

File No. 251212

Committee Item No. 3

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date: June 8, 2026

Board of Supervisors Meeting:

Date: _____

Cmte Board

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Prepared by: John Carroll

Date: June 4, 2026

Prepared by: _____

Date: _____

Prepared by: _____

Date: _____

[Planning Code - Modifying Conditional Use Authorizations and Nonconforming Uses]

Ordinance amending the Planning Code to allow modification and revocation of certain Conditions of Approval for Non-Residential Uses administratively where the applicable zoning no longer requires a Conditional Use authorization, subject to Planning Commission delegation, clarify when enlargement or intensification of a Nonconforming Use does not require a new Conditional Use authorization, and delegate limited authority to the Planning Director to administratively approve requests to modify certain Conditions of Approval imposed through a Conditional Use authorization; 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 public necessity, convenience, and welfare findings under Planning Code, Section 302.

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

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

Section 1. Environmental and Land Use Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 251212 and is incorporated herein by reference. The Board affirms

1 this determination.

2 (b) On March 12, 2026, the Planning Commission, in Resolution No. 21899, adopted
3 findings that the actions contemplated in this ordinance are consistent, on balance, with the
4 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board
5 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
6 Board of Supervisors in File No. 251212, and is incorporated herein by reference.

7 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
8 amendments will serve the public necessity, convenience, and welfare for the reasons set
9 forth in Planning Commission Resolution No. 21899, and the Board adopts such reasons as
10 its own. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File
11 No. 251212 and is incorporated herein by reference.

12 (d) Fast, predictable, and less discretionary permitting processes will help to create
13 new jobs, businesses, and homes in San Francisco, as well as facilitate the City's economic
14 recovery from the COVID-19 pandemic. Commonly referred to as "PermitSF," the City's effort
15 to reform permitting consists of improving the customer experience by streamlining approval
16 processes; promoting governmental accountability to provide certainty about the delivery of
17 government services; and centralizing technology to create a single point of permitting
18 access.

19
20 Section 2. The Planning Code is hereby amended by revising Sections 174, 178,
21 186.1, and 303, to read as follows:

22 **SEC. 174. COMPLIANCE WITH CONDITIONS, STIPULATIONS, AND SPECIAL**
23 **RESTRICTIONS REQUIRED.**

24 Every condition, stipulation, special restriction, and other limitation imposed by
25 administrative actions pursuant to this Code, whether such actions are discretionary or

1 ministerial, shall be complied with in the development and use of land and structures. All such
2 conditions, stipulations, special restrictions, and other limitations shall become requirements
3 of this Code, and failure to comply with any such condition, stipulation, special restriction, or
4 other limitation shall constitute a violation of the provisions of this Code. ~~Such conditions,~~
5 ~~stipulations, special restrictions, and other limitations shall include but not be limited to the following:~~

6 **(a) Such conditions, stipulations, special restrictions, and other limitations shall include but**
7 **not be limited to the following:**

8 ~~(a)~~—(1) Conditions prescribed by the Zoning Administrator and the City Planning
9 Commission, and by the Board of Permit Appeals and the Board of Supervisors on appeal, in
10 actions on permits, licenses, conditional uses and variances, and in other actions pursuant to
11 their authority under this Code;

12 ~~(b)~~—(2) Stipulations upon which any reclassification of property prior to May 2, 1960,
13 was made contingent by action of the City Planning Commission, where the property was
14 developed as stipulated and the stipulations as to the character of improvements are more
15 restrictive than the requirements of this Code that are otherwise applicable. Any such
16 stipulations shall remain in full force and effect under this Code;

17 ~~(c)~~—(3) Special restrictions prescribed by the Zoning Administrator in actions on
18 permits pursuant to the authority prescribed by this Code, and in the performance of other
19 powers and duties to secure compliance with this Code.

20 **(b) Non-Residential Uses No Longer Subject to Conditional Use authorization**

21 **Requirement.** *A Non-Residential Use subject to Conditions of Approval associated with a Conditional*
22 *Use authorization that is no longer required for such a Use, or a Use Characteristic that no longer*
23 *meets the definition of a Conditional Use, may have the Conditions of Approval that were adopted*
24 *through a prior Conditional Use authorization removed pursuant to subsection (b)(1) below if all the*
25 *following conditions are met: (i) the existing Use is a Non-Residential Use or a Use Characteristic*

1 associated with a Non-Residential Use, as defined by Section 102; (ii) the applicable zoning no longer
2 requires a Conditional Use authorization for the Non-Residential Use or Use Characteristic; (iii) the
3 existing Non-Residential Use or Use Characteristic was established pursuant to a Conditional Use
4 authorization that was required for that specific Use or Use Characteristic at the time of approval; (iv)
5 the existing Non-Residential Use or Use Characteristic was not established pursuant to a Conditional
6 Use authorization required pursuant to a Development Agreement; and (v) the existing Non-Residential
7 Use or Use characteristic was not established pursuant to a Conditional Use authorization that was
8 appealed to and approved by the Board of Supervisors.

9 (1) **Removal of Conditions.** Conditions of Approval meeting the criteria in this
10 subsection (b) may be removed pursuant to the following:

11 (A) Upon the filing of a complete Development Application to remove the
12 previously adopted Conditions of Approval, the Planning Department shall review the proposed project
13 for compliance with the Planning Code currently in effect and any applicable design guidelines,
14 policies, or standards approved by the Planning Commission.

15 (B) Provided that the Planning Commission has delegated the authority, the
16 Planning Director may determine if the removal of the Conditions of Approval meets the requirements
17 in this subsection (b) and approve, conditionally approve, or deny the application.

18 (2) **Replacement with New Conditions.** If the Planning Director removes one or more
19 conditions pursuant to this subsection (b), the Planning Director may also impose one or more new
20 conditions to bring the project into compliance with the Planning Code, any applicable design
21 guidelines, policies, or standards approved by the Planning Commission, or the General Plan.

