

File No. 260206

Committee Item No. _____
Board Item No. 53

COMMITTEE/BOARD OF SUPERVISORS

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Board of Supervisors Meeting

Date: _____
Date: March 3, 2026

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OTHER

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Prepared by: Calvin Ho
Prepared by: _____

Date: February 27, 2026
Date: _____

1 [Approval of a 270-Day Extension for Planning Commission Review of Planning Code -
2 Formula Retail (File No. 250816)]

3 **Resolution extending by 270 days the prescribed time within which the Planning**
4 **Commission may render its decision on a 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; affirming the Planning Department's**
17 **determination under the California Environmental Quality Act; making findings of**
18 **consistency with the General Plan, and the eight priority policies of Planning Code,**
19 **Section 101.1; and making findings of public necessity, convenience, and welfare**
20 **pursuant to Planning Code, Section 302.**

21
22 WHEREAS, On July 29, 2025, Supervisor Melgar introduced legislation amending the
23 Planning Code to reduce restrictions on Formula Retail uses by 1) modifying the definition of a
24 Formula Retail use; 2) eliminating the Conditional Use Authorization requirement for Formula
25 Retail Accessory Uses, Formula Retail Temporary Uses, and certain changes of use for

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

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

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

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

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

25

1 WHEREAS, On September 30, 2025, Supervisor Melgar introduced Board File No.
2 250995, a resolution extending the prescribed time within which the Planning Commission
3 may render its decision on the proposed Ordinance for approximately 90 additional days, until
4 February 3, 2026; and

5 WHEREAS, On December 16, 2025, Supervisor Melgar introduced substitute
6 legislation amending the Planning Code to reduce restrictions on Formula Retail uses by 1)
7 modifying the definition of a Formula Retail use; 2) eliminating the Conditional Use
8 Authorization requirement for Formula Retail Accessory Uses, Formula Retail Temporary
9 Uses, and certain changes of use for Formula Retail uses; 3) eliminating the prohibition on
10 changes of use for non-conforming Formula Retail uses; 4) eliminating the requirement for an
11 economic impact study for specified large Formula Retail uses; 5) eliminating the restrictions
12 regarding Formula Retail use concentration in the Upper Market Street Neighborhood
13 Commercial District; 6) allowing one or more Formula Retail Restaurants or Limited
14 Restaurants inside a General Grocery store under a single Conditional Use authorization; and
15 7) principally permitting Formula Retail uses in spaces larger than 10,000 square feet in the
16 RC (Residential-Commercial) and RTO (Residential Transit Oriented) Districts; affirming the
17 Planning Department's determination under the California Environmental Quality Act; making
18 findings of consistency with the General Plan, and the eight priority policies of Planning Code,
19 Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to
20 Planning Code, Section 302; and

21 WHEREAS, On or about December 24, 2025, the Clerk of the Board of Supervisors
22 referred the proposed ordinance to the Planning Commission; and

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

25

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

4 RESOLVED, That by this Resolution, the Board hereby extends the prescribed time
5 within which the Planning Commission may render its decision on the proposed Ordinance for
6 approximately 270 additional days, until December 19, 2026.

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Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



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

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor inquires..."
- 5. City Attorney Request
- 6. Call File No. from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

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

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: