### BOARD of SUPERVISORS



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# MEMORANDUM

TO: Julie Kirschbaum, Director of Transportation,

San Francisco Municipal Transportation Agency

FROM: John Carroll, Assistant Clerk, Land Use and Transportation Committee

DATE: September 15, 2025

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Mayor Lurie on September 2, 2025.

## File No. 250887

Ordinance amending the Planning Code to permit parking of up to two operable vehicles, not including boats, trailers, recreational vehicles, mobile homes, or buses, in driveways located in required front setbacks, side yards, or rear yards; 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 making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: <a href="mailto:john.carroll@sfgov.org">john.carroll@sfgov.org</a>.

#### cc:

Offices of Chair Melgar and Mayor Lurie Janet Martinsen, San Francisco Municipal Transportation Agency Joel Ramos, San Francisco Municipal Transportation Agency Ricardo Olea, San Francisco Municipal Transportation Agency Viktoriya Wise, San Francisco Municipal Transportation Agency

1	[Planning Code - Permitting Parking in Driveways]
2	
3	Ordinance amending the Planning Code to permit parking of up to two operable
4	vehicles, not including boats, trailers, recreational vehicles, mobile homes, or buses, in
5	driveways located in required front setbacks, side yards, or rear yards; affirming the
6	Planning Department's determination under the California Environmental Quality Act;
7	making findings of consistency with the General Plan, and the eight priority policies of
8	Planning Code, Section 101.1; and making findings of public necessity, convenience,
9	and welfare pursuant to Planning Code, Section 302.
10	NOTE: Unchanged Code text and uncodified text are in plain Arial font.
11	Additions to Codes are in <u>single-underline italics Times New Roman font</u> .  Deletions to Codes are in <u>strikethrough italics Times New Roman font</u> .
12	Board amendment additions are in double-underlined Arial font.  Board amendment deletions are in strikethrough Arial font.
13	<b>Asterisks (* * * *)</b> indicate the omission of unchanged Code subsections or parts of tables.
14	
15	Be it ordained by the People of the City and County of San Francisco:
16	
17	Section 1. Environmental and Land Use Findings.
18	(a) The Planning Department has determined that the actions contemplated in this
19	ordinance comply with the California Environmental Quality Act (California Public Resources
20	Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
21	Supervisors in File No and is incorporated herein by reference. The Board affirms this
22	determination.
23	(b) On, the Planning Commission, in Resolution No,
24	adopted findings that the actions contemplated in this ordinance are consistent, on balance,
25	with the City's General Plan and eight priority policies of Planning Code Section 101.1. The

Board adopts these findings as its own.	A copy of said Resolution is on file with the Clerk of
the Board of Supervisors in File No	, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this ordinance will serve the public necessity, convenience and welfare for the reasons set forth in Planning Commission Resolution No. \_\_\_\_\_\_.

Section 2. Articles 1.2 and 1.5 of the Planning Code are hereby amended by revising Sections 136, 142, 145.1, and 151.1 to read as follows:

# SEC. 136. OBSTRUCTIONS OVER STREETS AND ALLEYS AND IN REQUIRED SETBACKS, YARDS, AND USABLE OPEN SPACE.

13	Streets	Set-	Yards	Usable	
14	and	backs		Open	
15	Alleys			Space	
16					* * * *
17					(c) The permitted obstructions shall be as follows:
18					* * * *
19	Χ	X	Х		(30) Driveways, for use only to provide
20					necessary access to required or permitted parking
21					that is located in the buildable area of the subject
22					property other than in a required open area, <i>and</i>
23					where such driveway has only the minimum width
24					needed for such access, and to provide parking in the
25					front setback, side yard, or rear yard for operable vehicles,

1	<u>su</u>	ubject to the following limitations: in no case shall
2	pe	arking be allowed in the setback;
3		(A) Boats, trailers, recreational vehicles,
4	<u>m</u>	obile homes, and buses shall not be parked in the
5	<u>dr</u>	riveway;
6		(B) No more than two vehicles per lot may
7	<u>be</u>	e parked in a driveway, regardless of the lot size or
8	<u>dr</u>	riveway length;
9		(C) Vehicles parked in the driveway shall
10	<u>no</u>	ot encroach onto the public right-of-way; and
11		(D) Except as specified in this subsection
12		e)(30), in no case shall parking be allowed in the setback
13	<u>or</u>	<u>r yard.</u>
14	*	* * *
15		
16	SEC. 142. SCREENING AND GR	REENING OF PARKING AND VEHICULAR USE
17	AREAS.	
18	* * * *	
19	(a) Screening of Parking and V	ehicular Use Areas less than 25 Linear Feet
20	Adjacent to a Public Right-of-Way.	