23 **SEC. 178. CONDITIONAL USES.**

24 The following provisions shall apply to conditional uses:

25 (a) **Definition.** For the purposes of this Section, a ~~permitted~~ Conditional Use shall

1 refer to:

2 (1) Any Use or feature authorized as a Conditional Use pursuant to Article 3
3 of this Code, provided that such Use or feature was established within the time limits
4 specified as a Condition of Approval or, if no time limit was specified, within a reasonable time
5 from the date of authorization; or

6 (2) Any Use or feature that is classified as a Conditional Use in the district in
7 which it is located and that lawfully existed either on the effective date of this Code, or on the
8 effective date of any amendment imposing new Conditional Use requirements upon such
9 Use or feature; or

10 (3) Any Use deemed to be a permitted Conditional Use pursuant to Section
11 179 of this Code.

12 (b) **Continuation.** Except as provided for temporary uses in Section 205 of this Code,
13 and except where time limits are otherwise specified as a Condition of Approval, any ~~permitted~~
14 Conditional Use may continue in the form in which it was authorized, or in the form in which
15 it lawfully existed either on the effective date of this Code or the effective date of any
16 amendment imposing new Conditional Use requirements upon such Use or feature, unless
17 otherwise provided in this ~~Section or in Article 2 of this~~ Code.

18 (c) **Enlargement, Alteration, or Intensification.**

19 (1) A permitted Conditional Use may not be significantly ~~altered~~, enlarged, or
20 intensified, except upon approval of a new Conditional Use authorization application pursuant
21 to the provisions of Article 3 of this Code. For purposes of this Section 178, the following types of
22 changes shall not be considered significant enlargements or intensifications:

23 (A) A Non-Residential Use, previously approved as a Conditional Use, that fails
24 to meet the Non-Residential Use Size requirements of this Code may be divided into smaller uses sizes,
25 consistent with Sections 121.2 and 121.5.

1 (B) A Non-Residential Use, previously approved as a Conditional Use, may add
2 a Non-Residential Use pursuant to the zoning controls in the applicable Zoning District.

3 (C) A Conditional Use may add the lesser of: up to 500 square feet of Gross
4 Floor Area or 25% of the existing Gross Floor Area associated with the Conditional Use.

5 (D) The addition of an ABC license or exchange of an ABC license type.

6 * * * *

7
8 **SEC. 186.1. EXEMPTION OF NONCONFORMING USES IN NEIGHBORHOOD**
9 **COMMERCIAL DISTRICTS.**

10 The purpose of this Section is to provide for the further continuance ~~in NC Districts~~ of
11 nonconforming Uses in NC Districts created by adoption of Ordinance No. 69-87, as herein
12 ~~described, and subsequent ordinances that change the uses allowed in NC Districts~~, which are
13 beneficial to, or can be accommodated within the neighborhood commercial areas in which
14 they are located.

15 It is hereby found and declared that certain Uses which traditionally have been
16 permitted to locate in neighborhood commercial areas can be beneficial to a neighborhood
17 commercial area in small or limited numbers, but which if allowed to proliferate, can disrupt
18 the balanced mix of neighborhood-serving retail stores and services. It is further found and
19 declared that ~~in order~~ to prevent undesirable over concentrations of such Uses, the controls in
20 Article 7 for NC Districts shall establish the appropriate concentrations of such Uses ~~establishment of~~
21 ~~additional such uses shall be prohibited pursuant to controls governing uses in NC Districts~~. At the
22 same time, however, it is desirable to provide for the further continuance, expansion,
23 enlargement, alteration, changes, discontinuance, and relocation of such existing uses, which
24 are nonconforming as a result of zoning controls governing uses in NC Districts.

25 The following provisions shall govern with respect to nonconforming Uses and

1 features located in ~~Neighborhood Commercial~~ NC Districts to the extent that there is a conflict
2 between the provisions of this Section and other Sections contained in this Article 1.7.

3 (a) **Expansion.** A nonconforming Use may expand in floor area as provided in
4 ~~Subsection (b) below~~, but may not expand beyond the Lot which it occupies, nor may the
5 boundaries of such Lot be expanded for purposes of expanding the Use; nor may the Use
6 expand upward above the Story or Stories which it lawfully occupies, except as provided in
7 Section 186.2 ~~below~~.

8 (b) **Enlargements or Alteration.**

9 (1) Except as specified in subsection (b)(4), A nonconforming Use may not be
10 significantly ~~altered~~; enlarged or intensified, except upon approval of a Conditional Use
11 ~~authorization application~~ pursuant to the provisions of Section 303 of this Code, provided that
12 the Use not have or result in a greater height, bulk, or floor area ratio, less required rear yard
13 or open space, or less required ~~off-street parking space or~~ loading space than permissible under
14 the limitations set forth in this Code for the district or districts in which such Use is located.

15 (2) A nonconforming Use may expand to include public sidewalk space
16 provided that such space is only occupied with tables and chairs as permitted by this
17 Municipal Code.

18 (3) No existing Use or structure which fails to meet the requirements of this
19 Code in any manner as described ~~above~~ in this subsection (b) shall be constructed,
20 reconstructed, enlarged, altered, or relocated so as to increase the discrepancy, or to create a
21 new discrepancy, at any level of the structure, between existing conditions on the Lot and the
22 required standards for new construction set forth in this Code.

23 (4) Permitted Expansions and Intensifications of Nonconforming Uses. For purposes
24 of this Section 186.1, the following types of changes shall not be considered significant enlargements or
25 intensifications of a noncomplying Use:

1 (A) A noncomplying ~~However, a~~ Non-Residential Use that fails to meet the
2 Non-Residential Use Size requirements of this Code may be divided into smaller uses sizes,
3 consistent with Sections 121.2 and 121.5.

4 (B) A noncomplying Non-Residential Use may add a Non-Residential Use
5 pursuant to the zoning controls in the applicable Zoning District.

6 (C) A noncomplying Use may add the lesser of: up to 500 square feet of Gross
7 Floor Area or 25% of the existing Gross Floor Area associated with the noncomplying Use.

