

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

2

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

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

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

18 Section 1. CEQA and Land Use Findings.

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

24 (b) On _____, the Planning Commission, in Resolution No. _____,
25 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
with the City's General Plan and eight priority policies of Planning Code Section 101.1. The

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

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

8

9 Section 2. Background and Findings.

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

22 (b) The challenging economic environment in San Francisco post-COVID-19 pandemic
23 has stalled many development projects that were previously approved for surface parking lot
24 sites. While the City's development climate recovers, surface parking lots will enable San
25 Francisco residents and visitors to access businesses and other destinations in the City.

1 Granting a short-term extension of the nonconforming use period for surface parking lot uses
2 serves the public interest. To that end, this ordinance enables surface parking lots in the
3 CMUO and MUR Districts to continue operations through December 31, 2026. In addition, the
4 ordinance provides that any discontinuance of parking lot operations after January 1, 2024
5 while a commercial parking permit renewal application is pending under Police Code Section
6 1215 is not a discontinuance or abandonment of the use under the Planning Code.

7

8 Section 3. Article 1.7 of the Planning Code is hereby amended by revising Section
9 184, to read as follows:

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

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

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

23 * * * *

24 (c) In the Mission Street Neighborhood Commercial Transit District, a Parking Lot that
25 is on the site of a designated landmark under Article 10 of this Code as of the effective date of

1 this Ordinance No. 135-20 may continue its Use as a Parking Lot for five additional years from
2 the original expiration date provided by this Section 184.

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

9

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

14

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

21 APPROVED AS TO FORM:
22 DAVID CHIU, City Attorney

23 By: /s/ Giulia Gualco-Nelson
24 GIULIA GUALCO-NELSON
 Deputy City Attorney

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