

REVISED LEGISLATIVE DIGEST
(Amended in Committee – April 14, 2025)

[Planning Code - Removing Conditional Use Requirement for Formula Retail Uses on Van Ness Avenue and for Certain Pre-existing Formula Retail Uses]

Ordinance amending the Planning Code to remove the conditional use authorization for formula retail uses in the Residential-Commercial zoning districts along Van Ness Avenue, for lots fronting Van Ness Avenue, and to establish that a change of owner or operator of a pre-existing formula retail use that had not previously received a conditional use authorization is not an intensification of such use that would require conditional use authorization; affirming the Planning Department’s determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1.

Existing Law

The Residential Commercial (RC) zoning districts along Van Ness Avenue begin at Chestnut Street and end on Redwood Street. Within these RC districts, formula retail uses require a conditional use authorization. (Planning Code sections 209.3 and 303.1.)

The Planning Code contains several provisions that regulate conditional use authorizations. One of them mandates that “[a] permitted conditional use may not be significantly altered, enlarged, or intensified, except upon approval of a new conditional use application.” (Section 178(c)(1)). With regard to formula retail uses, the code considers a change of owner or operator of a formula retail use to be an intensification of the use, requiring a new conditional use authorization, if, among other circumstances, the pre-existing formula retail use did not receive a conditional use authorization. (Section 178(c)(3)(E)).

Amendments to Current Law

This ordinance would make formula retail principally permitted in the RC zoning districts along Van Ness Avenue, on lots that front Van Ness Avenue.

The ordinance would also establish that a change of owner or operator of a pre-existing formula retail use that had not previously received a conditional use authorization is not an intensification of such use that would require conditional use authorization.

Background Information

This ordinance contains findings about the history of commercial activity along Van Ness Avenue, the economic trends that have resulted in retail vacancies along the corridor, and the need to stimulate the local economy by easing restrictions that contribute to these retail vacancies.

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