

LEGISLATIVE DIGEST

[Planning Code - Non-conforming Public Parking Lots in the Mission Street NCT District]

Ordinance amending the Planning Code to allow continued use of existing shared spaces in specified public parking lots in the Mission Street Neighborhood Commercial Transit (NCT) District without triggering abandonment of the underlying vehicular parking use; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

In Administrative Code Chapter 94A, the City established the Shared Spaces program that allowed for activation of the public right-of-way and private property with parklets, patios, and similar structures associated with brick and mortar businesses. The City expanded this program during the Covid emergency and now is terminating the emergency provisions and providing an avenue for applicants to obtain new permits that meet current requirements. Planning Code Section 183 addresses non-conforming uses and includes standards that specify when the underlying use is discontinued or abandoned. The Mission Street Neighborhood Commercial Transit District has at least one non-conforming public parking lot that contains a Shared Spaces patio, characterized as an Outdoor Activity Area, which was installed during the Shared Spaces emergency program.

Amendments to Current Law

This legislation would amend Planning Code Section 183 to clarify that in the Mission Street Neighborhood Commercial Transit District a portion of a non-conforming public parking lot occupied by a Shared Spaces patio shall not be treated as abandoned if the Shared Space use continues. The ordinance would make various findings, including environmental findings, General Plan findings, and Planning Code Section 101.1 priority policy findings.