8 (D) The addition of an ABC license or exchange of an ABC license type.

9 * * * *

10
11 **SEC. 303. CONDITIONAL USES.**

12 * * * *

13 (c) **Determination.** After its hearing on the application, ~~or upon the recommendation of~~
14 ~~the Director of Planning that no hearing is required,~~ the Planning Commission shall approve the
15 application and authorize a Conditional Use if the facts presented are such to establish that:

16 * * * *

17 (d) **Conditions.** When considering an application for a Conditional Use as provided
18 herein with respect to applications for development of “dwellings” as defined in Chapter 87 of
19 the Administrative Code, the Commission shall comply with that Chapter which requires,
20 among other things, that the Commission not base any decision regarding the development of
21 “dwellings” in which “protected class” members are likely to reside on information which may
22 be discriminatory to any member of a “protected class” (as all such terms are defined in
23 Chapter 87 of the Administrative Code). In addition, when authorizing a Conditional Use as
24 provided herein, the Planning Commission, or the Board of Supervisors on appeal, shall
25 prescribe such additional conditions, beyond those specified in this Code, as are in its opinion

1 necessary to secure the objectives of the Code. Once any portion of the Conditional Use
2 authorization is utilized, all such conditions pertaining to such authorization shall become
3 immediately operative. The violation of any condition so imposed shall constitute a violation of
4 this Code and may constitute grounds for revocation of the Conditional Use authorization.
5 Such conditions may include time limits for exercise of the Conditional Use authorization;
6 otherwise, any exercise of such authorization must commence within a reasonable time.

7 (e) **Modification of Conditions.** Authorization of a change in any condition
8 previously imposed in the authorization of a Conditional Use shall be subject to the same
9 procedures as a new Conditional Use, except that, provided the Planning Commission has
10 delegated authority to the Planning Director, following submission of the appropriate type of
11 Development Application, the Planning Director may, in the discretion of the Director, approve of the
12 following modifications to Conditions of Approval imposed through a Conditional Use authorization:
13 (i) extensions of the performance period for the project; or (ii) changes in the project such that the
14 number of residential units or square footage of construction changes by 20% or less, provided the
15 requested changes are consistent with all applicable design guidelines and do not reduce by more than
16 10% the number of affordable units required to be provided under Sections 415.1 et seq. of this Code,
17 unless permitted under 415A et seq., and subject to any increase in the number of affordable units or
18 in-lieu fee applicable to any increase in the number of approved units under Sections 415.1 et seq. of
19 this Code. The Planning Director may not approve modifications to a Conditional Use authorization
20 where such approval was issued to correct a violation of the Municipal Code, in connection with an
21 enforcement action by the Planning Department or following an appeal of the Conditional Use
22 authorization to the Board of Supervisors. Such procedures shall also apply to applications for
23 modification or waiver of conditions set forth in prior stipulations and covenants relative
24 thereto continued in effect by the provisions of Section 174 of this Code.

25 (f) **Conditional Use Abatement.** The Planning Commission may consider the

possible revocation of a Conditional Use or the possible modification of or placement of additional conditions on a Conditional Use when the Planning Commission determines, based upon substantial evidence, that the applicant for the Conditional Use had submitted false or misleading information in the application process that could have reasonably had a substantial effect upon the decision of the Commission or the Conditional Use is not in compliance with a Condition of Approval, is in violation of law if the violation is within the subject matter jurisdiction of the Planning Commission, or operates in such a manner as to create hazardous, noxious, or offensive conditions enumerated in Section 202(c) if the violation is within the subject matter jurisdiction of the Planning Commission and these circumstances have not been abated through administrative action of the Director, the Zoning Administrator or other City authority. Such consideration shall be the subject of a public hearing before the Planning Commission but no fee shall be required of the applicant or the subject Conditional Use operator.

* * * *

(4) **Appeals.** A decision by the Planning Commission to revoke a Conditional Use, to modify conditions or ~~to~~ place additional conditions on a Conditional Use, or a decision by the Planning Commission refusing to revoke or amend a Conditional Use, or a decision by the Planning Director to modify or refuse to modify Conditions of Approval, may be appealed to the Board of Supervisors within 30 days after the date of action by the Planning Commission or the Director pursuant to the provisions of Section 308.1(b). The Board of Supervisors may disapprove the action of the Planning Commission in an abatement matter by the same vote necessary to overturn the Commission's approval or denial of a Conditional Use. The Planning Commission's action on a Conditional Use abatement issue shall take effect when the appeal period is over or, upon appeal, when there is final action on the appeal.

* * * *

1
2 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
3 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
4 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
5 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
6 additions, and Board amendment deletions in accordance with the “Note” that appears under
7 the official title of the ordinance.

8
9 Section 4. Effective Date. This ordinance shall become effective 30 days after
10 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
11 ordinance unsigned or does not sign the ordinance within 10 days of receiving it, or the Board
12 of Supervisors overrides the Mayor’s veto of the ordinance.

13
14
15 APPROVED AS TO FORM:
16 DAVID CHIU, City Attorney

17 By: Austin Yang /s/
18 AUSTIN M. YANG
19 Deputy City Attorney

20 4934-2796-9920, v. 1
21
22
23
24
25

LEGISLATIVE DIGEST

[Planning Code - Modifying Conditional Use Authorizations and Nonconforming Uses]

Ordinance amending the Planning Code to allow modification and revocation of certain Conditions of Approval for Non-Residential Uses administratively where the applicable zoning no longer requires a Conditional Use authorization, subject to Planning Commission delegation, clarify when enlargement or intensification of a Nonconforming Use does not require a new Conditional Use authorization, and delegate limited authority to the Planning Director to administratively approve requests to modify certain Conditions of Approval imposed through a Conditional Use authorization; 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 public necessity, convenience, and welfare findings under Planning Code, Section 302

Existing Law

Under the Planning Code, significant changes to Conditions of Approval imposed through a Conditional Use authorization may only be modified by the Planning Commission through the process used for new Conditional Use authorizations. Nonconforming uses may not be modified without a Conditional Use authorization, except in limited circumstances. Under the Planning Commission's current practice, for projects approved through a Conditional Use authorization, the Zoning Administrator is authorized to administratively approve changes to the approved plans, unless the changes are significant, in which case the significant changes require a Planning Commission approval of a new Conditional Use authorization. Similarly, the Zoning Administrator is authorized to extend the time for performance where the implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

Amendments to Current Law

This ordinance would specify that a Non-Residential Use, which at the time it was authorized required a Conditional Use authorization from the Planning Commission, may seek to have those Conditions of Approval removed administratively, if the applicable zoning no longer requires a Conditional Use authorization and the Non-Residential Use is Principally Permitted. The Planning Commission would be required to delegate authority to make these changes administratively.

