

BOARD of SUPERVISORS



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## MEMORANDUM

LAND USE AND TRANSPORTATION COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Myrna Melgar, Chair  
Land Use and Transportation Committee

FROM: John Carroll, Assistant Clerk

DATE: March 18, 2025

SUBJECT **COMMITTEE REPORT, BOARD MEETING**  
Tuesday, March 18, 2025

The following file should be presented as COMMITTEE REPORT during the Board meeting on Tuesday, March 18, 2025. This ordinance was acted upon during the Land Use and Transportation Committee meeting on Monday, March 17, 2025, at 1:30 p.m., by the votes indicated.

**BOS Item No. 26**

**File No. 241173**

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

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.

**RECOMMENDED AS A COMMITTEE REPORT**

Vote: Supervisor Myrna Melgar – Aye  
Supervisor Chyanne Chen – Aye  
Supervisor Bilal Mahmood – Aye

Cc: Board of Supervisors  
Angela Calvillo, Clerk of the Board  
Alisa Somera, Legislative Deputy  
Brad Russi, Deputy City Attorney

File No. 241173

Committee Item No. 3

Board Item No. 26

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date: March 17, 2025

Board of Supervisors Meeting:

Date: March 18, 2025

#### Cmte Board

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance - VERSION 2                        |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest - VERSION 2               |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract / DRAFT Mills Act Agreement         |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

- |                                     |                                     |   |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Commission Transmittal – March 10, 2025</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>CEQA Determination – December 30, 2024</u>           |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Committee Report Request – March 12, 2025</u>        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____   |
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Prepared by: John Carroll

Date: March 13, 2025

Prepared by: John Carroll

Date: March 18, 2025

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

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 Section 2. Background and Findings.

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





**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,

FILE NO. 241173

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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March 10, 2025

Ms. Angela Calvillo, Clerk  
Honorable Supervisor Dorsey  
Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Re: **Transmittal of Planning Department Case Number 2024-011417PCA:**  
Continuation of Nonconforming Parking Lots in CMUO and MUR  
Board File No. 241173

**Planning Commission Recommendation: Approval**

Dear Ms. Calvillo and Supervisor Dorsey,

On March 6, 2025, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Dorsey, that would allow nonconforming Public Parking Lots in Central SoMa Mixed-Use (CMUO) and Mixed Use-Residential (MUR) districts to continue operations through December 31, 2026. After that date, qualified Public Parking Lots would be eligible for a 5-year Conditional Use authorization to continue operations, subject to certain conditions. At the hearing the Planning Commission adopted a recommendation for approval.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

Aaron D. Starr  
Manager of Legislative Affairs

cc: Giulia Gualco-Nelson, Deputy City Attorney  
Madison Tam, Aide to Supervisor Dorsey  
John Carroll, Office of the Clerk of the Board

**ATTACHMENTS :**

Planning Commission Resolution  
Planning Department Executive Summary



# PLANNING COMMISSION RESOLUTION NO. 21697

**HEARING DATE:** March 6, 2025

*Project Name:* Continuation of Nonconforming Parking Lots in CMUO and MUR  
*Case Number:* 2024-011417PCA [Board File No. 241173]  
*Initiated by:* Supervisor Dorsey / Introduced December 3, 2024  
*Staff Contact:* Audrey Merlone, Legislative Affairs  
Audrey.Merlone@sfgov.org, (628) 652-7534  
*Reviewed by:* Aaron Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 628-652-7533

**RESOLUTION ADOPTING A RECOMMENDATION FOR APPROVAL OF A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO AUTHORIZE THE CONTINUANCE OF NONCONFORMING 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 MAKING FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE UNDER PLANNING CODE, SECTION 302.**

WHEREAS, on December 3, 2025, Supervisor Dorsey introduced a proposed Ordinance under Board of Supervisors (hereinafter “Board”) File Number 241173, which would amend 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;

WHEREAS, the Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on March 6, 2025; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15378 and 15060(c)(2); and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby adopts a **recommendation for approval** of the proposed ordinance.

