

1 [Approval of a 90-Day Extension for Planning Commission Review of Planning Code -
2 Formula Retail (File No. 250816)]

3 **Resolution extending by 90 days the prescribed time within which the Planning**
4 **Commission may render its decision on an Ordinance (File No. 250816) amending the**
5 **Planning Code to reduce restrictions on Formula Retail uses by 1) modifying the**
6 **definition of a Formula Retail use; 2) eliminating the Conditional Use Authorization**
7 **requirement for Formula Retail Accessory Uses, Formula Retail Temporary Uses, and**
8 **certain changes of use for Formula Retail uses; 3) eliminating the prohibition on**
9 **changes of use for non-conforming Formula Retail uses; 4) eliminating the requirement**
10 **for an economic impact study for specified large Formula Retail uses; 5) eliminating**
11 **the restrictions regarding Formula Retail use concentration in the Upper Market Street**
12 **Neighborhood Commercial District; 6) allowing one or more Formula Retail**
13 **Restaurants or Limited Restaurants inside a General Grocery store under a single**
14 **Conditional Use authorization; and 7) principally permitting Formula Retail uses in**
15 **spaces larger than 10,000 square feet in the RC (Residential-Commercial) and RTO**
16 **(Residential Transit Oriented) Districts; and 8) to eliminate use size limits for Retail**
17 **Sales and Service uses, other than Gyms, in the Potrero Center Mixed-Use Special Use**
18 **District; affirming the Planning Department's determination under the California**
19 **Environmental Quality Act; making findings of consistency with the General Plan, and**
20 **the eight priority policies of Planning Code, Section 101.1; and making findings of**
21 **public necessity, convenience, and welfare pursuant to Planning Code, Section 302.**
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23 WHEREAS, On July 29, 2025, Supervisor Melgar introduced legislation amending the
24 Planning Code to reduce restrictions on Formula Retail uses by 1) modifying the definition of a
25 Formula Retail use; 2) eliminating the Conditional Use Authorization requirement for Formula

1 Retail Accessory Uses, Formula Retail Temporary Uses, and certain changes of use for
2 Formula Retail uses; 3) eliminating the prohibition on changes of use for non-conforming
3 Formula Retail uses; 4) eliminating the requirement for an economic impact study for specified
4 large Formula Retail uses; 5) eliminating the restrictions regarding Formula Retail use
5 concentration in the Upper Market Street Neighborhood Commercial District; 6) allowing one
6 or more Formula Retail Restaurants or Limited Restaurants inside a General Grocery store
7 under a single Conditional Use authorization; and 7) principally permitting Formula Retail uses
8 in spaces larger than 10,000 square feet in the RC (Residential-Commercial) and RTO
9 (Residential Transit Oriented) Districts; and 8) to eliminate use size limits for Retail Sales and
10 Service uses, other than Gyms, in the Potrero Center Mixed-Use Special Use District;
11 affirming the Planning Department's determination under the California Environmental Quality
12 Act; making findings of consistency with the General Plan, and the eight priority policies of
13 Planning Code, Section 101.1; and making findings of public necessity, convenience, and
14 welfare pursuant to Planning Code, Section 302; and

15 WHEREAS, On or about August 7, 2025, the Clerk of the Board of Supervisors referred
16 the proposed Ordinance to the Planning Commission; and

17 WHEREAS, The Planning Commission shall, in accordance with Planning Code,
18 Section 306.4(d), render a decision on the proposed Ordinance within 90 days from the date
19 of referral of the proposed amendment or modification by the Board to the Commission; and

20 WHEREAS, Failure of the Commission to act within 90 days shall be deemed to
21 constitute disapproval; and

22 WHEREAS, The Board, in accordance with Planning Code, Section 306.4(d) may, by
23 Resolution, extend the prescribed time within which the Planning Commission is to render its
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1 decision on proposed amendments to the Planning Code that the Board of Supervisors
2 initiates; and

3 WHEREAS, Supervisor Melgar has requested additional time for the Planning
4 Commission to review the proposed Ordinance; and

5 WHEREAS, The Board deems it appropriate in this instance to grant to the Planning
6 Commission additional time to review the proposed Ordinance and render its decision; now,
7 therefore, be it

8 RESOLVED, That by this Resolution, the Board hereby extends the prescribed time
9 within which the Planning Commission may render its decision on the proposed Ordinance for
10 approximately 90 additional days, until February 3, 2026.