This ordinance would also specify that certain changes in a Conditionally approved use or a non-conforming use are not considered an intensification or enlargement of that use, such that the change would require a new Conditional Use authorization. These permitted changes are: allowing a Non-Residential Use to an existing Non-Residential Use, consistent with the applicable zoning; adding the lesser of 500 square feet of Gross Floor Area or 25% of the existing Gross Floor Area to an existing Conditional Use or non-conforming use; or the addition or exchange of an ABC license type.

The ordinance would also permit the Planning Director to administratively modify Conditions of Approval imposed through a Conditional Use authorization related to: extensions of the performance period; and changes in the project up to 20% in the number of residential units or square feet of construction, subject to conditions.

4938-6320-6016, v. 1



March 18, 2026

Ms. Angela Calvillo, Clerk
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 2025-012150PCA:**
Modifying Conditional Use Authorizations and Nonconforming Uses
Board File No. 251212

Planning Commission Action: Adopted a Recommendation for Approval with Modification

Dear Ms. Calvillo,

On March 12, 2026, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Mayor Lurie, that would amend Planning Code Sections 174(b), 178(c), 181.6(b), and 303(e). At the hearing the Planning Commission adopted a recommendation for approval with modifications.

The Commission's proposed modifications were as follows:

Modify the Ordinance to require tenant notification where a project expansion proposes a reduction in housing services (pursuant to Section 178(c) and 186.1(b)).

Modify the Ordinance to exempt Cannabis Retail and Formula Retail uses from administrative modifications (Pursuant to Sections 174(b), 178(c), 186.1(b), and 303(e)).

Modify the Ordinance to eliminate the restriction on administrative performance period extensions for Conditional Use authorizations required to address Planning Code violations (pursuant to Section 303(e)).

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

Mayor Lurie, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission.

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,



Audrey Merlone

Acting Manager of Legislative Affairs

cc: Austin Yang, Deputy City Attorney
Adam Thongsavat, Liaison to the Board of Supervisors
John Carroll, Office of the Clerk of the Board
Lisa Gluckstein, Government Affairs, Planning Department

ATTACHMENTS :

Planning Commission Resolution
Planning Department Executive Summary



PLANNING COMMISSION RESOLUTION NO. 21899

HEARING DATE: MARCH 12, 2026

Project Name: Expansions and Intensifications of Nonconforming Uses
Case Number: 2025-012150PCA [Board File No. 251212]
Initiated by: Mayor Lurie / Introduced December 9, 2025
Staff Contact: Dakota Spycher, Legislative Affairs
Dakota.Spycher@sfgov.org, 628-652-7588
Reviewed by: Audrey Merlone, Acting Manager of Legislative Affairs
audrey.merlone@sfgov.org, 628-652-7534

RESOLUTION ADOPTING A RECOMMENDATION FOR APPROVAL OF A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO ALLOW MODIFICATION AND REVOCATION OF CERTAIN CONDITIONS OF APPROVAL FOR NON-RESIDENTIAL USES ADMINISTRATIVELY WHERE THE APPLICABLE ZONING NO LONGER REQUIRES A CONDITIONAL USE AUTHORIZATION, SUBJECT TO PLANNING COMMISSION DELEGATION, CLARIFY WHEN ENLARGEMENT OR INTENSIFICATION OF A NONCONFORMING USE DOES NOT REQUIRE A NEW CONDITIONAL USE AUTHORIZATION, AND DELEGATE LIMITED AUTHORITY TO THE PLANNING DIRECTOR TO ADMINISTRATIVELY APPROVE REQUESTS TO MODIFY CERTAIN CONDITIONS OF APPROVAL IMPOSED THROUGH A CONDITIONAL USE AUTHORIZATION; 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 9, 2025, Mayor Lurie introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 251212, which would amend the Planning Code to allow modification and revocation of certain Conditions of Approval for Non-Residential Uses administratively where the applicable zoning no longer requires a Conditional Use authorization, subject to Planning Commission delegation, clarify when enlargement or intensification of a Nonconforming Use does not require a new Conditional Use authorization, and delegate limited authority to the Planning Director to administratively approve requests to modify certain Conditions of Approval imposed through a Conditional Use authorization;

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on March 12, 2026; and,

WHEREAS, this Resolution has been determined to not be defined as a project under the California Environmental Quality Act Sections 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 with modifications** of the proposed Ordinance. The Commission's proposed recommendations are as follows:

1. Modify the Ordinance to require tenant notification where a project expansion proposes a reduction in housing services (pursuant to Section 178(c) and 186.1(b)).
2. Modify the Ordinance to exempt Cannabis Retail and Formula Retail uses from administrative modifications (Pursuant to Sections 174(b), 178(c), 186.1(b), and 303(e)).
3. Modify the Ordinance to eliminate the restriction on administrative performance period extensions for Conditional Use authorizations required to address Planning Code violations (pursuant to Section 303(e)).