(2) Along rear yard areas and other interior open spaces, all off-street parking spaces, driveways and maneuvering areas within buildings shall be screened from view and confined by solid building walls. <u>except that driveways used for off-street parking as permitted in Section 136(c)(30) of this Code are not subject to this subsection (a)(2).</u>

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3	SEC. 145.1. STREET FRONTAGES IN NEIGHBORHOOD COMMERCIAL,
4	RESIDENTIAL-COMMERCIAL, COMMERCIAL, AND MIXED USE DISTRICTS.
5	* * * *
6	(b) Definitions.
7	(1) <b>Development Lot.</b> A "development lot" shall mean:
8	(A) Any lot containing a proposal for new construction; or
9	(B) Building alterations that would increase the gross square footage of a
10	structure by 20 percent or more; or
11	(C) In a building containing parking, a change of more than 50 percent of the
12	building's gross floor area to or from residential uses, excluding residential accessory off-
13	street parking.
14	* * * *
15	(c) Controls. The following requirements shall generally apply, except for those
16	controls listed in subsections (c)(1) Above Grade Parking Setback and (c)(4) Ground Floor
17	Ceiling Height, which only apply to a "development lot" as defined above and except as
18	specified in subsection (d).
19	* * * *
20	(1) Above-Grade Parking Setback. Off-street parking at street grade on a
21	development lot must be set back at least 25 feet on the ground floor and at least 15 feet or
22	floors above, from any facade facing a street at least 30 feet in width. Parking above the
23	ground level shall be entirely screened from all public rights-of-way in a manner that
24	accentuates ground floor uses, minimizes mechanical features and is in keeping with the

overall massing and architectural vocabulary of the building. In C-3 Districts, parking above

1 the ground level, where permitted, shall also be designed to facilitate conversion to other uses 2 by maintaining level floors and a clear ceiling height of nine feet or equal to that of the 3 adjacent street-fronting active uses, whichever is greater. Removable parking ramps and offstreet parking in driveways permitted under Section 136(c)(30) of this Code are excluded from this 4 5

requirement.

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# SEC. 151.1. SCHEDULE OF PERMITTED OFF-STREET PARKING SPACES IN SPECIFIED DISTRICTS.

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(b) **Controls.** Off-street accessory parking shall not be required for any use, and the quantities of off-street parking specified in Table 151.1 shall serve as the maximum amount of off-street parking that may be provided as accessory to the uses specified. Variances from accessory off-street parking limits, as described in this Section 151.1, may not be granted. Where off-street parking is provided that exceeds the quantities specified in Table 151.1 or as explicitly permitted by this Section, such parking shall be classified not as accessory parking but as either a principally permitted or Conditional Use, depending upon the use provisions applicable to the district in which the parking is located. Off-street parking in driveways permitted under Section 136(c)(30) of this Code shall not count toward any maximum quantities specified in <u>Table 151.1.</u> In considering an application for a Conditional Use for any such parking due to the amount being provided, the Planning Commission shall consider the criteria set forth in Sections 303(t) or 303(u) of this Code.

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1	Section 3. Effective Date. This ordinance shall become effective 30 days after							
2	enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the							
3	ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board							
4	of Supervisors overrides the Mayor's veto of the ordinance.							
5								
6	Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors							
7	intends to amend only those words, phrases, paragraphs, subsections, sections, articles,							
8	numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal							
9	Code that are explicitly shown in this ordinance as additions, deletions, Board amendment							
10	additions, and Board amendment deletions in accordance with the "Note" that appears under							
11	the official title of the ordinance.							
12								
13	APPROVED AS TO FORM:							
14	DAVID CHIU, City Attorney							
15	By: <u>/s/ Kathy J. Shin</u> KATHY J. SHIN							
16	Deputy City Attorney							
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# **LEGISLATIVE DIGEST**

[Planning Code - Permitting Parking in Driveways]

Ordinance amending the Planning Code to permit parking of up to two operable vehicles, not including boats, trailers, recreational vehicles, mobile homes, or buses, in driveways located in required front setbacks, side yards, or rear yards; 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 making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

## Existing Law

Section 136 of the Planning Code prohibits parking in driveways located in required front setbacks and yards.

Section 142 of the Planning Code requires all off-street parking spaces adjacent to the public right-of-way to be screened from view and confined by solid building walls.

Section 145.1 of the Planning Code requires off-street parking at street grade on development lots in neighborhood commercial, residential-commercial, commercial, and mixed use districts to be set back at least 25 feet.

Table 151.1 of the Planning Code specifies the maximum amount of off-street parking permitted for specified uses.

## Amendments to Current Law

The ordinance would amend Planning Code Section 136(c)(30) to permit parking of operable vehicles in driveways located in required front setbacks, side yards, or rear yards, subject to the following limitations:

- (A) Boats, trailers, recreational vehicles, mobile homes, and buses shall not be parked in the driveway;
- (B) No more than two vehicles per lot may be parked in a driveway, regardless of the lot size or driveway length;
- (C) Vehicles parked in the driveway shall not encroach onto the public right-of-way; and
- (D) Except as specified in this subsection (c)(30), in no case shall parking be allowed in the setback or yard.

The ordinance would also exempt off-street parking permitted under Planning Code Section 136(c)(30) from the screening and setback requirements in Planning Code Sections 142 and

BOARD OF SUPERVISORS Page 1

145.1, respectively, and specify that this parking shall not count toward the maximum parking limits in Table 151.1.

# **Background Information**

The ordinance is intended to remove existing restrictions on parking in residential driveways from the Planning Code.

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BOARD OF SUPERVISORS Page 2