parking lot.

Police Code Section 1215 et seq. requires operators to obtain a commercial parking permit to operate a parking lot. These permits are valid for one year.

Amendments to Current Law

This ordinance would amend Planning Code Section 184 to grant existing public parking lots in the CMUO and MUR districts a short-term extension of their use through December 31,

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2026, or the original expiration date of the use, whichever is later. If, after January 1, 2024, a public parking lot operator ceases operations while their application to renew a commercial parking permit is pending, this ordinance provides that this pause in operations does not constitute abandonment of the use under Planning Code Section 183.

This ordinance would also amend Planning Code Section 156 to provide a five-year extension for existing public parking lots in the MUR and CMUO Districts pursuant to CUA. The five-year extension is only available to operators that have exhausted their ability to operate under the short-term extension in Planning Code Section 184. To obtain the CUA, the operator must meet specified conditions, including landscaping requirements, bicycle parking, and providing a minimum of one parking space for car sharing vehicles for every 20 spaces in the parking lot.

This ordinance does not amend or otherwise alter the commercial parking permit process under Police Code Section 1215.

Background Information

This ordinance (version 2) is a substitute for an ordinance (version 1) introduced on December 3, 2024.

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