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 finds that the proposed Ordinance allows existing commercial businesses to expand operations without the need for new Conditional Use authorization. This added commercial activity will help maintain a favorable social and cultural climate in San Francisco as it adds to the number of commercial activities available to employees. By streamlining the process to modify previous land-use restrictions, the Ordinance helps retain a diverse base of commercial activity. The Commission further finds that the Ordinance enhances employment opportunities for small businesses by reducing the regulatory and financial soft costs required to adapt, grow, or modernize business operations. By expanding the types of changes that can be made without a new Conditional Use authorization, a process that typically requires months of time and significant legal or architectural fees, the Ordinance allows small businesses to reinvest those resources into hiring and service expansion. Finally, by shifting these minor business modifications from a discretionary hearing process to a predictable administrative review, the City lowers the cost of doing business, allowing owners to focus their capital on resident employment and business ownership rather than bureaucratic processing. This fosters a more hospitable environment for neighborhood-serving retail and professional services.

General Plan Compliance

The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 1

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

Policy 1.2

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

OBJECTIVE 2

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

Policy 2.1

Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

OBJECTIVE 3

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

Policy 3.2

Promote measures designed to increase the number of San Francisco jobs held by San Francisco residents.

OBJECTIVE 6

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

Policy 6.2

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

Policy 6.10

Promote neighborhood commercial revitalization, including community-based and other economic development efforts where feasible.

The proposed Ordinance empowers existing commercial businesses to adapt, grow, or modernize business operations by eliminating the need for new Conditional Use authorizations for minor modifications. By streamlining the process to modify previous land-use restrictions, the Ordinance helps retain a diverse base of commercial activity and maintains a favorable social and cultural climate in San Francisco. Most notably, the Ordinance enhances employment opportunities by significantly reducing the regulatory "soft costs" and lengthy delays, often involving months of processing and high legal or architectural fees, typically required to grow or modernize a business. By shifting these minor intensifications from a discretionary hearing process to a predictable administrative review, the City lowers the cost of doing business. This allows owners to reinvest capital into resident employment and business ownership rather than bureaucratic processing, fostering a more hospitable environment for neighborhood-serving retail and professional services.

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 and will promote economic diversity for existing commercial businesses within neighborhoods.

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;

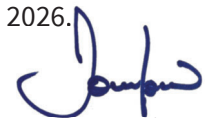
The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

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 WITH MODIFICATIONS 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 12, 2026.



Jonas P. Ionin
Commission Secretary

Jonas P Ionin Digitally signed by Jonas P Ionin
Date: 2026.03.13 14:42:08 -07'00'

AYES: McGarry, So, Braun, Williams, Imperial, Campbell
NOES: None
ABSENT: Moore
ADOPTED: March 12, 2026



EXECUTIVE SUMMARY

PLANNING CODE TEXT AMENDMENT

HEARING DATE: MARCH 12, 2026

90-Day Deadline: March 19, 2026

Project Name: Modifying Conditional Use Authorizations and Nonconforming Uses
Case Number: 2025-012150PCA [Board File No. 251212]
Initiated by: Mayor Lurie / Introduced December 9, 2025
Staff Contact: Dakota Spycher, Legislative Affairs
Dakota.Spycher@sfgov.org, 628.652.7588
Reviewed by: Audrey Merlone, Acting Manager of Legislative Affairs
audrey.merlone@sfgov.org, 628-652-7534
Environmental Review: Not a Project Under CEQA

RECOMMENDATION: Approval with Modifications

Planning Code Amendment

The proposed Ordinance would amend the Planning Code to clarify when enlargement or intensification of a Conditional Use or Nonconforming Use in a Neighborhood Commercial (NC) District does not require a new Conditional Use authorization. Subject to Planning Commission delegation, this Ordinance also allows administrative modifications and revocation of conditions of approval for certain Conditional Use authorizations for Non-Residential Uses where the applicable zoning no longer requires a Conditional Use authorization, and delegates limited authority to the Planning Director to administratively approve requests to modify certain Conditions of Approval of any Conditional Use authorization.

	The Way It Is Now	The Way It Would Be
1	Significant changes to Conditions of Approval imposed through a Conditional Use authorization may only be modified by the Planning Commission using the same process required for new Conditional Use authorizations (Section 174).	Subject to Planning Commission delegation, this Ordinance would allow a Non-Residential Use that originally required Conditional Use authorization to have its Conditions of Approval removed administratively, if the zoning no longer requires Conditional Use authorization and the use is now Principally Permitted. However, this delegated authority would not apply to Conditional Use authorizations that were pursuant to a Development Agreement or were appealed to the Board of Supervisors.
2	Existing Conditional Uses, and Nonconforming Uses in NC Districts, may not be significantly enlarged or intensified without a new Conditional Use authorization. Significant enlargement and intensification is currently defined by a Zoning Administrator interpretation first issued in 1988.	This Ordinance would specify that certain changes to existing Conditional Uses and Nonconforming Uses in NC Districts are not considered an intensification or enlargement requiring a new Conditional Use authorization. These allowable changes include: (1) converting one Non-Residential Use to another consistent with applicable zoning; (2) adding another non-residential residential use, subject to zoning controls applicable to the added use; (3) adding the lesser of 500 square feet of Gross Floor Area or 25% of the existing Gross Floor Area to an existing Conditional Use or non-conforming use; or (4) adding or exchanging an ABC license type.
3	Per long-standing Planning Commission policy (but not codified), the Zoning Administrator is authorized to extend the performance period for a Conditional Use Authorization where the implementation of the project is delayed by a public agency, an appeal, or a legal challenge. The ZA may extend the time period only by the amount of delay caused by a public agency or an appeal/challenge. Per a prior Code amendment, the Commission has delegated the Planning Director the authority to administratively modify the performance period and number of units (up to	Subject to Planning Commission delegation, the Ordinance would allow the Planning Director to administratively modify Conditions of Approval imposed through a Conditional Use authorization to: (1) extend the performance period, and (2) approve project changes of up to 20% in the number of residential units or the square footage, subject to the inclusionary requirements of Section 415. The Director may not approve modifications of the Conditional Use authorization if approval was

	20%), and Gross Floor Area (up to 10%) for residential Pipeline Projects (Section 415A.4). State Density Bonus projects may be modified administratively to add or reduce a project’s Gross Floor Area and number of units, up to 20%.	to correct a code violation or was appealed to the Board of Supervisors.
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Background

This Ordinance is part of Mayor Lurie’s PermitSF initiative, a citywide effort to modernize and streamline San Francisco’s permitting and regulatory processes to reduce delays, improve customer experience, and increase predictability in the City’s development review system by expanding administrative pathways and reducing reliance on discretionary approvals, where appropriate. The purpose of this Ordinance is to establish a more streamlined and predictable approval process for minor project modifications to previously approved projects, changes that are routine in nature and typically suitable for placement on the Commission’s consent calendar. Within this framework, the Ordinance focuses on allowing certain modest changes to entitled projects to be reviewed and approved administratively rather than requiring a Planning Commission hearing.