## Findings

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

The Commission supports the proposed ordinance as it facilitates the activation of sites that might otherwise remain vacant. While we believe parking lots are not the best long-term use for these sites and prefer their development into housing or other beneficial uses, we recognize that interim activation is beneficial to both the impacted neighborhoods and the city as a whole. The Ordinance also allows businesses to close gradually, mitigating sudden financial hardship. Additionally, the option to apply for a temporary Conditional Use authorization (CUA) after the initial approval period ensures that the city retains discretion to assess market conditions and prioritize higher and better uses in the future, aligning with our long-term goals.

## General Plan Compliance

The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

### COMMERCE AND INDUSTRY ELEMENT

#### OBJECTIVE 2

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

#### Policy 2.3

Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

## Policy 4.2

Promote and attract those economic activities with potential benefit to the City.

*The Commission has determined that temporarily allowing Public Parking Lots in the MUR and CMUO is preferable to them becoming vacant lots. While the long-term goal remains higher-density residential and commercial development, current economic conditions make this unlikely before December 31, 2026. Keeping these lots active will prevent blight, reduce crime risk, and maintain their usefulness. This will help enhance safety and increase activity downtown.*

## Planning Code Section 101 Findings

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

*The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.*

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

*The proposed Ordinance would not have a negative effect on housing or neighborhood character.*

3. That the City's supply of affordable housing be preserved and enhanced;

*The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

*The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.*

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

*The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.*

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in

an earthquake;

*The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.*

7. That the landmarks and historic buildings be preserved;

*The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.*

8. That our parks and open space and their access to sunlight and vistas be protected from development;

*The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.*

### **Planning Code Section 302 Findings.**

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby ADOPTS A RECOMMENDATION FOR APPROVAL of the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on March 6, 2025.



**Jonas P Ionin** Digitally signed by Jonas P Ionin  
Date: 2025.03.07 10:52:21 -08'00'

Jonas P. Ionin  
Commission Secretary

AYES: Campbell, McGarry, Williams, Braun, Imperial, Moore, So

NOES: None

ABSENT: None

ADOPTED: March 6, 2025





# EXECUTIVE SUMMARY

## PLANNING CODE TEXT AMENDMENT

**HEARING DATE: March 6, 2025**

**90-Day Deadline: May 26, 2025**

*Project Name:* Continuation of Nonconforming Public Parking Lots in CMUO and MUR  
*Case Number:* 2024-011417PCA [Board File No. 241173]  
*Initiated by:* Supervisor Dorsey / Introduced December 3, 2024/Substituted February 25, 2025  
*Staff Contact:* Audrey Merlone, Legislative Affairs  
Audrey.Merlone@sfgov.org, (628) 652-7534  
*Reviewed by:* Aaron Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 628-652-7533  
*Environmental Review:* Not a Project Under CEQA

**RECOMMENDATION: Approval**

### Planning Code Amendment

The proposed Ordinance would allow nonconforming Public Parking Lots in Central SoMa Mixed-Use (CMUO) and Mixed Use-Residential (MUR) districts to continue operations through December 31, 2026. After that date, qualified Public Parking Lots would be eligible for a 5-year Conditional Use authorization to continue operations, subject to certain conditions.

