

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.**

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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

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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

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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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