Issues and Considerations

Codifying Zoning Administrator Interpretations

The proposed Ordinance codifies a Zoning Administrator interpretation of Planning Code Sections 178(c) and 186.1(b) (originally adopted in 1988) by formally adopting certain thresholds that define when an expansion or intensification of a Conditional Use or a Nonconforming Use in a NC District constitutes a significant enlargement or intensification. Under that interpretation, increases of more than 25% in floor area (or more than 500 square feet, whichever is less) are considered a significant expansion that require a new Conditional Use authorization. Under that interpretation, adding certain ABC license types to a use is considered an intensification that requires a new Conditional Use authorization. This ordinance proposes to codify this interpretation, with certain modifications.

| The Ordinance codifies a longstanding Zoning Administrator interpretation, formalizing the objective standards the Department already applies in practice.

Consistency with State Density Bonus

This Ordinance aligns the Planning Code with administrative extensions of State Density Bonus Law by removing local provisions that created additional requirements or restrictions when applicants pursued local

programs. By harmonizing local standards with state-mandated procedures, the ordinance eliminates a potential disincentive to using local bonus or incentive programs, such as the Family Zoning Plan, and ensures that these programs remain fully accessible and consistent with state entitlement pathways.

By aligning the Planning Code with State Density Bonus Law, projects are incentivized to utilize local programs.

Modifying Conditions of Approval

Under the proposed Ordinance, many legacy Conditions of Approval that were imposed because a prior Conditional Use authorization was required could now be modified or removed when the underlying use is no longer subject to a Conditional Use requirement. In practice, this may include conditions governing hours of operation, size, or permitted use of outdoor activity areas. In the case of Childcare and School uses, it would allow for alleviations in capacity and transportation-related conditions, if deemed appropriate. Other conditions that may be removed include a range of miscellaneous operational conditions, such as limits on delivery times, restrictions on when certain functions may occur, or constraints on entertainment or similar accessory activities. This authority would allow the Planning Director to update or eliminate such conditions while ensuring consistency with current Planning Code standards and applicable design or operational guidelines, or to determine that certain conditions should remain in place.

The Department's review of Conditional Use re-hearings shows that most involve routine, low-risk modifications are consistently approved.

Data on Project Modifications Heard by the Commission

The Department conducted an analysis of 42 recent Conditional Use rehearing cases, including projects returning to the Planning Commission for performance-period extensions and modifications of conditions. Out of 42 cases, 40 were approved, demonstrating that the majority of re-hearings involve routine, low-risk administrative actions that consistently receive unanimous or near-unanimous support. By delegating these predictable items, such as straightforward performance period extensions and minor modifications to update uses, the proposed ordinance aligns the approval process with demonstrated practice. This shift allows the Commission to focus its time on higher-complexity or higher-contention matters, while enabling staff to efficiently manage the types of actions that historically show broad consensus and minimal policy risk.

Small Businesses

This Ordinance supports small businesses by simplifying and accelerating portions of the City's permitting system that currently require Planning Commission review, even for minor operational changes. Non-residential uses often face lengthy timelines and unpredictable outcomes when modifying their operations, adjusting floor plans, or updating their approvals. By streamlining the removal of such Conditions of Approval, clarifying which changes are not considered intensifications, and delegating routine decisions to the Planning Director, the Ordinance reduces unnecessary bureaucracy, particularly for small businesses.

Streamlined administrative review helps small businesses adapt more quickly to changing market conditions, expand or adjust their operations within existing zoning allowances, and avoid costly delays associated with public hearings.

By creating administrative pathways for removing outdated Conditions of Approval, the ordinance reduces unnecessary bureaucratic steps that can be especially burdensome for small businesses with limited resources.

Housing Affordability

This Ordinance supports housing affordability by improving the efficiency and predictability of the City's permitting system. Although the administrative modifications authorized by the Ordinance primarily affect non-residential uses, the overall streamlining goals of the PermitSF initiative help reduce development delays and redirect staffing capacity toward the timely review of housing projects. Faster processing, clearer standards, and reduced procedural barriers allow housing production to move more efficiently through the City's permitting system, which in turn can lower carrying costs and reduce delays that otherwise contribute to higher housing development costs. The Ordinance also preserves key protections for residential units and housing services by ensuring that administrative modifications cannot be used to remove or weaken conditions of approval related to housing.

General Plan Compliance

The proposed Ordinance empowers existing commercial businesses to adapt, grow, or modernize business operations by eliminating the need for new Conditional Use authorizations for minor modifications. By streamlining the process to modify previous land-use restrictions, the Ordinance helps retain a diverse base of commercial activity and maintains a favorable social and cultural climate in San Francisco. Most notably, the Ordinance enhances employment opportunities by significantly reducing the regulatory soft costs and lengthy delays, often involving months of processing and high legal or architectural fees, typically required to grow or modernize a business. By shifting these minor intensifications to a predictable administrative review, the City lowers the cost of doing business. This allows owners to reinvest capital into resident employment and business ownership rather than bureaucratic processing, fostering a more hospitable environment for neighborhood-serving retail and professional services.