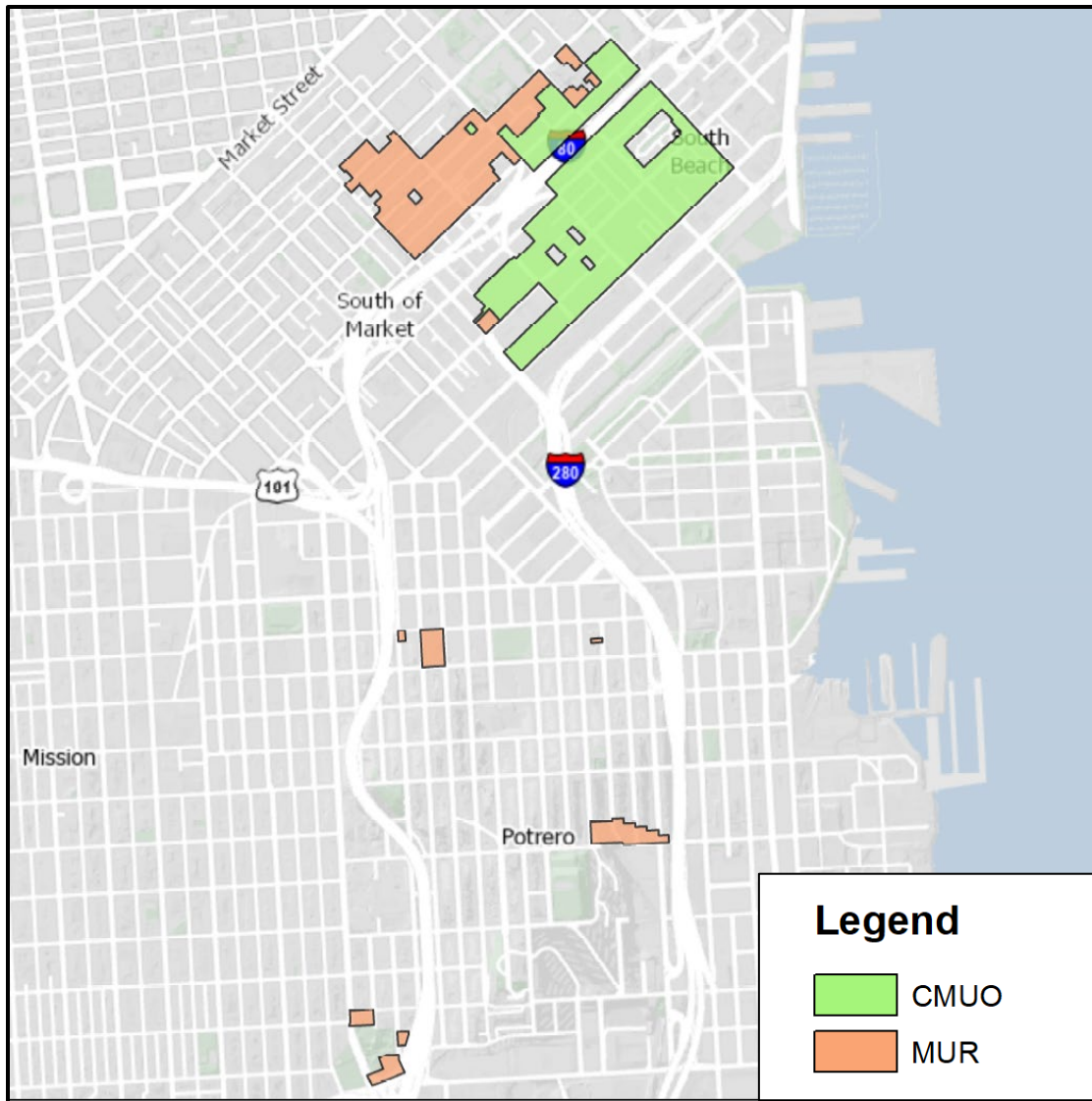
**The Way It Is Now & The Way It Would Be:**

The Way It Is	The Way It Would Be
<p>Parking Lots are Not Permitted in the CMUO or MUR districts. They have not been Permitted since the creation of these districts (2018 &amp; 2008, respectively). Further, Section 184 states that Parking Lots must cease operations no later than 5 years and 90 days from the date said use becomes nonconforming.</p>	<p>Any Public Parking Lot in the CMUO or MUR that was legally established prior to 12/31/2023 may continue its use as a Parking Lot through 12/31/2026.</p>
<p>Section 183 states nonconforming uses that do not involve an enclosed building are considered abandoned after 6 months of nonuse.</p>	<p>Any Public Parking Lot use in the CMUO or MUR that stopped operating after 1/1/2024 due to a pending Police Code permit for a commercial parking lot shall not be considered abandoned.</p>
<p>Section 156(f) allows temporary parking lots to seek Conditional Use authorization in C-3 and NCT Districts. The period of authorization and ability to extend the temporary authorization varies depending on the zoning district. For temporary parking lots in the C-3-O(SD), additional conditions must be met for CU approval.</p>	<p>In CMUO and MUR districts, upon expiration of the Public Parking Lot’s ability to operate pursuant to the continuation provision described above, the Public Parking Lot may apply for Conditional Use authorization for a five-year extension via Sec. 156(f). To be approved, the Public Parking Lot must meet the same conditions that are required for temporary parking lots in the C-3-O(SD). Those additional conditions are:</p> <ul style="list-style-type: none"> <li>• At least 1 car share space for every 20 spaces on the lot</li> <li>• At least 2, Class II bicycle parking spaces for every 50 linear feet of frontage</li> <li>• At least 1 tree for every 5 spaces and at least 20% permeable surface</li> </ul>