Racial and Social Equity Analysis

The proposed Ordinance advances economic recovery and racial equity by replacing burdensome discretionary hearings with predictable administrative reviews for minor business modifications, thereby reducing the soft costs and legal delays that disproportionately hinder under-resourced entrepreneurs. Without clear guardrails, this streamlining could unintentionally contribute to unchecked growth, gradual erosion of neighborhood character, or cultural displacement. The Ordinance may allow expansions or administrative actions that cumulatively exceed intended scale limits or disproportionately affect particularly sensitive uses and districts. These potential impacts warrant careful consideration to ensure that efficiency measures do not undermine long-standing community protections or planning objectives.

Potential Unintended Consequences

While the Department supports the goals and intent of the Ordinance, it recognizes that certain provisions may give rise to unintended consequences that warrant careful consideration, including the following:

- **Reduction of Housing Services:** Project changes could inadvertently lead to the loss or impairment of required housing services, such as amenities like parking, tenant-serving facilities, or other services, potentially affecting residential quality and tenant protections.
- **Restricted Uses:** Streamlined modification pathways could unintentionally apply to land uses that have heightened regulatory sensitivity or community impact. Cannabis Retail and Formula Retail, in particular, often require additional scrutiny due to neighborhood compatibility, concentration concerns, and policy directives.
- **Code Violations:** As drafted, the Ordinance would bar applicants from modifying Conditions of Approval that were part of a CUA issued to correct a code violation, effectively preventing them from using the modification process to remedy those violations.

Accordingly, the Department recommends that these potential impacts be carefully evaluated and, where appropriate, addressed to ensure the Ordinance achieves its intended objectives without creating unintended consequences.

Implementation

The Department has determined that this Ordinance will positively impact our current implementation procedures. Removing the entitlement process for the identified project types and the hearing requirements projects will reduce processing time by six to nine months.

Recommendation

The Department recommends that the *Commission adopt a recommendation for approval with modifications* of the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department's proposed recommendations are as follows:

1. Modify the Ordinance to require tenant notification where a project expansion proposes a reduction in housing services (pursuant to Section 178(c) and 186.1(b)).
2. Modify the Ordinance to exempt Cannabis Retail and Formula Retail uses from administrative modifications (Pursuant to Sections 174(b), 178(c), 186.1(b), and 303(e)).
3. Modify the Ordinance to eliminate the restriction on administrative performance period extensions for Conditional Use authorizations required to address Planning Code violations (pursuant to Section

303(e)).

Basis for Recommendation

The Department finds that the proposed Ordinance allows more existing businesses to expand operations without the need for new Conditional Use authorization. This added commercial activity will help maintain a favorable social and cultural climate in San Francisco as it adds to the number of commercial activities available to employees. By streamlining the process to modify previous land-use restrictions, the Ordinance helps retain a diverse base of commercial activity. The Department further finds that the Ordinance enhances employment opportunities for small businesses by reducing the regulatory and financial soft costs required to adapt, grow, or modernize business operations. By expanding the types of changes that can be made without a new Conditional Use authorization, a process that typically requires months of time and significant legal or architectural fees, the Ordinance allows small businesses to reinvest those resources into hiring and service expansion. Finally, by shifting these minor business modifications from a public hearing process to an administrative review, the City lowers the cost of doing business, allowing owners to focus their capital on resident employment and business ownership rather than bureaucratic processing. This fosters a more hospitable environment for neighborhood-serving retail and professional services. Although the Department supports the proposed Ordinance, on balance, it has also identified several unintended consequences that would detract from the stated goals. As such, the Department recommends the following modifications:

Recommendation 1: Modify the Ordinance require tenant notification where a project expansion proposes a reduction or elimination of housing services. Staff recommends aligning this program with other provisions of the Planning Code relating to Accessory Dwelling Unit (ADU) construction or Limited Commercial Use (LCU) expansions that require tenant notification where a project would reduce or impair housing services safeguards residential amenities.

Recommendation 2: Modify the Ordinance to exempt Cannabis Retail and Formula Retail uses from administrative modifications. Excluding Formula Retail and Cannabis Retail ensures that uses with heightened regulatory attention and neighborhood interest continue to receive full review. These limitations maintain appropriate safeguards while allowing administrative flexibility only where impacts are minimal.

Recommendation 3: Modify the Ordinance to eliminate the restriction on administrative performance period extensions for Conditional Use authorizations required to address Planning Code violations. Staff recommends deleting the sentence prohibiting the Planning Director from approving modifications to Conditional Use authorizations that were originally issued to correct a code violation. By deleting the restriction in Section 303(e) that currently prevents the modification of authorizations issued to correct code violations, the City provides a more equitable and pragmatic path for small businesses to achieve legal standing, ensuring that the benefits of PermitSF are accessible citywide while maintaining rigorous safeguards for community character and residential stability.

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.

Public Comment

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

Portions of this report were drafted and/or edited with the assistance of Microsoft Copilot, in accordance with the City and County of San Francisco's policy on the use of generative AI tools.



PLANNING COMMISSION RESOLUTION NO. 21900

HEARING DATE: MARCH 12, 2026

Project Name: Modifying Development Applications
Case Number: 2025-012150CRV
Staff Contact: Dakota Spycher, Legislative Affairs
Dakota.Spycher@sfgov.org, 628-652-7588
Reviewed by: Audrey Merlone, Acting Manager of Legislative Affairs
audrey.merlone@sfgov.org, 628-652-7534

RESOLUTION DELEGATING TO THE PLANNING DIRECTOR THE PLANNING COMMISSION'S AUTHORITY TO REVIEW, APPROVE, MODIFY, OR DENY DEVELOPMENT APPLICATIONS FOR NON-RESIDENTIAL USES SUBJECT TO CONDITIONAL USE AUTHORIZATION WHEN THE ZONING FOR SUCH USE NO LONGER REQUIRES A CONDITIONAL USE AUTHORIZATION, UNLESS SAID USE WAS ESTABLISHED PURSUANT TO A CONDITIONAL USE AUTHORIZATION THAT WAS APPEALED TO AND APPROVED BY THE BOARD OF SUPERVISORS, AND FURTHER DELEGATING TO THE DIRECTOR LIMITED AUTHORITY TO MODIFY CONDITIONS OF APPROVAL, FOR PROEJCTS APPROVED PURSUANT TO A CONDITIONAL USE AUTHORIZATION, RELATED TO THE PERIOD OF PERFORMANCE AND CHANGES IN THE PROJECT SUCH THAT THE NUMBER OF RESIDENTIAL UNITS OR SQUARE FOOTAGE OF CONSTRUCTION CHANGES BY 20% OR LESS, PROVIDED THE REQUESTED CHANGES ARE CONSISTENT WITH ALL APPLICABLE DESIGN GUIDELINES AND DO NOT REDUCE BY MORE THAN 10% THE NUMBER OF AFFORDABLE UNITS REQUIRED, UNLESS SAID USE FOLLOWED AN APPEAL TO THE BOARD OF SUPERVISORS, TO THE PLANNING DIRECTOR.

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider this Resolution on March 12, 2026; and,

WHEREAS, on December 9, 2025, Mayor Daniel Lurie introduced Board File Number 251212, as part of the PermitSF initiative, which is intended to drive meaningful reform through structural changes, making it easier, more cost-effective, transparent, and efficient for businesses and property owners through modifications to Planning Code Sections 174, 178, and 303, including delegation by the Planning Commission to the Planning Director to review, approve, and modify Conditions of Approval of previously approved Conditional Use authorizations to the Planning Director; and

WHEREAS, the 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, this Resolution has been determined to not be defined as a project under the California Environmental Quality Act Sections 15378 and 15060(c)(2); 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 Commission has reviewed this proposed Resolution; and

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

MOVED, that the Commission DELEGATES to the Planning Director its authority to approve, conditionally approve, modify, or disapprove the listed types of projects:

1. Non-Residential Uses no longer subject to Conditional Use Authorization (pursuant to Section 174(b)).

- a. **Removal of Conditions:** The Planning Director may remove the Conditions of Approval that were adopted through a prior Conditional Use authorization pursuant to Section 174(b), if all the following conditions are met:
 - i. the project sponsor has submitted a complete Development Application to remove the previously adopted Conditions of Approval, and the Planning Department has reviewed the proposed project for compliance with the Planning Code currently in effect and any applicable design guidelines, policies, or standards approved by the Planning Commission;
 - ii. the existing Use is a Non-Residential Use or a Use Characteristic associated with a Non-Residential Use, as defined by Section 102;
 - iii. the applicable zoning no longer requires a Conditional Use authorization for the Non-Residential Use or Use Characteristic;
 - iv. the existing Non-Residential Use or Use Characteristic was established pursuant to a Conditional Use authorization that was required for that specific Use or Use Characteristic at the time of approval;
 - v. the existing Non-Residential Use or Use Characteristic was not established pursuant to a Conditional Use authorization required pursuant to a Development Agreement; and
 - vi. the existing Non-Residential Use or Use characteristic was not established pursuant to a Conditional Use authorization that was appealed to and approved by the Board of Supervisors.

- b. **Replacement with New Conditions:** If the Planning Director removes one or more conditions, the Planning Director may also impose one or more new conditions to bring the project into compliance with the Planning Code, any applicable design guidelines, policies, or standards approved by the Planning Commission, or the General Plan.
- c. The administrative removal or modification of Conditions of Approval pursuant to this subsection shall not apply to any Use defined as Formula Retail or Cannabis Retail.

2. Modification of Conditions of Approval for previously approved Conditional Use Authorization (pursuant to Section 303(e)).

- a. The Planning Director may, in their discretion, approve of the following modifications to Conditions of Approval imposed through a Conditional Use authorization:
 - i. extensions of the performance period for the project.
 - ii. Changes in the project such that the number of residential units or square footage of construction changes by 20% or less, provided the requested changes are consistent with all applicable design guidelines and do not reduce by more than 10% the number of affordable units required to be provided under Sections 415.1 et seq. of this Code, unless permitted under 415A et seq., and subject to any increase in the number of affordable units or in-lieu fee applicable to any increase in the number of approved units under Sections 415.1 et seq. of this Code.
 - iii. The Planning Director may not approve modifications to a Conditional Use Authorization where such approval was appealed to the Board of Supervisors.
 - iv. The administrative modification pursuant to this subsection shall not apply to any Use defined as Formula Retail or Cannabis Retail.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on March 12, 2026.



Jonas P. Ionin
Commission Secretary

AYES: McGarry, So, Braun, Williams, Imperial, Campbell
NOES: None
ABSENT: Moore
ADOPTED: March 12, 2026

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

Date: December 19, 2025
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 251212
Planning Code - Modifying Conditional Use Authorizations and Nonconforming Uses

-
- | | |
|---|--|
| <p>☒ California Environmental Quality Act (CEQA) Determination
(<i>California Public Resources Code, Sections 21000 et seq.</i>)</p> <p>☒ Ordinance / Resolution</p> <p>☐ Ballot Measure</p> | <p>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.</p> |
|---|--|
- 12/22/2025 Don Lewis
- ☐ 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.

OFFICE OF THE MAYOR
SAN FRANCISCO



DANIEL LURIE
MAYOR

TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Adam Thongsavat, Liaison to the Board of Supervisors
RE: Planning Code - Modifying Conditional Use Authorizations and Nonconforming Uses
DATE: December 9, 2025

Ordinance amending the Planning Code to allow modification and revocation of certain Conditions of Approval for Non-Residential Uses administratively where the applicable zoning no longer requires a Conditional Use authorization, subject to Planning Commission delegation, clarify when enlargement or intensification of a Nonconforming Use does not require a new Conditional Use authorization, and delegate limited authority to the Planning Director to administratively approve requests to modify certain Conditions of Approval imposed through a Conditional Use authorization; 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 public necessity, convenience, and welfare findings under Planning Code, Section 302.

Should you have any questions, please contact Adam Thongsavat at adam.thongsavat@sfgov.org