**Background**

Supervisor Dorsey introduced this legislation due to two Public Parking Lot operators who were recently denied renewals of their Commercial Parking Lot referral permits from Planning. In one case, prior to their July 2024 disapproval, Planning had been approving the parking lot’s annual continuation-of-use referral in error. In the other case, the parking lot failed to apply for a permit in 2023. 2024 is the first calendar year they were not allowed to operate.

### Map of Central SoMa Mixed-Use Office District & Mixed Use-Residential District



## Issues and Considerations

### History of Section 184

In 1985 the Board of Supervisors adopted the Downtown Plan. The Downtown Plan prioritizes transit as the main transportation mode and aims to support job growth while minimizing negative impacts from increased auto use. The goal is a compact, walkable, and public transit-oriented downtown. To accomplish this, the Plan envisioned a downtown fed by a large public transit center (which has since become a reality with the Transbay Center). It also sought to limit the number of long-term parking spaces associated with daily commuters.

To accomplish this goal, the Board adopted an ordinance in late 1985 that established Section 184 of the Planning Code. Parking lots in zoning districts where they were not allowed were required to permanently shut down within five years and 90 days from May 2, 1960, when the Code took effect. Parking lots that were originally permitted but later became nonconforming due to a zoning change were required to close within five years and 90 days after the zoning change made them noncompliant.

### **State of the Downtown and SoMa**

When the Downtown Plan was originally adopted and later updated in 2009, the area experienced significant job growth, increasing vehicle trips and worsening congestion. The Covid-19 pandemic drastically impacted commercial building use, especially Downtown. Remote work remains common among the 245,505 office workers who worked Downtown before the pandemic, continuing beyond the public health emergency. Many employees now work remotely full-time or in hybrid arrangements, reducing office attendance. This shift has decreased demand for office space and increased commercial vacancies. Combined with high interest rates and construction costs, these conditions have stalled many large, entitled projects. Before the pandemic, surface lots were expected to become dense, mixed-use buildings. Now, keeping these spaces active is essential until development becomes viable again.

The Department has identified at least eight Public Parking Lots in the MUR and CMUO that will not be allowed to continue operations without the proposed Ordinance. Without demand and financial viability for development, these sites are likely to become abandoned (at least temporarily) if the parking is discontinued.

### **General Plan Compliance**

Policy 2.3 of the Commerce and Industry Element is to “*Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location*”. Policy 4.2 is to “*Promote and attract those economic activities with potential benefit to the City*”. The Department has determined that temporarily allowing Public Parking Lots in the MUR and CMUO is preferable to them becoming vacant lots. While the long-term goal remains higher-density residential and commercial development, current economic conditions make this unlikely before December 31, 2026. Keeping these lots active will prevent blight, reduce crime risk, and maintain their usefulness. This will help enhance safety and increase activity downtown.

### **Racial and Social Equity Analysis**

Much of the MUR and CMUO districts fall within the city’s Priority Equity Geographies SUD. Priority Equity Geographies are areas with a higher density of vulnerable populations as defined by the San Francisco Department of Health. This demographic includes people of color, seniors, youth, people with disabilities, linguistically isolated households, and people living in poverty or unemployed. Just as development proposals should be evaluated for their impact on vulnerable residents, so should the effects of abandoned parcels. Given current market conditions, many surface lots used for Public Parking are unlikely to be developed soon. If forced to cease operations, they could become vacant, unmonitored lots. Vacant lots harm neighborhoods by reducing tax revenue, lowering property values, increasing city costs, and

potentially raising crime rates.<sup>1</sup> Allowing these lots to continue functioning as Public Parking lots on a temporary basis ensures these parcels remain active uses that positively contribute to the neighborhood.

## Implementation

The Department has determined that this Ordinance will impact our current implementation procedures; however, the proposed changes can be implemented without increasing permit costs or review time.

## Recommendation

The Department recommends that the Commission ***adopt a recommendation for approval*** of the proposed Ordinance and adopt the attached Draft Resolution to that effect.

## Basis for Recommendation

The Department supports the proposed Ordinance as it facilitates the activation of sites that might otherwise remain vacant. While we believe parking lots are not the best long-term use for these sites and prefer their development into housing or other beneficial uses, we recognize that interim activation is beneficial to both the impacted neighborhoods and the city as a whole. The Ordinance also allows businesses to close gradually, mitigating sudden financial hardship. Additionally, the option to apply for a temporary Conditional Use authorization (CUA) after the initial approval period ensures that the city retains discretion to assess market conditions and prioritize higher and better uses in the future, which aligns with our long-term goals.

## Required Commission Action

The proposed Ordinance is before the Commission so that it may adopt a recommendation of approval, disapproval, or approval with modifications.

## Environmental Review

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment.

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<sup>1</sup> [Impacts of Local Ownership of Vacant Land on Crime | Chicago Policy Review](#)

## Public Comment

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

BOARD of SUPERVISORS



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1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. (415) 554-5184  
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TDD/TTY No. (415) 554-5227

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## MEMORANDUM

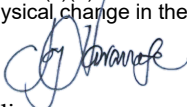
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Date: December 11, 2024  
To: Planning Department/Planning Commission  
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee  
Subject: Board of Supervisors Legislation Referral - File No. 241173  
Planning Code - Continuation of Nonconforming Parking Lots in CMUO and MUR

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- California Environmental Quality Act (CEQA) Determination  
(*California Public Resources Code, Sections 21000 et seq.*)
  - Ordinance / Resolution
  - Ballot Measure

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.  
12/30/2024 
- Amendment to the Planning Code, including the following Findings:  
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
  - General Plan
  - Planning Code, Section 101.1
  - Planning Code, Section 302
- Amendment to the Administrative Code, involving Land Use/Planning  
(*Board Rule 3.23: 30 days for possible Planning Department review*)
- General Plan Referral for Non-Planning Code Amendments  
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)  
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- Historic Preservation Commission
  - Landmark (*Planning Code, Section 1004.3*)
  - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
  - Mills Act Contract (*Government Code, Section 50280*)
  - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at [john.carroll@sfgov.org](mailto:john.carroll@sfgov.org).



**MYRNA MELGAR**

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DATE: March 12, 2025

TO: Angela Calvillo  
Clerk of the Board of Supervisors

FROM: Supervisor Myrna Melgar, Chair, Land Use and Transportation Committee

RE: Land Use and Transportation Committee  
COMMITTEE REPORTS

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*mm*

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request them be considered by the full Board on Tuesday, March 18, 2025

- |                        |   |
|------------------------|---|
| <b>File No. 241021</b> | <b>Planning Code - Window Replacement Standards</b><br>Sponsors: Melgar; Engardio and Sauter                |
| <b>File No. 241067</b> | <b>Planning, Building Codes - Interim Housing in Hotels and Motels</b><br>Sponsor: Mayor                    |
| <b>File No. 241173</b> | <b>Planning Code - Continuation of Nonconforming Public Parking Lots in CMUO and MUR</b><br>Sponsor: Dorsey |
| <b>File No. 250069</b> | <b>Planning Code - Conversion of Residential Hotel Rooms to Tourist Hotel Rooms at 447 Bush Street</b>      |

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, March 17, 2025.



# Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor: